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REPORT
107–125

21st CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS AUTHORIZATION ACT

JULY 10, 2001.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2215]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 2215) to authorize appropriations for the Department of Justice for fiscal year 2002, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

89–006

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "21st Century Department of Justice Appropriations Authorization Act".

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

Sec. 1. Short title; table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

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

TITLE II—PERMANENT ENABLING PROVISIONS

Sec. 201. Permanent authority.
Sec. 202. Permanent authority relating to enforcement of laws.
Sec. 203. Notifications and reports to be provided simultaneously to committees.
Sec. 204. Miscellaneous uses of funds; technical amendments.
Sec. 205. Technical and miscellaneous amendments to Department of Justice authorities; authority to transfer property of marginal value; recordkeeping; protection of the Attorney General.
Sec. 206. Oversight; waste, fraud, and abuse of appropriations.
Sec. 207. Protection of the Attorney General.
Sec. 208. Enforcement of Federal criminal laws by Attorney General.
Sec. 209. Counterterrorism fund.

TITLE III—MISCELLANEOUS

Sec. 301. Repealers.
Sec. 302. Technical amendments to title 18 of the United States Code.
Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003.
Sec. 304. Review of the Department of Justice.
Sec. 305. Study of untested rape examination kits.
Sec. 306. Report on carnivore.

TITLE IV—VIOLENCE AGAINST WOMEN

Sec. 401. Short title.
Sec. 402. Establishment of Violence Against Women Office.
Sec. 403. Duties and functions of Director of Violence Against Women Office.
Sec. 404. Staff of Violence Against Women Office.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

SEC. 101. SPECIFIC SUMS AUTHORIZED TO BE APPROPRIATED.

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

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

(2) ADMINISTRATIVE REVIEW AND APPEALS.—For Administrative Review and Appeals: $178,499,000 for administration of pardon and clemency petitions and for immigration-related activities.

(3) OFFICE OF INSPECTOR GENERAL.—For the Office of Inspector General: $55,000,000, which shall include for each such fiscal year, not to exceed $10,000 to meet unforeseen emergencies of a confidential character.

(4) GENERAL LEGAL ACTIVITIES.—For General Legal Activities: $566,822,000, which shall include 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; and

(B) 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.

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

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

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

(11) DRUG ENFORCEMENT ADMINISTRATION.—For the Drug Enforcement Administration: $1,480,929,000, which shall include not to exceed $70,000 to meet unforeseen emergencies of a confidential character.

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

(A) not to exceed $2,737,341,000 for salaries 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.

(15) FOREIGN CLAIMS SETTLEMENT COMMISSION.—For the Foreign Claims Settlement Commission: $1,130,000.

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

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

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

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

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

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

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

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

(24) OFFICE OF JUSTICE PROGRAMS.—For administrative expenses not otherwise provided for, of the Office of Justice Programs: $116,369,000.

SEC. 102. APPOINTMENT OF ADDITIONAL ASSISTANT UNITED STATES ATTORNEYS; REDUCTION OF CERTAIN LITIGATION POSITIONS.

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

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

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

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2002 to carry out this section.

TITLE II—PERMANENT ENABLING PROVISIONS

SEC. 201. PERMANENT AUTHORITY.

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

"§ 530C. Authority to use available funds

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

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

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

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

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

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

"(b) PERMITTED USES.—

"(1) GENERAL PERMITTED USES.—Funds available to the Attorney General (i.e., all funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

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

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

"(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

"(D) Official reception and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions, but excluding expenses of public tours of facilities of the Department of Justice), in accordance with distributions and procedures established, and rules issued, by the Attorney General, and expenses of public tours of facilities of the Department of Justice.

"(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

"(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

"(G) In accordance with procedures established and rules issued by the Attorney General—

"(i) attendance at meetings and seminars;

"(ii) conferences and training; and

"(iii) advances of public moneys under section 3324 of title 31: *Provided,* That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

"(H) Contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

"(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and rules issued by the Attorney General.

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

"(K) Expenses of—

"(i) primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

"(ii) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

"(2) SPECIFIC PERMITTED USES.—

"(A) AIRCRAFT AND BOATS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

"(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—

"(i) the purchase of ammunition and firearms; and

"(ii) participation in firearms competitions.

"(C) CONSTRUCTION.—Funds available to the Attorney General for construction may be used for expenses of planning, designing, acquiring, building, constructing, activating, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites therefor, and all necessary 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, 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 United States may be used for the conduct of all its authorized activities.

"(5) IMMIGRATION AND NATURALIZATION SERVICE.—Funds available to the Attorney General for the Immigration and Naturalization Service may be used for—

"(A) acquisition of land as sites for enforcement fences, and construction incident to such fences;

"(B) cash advances to aliens for meals and lodging en route;

"(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

"(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

"(6) FEDERAL PRISON SYSTEM.—Funds available to the Attorney General for the Federal Prison System may be used for—

"(A) inmate medical services and inmate legal services, within the Federal prison system;

"(B) the purchase and exchange of farm products and livestock;

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

"(D) the construction of buildings and facilities for penal and correctional institutions (including prison camps), by contract or force account, including the payment of United States prisoners for their work performed in any such construction.

"(7) DETENTION TRUSTEE.—Funds available to the Attorney General for the Detention Trustee may be used for all the activities of such Trustee in the exercise of all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and to the detention of aliens in the custody of the Immigration and Naturalization Service, including the overseeing of construction of detention facilities or for housing related to such detention, the management of funds appropriated to the Department for the exercise of detention functions, and the direction of the United States Marshals Service and Immigration Service with respect to the exercise of detention policy setting and operations for the Department of Justice.

"(c) RELATED PROVISIONS.—

"(1) LIMITATION OF COMPENSATION OF INDIVIDUALS EMPLOYED AS ATTORNEYS.—No funds available to the Attorney General may be used to pay compensation for services provided by an individual employed as an attorney (other than an individual employed to provide services as a foreign attorney in special cases) unless such individual is duly licensed and authorized to practice as an attorney under the law of a State, a territory of the United States, or the District of Columbia.

"(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.—Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local government, may be used under authorities available to the unit or entity receiving such reimbursement.".

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

"530C. Authority to use available funds.".

SEC. 202. PERMANENT AUTHORITY RELATING TO ENFORCEMENT OF LAWS.

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

"§ 530D. Report on enforcement of laws

"(a) REPORT.—

"(1) IN GENERAL.—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice—

"(A) establishes or implements a formal or informal policy to refrain—

"(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer on the grounds that such provision is unconstitutional; or

"(ii) within any judicial jurisdiction of or within the United States, from adhering to, enforcing, applying, or complying with, any standing rule of decision (binding upon courts of, or inferior to those of, that jurisdiction) established by a final decision of any court of, or superior to those of, that jurisdiction, respecting the interpretation, construction, or application of the Constitution or of any statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer;

"(B) determines—

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

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

"(C) approves (other than in circumstances in which a report is submitted to the Joint Committee on Taxation, pursuant to section 6405 of the

Internal Revenue Code of 1986) the settlement or compromise (other than in bankruptcy) of any claim, suit, or other action—

"(i) against the United States (including any agency or instrumentality thereof) for a sum that exceeds, or is likely to exceed, $2,000,000; or

"(ii) by the United States (including any agency or instrumentality thereof) pursuant to an agreement, consent decree, or order that provides injunctive or other nonmonetary relief that exceeds, or is likely to exceed, 3 years in duration.

"(2) SUBMISSION OF REPORT TO THE CONGRESS.—For the purposes of paragraph (1), a report shall be considered to be submitted to the Congress if the report is submitted to—

"(A) the majority leader and minority leader of the Senate;

"(B) the Speaker, majority leader, and minority leader of the House of Representatives;

"(C) the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate; and

"(D) the Senate Legal Counsel and the General Counsel of the House of Representatives.

"(b) DEADLINE.—A report shall be submitted—

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

"(2) under subsection (a)(1)(B), within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but in no event later than 30 days after the making of each determination; and

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

"(c) CONTENTS.—A report required by subsection (a) shall—

"(1) specify the date of the establishment or implementation of the policy described in subsection (a)(1)(A), of the making of the determination described in subsection (a)(1)(B), or of each approval described in subsection (a)(1)(C);

"(2) include a complete and detailed statement of the relevant issues and background (including a complete and detailed statement of the reasons for the policy or determination, and the identity of the officer responsible for establishing or implementing such policy, making such determination, or approving such settlement or compromise), except that—

"(A) such details may be omitted as may be absolutely necessary to prevent improper disclosure of national-security- or classified information, or of any information subject to the deliberative-process-, executive-, attorney-work-product-, or attorney-client privileges, if the fact of each such omission (and the precise ground or grounds therefor) is clearly noted in the statement: provided, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted details (or related information) that it lawfully may seek, subsequent to the submission of the report; and

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

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

"(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if not apparent on the face of documents provided); and

"(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C), indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.

"(d) DECLARATION.—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).

"(e) APPLICABILITY TO THE PRESIDENT AND TO EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President, to the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) that establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.".

(b) CONFORMING AMENDMENTS.—

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

"530D. Report on enforcement of laws.".

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

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

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

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

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

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

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

SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED SIMULTANEOUSLY TO COMMITTEES.

If the Attorney General or any officer of the Department of Justice (including any bureau, office, board, division, commission, subdivision, unit, or other component thereof) is required by any Act (which shall be understood to include any request or direction contained in any report of a committee of the Congress relating to an appropriations Act or in any statement of managers accompanying any conference report agreed to by the Congress) to provide a notice or report to any committee or subcommittee of the Congress (other than both the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate), then such Act shall be deemed to require that a copy of such notice or report be provided simultaneously to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL AMENDMENTS.

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

(1) in section 504(a) by striking "502" and inserting "501(b)";

(2) in section 506(a)(1) by striking "participating";

(3) in section 510—

(A) in subsection (a)(3) by striking "502" inserting "501(b)"; and

(B) by adding at the end the following:

"(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity."; and

(4) in section 511 by striking "503" inserting "501(b)".

(b) ATTORNEYS SPECIALLY RETAINED BY THE ATTORNEY GENERAL.—The 3d sentence of section 515(b) of title 28, United States Code, is amended by striking "at not more than $12,000".

SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS TO DEPARTMENT OF JUSTICE AUTHORITIES; AUTHORITY TO TRANSFER PROPERTY OF MARGINAL VALUE; RECORD-KEEPING; PROTECTION OF THE ATTORNEY GENERAL.

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

(1) in subsection (a) by inserting "to the Attorney General" after "available";

(2) in paragraph (c)(1)—

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

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

(C) by striking "(A)(iv), (B), (F), (G), and (H)" in the 1st sentence following the 2d subparagraph (I) and inserting "(A)(ii), (B), (F), and (G),"; and

(D) by striking "fund" in the 3d sentence following the 2d subparagraph (I) and inserting "Fund";

(3) in paragraph (c)(2)—

(A) by striking "for information" each place it appears; and

(B) by striking "$250,000" the 2d and 3d places it appears and inserting "$500,000";

(4) in paragraph (c)(3) by striking "(F)" and inserting "(G)";

(5) in paragraph (c)(5) by striking "Fund which" and inserting "Fund, that";

(6) in subsection (c)(8)(A) by striking "(A)(iv), (B), (F), (G), and (H)" and inserting "(A)(ii), (B), (F), and (G),"; and

(7) in subsection (c)(9)(B)—

(A) by striking "year 1997" and inserting "years 2002 and 2003"; and

(B) by striking "Such transfer shall not" and inserting "Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall".

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

"(b) With respect to any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose beginning not later than 1 year after the date of enactment of 21st Century Department of Justice Appropriations Authorization Act and continuing thereafter, and notwithstanding any other provision of law, the same criteria shall be used (and shall be required to be used, as applicable) to classify or categorize offenders and victims (in the criminal context), and to classify or categorize actors and acted upon (in the noncriminal context).".

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

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

(e) Section 533(2) of title 28, United States Code, is amended by inserting "or the person of the Attorney General" after "President".

SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF APPROPRIATIONS.

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

"(b) The Attorney General shall, not later than February 2, 2003, and of every year thereafter, provide to the Committees on the Judiciary and Appropriations of each House of the Congress—

"(1) a report identifying and describing every grant, cooperative agreement, or programmatic services contract that was made, entered into, awarded, or extended, in the immediately preceding fiscal year, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services), and including, without limitation, for each such grant, cooperative agreement, or contract: the term, the dollar amount or value, a complete and detailed description of its specific purpose or purposes, the names of all parties (including, without limitation, any subgrantees or subcontractors), the names of each unsuccessful applicant or bidder (and a complete and detailed description of the application or bid and the specific purpose or purposes proposed), and the name of the contracting officer; and

"(2) a performance review of every grant, cooperative agreement, or programmatic services contract made, entered into, awarded, or extended 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 terminated or that otherwise ended in the 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 sworn,

written declaration by each grantee, contractor, subcontractor, and subgrantee 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 accepted accounting principles, and any (additional) documentation that may have been required under the grant, cooperative agreement, or contract, have been kept in orderly fashion and will be preserved for not less than 3 years from the date of such termination or end.".

(b) Section 1913 of title 18, United States Code, is amended by striking "to favor" and inserting "a jurisdiction, or an official of any government, to favor, adopt,", by inserting ", law, ratification, policy," after "legislation" every place it appears, by striking "by Congress" the 2d place it appears, by inserting "or such official" before ", through the proper", by inserting ", measure," before "or resolution", by striking "Members of Congress on the request of any Member" and inserting "any such Member or official, at his request,", by striking "for legislation" and inserting "for any legislation", and by moving ", being an officer or employee of the United States or of any department or agency thereof," to immediately after "; and".

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

(d) Section 112 of title I of section 101(b) of division A of Public Law 105–277 (112 Stat. 2681–67) is amended by striking "fiscal year" and all that follows through "Justice—", and inserting "any fiscal year the Attorney General—".

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

(1) by striking "title 18" each place it appears and inserting "this title"; and

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

(3) by inserting "(1)" after "(f)"; and

(4) by adding at the end the following:

"(2) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

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

"(B) The number of infringement cases involving an online element.

"(C) The number and dollar amounts of fines assessed in specific categories of dollar amounts, such as up to $500, from $500 to $1,000, from $1,000 to $5,000, from $5,000 to $10,000, and categories above $10,000.

"(D) The amount of restitution awarded.

"(E) Whether the sentences imposed were served.".

SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY ATTORNEY GENERAL.

Section 535 of title 28, United States Code, is amended in subsections (a) and (b), by replacing "title 18" with "Federal criminal law", and in subsection (b), by replacing "or complaint" with "matter, or complaint witnessed, discovered, or", and by inserting "or the witness, discoverer, or recipient, as appropriate," after "agency,".

SEC. 208. COUNTERTERRORISM FUND.

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

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

(A) reestablishing the operational capability of an office or facility that has been damaged or destroyed as the result of any domestic or international terrorism incident;

(B) providing support to counter, investigate, or prosecute domestic or international terrorism, including, without limitation, paying rewards in connection with these activities; and

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

(2) to reimburse any department or agency of the Federal Government for any costs incurred in connection with detaining in foreign countries individuals accused of acts of terrorism that violate the laws of the United States.

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

TITLE III—MISCELLANEOUS

SEC. 301. REPEALERS.

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

(b) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES MARSHALS SERVICE.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

(c) REPEAL OF VIOLENT CRIME REDUCTION TRUST FUND.—

(1) REPEALER.—Section 310001 of Public Law 103–322 is repealed.

(2) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

(iv) Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking ", of which" and all that follows through "2000".

(v) Sections 808 and 823 of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1310, 1317) are repealed.

(vi) The Drug-Free Prisons and Jails Act of 1998 (42 U.S.C. 3751 note) is amended by striking section 118.

(vii) Section 401(e) of the Economic Espionage Act of 1996 (42 U.S.C. 13751 note) is amended by striking paragraph (2).

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

Title 18 of the United States Code is amended—

(1) in section 4041 by striking "at a salary of $10,000 a year";

(2) in section 4013—

(A) in subsection (a)—

(i) by replacing "the support of United States prisoners" with "Federal prisoner detention";

(ii) in paragraph (2) by adding "and" after "hire;";

(iii) in paragraph (3) by replacing "entities; and" with "entities."; and

(iv) in paragraph (4) by inserting "The Attorney General, in support of Federal prisoner detainees in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for" before "entering"; and

(B) by redesignating—

(i) subsections (b) and (c) as subsections (c) and (d); and

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

(3) in section 209(a)—

(A) by striking "or makes" and inserting "makes"; and

(B) by striking "supplements the salary of, any" and inserting "supplements, the salary of any".

SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHORIZATION OF APPROPRIATIONS FOR THE DEPARTMENT OF JUSTICE FOR FISCAL YEAR 2003.

When the President submits to the Congress the budget of the United States Government for fiscal year 2003, the President shall simultaneously submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate such proposed legislation authorizing appropriations for the Department of Justice for fiscal year 2003 as the Attorney General may judge necessary and expedient.

SEC. 304. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF DEPUTY INSPECTOR GENERAL FOR THE FEDERAL BUREAU OF INVESTIGATION.—The Inspector General of the Department of Justice shall appoint a Deputy Inspector General for the Federal Bureau of Investigation who shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2004.

(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Congress a plan for oversight of the Federal Bureau of Investigation. The Inspector General shall consider the following activities for inclusion in such plan:

(1) FINANCIAL SYSTEMS.—Auditing the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation.

(2) PROGRAMS AND PROCESSES.—Auditing and evaluating programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action.

(3) INTERNAL AFFAIRS OFFICES.—Reviewing the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility.

(4) PERSONNEL.—Investigating allegations of serious misconduct by personnel of the Federal Bureau of Investigation.

(5) OTHER PROGRAMS AND OPERATIONS.—Reviewing matters relating to any other program or and operation of the Federal Bureau of Investigation that the Inspector General determines requires review.

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

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

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

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

SEC. 305. STUDY OF UNTESTED RAPE EXAMINATION KITS.

The Attorney General shall conduct a study to assess and report to Congress the number of untested rape examination kits that currently exist nationwide and shall submit to the Congress a report containing a summary of the results of such study. For the purpose of carrying out such study, the Attorney General shall attempt to collect information from all law enforcement jurisdictions in the United States.

SEC. 306. REPORT ON DCS 1000 ("CARNIVORE").

Not later than 30 days after the end of fiscal years 2001 and 2002, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Judiciary Committees of the House of Representatives and Senate a report detailing—

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

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

(3) the criteria used by the Department of Justice officials to review requests to use of DSC 1000;

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

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

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

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

(8) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

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

(10) the nature of the facilities from which, or the place where the contents of, electronic communications were to be disclosed.

TITLE IV—VIOLENCE AGAINST WOMEN

SEC. 401. SHORT TITLE.

This title may be cited as the "Violence Against Women Office Act".

SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

(a) OFFICE.—There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Violence Against Women Office (in this title referred to as the "Office").

(b) DIRECTOR.—The Office shall be headed by a Director (in this title referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Associate Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Office. The Director shall not engage in any employment other than that of serving as the Director, nor shall the Director hold any office in, or act in any capacity for, any organization, agency, or institution with which the Office makes any contract or other arrangement under this title.

SEC. 403. DUTIES AND FUNCTIONS OF DIRECTOR OF VIOLENCE AGAINST WOMEN OFFICE.

(a) IN GENERAL.—The Director shall have the following duties:

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

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

(3) Providing information to the President, the Congress, the judiciary, State and local governments, and the general public on matters relating to violence against women.

(4) Serving, at the request of the Attorney General or Associate Attorney General, as the representative of the Department of Justice on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women.

(5) Serving, at the request of the President, acting through the Attorney General, as the representative of the United States Government on human rights and economic justice matters related to violence against women in international forums, including, but not limited to, the United Nations.

(6) Carrying out the functions of the Department of Justice under the Violence Against Women Act of 1994 (title IV of Public Law 103–322) and the amendments made by that Act, and other functions of the Department of Justice on matters relating to violence against women, including with respect to those functions—

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

(B) the development and management of grant programs and other programs, and the provision of technical assistance under such programs; and

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

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

(A) other elements of the Department of Justice, in efforts to develop policy and to enforce Federal laws relating to violence against women, including the litigation of civil and criminal actions relating to enforcing such laws;

(B) other Federal, State, and tribal agencies, in efforts to develop policy, provide technical assistance, and improve coordination among agencies carrying out efforts to eliminate violence against women, including Indian or indigenous women; and

(C) grantees, in efforts to combat violence against women and to provide support and assistance to victims of such violence.

(8) Exercising such other powers and functions as may be vested in the Director pursuant to this title or by delegation of the Attorney General or Associate Attorney General.

(9) Establishing such rules, regulations, guidelines, and procedures as are necessary to carry out any function of the Office.

SEC. 404. STAFF OF VIOLENCE AGAINST WOMEN OFFICE.

The Attorney General shall ensure that the Director has adequate staff to support the Director in carrying out the Director's responsibilities under this title.

PURPOSE AND SUMMARY

H.R. 2215, the "21st Century Department of Justice Appropriations Authorization Act," is a comprehensive authorization of the United States Department of Justice ("DOJ" or the "Department"). H.R. 2215 contains four titles which authorize appropriations for the Department for fiscal year 2002, provide permanent enabling

authorities which will allow the Department to efficiently carry out its mission, clarify and harmonize existing statutory authority, and repeal obsolete statutory authorities. The bill establishes certain reporting requirements and other mechanisms (such as a Deputy Inspector General for the Federal Bureau of Investigation (FBI)) intended to better enable the Congress and the Department to oversee the operations of the Department. Finally, the bill creates a separate Violence Against Women Office. H.R. 2215 is sponsored by Chairman F. James Sensenbrenner, Jr. and Ranking Minority Member John Conyers, Jr.

Title I authorizes appropriations for the major components of the Justice Department for fiscal year 2002. The authorization mirrors the President's request regarding the Department except in two respects. First, the Committee increased the President's request for the DOJ Inspector General by $10 million. This is necessary because the Committee is concerned about the severe downsizing of that office and the need for oversight, particularly of the FBI. Second, H.R. 2215 does not authorize appropriations for several unauthorized grant programs. The Committee has made a determination that it will review each of these expired programs and authorize them as needed. The Committee has already done this for the juvenile justice block grants program.[1] In addition, title I authorizes the Attorney General to transfer 200 lawyers from among the six litigating divisions at Justice Department headquarters in Washington, D.C. to the field.

Title II permanently establishes a clear set of authorities that the Department may rely on to use appropriated funds, including establishing permitted uses of appropriated funds by the Attorney General for Fees and Expenses of Witnesses, the Federal Bureau of Investigation (FBI), the Immigration and Naturalization Service (INS), the Federal Prison System, and the Detention Trustee. Title II also establishes new reporting requirements which are intended to enhance Congressional oversight of the Department, including new reporting requirements for information about the enforcement of existing laws, for information regarding the Office of Justice Programs (OJP), and the submission of other reports, required by existing law, to the House and Senate Committees on the Judiciary. Section 206(e) expands an existing reporting requirement regarding copyright infringement cases. Title II also makes several technical and miscellaneous amendments to various DOJ authorities.

Title III repeals outdated statutes, requires the submission of an annual authorization bill to the House and Senate Committees on the Judiciary, and provides new oversight and reporting requirements for the FBI and other activities conducted by the Department. Title III repeals the Violent Crime Reduction Trust Fund and related cross references because this fund is no longer used to fund crime fighting programs and is therefore obsolete. It also repeals the open-ended authorization for the National Institute of Corrections and the U.S. Marshall's Service. Title III also contains a number of additional technical and minor amendments to title 18 of the United States Code.

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[1] *See* H.R. 863, 107th Cong., (2001); Consequences for Juvenile Offenders Act of 2001, H.R. Rept. No. 107–46 (April 20, 2001).

Title III requires the Department to submit any fiscal year 2003 authorization bill to the House and Senate Committees on the Judiciary. It establishes a Deputy Inspector General for the FBI and requires the Inspector General of the Justice Department to submit a timely oversight plan for the FBI and requires the Attorney General to submit a timely review of Attorney General order 1931–94 to the Congress. Finally, title III requires the Department to submit studies to Congress on untested rape examination kits and the use of DCS 1000, also known as Carnivore, and other similar Internet surveillance systems.

Title IV establishes a Violence Against Women Office (VAWO) within the Justice Department. The VAWO is headed by a Director, who is appointed by the President and confirmed by the Senate. In addition, title IV enumerates duties and responsibilities of the Director, and requires the Attorney General to ensure VAWO is adequately staffed.

BACKGROUND AND NEED FOR THE LEGISLATION

Authorization is the process by which Congress creates, amends, and extends programs in response to national needs. Authorization is perhaps the most important oversight tool that a Committee can employ. Through authorization, legislative committees establish management objectives and provide expertise and guidance to the Appropriations Committee. Once a Federal program has been authorized, the Appropriations Committee provides the actual budget authority, which allows Federal agencies to enter into obligations and spend the money that is appropriated.

The Department of Justice has not been properly authorized since 1979.[2] Since that time, several attempts to authorize the Department have failed either because of poor timing or because the authorization bills were compromised by controversial amendments. H.R. 2215 will, for the first time in over 20 years, comprehensively authorize the Department of Justice and its various components.

HEARINGS

The Committee's Subcommittee on Crime conducted an oversight hearing on May 3, 2001 and received testimony from four witnesses: Louie McKinney, Acting Director for the United States Marshals Service; Donnie Marshall, Administrator of the Drug Enforcement Administration; Thomas Pickard, Deputy Director for the Federal Bureau of Investigation; and Kathleen Sawyer, Director of the Federal Bureau of Prisons.

On May 9, 2001, the Subcommittee on Commercial and Administrative Law conducted an oversight hearing and received testimony from five witnesses: Mark Calloway, Director of the Executive Office for the United States Attorneys; John Cruden, Acting Assistant Attorney General for the Environment and Natural Resources Division; Martha Davis, Acting Director of the Executive Office for United States Trustees; Stuart Schiffer, Acting Assistant Attorney General for the Civil Division; Barbara Underwood; Acting Solicitor General of the United States.

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[2] Department of Justice Appropriations Authorization Act, Fiscal Year 1980, Pub. L. No. 96–132, 93 Stat. 1040 (Nov. 30, 1979).

On May 15, 2001, the Subcommittee on Crime conducted a second oversight hearing and received testimony from five witnesses: Michael Horowitz, Chief of Staff of the Criminal Division; Ralph Justus, Acting Director of the Community Oriented Policing Services; and Mary Leary, Acting Assistant Attorney General for the Office of Justice Programs.

Also on May 15, 2001, the Subcommittee on Immigration and Claims conducted an oversight hearing and received testimony from five witnesses: Roy Beck , Executive Director of Numbers USA.com; John Lacey, Chariman of the Foreign Claims Settlement Commission; Peggy Philbin, Acting Director for the Executive Office for Immigration Review; Kevin Rooney, Acting Commissioner of the Immigration and Naturalization Service (INS); and Bishop Thomas G. Wenski, Auxiliary Bishop of Miami on behalf of National Conference of Catholic Bishops' Committee on Migration.

In addition, Attorney General Ashcroft testified before the Full Committee during a June 6, 2001, oversight hearing.

COMMITTEE CONSIDERATION

On Wednesday, June 20, 2001, the full Committee met in open session and ordered favorably reported the bill H.R. 2215, as amended, by a voice vote, a quorum being present.

VOTES OF THE COMMITTEE

1. Ms. Baldwin offered an amendment which permanently establishes a Violence Against Women Office to implement the Violence Against Women Act. The Office would be headed by a director appointed by the President by and with the advice and consent of the Senate. The amendment was agreed to by a vote of 15 to 9.

ROLLCALL NO. 1

	Ayes	Nays	Present
Mr. Hyde			
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)			
Mr. Gallegly	X		
Mr. Goodlatte		X	
Mr. Chabot	X		
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson	X		
Mr. Cannon		X	
Mr. Graham	X		
Mr. Bachus			
Mr. Scarborough			
Mr. Hostettler		X	
Mr. Green			
Mr. Keller		X	
Mr. Issa	X		
Ms. Hart	X		
Mr. Flake		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		

ROLLCALL NO. 1—Continued

	Ayes	Nays	Present
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Schiff			
Mr. Sensenbrenner, Chairman	X		
Total	15	9	

2. Mr. Flake offered a motion to reconsider the Community Oriented Policing Services (COPS) amendment offered by Mr. Weiner. The motion to reconsider was agreed to by a vote of 16 to 7.

ROLLCALL NO. 2

	Ayes	Nays	Present
Mr. Hyde			
Mr. Gekas	X		
Mr. Coble	X		
Mr. Smith (Texas)	X		
Mr. Gallegly	X		
Mr. Goodlatte	X		
Mr. Chabot	X		
Mr. Barr	X		
Mr. Jenkins	X		
Mr. Hutchinson	X		
Mr. Cannon	X		
Mr. Graham	X		
Mr. Bachus			
Mr. Scarborough			
Mr. Hostettler	X		
Mr. Green			
Mr. Keller		X	
Mr. Issa	X		
Ms. Hart	X		
Mr. Flake	X		
Mr. Conyers			
Mr. Frank			
Mr. Berman		X	
Mr. Boucher			
Mr. Nadler			
Mr. Scott		X	
Mr. Watt		X	
Ms. Lofgren		X	
Ms. Jackson Lee			
Ms. Waters		X	
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin		X	
Mr. Weiner			
Mr. Schiff			
Mr. Sensenbrenner, Chairman	X		
Total	16	7	

3. Mr. Weiner offered an amendment which would have authorized $1,150,000,000 for the Office of Community Oriented Policing

Services. It also would have authorized $600,000,000 for hiring and retention programs for people hired under the COPS program. The amendment was defeated by a vote of 9 to 16.

ROLLCALL NO. 3

	Ayes	Nays	Present
Mr. Hyde			
Mr. Gekas		X	
Mr. Coble		X	
Mr. Smith (Texas)		X	
Mr. Gallegly		X	
Mr. Goodlatte		X	
Mr. Chabot		X	
Mr. Barr		X	
Mr. Jenkins		X	
Mr. Hutchinson		X	
Mr. Cannon		X	
Mr. Graham		X	
Mr. Bachus			
Mr. Scarborough			
Mr. Hostettler		X	
Mr. Green			
Mr. Keller	X		
Mr. Issa		X	
Ms. Hart		X	
Mr. Flake		X	
Mr. Conyers	X		
Mr. Frank			
Mr. Berman	X		
Mr. Boucher			
Mr. Nadler			
Mr. Scott	X		
Mr. Watt	X		
Ms. Lofgren	X		
Ms. Jackson Lee			
Ms. Waters	X		
Mr. Meehan			
Mr. Delahunt			
Mr. Wexler			
Ms. Baldwin	X		
Mr. Weiner	X		
Mr. Schiff			
Mr. Sensenbrenner, Chairman		X	
Total	9	16	

Committee Oversight Findings

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

Performance Goals and Objectives

H.R. 2215 is the first comprehensive authorization of the Department of Justice in over 20 years. This legislation streamlines, clarifies, and harmonizes the legal authority that the Department relies on to justify certain expenditures. These updated and streamlined authorities should enhance the performance of the Department. Furthermore, this legislation contains a number of provisions de-

signed to enhance congressional oversight over the Department and its components. Specifically, section 304 of the bill is intended to supplement the Inspector General's oversight of the Federal Bureau of Investigation which should reduce incidence of waste and mismanagement at the Bureau. While this bill makes certain changes to improve the efficiency of the Department of Justice, the Committee anticipates management decisions by the Attorney General to provide a more effective and efficient Department of Justice for the American people.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 2215, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 6, 2001.

Hon. F. JAMES SENSENBRENNER, Jr., *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2215, the 21st Century Department of Justice Appropriations Authorization Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Mark Grabowicz and Lanette J. Walker, who can be reached at 226–2860.

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Member

H.R. 2215—21st Century Department of Justice Appropriations Authorization Act.

H.R. 2215 would authorize the appropriation of funds in fiscal year 2002 for many programs and agencies in the Department of Justice (DOJ), including the Federal Bureau of Investigation, the Immigration and Naturalization Service, the United States Attorneys, and the Bureau of Prisons. Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2215 would cost $17.6 billion over the 2002–2006 period. (The four agencies listed above would account for almost $13 billion of that total.) This legislation would not affect direct spending or receipts, so pay-as-you-go procedures would not apply.

H.R. 2215 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA)

and would impose no costs on state, local, or tribal governments. Some of the funds authorized in the bill would be provided to state and local governments in the form of grants and reimbursements.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of H.R. 2215 is shown in the following table. The cost of this legislation falls within budget functions 750 (administration of justice), 050 (national defense), and 150 (international affairs).

By Fiscal Year, in Millions of Dollars

	2001	2002	2003	2004	2005	2006
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law						
Budget Authority [1]	15,597	0	0	0	0	0
Estimated Outlays	15,089	3,023	1,315	292	131	79
Proposed Changes						
Estimated Authorization Level	0	17,689	0	0	0	0
Estimated Outlays	0	13,463	2,588	1,205	259	58
Spending Under H.R. 2215						
Estimated Authorization Level [1]	15,597	17,689	0	0	0	0
Estimated Outlays	15,089	16,486	3,903	1,497	390	137

1. The 2001 level is the amount appropriated for that year for the programs that would be authorized by the bill. The 2001 appropriation for the entire Department of Justice is $20.9 billion.

BASIS OF ESTIMATE

For the purposes of this estimate, CBO assumes that the amounts authorized by the bill will be appropriated by the start of fiscal year 2002 and that spending would follow the historical spending rates for the authorized activities. We expect a few programs to spend additional funds more slowly than the historical rates because the bill would provide substantial increases in authorization amounts, relative to the amounts appropriated for 2001.

Under current law, the Antitrust Division of DOJ is authorized to collect pre-merger filing fees and spend such collections without further appropriation action. CBO assumes that amounts authorized to be appropriated in H.R. 2215 for the Antitrust Division are in addition to this current authority. Section 102 of the bill would authorize the transfer of 200 positions within DOJ to create additional assistant U.S. attorneys. Under the bill, the new positions would be filled by current litigation attorneys, and those positions would be eliminated. H.R. 2215 would authorize the appropriation of such sums as necessary in 2002 to fund this action. Based on information from DOJ, we estimate that implementing this provision would cost $6 million in 2002 to pay for increases in salaries, benefits, and travel costs.

PAY-AS-YOU-GO CONSIDERATIONS

None.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 2215 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Some of the funds authorized in the

bill would be provided to state and local governments in the form of grants and reimbursements.

ESTIMATE PREPARED BY:

Federal Costs: Mark Grabowicz and Lanette J. Walker (226–2860)
Impact on State, Local, and Tribal Governments: Shelley Finlayson (225–3220)
Impact on the Private Sector: Paige Piper/Bach (226–2960)

ESTIMATE APPROVED BY:

Peter H. Fontaine
Deputy Assistant Director for Budget Analysis

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 8 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Section 1. Short Title and Table of Contents.

Section 1 provides that the short title of the act shall be the "21st Century Department of Justice Appropriations Authorization Act." It also contains a table of contents.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2002

Section 101. Specific Sums Authorized to be Appropriated

Section 101 authorizes appropriations to carry out the work of the various components of the Department of Justice for fiscal year 2002. The structure of title I mirrors the organization of the annual Commerce-Justice-State (CJS) appropriations bill and the President's budget request. The bill authorizes the appropriations of amounts requested by the President except for one account. The account funding the Office of Inspector General is authorized at $10 million above the President's request. The accounts, and the activities and components that each would fund, are as follows:

General Administration—$93,433,000—For the leadership offices of the Department (including the offices of the Attorney General and Deputy Attorney General) and the Justice Management Division, Executive Support program, Intelligence Policy, Office of Professional Responsibility, and General Administration.

Administrative Review and Appeals—$178,499,000—For the Executive Office for Immigration Review and the Office of the Pardon Attorney.

Office of Inspector General—$55,000,000—For the investigation of allegations of violations of criminal and civil statutes, regulations, and ethical standards by Department employees, and for the new position of Deputy Inspector General to oversee the Federal Bureau of Investigation. This amount is $10 million above the President's Request. The IG's office has been severely downsized over the last several years from approximately 460 to 360 full-time equivalents. Oversight is a priority and this level of funding should get the IG back on the path of meeting the audit and oversight needs of the Department. The Committee expects that the OIG will

substantially increase its oversight of the FBI, INS, and the Department's grant programs.

General Legal Activities—$566,822,000—For the conduct of the legal activities of the Department. This includes the office of Solicitor General, Tax Division, Criminal Division,[3] Civil Division, Environment and Natural Resources Division, Civil Rights Division, Office of Legal Counsel, Interpol, Legal Activities Office Automation, and Office of Dispute Resolution.

Antitrust Division—$140,973,000—For decreasing anti-competitive behavior among U.S. businesses and increasing the competitiveness of the national and international business environment.

United States Attorneys—$1,346,289,000—For the 93 U.S. Attorneys and their offices and the Executive Office of U.S. Attorneys. The U.S. Attorneys represent the United States in the vast majority of criminal and civil cases handled by the Justice Department.

Federal Bureau of Investigation—$3,507,109,000—For the detection, investigation, and prosecution of crimes against the United States. The FBI also plays a primary role in the protection of the United States from foreign intelligence activities and investigating and preventing acts of terrorism against the United States.

United States Marshals Service—$626,439,000—To protect the Federal courts and its personnel and to ensure the effective operation of the Federal judicial system, of which no more than $6,621,000 may be used for construction.

Federal Prison System—$4,662,710,000—For the administration, operation, and maintenance of Federal penal and correctional institutions.

Federal Prison Detention—$724,682,000—For the support of United States prisoners in non-federal institutions, as authorized by 18 U.S.C. §4013(a).

Drug Enforcement Agency—$1,480,929,000—To enforce the controlled substance laws and regulations of the United States and to recommend and support non-enforcement programs aimed at reducing the availability of illicit controlled substances on the domestic and international markets.

Immigration and Naturalization Service—$3,516,411,000—For the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, of which no more than $2,737,341,000 for salaries and expenses and border affairs, no more than $650,660,000 for salaries and expenses of citizenship and benefits, and no more than $128,410,000 for construction.

Fees and Expenses of Witnesses—$156,145,000—For fees and expenses associated with providing witness testimony on behalf of the United States, expert witnesses, and private counsel for govern-

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[3] The Committee is concerned about the significant and growing problem of criminal piracy of copyrighted works and would like to see a greater emphasis placed on these problems. Because of this concern, the Committee urged the Committee on Appropriations to dedicate an additional $10,000,000 to augment the investigation and prosecution of intellectual property crimes. *Letter from the Honorable F. James Sensenbrenner, Jr. (Chairman), the Honorable Howard Coble (Chairman, Subcommittee on Courts, the Internet, and Intellectual Property), the Honorable John Conyers, Jr. (Ranking Minority Member), the Honorable Howard Berman (Ranking Minority Member, Subcommittee on Courts, the Internet, and Intellectual Property), to the Honorable C.W. (Bill) Young (Chairman, House Appropriations Committee), the Honorable Frank R. Wolf (Chairman, Appropriations Subcommittee on Commerce, Justice, and State Departments), the Honorable David R. Obey (Ranking Minority Member, House Appropriations Committee), the Honorable Jose Serrano, (Ranking Minority Member, Appropriations Subcommittee on Commerce, Justice, and State Departments),* May 24, 2001.

ment employees who have been sued, charged, or subpoenaed for actions taken while performing their official duties.

Interagency Crime and Drug Enforcement—$338,106,000—For the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking.

Foreign Claims Settlement Commission—$1,130,000—To adjudicate claims of U.S. nationals against foreign governments under jurisdiction conferred by the International Claims Settlement Act of 1949, as amended, and other authorizing legislation;

Community Relations Service (CRS)—$9,269,000—To assist communities in preventing violence and resolving conflicts arising from racial and ethnic tensions and to develop the capacity of such communities to address these conflicts without external assistance. CRS activities are conducted in accordance with title X of the Civil Rights Act of 1964.

Assets Forfeiture Fund—$22,949,000—To provide a stable source of resources to cover the costs of the asset seizure and forfeiture program, including the costs of seizing, evaluating, inventorying, maintaining, protecting, advertizing, forfeiting, and disposing of property.

United States Parole Commission—$10,862,000—For the activities of the U.S. Parole Commission. The Commission has jurisdiction over all Federal prisoners eligible for parole, wherever confined, and continuing jurisdiction over those who are released on parole or as if on parole.

Federal Detention Trustee—$1,718,000—For necessary expenses to exercise all power and functions authorized by law relating to the detention of Federal prisoners in non-federal institutions or otherwise in the custody of the United States Marshall Service; and the detention of aliens in the custody of the Immigration and Naturalization Service.

Joint Automated Booking System—$15,957,000—For expenses necessary for the nationwide deployment of a Joint Automated Booking System including automated capability to transmit fingerprint and image data.

Narrowband Communications—$104,606,000—For the costs of conversion to narrowband communications, including the cost for operation and maintenance of Land Mobile Radio legacy systems.

Radiation Exposure Compensation—$1,996,000—For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act.

Counterterrorism Fund—$4,989,000—For the reimbursement of: (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of any domestic or international terrorist incident and (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities.

Office of Justice Programs—$116,369,000—For necessary administrative expenses of the Office of Justice Programs.

Section 102. Appointment of Additional Assistant United States Attorneys and Reduction of Certain Litigation Positions

This section authorizes the Attorney General to transfer 200 additional Assistant U.S. Attorneys from among the six litigating di-

visions at the Justice Department's headquarters (Main Justice) in Washington, D.C. to the various U.S. Attorneys offices around the country. Vacant positions resulting from transfers pursuant to this section will be terminated. This section is intended to raise the productivity of Washington-based lawyers, who litigate criminal and civil cases across the nation for the Justice Department, by moving them to the field. Litigating attorneys for the government are most effective in the Federal judicial district where their cases are pending. Section 102 was amended at markup, after consultation with the Ranking Minority Member, to make the transfer authorization discretionary with respect to specific litigating divisions to prevent ongoing litigation from being adversely effected.

TITLE II—PERMANENT ENABLING PROVISIONS

Section 201. Permanent Authority

Section 201 amends chapter 31 of title 28, United States Code, by creating a new section, "530C". This section details permitted uses of available funds by the Attorney General to carry out the activities of the Justice Department. General permitted uses of available funds include:

- payment for motor vehicles, boats, and aircraft;
- payment for service of experts and consultants, and payment for private counsel;
- payment for official reception and representation expenses and public tours;
- payment of unforeseen emergencies of a confidential character;
- payment of miscellaneous and emergency expenses;
- payment of certain travel and attendance expenses;
- payment of contracts for personal services abroad;
- payment of interpreters and translators; and
- payment for uniforms.

Specific permitted uses of available funds include:

- payment for aircraft and boats;
- payment for ammunition, firearms, and firearm competitions; and
- payment for construction of certain facilities.

The use of funds appropriated for Fees and Expenses of Witnesses is limited to certain expenses and the construction of witness safesites. The use of funds appropriated for the Federal Bureau of Investigation is limited to the detection, investigation, and prosecution of crimes against the United States. The use of funds appropriated for the Immigration and Naturalization Service is limited to general Immigration and Naturalization Service activities. The use of appropriated funds for the Federal Prison System is limited to general function of the Federal Prison System. The use of appropriated funds for the Detention Trustee is limited to the functions authorized by law relating the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and for the detention of aliens in the custody of the INS.

The Attorney General is prohibited from compensating employed attorneys who are not duly licensed and authorized to practice under the law of a State, U.S. territory, or the District of Columbia. And reimbursement payments to governmental units of the Department of Justice, other Federal entities, or State or local governments are limited to uses permitted by the authority permitting such reimbursement payment.

Section 202. Permanent Authority Relating to the Enforcement of Laws

Section 202 amends chapter 31 of title 28, United States Code, by creating a new section, "530D" relating to reporting on the enforcement of laws. This section directs the Attorney General to report to Congress in any case in which the Attorney General, the President, head of executive agency, or military department:

1) establishes a policy to refrain from enforcing any provision of a Federal statute, rule regulation, program, policy, or other law within the responsibility of the Attorney General;
2) refrains from adhering to, enforcing, applying, or complying with any other judicial determination or other statute, rule, regulation, program, or policy within the responsibility of the Attorney General;
3) decides to contest in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law;
4) refrains from defending or asserting, in any judicial, administrative, or other proceeding, the constitutionality of any provision of any Federal statute, rule, regulation, program, policy, or other law, or not to appeal or request review of any judicial, administrative, or other determination adversely affecting the constitutionality of any such provision; or
5) when the Attorney General approves the settlement or compromise of any claim, suit or other action against the United States for more than $2,000,000 or for injunctive relief against the government that is likely to exceed 3 years.

Each report, which is subject to certain time and content requirements, must be submitted to the Majority and Minority Leaders of the Senate, the Speaker of the House, House Majority Leader, House Minority Leader, and the Chairman and ranking minority member of the Senate and House Committees on the Judiciary, the Senate Legal Counsel and the General Counsel of the House of Representatives. Section 202 also includes a number of conforming amendments.

Section 203. Notifications and Reports to be Provided Simultaneously to Committees

Section 203 requires the Attorney General or other officer of the Department of Justice to simultaneously submit copies of any notice or report, which is required by law to be submitted to other Committees or Subcommittees of Congress, to the House and Senate Judiciary Committees.

Section 204. Miscellaneous Uses of Funds; Technical Amendments

Section 204 provides technical amendments to the Bureau of Justice Assistance grant programs in title I of the Omnibus Crime Control and Safe Streets Act of 1968. It also makes minor amendments to the amount available to compensate attorneys specially retained by the Attorney General.

Section 205. Technical Amendment; Authority to Transfer Property of Marginal Value.

Section 205 makes technical amendments to section 524(c) of title 28, United States Codes, and clarifies the Attorney General's authority to transfer property of marginal value. It also requires the use of standard criteria for the purpose of categorizing offenders, victims, actors, and those acted upon in any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose. This section also makes several clerical and technical amendments to title 28, United States Code.

Section 206. Oversight; Waste, Fraud, and Abuse of Appropriations

Section 206 amends section 529 of title 28, United States Code, to require the Attorney General to submit an annual report to the House and Senate Committees on the Judiciary detailing:

- every grant, cooperative agreement, or programmatic services contract that was made, entered into, awarded, or extended in the immediately preceding fiscal year by or on behalf of the Office of Justice Programs; and
- a performance review of every grant, cooperative agreement, or programmatic services contract made, entered into, awarded, or extended by or on behalf of the Office of Justice Programs that was terminated or that otherwise ended in the immediately preceding fiscal year.

In addition, section 206 provides a number of conforming amendments and establishes a new reporting requirement on the enforcement and prosecution of copyright infringements.

Section 207. Enforcement of the Federal Criminal Laws by Attorney General

Section 207 provides clarifying amendments to title 28, United States Code, relating to the enforcement of Federal criminal law.

Section 208. Counterterrorism Fund

Section 208 establishes a counterterrorism fund in the Treasury of the United States, without effecting prior appropriations, to reimburse Justice Department components for any costs incurred in connection with:

1) reestablishing the operational capability of an office or facility that has been damaged as the result of any domestic or international terrorism incident;
2) providing support to counter, investigate, or prosecute domestic or international terrorism, including paying rewards in connection with these activities;

3) conducting terrorism threat assessments of Federal agencies; and
4) for costs incurred in connection with detaining individuals in foreign countries who are accused of acts of terrorism in violation of United States law.

TITLE III—MISCELLANEOUS

Section 301. Repealers.

Section 301 repeals open-ended authorizations of appropriations for the National Institute of Corrections and the United States Marshals Service. It repeals the Violent Crime Reduction Trust Fund which is no longer in use. It also repeals an unnecessary and burdensome reporting requirement contained in the Antiterrorism and Effective Death Penalty Act of 1994. In addition, section 301 makes other technical and conforming changes.

Section 302. Technical Amendments to Title 18 of the United States Code

Section 302 makes several minor clarifying amendments to title 18, United States Code. Section 302(3) moves a comma that became the focus of a statutory construction question in *Crandon v. United States*.[4]

Section 303. Required Submission of Proposed Authorization of Appropriations for the Department of Justice for Fiscal Year 2003.

Section 303 requires the Attorney General to submit a Department of Justice authorization bill for FY 2003 to the House and Senate Committees on the Judiciary when the President submits his FY 2003 budget. This authorization bill should contain any recommended additions, changes or modifications to existing authorities that may be necessary to carry out the functions of the Department. Any such addition, change, or modification should be accompanied by a description of the change and the justification for the change.

Section 304. Review of the Department of Justice.

Section 304 requires the Inspector General (IG) of the Department of Justice to appoint a Deputy Inspector General for the Federal Bureau of Investigation whose sole job is to focus on the FBI's programs and operations. This section directs the IG to submit to Congress a report within 30 days of enactment of the bill so that Congress and the American people know what the plan will be for overseeing the FBI. The IG will consider several factors for his oversight plan, including:

- auditing the financial systems, information technology systems, and computer security systems of the FBI;
- auditing and evaluating programs and processes of the FBI to identify systemic weaknesses or implementation failures and to recommend corrective action;
- reviewing the activities of internal affairs offices at the FBI; and
- investigating allegations of misconduct by FBI personnel.

[4] 494 U.S. 152 (1990) (J. Scalia concurring).

Finally, the amendment directs the Attorney General to review Attorney General Reno's order 1931–94 signed November 8, 1994, which limited the ability of the IG to review FBI and DEA matters. Together with the funding increase for the IG contained in section 101, this signifies a major step forward in our effort to improve the operations of the FBI.

Section 305. Study of Untested Rape Examination Kits.

Section 305 requires the Attorney General to conduct a study and assessment of untested rape examination kits that currently exist nationwide, including information from all law enforcement jurisdictions. The Attorney General is required to submit a report of this study and assessment to the Congress.

Section 306. Report on DCS 1000 ("Carnivore")

Section 306 requires the Attorney General and Director of the Federal Bureau of Investigation to submit a timely report to the House and Senate Committees on the Judiciary detailing:

1) the number of times DCS 1000 was used for surveillance during the preceding year;
2) the persons who approved the use of DCS 1000;
3) the criteria applied to requests for the use of DCS 1000;
4) a description of the request process for the use of DCS 1000;
5) the statutory authority supporting DCS 1000;
6) any judicial authorizations of DCS 1000;
7) the number of orders, warrants, or subpoenas applied for to authorize the use of DCS 1000;
8) the fact that an order, warrant, or subpoena was granted as applied for, modified, or denied;
9) the offense specified in the order, warrant, subpoena, or application; and
10) the nature of the facilities or the place where the contents of electronic communications disclosed by DCS 1000.

Section 306 is intended to cover DCS 1000 and any other similar system or device.

TITLE IV—VIOLENCE AGAINST WOMEN

Section 401. Short Title.

Section 401 establishes the "Violence Against Women Office Act" as the short title.

Section 402. Establishment of Violence Against Women Office.

Section 402 establishes a Violence Against Women Office (VAWO) within the Department of Justice, headed by a presidentially appointed and Senate confirmed Director. The Director is vested with authority for all grants, cooperative agreements, and contracts awarded by the VAWO. In addition, the Director is prohibited from other employment during service as Director or affiliation with organizations the may create a conflict of interest.

Section 403. Duties and Function of Director of Violence Against Women Office.

Section 403 enumerates the following duties of the Director:

1) serving as special counsel to the Attorney General on violence against women;
2) maintaining a liaison with the judicial branches of Federal and State Governments;
3) providing information to the President, the Congress, the judiciary, State and local government, and to the general public;
4) serving as a representative of the Justice Department on domestic task forces, committees, or commissions;
5) serving as a representative of the United States Government on human rights and economic justice matters at international forums;
6) carrying out the functions of the Justice Department under the Violence Against Women Act of 1994 and other matters relating to violence against women, including developing policy, the development and management of grant and other programs, and the award and termination of grants;
7) providing technical assistance, coordination, support to other elements of the Justice Department, other Federal, State, and Tribal agencies, and to grantees;
8) exercising other powers delegated by the Attorney General or Associate Attorney General;
9) and establishing rules, regulations, guidelines and necessary procedures to carry out the functions of VAWO.

Section 404. Staff of Violence Against Women Office.

Section 404 requires the Attorney General to ensure that VAWO receives adequate staff to support the Director in carrying out the responsibilities of this act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

TITLE 28, UNITED STATES CODE

* * * * * * *

PART II - DEPARTMENT OF JUSTICE

* * * * * * *

CHAPTER 31 - THE ATTORNEY GENERAL

Sec.

501. Executive department.

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530C. Authority to use available funds.
530D. Report on enforcement of laws.

* * * * * * *

§ 509. Functions of the Attorney General

All functions of other officers of the Department of Justice and all functions of agencies and employees of the Department of Justice are vested in the Attorney General except the functions—

(1) * * *

* * * * * * *

(3) of the Board of Directors and officers of the Federal Prison Industries, Inc.**[.]**

* * * * * * *

§ 515. Authority for legal proceedings; commission, oath, and salary for special attorneys

(a) * * *

(b) Each attorney specially retained under authority of the Department of Justice shall be commissioned as special assistant to the Attorney General or special attorney, and shall take the oath required by law. Foreign counsel employed in special cases are not required to take the oath. The Attorney General shall fix the annual salary of a special assistant or special attorney **[**at not more than $12,000**]**.

* * * * * * *

§ 522. Report of business and statistics

(a) The Attorney General, by April 1 of each year, shall report to Congress on the business of the Department of Justice for the last preceding fiscal year, and on any other matters pertaining to the Department that he considers proper, including—

(1) a statement of the several appropriations which are placed under the control of the Department and the amount appropriated;

(2) the statistics of crime under the laws of the United States; and

(3) a statement of the number of causes involving the United States, civil and criminal, pending during the preceding year in each of the several courts of the United States.

(b) With respect to any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose beginning not later than 1 year after the date of enactment of 21st Century Department of Justice Appropriations Authorization Act and continuing thereafter, and notwithstanding any other provision of law, the same criteria shall be used (and shall be required to be used, as applicable) to classify or categorize offenders and victims (in the criminal context), and to classify or categorize actors and acted upon (in the noncriminal context).

* * * * * * *

§ 524. Availability of appropriations

(a) Appropriations for the Department of Justice are available *to the Attorney General* for payment of—

(1) * * *

* * * * * * *

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the "Fund") which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

(A) * * *

* * * * * * *

(I) payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State or local law enforcement officers that are incurred in a joint law enforcement operation with a Federal law enforcement agency participating in the Fund[;].

[(I) after all reimbursements and program-related expenses have been met at the end of fiscal year 1989, the Attorney General may transfer deposits from the Fund to the building and facilities account of the Federal prison system for the construction of correctional institutions.]

Amounts for paying the expenses authorized by subparagraphs [(A)(iv), (B), (F), (G), and (H)] *(A)(ii), (B), (F), and (G),* shall be specified in appropriations Acts and may be used under authorities available to the organization receiving the funds. Amounts for other authorized expenditures and payments from the Fund, including equitable sharing payments, are not required to be specified in appropriations acts. The Attorney General may exempt the procurement of contract services under subparagraph (A) under the [fund] *Fund* from section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 and following), and other provisions of law as may be necessary to maintain the security and confidentiality of related criminal investigations.

(2) Any award paid from the Fund [for information], as provided in paragraph (1)(B) or (C), shall be paid at the discretion of the Attorney General or his delegate, under existing departmental delegation policies for the payment of awards, except that the authority to pay an award of $250,000 or more shall not be delegated to any person other than the Deputy Attorney General, the Associate Attorney General, the Director of the Federal Bureau of Investigation, or the Administrator of the Drug Enforcement Administration. Any award [for information] pursuant to paragraph (1)(B) shall not exceed [$250,000] *$500,000*. Any award [for information] pursuant to paragraph (1)(C) shall not exceed the lesser of [$250,000] *$500,000* or one-fourth of the amount realized by the United States from the property forfeited.

(3) Any amount under subparagraph [(F)] *(G)* of paragraph (1) shall be paid at the discretion of the Attorney General or his delegate, except that the authority to pay $100,000

or more may be delegated only to the respective head of the agency involved.

* * * * * * *

(5) Amounts in the Fund, and in any holding accounts associated with the [Fund which] *Fund, that* are not currently needed for the purpose of this section shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Fund.

* * * * * * *

(8)(A) There are authorized to be appropriated such sums as necessary for the purposes described in subparagraphs [(A)(iv), (B), (F), (G), and (H)] *(A)(ii), (B), (F), and (G),* of paragraph (1).

* * * * * * *

(9)(A) * * *

(B) For fiscal [year 1997] *years 2002 and 2003*, the Attorney General is authorized to transfer, under such terms and conditions as the Attorney General shall specify, real or personal property of limited or marginal value, to a State or local government agency, or its designated contractor or transferee, for use to support drug abuse treatment, drug and crime prevention and education, housing, job skills, and other community-based public health and safety programs. [Such transfer shall not] *Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall* create or confer any private right of action in any person against the United States.

* * * * * * *

§ 529. Annual report of Attorney General

(a) Beginning on June 1, 1979, and at the beginning of each regular session of Congress thereafter, the Attorney General shall report to Congress on the activities and operations of the Public Integrity Section or any other unit of the Department of Justice designated to supervise the investigation and prosecution of—

(1) * * *

* * * * * * *

(b) The Attorney General shall, not later than February 2, 2003, and of every year thereafter, provide to the Committees on the Judiciary and Appropriations of each House of the Congress—

(1) a report identifying and describing every grant, cooperative agreement, or programmatic services contract that was made, entered into, awarded, or extended, in the immediately preceding fiscal year, by or on behalf of the Office of Justice Programs (including any component or unit thereof, and the Office of Community Oriented Policing Services), and including, without limitation, for each such grant, cooperative agreement, or contract: the term, the dollar amount or value, a complete and detailed description of its specific purpose or purposes, the names of all parties (including, without limitation, any subgrantees or subcontractors), the names of each unsuccessful ap-

plicant or bidder (and a complete and detailed description of the application or bid and the specific purpose or purposes proposed), and the name of the contracting officer; and

(2) a performance review of every grant, cooperative agreement, or programmatic services contract made, entered into, awarded, or extended 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 terminated or that otherwise ended in the 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 sworn, written declaration by each grantee, contractor, subcontractor, and subgrantee 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 accepted accounting principles, and any (additional) documentation that may have been required under the grant, cooperative agreement, or contract, have been kept in orderly fashion and will be preserved for not less than 3 years from the date of such termination or end.

* * * * * * *

§ 530C. Authority to use available funds

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

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

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

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

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

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

(b) PERMITTED USES.—

(1) GENERAL PERMITTED USES.—Funds available to the Attorney General (i.e., all funds available to carry out the activities described in subsection (a)) may be used, without limitation, for the following:

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

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

(C) Services of experts and consultants, including private counsel, as authorized by section 3109 of title 5, and at rates of pay for individuals not to exceed the maximum daily rate payable from time to time under section 5332 of title 5.

(D) Official reception and representation expenses (i.e., official expenses of a social nature intended in whole or in predominant part to promote goodwill toward the Department or its missions, but excluding expenses of public tours of facilities of the Department of Justice), in accordance with distributions and procedures established, and rules issued, by the Attorney General, and expenses of public tours of facilities of the Department of Justice.

(E) Unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General.

(F) Miscellaneous and emergency expenses authorized or approved by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or the Assistant Attorney General for Administration.

(G) In accordance with procedures established and rules issued by the Attorney General—

(i) attendance at meetings and seminars;

(ii) conferences and training; and

(iii) advances of public moneys under section 3324 of title 31: Provided, That travel advances of such moneys to law enforcement personnel engaged in undercover activity shall be considered to be public money for purposes of section 3527 of title 31.

(H) Contracting with individuals for personal services abroad, except that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

(I) Payment of interpreters and translators who are not citizens of the United States, in accordance with procedures established and rules issued by the Attorney General.

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

(K) Expenses of—

(i) primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

(ii) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

(2) SPECIFIC PERMITTED USES.—

(A) AIRCRAFT AND BOATS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, and for the Immigration and Naturalization Service may be used for the purchase, lease, maintenance, and operation of aircraft and boats, for law enforcement purposes.

(B) PURCHASE OF AMMUNITION AND FIREARMS; FIREARMS COMPETITIONS.—Funds available to the Attorney General for United States Attorneys, for the Federal Bureau of Investigation, for the United States Marshals Service, for the Drug Enforcement Administration, for the Federal Prison System, for the Office of the Inspector General, and for the Immigration and Naturalization Service may be used for—

(i) the purchase of ammunition and firearms; and

(ii) participation in firearms competitions.

(C) CONSTRUCTION.—Funds available to the Attorney General for construction may be used for expenses of planning, designing, acquiring, building, constructing, activating, renovating, converting, expanding, extending, remodeling, equipping, repairing, or maintaining buildings or facilities, including the expenses of acquisition of sites therefor, and all necessary 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, 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 United States may be used for the conduct of all its authorized activities.

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

(A) acquisition of land as sites for enforcement fences, and construction incident to such fences;

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

(C) refunds of maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; and

(D) expenses and allowances incurred in tracking lost persons, as required by public exigencies, in aid of State or local law enforcement agencies.

(6) FEDERAL PRISON SYSTEM.—Funds available to the Attorney General for the Federal Prison System may be used for—

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

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

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

(D) the construction of buildings and facilities for penal and correctional institutions (including prison camps), by contract or force account, including the payment of United States prisoners for their work performed in any such construction.

(7) DETENTION TRUSTEE.—Funds available to the Attorney General for the Detention Trustee may be used for all the activities of such Trustee in the exercise of all power and functions authorized by law relating to the detention of Federal prisoners in non-Federal institutions or otherwise in the custody of the United States Marshals Service and to the detention of aliens in the custody of the Immigration and Naturalization Service, including the overseeing of construction of detention facilities or for housing related to such detention, the management of funds appropriated to the Department for the exercise of detention functions, and the direction of the United States Marshals Service and Immigration Service with respect to the exercise of detention policy setting and operations for the Department of Justice.

(c) RELATED PROVISIONS.—

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

(2) REIMBURSEMENTS PAID TO GOVERNMENTAL ENTITIES.—Funds available to the Attorney General that are paid as reimbursement to a governmental unit of the Department of Justice, to another Federal entity, or to a unit of State or local govern-

ment, may be used under authorities available to the unit or entity receiving such reimbursement.

§ 530D. Report on enforcement of laws

(a) REPORT.—

(1) IN GENERAL.—The Attorney General shall submit to the Congress a report of any instance in which the Attorney General or any officer of the Department of Justice—

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

(i) from enforcing, applying, or administering any provision of any Federal statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer on the grounds that such provision is unconstitutional; or

(ii) within any judicial jurisdiction of or within the United States, from adhering to, enforcing, applying, or complying with, any standing rule of decision (binding upon courts of, or inferior to those of, that jurisdiction) established by a final decision of any court of, or superior to those of, that jurisdiction, respecting the interpretation, construction, or application of the Constitution or of any statute, rule, regulation, program, policy, or other law whose enforcement, application, or administration is within the responsibility of the Attorney General or such officer;

(B) determines—

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

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

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

(i) against the United States (including any agency or instrumentality thereof) for a sum that exceeds, or is likely to exceed, $2,000,000; or

(ii) by the United States (including any agency or instrumentality thereof) pursuant to an agreement, consent decree, or order that provides injunctive or other nonmonetary relief that exceeds, or is likely to exceed, 3 years in duration.

(2) SUBMISSION OF REPORT TO THE CONGRESS.—For the purposes of paragraph (1), a report shall be considered to be submitted to the Congress if the report is submitted to—

(A) the majority leader and minority leader of the Senate;

(B) the Speaker, majority leader, and minority leader of the House of Representatives;

(C) the chairman and ranking minority member of the Committee on the Judiciary of the House of Representatives and the chairman and ranking minority member of the Committee on the Judiciary of the Senate; and

(D) the Senate Legal Counsel and the General Counsel of the House of Representatives.

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

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

(2) under subsection (a)(1)(B), within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but in no event later than 30 days after the making of each determination; and

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

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

(1) specify the date of the establishment or implementation of the policy described in subsection (a)(1)(A), of the making of the determination described in subsection (a)(1)(B), or of each approval described in subsection (a)(1)(C);

(2) include a complete and detailed statement of the relevant issues and background (including a complete and detailed statement of the reasons for the policy or determination, and the identity of the officer responsible for establishing or implementing such policy, making such determination, or approving such settlement or compromise), except that—

(A) such details may be omitted as may be absolutely necessary to prevent improper disclosure of national-security- or classified information, or of any information subject to the deliberative-process-, executive-, attorney-work-product-, or attorney-client privileges, if the fact of each such omission (and the precise ground or grounds therefor) is clearly noted in the statement: provided, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted details (or related information) that it lawfully may seek, subsequent to the submission of the report; and

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

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

(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire

settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if not apparent on the face of documents provided); and

(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C), indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.

(d) DECLARATION.—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).

(e) APPLICABILITY TO THE PRESIDENT AND TO EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President, to the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) that establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.

* * * * * * *

§ 533. Investigative and other officials; appointment

The Attorney General may appoint officials—

(1) to detect and prosecute crimes against the United States;

(2) to assist in the protection of the person of the President *or the person of the Attorney General*; and

§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall—

(1) * * *

* * * * * * *

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); *and*

* * * * * * *

§ 535. Investigation of crimes involving Government officers and employees; limitations

(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of [title 18] *Federal criminal law* involving Government officers and employees—

(1) notwithstanding any other provision of law; and

(2) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(b) Any information, allegation, [or complaint] *matter, or complaint witnessed, discovered, or* received in a department or agency of the executive branch of the Government relating to violations of [title 18] *Federal criminal law* involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, *or the witness, discoverer, or recipient, as appropriate,* unless—

(1) * * *

* * * * * * *

§ 561. United States Marshals Service

(a) * * *

* * * * * * *

[(i) There are authorized to be appropriated such sums as may be necessary to carry out the functions of the Service.]

* * * * * * *

SECTION 712 OF THE ETHICS IN GOVERNMENT ACT OF 1978

(Public Law 95–521)

ATTORNEY GENERAL RELIEVED OF RESPONSIBILITY

SEC. 712. (a) * * *

[(b) The Attorney General shall notify the Counsel with respect to any proceeding which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the Senate to direct the Counsel to intervene as a party in such proceeding pursuant to section 706.]

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

TITLE I—JUSTICE SYSTEM IMPROVEMENT

* * * * * * *

PART E—BUREAU OF JUSTICE ASSISTANCE GRANT PROGRAMS

* * * * * * *

Subpart 1—Drug Control and System Improvement Grant Program

* * * * * * *

GRANT LIMITATIONS

SEC. 504. (a) A grant made under this subpart may not—

(1) for fiscal year 1991 appropriations be expended for more than 75 per centum; and

(2) for any subsequent fiscal year appropriations be expended for more than 75 per centum;

of the cost of the identified uses for which such grant is received to carry out any purpose specified in section [502] *501(b)*, except that in the case of funds distributed to an Indian tribe which performs law enforcement functions (as determined by the Secretary of the Interior) for any such program or project, the amount of such grant shall be equal to 100 percent of such cost. The non-Federal portion of the expenditures for such uses shall be paid in cash.

* * * * * * *

ALLOCATION AND DISTRIBUTION OF FUNDS UNDER FORMULA GRANTS

SEC. 506. (a) Subject to subsection (f), of the total amount appropriated for this part in any fiscal year, the amount remaining after setting aside the amount to be reserved to carry out section 511 of this title shall be set aside for section 502 and allocated to States as follows:

(1) 0.4 percent shall be allocated to each of the [participating] States; and

* * * * * * *

Subpart 2—Discretionary Grants

CHAPTER A—GRANTS TO PUBLIC AND PRIVATE ENTITIES

PURPOSES

SEC. 510. (a) The purpose of this chapter is to provide additional Federal financial assistance to public or private agencies and private nonprofit organizations for purposes of—

(1) * * *

* * * * * * *

(3) undertaking projects which are national or multijurisdictional in scope and which address the purposes specified in section [502] *501(b)*; and

* * * * * * *

(d) No grants or contracts under subsection (b) may be made, entered into, or used, directly or indirectly, to provide any security enhancements or any equipment to any non-governmental entity.

* * * * * * *

ALLOCATION OF FUNDS FOR GRANTS

SEC. 511. Of the total amount appropriated for this part (other than chapter B of this subpart) in any fiscal year, 20 percent or $50,000,000, whichever is less, shall be reserved and set aside for this section in a special discretionary fund for use by the Director in carrying out the purposes specified in section [503] *501(b)*. Grants under this section may be made for amounts up to 100 percent of the costs of the programs or projects contained in the approved application.

* * * * * * *

TITLE 18, UNITED STATES CODE

* * * * * * *

PART I—CRIMES

* * * * * * *

CHAPTER 11—BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

* * * * * * *

§ 209. Salary of Government officials and employees payable only by United States

(a) Whoever receives any salary, or any contribution to or supplementation of salary, as compensation for his services as an officer or employee of the executive branch of the United States Government, of any independent agency of the United States, or of the District of Columbia, from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality; or

Whoever, whether an individual, partnership, association, corporation, or other organization pays, [or] makes any contribution to, or in any way [supplements the salary of, any] *supplements, the salary of any* such officer or employee under circumstances which would make its receipt a violation of this subsection—

Shall be subject to the penalties set forth in section 216 of this title.

* * * * * * *

CHAPTER 73—OBSTRUCTION OF JUSTICE

* * * * * * *

§ 1516. Obstruction of Federal audit

(a) Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person*, entity, or program* receiving in excess of $100,000, directly or indirectly, from the United States in any 1 year period under a contract or subcontract, *grant, or cooperative agreement,* or relating to any

property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary, or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949, shall be fined under this title, or imprisoned not more than 5 years, or both.

* * * * * * *

CHAPTER 93—PUBLIC OFFICERS AND EMPLOYEES

* * * * * * *

§ 1913. Lobbying with appropriated moneys

No part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, [to favor] *a jurisdiction, or an official of any government, to favor, adopt,* or oppose, by vote or otherwise, any legislation*, law, ratification, policy,* or appropriation [by Congress], whether before or after the introduction of any bill*, measure,* or resolution proposing such legislation*, law, ratification, policy,* or appropriation; but this shall not prevent officers or employees of the United States or of its departments or agencies from communicating to [Members of Congress on the request of any Member] *any such Member or official, at his request,* or to Congress *or such official*, through the proper official channels, requests for *any* legislation*, law, ratification, policy,* or appropriations which they deem necessary for the efficient conduct of the public business.

Whoever[, being an officer or employee of the United States or of any department or agency thereof,] violates or attempts to violate this section, shall be fined under this title or imprisoned not more than one year, or both; and*, being an officer or employee of the United States or of any department or agency thereof,* after notice and hearing by the superior officer vested with the power of removing him, shall be removed from office or employment.

* * * * * * *

CHAPTER 113—STOLEN PROPERTY

* * * * * * *

§ 2320. Trafficking in counterfeit goods or services

(a) * * *

* * * * * * *

(f)*(1)* Beginning with the first year after the date of enactment of this subsection, the Attorney General shall include in the report of the Attorney General to Congress on the business of the Department of Justice prepared pursuant to section 522 of title 28, an accounting, on a district by district basis, of the following with respect to all actions taken by the Department of Justice that involve trafficking in counterfeit labels for phonorecords, copies of computer programs or computer program documentation or packaging, copies of motion pictures or other audiovisual works (as defined in

section 2318 of [title 18] *this title*), criminal infringement of copyrights (as defined in section 2319 of [title 18] *this title*), unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances (as defined in section 2319A of [title 18] *this title*), or trafficking in goods or services bearing counterfeit marks (as defined in section 2320 of [title 18] *this title*):

[(1)] *(A)* The number of open investigations.

[(2)] *(B)* The number of cases referred by the United States Customs Service.

[(3)] *(C)* The number of cases referred by other agencies or sources.

[(4)] *(D)* The number and outcome, including settlements, sentences, recoveries, and penalties, of all prosecutions brought under sections 2318, 2319, 2319A, and 2320 of [title 18] *this title*.

(2) The report under paragraph (1), with respect to criminal infringement of copyright, shall include the following:

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

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

(C) The number and dollar amounts of fines assessed in specific categories of dollar amounts, such as up to $500, from $500 to $1,000, from $1,000 to $5,000, from $5,000 to $10,000, and categories above $10,000.

(D) The amount of restitution awarded.

(E) Whether the sentences imposed were served.

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PART III—PRISONS AND PRISONERS

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CHAPTER 301—GENERAL PROVISIONS

* * * * * * *

§ 4013. Support of United States prisoners in non-Federal institutions

(a) The Attorney General, in support of United States prisoners in non-Federal institutions, is authorized to make payments from funds appropriated for [the support of United States prisoners] *Federal prisoner detention* for—

(1) necessary clothing;

(2) medical care and necessary guard hire; *and*

(3) the housing, care, and security of persons held in custody of a United States marshal pursuant to Federal law under agreements with State or local units of government or contracts with private [entities; and] *entities.*

[(4)] *(b) The Attorney General, in support of Federal prisoner detainees in non-Federal institutions, is authorized to make payments, from funds appropriated for State and local law enforcement assistance, for* entering into contracts or coop-

erative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies, or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for Federal detainees within that correctional system, in accordance with regulations which are issued by the Attorney General and are comparable to the regulations issued under section 4006 of this title, except that—

[(A)] *(1)* amounts made available for purposes of this paragraph shall not exceed the average per-inmate cost of constructing similar confinement facilities for the Federal prison population,

[(B)] *(2)* the availability of such federally assisted facility shall be assured for housing Federal prisoners, and

[(C)] *(3)* the per diem rate charged for housing such Federal prisoners shall not exceed allowable costs or other conditions specified in the contract or cooperative agreement.

[(b)] *(c)*(1) The United States Marshals Service may designate districts that need additional support from private detention entities under subsection (a)(3) based on—

(A) * * *

* * * * * * *

[(c)] *(d)* HEALTH CARE FEES FOR FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.—

(1) * * *

* * * * * * *

CHAPTER 303—BUREAU OF PRISONS

* * * * * * *

§ 4041. Bureau of Prisons; director and employees

The Bureau of Prisons shall be in charge of a director appointed by and serving directly under the Attorney General [at a salary of $10,000 a year]. The Attorney General may appoint such additional officers and employees as he deems necessary.

* * * * * * *

CHAPTER 319—NATIONAL INSTITUTE OF CORRECTIONS

* * * * * * *

[SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.]

* * * * * * *

DEPARTMENT OF JUSTICE APPROPRIATIONS ACT, 1999

(Public Law 105–277)

* * * * * * *

TITLE I—DEPARTMENT OF JUSTICE

* * * * * * *

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

* * * * * * *

SEC. 112. Notwithstanding any other provision of law, during [fiscal year 1999, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice—] *any fiscal year the Attorney General—*

(1) may make grants, or enter into cooperative agreements and contracts, for the Office of Justice Programs and the component organizations of that Office; and

(2) shall have final authority over all grants, cooperative agreements, and contracts made, or entered into, for the Office of Justice Programs and the component organizations of that Office.

* * * * * * *

VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994

(Public Law 103–322)

* * * * * * *

TITLE XXI—STATE AND LOCAL LAW ENFORCEMENT

* * * * * * *

Subtitle F—Other State and Local Aid

* * * * * * *

SEC. 210603. AVAILABILITY OF VIOLENT CRIME REDUCTION TRUST FUND TO FUND ACTIVITIES AUTHORIZED BY THE BRADY HANDGUN VIOLENCE PREVENTION ACT AND THE NATIONAL CHILD PROTECTION ACT OF 1993.

[(a) APPROPRIATIONS.—Of the amounts authorized in Sections 103(k) and 106(b)(2) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) and in section 4(b) of the National Child Protection Act of 1993 (42 U.S.C. 5119b(b)), a total of $100,000,000 for fiscal year 1995, $25,000,000 for fiscal year 1996, and $25,000,000 for fiscal year 1997 may be appropriated from the Violent Crime Reduction Trust Fund established by this Act.]

* * * * * * *

TITLE XXXI—VIOLENT CRIME REDUCTION TRUST FUND

* * * * * * *

[SEC. 310001. CREATION OF VIOLENT CRIME REDUCTION TRUST FUND.

[(a) VIOLENT CRIME REDUCTION TRUST FUND.—There is established a separate account in the Treasury, known as the "Violent Crime Reduction Trust Fund" (referred to in this section as the "Fund") into which shall be transferred, in accordance with subsection (b), savings realized from implementation of section 5 of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 3101 note; Public Law 103–226).

[(b) TRANSFERS INTO THE FUND.—On the first day of the following fiscal years (or as soon thereafter as possible for fiscal year 1995), the following amounts shall be transferred from the general fund to the Fund—

[(1) for fiscal year 1995, $2,423,000,000;

[(2) for fiscal year 1996, $4,287,000,000;

[(3) for fiscal year 1997, $5,000,000,000;

[(4) for fiscal year 1998, $5,500,000,000;

[(5) for fiscal year 1999, $6,500,000,000; and

[(6) for fiscal year 2000, $6,500,000,000.

[(c) APPROPRIATIONS FROM THE FUND.—(1) Amounts in the Fund may be appropriated exclusively for the purposes authorized in this Act and for those expenses authorized by any Act enacted before this Act that are expressly qualified for expenditure from the Fund.

[(2) Amounts appropriated under paragraph (1) and outlays flowing from such appropriations shall not be taken into account for purposes of any budget enforcement procedures under the Balanced Budget and Emergency Deficit Control Act of 1985 except section 251A of that Act as added by subsection (g), or for purposes of section 605(b) of the Congressional Budget Act of 1974. Amounts of new budget authority and outlays under paragraph (1) that are included in concurrent resolutions on the budget shall not be taken into account for purposes of sections 601(b), 606(b), and 606(c) of the Congressional Budget Act of 1974, or for purposes of section 24 of House Concurrent Resolution 218 (One Hundred Third Congress).

[(d) LISTING OF THE FUND AMONG GOVERNMENT TRUST FUNDS.—Section 1321(a) of title 31, United States Code, is amended by inserting at the end the following new paragraph:

["(91) Violent Crime Reduction Trust Fund.".

[(e) REQUIREMENT FOR THE PRESIDENT TO REPORT ANNUALLY ON THE STATUS OF THE TRUST FUND.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraphs:

["(30) information about the Violent Crime Reduction Trust Fund, including a separate statement of amounts in that Trust Fund.

["(31) an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current

year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.".

[(f) ALLOCATION AND SUBALLOCATION OF AMOUNTS IN THE FUND.—

[(1) IN GENERAL.—Section 602(a) of the Congressional Budget Act of 1974 is amended—

[(A) in paragraph (1)(A) by striking "and" at the end of clause (ii), by striking the semicolon and inserting a comma at the end of clause (iii), and by adding after clause (iii) the following:

["(iv) new budget authority from the Violent Crime Reduction Trust Fund, and

["(v) outlays from the Violent Crime Reduction Trust Fund;";

[(B) in paragraph (2) by striking "and" at the end of subparagraph (B) and by adding after subparagraph (C) the following:

["(D) new budget authority from the Violent Crime Reduction Trust Fund; and

["(E) outlays from the Violent Crime Reduction Trust Fund;"; and

[(C) by adding at the end the following new paragraph:

["(4) NO DOUBLE COUNTING.—Amounts allocated among committees under clause (iv) or (v) of paragraph (1)(A) or under subparagraph (D) or (E) of paragraph (2) shall not be included within any other allocation under that paragraph.".

[(2) FISCAL YEAR 1995.—The chairman of the Committee on the Budget shall submit to the House of Representatives or the Senate, as the case may be, appropriately revised allocations under clauses (iv) and (v) of paragraph (1)(A) or subparagraphs (D) and (E) of paragraph (2) of section 602(a) of the Congressional Budget Act of 1974 for fiscal year 1995 to carry out subsection (b)(1).

[(g) VIOLENT CRIME REDUCTION TRUST FUND SEQUESTRATION.—

[(1) SEQUESTRATION.—Part C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding after section 251 the following new section:

["SEC. 251A. SEQUESTRATION WITH RESPECT TO VIOLENT CRIME REDUCTION TRUST FUND.

["(a) SEQUESTRATION.—Within 15 days after Congress adjourns to end a session, there shall be a sequestration to eliminate any budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b).

["(b) ELIMINATING A BUDGETARY EXCESS.—

["(1) IN GENERAL.—Except as provided by paragraph (2), appropriations from the Violent Crime Reduction Trust Fund shall be reduced by a uniform percentage necessary to eliminate any amount by which estimated outlays in the budget year from the Fund exceed the following levels of outlays:

["(A) For fiscal year 1995, $703,000,000.

["(B) For fiscal year 1996, $2,334,000,000.

["(C) For fiscal year 1997, $3,936,000,000.

["(D) For fiscal year 1998, $4,904,000,000.

For fiscal year 1999, the comparable level for budgetary purposes shall be deemed to be $5,639,000,000. For fiscal year 2000, the comparable level for budgetary purposes shall be deemed to be $6,225,000,000.

[“(2) SPECIAL OUTLAY ALLOWANCE.—If estimated outlays from the Fund for a fiscal year exceed the level specified in paragraph (1) for that year, that level shall be increased by the lesser of that excess or 0.5 percent of that level.

[“(c) LOOK-BACK.—If, after June 30, an appropriation for the fiscal year in progress is enacted that causes a budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) for that year (after taking into account any sequestration of amounts under this section), the level set forth in subsection (b) for the next fiscal year shall be reduced by the amount of that excess.

[“(d) WITHIN-SESSION SEQUESTRATION.—If an appropriation for a fiscal year in progress is enacted (after Congress adjourns to end the session for the budget year and before July 1 of that fiscal year) that causes a budgetary excess in the Violent Crime Reduction Trust Fund as described in subsection (b) for that year (after taking into account any prior sequestration of amounts under this section), 15 days later there shall be a sequestration to eliminate that excess following the procedures set forth in subsection (b).

[“(e) PART-YEAR APPROPRIATIONS AND OMB ESTIMATES.—Paragraphs (4) and (7) of section 251(a) shall apply to appropriations from, and sequestration of amounts appropriated from, the Violent Crime Reduction Trust Fund under this section in the same manner as those paragraphs apply to discretionary appropriations and sequestrations under that section.”.

[(2) REPORTS.—Section 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

[“(4) REPORTS ON SEQUESTRATION TO REDUCE THE VIOLENT CRIME REDUCTION TRUST FUND.—The final reports shall set forth for the budget year estimates for each of the following:

[“(A) The amount of budget authority appropriated from the Violent Crime Reduction Trust Fund and outlays resulting from those appropriations.

[“(B) The sequestration percentage and reductions, if any, required under section 251A.”.]

* * * * * * *

TITLE 31, UNITED STATES CODE

* * * * * * *

SUBTITLE II—THE BUDGET PROCESS

* * * * * * *

CHAPTER 11—THE BUDGET AND FISCAL, BUDGET, AND PROGRAM INFORMATION

* * * * * * *

§ 1105. Budget contents and submission to Congress

(a) On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year. Each budget shall include a budget message and summary and supporting information. The President shall include in each budget the following:

(1) * * *

* * * * * * *

[(30) an analysis displaying, by agency, proposed reductions in full-time equivalent positions compared to the current year's level in order to comply with section 5 of the Federal Workforce Restructuring Act of 1994.]

* * * * * * *

CHAPTER 13—APPROPRIATIONS

* * * * * * *

SUBCHAPTER II—TRUST FUNDS AND REFUNDS

* * * * * * *

§ 1321. Trust funds

(a) The following are classified as trust funds:

(1) * * *

* * * * * * *

[(91) Violent Crime Reduction Trust Fund.]

* * * * * * *

SECTION 13 OF THE ACT OF AUGUST 18, 1970

(Public Law 91–383)

SEC. 13. NATIONAL PARK SYSTEM CRIME PREVENTION ASSISTANCE.

(a) AVAILABILITY OF FUNDS.—There are authorized to be appropriated [out of the Violent Crime Reduction Trust Fund,] not to exceed $10,000,000, for the Secretary of the Interior to take all necessary actions to seek to reduce the incidence of violent crime in the National Park System.

* * * * * * *

SECTION 6 OF THE LAND AND WATER CONSERVATION FUND ACT OF 1965

FINANCIAL ASSISTANCE TO STATES

SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) * * *

* * * * * * *

(h) CAPITAL IMPROVEMENT AND OTHER PROJECTS TO REDUCE CRIME.—

(1) AVAILABILITY OF FUNDS.—In addition to assistance for planning projects, and in addition to the projects identified in subsection (e)**[**, and from amounts appropriated out of the Violent Crime Reduction Trust Fund,**]** the Secretary may provide financial assistance to the States, not to exceed $15,000,000, for projects or combinations thereof for the purpose of making capital improvements and other measures to increase safety in urban parks and recreation areas, including funds to—

(A) * * *

* * * * * * *

SECTION 241 OF THE IMMIGRATION AND NATIONALITY ACT

DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED

SEC. 241. (a) * * *

* * * * * * *

(i) INCARCERATION.—

(1) * * *

* * * * * * *

(5) There are authorized to be appropriated such sums as may be necessary to carry out this subsection**[**, of which the following amounts may be appropriated from the Violent Crime Reduction Trust Fund:

[(A) $130,000,000 for fiscal year 1995;
[(B) $300,000,000 for fiscal year 1996;
[(C) $330,000,000 for fiscal year 1997;
[(D) $350,000,000 for fiscal year 1998;
[(E) $350,000,000 for fiscal year 1999; and
[(F) $340,000,000 for fiscal year 2000**]**.

* * * * * * *

ANTITERRORISM AND EFFECTIVE DEATH PENALTY ACT OF 1996

TITLE VIII—ASSISTANCE TO LAW ENFORCEMENT

Subtitle A—Resources and Security

* * * * * * *

[SEC. 808. COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES.

[(a) FINDINGS.—The Congress finds that—

[(1) threats of violence and acts of violence against Federal, State, and local government employees and their families are increasing as the result of attempts to stop public servants from performing their lawful duties;

[(2) these acts are a danger to the constitutional form of government of the United States; and

[(3) more information is needed relating to the extent and nature of the danger to these employees and their families so that actions can be taken to protect public servants at all levels of government in the performance of their duties.

[(b) STATISTICS.—The Attorney General shall collect data, for the calendar year 1990 and each succeeding calendar year thereafter, relating to crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties. Such data shall include—

[(1) in the case of crimes against such employees and their families, the nature of the crime; and

[(2) in the case of incidents of threats of violence and acts of violence, including verbal and implicit threats against such employees and their families, the deterrent effect on the performance of their jobs.

[(c) GUIDELINES.—The Attorney General shall establish guidelines for the collection of the data under subsection (b), including a definition of the sufficiency of evidence of noncriminal incidents required to be reported.

[(d) USE OF DATA.—

[(1) ANNUAL PUBLISHING.—The Attorney General shall publish an annual summary of the data collected under this section.

[(2) USE OF DATA.—Except with respect to the summary published under paragraph (1), data collected under this section shall be used only for research and statistical purposes.

[(e) EXEMPTION.—The Attorney General, the Secretary of State, and the United States Secret Service is not required to participate in any statistical reporting activity under this section with respect to any direct or indirect threat made against any individual for whom that official or Service is authorized to provide protection.]

* * * * * * *

Subtitle B—Funding Authorizations for Law Enforcement

* * * * * * *

[SEC. 823. FUNDING SOURCE.

[Appropriations for activities authorized in this subtitle may be made from the Violent Crime Reduction Trust Fund.]

* * * * * * *

SECTION 118 OF THE DRUG-FREE PRISONS AND JAILS ACT OF 1998

[SEC. 118. AUTHORIZATION OF APPROPRIATIONS.

[(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle from the Violent Crime Reduction Trust Fund as authorized by title 31 of the Violent Crime and Control and Law Enforcement Act of 1994 (42 U.S.C. 14211)—

[(1) for fiscal year 1999, $30,000,000; and

[(2) for fiscal year 2000, $20,000,000.

[(b) RESERVATION.—The Director may reserve each fiscal year not more than 20 percent of the funds appropriated pursuant to subsection (a) for activities required under section 116.]

SECTION 401 OF THE ECONOMIC ESPIONAGE ACT OF 1996

SEC. 401. ESTABLISHING BOYS AND GIRLS CLUBS.

(a) * * *

* * * * * * *

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) * * *

[(2) VIOLENT CRIME REDUCTION TRUST FUND.—The sums authorized to be appropriated by this subsection may be made from the Violent Crime Reduction Trust Fund.]

* * * * * * *

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, JUNE 20, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 11:07 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Now, pursuant to notice, I call up the bill, H.R. 2215, the "21st Century Department of Justice Appropriations Authorization Act"

for purposes of markup, and move its favorable recommendation to the House.

Without objection, the bill will be considered as read and open for amendment at any point, and the Chair recognizes himself to explain the bill.

[The bill, H.R. 2215, follows:]

.....

(Original Signature of Member)

107TH CONGRESS
1ST SESSION

H. R. 2215

IN THE HOUSE OF REPRESENTATIVES

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "21st Century Department of Justice Appropriations Authorization 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.

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 amendment; authority to transfer property of marginal value.
Sec. 206. Protection of the Attorney General.
Sec. 207. Enforcement of Federal criminal laws by Attorney General.
Sec. 208. Counterterrorism Fund.

TITLE III—MISCELLANEOUS

Sec. 301. Repealers.
Sec. 302. Technical amendments to title 18 of the United States Code.
Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal year 2003.

3 TITLE I—AUTHORIZATION OF
4 APPROPRIATIONS FOR FIS-
5 CAL YEAR 2002

6 SEC. 101. SPECIFIC SUMS AUTHORIZED TO BE APPRO-
7 PRIATED.

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

1 (1) GENERAL ADMINISTRATION.—For General
2 Administration: $93,433,000.
3 (2) ADMINISTRATIVE REVIEW AND APPEALS.—
4 For Administrative Review and Appeals:
5 $178,499,000 for administration of pardon and
6 clemency petitions and for immigration-related ac-
7 tivities.
8 (3) OFFICE OF INSPECTOR GENERAL.—For the
9 Office of Inspector General: $55,000,000, which
10 shall include for each such fiscal year, not to exceed
11 $10,000 to meet unforeseen emergencies of a con-
12 fidential character.
13 (4) GENERAL LEGAL ACTIVITIES.—For General
14 Legal Activities: $566,822,000, which shall include
15 for each such fiscal year—
16 (A) not less than $4,000,000 for the inves-
17 tigation and prosecution of denaturalization and
18 deportation cases involving alleged Nazi war
19 criminals; and
20 (B) not to exceed $20,000 to meet unfore-
21 seen emergencies of a confidential character.
22 (5) ANTITRUST DIVISION.—For the Antitrust
23 Division: $140,973,000.
24 (6) UNITED STATES ATTORNEYS.—For United
25 States Attorneys: $1,346,289,000.

1 (7) FEDERAL BUREAU OF INVESTIGATION.—
2 For the Federal Bureau of Investigation:
3 $3,507,109,000, which shall include for each such
4 fiscal year—
5 (A) not to exceed $1,250,000 for construc-
6 tion, to remain available until expended; and
7 (B) not to exceed $70,000 to meet unfore-
8 seen emergencies of a confidential character.
9 (8) UNITED STATES MARSHALS SERVICE.—For
10 the United States Marshals Service: $626,439,000,
11 which shall include for each such fiscal year not to
12 exceed $6,621,000 for construction, to remain avail-
13 able until expended.
14 (9) FEDERAL PRISON SYSTEM.—For the Fed-
15 eral Prison System, including the National Institute
16 of Corrections: $4,662,710,000.
17 (10) SUPPORT OF UNITED STATES PRISONERS
18 IN NON-FEDERAL INSTITUTIONS.—For the support
19 of United States prisoners in non-Federal institu-
20 tions, as authorized by section 4013(a) of title 18 of
21 the United States Code: $724,682,000, to remain
22 available until expended.
23 (11) DRUG ENFORCEMENT ADMINISTRATION.—
24 For the Drug Enforcement Administration:
25 $1,480,929,000, which shall include not to exceed

1 $70,000 to meet unforeseen emergencies of a con-
2 fidential character.
3 (12) IMMIGRATION AND NATURALIZATION
4 SERVICE.—For the Immigration and Naturalization
5 Service: $3,516,411,000, which shall include—
6 (A) not to exceed $2,737,341,000 for sala-
7 ries and expenses of enforcement and border af-
8 fairs (i.e., the Border Patrol, deportation, intel-
9 ligence, investigations, and inspection programs,
10 and the detention program);
11 (B) not to exceed $650,660,000 for sala-
12 ries and expenses of citizenship benefits (i.e.,
13 programs not included under subparagraph
14 (A));
15 (C) for each such fiscal year, not to exceed
16 $128,410,000 for construction, to remain avail-
17 able until expended; and
18 (D) not to exceed $50,000 to meet unfore-
19 seen emergencies of a confidential character.
20 (13) FEES AND EXPENSES OF WITNESSES.—
21 For Fees and Expenses of Witnesses: $156,145,000
22 to remain available until expended, which shall in-
23 clude for each such fiscal year not to exceed
24 $6,000,000 for construction of protected witness
25 safesites.

1 (14) INTERAGENCY CRIME AND DRUG EN-
2 FORCEMENT.—For Interagency Crime and Drug
3 Enforcement: $338,106,000, for expenses not other-
4 wise provided for, for the investigation and prosecu-
5 tion of persons involved in organized crime drug
6 trafficking, except that any funds obligated from ap-
7 propriations authorized by this paragraph may be
8 used under authorities available to the organizations
9 reimbursed from such funds.
10 (15) FOREIGN CLAIMS SETTLEMENT COMMIS-
11 SION.—For the Foreign Claims Settlement Commis-
12 sion: $1,130,000.
13 (16) COMMUNITY RELATIONS SERVICE.—For
14 the Community Relations Service: $9,269,000.
15 (17) ASSETS FORFEITURE FUND.—For the As-
16 sets Forfeiture Fund: $22,949,000 for expenses au-
17 thorized by section 524 of title 28, United States
18 Code.
19 (18) UNITED STATES PAROLE COMMISSION.—
20 For the United States Parole Commission:
21 $10,862,000.
22 (19) FEDERAL DETENTION TRUSTEE.—For
23 the necessary expenses of the Federal Detention
24 Trustee: $1,718,000.

1 (20) JOINT AUTOMATED BOOKING SYSTEM.—
2 For expenses necessary for the operation of the
3 Joint Automated Booking System: $15,957,000.
4 (21) NARROWBAND COMMUNICATIONS.—For
5 the costs of conversion to narrowband communica-
6 tions, including the cost for operation and mainte-
7 nance of Land Mobile Radio legacy systems:
8 $104,606,000.
9 (22) RADIATION EXPOSURE COMPENSATION:
10 For administrative expenses in accordance with the
11 Radiation Exposure Compensation Act: $1,996,000.
12 (23) COUNTERTERRORISM FUND.—For the
13 Counterterrorism Fund for necessary expenses, as
14 determined by the Attorney General: $4,989,000.

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

18 (a) APPOINTMENTS.—Not later than September 30,
19 2003, the Attorney General may exercise authority under
20 section 542 of title 28, United States Code, to appoint
21 200 assistant United States attorneys in addition to the
22 number of assistant United States attorneys serving on
23 the date of the enactment of this Act.
24 (b) SELECTION OF APPOINTEES.—Individuals first
25 appointed under subsection (a) shall be appointed from

1 among attorneys who are incumbents of 200 full-time liti-
2 gation positions in divisions of the Department of Justice
3 and whose official duty station is at the seat of Govern-
4 ment.

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

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary for fiscal year 2002 to carry out this section.

12 TITLE II—PERMANENT 13 ENABLING PROVISIONS

14 **SEC. 201. PERMANENT AUTHORITY.**

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

18 **"§ 530C. Authority to use available funds**

19 "(a) IN GENERAL.—Except to the extent provided
20 otherwise by law, the activities of the Department of Jus-
21 tice (including any bureau, office, board, division, commis-
22 sion, subdivision, unit, or other component thereof) may,
23 in the reasonable discretion of the Attorney General, be
24 carried out through any means, including—

1 "(1) through the Department's own personnel,
2 acting within, from, or through the Department
3 itself;
4 "(2) by sending or receiving details of personnel
5 to other branches or agencies of the Federal Govern-
6 ment, on a reimbursable, partially-reimbursable, or
7 nonreimbursable basis;
8 "(3) through reimbursable agreements with
9 other Federal agencies for work, materials, or equip-
10 ment;
11 "(4) through contracts, grants, or cooperative
12 agreements with non-Federal parties; and
13 "(5) as provided in subsection (b), in section
14 524, and in any other provision of law consistent
15 herewith, including, without limitation, section
16 102(b) of Public Law 102-395 (106 Stat. 1838), as
17 incorporated by section 815(d) of Public Law 104-
18 132 (110 Stat. 1315).
19 "(b) PERMITTED USES.—
20 "(1) GENERAL PERMITTED USES.—Funds
21 available to the Attorney General (i.e., all funds
22 available to carry out the activities described in sub-
23 section (a)) may be used, without limitation, for the
24 following:

1 "(A) The purchase, lease, maintenance,
2 and operation of passenger motor vehicles, or
3 police-type motor vehicles for law enforcement
4 purposes, without regard to general purchase
5 price limitation 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,
10 including private counsel, as authorized by sec-
11 tion 3109 of title 5, and at rates of pay for in-
12 dividuals not to exceed the maximum daily rate
13 payable from time to time under section 5332
14 of title 5.
15 "(D) Official reception and representation
16 expenses (i.e., official expenses of a social na-
17 ture intended in whole or in predominant part
18 to promote goodwill toward the Department or
19 its missions, but excluding expenses of public
20 tours of facilities of the Department of Justice),
21 in accordance with distributions and procedures
22 established, and rules issued, by the Attorney
23 General, and expenses of public tours of facili-
24 ties of the Department of Justice.

1 "(E) Unforeseen emergencies of a con-
2 fidential character, to be expended under the di-
3 rection of the Attorney General and accounted
4 for solely on the certificate of the Attorney Gen-
5 eral.
6 "(F) Miscellaneous and emergency ex-
7 penses authorized or approved by the Attorney
8 General, the Deputy Attorney General, the As-
9 sociate Attorney General, or the Assistant At-
10 torney General for Administration.
11 "(G) In accordance with procedures estab-
12 lished and rules issued by the Attorney
13 General—
14 "(i) attendance at meetings and semi-
15 nars;
16 "(ii) conferences and training; and
17 "(iii) advances of public moneys under
18 section 3324 of title 31: *Provided*, That
19 travel advances of such moneys to law en-
20 forcement personnel engaged in undercover
21 activity shall be considered to be public
22 money for purposes of section 3527 of title
23 31.
24 "(H) Contracting with individuals for per-
25 sonal services abroad, except that such individ-

1 uals shall not be regarded as employees of the
2 United States for the purpose of any law ad-
3 ministered by the Office of Personnel Manage-
4 ment.

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

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

13 "(K) expenses of—

14 "(i) primary and secondary schooling
15 for dependents of personnel stationed out-
16 side the continental United States at cost
17 not in excess of those authorized by the
18 Department of Defense for the same area,
19 when it is determined by the Attorney
20 General that schools available in the local-
21 ity are unable to provide adequately for the
22 education of such dependents; and

23 "(ii) transportation of those depend-
24 ents between their place of residence and
25 schools serving the area which those de-

1 pendents would normally attend when the
2 Attorney General, under such regulations
3 as he may prescribe, determines that such
4 schools are not accessible by public means
5 of transportation.
6 "(3) SPECIFIC PERMITTED USES.—
7 "(A) AIRCRAFT AND BOATS.—Funds avail-
8 able to the Attorney General for United States
9 Attorneys, for the Federal Bureau of Investiga-
10 tion, for the United States Marshals Service,
11 for the Drug Enforcement Administration, and
12 for the Immigration and Naturalization Service
13 may be used for the purchase, lease, mainte-
14 nance, and operation of aircraft and boats, for
15 law enforcement purposes.
16 "(B) PURCHASE OF AMMUNITION AND
17 FIREARMS; FIREARMS COMPETITIONS.—Funds
18 available to the Attorney General for United
19 States Attorneys, for the Federal Bureau of In-
20 vestigation, for the United States Marshals
21 Service, for the Drug Enforcement Administra-
22 tion, for the Federal Prison System, for the Of-
23 fice of the Inspector General, and for the Immi-
24 gration and Naturalization Service may be used
25 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, ac-
8 quiring, 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
13 expenses incident or related thereto; but the
14 foregoing shall not be construed to mean that
15 funds generally available for salaries and ex-
16 penses are not also available for certain inci-
17 dental or minor construction, activation, remod-
18 eling, maintenance, and other related construc-
19 tion costs.
20 "(4) FEES AND EXPENSES OF WITNESSES.—
21 Funds available to the Attorney General for fees and
22 expenses of witnesses may be used for—
23 "(A) expenses, mileage, compensation, and
24 per diem in lieu of subsistence, of witnesses (in-
25 cluding advances of public money) as author-

1 ized by section 1821 or other law, except that
2 no witness may be paid more than 1 attendance
3 fee for any 1 calendar day;
4 "(B) fees and expenses of neutrals in alter-
5 native dispute resolution proceedings, where the
6 Department of Justice is a party; and
7 "(C) construction of protected witness
8 safesites.
9 "(5) FEDERAL BUREAU OF INVESTIGATION.—
10 Funds available to the Attorney General for the
11 Federal Bureau of Investigation for the detection,
12 investigation, and prosecution of crimes against the
13 United States may be used for the conduct of all its
14 authorized activities.
15 "(6) IMMIGRATION AND NATURALIZATION
16 SERVICE.—Funds available to the Attorney General
17 for the Immigration and Naturalization Service may
18 be used for—
19 "(A) acquisition of land as sites for en-
20 forcement fences, and construction incident to
21 such fences;
22 "(B) cash advances to aliens for meals and
23 lodging en route;
24 "(C) refunds of maintenance bills, immi-
25 gration fines, and other items properly return-

1 able, except deposits of aliens who become pub-
2 lic charges and deposits to secure payment of
3 fines and passage money; and
4 "(D) expenses and allowances incurred in
5 tracking lost persons, as required by public ex-
6 igencies, in aid of State or local law enforce-
7 ment agencies.
8 "(7) FEDERAL PRISON SYSTEM.—Funds avail-
9 able to the Attorney General for the Federal Prison
10 System may be used for—
11 "(A) inmate medical services and inmate
12 legal services, within the Federal prison system;
13 "(B) the purchase and exchange of farm
14 products and livestock;
15 "(C) the acquisition of land as provided in
16 section 4010 of title 18; and
17 "(D) the construction of buildings and fa-
18 cilities for penal and correctional institutions
19 (including prison camps), by contract or force
20 account, including the payment of United
21 States prisoners for their work performed in
22 any such construction.
23 "(8) DETENTION TRUSTEE.—Funds available
24 to the Attorney General for the Detention Trustee
25 may be used for all the activities of such Trustee in

1 the exercise of all power and functions authorized by
2 law relating to the detention of Federal prisoners in
3 non-Federal institutions or otherwise in the custody
4 of the United States Marshals Service and to the de-
5 tention of aliens in the custody of the Immigration
6 and Naturalization Service, including the overseeing
7 of construction of detention facilities or for housing
8 related to such detention, the management of funds
9 appropriated to the Department for the exercise of
10 detention functions, and the direction of the United
11 States Marshals Service and Immigration Service
12 with respect to the exercise of detention policy set-
13 ting and operations for the Department of Justice.
14 "(c) RELATED PROVISIONS.—
15 "(1) LIMITATION OF COMPENSATION OF INDI-
16 VIDUALS EMPLOYED AS ATTORNEYS.—No funds
17 available to the Attorney General may be used to
18 pay compensation for services provided by an indi-
19 vidual employed as an attorney (other than an indi-
20 vidual employed to provide services as a foreign at-
21 torney in special cases) unless such individual is duly
22 licensed and authorized to practice as an attorney
23 under the law of a State, a territory of the United
24 States, or the District of Columbia.

1 "(2) REIMBURSEMENTS PAID TO GOVERN-
2 MENTAL ENTITIES.—Funds available to the Attor-
3 ney General that are paid as reimbursement to a
4 governmental unit of the Department of Justice, to
5 another Federal entity, or to a unit of State or local
6 government, may be used under authorities available
7 to the unit or entity receiving such reimbursement.".
8 (b) CONFORMING AMENDMENT.—The table of sec-
9 tions of chapter 31 of title 28, United States Code, is
10 amended by adding at the end the following:

"530C. Authority to use available funds.".

11 **SEC. 202. PERMANENT AUTHORITY RELATING TO EN-**
12 **FORCEMENT OF LAWS.**

13 (a) IN GENERAL.—Chapter 31 of title 28, United
14 States Code (as amended by section 301), is amended by
15 adding at the end the following:

16 **"§ 530D. Report on enforcement of laws**

17 "(a) REPORT.—
18 "(1) IN GENERAL.—The Attorney General shall
19 submit to the Congress a report of any instance in
20 which the Attorney General or any officer of the De-
21 partment of Justice—
22 "(A) establishes or implements a formal or
23 informal policy to refrain—
24 "(i) from enforcing, applying, or ad-
25 ministering any provision of any Federal

1 statute, rule, regulation, program, policy,
2 or other law whose enforcement, applica-
3 tion, or administration is within the re-
4 sponsibility of the Attorney General or
5 such officer on the grounds that such pro-
6 vision is unconstitutional; or
7 "(ii) within any judicial jurisdiction of
8 or within the United States, from adhering
9 to, enforcing, applying, or complying with,
10 any standing rule of decision (binding
11 upon courts of, or inferior to those of, that
12 jurisdiction) established by a final decision
13 of any court of, or superior to those of,
14 that jurisdiction, respecting the interpreta-
15 tion, construction, or application of the
16 Constitution or of any statute, rule, regula-
17 tion, program, policy, or other law whose
18 enforcement, application, or administration
19 is within the responsibility of the Attorney
20 General or such officer;
21 "(B) determines—
22 "(i) to contest affirmatively, in any
23 judicial, administrative, or other pro-
24 ceeding, the constitutionality of any provi-

1 sion of any Federal statute, rule, regula-
2 tion, program, policy, or other law; or
3 "(ii) to refrain from defending or as-
4 serting, in any judicial, administrative, or
5 other proceeding, the constitutionality of
6 any provision of any Federal statute, rule,
7 regulation, program, policy, or other law,
8 or not to appeal or request review of any
9 judicial, administrative, or other deter-
10 mination adversely affecting the constitu-
11 tionality of any such provision; or
12 "(C) approves (other than in circumstances
13 in which a report is submitted to the Joint
14 Committee on Taxation, pursuant to section
15 6405 of the Internal Revenue Code of 1986)
16 the settlement or compromise (other than in
17 bankruptcy) of any claim, suit, or other
18 action—
19 "(i) against the United States (includ-
20 ing any agency or instrumentality thereof)
21 for a sum that exceeds, or is likely to ex-
22 ceed, $2,000,000; or
23 "(ii) by the United States including
24 any agency or instrumentality thereof)
25 pursuant to an agreement, consent decree,

1 or order that provides injunctive or other
2 nonmonetary relief that exceeds, or is like-
3 ly to exceed, 3 years in duration.
4 "(2) SUBMISSION OF REPORT TO THE CON-
5 GRESS.—For the purposes of paragraph (1), a re-
6 port shall be considered to be submitted to the Con-
7 gress if the report is submitted to—
8 "(A) the majority leader and minority
9 leader of the Senate;
10 "(B) the Speaker, majority leader, and mi-
11 nority leader of the House of Representatives;
12 "(C) the chairman and ranking minority
13 member of the Committee on the Judiciary of
14 the House of Representatives and the chairman
15 and ranking minority member of the Committee
16 on the Judiciary of the Senate; and
17 "(D) the Senate Legal Counsel and the
18 General Counsel of the House of Representa-
19 tives.
20 "(b) DEADLINE.—A report shall be submitted—
21 "(1) under subsection (a)(1)(A), not later than
22 30 days after the establishment or implementation
23 of each policy;
24 "(2) under subsection (a)(1)(B), within such
25 time as will reasonably enable the House of Rep-

1 resentatives and the Senate to take action, sepa-
2 rately or jointly, to intervene in timely fashion in the
3 proceeding, but in no event later than 30 days after
4 the making of each determination; and
5 "(3) under subsection (a)(1)(C), not later than
6 30 days after the conclusion of each fiscal-year quar-
7 ter, with respect to all approvals occurring in such
8 quarter.
9 "(c) CONTENTS.—A report required by subsection (a)
10 shall—
11 "(1) specify the date of the establishment or
12 implementation of the policy described in subsection
13 (a)(1)(A), of the making of the determination de-
14 scribed in subsection (a)(1)(B), or of each approval
15 described in subsection (a)(1)(C);
16 "(2) include a complete and detailed statement
17 of the relevant issues and background (including a
18 complete and detailed statement of the reasons for
19 the policy or determination, and the identity of the
20 officer responsible for establishing or implementing
21 such policy, making such determination, or approv-
22 ing such settlement or compromise), except that—
23 "(A) such details may be omitted as may
24 be absolutely necessary to prevent improper dis-
25 closure of national-security- or classified infor-

1 mation, or of any information subject to the de-
2 liberative-process-, executive-, attorney-work-
3 product-, or attorney-client privileges, if the fact
4 of each such omission (and the precise ground
5 or grounds therefor) is clearly noted in the
6 statement: provided, That this subparagraph
7 shall not be construed to deny to the Congress
8 (including any House, Committee, or agency
9 thereof) any such omitted details (or related in-
10 formation) that it lawfully may seek, subse-
11 quent to the submission of the report; and
12 "(B) the requirements of this paragraph
13 shall be deemed satisfied-
14 "(i) in the case of an approval de-
15 scribed in subsection (a)(1)(C)(i), if an
16 unredacted copy of the entire settlement
17 agreement and consent decree or order (if
18 any) is provided, along with a statement
19 indicating the legal and factual basis or
20 bases for the settlement or compromise (if
21 not apparent on the face of documents pro-
22 vided); and
23 "(ii) in the case of an approval de-
24 scribed in subsection (a)(1)(C)(ii), if an
25 unredacted copy of the entire settlement

1 agreement and consent decree or order (if
2 any) is provided, along with a statement
3 indicating the injunctive or other nonmone-
4 tary relief (if not apparent on the face of
5 documents provided); and
6 "(3) in the case of a determination described in
7 subsection (a)(1)(B) or an approval described in
8 subsection (a)(1)(C), indicate the nature, tribunal,
9 identifying information, and status of the pro-
10 ceeding, suit, or action.
11 "(d) DECLARATION.—In the case of a determination
12 described in subsection (a)(1)(B), the representative of the
13 United States participating in the proceeding shall make
14 a clear declaration in the proceeding that any position ex-
15 pressed as to the constitutionality of the provision involved
16 is the position of the executive branch of the Federal Gov-
17 ernment (or, as applicable, of the President or of any exec-
18 utive agency or military department).
19 "(e) APPLICABILITY TO THE PRESIDENT AND TO EX-
20 ECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The
21 reporting, declaration, and other provisions of this section
22 relating to the Attorney General and other officers of the
23 Department of Justice shall apply to the President, to the
24 head of each executive agency or military department (as
25 defined, respectively, in sections 105 and 102 of title 5,

1 United States Code) that establishes or implements a pol-
2 icy described in subsection (a)(1)(A) or is authorized to
3 conduct litigation, and to the officers of such executive
4 agency.".

5 (b) CONFORMING AMENDMENTS.—

6 (1) The table of sections for chapter 31 of title
7 28, United States Code (as amended by section
8 301), is amended by adding at the end the following:
"530D. Report on enforcement of laws.".

9 (2) Public Law 95–521 (92 Stat. 1883) is
10 amended by striking subsection (b).

11 (3) Not later than 30 days after the date of the
12 enactment of this Act, the President shall advise the
13 head of each executive agency or military depart-
14 ment (as defined, respectively, in sections 105 and
15 102 of title 5, United States Code) of the enactment
16 of this section.

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

1 (i) all policies described in subsection
2 (a)(1)(A) of such section that were established
3 or implemented before the date of the enact-
4 ment of this Act and were in effect on such
5 date;
6 (ii) all determinations described in sub-
7 section (a)(1)(B)(C) of such section that were
8 made before the date of the enactment of this
9 Act and were in effect on such date; and
10 (iii) all approvals described in subsection
11 (a)(1)(B)(C) of such section that were made be-
12 tween October 1, 1996, and the date of the en-
13 actment of this Act.
14 (B) If a determination described in subpara-
15 graph (A)(ii) relates to any judicial, administrative,
16 or other proceeding that is pending in the 90-day
17 period beginning on the date of the enactment of
18 this Act, with respect to any such determination,
19 then the report required by this paragraph shall be
20 submitted within such time as will reasonably enable
21 the House of Representatives and the Senate to take
22 action, separately or jointly, to intervene in timely
23 fashion in the proceeding, but not later than 30 days
24 after the date of the enactment of this Act.

1 **SEC. 203. NOTIFICATIONS AND REPORTS TO BE PROVIDED**
2 **SIMULTANEOUSLY TO COMMITTEES.**

3 If the Attorney General or any officer of the Depart-
4 ment of Justice (including any bureau, office, board, divi-
5 sion, commission, subdivision, unit, or other component
6 thereof) is required by any Act (which shall be understood
7 to include any request or direction contained in any report
8 of a committee of the Congress relating to an appropria-
9 tions Act or in any statement of managers accompanying
10 any conference report agreed to by the Congress) to pro-
11 vide a notice or report to any committee or subcommittee
12 of the Congress (other than both the Committee on the
13 Judiciary of the House of Representatives and the Com-
14 mittee on the Judiciary of the Senate), then such Act shall
15 be deemed to require that a copy of such notice or report
16 be provided simultaneously to the Committee on the Judi-
17 ciary of the House of Representatives and the Committee
18 on the Judiciary of the Senate.

19 **SEC. 204. MISCELLANEOUS USES OF FUNDS; TECHNICAL**
20 **AMENDMENTS.**

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

25 (1) in section 504(a) by striking "502" and in-
26 serting "501(b)";

1 (2) in section 506(a)(1) by striking "partici-
2 pating";
3 (3) in section 510—
4 (A) in subsection (a)(3) by striking "502"
5 inserting"501(b)"; and
6 (B) by adding at the end the following:
7 "(d) No grants or contracts under subsection (b) may
8 be made, entered into, or used, directly or indirectly, to
9 provide any security enhancements or any equipment to
10 any non-governmental entity."; and
11 (4) in section 511 by striking "503" inserting
12 "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 AMENDMENT; AUTHORITY TO TRANS-**
18 **FER PROPERTY OF MARGINAL VALUE.**
19 Section 524(c) of title 28, United States Code, is
20 amended—
21 (1) in paragraph (5) by inserting a comma
22 after "Fund" the 2d place it appears; and
23 (2) in paragraph (9)(B)—
24 (A) by striking "year 1997" and inserting
25 "years 1999 and 2000"; and

1 (B) by adding at the end the following:
2 "Such transfer shall be subject to satisfaction by the re-
3 cipient involved of any outstanding lien against the prop-
4 erty transferred.".

5 **SEC. 206. PROTECTION OF THE ATTORNEY GENERAL.**

6 Section 533(2) of title 28, United States Code, is
7 amended by inserting "or the person of the Attorney Gen-
8 eral" after "President".

9 **SEC. 207. ENFORCEMENT OF FEDERAL CRIMINAL LAWS BY**
10 **ATTORNEY GENERAL.**

11 Section 535 of title 28, United States Code, is
12 amended in subsections (a) and (b), by replacing "title
13 18" with "Federal criminal law", and in subsection (b),
14 by replacing "or complaint" with "matter, or complaint
15 witnessed, discovered, or", and by inserting "or the wit-
16 ness, discoverer, or recipient, as appropriate," after
17 "agency,".

18 **SEC. 208. COUNTERTERRORISM FUND.**

19 (a) ESTABLISHMENT; AVAILABILITY.—There is here-
20 by established in the Treasury of the United States a sepa-
21 rate fund to be known as the "Counterterrorism Fund",
22 amounts in which shall remain available without fiscal
23 year limitation—

1 (1) to reimburse any Department of Justice
2 component for any costs incurred in connection
3 with—
4 (A) reestablishing the operational capa-
5 bility of an office or facility that has been dam-
6 aged or destroyed as the result of any domestic
7 or international terrorism incident;
8 (B) providing support to counter, inves-
9 tigate, or prosecute domestic or international
10 terrorism, including, without limitation, paying
11 rewards in connection with these activities; and
12 (C) conducting terrorism threat assess-
13 ments of Federal agencies and their facilities;
14 and
15 (2) to reimburse any department or agency of
16 the Federal Government for any costs incurred in
17 connection with detaining in foreign countries indi-
18 viduals accused of acts of terrorism that violate the
19 laws of the United States.
20 (b) NO EFFECT ON PRIOR APPROPRIATIONS.—The
21 amendment made by subsection (a) shall not affect the
22 amount or availability of any appropriation to the
23 Counterterrorism Fund made before the date of enact-
24 ment of this Act.

TITLE III—MISCELLANEOUS

SEC. 301. REPEALERS.

(a) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL INSTITUTE OF CORRECTIONS.—Chapter 319 of title 18, United States Code, is amended—

(1) by striking section 4353; and

(2) in the analysis for such chapter by striking the item relating to section 4353.

(b) OPEN-ENDED AUTHORIZATION OF APPROPRIATIONS FOR UNITED STATES MARSHALS SERVICE.—Section 561 of title 28, United States Code, is amended by striking subsection (i).

(c) REPEAL OF VIOLENT CRIME REDUCTION TRUST FUND.—

(1) REPEALER.—Section 310001 of Public Law 103–322 is repealed.

(2) CONFORMING AMENDMENTS.—

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

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

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

1 (B) AVAILABILITY OF FUNDS.—(i) Section
2 210603 of the Violent Crime Control and Law
3 Enforcement Act of 1994 (18 U.S.C. 922 note)
4 is amended by striking subsection (a)
5 (ii) Section 13(a) of Public Law 91–383
6 (16 U.S.C. 1a–7a(a)) is amended by striking
7 "out of the Violent Crime Reduction Trust
8 Fund,".
9 (iii) Section 6(h)(1) of the Land and
10 Water Conservation Fund Act of 1965 (16
11 U.S.C. 460*l*–8(h)(1)) is amended by striking ",
12 and from amounts appropriated out of the Vio-
13 lent Crime Reduction Trust Fund,".
14 (iv) Section 240(i)(5) of the Immigration
15 and Nationality Act (8 U.S.C. 1231(i)(5)) is
16 amended by striking "of which" and all that
17 follows through "2000".
18 (v) Sections 808 and 823 of the
19 Antiterrorism and Effective Death Penalty Act
20 of 1996 (Public Law 104–132; 110 Stat. 1310,
21 1317) are repealed.
22 (vi) The Drug-Free Prisons and Jails Act
23 of 1998 (42 U.S.C. 3751 note) is amended by
24 striking section 118.

1 (vii) Section 401(e) of the Electronic Espi-
2 onage Act of 1993 (42 U.S.C. 13751(e)) is
3 amended by striking paragraph (2).

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

6 Title 18 of the United States Code is amended—
7 (1) in section 4041 by striking "at a salary of
8 $10,000 a year";
9 (2) in section 4013—
10 (A) in subsection (a)—
11 (i) by replacing "the support of
12 United States prisoners" with "Federal
13 prisoner detention";
14 (ii) in paragraph (2) by adding "and"
15 after "hire;";
16 (iii) in paragraph (3) by replacing
17 "entities; and" with "entities."; and
18 (iv) in paragraph (4) by inserting
19 "The Attorney General, in support of Fed-
20 eral prisoner detainees in non-Federal in-
21 stitutions, is authorized to make payments,
22 from funds appropriated for State and
23 local law enforcement assistance, for" be-
24 fore "entering"; and
25 (B) by redesignating—

1 (i) subsection (b) as subsection (c);
2 and
3 (ii) paragraph (a)(4) as subsection
4 (b), and subparagraphs (A), (B), and (C),
5 of such paragraph (a)(4) as paragraphs
6 (1), (2), and (3) of such subsection (b);
7 and
8 (3) in section 209(a)—
9 (A) by striking "or makes" and inserting
10 "makes"; and
11 (B) by striking "supplements the salary of,
12 any" and inserting "supplements, the salary of
13 any".

14 **SEC. 303. REQUIRED SUBMISSION OF PROPOSED AUTHOR-**
15 **IZATION OF APPROPRIATIONS FOR THE DE-**
16 **PARTMENT OF JUSTICE FOR FISCAL YEAR**
17 **2003.**

18 When the President submits to the Congress the
19 budget of the United States Government for fiscal year
20 2003, the President shall simultaneously submit to the
21 Committee on the Judiciary of the House of Representa-
22 tives and the Committee on the Judiciary of the Senate
23 proposed legislation authorizing appropriations for the De-
24 partment of Justice for fiscal year 2003.

Chairman SENSENBRENNER. I am pleased to bring before the Committee H.R. 2215, the DOJ Authorization Act. This bill is

based on President Bush's proposal for the Justice Department's fiscal year 2002 budget. Three Subcommittees and the full Committee have reviewed the Department's budget at oversight hearings. Attorney General John Ashcroft testified for over 3 hours regarding various issues concerning the President's proposed budget. This bill is the product of several drafting sessions between the majority and minority staff and officials from the Justice Department, and from a number of Members who have provided input into this legislation. I wish to thank the chief co-sponsor of this legislation, the gentleman from Michigan, Mr. Conyers, for his help and support in crafting this legislation.

It has been over 20 years since the 96th Congress last authorized appropriations for the Department of Justice. As a result, the Department is operated pursuant to laws that are in need of revision. H.R. 2215 establishes fundamental budgetary and administrative authorities that simplify, harmonize and clarify over two decades of statutory authorities that have been created by various enactments. These changes should enable the Justice Department to improve its efficiency which will ultimately benefit the American people.

The President's budget includes many promising initiatives, including new funding for the INS to help secure our borders, new funding for the FBI to combat terrorism and cyber crime, and new funding for the DEA to improve its efforts to fight the scourge of drugs and violence. Notwithstanding these priorities, I support the administration's decision to take a breather from the hefty budget increases that the Department has received in the last decade.

The Department of Justice's budget has dramatically increased from $11 billion in fiscal '93 to more than $21 billion this year. It is not clear that the Department has been able to manage these resources effectively and efficiently. The funding levels authorized in this bill reflect the request of the President with one exception. The Committee has increased the level authorized for the Office of Inspector General by $10 million. The IG's Office has been severely downsized over the last several years from approximately 460 to 360 full-time equivalents. Oversight is a priority and this level of funding should get the IG back on the path of meeting the audit and oversight needs of the Department. Also, together with the manager's amendment that I will offer, which will create a Deputy IG for FBI oversight whose sole job will be to coordinate and be responsible for overseeing the programs and operations of the Bureau, this funding level will help the Department improve its operations.

H.R. 2215 also stakes the Committee's claim to information so that it may conduct proper oversight over the Department. Several years ago the appropriators slipped in an amendment to their bill, denying this Committee the ability to receive reprogramming and transfer notices, notices which were routinely sent to the Committee previously. This has diminished our ability to conduct oversight over the Department. One example of this comes to mind. Several years ago when the FBI reorganized the National Security Division, the FBI came to the Hill to brief majority and minority staff on the reorganization. This was the first time our staffs had even heard of this reorganization, and the FBI informed the staff

that the appropriators had approved the plan through a reprogramming request.

H.R. 2215 is a giant step in the right direction. However, this bill does not authorize a number of expired grant programs for several reasons. First, they need serious review. We're not about to rubber stamp a funding level without fully reviewing those programs which have grown exponentially over the last several years. The Committee has tried, with limited success over the years to authorize expired grant programs. Last year Congress authorized the Violence Against Women Act. This year again we have passed the Juvenile Justice bill, and I hope that will not get bogged down with extraneous matters as it did last Congress. I also expect during the remainder of this Congress, we will review and authorize as appropriate, those expired provisions of the Omnibus Crime Control Act of '68, State and local block grants, the programs contained in the Antiterrorism and Effective Death Penalty Act of 1994, and other similar expired authority. This will take great effort, but I realize before we authorize them, we need to vigorously review those programs to insure the billions that are spent on them are being spent wisely.

[The opening statement of Chairman Sensenbrenner follows:]

PREPARED STATEMENT OF THE HONORABLE F. JAMES SENSENBRENNER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

I am pleased to bring before the Committee H.R. 2215, the "21st Century Department of Justice Appropriations Authorization Act." H.R. 2215 is based on President Bush's proposal for the Justice Department's fiscal year 2002 budget. Three subcommittees and the full Committee reviewed the Department's budget at oversight hearings. Attorney General John Ashcroft testified for over three hours regarding various issues concerning the President's proposed budget.

This bill is the product of several drafting sessions between the majority and minority staff and officials from the Justice Department, and from a number of Members who have provided input into this legislation. I want to thank the chief cosponsor of this legislation, Rep. Conyers, for his help and support in crafting this legislation.

It has been over twenty years since the 96th Congress last authorized appropriations for the Department of Justice. As a result, the Department has operated pursuant to laws that are in need of revision. H.R. 2215 establishes fundamental budgetary and administrative authorities that simplify, harmonize, and clarify over two decades of statutory authorities that have been created by various enactments. These changes should enable the Justice Department to improve its efficiency which will ultimately benefit the American people.

The President's budget includes many promising initiatives, including: new funding for the Immigration and Naturalization Service to help secure our borders, new funding for the Federal Bureau of Investigation to combat terrorism and cybercrime, and new funding for the Drug Enforcement Agency to improve its efforts to fight the scourge of drugs and violence.

Notwithstanding these priorities, I support the Administration's decision to take a breather from the hefty budget increases that the Department has received in the last decade. The Department of Justice's budget has dramatically increased from $11 billion in Fiscal Year 1993 to more than $21 billion this year. It is not clear that the Department has been able to manage these resources effectively and efficiently.

The funding levels authorized in this bill reflect the request of the President with one exception. The Committee has increased the level authorized for the Office of Inspector General by 10 million dollars. The IG's office has been severely downsized over the last several years from approximately 460 to 360 full-time equivalents. Oversight is a priority and this level of funding should get the IG back on the path of meeting the audit and oversight needs of the Department. Also, together with the manager's amendment that I will offer, which will create a Deputy IG for FBI oversight whose sole job will be to coordinate and be responsible for overseeing the programs and operations of the Bureau, this funding level will help the Department improve its operations.

H.R. 2215 also stakes the Committee's claim to information to conduct proper oversight over the Department. Several years ago the Appropriations Committee slipped an amendment in their bill denying this Committee the ability to receive reprogramming and transfer notices—notices which routinely were sent to the Committee. This has diminished our ability to conduct oversight over the Department. One example of this comes to mind. Several years ago when the FBI reorganized the National Security Division, the FBI came to the Hill to brief majority and minority staff on the reorganization. It was the first time our staff's had even heard of the reorganization and the FBI informed the staff that the appropriators had approved the plan through a reprogramming request.

H.R. 2215 is a giant step in the right direction; however, this bill does not authorize a number of expired grant programs for several reasons. First, these programs need serious review. We were not about to rubber stamp any funding level without fully reviewing these programs which have grown exponentially over the last several years. This Committee has tried with limited success over the years to authorize expired grant programs. Last year, Congress authorized the Violence Against Women Act. This year, we have again passed the Juvenile Justice bill, and I am hopeful that it will not get bogged down with extraneous matters as it did last Congress. I also expect that during the remainder of this Congress, we will review and authorize, as appropriate, those expired provisions in the Omnibus Crime Control Act of 1968, state and local block grants, the programs contained in the Antiterrorism and Effective Death Penalty Act of 1994, and other similar expired authority. This will take great effort, but I believe we need to vigorously review these programs to ensure that the billions spent on them are being spent wisely before we reauthorize them. It is for these reasons that we have deferred action on the expired grant programs of the Department.

Again, let me thank the Members and officials of the Department for their efforts both at the hearing and at this markup. I nows recognize the gentleman from Michigan for five minutes for his statement.

And at this time I would recognize the gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Thank you, Mr. Chairman. I rise to strike the last word, and to thank you for defending our Committee's jurisdiction and for the bipartisanship that was involved in constructing this measure.

We have not authorized the Department of Justice in more than 20 years, and instead of leaving the responsibility to the appropriators to decide which programs in Justice should be authorized and what their funding level should be, we are making that initial recommendation ourselves.

To remedy the past problems, the Chairman has worked with our staff, the Justice Department, to draft legislation. First we repeal archaic statutes and fixing errors in the law. The bill is the voice of the Committee on how the Department of Justice should be funded. Example, this bill tracks our requests that the Civil Rights Division receive $101 million for the fiscal year 2002. This is the amount that the Committee recommended earlier in its budget views. Significantly, our Committee's markup is occurring in advance of the Subcommittee on Appropriations of Commerce, Justice, State and Judiciary. This puts our Committee on record when the record still matters.

The Chairman and I also initiated discussions with Chairman Leahy and Senator Hatch on this matter, and hopefully when the bill passes the House, there will be a reasonable opportunity to work with the leaders in the other body to pass legislation similar to ours.

Now, this first authority is narrow in scope. It leaves uncommented upon other Department of Justice grant programs, for example, the COPS program, and local law enforcement block grants. But it is an excellent starting point nevertheless, and I

hope a precursor to even more active Committee involvement in the running of the Justice Department.

Thank you very much. I return any unused time.

Chairman SENSENBRENNER. Without objection, Members' opening statements will appear in the record at this point. The bill is open for amendment at any point, and I have an amendment at the desk. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Sensenbrenner.

Chairman SENSENBRENNER. Without objection, the amendment is considered as read and open for amendment at any point. And I will recognize myself for 5 minutes.

[The amendment follows:]

Amendment To H.R. 2215

Offered by Mr. Sensenbrenner

Page 4, strike lines 17 and 18, and insert the following:

1 (10) FEDERAL PRISONER DETENTION.—For
2 the support

Page 5, line 12, insert "and" after "citizenship".

Page 7, after line 14, insert the following:

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

Page 7, line 19, strike "may" and insert "shall".

Page 7, line 25, strike "shall" and insert "may".

Page 12, line 13, strike "expenses" and insert "Expenses".

Page 14, line 25, insert "and" after "money)".

Page 26, lines 7 and 11, strike "(a)(1)(B)(C)" and insert "(a)(1)(C)".

Beginning on page 28, strike line 17 and all that follows through line 4 on page 29, and insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. 205. TECHNICAL AND MISCELLANEOUS AMENDMENTS**
2 **TO DEPARTMENT OF JUSTICE AUTHORITIES;**
3 **AUTHORITY TO TRANSFER PROPERTY OF**
4 **MARGINAL VALUE; RECORDKEEPING; PRO-**
5 **TECTION OF THE ATTORNEY GENERAL.**
6 (a) Section 524 of title 28, United States Code, is
7 amended—
8 (1) in subsection (a) by inserting "to the Attor-
9 ney General" after "available";
10 (2) in paragraph (c)(1)—
11 (A) by striking the semicolon at the end of
12 the subparagraph (I) that begins with "pay-
13 ment of overtime" and inserting a period;
14 (B) by striking the subparagraph (I) that
15 begins with "after all reimbursements";
16 (C) by striking "(A)(iv), (B), (F), (G), and
17 (H)" in the flush sentence that begins with

"Amounts for paying" and inserting "(A)(ii), (B), (F), and (G),"; and

(D) by striking "fund" in the flush sentence that begins "The Attorney General" and inserting "Fund";

(3) in paragraph (c)(2)—

(A) by striking "for information" each place it appears; and

(B) by striking "$250,000" the 2d and 3d places it appears and inserting "$500,000";

(4) in paragraph (c)(3) by striking "(F)" and inserting "(G)";

(5) in paragraph (c)(5) by striking "Fund which" and inserting "Fund, that";

(6) in subsection (c)(8)(A) by striking "(A)(iv), (B), (F), (G), and (H)" and inserting "(A)(ii), (B), (F), and (G),"; and

(7) in subsection (c)(9)(B)—

(A) by striking "year 1997" and inserting "years 2002 and 2003"; and

(B) by striking "Such transfer shall not" and inserting "Each such transfer shall be subject to satisfaction by the recipient involved of any outstanding lien against the property transferred, but no such transfer shall".

1 (b) The 3d sentence of section 515(b) of title 28,
2 United States Code, is amended by striking "at not more
3 than $12,000".
4 (c) Section 522 of title 28, United States Code, is
5 amended by inserting "(a)" before "The", and by insert-
6 ing at the end the following:
7 "(b) With respect to any data, records, or other infor-
8 mation acquired, collected, classified, preserved, or pub-
9 lished by the Attorney General for any statistical, re-
10 search, or other aggregate reporting purpose beginning
11 not later than 1 year after the date of enactment of 21st
12 Century Department of Justice Appropriations Authoriza-
13 tion Act and continuing thereafter, and notwithstanding
14 any other provision of law, the same criteria shall be used
15 (and shall be required to be used, as applicable) to classify
16 or categorize offenders and victims (in the criminal con-
17 text), and to classify or categorize actors and acted upon
18 (in the noncriminal context).".
19 (d) Section 534(a)(3) of title 28, United States Code,
20 is amended by adding "and" after the semicolon.
21 (e) Section 509(3) of title 28, United States Code,
22 is amended by striking the 2d period.
23 (f) Section 533(2) of title 28, United States Code,
24 is amended by inserting "or the person of the Attorney
25 General" after "President".

1 **SEC. 206. OVERSIGHT; WASTE, FRAUD, AND ABUSE OF AP-**
2 **PROPRIATIONS.**

3 (a) Section 529 of title 28, United States Code, is
4 amended by inserting "(a)" before "Beginning", and by
5 adding at the end the following:

6 "(b) The Attorney General shall, not later than Feb-
7 ruary 2, 2003, and of every year thereafter, provide to
8 the Committees on the Judiciary and Appropriations of
9 each House of the Congress—

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

1 "(2) a performance review of every grant, coop-
2 erative agreement, or programmatic services con-
3 tract made, entered into, awarded, or extended by or
4 on behalf of the Office of Justice Programs (includ-
5 ing any component or unit thereof, and the Office of
6 Community Oriented Policing Services) that was ter-
7 minated or that otherwise ended in the immediately
8 preceding fiscal year, and including, without limita-
9 tion, for each such grant, cooperative agreement, or
10 contract: a complete and detailed description of how
11 the appropriated funds involved actually were spent,
12 complete and detailed statistics relating to its per-
13 formance, its specific purpose or purposes, and its
14 effectiveness, and a sworn, written declaration by
15 each grantee, contractor, subcontractor, and sub-
16 grantee that—
17 "(A) the appropriated funds were spent for
18 such purpose or purposes, and only such pur-
19 pose or purposes;
20 "(B) the terms of the grant, cooperative
21 agreement, or contract were complied with; and
22 "(C) all documentation necessary for con-
23 ducting a full and proper audit under generally
24 accepted accounting principles, and any (addi-
25 tional) documentation that may have been re-

1 quired under the grant, cooperative agreement,
2 or contract, have been kept in orderly fashion
3 and will be preserved for not less than 3 years
4 from the date of such termination or end.".

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

19 (c) Section 1516(a) of title 18, United States Code,
20 is amended by inserting ", entity, or program" after "per-
21 son", and by inserting "grant, or cooperative agreement,"
22 after "subcontract,".

23 (d) The flush portion of section 112 of title I of sec-
24 tion 101(b) of division A of Public Law 105–277 (112
25 Stat. 2681–67) is amended in by inserting "any" after

1 "during", by inserting ", the Attorney General—" after
2 "year", and by striking the matter following.
3 (e) REPORT OF THE ATTORNEY GENERAL ON CRIMI-
4 NAL COPYRIGHT INFRINGEMENT.—Section 2320(f) of
5 title 18, United States Code, is amended—
6 (1) by striking "title 18" each place it appears
7 and inserting "this title"; and
8 (2) by redesignating paragraphs (1) through
9 (4) as subparagraphs (A) through (D), respectively;
10 (3) by inserting "(1)" after "(f)"; and
11 (4) by adding at the end the following:
12 "(2) The report under paragraph (1), with respect
13 to criminal infringement of copyright, shall include the fol-
14 lowing:
15 "(A) The number of infringement cases involv-
16 ing specific types of works, such as audiovisual
17 works, sound recordings, business software, video
18 games, books, and other types of works.
19 "(B) The number of infringement cases involv-
20 ing an online element.
21 "(C) The number and dollar amounts of fines
22 assessed in specific categories of dollar amounts,
23 such as up to $500, from $500 to $1,000, from
24 $1,000 to $5,000, from $5,000 to $10,000, and cat-
25 egories above $10,000.

1 "(D) The amount of restitution awarded.

2 "(E) Whether the sentences imposed were

3 served.".

Page 32, line 14, strike "240(i)(5)" and insert "241(i)(5)".

Page 34, line 22, insert "such" after "Senate".

Page 34, line 24, insert "as the Attorney General may judge necessary and expedient" before the period at the end.

At the end of the bill add the following (and make such technical and conforming changes as may be appropriate):

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

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

1 (b) INSPECTOR GENERAL OVERSIGHT PLAN FOR
2 THE FEDERAL BUREAU OF INVESTIGATION.—Not later
3 than 30 days after the date of the enactment of this Act,
4 the Inspector General of the Department of Justice shall
5 submit to the Congress a plan for oversight of the Federal
6 Bureau of Investigation. The Inspector General shall con-
7 sider the following activities for inclusion in such plan:
8 (1) FINANCIAL SYSTEMS.—Auditing the finan-
9 cial systems, information technology systems, and
10 computer security systems of the Federal Bureau of
11 Investigation.
12 (2) PROGRAMS AND PROCESSES.—Auditing and
13 evaluating programs and processes of the Federal
14 Bureau of Investigation to identify systemic weak-
15 nesses or implementation failures and to recommend
16 corrective action.
17 (3) INTERNAL AFFAIRS OFFICES.—Reviewing
18 the activities of internal affairs offices of the Federal
19 Bureau of Investigation, including the Inspections
20 Division and the Office of Professional Responsi-
21 bility.
22 (4) PERSONNEL.—Investigating allegations of
23 serious misconduct by personnel of the Federal Bu-
24 reau of Investigation.

1 (5) OTHER PROGRAMS AND OPERATIONS.—Re-
2 viewing matters relating to any other program or
3 and operation of the Federal Bureau of Investiga-
4 tion that the Inspector General determines requires
5 review.
6 (6) RESOURCES.—Identifying resources needed
7 by the Inspector General to implement such plan.
8 (c) REVIEW OF ATTORNEY GENERAL ORDER.—Not
9 later than 30 days after the date of the enactment of this
10 Act, the Attorney General shall—
11 (1) review Attorney General Order 1931–94
12 (signed November 8, 1994); and
13 (2) submit to the Congress a report stating
14 whether the Attorney General intends to rescind, to
15 modify, or to take no action affecting such order.

Chairman SENSENBRENNER. This amendment is a bipartisan effort to improve the oversight of DOJ. The Department has in many ways lost its way, and I believe it needs to focus on fundamentals, fundamentals regarding core functions, fundamentals regarding the mission of the Department and its components, and fundamentals regarding the mundane, such as financial management, information technology and human resources. The FBI oversight provision in the amendment directs the DOJ Inspector General to appoint a deputy whose sole job is to focus on the FBI's programs and operations, something that is sorely needed in light of revelations in the press. The amendment directs the IG to submit to Congress a report within 30 days of enactment of the bill, so that Congress and the American people know what the plan will be for overseeing the FBI.

The IG will consider several other factors including first, auditing financial systems, information technology systems and computer security operations of the FBI. Second, auditing and evaluating programs and processes of the FBI to identify systemic weaknesses or implementation failures and to recommend corrective action. Third, reviewing the activities of Internal Affairs Offices at

the FBI. And fourth, investigating allegations of misconduct by FBI personnel.

Finally, the amendment directs the Attorney General to review former Attorney General Reno's order 1931–94, signed November 8, 1994, which limited the ability of the IG to review FBI and DEA matters. Together with the funding increase for the IG already contained in the bill, this signifies a major step forward in our effort to improve the operations of the FBI.

The amendment also contains a provision that would promote accountability and integrity in the multibillion dollar grant program now administered by the DOJ, by requiring the Attorney General to provide Congress with annual reports and performance reviews of these programs. These reports would identify and describe the specific purpose of each grant, the recipients of the grant, the dollar amount of the grant, and the losing applicants. The performance reviews would inform the Congress of the effectiveness of completed grant projects in achieving the specified purposes for which the grants were made. These reports and performance reviews will establish a record of measurable results which will permit Congress to carry out its constitutional responsibility to authorize and fund these programs at appropriate levels.

The amendment contains a provision that directs the Department to be consistent when collecting statistical information. It does not help the Congress and others conducting oversight of the Department when the Department provides data and statistics that are not methodologically sound and consistent. This provision will insure consistency in their statistical reporting.

The amendment also contains a provision drafted by Mr. Berman, that would amend an existing reporting requirement by requiring specific information about criminal infringement of copyright cases.

I appreciate Mr. Berman and Mr. Coble's efforts in this area.

Finally, the amendment makes several technical and conforming changes to the underlying bill in a number of statutes.

I yield back the balance of my time. And is there further discussion of the amendment?

[The statement of Chairman Sensenbrenner follows:]

PREPARED STATEMENT OF THE HONORABLE F. JAMES SENSENBRENNER, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WISCONSIN

This amendment is a bipartisan effort to improve oversight of the Department of Justice. The Department of Justice has in many ways lost its way, and I believe it needs to focus on fundamentals. Fundamentals regarding core functions, fundamentals regarding the mission of the Department and its components, and fundamentals regarding the mundane such as financial management, information technology, and human resources.

The FBI oversight provision in the amendment directs the Department of Justice Inspector General to appoint a deputy whose sole job is to focus on the FBI's programs and operations. The amendment directs the IG to submit to Congress a report within 30 days of enactment of the bill so that Congress and the American people know what the plan will be for overseeing the FBI. The IG will consider several other factors:

- auditing the financial systems, information technology systems, and computer security systems of the FBI;
- auditing and evaluating programs and processes of the FBI to identify systemic weaknesses or implementation failures and to recommend corrective action;
- reviewing the activities of internal affairs offices at the FBI; and

• investigating allegations of misconduct by FBI personnel.

Finally, the amendment directs the Attorney General to review Attorney General Reno's order 1931–94 signed November 8, 1994, which limited the ability of the IG to review FBI and DEA matters. Together with the funding increase for the IG already contained in the bill, this signifies a major step forward in our effort to improve the operations of the FBI.

The amendment also contains a provision which would promote accountability and integrity in the multibillion dollar grant programs now administered by the Department of Justice by requiring the Attorney General to provide Congress with annual reports and performance reviews of those programs. The reports would identify and describe the specific purpose of each grant, the recipients of the grant, the dollar amount of each grant, and the losing applicants. The performance reviews would inform the Congress of the effectiveness of completed grant projects in achieving the specified purposes for which the grants were made. These reports and performance reviews will establish a record of measurable results that will permit Congress to carry out its constitutional responsibility to authorize and fund these programs at appropriate levels.

The amendment contains a provision that directs the Department to be consistent when collecting statistical information. It does not help the Congress and others conducting oversight of the Department when the Department provides data and statistics that are not methodologically sound. This provision will ensure consistency in Justice Department statistical reporting.

The amendment also contains a provision drafted by Mr. Berman which would amend an existing reporting requirement by requiring specific information about criminal infringement of copyright cases. I appreciate Mr. Berman's and Mr. Coble's efforts on this matter.

Finally, the amendment makes several technical and conforming changes to the underlying bill and a number of statutes.

The gentleman from Michigan, Mr. Conyers, is recognized for 5 minutes.

Mr. CONYERS. Thank you, Mr. Chairman. I strike the last word, and rise in support of the amendment, and ask unanimous consent to insert my statement into the record?

Chairman SENSENBRENNER. Without objection.

[The statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

I must again commend the Chairman for defending this Committee's jurisdiction and for his bipartisanship. This Committee has not authorized the Department of Justice in more than 20 years, instead leaving the responsibility to the appropriators to decide what DOJ programs should be authorized and their maximum funding level. Needless to say, this puts a serious cramp in our Committee's critical oversight function.

To remedy this, the Chairman worked with our staff and the Justice Department to draft legislation. Aside from repealing archaic statutes and fixing errors in the law, the bill is the voice of the Committee on how the Justice Department should be funded. For example, this bill tracks our request that the Civil Rights Division receive $101.8 million for fiscal year 2002. This is the amount that the Committee recommended in its budget views.

Significantly, our Committee's markup is occurring in advance of the Commerce, Justice, State, and Judiciary markup by the Appropriations Committee. This put our Committee on record when the record still matters. The Chairman and I also initiated discussions with Senators Leahy and Hatch on this matter, and hopefully, when the bill passes the House, there will be a reasonable opportunity to pass this legislation in the other body.

This bill is not perfect. It is narrow in scope and does not touch all important DOJ grant programs such as COPS and local law enforcement block grants. But it is a useful starting point and I hope a precursor to more active Committee involvement in the running of the Justice Department.

Mr. CONYERS. And return the time.

Chairman SENSENBRENNER. The gentleman's time is returned. The question is on the amendment offered by——

Mr. CONYERS. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I'd like to offer one small amendment that——

Chairman SENSENBRENNER. Is this an amendment to the amendment or an amendment to the bill?

Mr. CONYERS. Oh, no, it's a separate amendment.

Chairman SENSENBRENNER. Okay. The question again recurs on the amendment offered by the Chair. Those in favor will signify by saying aye.

Opposed, no.

The ayes appear to have it. The ayes have it. And the amendment is agreed to. Are there further amendments? Gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. I have an amendment at the desk, and ask that it be reported.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Mr. Chairman, I don't have the Conyers amendment at the desk.

Chairman SENSENBRENNER. Now you do.

The CLERK. Amendment to H.R. 2215 offered by Mr. Conyers. At page 8, line 2, strike the period——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, and the gentleman from Michigan is recognized for 5 minutes.

[The amendment follows:]

AMENDMENT TO H.R. 2215

OFFERED BY MR. CONYERS

At page 8, line 2, strike the period and insert the following (and make such technical and conforming changes as may be appropriate):

", except that no such attorneys may be appointed from the Civil Rights Division or the Environmental and Natural Resources Division."

Mr. CONYERS. Mr. Chairman, I rise in support of my amendment, which addresses a small concern about the original bill that required the Attorney General not only to appoint 200 new Assistant United States Attorneys, but also, if necessary, to take them from Main Justice.

Now, that's fine because we've already made that appointment for Main Justice an option instead of a requirement, but I just want to make sure that the Attorney General doesn't decide to make appointments, even optionally, at the risk of important—two important areas. That is the civil rights area and the environmental prosecutions area.

I begin my discussion under the premise that no one in the room seriously contends that we need less civil rights oversight or less environmental enforcement, because taking attorneys away from these two parts of the Department of Justice would aggravate very serious problems.

And so my amendment merely states that the Attorney General has the option of appointing 200 new Assistant U.S. Attorneys and that they may come from Main Justice, but not from the Civil Rights Division and not from the Environmental and Natural Resources Division. This would—this is because the Civil Rights Division and the Environment Division are the two most, in my judgment, overworked Divisions in the Department. Discrimination, as we all readily are aware, continues to be a persistent problem in American society, and there is more than sufficient evidence supporting increasing funding to enforce the civil rights laws and oversight of them.

It would make no sense for us to authorize $101 million in funding for the Civil Rights Division on the one hand, but then permit the Attorney General to cherrypick civil rights attorneys and transfer them to other U.S. Attorney's Offices, no matter how much they may be needed.

And the same goes for the Environmental Division. It's so critical where the environment becomes more and more important a subject almost daily that we keep as strong an Environmental and Natural Resources Division as possible.

And so that is the simple and primary and only goal of this amendment, and I urge favorable consideration by my colleagues, and I return any unused time.

Chairman SENSENBRENNER. The Chair recognizes himself to strike the last word.

I believe that the gentleman from Michigan's heart is in the right place, and this legislation actually tracks the President's request in increasing the authorization for the Civil Rights Division because the Civil Rights Division is overworked, and with the additional money, I think that you will see additional personnel being assigned to the Civil Rights Division.

The concern that I have is to place this type of language in an authorization bill ties the Attorney General's hands in managing his Department. And I would be opposed to this type of legislation as well as legislation that would mandate the sending of 200 attorneys from Main Justice out to the U.S. Attorney's Offices.

Should the Attorney General decide to do this, we will give him a prompt invitation to come to this Committee to explain what he has done and to get input from Members of the Committee. And I think that since Mr. Ashcroft had such a good time when he was up here earlier, he would be delighted to come and explain that.

The fact is that without this legislation he can do it, ignoring this Committee and the Senate Judiciary Committee, simply with a reprogramming request it goes over to the appropriators. I think that getting reprogramming notices here is a much more important principle to establish and leave the management of the Justice Department to the man who was appointed to head the Justice Department.

Mr. CONYERS. Would the gentleman yield?

Chairman SENSENBRENNER. I yield to the gentleman from Michigan.

Mr. CONYERS. While I'm persuaded by the Chairman's bona fides in this area, I think this is a shot across the bow. I'm sure the Attorney General and his representatives can discern what import and I hope the sentiment of the full Committee are. And with an

agreement that we would include this discussion in our report language, I would ask unanimous consent to withdraw the amendment.

Chairman SENSENBRENNER. If the gentleman would yield, I believe that the report language should clearly indicate what the Committee's desire is, which I think is expressed by the gentleman from Michigan, and the amendment is withdrawn.

Are there further amendments? The gentleman from California, Mr. Berman. Do you have an amendment?

Mr. CONYERS. He's empty-handed.

Mr. BERMAN. Yes, Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The gentleman from California is not empty-handed, and the clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Berman, Mr. Gallegly——

Mr. BERMAN. I ask unanimous consent the amendment be considered as read.

The CLERK.—Ms. Lofgren, Ms. Waters——

Mr. GEKAS. Mr. Chairman, I reserve a point of order.

The CLERK.—Mr. Issa, Mr.——

Chairman SENSENBRENNER. A point of order is reserved, without objection, the amendment is considered as read, and the gentleman from California is recognized for 5 minutes.

[The amendment follows:]

AMENDMENT TO H.R. 2215

OFFERED BY MR. BERMAN, MR. GALLEGLY, MS. LOFGREN, MS. WATERS, MR. ISSA, MR. SCHIFF, AND MR. FLAKE

On page 32, line 17, [redacted] insert the following after "2000":

"and inserting 'up to $750,000,000 for each of fiscal years 2002 through 2006.'"

Mr. BERMAN. Thank you very much, Mr. Chairman, and I understand the parliamentary problems with this amendment. But I did want to use this as an opportunity with some of my colleagues who are very much affected by it to raise the problem with the State Criminal Alien Assistance Program, sometimes known as SCAAP, a program which we were led to believe the authorization had now expired. The amendment would reauthorize the program at a level up to $750 million. The Committee, when it made a recommendation to the House Budget Committee, we recommended it being funded at $685 million. Unfortunately, the administration's budget now includes only $265 million for SCAAP in fiscal year 2002. That's greater than a 50-percent cut.

The Committee also at the time supported a long-term reauthorization of SCAAP. The original authorization expired last year, and in many States this is not a program we can afford to lose. The State Criminal Alien Assistance Program has brought much needed relief to the States most impacted by the expense of housing crimi-

nal aliens. What this is about, it's about the Federal Government's failure to enforce our laws and the States, and particularly the justice systems in the States, bearing the costs of that Federal failure.

At the present time in California, for instance, the cost to our State and county jurisdictions that applied for reimbursement in fiscal year 1999 was slightly more than $460 million. The SCAAP funds then appropriated, far greater than are now being proposed, allocated to California that same fiscal year was merely $178 million. This left nearly 60 percent of the burden of incarcerating this population solely on the shoulders of the State. California is not alone in shouldering this burden. Other border States like Arizona, Texas, and Florida are hit just as hard by this expense.

It's my understanding that the language that H.R. 2215 strikes from the current SCAAP authorization leaves an open-ended permanent authorization for the SCAAP. If that is the case, I would be happy to withdraw the amendment and——

Mr. ISSA. Would the gentleman yield?

Mr. BERMAN. I'd be happy to yield——

Mr. ISSA. Thank you.

Mr. BERMAN.—to the gentleman from California, Mr. Issa.

Mr. ISSA. Thank you.

Mr. Chairman, I also realize that there may be some question about the appropriateness of this, but there is no question that sooner or later, if we can't do it here today, this body has to address the requirement for the Federal Government to meet its obligation to the border States for the legitimate cost of incarceration that's been incurred as a result of our simply enforcing Federal laws or participating in incarcerating these people. And I would join my colleague, Mr. Berman, in saying that, you know, if we can do it here, great; if we can't do it, we have to readdress this.

Thank you. I yield back.

Mr. BERMAN. Thank you. Just, Mr. Chairman, in what remaining time I have left, could I ask the Chair or counsel to the Committee through the Chair the question? Based on the way this authorization bill is written and the fact—and the language that is struck from the existing, now expired authorization, I understand that the, in effect, SCAAP authorization would be an open-ended authorization if the Justice Department authorization bill, H.R. 2215——

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. BERMAN.—were to pass. I'd be happy to.

Chairman SENSENBRENNER. I am informed by staff that SCAAP has an open-ended permanent authorization, so that if you put your $750 million in there, you would be limiting it to $750 million. Do you really want to do that?

Mr. BERMAN. That's why I'm happy to withdraw the amendment. However——

Chairman SENSENBRENNER. The amendment is withdrawn.

Mr. BERMAN. However, I would like then to just make sure I understand. The appropriators will not be bound in their decision to appropriate by any—the inadequate, arbitrary level of authorization.

Chairman SENSENBRENNER. Are the appropriators ever bound by anything anybody else does? And with that the amendment is with-

drawn. With that happy note, are there further amendments? The gentleman from New York, Mr. Weiner.

Mr. WEINER. Mr. Chairman, I have an amendment at the desk, Weiner 4.

Chairman SENSENBRENNER. Weiner 4. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Weiner. At the end of the bill, add the following——

Mr. WEINER. Mr. Chairman, I ask to waive the reading of the amendment.

Chairman SENSENBRENNER. Without amendment—or without objection, the amendment is considered as read. The gentleman is recognized for 5 minutes.

[The amendment follows:]

Amendment To H.R. 2215

Offered by Mr. Weiner

At the end of the bill, add the following:

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

2 The Attorney General shall conduct a study to assess - and report
3 the number of untested rape examination kits that cur- to Congress
4 rently exist nationwide. For the purpose of carrying out
5 such study, the Attorney General shall attempt to collect
6 information from all law enforcement jurisdictions in the
7 United States.

Mr. GEKAS. I reserve a point of order.

Mr. WEINER. Am I recognized?

Chairman SENSENBRENNER. Yes, you're recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, I won't take the full 5 minutes. This is an effort to clarify a point of law and the intent of Congress as it relates to DNA evidence kits that have been collected at rape scenes all around the country. There are varying estimates about how many there are. This is evidence that is collected at sexual abuse, at rape scenes, that have been gathering dust in many cases and localities all around the country.

We in this Committee and in this Congress authorized some $30 million last year to begin the process of analyzing those rape kits, helping States and localities to do so.

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. WEINER. Certainly.

Chairman SENSENBRENNER. This is a good amendment. We're happy to support it.

Mr. WEINER. Thank you, Mr. Chairman. I yield back the balance of my time.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from New York, Mr. Weiner. Those in favor will signify by saying aye. Opposed, no. The ayes have it and the amendment is agreed to.

For what purpose does the gentleman from Georgia seek recognition?

Mr. BARR. I have an amendment at the desk.

Chairman SENSENBRENNER. The gentleman—this is the Carnivore amendment? The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215 offered by Mr. Barr. At the appropriate——

Chairman SENSENBRENNER. Without objection, the amendment is considered as read, and the gentleman from Georgia is recognized for 5 minutes.

[The amendment follows:]

Amendment Offered by Rep. Barr

At the appropriate place, insert the following:

Sec. _____ Report on Carnivore

a) Not later than 30 days after the end of fiscal years 2001 and 2002, the Attorney General and the Director of the Federal Bureau of Investigation shall provide to the Judiciary Committees of the House of Representatives and Senate a report detailing –

1) the number of times DCS 1000 was used for surveillance during the proceeding fiscal year;

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

3) the criteria used by Department of Justice officials to review requests to use of DCS 1000;

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

5) the court that authorized each use of DCS 1000;

6) the specific statutory authority relied on to use DCS 1000;

7) for each specific statutory authority relied upon, the number of orders, warrants, or subpoenas applied for, to authorize the use of DCS 1000;

8) the fact that the order, warrant, or subpoena was granted as applied for, was modified, or was denied;

9) the offense, if any, specified in the order, warrant, subpoena, or application and whether the order, warrant, subpoena, or application specified a surveillance target that is a United States person; and

10) the nature of the facilities from which, or the place where the surveillance of the electronic communications occurred.

Mr. BARR. Thank you. Mr. Chairman, this is a very simple amendment. It simply requires the Attorney General to report at

the end of the current and the succeeding fiscal years on Project Carnivore, also known as DCS 1000.

As the Chairman knows, beginning in the last Congress, we on the Judiciary Committee began to take a very hard and close look at Government surveillance of the Internet generally and specifically on Project Carnivore. Many more questions about Project Carnivore remain than have been answered. Not a couple of weeks goes by that there are not more public reports on additional information that we find out about Project Carnivore. The Attorney General, as we know, is looking into this and studying the matter of Carnivore very carefully as well. I know on this Committee and our Subcommittee we intend to look into this.

What I believe is very appropriate, Mr. Chairman, with regard to this general authorizing legislation for the Department of Justice, though, is to go on record reflecting our concern about this type of electronic surveillance of the Internet and at least require the Department of Justice to report specifically to us on the details of this type of surveillance in the next couple of fiscal years. This will at least get us the information that we need, hopefully comprehensive and hopefully accurate, in order to make more informed and better oversight and legislative decisions.

So I would urge Members on both sides to adopt this and vote favorably on this amendment, again, which simply calls for the Department to report over the next 2 years on this very intrusive type of electronic monitoring.

[The statement of Mr. Barr follows:]

PREPARED STATEMENT OF THE HONORABLE BOB BARR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF GEORGIA

Mr. Chairman, government-operated systems that listen in on the private phone conversations, e-mails, faxes, and data transfers of American citizens without a court order or probable cause to believe the citizen has violated the law, is a major privacy issue of deep public concern.

With the rapid expansion of communications technology, more private conversations than ever before are open to government surveillance. A growing number of Americans are concerned about threats to their privacy by numerous government agencies conducting numerous wiretapping, data basing, and identification activities.

One such system is the FBI's DCS 1000 computer surveillance system, formerly known as "Carnivore." This system employs technology that allows outside parties—in this case, the government—to conduct surreptitious surveillance on Internet communications. This eavesdropping mechanism works like a phone tap for computers by attaching directly to the Internet Service Provider (ISP), after which all incoming e-mails from a particular source are scanned in the hopes of tracking a particular "target." However, of the 2.3 million communications intercepted in 1998 alone, only 20% of the material contained incriminating evidence, while 80% did not.

Over the past few years I have repeatedly expressed my concern over the FBI conducting such expansive surveillance. Under current Department of Justice interpretation of the law, the FBI is allowed to access virtually any e-mail, without probable cause.

The Fourth Amendment limits and narrows searches as to avoid intruding into the privacy of innocent individuals. The FBI's DCS 1000 system should be subjected to the same principal. Therefore, Mr. Chairman, I ask that amendatory language be included in the authorizing legislation, at least directing the Attorney General to provide a report at the end of Fiscal Years 2001 and 2002 to the Congress, detailing: the scope of the program; how many times the use of surveillance—via the DCS 1000—has been approved during FY 2002; the Department of Justice officials who review requests for the program's use; and the criteria used by the Department when reviewing requests for the program's use, among other things.

This requirement would at least force the Department of Justice and the FBI to provide detailed and accurate information to us on its use of this technology. Unfortunately, recent public accounts of the government's use of its Carnivore capability

shows the government has been less than fully accurate in statements regarding its Carnivore activities. The need for this report requirement is quite pronounced.

Chairman SENSENBRENNER. The gentleman from Michigan, Mr. Conyers.

Mr. CONYERS. Mr. Chairman, let the record reflect that Congressman Conyers supports Congressman Barr's amendment. Yes, it's true.

Chairman SENSENBRENNER. Would the gentleman yield back the balance of his time before he talks himself out of it?

Mr. CONYERS. Not before I put my statement in the record with unanimous consent.

Chairman SENSENBRENNER. Without objection.

Mr. CONYERS. And I return my time.

[The statement of Mr. Conyers follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

This is a good amendment. I have made some suggestions for improving an earlier draft of the amendment to Mr. Barr, and I'm happy to report that he has accepted my comments.

We don't want the age of electronic commerce and the Internet to turn into an excuse to grant the government new entitlements to update our privacy. Last Congress, this Committee approved a bipartisan bill to rein in the so-called "Carnivore" program, which allows law enforcement to tap into emails and other electronic messages. We ran out of time and could not get the bill on the floor. But the study set forth in this amendment is a very good start.

While the private sector has the responsibility to lead in computer and network security, it is up to the federal government to work in a partnership with the private sector to build security and trust in online activities.

The FBI's Carnivore system, however, does not meet this test. Among many concerns, I am troubled that Carnivore may enable the government to acquire more information than the law permits, not only about the person who was the target of the investigation, but also about hundreds—perhaps thousands—of other subscribers who had nothing to do with the investigation.

In addition, I am concerned about the FBI's apparent haste to install Carnivore machines on internet service providers, before the ISPs have had an ample opportunity to carry out the surveillance activities and provide the targetted information—and only that information—to the FBI themselves.

I have high regard for this Justice Department in the main; however, I worry greatly about the forces within the Bureau and the Department that can lead to law enforcement excesses.

For these reasons, I support the Barr Amendment that requires the Attorney General and the FBI to issue a report on different aspects of the use of Carnivore.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentleman from Georgia, Mr. Barr. Those in favor will signify by saying aye. Opposed, no. The ayes appear have it. The ayes have it, and the amendment is agreed to.

Are there further amendments? The gentleman from New York, Mr. Weiner.

Mr. WEINER. I have an amendment at the desk, Mr. Chairman, Weiner 3.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Weiner. Page 7, after line 14——

Mr. WEINER. I request to waive the reading of the bill and to have it considered as read.

Mr. GEKAS. I reserve a point of order, Mr. Chairman.

Chairman SENSENBRENNER. The gentleman from Pennsylvania reserves a point of order. Without objection, the amendment is con-

sidered as read. The gentleman from New York is recognized for 5 minutes.

[The amendment follows:]

Amendment To H.R. 2215

Offered by Mr. Weiner

Page 7, after line 14, insert the following:

1 (24) OFFICE OF COMMUNITY ORIENTED POLIC-
2 ING SERVICES.—For the Office of Community Ori-
3 ented Policing Services: $1,150,000,000.
4 (25) COPS PROGRAM.— For hiring programs,
5 and retention of individuals hired under programs,
6 administered by the Office of Community Oriented
7 Policing Services: $600,000,000.

Mr. WEINER. Mr. Chairman, in the interest of time, I—this is an amendment that restores the cuts that were in the program that prevented it from being fully funded. This amendment would fully fund the COPS program, a program that has put cops on the streets of every one of our districts, has broad support in the law enforcement community, and is something that even Secretary Ashcroft had expressed support for when he testified in the other body. And I would urge my colleagues to favorably consider it.

I yield back the balance of my time.

Chairman SENSENBRENNER. Does the gentleman from Pennsylvania insist upon his point of order?

Mr. GEKAS. I do not.

Chairman SENSENBRENNER. The—okay. Is there further discussion on the Weiner amendment? Those in favor will say aye. Opposed, no. The ayes appear to have it. The ayes have it, and the Weiner amendment is adopted.

Further amendments to the bill? The gentlewoman from Wisconsin, Ms. Baldwin.

Ms. BALDWIN. Thank you, Mr. Chairman. I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215——

Ms. BALDWIN. I ask that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, the amendment will be considered as read, and the gentlewoman from Wisconsin is recognized for 5 minutes.

[The amendment follows:]

Amendment To H.R. 2215

Offered by Ms. Baldwin

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE IV—VIOLENCE AGAINST WOMEN

SEC 401. SHORT TITLE.

This title may be cited as the "Violence Against Women Office Act".

SEC. 402. ESTABLISHMENT OF VIOLENCE AGAINST WOMEN OFFICE.

(a) OFFICE.—There is hereby established within the Department of Justice, under the general authority of the Attorney General, a Violence Against Women Office (in this title referred to as the "Office").

(b) DIRECTOR.—The Office shall be headed by a Director (in this title referred to as the "Director"), who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall report to the Attorney General through the Associate Attorney General. The Director shall have final authority for all grants, cooperative agreements, and contracts awarded by the Of-

1 fice. The Director shall not engage in any employment
2 other than that of serving as the Director, nor shall the
3 Director hold any office in, or act in any capacity for, any
4 organization, agency, or institution with which the Office
5 makes any contract or other arrangement under this title.

6 **SEC. 403. DUTIES AND FUNCTIONS OF DIRECTOR OF VIO-**
7 **LENCE AGAINST WOMEN OFFICE.**

8 (a) IN GENERAL.—The Director shall have the fol-
9 lowing duties:

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

12 (2) Maintaining liaison with the judicial
13 branches of the Federal and State Governments on
14 matters relating to violence against women.

15 (3) Providing information to the President, the
16 Congress, the judiciary, State and local govern-
17 ments, and the general public on matters relating to
18 violence against women.

19 (4) Serving, at the request of the Attorney Gen-
20 eral or Associate Attorney General, as the represent-
21 ative of the Department of Justice on domestic task
22 forces, committees, or commissions addressing policy
23 or issues relating to violence against women.

24 (5) Serving, at the request of the President,
25 acting through the Attorney General, as the rep-

1 resentative of the United States Government on
2 human rights and economic justice matters related
3 to violence against women in international forums,
4 including, but not limited to, the United Nations.
5 (6) Carrying out the functions of the Depart-
6 ment of Justice under the Violence Against Women
7 Act of 1994 (title IV of Public Law 103–322) and
8 the amendments made by that Act, and other func-
9 tions of the Department of Justice on matters relat-
10 ing to violence against women, including with re-
11 spect to those functions—
12 (A) the development of policy, protocols,
13 and guidelines;
14 (B) the development and management of
15 grant programs and other programs, and the
16 provision of technical assistance under such
17 programs; and
18 (C) the award and termination of grants,
19 cooperative agreements, and contracts.
20 (7) Providing technical assistance, coordination,
21 and support to—
22 (A) other elements of the Department of
23 Justice, in efforts to develop policy and to en-
24 force Federal laws relating to violence against

1 women, including the litigation of civil and
2 criminal actions relating to enforcing such laws;
3 (B) other Federal, State, and tribal agen-
4 cies, in efforts to develop policy, provide tech-
5 nical assistance, and improve coordination
6 among agencies carrying out efforts to elimi-
7 nate violence against women, including Indian
8 or indigenous women; and
9 (C) grantees, in efforts to combat violence
10 against women and to provide support and as-
11 sistance to victims of such violence.
12 (8) Exercising such other powers and functions
13 as may be vested in the Director pursuant to this
14 title or by delegation of the Attorney General or As-
15 sociate Attorney General.
16 (9) Establishing such rules, regulations, guide-
17 lines, and procedures as are necessary to carry out
18 any function of the Office.
19 **SEC. 404. STAFF OF VIOLENCE AGAINST WOMEN OFFICE.**
20 The Attorney General shall ensure that the Director
21 has adequate staff to support the Director in carrying out
22 the Director's responsibilities under this title.

Ms. BALDWIN. Thank you, Mr. Chairman. As we all know on this Committee, violence against women is a major problem in our Nation, and last year this Committee, on a strong bipartisan basis, reauthorized the landmark 1994 Violence Against Women Act that provides grants to help prosecutors, law enforcement, and victims,

medical professionals, and sexual assault and domestic violence advocates.

What was not included in the VAWA reauthorization last year was a permanent VAWA Office within the Department of Justice. My amendment would create the permanent VAWA Office. This amendment is identical to H.R. 28, which was introduced this session by Congresswomen Louise Slaughter and Connie Morella, and now has well over 140 cosponsors, including a good bipartisan cluster from this Committee.

It's needed to ensure permanent presence of the VAWA Office within the Department of Justice. This office has been instrumental in heightening awareness within the Federal Government and in our States and local communities of the impact of sexual assault and domestic violence. The office works with the Attorney General and administers over $270 million in annual grants to our local communities.

I urge my colleagues to add this important authorization to the bill, and I yield back any remaining time.

Chairman SENSENBRENNER. The gentleman from Georgia, Mr. Barr.

Mr. BARR. Mr. Chairman, I move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. BARR. Mr. Chairman, I would urge Members to vote against this, not because it's not a good idea but we don't—I really don't believe that if you look at the size of the Department of Justice, the budget of the Department of Justice, the bureaucracy at the Department of Justice, that what we need is more bureaucracy at the Department of Justice. There is nothing that I heard by the very eloquent advocate, the lady from Wisconsin, with regard to this amendment that tells us, that establishes, or that presents any evidence that any of what she is trying to get at here is not being done.

All of those matters that are reachable by this new office that she proposes are reachable by existing authorities, existing personnels within the existing table of organization at the Department of Justice. This would create a new bureaucracy and a Presidential appointment, additional monies, and I would just urge our colleagues to look beyond the PR aspect of this and ask, Do we really need an additional office at the Department of Justice? Is there truly any evidence, which I do not believe that there is, that these laws are not being properly reviewed by the Department of Justice? And if they aren't, creating another office is not going to guarantee that they will be.

If, in fact, Members on the other side believe there is evidence that establishes that the Department of Justice and the Attorney General are not properly enforcing these laws, then there are remedies that they can use through the legislative process, through the oversight process, to ensure that that happens. But simply creating another office is not going to do anything to get at the heart of the matter in this or other cases. And I do not believe that we need an additional bureaucracy, an additional office, additional money, additional bureaucrats, and another Presidential appointment——

Mr. WEINER. Will the gentleman yield?

Mr. BARR. What?

Mr. WEINER. Will the gentleman yield?

Mr. BARR. Oh, sure.

Mr. WEINER. I take note of the gentleman's point, but very little of the gentlewoman's amendment refers to the non-compliance of laws. It's a director to help administer the growing violence against women program. It provides liaison to other branches of Government, providing information and advice to the Attorney General and the Associate Attorney General. Very little of this is about the failure to enforce laws that you keep referring to. What it is intended to do is just like the COPS office and offices that have been set up to administer other programs and deal with specialties within the agency.

I mean, unlike some areas of the law, there are specific crimes that are crimes against women. For example, one of the index crimes, rape, is simply a crime—it's a crime that's done to women. And so I think the objective here is to take the focus that we in this Congress in a bipartisan sense have brought to violence against women and sought to have an office that had some jurisdiction over it. I don't think it's about non-compliance with laws that——

Mr. BARR. Reclaiming my time, then to me there is absolutely no reason to have it. I mean, I thought if the other side was making the point that these laws are not being properly enforced and they were going to present evidence to that effect, then at least some colorable argument could be made as to why we might need an additional office. But if it's simply——

Ms. BALDWIN. Would the gentleman yield?

Mr. BARR.—to have an additional office to have another office——

Ms. BALDWIN. Would the gentleman yield?

Mr. BARR.—then I really don't think that there's any point to it.

Ms. BALDWIN. Would the gentleman yield?

Mr. BARR. There are all sorts of specific categories of crimes that fall generally under the authority and the jurisdiction of the Department of Justice. We don't need a separate office for every separate category of type of person for whom Federal laws are designed to protect. I mean——

Ms. BALDWIN. Would the gentleman yield?

Mr. BARR.—if we did that, we'd have—we'd have a thousand different offices, I suppose, over there. I'd be happy to yield.

Ms. BALDWIN. I want to clarify this is not the creation of a new office. The office exists. But it exists by virtue of administrative order, not by statute. So the intent is not to create any new bureaucracy or hire any new people. The office exists. It is to give it the stability of the force of statute behind it, because from all of our perspectives, I don't think we're going to see the disappearance, unfortunately, of sexual assault and domestic violence overnight, and we need some continuity and stability under this office. But there's no bureaucracy that is new, that is being created through this amendment, and I thank the Members on the other side of the aisle on this Committee who have cosponsored legislation to make this permanent.

Mr. BARR. I would reclaim my time and simply state that if—whenever you create a new Presidential appointment, there will be additional people. The office will grow, and it is naive to think that

there are not going to be additional expenses, additional people, additional bureaucracy, additional bureaucrats, when you raise an office to the level of a Presidential appointment. We have more than enough of those as it is.

I would yield back and urge our colleagues to, again, look beyond the PR and vote against this amendment.

Chairman SENSENBRENNER. The gentleman's time has expired. Without objection, the gentleman from Michigan may place extraneous material in the record at this point.

[The information follows:]

PREPARED STATEMENT OF THE HONORABLE JOHN CONYERS, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

I strongly support the amendment offered by Ms. Baldwin to statutorily authorize the Violence Against Women Office ("VAWO") within the Department of Justice.

The Clinton Administration created the Violence Against Women Office in 1995 to implement programs created by the Violence Against Women Act ("VAWA"). By giving the Office statutory authorization, this Amendment would give VAWO both stability and continuity.

Currently, VAWO administers grants to states, tribes, local communities, and domestic violence service providers to help transform the way in which civil and criminal justice systems respond to violent crimes against women.

In addition, the Office has served as a powerful voice within the Administration, ensuring that the safety of women and children is a top priority for the federal government.

VAWO is staffed by specialists who are trained to address the specific needs of domestic violence victims. We must ensure that DOJ retains this expertise, so that the VAWA programs that we authorized last year continue to work in the most effective manner.

Giving VAWO a statutory authorization also ensures that all Administrations continue to fully implement the Violence Against Women Act—in terms of funding, policy, programs, and public education initiatives.

I urge my colleagues to support this important amendment, which protects the important work that is done in the Violence Against Women Office.

Chairman SENSENBRENNER. The question is on the amendment offered by the gentlewoman from Wisconsin, Ms. Baldwin. Those in favor will say aye. Opposed, no. The noes appear to have it——

Ms. BALDWIN. rollcall, Mr. Chairman.

Chairman SENSENBRENNER. The rollcall is ordered. The question is on the Baldwin amendment. Those in favor will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Gekas?

[No response.]

The CLERK. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

[No response.]

The CLERK. Mr. Goodlatte?

[No response.]

The CLERK. Mr. Chabot?

Mr. CHABOT. Aye.

The CLERK. Mr. Chabot, aye. Mr. Barr?

Mr. BARR. No.

The CLERK. Mr. Barr, no. Mr. Jenkins?

Mr. JENKINS. No.
The CLERK. Mr. Jenkins, no. Mr. Hutchinson?
[No response.]
The CLERK. Mr. Cannon?
Mr. CANNON. No.
The CLERK. Mr. Cannon, no. Mr. Graham?
[No response.]
The CLERK. Mr. Bachus?
[No response.]
The CLERK. Mr. Scarborough?
[No response.]
The CLERK. Mr. Hostettler?
Mr. HOSTETTLER. No.
The CLERK. Mr. Hostettler, no. Mr. Green?
[No response.]
The CLERK. Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no. Mr. Issa?
Mr. ISSA. No.
The CLERK. Mr. Issa, no. Ms. Hart?
[No response.]
The CLERK. Mr. Flake?
Mr. FLAKE. No.
The CLERK. Mr. Flake, no. Mr. Conyers?
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Frank?
[No response.]
The CLERK. Mr. Berman?
Mr. BERMAN. Aye.
The CLERK. Mr. Berman, aye. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
[No response.]
The CLERK. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
[No response.]
The CLERK. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
Mr. WEINER. Aye.
The CLERK. Mr. Weiner, aye. Mr. Schiff?
[No response.]

The CLERK. Mr. Chairman?

Chairman SENSENBRENNER. Aye.

The CLERK. Mr. Chairman, aye.

Chairman SENSENBRENNER. Additional Members in the room who wish to cast or change their vote? The gentleman from North Carolina, Mr. Coble?

Mr. COBLE. No.

The CLERK. Mr. Coble, no.

Chairman SENSENBRENNER. The gentleman from Pennsylvania, Mr. Gekas?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no.

Chairman SENSENBRENNER. The gentleman from South Carolina, Mr. Graham?

Mr. GRAHAM. Aye.

The CLERK. Mr. Graham, aye.

Chairman SENSENBRENNER. The gentleman from Arkansas, Mr. Hutchinson?

Mr. HUTCHINSON. Aye.

The CLERK. Mr. Hutchinson, aye.

Chairman SENSENBRENNER. The gentlewoman from Pennsylvania, Ms. Hart?

Ms. HART. Aye.

The CLERK. Ms. Hart, aye.

Chairman SENSENBRENNER. Anybody else who wishes to cast or change their vote. If not, the clerk——

Mr. ISSA. Mr. Chairman, I want to be recorded as an aye. Issa as an aye.

Chairman SENSENBRENNER. Off no, on aye for Issa.

The CLERK. Mr. Issa, aye.

Chairman SENSENBRENNER. The clerk will report.

The CLERK. Mr. Chairman, there are 14 ayes and 8 noes.

Chairman SENSENBRENNER. And the amendment is agreed to.

Mr. GOODLATTE. Mr. Chairman, before you call it?

Chairman SENSENBRENNER. Yes? Does the gentleman from Virginia wish to be recorded as tardy or voting?

Mr. GOODLATTE. Mr. Chairman, I vote no.

Chairman SENSENBRENNER. No for the gentleman from Virginia.

The CLERK. Mr. Goodlatte, no.

Chairman SENSENBRENNER. The gentleman from California, Mr. Gallegly? Mr. Gallegly?

Mr. GALLEGLY. Aye.

The CLERK. Mr. Gallegly, aye.

Chairman SENSENBRENNER. Anybody else? Have you found additional Members, gentleman from Virginia? Okay. The clerk will report.

The CLERK. Mr. Chairman, there are 15 ayes and 9 noes.

Chairman SENSENBRENNER. And the amendment is agreed to a second time.

Are there further amendments?

Mr. BARR. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Georgia, Mr. Barr?

Mr. BARR. Thank you, Mr. Chairman.

Mr. Chairman, I have an amendment at the desk.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Barr. Page 8, after line 11, insert the following and make——

Mr. BARR. I ask for unanimous consent that the amendment be considered as read.

Chairman SENSENBRENNER. Without objection, so ordered, and the gentleman is recognized for 5 minutes.

[The amendment follows:]

Amendment to H.R. 2215

Offered by Mr. Barr

Page 8, after line 11, insert the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. 103. LIMITATION ON USE OF FUNDS.**

2 None of the funds authorized to be appropriated by
3 section 101 may be used by the Department of Justice
4 to participate in the action styled *United States of America*
5 v. *Philip Morris Incorporated, et al.,* Civil Action No. 99–
6 2496(GK), pending in the United States District Court
7 for the District of Columbia, or in any judicial proceedings
8 relating to such action, except to obtain the voluntary dis-
9 missal of such action with or without prejudice.

Mr. BARR. Mr. Chairman, I do not intend to press this amendment. I do believe it is important to note on the record the concern that many of us, and now apparently judging from recent press reports, including in today's printed media, concern over the burgeoning cost of the Government pursuing the so-called tobacco litigation.

As the Chairman knows, in 1999, the U.S. Government through the Department of Justice brought an action against certain cigarette manufacturers to recover health care expenses paid by the Federal Government under the Medicare Medical Care Recovery Act and the Medicare secondary payment provisions of the Social

Security Act for various tobacco-related illnesses alleged to have been caused by the defendant's products. In addition, the U.S. sought disgorgement under the RICO Act.

In response to a question I posed to Attorney General Ashcroft at our oversight hearing recently, the Justice Department acknowledged it was planning to spend over $23 million in the pursuit of this litigation just in this fiscal year alone. Some have estimated the annual cost of funding this questionable litigation could range as high as $57 million.

Perhaps even more important, Mr. Chairman, than the cost to the taxpayers is the problematic precedent this litigation represents. We should not allow our legal system, especially under the auspices of the Justice Department, to be abused for political agendas. The Supreme Court has repeatedly ruled that the Government cannot force private companies to pay for medical costs unless Congress has expressly authorized it. From my perspective, this is not the type of litigation that taxpayers should be funding.

I had anticipated offering this amendment that would effectively have terminated funding for the conduct of this litigation. However, as noted in press reports and based on communications I have had directly from the Department of Justice, they indicate that the Attorney General has authorized movement in that direction of ceasing this litigation, which would make such an amendment unnecessary. I do, however, Mr. Chairman, believe that language should be included in the Committee report, recognizing the problems that I have referred to, and encouraging the Department of Justice to continue efforts to terminate this misguided and costly litigation.

I ask unanimous consent to withdraw the amendment.

Chairman SENSENBRENNER. The amendment is withdrawn.

Further amendments? The gentleman from Virginia, Mr. Scott?

Mr. SCOTT. Mr. Chairman, I have an amendment at the desk, amendment number 1 offered by Mr. Scott and Mr. Watt.

Chairman SENSENBRENNER. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Scott and Mr. Watt. Page 3, line 19, strike "and." Page 3, line 21, strike the period at the end and insert paren, semi-colon, and, end paren. Page 3, after line 21, insert the following: "(C), within parens, not less than $100,000,000 for civil rights matters."

[The amendment follows:]

AMENDMENT #1
TO H.R. 2215
OFFERED BY MR. SCOTT and MR. WATT

Page 3, line 19 strike "and"

Page 3, line 21, strike the period at the end and insert "; and"

Page 3, after line 21 insert the following "(C) not less than $100,000,000 for civil rights matters."

Chairman SENSENBRENNER. The gentleman from Virginia is recognized for 5 minutes.

Mr. SCOTT. Thank you, Mr. Chairman. I'm offering this amendment to set a minimum amount that must be allocated for enforcement of civil rights laws by the Department of Justice. I believe that it is necessary to do so in order to ensure that the Department of Justice continues to enforce this Nation's civil rights laws and has the adequate financial support so to do.

My amendment does not limit the amount to be spent on civil rights enforcement other than to say that no less than $100 million must be devoted to this purpose. Now, the $100 million figure is roughly comparable to the FY 2002 budget request of slightly more than $100 million the President—for, quote, civil rights matters under the general legal activities line item. All we are asking then is to honor our commitment to civil rights enforcement and to set a minimum amount that can be spent on these efforts to ensure that that commitment will be kept.

I hope that the Members will support the amendment, and I yield——

Chairman SENSENBRENNER. Will the gentleman yield?

Mr. SCOTT. I yield.

Chairman SENSENBRENNER. I would ask the gentleman to withdraw the amendment and to work with us as this bill proceeds to the floor. The Justice Department has indicated that this type of an amendment may actually hurt the Civil Rights Division, and in the appropriations process and what OMB has to sign off on which would end up depriving the Civil Rights Division of additional resources.

I will be the first to admit that I do not quite understand their logic, and—but I would like to have them explain to all of us in another forum why they think this would hurt the amount of money that would go to the Civil Rights Division. If their explanation is not adequate, I can give the gentleman from Virginia my commitment that I would support an amendment of this type when the bill comes to the floor. But I would just as soon give the Justice

Department a chance to speak their piece to us and our staffs and would request that the amendment be withdrawn.

Mr. SCOTT. Mr. Chairman, I usually like for people to have significant time to study the amendment. Obviously they have had insufficient time, and I would comply with that request and withdraw the amendment.

Chairman SENSENBRENNER. The amendment is withdrawn.

Are there further amendments?

Mr. FLAKE. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Arizona, Mr. Flake, seek recognition?

Mr. FLAKE. I move to reconsider the vote on the amendment to H.R. 2215 offered by Mr. Weiner.

Chairman SENSENBRENNER. Under rule 19, clause 3 of the Rules of the House, any Member may move to reconsider a voice vote. So the question is: Shall the vote by which the Weiner amendment relative to the COPS program be reconsidered? Those in favor will signify by saying aye. Opposed, no? The noes appear to have it.

Mr. FLAKE. I call for a rollcall vote.

Chairman SENSENBRENNER. The rollcall will be ordered. The question is reconsideration of the vote by which the Weiner amendment on the COPS program was adopted. Those in favor of reconsideration will, as your names are called, answer aye; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Gekas?

Mr. GEKAS. Aye.

The CLERK. Mr. Gekas, aye. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

[No response.]

The CLERK. Mr. Gallegly?

Mr. GALLEGLY. Aye.

The CLERK. Mr. Gallegly, aye. Mr. Goodlatte?

Mr. GOODLATTE. Aye.

The CLERK. Mr. Goodlatte, aye. Mr. Chabot?

Mr. CHABOT. Aye.

The CLERK. Mr. Chabot, aye. Mr. Barr?

Mr. BARR. Pass.

The CLERK. Mr. Barr, pass. Mr. Jenkins?

Mr. JENKINS. Aye.

The CLERK. Mr. Jenkins, aye. Mr. Hutchinson?

Mr. HUTCHINSON. Aye.

The CLERK. Mr. Hutchinson, aye. Mr. Cannon?

Mr. CANNON. Aye.

The CLERK. Mr. Cannon, aye. Mr. Graham?

[No response.]

The CLERK. Mr. Bachus?

[No response.]

The CLERK. Mr. Scarborough?

[No response.]

The CLERK. Mr. Hostettler?

Mr. HOSTETTLER. Aye.

The CLERK. Mr. Hostettler, aye. Mr. Green?

[No response.]
The CLERK. Mr. Keller?
Mr. KELLER. No.
The CLERK. Mr. Keller, no. Mr. Issa?
Mr. ISSA. Pass.
The CLERK. Mr. Issa, pass. Ms. Hart?
Ms. HART. Aye.
The CLERK. Ms. Hart, aye. Mr. Flake?
Mr. FLAKE. Aye.
The CLERK. Mr. Flake, aye. Mr. Conyers?
[No response.]
The CLERK. Mr. Frank?
[No response.]
The CLERK. Mr. Berman?
[No response.]
The CLERK. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
[No response.]
The CLERK. Mr. Scott?
Mr. SCOTT. No.
The CLERK. Mr. Scott, no. Mr. Watt?
Mr. WATT. No.
The CLERK. Mr. Watt, no. Ms. Lofgren?
Ms. LOFGREN. No.
The CLERK. Ms. Lofgren, no. Ms. Jackson Lee?
[No response.]
The CLERK. Ms. Waters?
Ms. WATERS. No.
The CLERK. Ms. Waters, no. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. No.
The CLERK. Ms. Baldwin, no. Mr. Weiner?
[No response.]
The CLERK. Mr. Schiff?
[No response.]
The CLERK. Mr. Chairman?
Chairman SENSENBRENNER. Aye.
The CLERK. Mr. Chairman, aye.
Chairman SENSENBRENNER. Are there additional Members in the chamber who wish to cast or change their votes? The gentleman from North Carolina, Mr. Coble?
Mr. COBLE. Aye.
The CLERK. Mr. Coble, aye.
Chairman SENSENBRENNER. The gentleman from Texas, Mr. Smith?
Mr. SMITH. Mr. Chairman, I vote aye.
The CLERK. Mr. Smith, aye.
Chairman SENSENBRENNER. The gentleman from South Carolina, Mr. Graham?

Mr. GRAHAM. Aye.

The CLERK. Mr. Graham, aye.

Chairman SENSENBRENNER. The gentleman from Georgia, Mr. Barr?

Mr. BARR. Aye.

The CLERK. Mr. Barr, aye.

Chairman SENSENBRENNER. The gentleman from California, Mr. Issa?

Mr. ISSA. Aye.

The CLERK. Mr. Issa, aye.

Chairman SENSENBRENNER. The other gentleman from California, Mr. Berman?

Mr. BERMAN. No.

The CLERK. Mr. Berman, no.

Chairman SENSENBRENNER. Anybody else who wishes to record or to change their votes? If not, the clerk will report.

The CLERK. Mr. Chairman, there are 16 ayes and 7 noes.

Chairman SENSENBRENNER. And the motion to reconsider the vote by which the Weiner amendment was agreed to is agreed to. The question now is agreeing to the Weiner amendment. Those in favor will signify by saying aye. Oppose, no? The noes appear to have it. The noes have it and the Weiner amendment is not agreed to.

Are there further amendments to the bill? The gentleman from—okay. A recorded vote is requested agreeing to the Weiner amendment. Those in favor of the Weiner amendment will vote aye as your names are called; those opposed, no; and the clerk will call the roll.

The CLERK. Mr. Hyde?

[No response.]

The CLERK. Mr. Gekas?

Mr. GEKAS. No.

The CLERK. Mr. Gekas, no. Mr. Coble?

[No response.]

The CLERK. Mr. Smith?

Mr. SMITH. No.

The CLERK. Mr. Smith, no. Mr. Gallegly?

Mr. GALLEGLY. No.

The CLERK. Mr. Gallegly, no. Mr. Goodlatte?

Mr. GOODLATTE. No.

The CLERK. Mr. Goodlatte, no. Mr. Chabot?

Mr. CHABOT. No.

The CLERK. Mr. Chabot, no. Mr. Barr?

Mr. BARR. No.

The CLERK. Mr. Barr, no. Mr. Jenkins?

Mr. JENKINS. No.

The CLERK. Mr. Jenkins, no. Mr. Hutchinson?

Mr. HUTCHINSON. No.

The CLERK. Mr. Hutchinson, no. Mr. Cannon?

Mr. CANNON. No.

The CLERK. Mr. Cannon, no. Mr. Graham?

[No response.]

The CLERK. Mr. Bachus?

[No response.]

The CLERK. Mr. Scarborough?

[No response.]
The CLERK. Mr. Hostettler?
Mr. HOSTETTLER. No.
The CLERK. Mr. Hostettler, no. Mr. Green?
[No response.]
The CLERK. Mr. Keller?
Mr. KELLER. Yes.
The CLERK. Mr. Keller, aye. Mr. Issa?
Mr. ISSA. No.
The CLERK. Mr. Issa, no. Ms. Hart?
Ms. HART. No.
The CLERK. Ms. Hart, no. Mr. Flake?
Mr. FLAKE. No.
The CLERK. Mr. Flake, no. Mr. Conyers?
Mr. CONYERS. Aye.
The CLERK. Mr. Conyers, aye. Mr. Frank?
[No response.]
The CLERK. Mr. Berman?
Mr. BERMAN. Aye.
The CLERK. Mr. Berman, aye. Mr. Boucher?
[No response.]
The CLERK. Mr. Nadler?
[No response.]
The CLERK. Mr. Scott?
Mr. SCOTT. Aye.
The CLERK. Mr. Scott, aye. Mr. Watt?
Mr. WATT. Aye.
The CLERK. Mr. Watt, aye. Ms. Lofgren?
Ms. LOFGREN. Aye.
The CLERK. Ms. Lofgren, aye. Ms. Jackson Lee?
[No response.]
The CLERK. Ms. Waters?
Ms. WATERS. Aye.
The CLERK. Ms. Waters, aye. Mr. Meehan?
[No response.]
The CLERK. Mr. Delahunt?
[No response.]
The CLERK. Mr. Wexler?
[No response.]
The CLERK. Ms. Baldwin?
Ms. BALDWIN. Aye.
The CLERK. Ms. Baldwin, aye. Mr. Weiner?
Mr. WEINER. Aye.
The CLERK. Mr. Weiner, aye. Mr. Schiff?
[No response.]
The CLERK. Mr. Chairman?
Chairman SENSENBRENNER. No.
The CLERK. Mr. Chairman, no.
Chairman SENSENBRENNER. The gentleman from North Carolina, Mr. Coble?
Mr. COBLE. No.
The CLERK. Mr. Coble, no.
Chairman SENSENBRENNER. The gentleman from South Carolina, Mr. Graham?
Mr. GRAHAM. No.

The CLERK. Mr. Graham, no.

Chairman SENSENBRENNER. Any further Members in the chamber who wish to cast or to change their votes? If not, the clerk will report.

The CLERK. Mr. Chairman, there are 9 yeas to 16 noes.

Chairman SENSENBRENNER. And the amendment is not agreed to.

Are there further amendments to the bill? The gentleman from New York, Mr. Weiner?

Mr. WEINER. Mr. Chairman, I have an amendment that will soon be at the desk.

Mr. GOODLATTE. Mr. Chairman, I reserve a point of order.

Chairman SENSENBRENNER. A point of order is reserved by the gentleman from Virginia, and the clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Weiner. Please strike all after the enacting clause.

[The amendment follows:]

Amendment by Mr. Weiner

Please strike all after the enacting clause

Chairman SENSENBRENNER. That is a preferential motion. All those in favor say aye. Opposed, no? The noes appear to have it. The noes have it, and the preferential motion is rejected.

Are there further amendments? The gentleman from New York, Mr. Weiner?

Mr. WEINER. Mr. Chairman, I have an amendment at the desk.

Mr. GOODLATTE. Mr. Chairman?

Chairman SENSENBRENNER. The gentleman from Virginia?

Mr. GOODLATTE. Mr. Chairman, I reserve a point of order.

Chairman SENSENBRENNER. A point of order is reserved. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Weiner. Strike all after the enacting clause.

[The amendment follows:]

Amendment by
Mr. Weiner

~~Please~~ strike all after the enacting clause

Chairman SENSENBRENNER. The gentleman from Virginia wish to press his point of order?

Mr. GOODLATTE. Mr. Chairman, the gentleman from New York is attempting to amend the same section twice, and this amendment has already been defeated.

Chairman SENSENBRENNER. The point of order is sustained, and——

Mr. WEINER. Mr. Chairman, a point of order.

Chairman SENSENBRENNER. The gentleman will state his point of order.

Mr. WEINER. I heard on the point of order that was made——

Chairman SENSENBRENNER. The Chair has already sustained the point of order. That's quite clear.

Are there further amendments to the bill?

Mr. WEINER. Mr. Chairman, I have an amendment at the desk.

Mr. GOODLATTE. Mr. Chairman, I reserve a point of order.

Chairman SENSENBRENNER. A point of order is reserved. The clerk will report the amendment.

The CLERK. Amendment to H.R. 2215, offered by Mr. Weiner. Delete all after page 8, line 11.

[The amendment follows:]

Amendment to H.R. 2215

Offered by Mr. ~~Barr~~ Weiner

Delete all after

Page 8, after line 11, insert the following (and make such technical and conforming changes as may be appropriate):

SEC. 103. LIMITATION ON USE OF FUNDS.

None of the funds authorized to be appropriated by section 101 may be used by the Department of Justice to participate in the action styled *United States of America* v. *Philip Morris Incorporated, et al.*, Civil Action No. 99–2496(GK), pending in the United States District Court for the District of Columbia, or in any judicial proceedings relating to such action, except to obtain the voluntary dismissal of such action with or without prejudice.

Mr. WEINER. Is there a page 8, line 11?

Chairman SENSENBRENNER. Okay. The gentleman is recognized for 5 minutes.

Mr. WEINER. Mr. Chairman, I ask for consideration of this amendment to express my chagrin at what had been——

Mr. BARR. Mr. Chairman, a point of order. I don't think we have this amendment.

Chairman SENSENBRENNER. The clerk has read the amendment in its entirety, which is to strike everything in the bill after line 11 at page 8.

Mr. BARR. But we don't have copies of it to——

Chairman SENSENBRENNER. You don't need a copy. The rules don't provide copies if the reading is completed by the clerk. The clerk has read the entire amendment, and the Chair has reset the clock, and the gentleman from New York is recognized for 5 minutes.

Mr. WEINER. Thank you, Mr. Chairman.

Mr. Chairman, I asked for recognition on this amendment and the other 71 that I plan to offer to express my concern and chagrin at the way the debate over the reauthorization of the COPS program was handled by this Committee. I think that in an effort to be on all sides of this issue, some of my colleagues have now voted in favor of it and voted against it, and who knows, maybe when

given an opportunity in the future, will change their positions again.

That being said, there is—we had an opportunity under which I believe the amendment was debated, people had an opportunity to say their piece, and we generally had a rule of accommodation in this Committee that things that are considered are left considered. Not only was that not the case with the amendment to reauthorize the COPS program, a position that Candidate Bush took, a position that Candidate Ashcroft took, and a position that many in this chamber on both sides of the aisle have taken.

Rather than have a full and complete debate with all of the participants in the room, there was an effort to undo a previous vote without much debate, without much discussion, and without the sponsor of the amendment in the room. So since—since I had in the interest of time given only the briefest of remarks in support of the amendment, permit me now and for the duration of the other—70 or 71?—71 amendments speak to the importance that I believe this issue holds, and I believe it is a very important issue.

First of all, the COPS program is an extraordinarily important program. It has helped people from and police departments from all around this country. This isn't a big-city program. It's not a small-town program. It is the classic democratic with a small "d" program. It has helped agencies all around the country.

In fact, 82 percent of the grants have gone to towns and cities with populations of less than 50,000. More than 12,000 of the Nation's 18,000 law enforcement jurisdictions have hired new police through the COPS program. And this is not simply a Democratic program. Many Republican sponsors, including Mr. Keller of this Committee, and when the bill was offered in the Senate, it was cosponsored by people as widely divergent in their philosophies as Ted Kennedy and then-Senator Ashcroft.

Unfortunately, the program this year is not only not going to be fully funded, the proposal is to cut the COPS program by more than $182 million. And the guts of the program will be cut by not permitting police jurisdictions to use funds to retain and to hire additional police officers as they see fit.

There are other elements of the COPS program that are being eliminated as a result of these cuts. For example, the program that permits police departments to take COPS out from behind desks and put them out on the street, put them out on the beat, something we all talk about. That provision of the law, which was part of a 3-year grant program, has been stopped after the second—after the second year.

The COPS program that I'm offering as reauthorization with so many of my colleagues' cosponsorship and hopefully with the support of this Committee would reauthorize the program at a level of $1.15 billion beginning in FY 2002. Specifically, it would authorize $600 million to hire new police and retrain current officers. And as importantly, it provides the flexibility that so many police departments have said that they wanted. If hiring more officers is not exactly what the needs of your department are, then you have the ability to back-fill—to back-fill other officers. If you need technology, if you need computer terminals in the cars, if you need radios, if you need help with your evidence collection, if you need

help with just about any element of policing, the reauthorized version of the bill does it.

Those provisions are in the new version because there were concerns that were raised by my colleagues on the other side of the aisle and raised by some police departments. We listened to those concerns. We incorporated them into the bill, and we passed it in this Committee less than 45 minutes ago. And I think that it is incumbent upon all of us to take this issue a great deal more seriously.

And on a personal note, I have to say that I have the greatest admiration for the way the Chairman has run this Committee. I believe this bill was crafted in a way that was fair to both sides of the aisle and to individual Members. In every effort, he has been accommodating to try to win us jurisdiction over these important issues and see to it that when that jurisdiction is won it is carried out. And I want to express my great gratitude to him.

However, the idea of passing an amendment waiting for the room to clear of the sponsor of the amendment and so many of the supporters of the amendment, to ask for a reconsideration of the amendment when there was no opposition stated during the original debate is not something I believe the Chairman——

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. WEINER.—the Chairman or the colleagues on the other side——

Chairman SENSENBRENNER. The gentleman's time has expired.

Mr. WEINER.—should be proud of.

Chairman SENSENBRENNER. The Chair will recognize himself for 5 minutes.

First, there was a deliberate policy decision that was made on a bipartisan basis not to contain—or not to put any authorization for grant programs in this bill, irrespective of what those grant programs were, because it was decided that the grant programs have not had proper oversight, and if we reauthorize the grant programs, whether it's the COPS program or any of the other grant programs, we would not have the opportunity to do as effective oversight over the programs as we could have without an authorization. So the COPS program was not singled out. In fact it was on a bipartisan basis that we agreed not to do reauthorizations of grant programs in this bill, but to deal with it in individual and separate legislation.

Now, secondly, the Chair has been scrupulous in following the rules. At the time the motion for reconsideration was made by the gentleman from Arizona, Mr. Flake, the Chair referred to House rule 19, clause 3, which allows a motion to reconsider an amendment to be made any time during the markup by a Member on the prevailing side of the vote. And when there's a voice vote, any Member may move to reconsider a voice vote.

So there was no particular prejudice against the gentleman from New York at the time the gentleman from Arizona made his motion to reconsider. I would point out that the motion to reconsider is debatable, and should the motion to reconsider be approved, which it was, then the underlying amendment was debatable. And no Member chose to debate either of those motions.

Should the gentleman from New York or any other Members wish to leave the room during a markup, they do so at their peril

because all the Chair can do is to enforce the rules as they have been approved by the House and approved by the Committee. And the motion that was made by the gentleman from Arizona was entirely regular and in conformity with the rules on its face, and there was no debate to slow things down either on the motion to reconsider or on the motion to adopt.

Mr. WEINER. Would the gentleman yield on that point?

Chairman SENSENBRENNER. I am happy to yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I think the procedural objection I was making was purely one about our mutual effort, at least your and my mutual effort to accommodate the amendments in a way that we can reach agreement on as many things as possible and deal with things in an aboveboard fashion. I believe waiting—passing an amendment by voice vote, waiting for the sponsor to leave the room, is opposite of that and it leads to mistrust between Members who believe they're entering into good-faith understandings.

Chairman SENSENBRENNER. Reclaiming my time, we were just about to the end of the amendment process, and once we go to adopting an amendment in the nature of a substitute, that precludes any Members from making a motion to reconsider that is properly made under rule 19, clause 3. You know, so, again, adopting what the gentleman from New York is advocating, it would have cut off the rights of the gentleman from Arizona to make an entirely proper motion. So——

Mr. FLAKE. Would the gentleman yield? Would the gentleman yield?

Chairman SENSENBRENNER. I yield.

Mr. FLAKE. I offered the motion. I made no attempt to wait until people cleared out of the room. I offered it as quickly as I could get agreement that it could be offered. I made no attempt to wait until people left the room.

Chairman SENSENBRENNER. The Chair yields back the balance of his time.

The question is on——

Mr. DELAHUNT. Mr. Chairman?

Chairman SENSENBRENNER. For what purpose does the gentleman from Massachusetts seek recognition?

Mr. DELAHUNT. Move to strike the last word.

Chairman SENSENBRENNER. The gentleman's recognized for 5 minutes.

Mr. DELAHUNT. I yield to the gentleman from New York, Mr. Weiner.

Mr. WEINER. Mr. Chairman, on the substantive issue about whether or not grants were going to be considered in this, whether or not we were going to be considered funding levels, you know, I have in my hand a flow chart of the Department of Justice with the highlighted boxes being the ones that are appropriated or are authorized under this. And included in it is the Office of Justice Programs, which administers about 75 percent of the COPS program. The Office of Inspector General, the general legal activities, Antitrust Division, U.S. Attorneys, Federal Bureau of Investigation, support for the States prisons and non-Federal institutions, Drug Enforcement Administration.

We are parsing to the nth degree to say, well, we're not going to do grants but we're going to do money, we're not going to do the agency but we're going to do divisions, we're not going to do departments but we're going to do secretaries. The fact of the matter is the amendment was considered and people are on record of being in favor of the amendment.

As far as the procedural effort, it is not whether or not someone has a right to offer an amendment. It's there's a certain common decency that goes with allowing for full debate of issues.

Now, I voluntarily, in the interest of time and dealing with this bill in an expeditious fashion, if you recall, reduced my debate on this issue to about 35 seconds, simply saying it's an amendment that is self-explanatory to reauthorize the COPS program.

I heard, as we say in Brooklyn, bupkis from the other side. Suddenly I leave the room and, miraculously, the gentleman from Arizona pops into his head that now is a good time to offer this amendment, changing his position theoretically, although he did not vote no the first time around, raising the question about whether he was in—where he was on the——

Mr. FLAKE. Would the gentleman yield?

Mr. WEINER.—of the bill. Well, let me finish. I'm just—you're going to have 71 other amendments. You'll have plenty of chances to get your point across.

And I think that what happens here is, even on issues that we disagree on a great deal—and I have to tell you, I was prepared to have disagreements on the COPS program. I was prepared to debate the COPS program. I was prepared to point to areas of Arizona that have benefited from the COPS program. I was prepared to point to letters from people who voted no on this thing saying how great the COPS program is, like the gentleman from Georgia. I am prepared to have that debate. What I am not—which in my heart of hearts don't believe is a constructive way to run this Committee, is to have a certain level of comity, not comedy, comity in dealing with some of these issues, having the Chairman and his staff bend over backwards to be accommodating to requests from both sides, saying this one is going to give us problems, this one not. If you can go for this one, maybe we'll leave this one out. This one we're going to have problems with. This one we're going to have germaneness issues on. Have that type of debate, have the thing offered, have it considered, have it pass, have the sponsor leave the room, and then suddenly those agreements are thrown out the window.

This is not directed at the Chairman of the Committee. However, I can tell you what it does is it undermines the sense of confidence that when we have understandings about the way things are going to operate that they are not going to be adhered to. And that goes for both sides of the aisle, and it goes for all levels—the top tier and bottom tier of these meshuggeneh tables here.

The point is the same, is that there is a way of proceeding, and I don't believe that that way of proceeding was done in a constructive fashion. And you're saying, oh, I just—it was no effort to do it while you weren't in the room.

Ms. HART. Will the gentleman yield?

Mr. WEINER. That was a dramatic pause, but, yes, I will yield. [Laughter.]

Ms. HART. Thank you, just momentarily. I requested an opportunity to vote on this amendment as I was out of the room when the voice vote was taken and wanted the opportunity to vote on this amendment. I discussed it with my colleague for your information and asked if we could do a procedure such as reconsidering the vote, something I was familiar with as a State legislator. No harm was intended, no ill was intended. In fact, I was not aware you were out of the room when I requested that we reconsider. Mr. Flake asked the question for me. This proceeded to give us an opportunity to vote.

I believe it was an opportunity for us actually to have everyone have a recorded vote on this issue. I believe that we agree a lot on COPS, the COPS program to some degree. However, a lot of us were concerned about the large——

Mr. WEINER. Okay, let me—I only have a few minutes.

Ms. HART. I yield back.

Mr. WEINER. Okay. I think that the best way to accommodate all of these concerns is to have recorded votes on everything, for the motions on third reading, for the motions on engrossment, for the motions on whether we're going to have bills accepted as read. On every unanimous consent request perhaps what we should do is have a voice vote on it. I don't think that that's a way to run the way—to run this Committee the way the Chairman would—would like to run it. And if that is truly the interest of the gentlelady—and I respect her and I believe that it is—I request unanimous consent that we postpone further consideration of the bill until we can have another vote on the COPS amendment with all of my colleagues present.

Chairman SENSENBRENNER. Is there objection?

Mr. FLAKE. I object.

Chairman SENSENBRENNER. Objection is heard.

Mr. WEINER. As I thought. As I thought. You know, when the rubber hits the road, oh, yeah, I'm really sorry, oops, I forgot you weren't in the room, I——

Chairman SENSENBRENNER. The time of the gentleman from——

Mr. WEINER.—just noticed what was going on. The fact——

Chairman SENSENBRENNER.—Massachusetts has——

Mr. WEINER.—of the matter is the proof is in the pudding. You had an opportunity——

Chairman SENSENBRENNER.—expired. For what purpose does——

Mr. WEINER.—and you chose not to.

Chairman SENSENBRENNER. For what purpose does the gentleman from Virginia seek recognition?

Mr. GOODLATTE. I move to strike the last word.

Chairman SENSENBRENNER. The gentleman is recognized for 5 minutes.

Mr. GOODLATTE. Thank you, Mr. Chairman. I will not use that amount of time.

I'd first like to say to the gentleman from New York that I've had amendments that I've offered in this Committee at various times, and they have been reconsidered and lost. I have great respect for anybody who has the passion the gentleman from New York has.

However, both he and the gentlewoman from Pennsylvania left the room at various times during this markup. That happens to all of us. And it just happened that with the majority rule, a position

that the majority of us did not get the opportunity to vote on the first time, was voted on later on, and that is simply a correct parliamentary procedure.

I would ask the gentleman if he thinks it is an appropriate thing to offer 71 non-meritorious amendments to effectively attempt to punish all the Members of the Committee by holding us here while we get harangued about his disappointment over——

Mr. WEINER. Would the gentleman yield for an answer to that question?

Mr. GOODLATTE. I would yield to the gentleman.

Mr. WEINER. Well, listen, here's—here's what my intention is, here's what my strategy is. And it's a parliamentary strategy. I'm going to empty out the room, maybe. Maybe if I empty out the room and I then reconsider elements of the bill or offer amendments to elements of the bill that I disagree with and have throughout this process, parts of the bill, provisions, sections, lines, pages that have as a result of hard work between Mr. Sensenbrenner and Mr. Conyers, have had worked out in a spirit of compromise that I am certainly prepared to support in total but have problems with individual ones, and then maybe 2, 3 o'clock in the morning maybe it'll be just me and Mr. Delahunt and——

Mr. GOODLATTE. Reclaiming my time, I think that's an entirely appropriate process, and as a result—and I do not like to do this and I do not do it lightly. As a result, I move the previous question on the amendment and on the bill.

Chairman SENSENBRENNER. The question is on ordering the previous question, a non-debatable motion. Those in favor will say aye. Opposed, no. The ayes have it, and the previous question is ordered.

The question is now on the amendment offered by Mr. Weiner that strikes out everything after line 11 of page 8 of the bill. Those in favor of the Weiner amendment will say aye. Opposed, no? The noes appear to have it. The noes have it. The Weiner amendment is not agreed to.

The question now occurs on the motion to report the bill, H.R. 2215, favorably as amended. All those in favor will say aye. Opposed, no? The ayes have it, and the motion to report favorably is adopted. A reporting quorum is present. Without objection, the bill will be reported favorably to the House in the form of a single amendment in the nature of a substitute, incorporating the amendments adopted here today. Without objection, the Chairman is authorized to move to go to conference pursuant to House rules. Without objection, the staff is directed to make technical and conforming changes, and all Members will be given 2 days as provided by House rules in which to submit additional dissenting, supplemental, or minority views.

Let me thank the Committee for its cooperation. We have reported seven bills today. I think we deserve a rest, and the Committee is adjourned.

[Whereupon, at 4:53 p.m., the Committee was adjourned.]

ADDITIONAL VIEWS

I strongly support the Committee's effort to authorize appropriations for the Department of Justice, which, amazingly, has not been properly authorized in over 20 years. H.R. 2215 contains a number of important provisions to help Congress and the Administration reform the Federal Bureau of Investigation (FBI) and other Justice Department components, including the Office of Justice Programs. It also includes an important amendment which I offered to require the FBI to report to Congress on its use of DCS 1000 (formerly known as "Carnivore"), used to obtain e-mail addresses pursuant to court order.

I am concerned, however, over the adoption of the Baldwin amendment, which would establish a Violence Against Women Office (VAWO) within the Department of Justice to implement the Violence Against Women Act (VAWA). It adds yet another layer of unnecessary bureaucracy at the Department, adds yet another political appointee to that bureaucracy, and prejudges the outcome of the pending reorganization of the Office of Justice Programs which has been criticized for its unwieldy operations. The VAWO would be headed by a presidentially appointed director, who would have final authority for all grants, cooperative agreements, and contracts awarded by the Office.

Congress, through the annual appropriations process, has signaled its dissatisfaction with the overlap and duplication within the Office of Justice Programs (OJP), a 30-year-old organization focused on providing support (primarily grants) to states and units of local government to improve the nation's criminal justice and juvenile justice systems. Beginning with FY 1999, OJP was required to submit a series of reports to Congress, first detailing the scope of overlap and duplication, as well as efforts to remedy the problem, and then a proposal and implementation plan on restructuring OJP. In February 2000, the Department sent to the Congress a reorganization plan that would begin the process of streamlining OJP. This specific plan did not address changing the Bureaus currently headed by the appointees, nor did it address the proliferation of appointees. Instead, the reorganization plan addressed redirecting workflow within the program offices and support offices.

There is currently no Assistant Attorney General for the Office of Justice Programs to review the current reorganization plans. I believe it is premature to legislatively restructure the office before the new administration is able to fully assess pending reorganization plans and efforts. This is not the time to add yet another office requiring presidential appointment within the Department of Justice. If anything, we should be considering eliminating, not expanding, these political positions.

The Baldwin amendment is also of concern because it establishes yet another grant making organization within the Department,

thereby creating another costly bureaucracy. Instead of taking full advantage of economies of scale and utilizing the existing infrastructure for making grants—which includes reviewing applications, making payments, and financial monitoring—the Baldwin amendment establishes a separate, redundant grant-making apparatus. The unintended consequence of this change will result in more resources dedicated to administrative functions and less programmatic funds available for grant programs. Furthermore, many of the state-level agencies that receive funding from VAWA, also receive funding from OJP's many other bureaus and offices. Coordination is difficult now; removing VAWO from OJP would compound the problem. Similarly the research and statistics agencies are housed in OJP. Coordination problems would only be exacerbated by moving VAWO out of OJP. At a minimum, the VAWO should utilize the existing DOJ grant financial administration services of OJP in carrying out its grant programs.

Insofar as the Baldwin amendment 1) creates another duplicative and unnecessary bureaucracy which will exacerbate coordination problems and waste taxpayer dollars; 2) creates an unnecessary political appointee; and, 3) prejudges current efforts to restructure OJP, I respectfully oppose this amendment, and would urge the Attorney General to do likewise.

BOB BARR

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