

## Calendar No. 205

107TH CONGRESS  
1ST SESSION**S. 1319**

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

---

IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2001

Mr. LEAHY (for himself and Mr. HATCH) introduced the following bill; which was 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 *italie*]

---

**A BILL**

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

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

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

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

- 1       (b) TABLE OF CONTENTS.—The table of contents of  
2 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.

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 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.

Sec. 209. Strengthening law enforcement in United States territories, commonwealths, 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.

#### TITLE IV—VIOLENCE AGAINST WOMEN

Sec. 401. Short title.

Sec. 402. Establishment of Violence Against Women Office.

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

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

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

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

13 (2) **ADMINISTRATIVE REVIEW AND APPEALS.**—  
 14 For Administrative Review and Appeals:  
 15 \$178,499,000 for administration of pardon and  
 16 clemency petitions and for immigration-related ac-  
 17 tivities.

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

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

(A) not less than \$4,000,000 for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals;

(B) not less than \$10,000,000 for the investigation and prosecution of intellectual property crimes, including software counterfeiting crimes and crimes identified in the No Electronic Theft (NET) Act (Public Law 105-147); and

(C) not to exceed \$20,000 to meet unforeseen emergencies of a confidential character.

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

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

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

(A) not to exceed \$1,250,000 for construction, to remain available until expended; and

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

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

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

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

14          (11) DRUG ENFORCEMENT ADMINISTRATION.—  
 15          For the Drug Enforcement Administration:  
 16          \$1,480,929,000, which shall include not to exceed  
 17          \$70,000 to meet unforeseen emergencies of a con-  
 18          fidential character.

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

22                 (A) not to exceed \$2,737,341,000 for sala-  
 23                 ries and expenses of enforcement and border af-  
 24                 fairs (i.e., the Border Patrol, deportation, intel-

1           ligence, investigations, and inspection programs;  
2           and the detention program);

3           ~~(B) not to exceed \$650,660,000 for sala-~~  
4           ~~ries and expenses of citizenship and benefits~~  
5           ~~(i.e., programs not included under subpara-~~  
6           ~~graph (A));~~

7           ~~(C) for each such fiscal year, not to exceed~~  
8           ~~\$128,410,000 for construction, to remain avail-~~  
9           ~~able until expended; and~~

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

12          ~~(13) FEES AND EXPENSES OF WITNESSES.—~~

13          ~~For Fees and Expenses of Witnesses: \$156,145,000~~  
14          ~~to remain available until expended, which shall in-~~  
15          ~~clude for each such fiscal year not to exceed~~  
16          ~~\$6,000,000 for construction of protected witness~~  
17          ~~safesites.~~

18          ~~(14) INTERAGENCY CRIME AND DRUG EN-~~  
19          ~~FORCEMENT.—For Interagency Crime and Drug~~  
20          ~~Enforcement: \$338,106,000, for expenses not other-~~  
21          ~~wise provided for, for the investigation and prosecu-~~  
22          ~~tion of persons involved in organized crime drug~~  
23          ~~trafficking, except that any funds obligated from ap-~~  
24          ~~propriations authorized by this paragraph may be~~

1       used under authorities available to the organizations  
2       reimbursed from such funds.

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

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

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

12      ~~(18) UNITED STATES PAROLE COMMISSION.—~~  
13      ~~For the United States Parole Commission:~~  
14      ~~\$10,862,000.~~

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

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

21      ~~(21) NARROWBAND COMMUNICATIONS.—For~~  
22      ~~the costs of conversion to narrowband communica-~~  
23      ~~tions, including the cost for operation and mainte-~~  
24      ~~nance of Land Mobile Radio legacy systems:~~  
25      ~~\$104,606,000.~~

1           ~~(22) RADIATION EXPOSURE COMPENSATION.—~~

2           For administrative expenses in accordance with the  
3           Radiation Exposure Compensation Act: \$1,996,000.

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

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

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

13           ~~(a) APPOINTMENTS.—~~Not later than September 30,  
14 2003, the Attorney General may exercise authority under  
15 section 542 of title 28, United States Code, to appoint  
16 200 assistant United States attorneys in addition to the  
17 number of assistant United States attorneys serving on  
18 the date of the enactment of this Act.

19           ~~(b) SELECTION OF APPOINTEES.—~~Individuals first  
20 appointed under subsection (a) may be appointed from  
21 among attorneys who are incumbents of 200 full-time liti-  
22 gation positions in divisions of the Department of Justice  
23 and whose official duty station is at the seat of Govern-  
24 ment.



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

5       (d) **AUTHORIZATION OF APPROPRIATIONS.**—There  
 6 are authorized to be appropriated such sums as may be  
 7 necessary to carry out this section.

8 **SEC. 103. AUTHORIZATION FOR ADDITIONAL ASSISTANT**  
 9 **UNITED STATES ATTORNEYS FOR PROJECT**  
 10 **SAFE NEIGHBORHOODS.**

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

17       (b) **AUTHORIZATION FOR HIRING 94 ADDITIONAL**  
 18 **ASSISTANT UNITED STATES ATTORNEYS.**—There are au-  
 19 thorized to be appropriated to carry out this section  
 20 \$9,000,000 for fiscal year 2002 to hire an additional As-  
 21 sistant United States Attorney in each United States At-  
 22 torney 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

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

7           ~~“(b) PERMITTED USES.—~~

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

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

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

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

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

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

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

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

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

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

3 “(ii) conferences and training; and

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

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

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

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

25 “(K) Expenses of—

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

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

18          “(2) SPECIFIC PERMITTED USES.—

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

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

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

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

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

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

foregoing shall not be construed to mean that funds generally available for salaries and expenses are not also available for certain incidental or minor construction, activation, remodeling, maintenance, and other related construction costs.

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

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

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

~~“(B) fees and expenses of neutrals in alternative dispute resolution proceedings, where the Department of Justice is a party; and~~

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

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

Funds available to the Attorney General for the Federal Bureau of Investigation for the detection, investigation, and prosecution of crimes against the



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

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

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

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

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

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

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

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

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

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

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

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

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

1 appropriated to the Department for the exercise of  
 2 detention functions; and the direction of the United  
 3 States Marshals Service and Immigration Service  
 4 with respect to the exercise of detention policy set-  
 5 ting and operations for the Department of Justice.

6 ~~“(c) RELATED PROVISIONS.—~~

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

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

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

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

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

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

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

10       “(a) REPORT.—

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

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

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

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

15       “(B) determines—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

3 (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

24 (i) all policies of which the Attorney Gen-  
25 eral and applicable official are aware described

1 in subsection (a)(1)(A) of such section that  
 2 were established or implemented before the date  
 3 of the enactment of this Act and were in effect  
 4 on such date; and

5 (ii) all determinations of which the Attor-  
 6 ney General and applicable official are aware  
 7 described in subsection (a)(1)(B) of such sec-  
 8 tion that were made before the date of the en-  
 9 actment of this Act and were in effect on such  
 10 date.

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

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 pro-  
 7 vide a notice or report to any committee or subcommittee  
 8 of the Congress (other than both the Committee on the  
 9 Judiciary of the House of Representatives and the Com-  
 10 mittee on the Judiciary of the Senate); then such Act shall  
 11 be deemed to require that a copy of such notice or report  
 12 be provided simultaneously to the Committee on the Judi-  
 13 ciary of the House of Representatives and the Committee  
 14 on the Judiciary of the Senate.

15 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**  
 16 **AMENDMENTS.**

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

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

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

1           ~~(3)~~ in section 510(a)~~(3)~~ by striking “502” and  
 2           inserting “501(b)”;

3           ~~(4)~~ in section 510 by adding at the end the fol-  
 4           lowing:

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

11           ~~(5)~~ in section 511 by striking “503” and insert-  
 12           ing “501(b)”.

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

17 **SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS**  
 18 **TO DEPARTMENT OF JUSTICE AUTHORITIES;**  
 19 **AUTHORITY TO TRANSFER PROPERTY OF**  
 20 **MARGINAL VALUE; RECORDKEEPING; PRO-**  
 21 **TECTION OF THE ATTORNEY GENERAL.**

22           (a) Section 524 of title 28, United States Code, is  
 23 amended—

24           ~~(1)~~ in subsection (a) by inserting “to the Attor-  
 25           ney General” after “available”;

1           (2) in paragraph (c)(1)—

2                   (A) by striking the semicolon at the end of  
3           the 1st subparagraph (I) and inserting a pe-  
4           riod;

5                   (B) by striking the 2d subparagraph (I);  
6           and

7                   (C) by striking “fund” in the 3d sentence  
8           following the 2d subparagraph (I) and inserting  
9           “Fund”;

10          (3) in paragraph (c)(2)—

11                   (A) by striking “for information” each  
12          place it appears; and

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

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

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

19          (6) in subsection (c)(9)(B)—

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

22                   (B) by striking “Such transfer shall not”  
23          and inserting “Each such transfer shall be sub-  
24          ject to satisfaction by the recipient involved of

1           any outstanding lien against the property trans-  
2           ferred, but no such transfer shall”.

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

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

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

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

22          (e) Section 533 of title 28, United States Code, is  
23   amended—

24           (1) by redesignating paragraph (3) as para-  
25   graph (4); and



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

3           “~~(3)~~ to assist in the protection of the person of  
4           the Attorney General.”.

5           (f) Hereafter, no compensation or reimbursement  
6           paid pursuant to section 501(a) of Public Law 99-603  
7           (100 Stat. 3443) or section 241(i) of the Act of June 27,  
8           1952 (ch. 477) shall be subject to section 6503(d) of title  
9           31, United States Code, and no funds available to the At-  
10          torney General may be used to pay any assessment made  
11          pursuant to such section 6503 with respect to any such  
12          compensation or reimbursement.

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

19          **SEC. 206. OVERSIGHT, WASTE, FRAUD, AND ABUSE OF AP-**  
20          **PROPRIATIONS.**

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

24          “(b) Notwithstanding any provision of law limiting  
25          the amount of management or administrative expenses,

1 the Attorney General shall, not later than May 2, 2003,  
2 and of every year thereafter, prepare and provide to the  
3 Committees on the Judiciary and Appropriations of each  
4 House of the Congress using funds available for the under-  
5 lying programs—

6           “(1) a report identifying and describing every  
7 grant, cooperative agreement, or programmatic serv-  
8 ices contract that was made, entered into, awarded,  
9 or extended, in the immediately preceding fiscal  
10 year, by or on behalf of the Office of Justice Pro-  
11 grams (including any component or unit thereof, and  
12 the Office of Community Oriented Policing Serv-  
13 ices), and including, without limitation, for each  
14 such grant, cooperative agreement, or contract: the  
15 term, the dollar amount or value, a complete and de-  
16 tailed description of its specific purpose or purposes,  
17 the names of all parties, the names of each unsuc-  
18 cessful applicant or bidder (and a complete and de-  
19 tailed description of the specific purpose or purposes  
20 proposed of the application or bid), except that such  
21 description may be summary with respect to each  
22 application or bid having a total value of less than  
23 \$350,000; and

24           “(2) a report identifying and reviewing every  
25 grant, cooperative agreement, or programmatic serv-

ices contract made, entered into, awarded, or extended after October 1, 2002, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services) that was closed out or that otherwise ended in the immediately preceding fiscal year (or even if not yet closed out, was terminated or otherwise ended in the fiscal year that ended 2 years before the end of such immediately preceding fiscal year); and including, without limitation, for each such grant, cooperative agreement, or contract: a complete and detailed description of how the appropriated funds involved actually were spent; complete and detailed statistics relating to its performance; its specific purpose or purposes; and its effectiveness; and a written declaration by each non-Federal grantee and each non-Federal party to such agreement or to such contract, that—

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

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

“(C) all documentation necessary for conducting a full and proper audit under generally

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

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

16          (b) Section 1913 of title 18, United States Code, is  
 17          amended by striking “to favor” and inserting “a jurisdic-  
 18          tion, or an official of any government, to favor, adopt,”  
 19          by inserting “, law, ratification, policy,” after “legislation”  
 20          every place it appears, by striking “by Congress” the 2d  
 21          place it appears, by inserting “or such official” before “,  
 22          through the proper”, by inserting “, measure,” before “or  
 23          resolution”, by striking “Members of Congress on the re-  
 24          quest of any Member” and inserting “any such Member

1 or official, at his request,” by striking “for legislation”  
 2 and inserting “for any legislation”.

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

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

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

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

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

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

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

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

23 “(A) The number of infringement cases involv-  
 24 ing specific types of works, such as audiovisual

1       works, sound recordings, business software, video  
2       games, books, and other types of works.

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

5           “(C) The number and dollar amounts of fines  
6       assessed in specific categories of dollar amounts,  
7       such as up to \$500, from \$500 to \$1,000, from  
8       \$1,000 to \$5,000, from \$5,000 to \$10,000, and cat-  
9       egories above \$10,000.

10          “(D) The amount of restitution awarded.

11          “(E) Whether the sentences imposed were  
12       served.”.

13   **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**  
14           **ATTORNEY GENERAL.**

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

22   **SEC. 208. COUNTERTERRORISM FUND.**

23       (a) ESTABLISHMENT; AVAILABILITY.—There is here-  
24       by established in the Treasury of the United States a sepa-  
25       rate fund to be known as the “Counterterrorism Fund”,

1 amounts in which shall remain available without fiscal  
 2 year limitation—

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

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

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

14                   ~~(C)~~ conducting terrorism threat assess-  
 15 ments of Federal agencies and their facilities;  
 16 and

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

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

1 Counterterrorism Fund made before the date of enact-  
 2 ment of this Act.

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

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

8 (1) in subchapter IV, by inserting at the end  
 9 the 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  
 14 years of continuous service in 1 or more civil service  
 15 positions located in a territory or possession of the  
 16 United States, the Commonwealth of Puerto Rico, or  
 17 the Commonwealth of the Northern Mariana Is-  
 18 lands;

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

23 “(3) the agency determines it is in the best in-  
 24 terest of the Government to encourage the employee  
 25 to complete a specified additional period of employ-



1       ment with the agency in the territory or possession;  
2       the Commonwealth of Puerto Rico or Common-  
3       wealth of the Northern Mariana Islands, except that  
4       the total amount of service performed in a particular  
5       territory, commonwealth, or possession under 1 or  
6       more agreements established under this section may  
7       not exceed 5 years.

8       “(b) The sum of extended assignment incentive pay-  
9       ments for a service period may not exceed the greater of—

10           “(1) an amount equal to 25 percent of the an-  
11           nual rate of basic pay of the employee at the begin-  
12           ning of the service period, times the number of years  
13           in the service period; or

14           “(2) \$15,000 per year in the service period.

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

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

24       “(3) The agreement shall describe the conditions  
25       under which the extended assignment incentive may be

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

15       “(d) An agency may not put an extended assignment  
 16 incentive into effect during a period in which the employee  
 17 is fulfilling a recruitment or relocation bonus service  
 18 agreement under section 5753 or for which an employee  
 19 is receiving a retention allowance under section 5754.

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

22       “(f) The Office of Personnel Management may pre-  
 23 scribe regulations for the administration of this section,  
 24 including regulations on an employee’s entitlement to re-  
 25 tain or receive incentive payments when an agreement is

1 canceled. Neither this section nor implementing regula-  
 2 tions may impair any agency's independent authority to  
 3 administratively determine compensation for a class of its  
 4 employees.”; and

5 (2) in the analysis by adding at the end the fol-  
 6 lowing:

“5757. Extended assignment incentive.”.

7 (b) CONFORMING AMENDMENT.—Section  
 8 5307(a)(2)(B) of title 5, United States Code, is amended  
 9 by striking “or 5755” and inserting “5755, or 5757”.

10 (c) EFFECTIVE DATE.—The amendments made by  
 11 this section shall take effect on the first day of the first  
 12 applicable pay period beginning on or after 6 months after  
 13 the date of enactment of this Act.

14 (d) REPORT.—No later than 3 years after the effec-  
 15 tive date of this section, the Office of Personnel Manage-  
 16 ment, after consultation with affected agencies, shall sub-  
 17 mit a report to Congress assessing the effectiveness of the  
 18 extended assignment incentive authority as a human re-  
 19 sources management tool and making recommendations  
 20 for any changes necessary to improve the effectiveness of  
 21 the incentive authority. Each agency shall maintain such  
 22 records and report such information, including the number  
 23 and size of incentive offers made and accepted or declined  
 24 by geographic location and occupation, in such format and

1 at such times as the Office of Personnel Management may  
 2 prescribe, for use in preparing the report.

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

4 **GENERAL.**

5 (a) **FBI DANGER PAY.**—Section 151 of the Foreign  
 6 Relations Act, fiscal years 1990 and 1991 (5 U.S.C. 5928  
 7 note) is amended by inserting “or Federal Bureau of In-  
 8 vestigation” after “Drug Enforcement Administration”.

9 (b) **FOREIGN REIMBURSEMENTS.**—For fiscal year  
 10 2002 and thereafter, whenever the Federal Bureau of In-  
 11 vestigation participates in a cooperative project to improve  
 12 law enforcement or national security operations or services  
 13 with a friendly foreign country on a cost-sharing basis,  
 14 any reimbursements or contributions received from that  
 15 foreign country to meet its share of the project may be  
 16 credited to appropriate current appropriations accounts of  
 17 the Federal Bureau of Investigation. The amount of a re-  
 18 imbursement or contribution credited shall be available  
 19 only for payment of the share of the project expenses allo-  
 20 cated to the participating foreign country.

21 (c) **RAILROAD POLICE TRAINING FEES.**—For fiscal  
 22 year 2002 and thereafter, the Attorney General is author-  
 23 ized to establish and collect a fee to defray the costs of  
 24 railroad police officers participating in a Federal Bureau  
 25 of Investigation law enforcement training program author-

1 ized by Public Law 106–110, and to credit such fees to  
 2 the appropriation account “Federal Bureau of Investiga-  
 3 tion, Salaries and Expenses”, to be available until ex-  
 4 pended for salaries and expenses incurred in providing  
 5 such services.

6 (d) **WARRANTY WORK.**—In instances where the At-  
 7 torney General determines that law enforcement, secu-  
 8 rity, or mission-related considerations mitigate against  
 9 obtaining maintenance or repair services from private sec-  
 10 tor entities for equipment under warranty, the Attorney  
 11 General is authorized to seek reimbursement from such  
 12 entities for warranty work performed at Department of  
 13 Justice facilities, and to credit any payment made for such  
 14 work to any appropriation charged therefor.

## 15 **TITLE III—MISCELLANEOUS**

### 16 **SEC. 301. REPEALERS.**

17 (a) **OPEN-ENDED AUTHORIZATION OF APPROPRIA-**  
 18 **TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.**—  
 19 Chapter 319 of title 18, United States Code, is amended  
 20 by striking section 4353.

21 (b) **OPEN-ENDED AUTHORIZATION OF APPROPRIA-**  
 22 **TIONS FOR UNITED STATES MARSHALS SERVICE.**—Sec-  
 23 tion 561 of title 28, United States Code, is amended by  
 24 striking subsection (i).

1 **SEC. 302. TECHNICAL AMENDMENTS TO TITLE 18 OF THE**  
 2 **UNITED STATES CODE.**

3 Title 18 of the United States Code is amended—

4 (1) in section 4041 by striking “at a salary of  
 5 \$10,000 a year”;

6 (2) in section 4013—

7 (A) in subsection (a)—

8 (i) by replacing “the support of  
 9 United States prisoners” with “Federal  
 10 prisoner detention”;

11 (ii) in paragraph (2) by adding “and”  
 12 after “hire”;

13 (iii) in paragraph (3) by replacing  
 14 “entities; and” with “entities.”; and

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

22 (B) by redesignating—

23 (i) subsections (b) and (c) as sub-  
 24 sections (c) and (d); and

25 (ii) paragraph (a)(4) as subsection  
 26 (b), and subparagraphs (A), (B), and (C);

1 of such paragraph (a)(4) as paragraphs  
 2 (1), (2), and (3) of such subsection (b);  
 3 and

4 (3) in section 209(a)—

5 (A) by striking “or makes” and inserting  
 6 “makes”; and

7 (B) by striking “supplements the salary of,  
 8 any” and inserting “supplements, the salary of  
 9 any”.

10 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**  
 11 **IZATION OF APPROPRIATIONS FOR THE DE-**  
 12 **PARTMENT OF JUSTICE FOR FISCAL YEAR**  
 13 **2003.**

14 When the President submits to the Congress the  
 15 budget of the United States Government for fiscal year  
 16 2003, the President shall simultaneously submit to the  
 17 Committee on the Judiciary of the House of Representa-  
 18 tives and the Committee on the Judiciary of the Senate  
 19 such proposed legislation authorizing appropriations for  
 20 the Department of Justice for fiscal year 2003 as the  
 21 President may judge necessary and expedient.

22 **SEC. 304. STUDY OF UNTESTED RAPE EXAMINATION KITS.**

23 The Attorney General shall conduct a study to assess  
 24 and report to Congress the number of untested rape exam-  
 25 ination kits that currently exist nationwide and shall sub-

1 mit to the Congress a report containing a summary of the  
 2 results of such study. For the purpose of carrying out such  
 3 study, the Attorney General shall attempt to collect infor-  
 4 mation from all law enforcement jurisdictions in the  
 5 United States.

6 **SEC. 305. REPORT ON DCS 1000 ("CARNIVORE").**

7 Not later than 30 days after the end of fiscal years  
 8 2001 and 2002, the Attorney General and the Director  
 9 of the Federal Bureau of Investigation shall provide to the  
 10 Committees on the Judiciary of the House of Representa-  
 11 tives and the Senate a report detailing—

12 (1) the number of orders or extensions applied  
 13 for to authorize the use of DCS 1000 (or any simi-  
 14 lar system or device);

15 (2) the fact that the order or extension was  
 16 granted as applied for, was modified, or was denied;

17 (3) the kind of order applied for and the spe-  
 18 cific statutory authority relied on to use DCS 1000  
 19 (or any similar system or device);

20 (4) the court that authorized each use of DCS  
 21 1000 (or any similar system or device);

22 (5) the period of interceptions authorized by the  
 23 order, and the number and duration of any exten-  
 24 sions of the order;



1           (6) the offense specified in the order or applica-  
2           tion; or extension of an order;

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

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

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

12          (10) any information intercepted that was not  
13          authorized by the court to be intercepted.

14 **SEC. 306. STUDY OF ALLOCATION OF LITIGATING ATTOR-**  
15 **NEYS.**

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

1 **SEC. 307. USE OF TRUTH-IN-SENTENCING AND VIOLENT OF-**  
 2 **FENDER INCARCERATION GRANTS.**

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

6 “(b) ~~USE OF TRUTH-IN-SENTENCING AND VIOLENT~~  
 7 ~~OFFENDER INCARCERATION GRANTS.~~—Funds provided  
 8 under section 20103 or 20104 may be applied to the cost  
 9 of—

10 “(1) altering existing correctional facilities to  
 11 provide separate facilities for juveniles under the ju-  
 12 risdiction of an adult criminal court who are de-  
 13 tained or are serving sentences in adult prisons or  
 14 jails;

15 “(2) providing correctional staff who are re-  
 16 sponsible for supervising juveniles who are detained  
 17 or serving sentences under the jurisdiction of an  
 18 adult criminal court with orientation and ongoing  
 19 training regarding the unique needs of such offend-  
 20 ers; and

21 “(3) providing ombudsmen to monitor the  
 22 treatment of juveniles who are detained or serving  
 23 sentences under the jurisdiction of an adult criminal  
 24 court in adult facilities, consistent with guidelines  
 25 issued by the Assistant Attorney General.”.

1 **SEC. 308. AUTHORITY OF THE DEPARTMENT OF JUSTICE**  
 2 **INSPECTOR GENERAL.**

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

5 (1) in subsection (b), by striking paragraphs  
 6 (2) and (3) and inserting the following:

7 “(2) except as specified in subsection (a) and  
 8 paragraph (3), may investigate allegations of crimi-  
 9 nal wrongdoing or administrative misconduct by an  
 10 employee of the Department of Justice, or may, in  
 11 the Inspector General’s discretion, refer such allega-  
 12 tions to the Office of Professional Responsibility or  
 13 the internal affairs office of the appropriate compo-  
 14 nent of the Department of Justice; and

15 “(3) shall refer to the Counsel, Office of Profes-  
 16 sional Responsibility of the Department of Justice;  
 17 allegations of misconduct involving Department at-  
 18 torneys, investigators or law enforcement personnel,  
 19 where the allegations relate to the exercise of an at-  
 20 torney’s authority to investigate, litigate, or provide  
 21 legal advice, except that no such referral shall be  
 22 made if the attorney is employed in the Office of  
 23 Professional Responsibility.”; and

24 (2) by inserting at the end the following:

25 “(d) The Attorney General shall insure by regulation  
 26 that any component of the Department of Justice receiv-

1 ing a nonfrivolous allegation of criminal wrongdoing or ad-  
 2 ministrative misconduct by an employee of the Depart-  
 3 ment shall report such information to the Inspector Gen-  
 4 eral.”.

5 **SEC. 309. REPORT ON INSPECTOR GENERAL AND DEPUTY**  
 6 **INSPECTOR GENERAL FOR FEDERAL BUREAU**  
 7 **OF INVESTIGATION.**

8 Not later than 90 days after the date of enactment  
 9 of this Act, the Attorney General shall submit a report  
 10 and recommendation to the chairman and ranking mem-  
 11 ber of the Committee on the Judiciary of the Senate and  
 12 the Committee of the Judiciary on the House of Rep-  
 13 resentatives concerning—

14 (1) whether there should be established, within  
 15 the Department of Justice, a separate Office of the  
 16 Inspector General for the Federal Bureau of Inves-  
 17 tigation that shall be responsible for supervising  
 18 independent oversight of programs and operations of  
 19 the Federal Bureau of Investigation; and

20 (2) whether there should be established, within  
 21 the Office of the Inspector General for the Depart-  
 22 ment of Justice, an Office of Deputy Inspector Gen-  
 23 eral for the Federal Bureau of Investigation that  
 24 shall be responsible for supervising independent

1 oversight of programs and operations of the Federal  
 2 Bureau of Investigation.

3 **TITLE IV—VIOLENCE AGAINST**  
 4 **WOMEN**

5 **SEC. 401. SHORT TITLE.**

6 This title may be cited as the “Violence Against  
 7 Women Office Act”.

8 **SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN**  
 9 **OFFICE.**

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

13 (1) in section 2002(d)(3)—

14 (A) by striking “section 2005” and insert-  
 15 ing “section 2009”; and

16 (B) by striking “section 2006” and insert-  
 17 ing “section 2010”;

18 (2) by redesignating sections 2002 through  
 19 2006 as sections 2006 through 2010, respectively;  
 20 and

21 (3) by inserting after section 2001 the fol-  
 22 lowing:

1 **“SEC. 2002. ESTABLISHMENT OF VIOLENCE AGAINST**  
2 **WOMEN OFFICE.**

3 “(a) OFFICE.—There is hereby established within the  
4 Department of Justice, under the general authority of the  
5 Attorney General, a Violence Against Women Office (in  
6 this title referred to as the ‘Office’).

7 “(b) DIRECTOR.—The Office shall be headed by a Di-  
8 rector (in this title referred to as the ‘Director’), who shall  
9 be appointed by the President, by and with the advice and  
10 consent of the Senate. The Director shall report to the  
11 Attorney General through the Assistant Attorney General,  
12 and shall make reports to the Deputy Attorney General  
13 as the Director deems necessary to fulfill the mission of  
14 the Office. The Director shall have final authority for all  
15 grants, cooperative agreements, and contracts awarded by  
16 the Office. The Director shall not engage in any employ-  
17 ment other than that of serving as the Director, nor shall  
18 the Director hold any office in, or act in any capacity for,  
19 any organization, agency, or institution with which the Of-  
20 fice makes any contract or other arrangement under this  
21 title.

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

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

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

3           “(2) Maintaining liaison with the judicial  
4       branches of the Federal and State Governments on  
5       matters relating to violence against women.

6           “(3) Providing information to the President,  
7       the Congress, the judiciary, State and local govern-  
8       ments, and the general public on matters relating to  
9       violence against women.

10          “(4) Serving, at the request of the Attorney  
11       General or Assistant Attorney General, as the rep-  
12       resentative of the Department of Justice on domes-  
13       tic task forces, committees, or commissions address-  
14       ing policy or issues relating to violence against  
15       women.

16          “(5) Serving, at the request of the President,  
17       acting through the Attorney General, as the rep-  
18       resentative of the United States Government on  
19       human rights and economic justice matters related  
20       to violence against women in international forums,  
21       including, but not limited to, the United Nations.

22          “(6) Carrying out the functions of the Depart-  
23       ment of Justice under the Violence Against Women  
24       Act of 1994 (title IV of Public Law 103-322) and  
25       the amendments made by that Act, and other func-

1       tions of the Department of Justice on matters relat-  
2       ing to violence against women, including with re-  
3       spect to those functions—

4               “(A) the development of policy, protocols,  
5       and guidelines;

6               “(B) the development and management of  
7       grant programs and other programs, and the  
8       provision of technical assistance under such  
9       programs; and

10              “(C) the award and termination of grants,  
11       cooperative agreements, and contracts.

12              “(7) Providing technical assistance, coordina-  
13       tion, and support to—

14              “(A) other elements of the Department of  
15       Justice, in efforts to develop policy and to en-  
16       force Federal laws relating to violence against  
17       women, including the litigation of civil and  
18       criminal actions relating to enforcing such laws;

19              “(B) other Federal, State, and tribal agen-  
20       cies, in efforts to develop policy, provide tech-  
21       nical assistance, and improve coordination  
22       among agencies carrying out efforts to elimi-  
23       nate violence against women, including Indian  
24       or indigenous women; and



1           “(C) grantees, in efforts to combat violence  
2           against women and to provide support and as-  
3           sistance to victims of such violence.

4           “(8) Exercising such other powers and func-  
5           tions as may be vested in the Director pursuant to  
6           this title or by delegation of the Attorney General or  
7           Assistant Attorney General.

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

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

12          “The Attorney General shall ensure that the Director  
13   has adequate staff to support the Director in carrying out  
14   the Director’s responsibilities under this title.

15   **“SEC. 2005. AUTHORIZATION OF APPROPRIATIONS.**

16          “‘There are authorized to be appropriated such sums  
17   as are necessary to carry out this title.’”.

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

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

22          (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
23   *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 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.*
- Sec. 209. Strengthening law enforcement in United States territories, commonwealths, 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.*

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

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

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

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

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

9           (6) UNITED STATES ATTORNEYS.—For United  
10          States Attorneys: \$1,346,289,000, which shall include  
11          not less than \$10,000,000 for the investigation and  
12          prosecution of intellectual property crimes, including  
13          software counterfeiting crimes and crimes identified  
14          in the No Electronic Theft (NET) Act (Public Law  
15          105–147): provided, that such amounts in the appro-  
16          priations account “General Legal Services” as may be  
17          expended for such investigations or prosecutions shall  
18          count towards this minimum as though expended  
19          from this appropriations account.

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

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

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

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

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

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

16                  (11) DRUG ENFORCEMENT ADMINISTRATION.—  
17                  For the Drug Enforcement Administration:  
18                  \$1,480,929,000, which shall include not to exceed  
19                  \$70,000 to meet unforeseen emergencies of a confiden-  
20                  tial character.

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

24                         (A) not to exceed \$2,737,341,000 for salaries  
25                         and expenses of enforcement and border affairs

(i.e., the Border Patrol, deportation, intelligence, investigations, and inspection programs, and the detention program);

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

(C) for each such fiscal year, not to exceed \$128,410,000 for construction, to remain available until expended; and

(D) not to exceed \$50,000 to meet unforeseen emergencies of a confidential character.

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

(14) *INTERAGENCY CRIME AND DRUG ENFORCEMENT.*—For Interagency Crime and Drug Enforcement: \$338,106,000, for expenses not otherwise provided for, for the investigation and prosecution of persons involved in organized crime drug trafficking, except that any funds obligated from appropriations authorized by this paragraph may be used under authorities available to the organizations reimbursed from such funds.

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

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

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

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

11          (19) *FEDERAL DETENTION TRUSTEE.—For the*  
12          *necessary expenses of the Federal Detention Trustee:*  
13          *\$1,718,000.*

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

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

21          (22) *RADIATION EXPOSURE COMPENSATION.—*  
22          *For administrative expenses in accordance with the*  
23          *Radiation Exposure Compensation Act: such sums as*  
24          *necessary.*

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

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

7 **SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT**  
 8                               **UNITED STATES ATTORNEYS; REDUCTION OF**  
 9                               **CERTAIN LITIGATION POSITIONS.**

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

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

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



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

4       **SEC. 103. AUTHORIZATION FOR ADDITIONAL ASSISTANT**  
 5                               **UNITED STATES ATTORNEYS FOR PROJECT**  
 6                               **SAFE NEIGHBORHOODS.**

7       (a) *IN GENERAL.*—*The Attorney General shall estab-*  
 8 *lish a program for each United States Attorney to provide*  
 9 *for coordination with State and local law enforcement offi-*  
 10 *cials in the identification and prosecution of violations of*  
 11 *Federal firearms laws including school gun violence and ju-*  
 12 *venile gun offenses.*

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

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 following:*

23       **“§ 530C. Authority to use available funds**

24       “(a) *IN GENERAL.*—*Except to the extent provided oth-*  
 25 *erwise by law, the activities of the Department of Justice*

1 *(including any bureau, office, board, division, commission,*  
 2 *subdivision, unit, or other component thereof) may, in the*  
 3 *reasonable discretion of the Attorney General, be carried out*  
 4 *through any means, including—*

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

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

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

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

15       *“(5) as provided in subsection (b), in section*  
 16 *524, and in any other provision of law consistent*  
 17 *herewith, including, without limitation, section*  
 18 *102(b) of Public Law 102–395 (106 Stat. 1838), as*  
 19 *incorporated by section 815(d) of Public Law 104–*  
 20 *132 (110 Stat. 1315).*

21       *“(b) PERMITTED USES.—*

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

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

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

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

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

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

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

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

13               “(i) *attendance at meetings and semi-*  
 14               *nars;*

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

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

23          “(H) *Contracting with individuals for per-*  
 24          *sonal services abroad, except that such individ-*  
 25          *uals shall not be regarded as employees of the*

1       *United States for the purpose of any law admin-*  
2       *istered by the Office of Personnel Management.*

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

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

11              “(K) *Expenses of—*

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

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

1           *may prescribe, determines that such schools*  
2           *are not accessible by public means of trans-*  
3           *portation.*

4           “(L) *Payment of rewards (i.e., payments*  
5           *pursuant to public advertisements for assistance*  
6           *to the Department of Justice), in accordance*  
7           *with procedures and regulations established or*  
8           *issued by the Attorney General: provided that—*

9                   “(i) *no such reward shall exceed*  
10                  *\$2,000,000 (unless a statute should author-*  
11                  *ize a higher amount);*

12                  “(ii) *no such reward of \$250,000 or*  
13                  *more may be made or offered without the*  
14                  *personal approval of either the Attorney*  
15                  *General or the President;*

16                  “(iii) *the Attorney General shall give*  
17                  *written notice to the Chairmen and ranking*  
18                  *minority members of the Committees on Ap-*  
19                  *propriations and the Judiciary of the Sen-*  
20                  *ate and of the House of Representatives not*  
21                  *later than 30 days after the approval of a*  
22                  *reward under clause (ii);*

23                  “(iv) *any executive agency or military*  
24                  *department (as defined, respectively, in sec-*  
25                  *tions 105 and 102 of title 5) may provide*

1           *the Attorney General with funds for the*  
2           *payment of rewards; and*

3           “(v) *neither the failure of the Attorney*  
4           *General to authorize a payment nor the*  
5           *amount authorized shall be subject to judi-*  
6           *cial review.*

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

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

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

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

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

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

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

22                         “(A) expenses, mileage, compensation, pro-  
23                         tection, and per diem in lieu of subsistence, of  
24                         witnesses (including advances of public money)  
25                         and as authorized by section 1821 or other law,



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22       *except that no funds may be used to distribute or*  
23       *make available to a prisoner any commercially pub-*  
24       *lished information or material that is sexually ex-*  
25       *plicit or features nudity.*

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

17          “(c) *RELATED PROVISIONS.*—

18               “(1) *LIMITATION OF COMPENSATION OF INDIVID-*  
19               *UALS EMPLOYED AS ATTORNEYS.*—*No funds available*  
20               *to the Attorney General may be used to pay com-*  
21               *ensation for services provided by an individual em-*  
22               *ployed as an attorney (other than an individual em-*  
23               *ployed to provide services as a foreign attorney in*  
24               *special cases) unless such individual is duly licensed*  
25               *and authorized to practice as an attorney under the*

1       *law of a State, a territory of the United States, or*  
 2       *the District of Columbia.*

3               “(2) *REIMBURSEMENTS PAID TO GOVERNMENTAL*  
 4       *ENTITIES.—Funds available to the Attorney General*  
 5       *that are paid as reimbursement to a governmental*  
 6       *unit of the Department of Justice, to another Federal*  
 7       *entity, or to a unit of State or local government, may*  
 8       *be used under authorities available to the unit or en-*  
 9       *tity receiving such reimbursement.*

10       “(d) *FOREIGN REIMBURSEMENTS.—Whenever the De-*  
 11       *partment of Justice or any component participates in a co-*  
 12       *operative project to improve law enforcement or national*  
 13       *security operations or services with a friendly foreign coun-*  
 14       *try on a cost-sharing basis, any reimbursements or con-*  
 15       *tributions received from that foreign country to meet its*  
 16       *share of the project may be credited to appropriate current*  
 17       *appropriations accounts of the Department of Justice or*  
 18       *any component. The amount of a reimbursement or con-*  
 19       *tribution credited shall be available only for payment of*  
 20       *the share of the project expenses allocated to the partici-*  
 21       *pating foreign country.*

22       “(e) *RAILROAD POLICE TRAINING FEES.—The Attor-*  
 23       *ney General is authorized to establish and collect a fee to*  
 24       *defray the costs of railroad police officers participating in*  
 25       *a Federal Bureau of Investigation law enforcement training*

1 program authorized by Public Law 106–110, and to credit  
 2 such fees to the appropriation account “Federal Bureau of  
 3 Investigation, Salaries and Expenses”, to be available until  
 4 expended for salaries and expenses incurred in providing  
 5 such services.

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

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

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

18 **SEC. 202. PERMANENT AUTHORITY RELATING TO ENFORCE-**  
 19 **MENT OF LAWS.**

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

23 **“§ 530D. Report on enforcement of laws**

24 **“(a) REPORT.—**

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

5                   “(A) *establishes or implements a formal or*  
 6           *informal policy to refrain—*

7                           “(i) *from enforcing, applying, or ad-*  
 8                           *ministering any provision of any Federal*  
 9                           *statute, rule, regulation, program, policy, or*  
 10                           *other law whose enforcement, application,*  
 11                           *or administration is within the responsi-*  
 12                           *bility of the Attorney General or such officer*  
 13                           *on the grounds that such provision is un-*  
 14                           *constitutional; or*

15                           “(ii) *within any judicial jurisdiction*  
 16                           *of or within the United States, from adher-*  
 17                           *ing to, enforcing, applying, or complying*  
 18                           *with, any standing rule of decision (binding*  
 19                           *upon courts of, or inferior to those of, that*  
 20                           *jurisdiction) established by a final decision*  
 21                           *of any court of, or superior to those of, that*  
 22                           *jurisdiction, respecting the interpretation,*  
 23                           *construction, or application of the Constitu-*  
 24                           *tion, any statute, rule, regulation, program,*  
 25                           *policy, or other law whose enforcement, ap-*

1            *plication, or administration is within the*  
2            *responsibility of the Attorney General or*  
3            *such officer;*

4            *“(B) determines—*

5                    *“(i) to contest affirmatively, in any ju-*  
6                    *dicial, administrative, or other proceeding,*  
7                    *the constitutionality of any provision of*  
8                    *any Federal statute, rule, regulation, pro-*  
9                    *gram, policy, or other law; or*

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

21                    *“(C) approves (other than in circumstances*  
22                    *in which a report is submitted to the Joint Com-*  
23                    *mittee on Taxation, pursuant to section 6405 of*  
24                    *the Internal Revenue Code of 1986) the settle-*

1           *ment or compromise (other than in bankruptcy)*  
2           *of any claim, suit, or other action—*

3                   “(i) *against the United States (includ-*  
4                   *ing any agency or instrumentality thereof)*  
5                   *for a sum that exceeds, or is likely to exceed,*  
6                   *\$2,000,000, excluding prejudgment interest;*  
7                   *or*

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

20                   “(I) *debarments, suspensions, or*  
21                   *other exclusions from Government con-*  
22                   *tracts or grants;*

23                   “(II) *mere reporting requirements*  
24                   *or agreements (including sanctions for*  
25                   *failure to report);*



1                   “(III) requirements or agreements  
2                   *merely to comply with statutes or regu-*  
3                   *lations;*

4                   “(IV) requirements or agreements  
5                   *to surrender professional licenses or to*  
6                   *cease the practice of professions, occu-*  
7                   *pations, or industries;*

8                   “(V) any criminal sentence or  
9                   *any requirements or agreements to per-*  
10                  *form community service, to serve pro-*  
11                  *bation, or to participate in supervised*  
12                  *release from detention, confinement, or*  
13                  *prison; or*

14                  “(VI) agreements to cooperate  
15                  *with the government in investigations*  
16                  *or prosecutions (whether or not the*  
17                  *agreement is a matter of public*  
18                  *record).*

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

23                         “(A) the majority leader and minority lead-  
24                         *er 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 the  
5           House of Representatives and the chairman and  
6           ranking minority member of the Committee on  
7           the Judiciary of the Senate; and

8           “(D) the Senate Legal Counsel and the Gen-  
9           eral Counsel of the House of Representatives.

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

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

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

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

24          “(c) CONTENTS.—A report required by subsection (a)  
25          shall—

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

6           “(2) include a complete and detailed statement of  
 7           the relevant issues and background (including a com-  
 8           plete and detailed statement of the reasons for the pol-  
 9           icy or determination, and the identity of the officer  
 10          responsible for establishing or implementing such pol-  
 11          icy, making such determination, or approving such  
 12          settlement or compromise), except that—

13           “(A) such details may be omitted as may be  
 14          absolutely necessary to prevent improper disclo-  
 15          sure of national-security- or classified informa-  
 16          tion, of any information subject to the delibera-  
 17          tive-process-, executive-, attorney-work-product-,  
 18          or attorney-client privileges, or of any informa-  
 19          tion the disclosure of which is prohibited by sec-  
 20          tion 6103 of the Internal Revenue Code of 1986,  
 21          if the fact of each such omission (and the precise  
 22          ground or grounds therefor) is clearly noted in  
 23          the 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, subsequent*  
3       *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 sub-*  
25       *section (a)(1)(C), indicate the nature, tribunal, iden-*

1        *tifying information, and status of the proceeding,*  
 2        *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 Govern-*  
 9        *ment (or, as applicable, of the President or of any executive*  
 10       *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, to the*  
 16       *head of each executive agency or military department (as*  
 17       *defined, respectively, in sections 105 and 102 of title 5,*  
 18       *United States Code) that establishes or implements a policy*  
 19       *described in subsection (a)(1)(A) or is authorized to conduct*  
 20       *litigation, and to the officers of such executive agency.”.*

21       (b) *CONFORMING AMENDMENTS.—*

22                (1) *The table of sections for chapter 31 of title*  
 23        *28, United States Code (as amended by section 201),*  
 24        *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 Stat.*  
 2           *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 department*  
 6           *(as defined, respectively, in sections 105 and 102 of*  
 7           *title 5, United States Code) of the enactment of this*  
 8           *section.*

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

17               (i) *all policies of which the Attorney Gen-*  
 18               *eral and applicable official are aware described*  
 19               *in subsection (a)(1)(A) of such section that were*  
 20               *established or implemented before the date of the*  
 21               *enactment of this Act and were in effect on such*  
 22               *date; and*

23               (ii) *all determinations of which the Attor-*  
 24               *ney General and applicable official are aware*  
 25               *described in subsection (a)(1)(B) of such section*

1           *that were made before the date of the enactment*  
 2           *of this 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 pe-*  
 6           *riod beginning on the date of the enactment of this*  
 7           *Act, with respect to any such determination, then the*  
 8           *report required by this paragraph shall be submitted*  
 9           *within such time as will reasonably enable the House*  
 10          *of Representatives and the Senate to take action, sep-*  
 11          *arately or jointly, to intervene in timely fashion in*  
 12          *the proceeding, but not later than 30 days after the*  
 13          *date of the enactment of this Act.*

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

16   **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**  
 17                   **SIMULTANEOUSLY TO COMMITTEES.**

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

1 a notice or report to any committee or subcommittee of the  
 2 Congress (other than both the Committee on the Judiciary  
 3 of the House of Representatives and the Committee on the  
 4 Judiciary of the Senate), then such Act shall be deemed to  
 5 require that a copy of such notice or report be provided  
 6 simultaneously to the Committee on the Judiciary of the  
 7 House of Representatives and the Committee on the Judici-  
 8 ary of the Senate, except that classified notices and reports  
 9 submitted to the Select Committee on Intelligence of the  
 10 Senate and the Permanent Select Committee on Intelligence  
 11 of the House of Representatives shall be excluded from this  
 12 section so long as simultaneous notification of the provision  
 13 of such reports (other than notification required under sec-  
 14 tion 502(1) of the National Security Act of 1947 (50 U.S.C.  
 15 413a(1)) is made to the Committees on the Judiciary of  
 16 the Senate and the House of Representatives.

17 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**  
 18 **AMENDMENTS.**

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

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

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



1           (3) in section 510(a)(3) by striking “502” and  
2           inserting “501(b)”;

3           (4) in section 510 by adding at the end the fol-  
4           lowing:

5           “(d) No grants or contracts under subsection (b) may  
6           be made, entered into, or used, directly or indirectly, to pro-  
7           vide any security enhancements or any equipment to any  
8           non-governmental entity that is not engaged in law enforce-  
9           ment or law enforcement support, criminal or juvenile jus-  
10          tice, or delinquency prevention.”; and

11          (5) in section 511 by striking “503” and insert-  
12          ing “501(b)”.

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

17       **SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS**  
18                               **TO DEPARTMENT OF JUSTICE AUTHORITIES;**  
19                               **AUTHORITY TO TRANSFER PROPERTY OF**  
20                               **MARGINAL VALUE; RECORDKEEPING; PRO-**  
21                               **TECTION OF THE ATTORNEY GENERAL.**

22          (a) Section 524 of title 28, United States Code, is  
23          amended—

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

1           (2) in subsection (c)(1)—

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

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

5                   (C) by striking “(A)(iv), (B), (F), (G), and  
6           (H)” in the first sentence following the second  
7           subparagraph (I) and inserting “(B), (F), and  
8           (G)”; and

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

12          (3) in subsection (c)(2)—

13                   (A) by inserting before the period in the last  
14          sentence “, without both the personal approval of  
15          the Attorney General and written notice within  
16          30 days thereof to the Chairmen and ranking  
17          minority members of the Committees on Appro-  
18          priations and the Judiciary of the Senate and of  
19          the House of Representatives”;

20                   (B) by striking “for information” each  
21          place it appears; and

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

24          (4) in subsection (c)(3) by striking “(F)” and in-  
25          serting “(G)”;

1           (5) in subsection (c)(5) by striking “Fund  
2       which” and inserting “Fund, that”;

3           (6) in subsection (c)(8)(A), by striking “(A)(iv),  
4       (B), (F), (G), and (H)” and inserting “(B), (F), and  
5       (G)”; and

6           (7) in subsection (c)(9)(B)—

7                 (A) by striking “year 1997” and inserting  
8       “years 2002 and 2003”; and

9                 (B) by striking “Such transfer shall not”  
10       and inserting “Each such transfer shall be sub-  
11       ject to satisfaction by the recipient involved of  
12       any outstanding lien against the property trans-  
13       ferred, but no such transfer shall”.

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

17       “(b) With respect to any data, records, or other infor-  
18       mation acquired, collected, classified, preserved, or pub-  
19       lished by the Attorney General for any statistical, research,  
20       or other aggregate reporting purpose beginning not later  
21       than 1 year after the date of enactment of 21st Century  
22       Department of Justice Appropriations Authorization Act  
23       and continuing thereafter, and notwithstanding any other  
24       provision of law, the same criteria shall be used (and shall  
25       be required to be used, as applicable) to classify or cat-

1 *egorize offenders and victims (in the criminal context), and*  
 2 *to classify or categorize actors and acted upon (in the non-*  
 3 *criminal context).’’.*

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

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

8 *(e) Section 533 of title 28, United States Code, is*  
 9 *amended—*

10 *(1) by redesignating paragraph (3) as para-*  
 11 *graph (4); and*

12 *(2) by adding after paragraph (2) a new para-*  
 13 *graph as follows:*

14 *“(3) to assist in the protection of the person of*  
 15 *the Attorney General.”.*

16 *(f) Hereafter, no compensation or reimbursement paid*  
 17 *pursuant to section 501(a) of Public Law 99–603 (100 Stat.*  
 18 *3443) or section 241(i) of the Act of June 27, 1952 (ch.*  
 19 *477) shall be subject to section 6503(d) of title 31, United*  
 20 *States Code, and no funds available to the Attorney General*  
 21 *may be used to pay any assessment made pursuant to such*  
 22 *section 6503 with respect to any such compensation or re-*  
 23 *imbursement.*

24 *(g) Section 108 of Public Law 103–121 (107 Stat.*  
 25 *1164) is amended by replacing “three” with “six”, by re-*

1 placing “only” with “, first,” and by replacing “litiga-  
 2 tion.” with “litigation, and, thereafter, for financial sys-  
 3 tems, and other personnel, administrative, and litigation  
 4 expenses of debt collection activities.”.

5 **SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF AP-**  
 6 **PROPRIATIONS.**

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

10 “(b) Notwithstanding any provision of law limiting  
 11 the amount of management or administrative expenses, the  
 12 Attorney General shall, not later than May 2, 2003, and  
 13 of every year thereafter, prepare and provide to the Com-  
 14 mittees on the Judiciary and Appropriations of each House  
 15 of the Congress using funds available for the underlying  
 16 programs—

17 “(1) a report identifying and describing every  
 18 grant (other than one made to a governmental entity,  
 19 pursuant to a statutory formula), cooperative agree-  
 20 ment, or programmatic services contract that was  
 21 made, entered into, awarded, or, for which additional  
 22 or supplemental funds were provided in the imme-  
 23 diately preceding fiscal year, by or on behalf of the  
 24 Office of Justice Programs (including any component  
 25 or unit thereof, and the Office of Community Oriented

1     *Policing Services), and including, without limitation,*  
2     *for each such grant, cooperative agreement, or con-*  
3     *tract: the term, the dollar amount or value, a descrip-*  
4     *tion of its specific purpose or purposes, the names of*  
5     *all grantees or parties, the names of each unsuccessful*  
6     *applicant or bidder, and a description of the specific*  
7     *purpose or purposes proposed in each unsuccessful ap-*  
8     *plication or bid, and of the reason or reasons for re-*  
9     *jection or denial of the same; and*

10           “(2) a report identifying and reviewing every  
11     *grant (other than one made to a governmental entity,*  
12     *pursuant to a statutory formula), cooperative agree-*  
13     *ment, or programmatic services contract made, en-*  
14     *tered into, awarded, or for which additional or sup-*  
15     *plemental funds were provided, after October 1, 2002,*  
16     *by or on behalf of the Office of Justice Programs (in-*  
17     *cluding any component or unit thereof, and the Office*  
18     *of Community Oriented Policing Services) that was*  
19     *programmatically and financially closed out or that*  
20     *otherwise ended in the immediately preceding fiscal*  
21     *year (or even if not yet closed out, was terminated or*  
22     *otherwise ended in the fiscal year that ended 2 years*  
23     *before the end of such immediately preceding fiscal*  
24     *year), and including, without limitation, for each*  
25     *such grant, cooperative agreement, or contract: a de-*

1        *scription of how the appropriated funds involved ac-*  
2        *tually were spent, statistics relating to its perform-*  
3        *ance, its specific purpose or purposes, and its effec-*  
4        *tiveness, and a written declaration by each non-Fed-*  
5        *eral grantee and each non-Federal party to such*  
6        *agreement or to such contract, that—*

7                *“(A) the appropriated funds were spent for*  
8                *such purpose or purposes, and only such purpose*  
9                *or purposes;*

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

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

21        *except that the requirement of this paragraph shall be*  
22        *deemed satisfied with respect to any such description,*  
23        *statistics, or declaration if such non-Federal grantee*  
24        *or such non-Federal party shall have failed to provide*  
25        *the same to the Attorney General, and the Attorney*

1        *General notes the fact of such failure and the name*  
 2        *of such grantee or such party in the report.”.*

3        *(b) Section 1913 of title 18, United States Code, is*  
 4        *amended by striking “to favor” and inserting “a jurisdic-*  
 5        *tion, or an official of any government, to favor, adopt,”*  
 6        *by inserting “, law, ratification, policy,” after “legislation”*  
 7        *every place it appears, by striking “by Congress” the 2d*  
 8        *place it appears, by inserting “or such official” before “,*  
 9        *through the proper”, by inserting “, measure,” before “or*  
 10       *resolution”, by striking “Members of Congress on the request*  
 11       *of any Member” and inserting “any such Member or offi-*  
 12       *cial, at his request,” by striking “for legislation” and in-*  
 13       *serting “for any legislation”, and by striking the period*  
 14       *after “business” and inserting “, or from making any com-*  
 15       *munication whose prohibition by this section might, in the*  
 16       *opinion of the Attorney General, violate the Constitution*  
 17       *or interfere with the conduct of foreign policy, counter-intel-*  
 18       *ligence, intelligence, or national security activities. Viola-*  
 19       *tions of this section shall constitute violations of section*  
 20       *1352(a) of title 31.”.*

21       *(c) Section 1516(a) of title 18, United States Code, is*  
 22       *amended by inserting “, entity, or program” after “person”,*  
 23       *and by inserting “grant, or cooperative agreement,” after*  
 24       *“subcontract,”.*



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

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

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

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

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

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

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

17           “(A) *The number of infringement cases involving*  
 18 *specific types of works, such as audiovisual works,*  
 19 *sound recordings, business software, video games,*  
 20 *books, and other types of works.*

21           “(B) *The number of infringement cases involving*  
 22 *an online element.*

23           “(C) *The number and dollar amounts of fines as-*  
 24 *essed in specific categories of dollar amounts, such as*  
 25 *up to \$500, from \$500 to \$1,000, from \$1,000 to*

1       \$5,000, from \$5,000 to \$10,000, and categories above  
 2       \$10,000.

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

4               “(E) *Whether the sentences imposed were*  
 5       *served.*”.

6   **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**  
 7               **ATTORNEY GENERAL.**

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

14   **SEC. 208. COUNTERTERRORISM FUND.**

15       *(a) ESTABLISHMENT; AVAILABILITY.—There is hereby*  
 16 *established in the Treasury of the United States a separate*  
 17 *fund to be known as the “Counterterrorism Fund”, amounts*  
 18 *in which shall remain available without fiscal year*  
 19 *limitation—*

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

22               *(A) reestablishing the operational capability*  
 23 *of an office or facility that has been damaged or*  
 24 *destroyed as the result of any domestic or inter-*  
 25 *national terrorism incident;*

1           (B) providing support to counter, inves-  
 2           tigate, or prosecute domestic or international ter-  
 3           rorism, including, without limitation, paying re-  
 4           wards in connection with these activities; and

5           (C) conducting terrorism threat assessments  
 6           of Federal agencies and their facilities; and

7           (2) to reimburse any department or agency of  
 8           the Federal Government for any costs incurred in  
 9           connection with detaining in foreign countries indi-  
 10          viduals accused of acts of terrorism that violate the  
 11          laws of the United States.

12          (b) *NO EFFECT ON PRIOR APPROPRIATIONS.*—The  
 13          amendment made by subsection (a) shall not affect the  
 14          amount or availability of any appropriation to the  
 15          Counterterrorism Fund made before the date of enactment  
 16          of this Act.

17   **SEC. 209. STRENGTHENING LAW ENFORCEMENT IN UNITED**  
 18                   **STATES TERRITORIES, COMMONWEALTHS,**  
 19                   **AND POSSESSIONS.**

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

22               (1) in subchapter IV, by inserting at the end the  
 23          following:

1 **“§ 5757. Extended assignment incentive**

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

4 “(1) *the employee has completed at least 2 years*  
 5 *of continuous service in 1 or more civil service posi-*  
 6 *tions located in a territory or possession of the United*  
 7 *States, the Commonwealth of Puerto Rico, or the*  
 8 *Commonwealth of the Northern Mariana Islands;*

9 “(2) *the agency determines that replacing the*  
 10 *employee with another employee possessing the re-*  
 11 *quired qualifications and experience would be dif-*  
 12 *ficult; and*

13 “(3) *the agency determines it is in the best inter-*  
 14 *est of the Government to encourage the employee to*  
 15 *complete a specified additional period of employment*  
 16 *with the agency in the territory or possession, the*  
 17 *Commonwealth of Puerto Rico or Commonwealth of*  
 18 *the Northern Mariana Islands, except that the total*  
 19 *amount of service performed in a particular territory,*  
 20 *commonwealth, or possession under 1 or more agree-*  
 21 *ments established under this section may not exceed*  
 22 *5 years.*

23 “(b) *The sum of extended assignment incentive pay-*  
 24 *ments for a service period may not exceed the greater of—*

25 “(1) *an amount equal to 25 percent of the an-*  
 26 *nuual rate of basic pay of the employee at the begin-*

1        *ning of the service period, times the number of years*  
2        *in the service period; or*

3                *“(2) \$15,000 per year in the service period.*

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

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

13       *“(3) The agreement shall describe the conditions under*  
14       *which the extended assignment incentive may be canceled*  
15       *prior to the completion of agreed-upon service period and*  
16       *the effect of the cancellation. The agreement shall require*  
17       *that if, at the time of cancellation of the incentive, the em-*  
18       *ployee has received incentive payments which exceed the*  
19       *amount which bears the same relationship to the total*  
20       *amount to be paid under the agreement as the completed*  
21       *service period bears to the agreed-upon service period, the*  
22       *employee shall repay that excess amount, at a minimum,*  
23       *except that an employee who is involuntarily reassigned to*  
24       *a position stationed outside the territory, commonwealth,*  
25       *or possession or involuntarily separated (not for cause on*

1 *charges of misconduct, delinquency, or inefficiency) may*  
 2 *not be required to repay any excess amounts.*

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

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

10       “(f) *The Office of Personnel Management may pre-*  
 11 *scribe regulations for the administration of this section, in-*  
 12 *cluding regulations on an employee’s entitlement to retain*  
 13 *or receive incentive payments when an agreement is can-*  
 14 *celed. Neither this section nor implementing regulations*  
 15 *may impair any agency’s independent authority to admin-*  
 16 *istratively determine compensation for a class of its employ-*  
 17 *ees.”; and*

18               (2) *in the analysis by adding at the end the fol-*  
 19 *lowing:*

*“5757. Extended assignment incentive.”.*

20       (b)           CONFORMING           AMENDMENT.—*Section*  
 21 *5307(a)(2)(B) of title 5, United States Code, is amended*  
 22 *by striking “or 5755” and inserting “5755, or 5757”.*

23       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 24 *section shall take effect on the first day of the first applica-*

1 ble pay period beginning on or after 6 months after the  
 2 date of enactment of this Act.

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

16 **SEC. 210. ADDITIONAL AUTHORITIES OF THE ATTORNEY**  
 17 **GENERAL.**

18 Section 151 of the Foreign Relations Act, fiscal years  
 19 1990 and 1991 (5 U.S.C. 5928 note) is amended by insert-  
 20 ing “or Federal Bureau of Investigation” after “Drug En-  
 21 forcement Administration”.

22 **TITLE III—MISCELLANEOUS**

23 **SEC. 301. REPEALERS.**

24 (a) *OPEN-ENDED AUTHORIZATION OF APPROPRIA-*  
 25 *TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.*—Chap-

1 *ter 319 of title 18, United States Code, is amended by strik-*  
 2 *ing section 4353.*

3 (b) *OPEN-ENDED AUTHORIZATION OF APPROPRIA-*  
 4 *TIONS FOR UNITED STATES MARSHALS SERVICE.*—Section  
 5 *561 of title 28, United States Code, is amended by striking*  
 6 *subsection (i).*

7 (c) *REDUNDANT AUTHORIZATIONS OF PAYMENTS FOR*  
 8 *REWARDS.*—

9 (1) *Chapter 203 of title 18 of the United States*  
 10 *Code is amended by striking sections 3059, 3059A,*  
 11 *3059B, 3075, and all the matter after the first sen-*  
 12 *tence of 3072; and*

13 (2) *Public Law 101–647 is amended in section*  
 14 *2565, by replacing all the matter after ‘2561’ in sub-*  
 15 *section (c)(1) with ‘the Attorney General may, in his*  
 16 *discretion, pay a reward to the declarant’ and by*  
 17 *striking subsection (e); and by striking section 2569.*

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

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

21 (1) *in section 4041 by striking “at a salary of*  
 22 *\$10,000 a year”;*

23 (2) *in section 4013—*

24 (A) *in subsection (a)—*



1                   (i) by replacing “the support of United  
2                   States prisoners” with “Federal prisoner  
3                   detention”;

4                   (ii) in paragraph (2) by adding “and”  
5                   after “hire;”;

6                   (iii) in paragraph (3) by replacing  
7                   “entities; and” with “entities.”; and

8                   (iv) in paragraph (4) by inserting  
9                   “The Attorney General, in support of Fed-  
10                  eral prisoner detainees in non-Federal insti-  
11                  tutions, is authorized to make payments,  
12                  from funds appropriated for State and local  
13                  law enforcement assistance, for” before “en-  
14                  tering”; and

15                (B) by redesignating—

16                   (i) subsections (b) and (c) as sub-  
17                   sections (c) and (d); and

18                   (ii) paragraph (a)(4) as subsection (b),  
19                   and subparagraphs (A), (B), and (C), of  
20                   such paragraph (a)(4) as paragraphs (1),  
21                   (2), and (3) of such subsection (b); and

22                (3) in section 209(a)—

23                   (A) by striking “or makes” and inserting  
24                   “makes”; and

1                   (B) by striking “supplements the salary of,  
2                   any” and inserting “supplements, the salary of  
3                   any”.

4 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**  
5 **IZATION OF APPROPRIATIONS FOR THE DE-**  
6 **PARTMENT OF JUSTICE FOR FISCAL YEAR**  
7 **2003.**

8           When the President submits to the Congress the budget  
9 of the United States Government for fiscal year 2003, the  
10 President shall simultaneously submit to the Committee on  
11 the Judiciary of the House of Representatives and the Com-  
12 mittee on the Judiciary of the Senate such proposed legisla-  
13 tion authorizing appropriations for the Department of Jus-  
14 tice for fiscal year 2003 as the President may judge nec-  
15 essary and expedient.

16 **SEC. 304. STUDY OF UNTESTED RAPE EXAMINATION KITS.**

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

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

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

17               (1) *the period of interceptions authorized by the*  
18               *order, and the number and duration of any extensions*  
19               *of the order;*

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

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

23               (4) *the number and nature of the facilities af-*  
24               *ected;*

1           (5) *the identity of the applying investigative or*  
 2           *law enforcement agency making the application for*  
 3           *an order; and*

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

7           (b) *REPORT ON USE OF DCS 1000 (CARNIVORE) TO*  
 8           *IMPLEMENT ORDERS UNDER 18 U.S.C. 2518.—At the same*  
 9           *time that the Attorney General, or Assistant Attorney Gen-*  
 10           *eral specially designated by the Attorney General, submits*  
 11           *to the Administrative Office of the United States Courts the*  
 12           *annual report required by section 2519(2) of title 18,*  
 13           *United States Code, that is respectively next due after the*  
 14           *end of each of the fiscal years 2001 and 2002, the Attorney*  
 15           *General shall also submit to the Chairmen and ranking mi-*  
 16           *nority members of the Committees on the Judiciary of the*  
 17           *Senate and of the House of Representatives a report, cov-*  
 18           *ering the same respective time period, that contains the fol-*  
 19           *lowing information with respect to those orders described*  
 20           *in that annual report that were applied for by law enforce-*  
 21           *ment agencies of the Department of Justice and whose im-*  
 22           *plementation involved the use of the DCS 1000 program*  
 23           *(or any subsequent version of such program)—*

24           (1) *the kind of order or extension applied for*  
 25           *(including whether or not the order was an order with*

1       *respect to which the requirements of sections*  
2       *2518(1)(b)(ii) and 2518(3)(d) of title 18, United*  
3       *States Code, did not apply by reason of section 2518*  
4       *(11) of title 18);*

5               *(2) the period of interceptions authorized by the*  
6       *order, and the number and duration of any extensions*  
7       *of the order;*

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

10              *(4) the identity of the applying investigative or*  
11       *law enforcement officer and agency making the appli-*  
12       *cation and the person authorizing the application;*

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

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

17                      *(A) the approximate nature and frequency*  
18                      *of incriminating communications intercepted;*

19                      *(B) the approximate nature and frequency*  
20                      *of other communications intercepted;*

21                      *(C) the approximate number of persons*  
22                      *whose communications were intercepted;*

23                      *(D) the number of orders in which*  
24                      *encryption was encountered and whether such*  
25                      *encryption prevented law enforcement from ob-*

1           *taining the plain text of communications inter-*  
 2           *cepted pursuant to such order; and*

3                     *(E) the approximate nature, amount, and*  
 4           *cost of the manpower and other resources used in*  
 5           *the interceptions;*

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

9           *(8) the number of trials resulting from such*  
 10          *interceptions;*

11           *(9) the number of motions to suppress made with*  
 12          *respect to such interceptions, and the number granted*  
 13          *or denied;*

14           *(10) the number of convictions resulting from*  
 15          *such interceptions and the offenses for which the con-*  
 16          *victions were obtained and a general assessment of the*  
 17          *importance of the interceptions; and*

18           *(11) the specific persons authorizing the use of*  
 19          *the DCS 1000 program (or any subsequent version of*  
 20          *such program) in the implementation of such order.*

21   **SEC. 306. STUDY OF ALLOCATION OF LITIGATING ATTOR-**  
 22                     **NEYS.**

23          *Not later than 180 days after the date of the enactment*  
 24          *of this Act, the Attorney General shall submit a report to*  
 25          *the chairman and ranking minority member of the Com-*

1 *mittees on the Judiciary of the House of Representatives*  
 2 *and Committee on the Judiciary of the Senate, detailing*  
 3 *the distribution or allocation of appropriated funds, attor-*  
 4 *neys and other personnel, and per-attorney workloads, for*  
 5 *each Office of United States Attorney and each division of*  
 6 *the Department of Justice except the Justice Management*  
 7 *Division.*

8 **SEC. 307. USE OF TRUTH-IN-SENTENCING AND VIOLENT OF-**  
 9 **FENDER INCARCERATION GRANTS.**

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

13 *“(b) USE OF TRUTH-IN-SENTENCING AND VIOLENT*  
 14 *OFFENDER INCARCERATION GRANTS.—Funds provided*  
 15 *under section 20103 or 20104 may be applied to the cost*  
 16 *of—*

17 *“(1) altering existing correctional facilities to*  
 18 *provide separate facilities for juveniles under the ju-*  
 19 *risdiction of an adult criminal court who are de-*  
 20 *tained or are serving sentences in adult prisons or*  
 21 *jails;*

22 *“(2) providing correctional staff who are respon-*  
 23 *sible for supervising juveniles who are detained or*  
 24 *serving sentences under the jurisdiction of an adult*

1 *criminal court with orientation and ongoing training*  
 2 *regarding the unique needs of such offenders; and*

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

8 **SEC. 308. AUTHORITY OF THE DEPARTMENT OF JUSTICE IN-**  
 9 **SPECTOR GENERAL.**

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

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

14 *“(2) except as specified in subsection (a) and*  
 15 *paragraph (3), may investigate allegations of crimi-*  
 16 *nal wrongdoing or administrative misconduct by an*  
 17 *employee of the Department of Justice, or may, in the*  
 18 *Inspector General’s discretion, refer such allegations*  
 19 *to the Office of Professional Responsibility or the in-*  
 20 *ternal affairs office of the appropriate component of*  
 21 *the Department of Justice; and*

22 *“(3) shall refer to the Counsel, Office of Profes-*  
 23 *sional Responsibility of the Department of Justice, al-*  
 24 *legations of misconduct involving Department attor-*  
 25 *neys, investigators or law enforcement personnel,*



1        *where the allegations relate to the exercise of an attor-*  
 2        *ney's authority to investigate, litigate, or provide*  
 3        *legal advice, except that no such referral shall be*  
 4        *made if the attorney is employed in the Office of Pro-*  
 5        *fessional Responsibility.”; and*

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

7        *“(d) The Attorney General shall insure by regulation*  
 8        *that any component of the Department of Justice receiving*  
 9        *a nonfrivolous allegation of criminal wrongdoing or admin-*  
 10       *istrative misconduct by an employee of the Department*  
 11       *shall report such information to the Inspector General.”.*

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

13        *(a) APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN*  
 14        *THE OFFICE OF INSPECTOR GENERAL.—The Inspector*  
 15        *General of the Department of Justice shall direct that one*  
 16        *official from the Inspector General's office shall be respon-*  
 17        *sible for supervising and coordinating independent over-*  
 18        *sight of programs and operations of the Federal Bureau of*  
 19        *Investigation until September 30, 2003. The Inspector Gen-*  
 20        *eral may continue this policy after September 30, 2003, at*  
 21        *the Inspector General's discretion.*

22        *(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE*  
 23        *FEDERAL BUREAU OF INVESTIGATION.—Not later than 30*  
 24        *days after the date of the enactment of this Act, the Inspec-*  
 25        *tor General of the Department of Justice shall submit to*

1 *the Chairman and ranking member of the Committees on*  
 2 *the Judiciary of the Senate and the House of Representa-*  
 3 *tives a plan for oversight of the Federal Bureau of Inves-*  
 4 *tigation. The Inspector General shall consider the following*  
 5 *activities for inclusion in such plan:*

6           (1) *FINANCIAL SYSTEMS.—Auditing the financial*  
 7 *systems, information technology systems, and com-*  
 8 *puter security systems of the Federal Bureau of Inves-*  
 9 *tigation.*

10           (2) *PROGRAMS AND PROCESSES.—Auditing and*  
 11 *evaluating programs and processes of the Federal Bu-*  
 12 *reau of Investigation to identify systemic weaknesses*  
 13 *or implementation failures and to recommend correc-*  
 14 *tive action.*

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

19           (4) *PERSONNEL.—Investigating allegations of se-*  
 20 *rious misconduct by personnel of the Federal Bureau*  
 21 *of Investigation.*

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

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

3           (c) *REPORT ON INSPECTOR GENERAL FOR FEDERAL*  
 4 *BUREAU OF INVESTIGATION.—Not later than 90 days after*  
 5 *the date of enactment of this Act, the Attorney General shall*  
 6 *submit a report and recommendation to the Chairman and*  
 7 *ranking member of the Committees on the Judiciary of the*  
 8 *Senate and the House of Representatives concerning wheth-*  
 9 *er there should be established, within the Department of*  
 10 *Justice, a separate office of Inspector General for the Fed-*  
 11 *eral Bureau of Investigation that shall be responsible for*  
 12 *supervising independent oversight of programs and oper-*  
 13 *ations of the Federal Bureau of Investigation.*

14 **SEC. 310. USE OF RESIDENTIAL SUBSTANCE ABUSE TREAT-**  
 15 **MENT GRANTS TO PROVIDE FOR SERVICES**  
 16 **DURING AND AFTER INCARCERATION.**

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

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

1 **SEC. 311. REPORT ON THREATS AND ASSAULTS AGAINST**  
 2 **FEDERAL LAW ENFORCEMENT OFFICERS,**  
 3 **UNITED STATES JUDGES, UNITED STATES OF-**  
 4 **FICIALS AND THEIR FAMILIES.**

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

10 (b) *REPORT ON THREATS AND ASSAULTS AGAINST*  
 11 *FEDERAL LAW ENFORCEMENT OFFICERS, UNITED STATES*  
 12 *JUDGES, UNITED STATES OFFICIALS AND THEIR FAMI-*  
 13 *LIES.—Not later than 90 days after the date of enactment*  
 14 *of this Act, the Attorney General shall submit to the Chair-*  
 15 *men and ranking minority members of the Committees on*  
 16 *the Judiciary of the Senate and of the House of Representa-*  
 17 *tives a report on the number of investigations and prosecu-*  
 18 *tions under section 111 of title 18, United States Code, and*  
 19 *section 115 of title 18, United States Code, for the fiscal*  
 20 *year 2001.*

21 **SEC. 312. ADDITIONAL FEDERAL JUDGESHIPS.**

22 (a) *PERMANENT DISTRICT JUDGES FOR THE DISTRICT*  
 23 *COURTS.—*

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

1                   (A) 5 additional district judges for the  
2                   southern district of California;

3                   (B) 1 additional district judge for the west-  
4                   ern district of North Carolina; and

5                   (C) 2 additional district judges for the west-  
6                   ern district of Texas.

7                   (2) TABLES.—In order that the table contained  
8                   in section 133 of title 28, United States Code, will,  
9                   with respect to each judicial district, reflect the  
10                  changes in the total number of permanent district  
11                  judgeships authorized as a result of paragraph (1) of  
12                  this subsection, such table is amended—

13                  (A) by striking the item relating to Cali-  
14                  fornia and inserting the following:

“California:

Northern .....	14
Eastern .....	6
Central .....	27
Southern .....	13.”;

15                  (B) by striking the item relating to North  
16                  Carolina and inserting the following:

“North Carolina:

Eastern .....	4
Middle .....	4
Western .....	4.”;

17                  and

18                  (C) by striking the item relating to Texas  
19                  and inserting the following:

“Texas:

Northern .....	12
Southern .....	19

<i>Eastern</i> .....	7
<i>Western</i> .....	13.”.

1       (b) *DISTRICT JUDGESHIPS FOR THE CENTRAL AND*  
2 *SOUTHERN DISTRICTS OF ILLINOIS.—*

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

14           (2) *TECHNICAL AND CONFORMING AMEND-*  
15 *MENT.—The table contained in section 133(a) of title*  
16 *28, United States Code, is amended by striking the*  
17 *item relating to Illinois and inserting the following:*

“*Illinois:*

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

18           (c) *TEMPORARY JUDGESHIP.—The President shall ap-*  
19 *point, by and with the advice and consent of the Senate,*  
20 *1 additional district judge for the western district of North*  
21 *Carolina. The first vacancy in the office of district judge*  
22 *in the western district of North Carolina, occurring 7 years*

1 *or more after the confirmation date of the judge named to*  
 2 *fill the temporary district judgeship created in that district*  
 3 *by this subsection, shall not be filled.*

4 (d) *EXTENSION OF TEMPORARY FEDERAL DISTRICT*  
 5 *COURT JUDGESHIP FOR THE NORTHERN DISTRICT OF*  
 6 *OHIO.—*

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

10 (A) *in the first sentence following para-*  
 11 *graph (12), by striking “and the eastern district*  
 12 *of Pennsylvania” and inserting “, the eastern*  
 13 *district of Pennsylvania, and the northern dis-*  
 14 *trict of Ohio”; and*

15 (B) *by inserting after the third sentence fol-*  
 16 *lowing paragraph (12) “The first vacancy in the*  
 17 *office of district judge in the northern district of*  
 18 *Ohio occurring 15 years or more after the con-*  
 19 *firmation date of the judge named to fill the tem-*  
 20 *porary judgeship created under this subsection*  
 21 *shall not be filled.”.*

22 (2) *EFFECTIVE DATE.—The amendments made*  
 23 *by this section shall take effect on the earlier of—*

24 (A) *the date of enactment of this Act; or*

25 (B) *November 15, 2001.*

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

6       ***TITLE IV—VIOLENCE AGAINST***  
 7                                   ***WOMEN***

8       ***SEC. 401. SHORT TITLE.***

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

11       ***SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN***  
 12                                   ***OFFICE.***

13       (a) *IN GENERAL.*—*There is established in the Depart-*  
 14 *ment of Justice a Violence Against Women Office (in this*  
 15 *title referred to as the “Office”) under the general authority*  
 16 *of the Attorney General.*

17       (b) *SEPARATE OFFICE.*—*The Office—*

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

20               (2) *shall be a separate office headed by a Direc-*  
 21 *tor who shall report to the Attorney General through*  
 22 *the Associate Attorney General of the United States,*  
 23 *and who shall also serve as Counsel to the Attorney*  
 24 *General.*



1 **SEC. 403. JURISDICTION.**

2 *The Office—*

3 *(1) shall have jurisdiction over all matters re-*  
 4 *lated to administration, enforcement, coordination,*  
 5 *and implementation of all responsibilities of the At-*  
 6 *torney General or the Department of Justice related*  
 7 *to violence against women, including formula and*  
 8 *discretionary grant programs authorized under the*  
 9 *Violence Against Women Act of 1994 (title IV of Pub-*  
 10 *lic Law 103–322) and the Violence Against Women*  
 11 *Act of 2000 (Division B of Public Law 106–386); and*

12 *(2) shall be solely responsible for coordination*  
 13 *with other offices or agencies of administration, en-*  
 14 *forcement, and implementation of the programs,*  
 15 *grants, and activities authorized or undertaken under*  
 16 *the Violence Against Women Act of 1994 (title IV of*  
 17 *Public Law 103–322) and the Violence Against*  
 18 *Women Act of 2000 (Division B of Public Law 106–*  
 19 *386).*

20 **SEC. 404. DIRECTOR OF VIOLENCE AGAINST WOMEN OF-**  
 21 **FICE.**

22 *(a) APPOINTMENT.—The President, by and with the*  
 23 *advice and consent of the Senate, shall appoint a Director*  
 24 *for the Violence Against Women Office (in this title referred*  
 25 *to as the “Director”) to be responsible for the administra-*

1 tion, coordination, and implementation of the programs  
2 and activities of the office.

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

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

6 (2) *hold any office in, or act in any capacity for,*  
7 *any organization, agency, or institution with which*  
8 *the Office makes any contract or other agreement*  
9 *under the Violence Against Women Act of 1994 (title*  
10 *IV of Public Law 103–322) or the Violence Against*  
11 *Women Act of 2000 (Division B of Public Law 106–*  
12 *386).*

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

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

20 **SEC. 405. REGULATORY AUTHORIZATION.**

21 *The Director may, after appropriate consultation with*  
22 *representatives of States and units of local government, es-*  
23 *tablish such rules, regulations, and procedures as are nec-*  
24 *essary to the exercise of the functions of the Office, and are*  
25 *consistent with the stated purposes of this Act and those*

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

4 **SEC. 406. OFFICE STAFF.**

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

8 **SEC. 407. AUTHORIZATION OF APPROPRIATIONS.**

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

**Calendar No. 205**

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

**S. 1319**

---

---

**A BILL**

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

---

---

OCTOBER 30, 2001

Reported with an amendment