

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

# H. R. 3309

To amend title 28, United States Code, to allow attorneys employed by the Department of Justice to engage in undercover activities consistent with Federal law, notwithstanding any provision of State law.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2001

Mr. WALDEN of Oregon (for himself, Mr. DEFAZIO, Mr. WU, Ms. HOOLEY of Oregon, and Mr. BLUMENAUER) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 28, United States Code, to allow attorneys employed by the Department of Justice to engage in undercover activities consistent with Federal law, notwithstanding any provision of State law.

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.**

4 This Act may be cited as the “Investigation Enhance-  
5 ment Act of 2001”.

1 **SEC. 2. UNDERCOVER INVESTIGATIVE PRACTICES CON-**  
2 **DUCTED BY FEDERAL ATTORNEYS.**

3 Section 530B(a) of title 28, United States Code, is  
4 amended by inserting after the first sentence the fol-  
5 lowing: “Notwithstanding any provision of State law, in-  
6 cluding disciplinary rules, statutes, regulations, constitu-  
7 tional provisions, or case law, a Government attorney may,  
8 for the purpose of enforcing Federal law, provide legal ad-  
9 vice, authorization, concurrence, direction, or supervision  
10 on conducting undercover activities, and any attorney em-  
11 ployed as an investigator or other law enforcement agent  
12 by the Department of Justice who is not authorized to  
13 represent the United States in criminal or civil law en-  
14 forcement litigation or to supervise such proceedings may  
15 participate in such activities, even though such activities  
16 may require the use of deceit or misrepresentation, where  
17 such activities are consistent with Federal law.”.

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