

Calendar No. 206

107TH CONGRESS
1ST SESSION**H.R. 2215**

IN THE SENATE OF THE UNITED STATES

JULY 24, 2001

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

OCTOBER 30, 2001

Reported by Mr. LEAHY, with an amendment

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

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

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

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL
YEAR 2002

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

TITLE II—PERMANENT ENABLING PROVISIONS

- Sec. 201. Permanent authority.
 Sec. 202. Permanent authority relating to enforcement of laws.
 Sec. 203. Notifications and reports to be provided simultaneously to committees.
 Sec. 204. Miscellaneous uses of funds; technical amendments.
 Sec. 205. Technical 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,

1 commission, subdivision, unit, or other component there-
2 of), the following sums:

3 ~~(1) GENERAL ADMINISTRATION.—For General~~
4 ~~Administration: \$93,433,000.~~

5 ~~(2) ADMINISTRATIVE REVIEW AND APPEALS.—~~
6 ~~For Administrative Review and Appeals:~~
7 ~~\$178,499,000 for administration of pardon and~~
8 ~~clemency petitions and for immigration-related ac-~~
9 ~~tivities.~~

10 ~~(3) OFFICE OF INSPECTOR GENERAL.—For the~~
11 ~~Office of Inspector General: \$55,000,000, which~~
12 ~~shall include for each such fiscal year, not to exceed~~
13 ~~\$10,000 to meet unforeseen emergencies of a con-~~
14 ~~fidential character.~~

15 ~~(4) GENERAL LEGAL ACTIVITIES.—For General~~
16 ~~Legal Activities: \$566,822,000, which shall include~~
17 ~~for each such fiscal year—~~

18 ~~(A) not less than \$4,000,000 for the inves-~~
19 ~~tigation and prosecution of denaturalization and~~
20 ~~deportation cases involving alleged Nazi war~~
21 ~~criminals; and~~

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

24 ~~(5) ANTITRUST DIVISION.—For the Antitrust~~
25 ~~Division: \$140,973,000.~~

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

3 (7) FEDERAL BUREAU OF INVESTIGATION.—
4 For the Federal Bureau of Investigation:
5 \$3,507,109,000, which shall include for each such
6 fiscal year—

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

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

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

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

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

24 (11) DRUG ENFORCEMENT ADMINISTRATION.—
25 For the Drug Enforcement Administration:

1 \$1,480,929,000, which shall include not to exceed
 2 \$70,000 to meet unforeseen emergencies of a con-
 3 fidential character.

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

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

12 (B) not to exceed \$650,660,000 for sala-
 13 ries and expenses of citizenship and benefits
 14 (i.e., programs not included under subpara-
 15 graph (A));

16 (C) for each such fiscal year, not to exceed
 17 \$128,410,000 for construction, to remain avail-
 18 able until expended; and

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

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

1 \$6,000,000 for construction of protected witness
2 safesites.

3 ~~(14) INTERAGENCY CRIME AND DRUG EN-~~
4 ~~FORCEMENT.—For Interagency Crime and Drug~~
5 ~~Enforcement: \$338,106,000, for expenses not other-~~
6 ~~wise provided for, for the investigation and prosecu-~~
7 ~~tion of persons involved in organized crime drug~~
8 ~~trafficking, except that any funds obligated from ap-~~
9 ~~propriations authorized by this paragraph may be~~
10 ~~used under authorities available to the organizations~~
11 ~~reimbursed from such funds.~~

12 ~~(15) FOREIGN CLAIMS SETTLEMENT COMMISS-~~
13 ~~SION.—For the Foreign Claims Settlement Commis-~~
14 ~~sion: \$1,130,000.~~

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

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

21 ~~(18) UNITED STATES PAROLE COMMISSION.—~~
22 ~~For the United States Parole Commission:~~
23 ~~\$10,862,000.~~

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

4 ~~(20) JOINT AUTOMATED BOOKING SYSTEM.—~~
 5 ~~For expenses necessary for the operation of the~~
 6 ~~Joint Automated Booking System: \$15,957,000.~~

7 ~~(21) NARROWBAND COMMUNICATIONS.—For~~
 8 ~~the costs of conversion to narrowband communica-~~
 9 ~~tions, including the cost for operation and mainte-~~
 10 ~~nance of Land Mobile Radio legacy systems:~~
 11 ~~\$104,606,000.~~

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

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

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

21 **SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT**
 22 **UNITED STATES ATTORNEYS; REDUCTION OF**
 23 **CERTAIN LITIGATION POSITIONS.**

24 ~~(a) APPOINTMENTS.—Not later than September 30,~~
 25 ~~2003, the Attorney General shall exercise authority under~~

1 section 542 of title 28, United States Code, to appoint
 2 200 assistant United States attorneys in addition to the
 3 number of assistant United States attorneys serving on
 4 the date of the enactment of this Act.

5 (b) SELECTION OF APPOINTEES.—Individuals first
 6 appointed under subsection (a) may be appointed from
 7 among attorneys who are incumbents of 200 full-time liti-
 8 gation positions in divisions of the Department of Justice
 9 and whose official duty station is at the seat of Govern-
 10 ment.

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

15 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 16 are authorized to be appropriated such sums as may be
 17 necessary to carry out this section.

18 **TITLE II—PERMANENT** 19 **ENABLING PROVISIONS**

20 **SEC. 201. PERMANENT AUTHORITY.**

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

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

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

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

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

15 “(3) through reimbursable agreements with
16 other Federal agencies for work, materials, or equip-
17 ment;

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

20 “(5) as provided in subsection (b), in section
21 524, and in any other provision of law consistent
22 herewith, including, without limitation, section
23 102(b) of Public Law 102–395 (106 Stat. 1838), as
24 incorporated by section 815(d) of Public Law 104–
25 132 (110 Stat. 1315).

26 “(b) PERMITTED USES.—

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

6 “(A) The purchase, lease, maintenance,
7 and operation of passenger motor vehicles, or
8 police-type motor vehicles for law enforcement
9 purposes, without regard to general purchase
10 price limitation for the then-current fiscal year.

11 “(B) The purchase of insurance for motor
12 vehicles, boats, and aircraft operated in official
13 Government business in foreign countries.

14 “(C) Services of experts and consultants,
15 including private counsel, as authorized by sec-
16 tion 3109 of title 5, and at rates of pay for in-
17 dividuals not to exceed the maximum daily rate
18 payable from time to time under section 5332
19 of title 5.

20 “(D) Official reception and representation
21 expenses (i.e., official expenses of a social na-
22 ture intended in whole or in predominant part
23 to promote goodwill toward the Department or
24 its missions, but excluding expenses of public
25 tours of facilities of the Department of Justice);

1 in accordance with distributions and procedures
2 established, and rules issued, by the Attorney
3 General, and expenses of public tours of facili-
4 ties of the Department of Justice.

5 “(E) Unforeseen emergencies of a con-
6 fidential character, to be expended under the di-
7 rection of the Attorney General and accounted
8 for solely on the certificate of the Attorney Gen-
9 eral.

10 “(F) Miscellaneous and emergency ex-
11 penses authorized or approved by the Attorney
12 General, the Deputy Attorney General, the As-
13 sociate Attorney General, or the Assistant At-
14 torney General for Administration.

15 “(G) In accordance with procedures estab-
16 lished and rules issued by the Attorney
17 General—

18 “(i) attendance at meetings and semi-
19 nars;

20 “(ii) conferences and training; and

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

1 money for purposes of section 3527 of title
2 31.

3 “(H) Contracting with individuals for per-
4 sonal services abroad, except that such individ-
5 uals shall not be regarded as employees of the
6 United States for the purpose of any law ad-
7 ministered by the Office of Personnel Manage-
8 ment.

9 “(I) Payment of interpreters and trans-
10 lators who are not citizens of the United States;
11 in accordance with procedures established and
12 rules issued by the Attorney General.

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

17 “(K) Expenses of—

18 “(i) primary and secondary schooling
19 for dependents of personnel stationed out-
20 side the continental United States at cost
21 not in excess of those authorized by the
22 Department of Defense for the same area;
23 when it is determined by the Attorney
24 General that schools available in the local-

1 it; are unable to provide adequately for the
2 education of such dependents; and

3 ~~“(ii) transportation of those depend-~~
4 ~~ents between their place of residence and~~
5 ~~schools serving the area which those de-~~
6 ~~pendents would normally attend when the~~
7 ~~Attorney General, under such regulations~~
8 ~~as he may prescribe, determines that such~~
9 ~~schools are not accessible by public means~~
10 ~~of transportation.~~

11 ~~“(2) SPECIFIC PERMITTED USES.—~~

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

21 ~~“(B) PURCHASE OF AMMUNITION AND~~
22 ~~FIREARMS; FIREARMS COMPETITIONS.—Funds~~
23 ~~available to the Attorney General for United~~
24 ~~States Attorneys, for the Federal Bureau of In-~~
25 ~~vestigation, for the United States Marshals~~

1 Service, for the Drug Enforcement Administra-
2 tion, for the Federal Prison System, for the Of-
3 fice of the Inspector General, and for the Immi-
4 gration and Naturalization Service may be used
5 for—

6 “(i) the purchase of ammunition and
7 firearms; and

8 “(ii) participation in firearms com-
9 petitions.

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

1 ~~“(3) FEES AND EXPENSES OF WITNESSES.—~~

2 Funds available to the Attorney General for fees and
3 expenses of witnesses may be used for—

4 ~~“(A) expenses, mileage, compensation, pro-~~
5 ~~tection, and per diem in lieu of subsistence, of~~
6 ~~witnesses (including advances of public money)~~
7 ~~and as authorized by section 1821 or other law,~~
8 ~~except that no witness may be paid more than~~
9 ~~1 attendance fee for any 1 calendar day;~~

10 ~~“(B) fees and expenses of neutrals in alter-~~
11 ~~native dispute resolution proceedings, where the~~
12 ~~Department of Justice is a party; and~~

13 ~~“(C) construction of protected witness~~
14 ~~safesites.~~

15 ~~“(4) FEDERAL BUREAU OF INVESTIGATION.—~~

16 Funds available to the Attorney General for the
17 Federal Bureau of Investigation for the detection,
18 investigation, and prosecution of crimes against the
19 United States may be used for the conduct of all its
20 authorized activities.

21 ~~“(5) IMMIGRATION AND NATURALIZATION~~
22 ~~SERVICE.—Funds available to the Attorney General~~
23 ~~for the Immigration and Naturalization Service may~~
24 ~~be used for—~~

1 “(A) acquisition of land as sites for en-
2 forcement fences, and construction incident to
3 such fences;

4 “(B) cash advances to aliens for meals and
5 lodging en route;

6 “(C) refunds of maintenance bills, immi-
7 gration fines, and other items properly return-
8 able, except deposits of aliens who become pub-
9 lic charges and deposits to secure payment of
10 fines and passage money; and

11 “(D) expenses and allowances incurred in
12 tracking lost persons, as required by public ex-
13 igencies, in aid of State or local law enforce-
14 ment agencies.

15 “(6) ~~FEDERAL PRISON SYSTEM.~~—Funds avail-
16 able to the Attorney General for the Federal Prison
17 System may be used for—

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

20 “(B) the purchase and exchange of farm
21 products and livestock;

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

24 “(D) the construction of buildings and fa-
25 cilities for penal and correctional institutions

1 (including prison camps), by contract or force
2 account, including the payment of United
3 States prisoners for their work performed in
4 any such construction;

5 except that no funds may be used to distribute or
6 make available to a prisoner any commercially pub-
7 lished information or material that is sexually ex-
8 plicit or features nudity.

9 “(7) DETENTION TRUSTEE.—Funds available
10 to the Attorney General for the Detention Trustee
11 may be used for all the activities of such Trustee in
12 the exercise of all power and functions authorized by
13 law relating to the detention of Federal prisoners in
14 non-Federal institutions or otherwise in the custody
15 of the United States Marshals Service and to the de-
16 tention of aliens in the custody of the Immigration
17 and Naturalization Service, including the overseeing
18 of construction of detention facilities or for housing
19 related to such detention; the management of funds
20 appropriated to the Department for the exercise of
21 detention functions; and the direction of the United
22 States Marshals Service and the Immigration and
23 Naturalization Service with respect to the exercise of
24 detention policy setting and operations for the De-
25 partment of Justice.

1 “(c) RELATED PROVISIONS.—

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

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

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

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

1 **SEC. 202. PERMANENT AUTHORITY RELATING TO EN-**
2 **FORCEMENT OF LAWS.**

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

6 **“§ 530D. Report on enforcement of laws**

7 **“(a) REPORT.—**

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

12 **“(A) establishes or implements a formal or**
13 **informal policy to refrain—**

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

22 **“(ii) within any judicial jurisdiction of**
23 **or within the United States, from adhering**
24 **to, enforcing, applying, or complying with,**
25 **any standing rule of decision (binding**
26 **upon courts of, or inferior to those of, that**

jurisdiction) established by a final decision of any court of, or superior to those of, that jurisdiction, respecting the interpretation, construction, or application of the Constitution or of any statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer;

“(B) determines—

“(i) to contest affirmatively, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law; or

“(ii) to refrain from defending or asserting, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law, or not to appeal or request review of any judicial, administrative, or other determination adversely affecting the constitutionality of any such provision; or

1 “(C) approves (other than in circumstances
 2 in which a report is submitted to the Joint
 3 Committee on Taxation, pursuant to section
 4 6405 of the Internal Revenue Code of 1986)
 5 the settlement or compromise (other than in
 6 bankruptcy) of any claim, suit, or other
 7 action—

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

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

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

24 “(A) the majority leader and minority
 25 leader of the Senate;

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

3 “(C) the chairman and ranking minority
4 member of the Committee on the Judiciary of
5 the House of Representatives and the chairman
6 and ranking minority member of the Committee
7 on the Judiciary of the Senate; and

8 “(D) the Senate Legal Counsel and the
9 General Counsel of the House of Representa-
10 tives.

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

12 “(1) under subsection (a)(1)(A), not later than
13 30 days after the establishment or implementation
14 of each policy;

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

21 “(3) under subsection (a)(1)(C), not later than
22 30 days after the conclusion of each fiscal-year quar-
23 ter, with respect to all approvals occurring in such
24 quarter.

1 “(c) CONTENTS.—A report required by subsection (a)
2 shall—

3 “(1) specify the date of the establishment or
4 implementation of the policy described in subsection
5 (a)(1)(A), of the making of the determination de-
6 scribed in subsection (a)(1)(B), or of each approval
7 described in subsection (a)(1)(C);

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

15 “(A) such details may be omitted as may
16 be absolutely necessary to prevent improper dis-
17 closure of national-security- or classified infor-
18 mation, or of any information subject to the de-
19 liberative-process-, executive-, attorney-work-
20 product-, or attorney-client privileges, if the fact
21 of each such omission (and the precise ground
22 or grounds therefor) is clearly noted in the
23 statement: Provided, That this subparagraph
24 shall not be construed to deny to the Congress
25 (including any House, Committee, or agency

1 thereof) any such omitted details (or related in-
2 formation) that it lawfully may seek, subse-
3 quent to the submission of the report; and

4 “~~(B)~~ the requirements of this paragraph
5 shall be deemed satisfied—

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

15 “~~(ii)~~ in the case of an approval de-
16 scribed in subsection ~~(a)(1)(C)(ii)~~, if an
17 unredacted copy of the entire settlement
18 agreement and consent decree or order (if
19 any) is provided, along with a statement
20 indicating the injunctive or other nonmone-
21 tary relief (if not apparent on the face of
22 documents provided); and

23 “~~(3)~~ in the case of a determination described in
24 subsection ~~(a)(1)(B)~~ or an approval described in
25 subsection ~~(a)(1)(C)~~, indicate the nature, tribunal,

1 identifying information, and status of the pro-
 2 ceeding, suit, or action.

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

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

22 (b) ~~CONFORMING AMENDMENTS.—~~

23 (1) The table of sections for chapter 31 of title
 24 28, United States Code (as amended by section
 25 201), is amended by adding at the end the following:

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

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

3 (3) Not later than 30 days after the date of the
4 enactment of this Act, the President shall advise the
5 head of each executive agency or military depart-
6 ment (as defined, respectively, in sections 105 and
7 102 of title 5, United States Code) of the enactment
8 of this section.

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

18 (i) all policies described in subsection
19 (a)(1)(A) of such section that were established
20 or implemented before the date of the enact-
21 ment of this Act and were in effect on such
22 date; and

23 (ii) all determinations described in sub-
24 section (a)(1)(B) of such section that were

1 made before the date of the enactment of this
2 Act and were in effect on such date.

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

14 **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**
15 **SIMULTANEOUSLY TO COMMITTEES.**

16 If the Attorney General or any officer of the Depart-
17 ment of Justice (including any bureau, office, board, divi-
18 sion, commission, subdivision, unit, or other component
19 thereof) is required by any Act (which shall be understood
20 to include any request or direction contained in any report
21 of a committee of the Congress relating to an appropria-
22 tions Act or in any statement of managers accompanying
23 any conference report agreed to by the Congress) to pro-
24 vide a notice or report to any committee or subcommittee
25 of the Congress (other than both the Committee on the

1 Judiciary of the House of Representatives and the Com-
 2 mittee on the Judiciary of the Senate); then such Act shall
 3 be deemed to require that a copy of such notice or report
 4 be provided simultaneously to the Committee on the Judi-
 5 ciary of the House of Representatives and the Committee
 6 on the Judiciary of the Senate.

7 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**
 8 **AMENDMENTS.**

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

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

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

17 (3) in section 510—

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

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

21 “(d) No grants or contracts under subsection (b) may
 22 be made, entered into, or used, directly or indirectly, to
 23 provide any security enhancements or any equipment to
 24 any non-governmental entity that is not engaged in law

1 enforcement or law enforcement support, criminal or juve-
 2 nile justice, or delinquency prevention.”; and

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

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

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

14 (a) Section 524 of title 28, United States Code, is
 15 amended—

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

18 (2) in paragraph (c)(1)—

19 (A) by striking the semicolon at the end of
 20 the 1st subparagraph (I) and inserting a pe-
 21 riod;

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

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

1 paragraph (I) and inserting “(B), (F), and
2 (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 “(B), (F),
17 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 insert-
3 ing 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, re-
7 search, or other aggregate reporting purpose beginning
8 not later than 1 year after the date of enactment of 21st
9 Century Department of Justice Appropriations Authoriza-
10 tion Act and continuing thereafter, and notwithstanding
11 any other provision of law, the same criteria shall be used
12 (and shall be required to be used, as applicable) to classify
13 or categorize offenders and victims (in the criminal con-
14 text), and to classify or categorize actors and acted upon
15 (in the noncriminal 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,
19 is amended by striking the 2d period.

20 (e) Section 533(2) of title 28, United States Code,
21 is amended by inserting “or the person of the Attorney
22 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.~~—See
 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.~~—

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

(i) in section ~~1321(a)~~ by striking
 paragraph (91); and

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

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

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

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

(iv) Section ~~241(i)(5)~~ of the Immigration
 and Nationality Act (~~8 U.S.C. 1231(i)(5)~~) is
 amended by striking “, of which” and all that
 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 sections (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 tie 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.”.~~

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

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

9 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 10 *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.*

*Sec. 103. Authorization for additional Assistant United States Attorneys for
project safe neighborhoods.*

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 au-
thorities; authority to transfer property of marginal value; rec-
ordkeeping; 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.

*Sec. 209. Strengthening law enforcement in United States territories, common-
wealths, and possessions.*

Sec. 210. Additional authorities of the Attorney General.

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. Study of untested rape examination kits.

Sec. 305. Report on DCS 1000 (“carnivore”).

- Sec. 306. Study of allocation of litigating attorneys.*
Sec. 307. Use of truth-in-sentencing and violent offender incarceration grants.
Sec. 308. Authority of the Department of Justice Inspector General.
Sec. 309. Report on Inspector General and Deputy Inspector General for Federal Bureau of Investigation.
Sec. 310. Use of residential substance abuse treatment grants to provide for services during and after incarceration.
Sec. 311. Report on threats and assaults against Federal law enforcement officers, United States judges, United States officials and their families.
Sec. 312. Additional Federal judgeships.

TITLE IV—VIOLENCE AGAINST WOMEN

- Sec. 401. Short title.*
Sec. 402. Establishment of Violence Against Women Office.
Sec. 403. Jurisdiction.
Sec. 404. Director of Violence Against Women Office.
Sec. 405. Regulatory authorization.
Sec. 406. Office staff.
Sec. 407. Authorization of appropriations.

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.*

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

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

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

13 (B) *not to exceed \$20,000 to meet unforeseen*
 14 *emergencies of a confidential character.*

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

17 (6) *UNITED STATES ATTORNEYS.*—*For United*
 18 *States Attorneys: \$1,346,289,000, which shall include*
 19 *not less than \$10,000,000 for the investigation and*
 20 *prosecution of intellectual property crimes, including*
 21 *software counterfeiting crimes and crimes identified*
 22 *in the No Electronic Theft (NET) Act (Public Law*
 23 *105–147): provided, that such amounts in the appro-*
 24 *priations account “General Legal Services” as may be*
 25 *expended for such investigations or prosecutions shall*

1 *count towards this minimum as though expended*
2 *from this appropriations account.*

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

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

8 (B) *not to exceed \$70,000 to meet unforeseen*
9 *emergencies of a confidential character.*

10 (8) *UNITED STATES MARSHALS SERVICE.—For*
11 *the United States Marshals Service: \$626,439,000,*
12 *which shall include for each such fiscal year not to ex-*
13 *ceed \$6,621,000 for construction, to remain available*
14 *until expended.*

15 (9) *FEDERAL PRISON SYSTEM.—For the Federal*
16 *Prison System, including the National Institute of*
17 *Corrections: \$4,662,710,000.*

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

23 (11) *DRUG ENFORCEMENT ADMINISTRATION.—*
24 *For the Drug Enforcement Administration:*
25 *\$1,480,929,000, which shall include not to exceed*

1 \$70,000 to meet unforeseen emergencies of a confiden-
2 tial character.

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

6 (A) *not to exceed \$2,737,341,000 for salaries*
7 *and expenses of enforcement and border affairs*
8 *(i.e., the Border Patrol, deportation, intelligence,*
9 *investigations, and inspection programs, and the*
10 *detention program);*

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

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

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

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

24 (14) *INTERAGENCY CRIME AND DRUG ENFORCE-*
25 *MENT.—For Interagency Crime and Drug Enforce-*

1 *ment: \$338,106,000, for expenses not otherwise pro-*
2 *vided for, for the investigation and prosecution of per-*
3 *sons involved in organized crime drug trafficking, ex-*
4 *cept that any funds obligated from appropriations*
5 *authorized by this paragraph may be used under au-*
6 *thorities available to the organizations reimbursed*
7 *from such funds.*

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

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

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

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

18 (19) *FEDERAL DETENTION TRUSTEE.—For the*
19 *necessary expenses of the Federal Detention Trustee:*
20 *\$1,718,000.*

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

24 (21) *NARROWBAND COMMUNICATIONS.—For the*
25 *costs of conversion to narrowband communications,*

1 *including the cost for operation and maintenance of*
 2 *Land Mobile Radio legacy systems: \$104,606,000.*

3 (22) *RADIATION EXPOSURE COMPENSATION.—*
 4 *For administrative expenses in accordance with the*
 5 *Radiation Exposure Compensation Act: such sums as*
 6 *necessary.*

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

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

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

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

22 (b) *SELECTION OF APPOINTEES.—Individuals first*
 23 *appointed under subsection (a) may be appointed from*
 24 *among attorneys who are incumbents of 200 full-time liti-*

1 *gation positions in divisions of the Department of Justice*
 2 *and whose official duty station is at the seat of Government.*

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

7 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 8 *authorized to be appropriated such sums as may be nec-*
 9 *essary to carry out this section.*

10 **SEC. 103. AUTHORIZATION FOR ADDITIONAL ASSISTANT**
 11 **UNITED STATES ATTORNEYS FOR PROJECT**
 12 **SAFE NEIGHBORHOODS.**

13 (a) *IN GENERAL.—The Attorney General shall estab-*
 14 *lish a program for each United States Attorney to provide*
 15 *for coordination with State and local law enforcement offi-*
 16 *cials in the identification and prosecution of violations of*
 17 *Federal firearms laws including school gun violence and ju-*
 18 *venile gun offenses.*

19 (b) *AUTHORIZATION FOR HIRING 94 ADDITIONAL AS-*
 20 *SISTANT UNITED STATES ATTORNEYS.—There are author-*
 21 *ized to be appropriated to carry out this section \$9,000,000*
 22 *for fiscal year 2002 to hire an additional Assistant United*
 23 *States Attorney in each United States Attorney Office.*

TITLE II—PERMANENT ENABLING PROVISIONS

SEC. 201. PERMANENT AUTHORITY.

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

“§ 530C. Authority to use available funds

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

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

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

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

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

“(5) as provided in subsection (b), in section 524, and in any other provision of law consistent herewith, including, without limitation, section

1 102(b) of Public Law 102–395 (106 Stat. 1838), as
2 incorporated by section 815(d) of Public Law 104–
3 132 (110 Stat. 1315).

4 “(b) *PERMITTED USES.*—

5 “(1) *GENERAL PERMITTED USES.*—Funds avail-
6 able to the Attorney General (i.e., all funds available
7 to carry out the activities described in subsection (a))
8 may be used, without limitation, for the following:

9 “(A) The purchase, lease, maintenance, and
10 operation of passenger motor vehicles, or police-
11 type motor vehicles for law enforcement purposes,
12 without regard to general purchase price limita-
13 tion for the then-current fiscal year.

14 “(B) The purchase of insurance for motor
15 vehicles, boats, and aircraft operated in official
16 Government business in foreign countries.

17 “(C) Services of experts and consultants, in-
18 cluding private counsel, as authorized by section
19 3109 of title 5, and at rates of pay for individ-
20 uals not to exceed the maximum daily rate pay-
21 able from time to time under section 5332 of
22 title 5.

23 “(D) Official reception and representation
24 expenses (i.e., official expenses of a social nature
25 intended in whole or in predominant part to

1 *promote goodwill toward the Department or its*
2 *missions, but excluding expenses of public tours*
3 *of facilities of the Department of Justice), in ac-*
4 *cordance with distributions and procedures es-*
5 *tablished, and rules issued, by the Attorney Gen-*
6 *eral, and expenses of public tours of facilities of*
7 *the Department of Justice.*

8 *“(E) Unforeseen emergencies of a confiden-*
9 *tial character, to be expended under the direction*
10 *of the Attorney General and accounted for solely*
11 *on the certificate of the Attorney General.*

12 *“(F) Miscellaneous and emergency expenses*
13 *authorized or approved by the Attorney General,*
14 *the Deputy Attorney General, the Associate At-*
15 *torney General, or the Assistant Attorney Gen-*
16 *eral for Administration.*

17 *“(G) In accordance with procedures estab-*
18 *lished and rules issued by the Attorney*
19 *General—*

20 *“(i) attendance at meetings and semi-*
21 *nars;*

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

23 *“(iii) advances of public moneys under*
24 *section 3324 of title 31: Provided, That*
25 *travel advances of such moneys to law en-*

1 *forcement personnel engaged in undercover*
2 *activity shall be considered to be public*
3 *money for purposes of section 3527 of title*
4 *31.*

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

10 “(I) *Payment of interpreters and trans-*
11 *lators who are not citizens of the United States,*
12 *in accordance with procedures established and*
13 *rules issued by the Attorney General.*

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

18 “(K) *Expenses of—*

19 “(i) *primary and secondary schooling*
20 *for dependents of personnel stationed out-*
21 *side the continental United States at cost*
22 *not in excess of those authorized by the De-*
23 *partment of Defense for the same area,*
24 *when it is determined by the Attorney Gen-*
25 *eral that schools available in the locality*

1 *are unable to provide adequately for the*
2 *education of such dependents; and*

3 “(ii) *transportation of those depend-*
4 *ents between their place of residence and*
5 *schools serving the area which those depend-*
6 *ents would normally attend when the Attor-*
7 *ney General, under such regulations as he*
8 *may prescribe, determines that such schools*
9 *are not accessible by public means of trans-*
10 *portation.*

11 “(L) *Payment of rewards (i.e., payments*
12 *pursuant to public advertisements for assistance*
13 *to the Department of Justice), in accordance*
14 *with procedures and regulations established or*
15 *issued by the Attorney General: provided that—*

16 “(i) *no such reward shall exceed*
17 *\$2,000,000 (unless a statute should author-*
18 *ize a higher amount);*

19 “(ii) *no such reward of \$250,000 or*
20 *more may be made or offered without the*
21 *personal approval of either the Attorney*
22 *General or the President;*

23 “(iii) *the Attorney General shall give*
24 *written notice to the Chairmen and ranking*
25 *minority members of the Committees on Ap-*

1 *propriations and the Judiciary of the Sen-*
2 *ate and of the House of Representatives not*
3 *later than 30 days after the approval of a*
4 *reward under clause (ii);*

5 *“(iv) any executive agency or military*
6 *department (as defined, respectively, in sec-*
7 *tions 105 and 102 of title 5) may provide*
8 *the Attorney General with funds for the*
9 *payment of rewards; and*

10 *“(v) neither the failure of the Attorney*
11 *General to authorize a payment nor the*
12 *amount authorized shall be subject to judi-*
13 *cial review.*

14 *“(2) SPECIFIC PERMITTED USES.—*

15 *“(A) AIRCRAFT AND BOATS.—Funds avail-*
16 *able to the Attorney General for United States*
17 *Attorneys, for the Federal Bureau of Investiga-*
18 *tion, for the United States Marshals Service, for*
19 *the Drug Enforcement Administration, and for*
20 *the Immigration and Naturalization Service*
21 *may be used for the purchase, lease, mainte-*
22 *nance, and operation of aircraft and boats, for*
23 *law enforcement purposes.*

24 *“(B) PURCHASE OF AMMUNITION AND FIRE-*
25 *ARMS; FIREARMS COMPETITIONS.—Funds avail-*

1 *able to the Attorney General for United States*
2 *Attorneys, for the Federal Bureau of Investiga-*
3 *tion, for the United States Marshals Service, for*
4 *the Drug Enforcement Administration, for the*
5 *Federal Prison System, for the Office of the In-*
6 *spector General, and for the Immigration and*
7 *Naturalization Service may be used for—*

8 *“(i) the purchase of ammunition and*
9 *firearms; and*

10 *“(ii) participation in firearms com-*
11 *petitions.*

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

1 “(3) *FEEES AND EXPENSES OF WITNESSES.—*
2 *Funds available to the Attorney General for fees and*
3 *expenses of witnesses may be used for—*

4 “(A) *expenses, mileage, compensation, pro-*
5 *tection, and per diem in lieu of subsistence, of*
6 *witnesses (including advances of public money)*
7 *and as authorized by section 1821 or other law,*
8 *except that no witness may be paid more than*
9 *1 attendance fee for any 1 calendar day;*

10 “(B) *fees and expenses of neutrals in alter-*
11 *native dispute resolution proceedings, where the*
12 *Department of Justice is a party; and*

13 “(C) *construction of protected witness*
14 *safesites.*

15 “(4) *FEDERAL BUREAU OF INVESTIGATION.—*
16 *Funds available to the Attorney General for the Fed-*
17 *eral Bureau of Investigation for the detection, inves-*
18 *tigation, and prosecution of crimes against the*
19 *United States may be used for the conduct of all its*
20 *authorized activities.*

21 “(5) *IMMIGRATION AND NATURALIZATION SERV-*
22 *ICE.—Funds available to the Attorney General for the*
23 *Immigration and Naturalization Service may be used*
24 *for—*

1 “(A) acquisition of land as sites for enforce-
2 ment fences, and construction incident to such
3 fences;

4 “(B) cash advances to aliens for meals and
5 lodging en route;

6 “(C) refunds of maintenance bills, immigra-
7 tion fines, and other items properly returnable,
8 except deposits of aliens who become public
9 charges and deposits to secure payment of fines
10 and passage money; and

11 “(D) expenses and allowances incurred in
12 tracking lost persons, as required by public ex-
13 igencies, in aid of State or local law enforcement
14 agencies.

15 “(6) *FEDERAL PRISON SYSTEM.*—Funds avail-
16 able to the Attorney General for the Federal Prison
17 System may be used for—

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

20 “(B) the purchase and exchange of farm
21 products and livestock;

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

24 “(D) the construction of buildings and fa-
25 cilities for penal and correctional institutions

1 *(including prison camps), by contract or force*
2 *account, including the payment of United States*
3 *prisoners for their work performed in any such*
4 *construction;*

5 *except that no funds may be used to distribute or*
6 *make available to a prisoner any commercially pub-*
7 *lished information or material that is sexually ex-*
8 *plicit or features nudity.*

9 “(7) *DETENTION TRUSTEE.—Funds available to*
10 *the Attorney General for the Detention Trustee may*
11 *be used for all the activities of such Trustee in the ex-*
12 *ercise of all power and functions authorized by law*
13 *relating to the detention of Federal prisoners in non-*
14 *Federal institutions or otherwise in the custody of the*
15 *United States Marshals Service and to the detention*
16 *of aliens in the custody of the Immigration and Natu-*
17 *ralization Service, including the overseeing of con-*
18 *struction of detention facilities or for housing related*
19 *to such detention, the management of funds appro-*
20 *priated to the Department for the exercise of detention*
21 *functions, and the direction of the United States Mar-*
22 *shals Service and Immigration Service with respect to*
23 *the exercise of detention policy setting and operations*
24 *for the Department of Justice.*

25 “(c) *RELATED PROVISIONS.—*

1 “(1) *LIMITATION OF COMPENSATION OF INDIVID-*
2 *UALS EMPLOYED AS ATTORNEYS.*—No funds available
3 *to the Attorney General may be used to pay com-*
4 *ensation for services provided by an individual em-*
5 *ployed as an attorney (other than an individual em-*
6 *ployed to provide services as a foreign attorney in*
7 *special cases) unless such individual is duly licensed*
8 *and authorized to practice as an attorney under the*
9 *law of a State, a territory of the United States, or the*
10 *District of Columbia.*

11 “(2) *REIMBURSEMENTS PAID TO GOVERNMENTAL*
12 *ENTITIES.*—Funds available to the Attorney General
13 *that are paid as reimbursement to a governmental*
14 *unit of the Department of Justice, to another Federal*
15 *entity, or to a unit of State or local government, may*
16 *be used under authorities available to the unit or en-*
17 *tity receiving such reimbursement.*

18 “(d) *FOREIGN REIMBURSEMENTS.*—Whenever the De-
19 *partment of Justice or any component participates in a co-*
20 *operative project to improve law enforcement or national*
21 *security operations or services with a friendly foreign coun-*
22 *try on a cost-sharing basis, any reimbursements or con-*
23 *tributions received from that foreign country to meet its*
24 *share of the project may be credited to appropriate current*
25 *appropriations accounts of the Department of Justice or*

1 *any component. The amount of a reimbursement or con-*
 2 *tribution credited shall be available only for payment of*
 3 *the share of the project expenses allocated to the partici-*
 4 *pating foreign country.*

5 “(e) *RAILROAD POLICE TRAINING FEES.*—*The Attor-*
 6 *ney General is authorized to establish and collect a fee to*
 7 *defray the costs of railroad police officers participating in*
 8 *a Federal Bureau of Investigation law enforcement training*
 9 *program authorized by Public Law 106–110, and to credit*
 10 *such fees to the appropriation account “Federal Bureau of*
 11 *Investigation, Salaries and Expenses”, to be available until*
 12 *expended for salaries and expenses incurred in providing*
 13 *such services.*

14 “(f) *WARRANTY WORK.*—*In instances where the Attor-*
 15 *ney General determines that law enforcement-, security-, or*
 16 *mission-related considerations mitigate against obtaining*
 17 *maintenance or repair services from private sector entities*
 18 *for equipment under warranty, the Attorney General is au-*
 19 *thorized to seek reimbursement from such entities for war-*
 20 *ranty work performed at Department of Justice facilities,*
 21 *and to credit any payment made for such work to any ap-*
 22 *propriation charged therefor.”.*

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

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

1 **SEC. 202. PERMANENT AUTHORITY RELATING TO ENFORCE-**
2 **MENT OF LAWS.**

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

6 **“§ 530D. Report on enforcement of laws**

7 “(a) *REPORT.*—

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

12 “(A) establishes or implements a formal or
13 informal policy to refrain—

14 “(i) from enforcing, applying, or ad-
15 ministering any provision of any Federal
16 statute, rule, regulation, program, policy, or
17 other law whose enforcement, application,
18 or administration is within the responsi-
19 bility of the Attorney General or such officer
20 on the grounds that such provision is un-
21 constitutional; or

22 “(ii) within any judicial jurisdiction
23 of or within the United States, from adher-
24 ing to, enforcing, applying, or complying
25 with, any standing rule of decision (binding
26 upon courts of, or inferior to those of, that

1 *jurisdiction) established by a final decision*
2 *of any court of, or superior to those of, that*
3 *jurisdiction, respecting the interpretation,*
4 *construction, or application of the Constitu-*
5 *tion, any statute, rule, regulation, program,*
6 *policy, or other law whose enforcement, ap-*
7 *plication, or administration is within the*
8 *responsibility of the Attorney General or*
9 *such officer;*

10 *“(B) determines—*

11 *“(i) to contest affirmatively, in any ju-*
12 *dicial, administrative, or other proceeding,*
13 *the constitutionality of any provision of*
14 *any Federal statute, rule, regulation, pro-*
15 *gram, policy, or other law; or*

16 *“(ii) to refrain (on the grounds that*
17 *the provision is unconstitutional) from de-*
18 *fending or asserting, in any judicial, ad-*
19 *ministrative, or other proceeding, the con-*
20 *stitutionality of any provision of any Fed-*
21 *eral statute, rule, regulation, program, pol-*
22 *icy, or other law, or not to appeal or re-*
23 *quest review of any judicial, administrative,*
24 *or other determination adversely affecting*

1 *the constitutionality of any such provision;*
2 *or*

3 “(C) approves (other than in circumstances
4 *in which a report is submitted to the Joint Com-*
5 *mittee on Taxation, pursuant to section 6405 of*
6 *the Internal Revenue Code of 1986) the settle-*
7 *ment or compromise (other than in bankruptcy)*
8 *of any claim, suit, or other action—*

9 “(i) against the United States (includ-
10 *ing any agency or instrumentality thereof)*
11 *for a sum that exceeds, or is likely to exceed,*
12 *\$2,000,000, excluding prejudgment interest;*
13 *or*

14 “(ii) by the United States (including
15 *any agency or instrumentality thereof) pur-*
16 *suant to an agreement, consent decree, or*
17 *order (or pursuant to any modification of*
18 *an agreement, consent decree, or order) that*
19 *provides injunctive or other nonmonetary*
20 *relief that exceeds, or is likely to exceed, 3*
21 *years in duration: Provided, That for pur-*
22 *poses of this clause, the term “injunctive or*
23 *other nonmonetary relief” shall not be un-*
24 *derstood to include the following, where the*
25 *same are a matter of public record—*

1 “(I) debarments, suspensions, or
2 other exclusions from Government con-
3 tracts or grants;

4 “(II) mere reporting requirements
5 or agreements (including sanctions for
6 failure to report);

7 “(III) requirements or agreements
8 merely to comply with statutes or regu-
9 lations;

10 “(IV) requirements or agreements
11 to surrender professional licenses or to
12 cease the practice of professions, occu-
13 pations, or industries;

14 “(V) any criminal sentence or
15 any requirements or agreements to per-
16 form community service, to serve pro-
17 bation, or to participate in supervised
18 release from detention, confinement, or
19 prison; or

20 “(VI) agreements to cooperate
21 with the government in investigations
22 or prosecutions (whether or not the
23 agreement is a matter of public
24 record).

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, of any information subject to the delibera-
23 tive-process-, executive-, attorney-work-product-,
24 or attorney-client privileges, or of any informa-
25 tion the disclosure of which is prohibited by sec-

tion 6103 of the Internal Revenue Code of 1986,
if the fact of each such omission (and the precise
ground or grounds therefor) is clearly noted in
the statement: Provided, That this subparagraph
shall not be construed to deny to the Congress
(including any House, Committee, or agency
thereof) any such omitted details (or related in-
formation) that it lawfully may seek, subsequent
to the submission of the report; and

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

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

“(ii) in the case of an approval de-
scribed in subsection (a)(1)(C)(ii), if an
unredacted copy of the entire settlement
agreement and consent decree or order (if
any) is provided, along with a statement

1 *indicating the injunctive or other nonmone-*
2 *tary relief (if not apparent on the face of*
3 *documents provided); and*

4 “(3) *in the case of a determination described in*
5 *subsection (a)(1)(B) or an approval described in sub-*
6 *section (a)(1)(C), indicate the nature, tribunal, iden-*
7 *tifying information, and status of the proceeding,*
8 *suit, or action.*

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

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

1 *described in subsection (a)(1)(A) or is authorized to conduct*
 2 *litigation, and to the officers of such executive 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 201),*
 6 *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 Stat.*
 8 *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 department*
 12 *(as defined, respectively, in sections 105 and 102 of*
 13 *title 5, United States Code) of the enactment of this*
 14 *section.*

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

23 *(i) all policies of which the Attorney Gen-*
 24 *eral and applicable official are aware described*
 25 *in subsection (a)(1)(A) of such section that were*

1 *established or implemented before the date of the*
 2 *enactment of this Act and were in effect on such*
 3 *date; and*

4 *(ii) all determinations of which the Attor-*
 5 *ney General and applicable official are aware*
 6 *described in subsection (a)(1)(B) of such section*
 7 *that were made before the date of the enactment*
 8 *of this Act and were in effect on such date.*

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 *(5) Section 101 of Public Law 106–57 (113 Stat.*
 21 *414) is amended by striking subsection (b).*

22 **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**
 23 **SIMULTANEOUSLY TO COMMITTEES.**

24 *If the Attorney General or any officer of the Depart-*
 25 *ment of Justice (including any bureau, office, board, divi-*

1 sion, commission, subdivision, unit, or other component
2 thereof) is required by any Act (which shall be understood
3 to include any request or direction contained in any report
4 of a committee of the Congress relating to an appropria-
5 tions Act or in any statement of managers accompanying
6 any conference report agreed to by the Congress) to provide
7 a notice or report to any committee or subcommittee of the
8 Congress (other than both the Committee on the Judiciary
9 of the House of Representatives and the Committee on the
10 Judiciary of the Senate), then such Act shall be deemed to
11 require that a copy of such notice or report be provided
12 simultaneously to the Committee on the Judiciary of the
13 House of Representatives and the Committee on the Judici-
14 ary of the Senate, except that classified notices and reports
15 submitted to the Select Committee on Intelligence of the
16 Senate and the Permanent Select Committee on Intelligence
17 of the House of Representatives shall be excluded from this
18 section so long as simultaneous notification of the provision
19 of such reports (other than notification required under sec-
20 tion 502(1) of the National Security Act of 1947 (50 U.S.C.
21 413a(1)) is made to the Committees on the Judiciary of
22 the Senate and the House of Representatives.

1 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**
 2 **AMENDMENTS.**

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

6 (1) *in section 504(a) by striking “502” and in-*
 7 *serting “501(b)”;*

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

10 (3) *in section 510(a)(3) by striking “502” and*
 11 *inserting “501(b)”;*

12 (4) *in section 510 by adding at the end the fol-*
 13 *lowing:*

14 “(d) *No grants or contracts under subsection (b) may*
 15 *be made, entered into, or used, directly or indirectly, to pro-*
 16 *vide any security enhancements or any equipment to any*
 17 *non-governmental entity that is not engaged in law enforce-*
 18 *ment or law enforcement support, criminal or juvenile jus-*
 19 *tice, or delinquency prevention.”; and*

20 (5) *in section 511 by striking “503” and insert-*
 21 *ing “501(b)”.*

22 (b) *ATTORNEYS SPECIALLY RETAINED BY THE ATTOR-*
 23 *NEY GENERAL.—The 3d sentence of section 515(b) of title*
 24 *28, United States Code, is amended by striking “at not*
 25 *more than \$12,000”.*

1 **SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS**
 2 **TO DEPARTMENT OF JUSTICE AUTHORITIES;**
 3 **AUTHORITY TO TRANSFER PROPERTY OF**
 4 **MARGINAL VALUE; RECORDKEEPING; PRO-**
 5 **TECTION OF THE ATTORNEY GENERAL.**

6 *(a) Section 524 of title 28, United States Code, is*
 7 *amended—*

8 *(1) in subsection (a) by inserting “to the Attor-*
 9 *ney General” after “available”;*

10 *(2) in subsection (c)(1)—*

11 *(A) by striking the semicolon at the end of*
 12 *the 1st subparagraph (I) and inserting a period;*

13 *(B) by striking the 2d subparagraph (I);*

14 *(C) by striking “(A)(iv), (B), (F), (G), and*
 15 *(H)” in the first sentence following the second*
 16 *subparagraph (I) and inserting “(B), (F), and*
 17 *(G)”;* and

18 *(D) by striking “fund” in the 3d sentence*
 19 *following the 2d subparagraph (I) and inserting*
 20 *“Fund”;*

21 *(3) in subsection (c)(2)—*

22 *(A) by inserting before the period in the last*
 23 *sentence “, without both the personal approval of*
 24 *the Attorney General and written notice within*
 25 *30 days thereof to the Chairmen and ranking*
 26 *minority members of the Committees on Appro-*

1 *priations and the Judiciary of the Senate and of*
 2 *the House of Representatives”;*

3 *(B) by striking “for information” each*
 4 *place it appears; and*

5 *(C) by striking “\$250,000” the 2d and 3d*
 6 *places it appears and inserting “\$500,000”;*

7 *(4) in subsection (c)(3) by striking “(F)” and in-*
 8 *serting “(G)”;*

9 *(5) in subsection (c)(5) by striking “Fund*
 10 *which” and inserting “Fund, that”;*

11 *(6) in subsection (c)(8)(A), by striking “(A)(iv),*
 12 *(B), (F), (G), and (H)” and inserting “(B), (F), and*
 13 *(G)”;* *and*

14 *(7) in subsection (c)(9)(B)—*

15 *(A) by striking “year 1997” and inserting*
 16 *“years 2002 and 2003”; and*

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

22 *(b) Section 522 of title 28, United States Code, is*
 23 *amended by inserting “(a)” before “The”, and by inserting*
 24 *at the end the following:*

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

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

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

17 (e) Section 533 of title 28, United States Code, is
18 amended—

19 (1) by redesignating paragraph (3) as para-
20 graph (4); and

21 (2) by adding after paragraph (2) a new para-
22 graph as follows:

23 “(3) to assist in the protection of the person of
24 the Attorney General.”.

1 (f) Hereafter, no compensation or reimbursement paid
 2 pursuant to section 501(a) of Public Law 99–603 (100 Stat.
 3 3443) or section 241(i) of the Act of June 27, 1952 (ch.
 4 477) shall be subject to section 6503(d) of title 31, United
 5 States Code, and no funds available to the Attorney General
 6 may be used to pay any assessment made pursuant to such
 7 section 6503 with respect to any such compensation or re-
 8 imbursement.

9 (g) Section 108 of Public Law 103–121 (107 Stat.
 10 1164) is amended by replacing “three” with “six”, by re-
 11 placing “only” with “, first,”, and by replacing “litiga-
 12 tion.” with “litigation, and, thereafter, for financial sys-
 13 tems, and other personnel, administrative, and litigation
 14 expenses of debt collection activities.”.

15 **SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF AP-**
 16 **PROPRIATIONS.**

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

20 “(b) Notwithstanding any provision of law limiting
 21 the amount of management or administrative expenses, the
 22 Attorney General shall, not later than May 2, 2003, and
 23 of every year thereafter, prepare and provide to the Com-
 24 mittees on the Judiciary and Appropriations of each House

1 of the Congress using funds available for the underlying
2 programs—

3 “(1) a report identifying and describing every
4 grant (other than one made to a governmental entity,
5 pursuant to a statutory formula), cooperative agree-
6 ment, or programmatic services contract that was
7 made, entered into, awarded, or, for which additional
8 or supplemental funds were provided in the imme-
9 diately preceding fiscal year, by or on behalf of the
10 Office of Justice Programs (including any component
11 or unit thereof, and the Office of Community Oriented
12 Policing Services), and including, without limitation,
13 for each such grant, cooperative agreement, or con-
14 tract: the term, the dollar amount or value, a descrip-
15 tion of its specific purpose or purposes, the names of
16 all grantees or parties, the names of each unsuccessful
17 applicant or bidder, and a description of the specific
18 purpose or purposes proposed in each unsuccessful ap-
19 plication or bid, and of the reason or reasons for re-
20 jection or denial of the same; and

21 “(2) a report identifying and reviewing every
22 grant (other than one made to a governmental entity,
23 pursuant to a statutory formula), cooperative agree-
24 ment, or programmatic services contract made, en-
25 tered into, awarded, or for which additional or sup-

1 *plemental funds were provided, after October 1, 2002,*
2 *by or on behalf of the Office of Justice Programs (in-*
3 *cluding any component or unit thereof, and the Office*
4 *of Community Oriented Policing Services) that was*
5 *programmatically and financially closed out or that*
6 *otherwise ended in the immediately preceding fiscal*
7 *year (or even if not yet closed out, was terminated or*
8 *otherwise ended in the fiscal year that ended 2 years*
9 *before the end of such immediately preceding fiscal*
10 *year), and including, without limitation, for each*
11 *such grant, cooperative agreement, or contract: a de-*
12 *scription of how the appropriated funds involved ac-*
13 *tually were spent, statistics relating to its perform-*
14 *ance, its specific purpose or purposes, and its effec-*
15 *tiveness, and a written declaration by each non-Fed-*
16 *eral grantee and each non-Federal party to such*
17 *agreement or to such contract, that—*

18 *“(A) the appropriated funds were spent for*
19 *such purpose or purposes, and only such purpose*
20 *or purposes;*

21 *“(B) the terms of the grant, cooperative*
22 *agreement, or contract were complied with; and*

23 *“(C) all documentation necessary for con-*
24 *ducting a full and proper audit under generally*
25 *accepted accounting principles, and any (addi-*

1 tional) documentation that may have been re-
2 quired under the grant, cooperative agreement,
3 or contract, have been kept in orderly fashion
4 and will be preserved for not less than 3 years
5 from the date of such close out, termination, or
6 end;

7 except that the requirement of this paragraph shall be
8 deemed satisfied with respect to any such description,
9 statistics, or declaration if such non-Federal grantee
10 or such non-Federal party shall have failed to provide
11 the same to the Attorney General, and the Attorney
12 General notes the fact of such failure and the name
13 of such grantee or such party in the report.”.

14 (b) Section 1913 of title 18, United States Code, is
15 amended by striking “to favor” and inserting “a jurisdic-
16 tion, or an official of any government, to favor, adopt,”
17 by inserting “, law, ratification, policy,” after “legislation”
18 every place it appears, by striking “by Congress” the 2d
19 place it appears, by inserting “or such official” before “,
20 through the proper”, by inserting “, measure,” before “or
21 resolution”, by striking “Members of Congress on the request
22 of any Member” and inserting “any such Member or offi-
23 cial, at his request,” by striking “for legislation” and in-
24 serting “for any legislation”, and by striking the period
25 after “business” and inserting “, or from making any com-

1 *munication whose prohibition by this section might, in the*
 2 *opinion of the Attorney General, violate the Constitution*
 3 *or interfere with the conduct of foreign policy, counter-intel-*
 4 *ligence, intelligence, or national security activities. Viola-*
 5 *tions of this section shall constitute violations of section*
 6 *1352(a) of title 31.”.*

7 *(c) Section 1516(a) of title 18, United States Code, is*
 8 *amended by inserting “, entity, or program” after “person”,*
 9 *and by inserting “grant, or cooperative agreement,” after*
 10 *“subcontract,”.*

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

16 *(e) Section 2320(f) of title 18, United States Code, is*
 17 *amended—*

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

20 *(2) by redesignating paragraphs (1) through (4)*
 21 *as subparagraphs (A) through (D), respectively;*

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

23 *(4) by adding at the end the following:*

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

4 “(A) *The number of infringement cases involving*
 5 *specific types of works, such as audiovisual works,*
 6 *sound recordings, business software, video games,*
 7 *books, and other types of works.*

8 “(B) *The number of infringement cases involving*
 9 *an online element.*

10 “(C) *The number and dollar amounts of fines as-*
 11 *essed in specific categories of dollar amounts, such as*
 12 *up to \$500, from \$500 to \$1,000, from \$1,000 to*
 13 *\$5,000, from \$5,000 to \$10,000, and categories above*
 14 *\$10,000.*

15 “(D) *The amount of restitution awarded.*

16 “(E) *Whether the sentences imposed were*
 17 *served.”.*

18 **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**
 19 **ATTORNEY GENERAL.**

20 *Section 535 of title 28, United States Code, is amended*
 21 *in subsections (a) and (b), by replacing “title 18” with*
 22 *“Federal criminal law”, and in subsection (b), by replacing*
 23 *“or complaint” with “matter, or complaint witnessed, dis-*
 24 *covered, or”, and by inserting “or the witness, discoverer,*
 25 *or recipient, as appropriate,” after “agency,”.*

1 **SEC. 208. COUNTERTERRORISM FUND.**

2 (a) *ESTABLISHMENT; AVAILABILITY.*—*There is hereby*
3 *established in the Treasury of the United States a separate*
4 *fund to be known as the “Counterterrorism Fund”, amounts*
5 *in which shall remain available without fiscal year*
6 *limitation—*

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

9 (A) *reestablishing the operational capability*
10 *of an office or facility that has been damaged or*
11 *destroyed as the result of any domestic or inter-*
12 *national terrorism incident;*

13 (B) *providing support to counter, inves-*
14 *tigate, or prosecute domestic or international ter-*
15 *rorism, including, without limitation, paying re-*
16 *wards in connection with these activities; and*

17 (C) *conducting terrorism threat assessments*
18 *of Federal agencies and their facilities; and*

19 (2) *to reimburse any department or agency of*
20 *the Federal Government for any costs incurred in*
21 *connection with detaining in foreign countries indi-*
22 *viduals accused of acts of terrorism that violate the*
23 *laws of the United States.*

24 (b) *NO EFFECT ON PRIOR APPROPRIATIONS.*—*The*
25 *amendment made by subsection (a) shall not affect the*
26 *amount or availability of any appropriation to the*

1 *Counterterrorism Fund made before the date of enactment*
 2 *of this Act.*

3 **SEC. 209. STRENGTHENING LAW ENFORCEMENT IN UNITED**
 4 **STATES TERRITORIES, COMMONWEALTHS,**
 5 **AND POSSESSIONS.**

6 *(a) EXTENDED ASSIGNMENT INCENTIVE.—Chapter 57*
 7 *of title 5, United States Code, is amended—*

8 *(1) in subchapter IV, by inserting at the end the*
 9 *following:*

10 **“§ 5757. Extended assignment incentive**

11 *“(a) The head of an Executive agency may pay an*
 12 *extended assignment incentive to an employee if—*

13 *“(1) the employee has completed at least 2 years*
 14 *of continuous service in 1 or more civil service posi-*
 15 *tions located in a territory or possession of the United*
 16 *States, the Commonwealth of Puerto Rico, or the*
 17 *Commonwealth of the Northern Mariana Islands;*

18 *“(2) the agency determines that replacing the*
 19 *employee with another employee possessing the re-*
 20 *quired qualifications and experience would be dif-*
 21 *ficult; and*

22 *“(3) the agency determines it is in the best inter-*
 23 *est of the Government to encourage the employee to*
 24 *complete a specified additional period of employment*
 25 *with the agency in the territory or possession, the*

1 *Commonwealth of Puerto Rico or Commonwealth of*
2 *the Northern Mariana Islands, except that the total*
3 *amount of service performed in a particular territory,*
4 *commonwealth, or possession under 1 or more agree-*
5 *ments established under this section may not exceed*
6 *5 years.*

7 “(b) *The sum of extended assignment incentive pay-*
8 *ments for a service period may not exceed the greater of—*
9 “(1) *an amount equal to 25 percent of the an-*
10 *nuual rate of basic pay of the employee at the begin-*
11 *ning of the service period, times the number of years*
12 *in the service period; or*

13 “(2) *\$15,000 per year in the service period.*

14 “(c)(1) *Payment of an extended assignment incentive*
15 *shall be contingent upon the employee entering into a writ-*
16 *ten agreement with the agency specifying the period of serv-*
17 *ice and other terms and conditions under which the ex-*
18 *tended assignment incentive is payable.*

19 “(2) *The agreement shall set forth the method of pay-*
20 *ment, including any use of an initial lump-sum payment,*
21 *installment payments, or a final lump-sum payment upon*
22 *completion of the entire period of service.*

23 “(3) *The agreement shall describe the conditions under*
24 *which the extended assignment incentive may be canceled*
25 *prior to the completion of agreed-upon service period and*

1 *the effect of the cancellation. The agreement shall require*
2 *that if, at the time of cancellation of the incentive, the em-*
3 *ployee has received incentive payments which exceed the*
4 *amount which bears the same relationship to the total*
5 *amount to be paid under the agreement as the completed*
6 *service period bears to the agreed-upon service period, the*
7 *employee shall repay that excess amount, at a minimum,*
8 *except that an employee who is involuntarily reassigned to*
9 *a position stationed outside the territory, commonwealth,*
10 *or possession or involuntarily separated (not for cause on*
11 *charges of misconduct, delinquency, or inefficiency) may*
12 *not be required to repay any excess amounts.*

13 “(d) *An agency may not put an extended assignment*
14 *incentive into effect during a period in which the employee*
15 *is fulfilling a recruitment or relocation bonus service agree-*
16 *ment under section 5753 or for which an employee is receiv-*
17 *ing a retention allowance under section 5754.*

18 “(e) *Extended assignment incentive payments may not*
19 *be considered part of the basic pay of an employee.*

20 “(f) *The Office of Personnel Management may pre-*
21 *scribe regulations for the administration of this section, in-*
22 *cluding regulations on an employee’s entitlement to retain*
23 *or receive incentive payments when an agreement is can-*
24 *celed. Neither this section nor implementing regulations*
25 *may impair any agency’s independent authority to admin-*

1 *istratively determine compensation for a class of its employ-*
 2 *ees.”; and*

3 *(2) in the analysis by adding at the end the fol-*
 4 *lowing:*

“5757. Extended assignment incentive.”.

5 *(b) CONFORMING AMENDMENT.—Section*
 6 *5307(a)(2)(B) of title 5, United States Code, is amended*
 7 *by striking “or 5755” and inserting “5755, or 5757”.*

8 *(c) EFFECTIVE DATE.—The amendments made by this*
 9 *section shall take effect on the first day of the first applica-*
 10 *ble pay period beginning on or after 6 months after the*
 11 *date of enactment of this Act.*

12 *(d) REPORT.—No later than 3 years after the effective*
 13 *date of this section, the Office of Personnel Management,*
 14 *after consultation with affected agencies, shall submit a re-*
 15 *port to Congress assessing the effectiveness of the extended*
 16 *assignment incentive authority as a human resources man-*
 17 *agement tool and making recommendations for any changes*
 18 *necessary to improve the effectiveness of the incentive au-*
 19 *thority. Each agency shall maintain such records and re-*
 20 *port such information, including the number and size of*
 21 *incentive offers made and accepted or declined by geo-*
 22 *graphic location and occupation, in such format and at*
 23 *such times as the Office of Personnel Management may pre-*
 24 *scribe, for use in preparing the report.*

1 **SEC. 210. ADDITIONAL AUTHORITIES OF THE ATTORNEY**

2 **GENERAL.**

3 *Section 151 of the Foreign Relations Act, fiscal years*
 4 *1990 and 1991 (5 U.S.C. 5928 note) is amended by insert-*
 5 *ing “or Federal Bureau of Investigation” after “Drug En-*
 6 *forcement Administration”.*

7 **TITLE III—MISCELLANEOUS**

8 **SEC. 301. REPEALERS.**

9 *(a) OPEN-ENDED AUTHORIZATION OF APPROPRIA-*
 10 *TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—Chap-*
 11 *ter 319 of title 18, United States Code, is amended by strik-*
 12 *ing section 4353.*

13 *(b) OPEN-ENDED AUTHORIZATION OF APPROPRIA-*
 14 *TIONS FOR UNITED STATES MARSHALS SERVICE.—Section*
 15 *561 of title 28, United States Code, is amended by striking*
 16 *subsection (i).*

17 *(c) REDUNDANT AUTHORIZATIONS OF PAYMENTS FOR*
 18 *REWARDS.—*

19 *(1) Chapter 203 of title 18 of the United States*
 20 *Code is amended by striking sections 3059, 3059A,*
 21 *3059B, 3075, and all the matter after the first sen-*
 22 *tence of 3072; and*

23 *(2) Public Law 101–647 is amended in section*
 24 *2565, by replacing all the matter after “2561” in sub-*
 25 *section (c)(1) with “the Attorney General may, in his*

1 *discretion, pay a reward to the declarant” and by*
 2 *striking subsection (e); and by striking section 2569.*

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

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

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

8 (2) *in section 4013—*

9 (A) *in subsection (a)—*

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

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

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

17 (iv) *in paragraph (4) by inserting*
 18 *“The Attorney General, in support of Fed-*
 19 *eral prisoner detainees in non-Federal insti-*
 20 *tutions, is authorized to make payments,*
 21 *from funds appropriated for State and local*
 22 *law enforcement assistance, for” before “en-*
 23 *tering”; and*

24 (B) *by redesignating—*

1 (i) subsections (b) and (c) as sub-
2 sections (c) and (d); and

3 (ii) paragraph (a)(4) as subsection (b),
4 and subparagraphs (A), (B), and (C), of
5 such paragraph (a)(4) as paragraphs (1),
6 (2), and (3) of such subsection (b); and

7 (3) in section 209(a)—

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

10 (B) by striking “supplements the salary of,
11 any” and inserting “supplements, the salary of
12 any”.

13 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**
14 **IZATION OF APPROPRIATIONS FOR THE DE-**
15 **PARTMENT OF JUSTICE FOR FISCAL YEAR**
16 **2003.**

17 When the President submits to the Congress the budget
18 of the United States Government for fiscal year 2003, the
19 President shall simultaneously submit to the Committee on
20 the Judiciary of the House of Representatives and the Com-
21 mittee on the Judiciary of the Senate such proposed legisla-
22 tion authorizing appropriations for the Department of Jus-
23 tice for fiscal year 2003 as the President may judge nec-
24 essary and expedient.

1 **SEC. 304. 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. 305. REPORTS ON USE OF DCS 1000 (CARNIVORE).**

11 *(a) REPORT ON USE OF DCS 1000 (CARNIVORE) TO*
12 *IMPLEMENT ORDERS UNDER 18 U.S.C. 3123.—At the same*
13 *time that the Attorney General submits to Congress the an-*
14 *nual reports required by section 3126 of title 18, United*
15 *States Code, that are respectively next due after the end of*
16 *each of the fiscal years 2001 and 2002, the Attorney General*
17 *shall also submit to the Chairmen and ranking minority*
18 *members of the Committees on the Judiciary of the Senate*
19 *and of the House of Representatives a report, covering the*
20 *same respective time period, on the number of orders under*
21 *section 3123 applied for by law enforcement agencies of the*
22 *Department of Justice whose implementation involved the*
23 *use of the DCS 1000 program (or any subsequent version*
24 *of such program), which report shall include information*
25 *concerning—*

1 (1) *the period of interceptions authorized by the*
 2 *order, and the number and duration of any extensions*
 3 *of the order;*

4 (2) *the offense specified in the order or applica-*
 5 *tion, or extension of an order;*

6 (3) *the number of investigations involved;*

7 (4) *the number and nature of the facilities af-*
 8 *ected;*

9 (5) *the identity of the applying investigative or*
 10 *law enforcement agency making the application for*
 11 *an order; and*

12 (6) *the specific persons authorizing the use of the*
 13 *DCS 1000 program (or any subsequent version of*
 14 *such program) in the implementation of such order.*

15 (b) *REPORT ON USE OF DCS 1000 (CARNIVORE) TO*
 16 *IMPLEMENT ORDERS UNDER 18 U.S.C. 2518.—At the same*
 17 *time that the Attorney General, or Assistant Attorney Gen-*
 18 *eral specially designated by the Attorney General, submits*
 19 *to the Administrative Office of the United States Courts the*
 20 *annual report required by section 2519(2) of title 18,*
 21 *United States Code, that is respectively next due after the*
 22 *end of each of the fiscal years 2001 and 2002, the Attorney*
 23 *General shall also submit to the Chairmen and ranking mi-*
 24 *nority members of the Committees on the Judiciary of the*
 25 *Senate and of the House of Representatives a report, cov-*

1 *ering the same respective time period, that contains the fol-*
2 *lowing information with respect to those orders described*
3 *in that annual report that were applied for by law enforce-*
4 *ment agencies of the Department of Justice and whose im-*
5 *plementation involved the use of the DCS 1000 program*
6 *(or any subsequent version of such program)—*

7 *(1) the kind of order or extension applied for*
8 *(including whether or not the order was an order with*
9 *respect to which the requirements of sections*
10 *2518(1)(b)(ii) and 2518(3)(d) of title 18, United*
11 *States Code, did not apply by reason of section 2518*
12 *(11) of title 18);*

13 *(2) the period of interceptions authorized by the*
14 *order, and the number and duration of any extensions*
15 *of the order;*

16 *(3) the offense specified in the order or applica-*
17 *tion, or extension of an order;*

18 *(4) the identity of the applying investigative or*
19 *law enforcement officer and agency making the appli-*
20 *cation and the person authorizing the application;*

21 *(5) the nature of the facilities from which or*
22 *place where communications were to be intercepted;*

23 *(6) a general description of the interceptions*
24 *made under such order or extension, including—*

1 (A) the approximate nature and frequency
2 of incriminating communications intercepted;

3 (B) the approximate nature and frequency
4 of other communications intercepted;

5 (C) the approximate number of persons
6 whose communications were intercepted;

7 (D) the number of orders in which
8 encryption was encountered and whether such
9 encryption prevented law enforcement from ob-
10 taining the plain text of communications inter-
11 cepted pursuant to such order; and

12 (E) the approximate nature, amount, and
13 cost of the manpower and other resources used in
14 the interceptions;

15 (7) the number of arrests resulting from intercep-
16 tions made under such order or extension, and the of-
17 fenses for which arrests were made;

18 (8) the number of trials resulting from such
19 interceptions;

20 (9) the number of motions to suppress made with
21 respect to such interceptions, and the number granted
22 or denied;

23 (10) the number of convictions resulting from
24 such interceptions and the offenses for which the con-

1 *victions were obtained and a general assessment of the*
 2 *importance of the interceptions; and*

3 *(11) the specific persons authorizing the use of*
 4 *the DCS 1000 program (or any subsequent version of*
 5 *such program) in the implementation of such order.*

6 **SEC. 306. STUDY OF ALLOCATION OF LITIGATING ATTOR-**
 7 **NEYS.**

8 *Not later than 180 days after the date of the enactment*
 9 *of this Act, the Attorney General shall submit a report to*
 10 *the chairman and ranking minority member of the Com-*
 11 *mittees on the Judiciary of the House of Representatives*
 12 *and Committee on the Judiciary of the Senate, detailing*
 13 *the distribution or allocation of appropriated funds, attor-*
 14 *neys and other personnel, and per-attorney workloads, for*
 15 *each Office of United States Attorney and each division of*
 16 *the Department of Justice except the Justice Management*
 17 *Division.*

18 **SEC. 307. USE OF TRUTH-IN-SENTENCING AND VIOLENT OF-**
 19 **FENDER INCARCERATION GRANTS.**

20 *Section 20105(b) of the Violent Crime Control and*
 21 *Law Enforcement Act of 1994 (42 U.S.C. 13705(b)) is*
 22 *amended to read as follows:*

23 *“(b) USE OF TRUTH-IN-SENTENCING AND VIOLENT*
 24 *OFFENDER INCARCERATION GRANTS.—Funds provided*

1 *under section 20103 or 20104 may be applied to the cost*
 2 *of—*

3 “(1) *altering existing correctional facilities to*
 4 *provide separate facilities for juveniles under the ju-*
 5 *risdiction of an adult criminal court who are de-*
 6 *tained or are serving sentences in adult prisons or*
 7 *jails;*

8 “(2) *providing correctional staff who are respon-*
 9 *sible for supervising juveniles who are detained or*
 10 *serving sentences under the jurisdiction of an adult*
 11 *criminal court with orientation and ongoing training*
 12 *regarding the unique needs of such offenders; and*

13 “(3) *providing ombudsmen to monitor the treat-*
 14 *ment of juveniles who are detained or serving sen-*
 15 *tences under the jurisdiction of an adult criminal*
 16 *court in adult facilities, consistent with guidelines*
 17 *issued by the Assistant Attorney General.*

18 **SEC. 308. AUTHORITY OF THE DEPARTMENT OF JUSTICE IN-**
 19 **SPECTOR GENERAL.**

20 *Section 8E of the Inspector General Act of 1978 (5 U.S.C.*
 21 *App.) is amended—*

22 (1) *in subsection (b), by striking paragraphs (2)*
 23 *and (3) and inserting the following:*

24 “(2) *except as specified in subsection (a) and*
 25 *paragraph (3), may investigate allegations of crimi-*

1 *nal wrongdoing or administrative misconduct by an*
 2 *employee of the Department of Justice, or may, in the*
 3 *Inspector General’s discretion, refer such allegations*
 4 *to the Office of Professional Responsibility or the in-*
 5 *ternal affairs office of the appropriate component of*
 6 *the Department of Justice; and*

7 *“(3) shall refer to the Counsel, Office of Profes-*
 8 *sional Responsibility of the Department of Justice, al-*
 9 *legations of misconduct involving Department attor-*
 10 *neys, investigators or law enforcement personnel,*
 11 *where the allegations relate to the exercise of an attor-*
 12 *ney’s authority to investigate, litigate, or provide*
 13 *legal advice, except that no such referral shall be*
 14 *made if the attorney is employed in the Office of Pro-*
 15 *fessional Responsibility.”; and*

16 *(2) by inserting at the end the following:*

17 *“(d) The Attorney General shall insure by regulation*
 18 *that any component of the Department of Justice receiving*
 19 *a nonfrivolous allegation of criminal wrongdoing or admin-*
 20 *istrative misconduct by an employee of the Department*
 21 *shall report such information to the Inspector General.”.*

22 **SEC. 309. REVIEW OF THE DEPARTMENT OF JUSTICE.**

23 *(a) APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN*
 24 *THE OFFICE OF INSPECTOR GENERAL.—The Inspector*
 25 *General of the Department of Justice shall direct that one*

1 *official from the Inspector General's office shall be respon-*
 2 *sible for supervising and coordinating independent over-*
 3 *sight of programs and operations of the Federal Bureau of*
 4 *Investigation until September 30, 2003. The Inspector Gen-*
 5 *eral may continue this policy after September 30, 2003, at*
 6 *the Inspector General's discretion.*

7 (b) *INSPECTOR GENERAL OVERSIGHT PLAN FOR THE*
 8 *FEDERAL BUREAU OF INVESTIGATION.*—*Not later than 30*
 9 *days after the date of the enactment of this Act, the Inspec-*
 10 *tor General of the Department of Justice shall submit to*
 11 *the Chairman and ranking member of the Committees on*
 12 *the Judiciary of the Senate and the House of Representa-*
 13 *tives a plan for oversight of the Federal Bureau of Inves-*
 14 *tigation. The Inspector General shall consider the following*
 15 *activities for inclusion in such plan:*

16 (1) *FINANCIAL SYSTEMS.*—*Auditing the financial*
 17 *systems, information technology systems, and com-*
 18 *puter security systems of the Federal Bureau of Inves-*
 19 *tigation.*

20 (2) *PROGRAMS AND PROCESSES.*—*Auditing and*
 21 *evaluating programs and processes of the Federal Bu-*
 22 *reau of Investigation to identify systemic weaknesses*
 23 *or implementation failures and to recommend correc-*
 24 *tive action.*

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

5 (4) *PERSONNEL.*—*Investigating allegations of se-*
6 *rious misconduct by personnel of the Federal Bureau*
7 *of Investigation.*

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

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

14 (c) *REPORT ON INSPECTOR GENERAL FOR FEDERAL*
15 *BUREAU OF INVESTIGATION.*—*Not later than 90 days after*
16 *the date of enactment of this Act, the Attorney General shall*
17 *submit a report and recommendation to the Chairman and*
18 *ranking member of the Committees on the Judiciary of the*
19 *Senate and the House of Representatives concerning wheth-*
20 *er there should be established, within the Department of*
21 *Justice, a separate office of Inspector General for the Fed-*
22 *eral Bureau of Investigation that shall be responsible for*
23 *supervising independent oversight of programs and oper-*
24 *ations of the Federal Bureau of Investigation.*

1 **SEC. 310. USE OF RESIDENTIAL SUBSTANCE ABUSE TREAT-**
 2 **MENT GRANTS TO PROVIDE FOR SERVICES**
 3 **DURING AND AFTER INCARCERATION.**

4 *Section 1901 of title I of the Omnibus Crime Control*
 5 *and Safe Streets Act of 1968 (42 U.S.C. 3796ff) is amended*
 6 *by adding at the end the following:*

7 *“(c) ADDITIONAL USE OF FUNDS.—States that dem-*
 8 *onstrate that they have existing in-prison drug treatment*
 9 *programs that are in compliance with Federal requirements*
 10 *may use funds awarded under this part for treatment and*
 11 *sanctions both during incarceration and after release.”.*

12 **SEC. 311. REPORT ON THREATS AND ASSAULTS AGAINST**
 13 **FEDERAL LAW ENFORCEMENT OFFICERS,**
 14 **UNITED STATES JUDGES, UNITED STATES OF-**
 15 **FICIALS AND THEIR FAMILIES.**

16 *(a) REPEAL OF COMPILATION OF STATISTICS RELAT-*
 17 *ING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.—Sec-*
 18 *tion 808 of the Antiterrorism and Effective Death Penalty*
 19 *Act of 1996 (Public Law 104–132; 110 Stat.1310) is re-*
 20 *pealed.*

21 *(b) REPORT ON THREATS AND ASSAULTS AGAINST*
 22 *FEDERAL LAW ENFORCEMENT OFFICERS, UNITED STATES*
 23 *JUDGES, UNITED STATES OFFICIALS AND THEIR FAMI-*
 24 *LIES.—Not later than 90 days after the date of enactment*
 25 *of this Act, the Attorney General shall submit to the Chair-*
 26 *men and ranking minority members of the Committees on*

1 *the Judiciary of the Senate and of the House of Representa-*
 2 *tives a report on the number of investigations and prosecu-*
 3 *tions under section 111 of title 18, United States Code, and*
 4 *section 115 of title 18, United States Code, for the fiscal*
 5 *year 2001.*

6 **SEC. 312. ADDITIONAL FEDERAL JUDGESHIPS.**

7 (a) *PERMANENT DISTRICT JUDGES FOR THE DISTRICT*
 8 *COURTS.*—

9 (1) *IN GENERAL.*—*The President shall appoint,*
 10 *by and with the advice and consent of the Senate—*

11 (A) *5 additional district judges for the*
 12 *southern district of California;*

13 (B) *1 additional district judge for the west-*
 14 *ern district of North Carolina; and*

15 (C) *2 additional district judges for the west-*
 16 *ern district of Texas.*

17 (2) *TABLES.*—*In order that the table contained*
 18 *in section 133 of title 28, United States Code, will,*
 19 *with respect to each judicial district, reflect the*
 20 *changes in the total number of permanent district*
 21 *judgeships authorized as a result of paragraph (1) of*
 22 *this subsection, such table is amended—*

23 (A) *by striking the item relating to Cali-*
 24 *fornia and inserting the following:*

<i>“California:</i>	
<i>Northern</i>	<i>14</i>
<i>Eastern</i>	<i>6</i>

<i>Central</i>	27
<i>Southern</i>	13.”;

1 *(B) by striking the item relating to North*
2 *Carolina and inserting the following:*

“*North Carolina:*

<i>Eastern</i>	4
<i>Middle</i>	4
<i>Western</i>	4.”;

3 *and*

4 *(C) by striking the item relating to Texas*
5 *and inserting the following:*

“*Texas:*

<i>Northern</i>	12
<i>Southern</i>	19
<i>Eastern</i>	7
<i>Western</i>	13.”.

6 *(b) DISTRICT JUDGEShips FOR THE CENTRAL AND*
7 *SOUTHERN DISTRICTS OF ILLINOIS.—*

8 *(1) CONVERSION OF TEMPORARY JUDGEShips TO*
9 *PERMANENT JUDGEShips.—The existing district*
10 *judgeships for the central district and the southern*
11 *district of Illinois authorized by section 203(c) (3)*
12 *and (4) of the Judicial Improvements Act of 1990*
13 *(Public Law 101–650, 28 U.S.C. 133 note) shall, as*
14 *of the date of the enactment of this Act, be authorized*
15 *under section 133 of title 28, United States Code, and*
16 *the incumbents in such offices shall hold the offices*
17 *under section 133 of title 28, United States Code (as*
18 *amended by this section).*

1 (2) *TECHNICAL AND CONFORMING AMEND-*
 2 *MENT.—The table contained in section 133(a) of title*
 3 *28, United States Code, is amended by striking the*
 4 *item relating to Illinois and inserting the following:*

“*Illinois:*

<i>Northern</i>	22
<i>Central</i>	4
<i>Southern</i>	4.”.

5 (c) *TEMPORARY JUDGESHIP.—The President shall ap-*
 6 *point, by and with the advice and consent of the Senate,*
 7 *1 additional district judge for the western district of North*
 8 *Carolina. The first vacancy in the office of district judge*
 9 *in the western district of North Carolina, occurring 7 years*
 10 *or more after the confirmation date of the judge named to*
 11 *fill the temporary district judgeship created in that district*
 12 *by this subsection, shall not be filled.*

13 (d) *EXTENSION OF TEMPORARY FEDERAL DISTRICT*
 14 *COURT JUDGESHIP FOR THE NORTHERN DISTRICT OF*
 15 *OHIO.—*

16 (1) *IN GENERAL.—Section 203(c) of the Judicial*
 17 *Improvement Act of 1990 (28 U.S.C. 133 note) is*
 18 *amended—*

19 (A) *in the first sentence following para-*
 20 *graph (12), by striking “and the eastern district*
 21 *of Pennsylvania” and inserting “, the eastern*
 22 *district of Pennsylvania, and the northern dis-*
 23 *trict of Ohio”; and*

1 (B) by inserting after the third sentence fol-
 2 lowing paragraph (12) “The first vacancy in the
 3 office of district judge in the northern district of
 4 Ohio occurring 15 years or more after the con-
 5 firmation date of the judge named to fill the tem-
 6 porary judgeship created under this subsection
 7 shall not be filled.”.

8 (2) *EFFECTIVE DATE.*—The amendments made
 9 by this section shall take effect on the earlier of—
 10 (A) the date of enactment of this Act; or
 11 (B) November 15, 2001.

12 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
 13 authorized to be appropriated such sums as may be nec-
 14 essary to carry out this section, including such sums as may
 15 be necessary to provide appropriate space and facilities for
 16 the judicial positions created by this section.

17 **TITLE IV—VIOLENCE AGAINST** 18 **WOMEN**

19 **SEC. 401. SHORT TITLE.**

20 This title may be cited as the “Violence Against
 21 Women Office Act”.

22 **SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN** 23 **OFFICE.**

24 (a) *IN GENERAL.*—There is established in the Depart-
 25 ment of Justice a Violence Against Women Office (in this

1 *title referred to as the “Office”) under the general authority*
2 *of the Attorney General.*

3 *(b) SEPARATE OFFICE.—The Office—*

4 *(1) shall not be part of any division or compo-*
5 *nent of the Department of Justice; and*

6 *(2) shall be a separate office headed by a Direc-*
7 *tor who shall report to the Attorney General through*
8 *the Associate Attorney General of the United States,*
9 *and who shall also serve as Counsel to the Attorney*
10 *General.*

11 **SEC. 403. JURISDICTION.**

12 *The Office—*

13 *(1) shall have jurisdiction over all matters re-*
14 *lated to administration, enforcement, coordination,*
15 *and implementation of all responsibilities of the At-*
16 *torney General or the Department of Justice related*
17 *to violence against women, including formula and*
18 *discretionary grant programs authorized under the*
19 *Violence Against Women Act of 1994 (title IV of Pub-*
20 *lic Law 103–322) and the Violence Against Women*
21 *Act of 2000 (Division B of Public Law 106–386); and*

22 *(2) shall be solely responsible for coordination*
23 *with other offices or agencies of administration, en-*
24 *forcement, and implementation of the programs,*
25 *grants, and activities authorized or undertaken under*

1 *the Violence Against Women Act of 1994 (title IV of*
2 *Public Law 103–322) and the Violence Against*
3 *Women Act of 2000 (Division B of Public Law 106–*
4 *386).*

5 **SEC. 404. DIRECTOR OF VIOLENCE AGAINST WOMEN OF-**
6 **FICE.**

7 (a) *APPOINTMENT.*—*The President, by and with the*
8 *advice and consent of the Senate, shall appoint a Director*
9 *for the Violence Against Women Office (in this title referred*
10 *to as the “Director”) to be responsible for the administra-*
11 *tion, coordination, and implementation of the programs*
12 *and activities of the office.*

13 (b) *OTHER EMPLOYMENT.*—*The Director shall not—*

14 (1) *engage in any employment other than that of*
15 *serving as Director; or*

16 (2) *hold any office in, or act in any capacity for,*
17 *any organization, agency, or institution with which*
18 *the Office makes any contract or other agreement*
19 *under the Violence Against Women Act of 1994 (title*
20 *IV of Public Law 103–322) or the Violence Against*
21 *Women Act of 2000 (Division B of Public Law 106–*
22 *386).*

23 (c) *VACANCY.*—*In the case of a vacancy, the President*
24 *may designate an officer or employee who shall act as Di-*
25 *rector during the vacancy.*

1 (d) *COMPENSATION.*—*The Director shall be com-*
2 *pensated at a rate of pay not to exceed the rate payable*
3 *for level V of the Executive Schedule under section 5316*
4 *of title 5, United States Code.*

5 **SEC. 405. REGULATORY AUTHORIZATION.**

6 *The Director may, after appropriate consultation with*
7 *representatives of States and units of local government, es-*
8 *tablish such rules, regulations, and procedures as are nec-*
9 *essary to the exercise of the functions of the Office, and are*
10 *consistent with the stated purposes of this Act and those*
11 *of the Violence Against Women Act of 1994 (title IV of Pub-*
12 *lic Law 103–322) and the Violence Against Women Act of*
13 *2000 (Division B of Public Law 106–386).*

14 **SEC. 406. OFFICE STAFF.**

15 *The Attorney General shall ensure that there is ade-*
16 *quate staff to support the Director in carrying out the re-*
17 *sponsibilities of the Director under this title.*

18 **SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

19 *There are authorized to be appropriated such sums as*
20 *are necessary to carry out this title.*

Calendar No. 206

107TH CONGRESS
1ST SESSION

H.R. 2215

AN ACT

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

OCTOBER 30, 2001

Reported with an amendment