

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

# S. 1435

To provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2001

Mr. WYDEN (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, 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.**

4       This Act may be cited as the “Federal Investigation  
5       Enhancement Act of 2001”.

1 **SEC. 2. COVERT INVESTIGATIVE PRACTICES CONDUCTED**  
2 **BY FEDERAL ATTORNEYS.**

3 Section 530B(a) of title 28, United States Code, is  
4 amended by inserting after the first sentence, “Notwith-  
5 standing any provision of State law, including disciplinary  
6 rules, statutes, regulations, constitutional provisions, or  
7 case law, a Government attorney may, for the purpose of  
8 enforcing Federal law, provide legal advice, authorization,  
9 concurrence, direction or supervision on conducting covert  
10 activities, and participate in such activities, even though  
11 such activities may require the use of deceit or misrepre-  
12 sentation.”

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