

Calendar No. 586

105TH CONGRESS
2^D SESSION

H. R. 3303

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SEPTEMBER 17, 1998

Reported with an amendment

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IN THE SENATE OF THE UNITED STATES

JUNE 23, 1998

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

SEPTEMBER 17, 1998

Reported by Mr. HATCH, with an amendment

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

AN ACT

To authorize appropriations for the Department of Justice for fiscal years 1999, 2000, and 2001; to authorize appropriations for fiscal years 1999 and 2000 to carry out certain programs administered by the Department of Justice; to amend title 28, United States Code, with respect to the use of funds available to the Department of Justice; and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Justice
3 Appropriations Authorization Act, Fiscal Years 1999,
4 2000, and 2001”.

5 **TITLE I—AUTHORIZATION OF**
6 **APPROPRIATIONS FOR FIS-**
7 **CAL YEARS 1999, 2000, AND**
8 **2001**

9 **Subtitle A—Specific Provisions**

10 **SEC. 101. SUMS AUTHORIZED TO BE APPROPRIATED.**

11 There are authorized to be appropriated for fiscal
12 years 1999, 2000, and 2001, to carry out the activities
13 of the Department of Justice (including any bureau, of-
14 fice, board, division, commission, or subdivision thereof),
15 the following sums:

16 (1) For General Administration, salaries and
17 expenses: \$238,085,000 for fiscal year 1999,
18 \$249,989,000 for fiscal year 2000, and
19 \$262,489,000 for fiscal year 2001.

20 (2) For Administrative Review and Appeals:
21 \$144,863,000 for fiscal year 1999, \$152,106,000 for
22 fiscal year 2000, and \$159,712,000 for fiscal year
23 2001, for administration of pardon and clemency pe-
24 titions and for immigration related activities.

25 (3) For the Office of Inspector General:
26 \$34,610,000 for fiscal year 1999, \$36,341,000 for

1 fiscal year 2000, and ~~\$38,158,000~~ for fiscal year
2 2001, which shall include—

3 ~~(A) not to exceed \$10,000 to meet unfore-~~
4 ~~seen emergencies of a confidential character, to~~
5 ~~be expended under the direction of the Attorney~~
6 ~~General, and to be accounted for solely on the~~
7 ~~certificate of the Attorney General; and~~

8 ~~(B) funds for the purchase, lease, mainte-~~
9 ~~nance, and operation of motor vehicles without~~
10 ~~regard to the general purchase price limitation.~~

11 ~~(4) For General Legal Activities: \$485,506,000~~
12 ~~for fiscal year 1999, \$509,781,000 for fiscal year~~
13 ~~2000, and \$535,270,000 for fiscal year 2001, which~~
14 ~~shall include—~~

15 ~~(A) not less than \$4,000,000 for each fis-~~
16 ~~cal year for the investigation and prosecution of~~
17 ~~denaturalization and deportation cases involving~~
18 ~~alleged Nazi war criminals; and~~

19 ~~(B) not to exceed \$20,000 for each fiscal~~
20 ~~year to meet unforeseen emergencies of a con-~~
21 ~~fidential character to be expended under the di-~~
22 ~~rection of the Attorney General and to be ac-~~
23 ~~counted for solely on the certificate of the At-~~
24 ~~torney General.~~

1 (5) For the Antitrust Division: \$102,845,000
2 for fiscal year 1999, \$107,987,000 for fiscal year
3 2000, and \$113,386,000 for fiscal year 2001.

4 (6) For United States Attorneys:
5 \$1,106,993,000 for fiscal year 1999,
6 \$1,162,343,000 for fiscal year 2000, and
7 \$1,220,460,000 for fiscal year 2001.

8 (7) For the Federal Bureau of Investigation:
9 \$3,014,654,000 for fiscal year 1999,
10 \$3,164,679,000 for fiscal year 2000, and
11 \$3,322,913,000 for fiscal year 2001, which shall in-
12 clude—

13 (A) not to exceed \$14,146,000 for each fis-
14 cal year—

15 (i) for construction, acquisition, or
16 renovation of buildings (including equip-
17 ment for such buildings) and sites, by pur-
18 chase or as otherwise authorized by law;

19 (ii) for conversion or extension of fed-
20 erally owned buildings; and

21 (iii) for preliminary planning and de-
22 sign of projects;

23 to remain available until expended; and

24 (B) not to exceed \$70,000 for each fiscal
25 year to meet unforeseen emergencies of a con-

1 fiducial character to be expended under the di-
2 rection of the Attorney General and to be ac-
3 counted for solely on the certificate of the At-
4 torney General.

5 (8) For the United States Marshals Service:
6 \$529,143,000 for fiscal year 1999, \$554,785,000 for
7 fiscal year 2000, and \$582,525,000 for fiscal year
8 2001, which shall include—

9 (A) not to exceed \$6,300,000 for each fis-
10 cal year—

11 (i) for construction, acquisition, or
12 renovation of buildings (including equip-
13 ment for such buildings) and sites, by pur-
14 chase or as otherwise authorized by law;

15 (ii) for conversion or extension of fed-
16 erally owned buildings; and

17 (iii) for preliminary planning and de-
18 sign of projects;

19 to remain available until expended; and

20 (B) \$10,000,000 for each fiscal year for
21 administrative expenses of the Justice Prisoner
22 and Alien Transportation System to remain
23 available until expended.

24 (9) For the Drug Enforcement Administration:
25 \$1,193,102,000 for fiscal year 1999,

1 ~~\$1,252,358,000~~ for fiscal year 2000, and
2 ~~\$1,314,994,000~~ for fiscal year 2001, which shall in-
3 clude—

4 (A) not to exceed ~~\$8,000,000~~ for each fis-
5 eal year—

6 (i) for construction, acquisition, or
7 renovation of buildings (including equip-
8 ment for such buildings) and sites, by pur-
9 chase or as otherwise authorized by law;

10 (ii) for conversion or extension of fed-
11 erally owned buildings; and

12 (iii) for preliminary planning and de-
13 sign of projects;

14 to remain available until expended;

15 (B) not to exceed ~~\$70,000~~ for each fiscal
16 year to meet unforeseen emergencies of a con-
17 fidential character to be expended under the di-
18 rection of the Attorney General and to be ac-
19 counted for solely on the certificate of the At-
20 torney General or the Deputy Attorney General;
21 and

22 (C) not to exceed ~~\$15,000,000~~ for each fis-
23 eal year for diversion control.

24 (10) For the Immigration and Naturalization
25 Service: ~~\$2,727,490,000~~ for fiscal year 1999,

1 ~~\$2,839,756,000~~ for fiscal year 2000, and
2 ~~\$2,981,544,000~~ for fiscal year 2001, which shall in-
3 clude—

4 (A) not to exceed ~~\$118,170,000~~ for each
5 fiscal year—

6 (i) for construction, acquisition, or
7 renovation of buildings (including equip-
8 ment for such buildings) and sites, by pur-
9 chase or as otherwise authorized by law;

10 (ii) for conversion or extension of fed-
11 erally owned buildings; and

12 (iii) for preliminary planning and de-
13 sign of projects;

14 to remain available until expended;

15 (B) not to exceed ~~\$50,000~~ for each fiscal
16 year to meet unforeseen emergencies of a con-
17 fidential character to be expended under the di-
18 rection of the Attorney General and to be ac-
19 counted for solely on the certificate of the At-
20 torney General; and

21 (C) not to exceed ~~\$4,000,000~~ for each fis-
22 cal year to establish and operate—

23 (i) a district office in Memphis, Ten-
24 nessee, for the States of Tennessee, Arkan-
25 sas, and Kentucky, and the portion of the

1 State of Mississippi north of the city of
2 Jackson;

3 (ii) a district office in San Jose, Cali-
4 formia, for the counties of Monterey, Santa
5 Clara, San Benito, and Santa Cruz of the
6 State of California;

7 (iii) a suboffice in Nashville, Ten-
8 nessee, for the counties of Anderson,
9 Blount, Campbell, Cannon, Carter,
10 Cheatham, Claiborne, Clay, Coker, Cum-
11 berland, Davidson, DeKalb, Dickson, Fen-
12 tress, Grainger, Greene, Hamblen, Han-
13 cock, Hawkins, Houston, Humphreys,
14 Jackson, Jefferson, Johnson, Knox,
15 Loudon, Macon, Monroe, Montgomery,
16 Morgan, Overton, Pickett, Putnam, Roane,
17 Robertson, Rutherford, Scott, Sevier,
18 Smith, Stewart, Sullivan, Sumner,
19 Trousdale, Unicoi, Union, Washington,
20 White, Williamson, and Wilson of the State
21 of Tennessee; and

22 (iv) a district office in Charlotte,
23 North Carolina, for the States of North
24 Carolina and South Carolina.

1 (11) For Fees and Expenses of Witnesses:
2 \$95,000,000 for fiscal year 1999, \$99,750,000 for
3 fiscal year 2000, and \$104,738,000 for fiscal year
4 2001, which shall remain available until expended
5 and which shall include not to exceed \$6,000,000 for
6 each fiscal year for planning, construction, renova-
7 tion, maintenance, remodeling, and repair of build-
8 ings, and the purchase of equipment incidental
9 thereto, for protected witness safesites.

10 (12) For Interagency Crime and Drug Enforce-
11 ment: \$304,014,000 for fiscal year 1999,
12 \$319,215,000 for fiscal year 2000, and
13 \$335,176,000 for fiscal year 2001, for expenses not
14 otherwise provided for, for the investigation and
15 prosecution of individuals involved in organized
16 crime drug trafficking, except that any funds obli-
17 gated from appropriations authorized by this para-
18 graph may be used under authorities available to the
19 organizations reimbursed from such funds.

20 (13) For the Federal Prison System, including
21 the National Institute of Corrections:
22 \$4,508,480,000 for fiscal year 1999,
23 \$4,733,900,000 for fiscal year 2000, and
24 \$4,970,595,000 for fiscal year 2001.

1 (14) For the Foreign Claims Settlement Com-
2 mission: \$1,335,000 for fiscal year 1999,
3 \$1,402,000 for fiscal year 2000, and \$1,472,000 for
4 fiscal year 2001.

5 (15) For the Community Relations Service:
6 \$8,899,000 for fiscal year 1999, \$9,344,000 for fis-
7 cal year 2000, and \$9,812,000 for fiscal year 2001.

8 (16) For the Assets Forfeiture Fund:
9 \$23,000,000 for fiscal year 1999, \$24,150,000 for
10 fiscal year 2000, and \$25,358,000 for fiscal year
11 2001, as may be necessary for the payment of ex-
12 penses as authorized by section 524 of title 28,
13 United States Code.

14 (17) For Support of United States Prisoners in
15 Non-Federal Institutions: \$450,858,000 for fiscal
16 year 1999, \$473,401,000 for fiscal year 2000, and
17 \$497,072,000 for fiscal year 2001, which shall re-
18 main available until expended. Such sums may be
19 expended to reimburse appropriate health care pro-
20 viders for the care, diagnosis, and treatment of
21 United States prisoners and individuals adjudicated
22 in Federal courts as not guilty by reason of insanity,
23 but only at rates that do not exceed the actual cost
24 of such care, diagnosis, and treatment. Not to ex-
25 ceed \$20,000,000 for each fiscal year shall remain

1 available until expended for the purpose of entering
2 into contracts for only the reasonable and actual
3 cost to assist the government of any State, territory,
4 or political subdivision thereof for purposes of ren-
5 ovating, constructing, and equipping any facility that
6 confines Federal detainees, in accordance with regu-
7 lations to be issued by the Attorney General com-
8 parable to the regulations issued under section 4006
9 of title 18, United States Code.

10 (18) For the United States Parole Commission:
11 \$7,621,000 for fiscal year 1999, \$8,002,000 for fis-
12 cal year 2000, and \$8,402,000 for fiscal year 2001.

13 **SEC. 102. FEDERAL PRISON INDUSTRIES.**

14 Notwithstanding section 4129 of title 18, United
15 States Code, not to exceed \$3,266,000 for fiscal year
16 1999, and not to exceed \$3,429,000 for fiscal year 2000,
17 and not to exceed \$3,601,000 for fiscal year 2001, of the
18 funds available to Federal Prison Industries may be used
19 for—

20 (1) administrative expenses; and

21 (2) services authorized by section 3109 of title
22 5, United States Code,

23 to be computed on an accrual basis in accordance with
24 the current prescribed accounting system of Federal Pris-
25 on Industries. Such funds shall be exclusive of deprecia-

1 tion, payment of claims, and expenditures that such ac-
2 counting system requires to be capitalized or charged to
3 the cost of commodities acquired or produced (including
4 selling and shipping expenses) and expenses incurred in
5 connection with acquisition, construction, operation, main-
6 tenance, improvement, protection, or disposition of facili-
7 ties and other property of Federal Prison Industries.

8 **Subtitle B—General Provisions**

9 **SEC. 151. APPOINTMENT OF ADDITIONAL ASSISTANT** 10 **UNITED STATES ATTORNEYS; REDUCTION OF** 11 **CERTAIN LITIGATION POSITIONS.**

12 (a) **APPOINTMENTS REQUIRED.**—Not later than Sep-
13 tember 30, 2000, the Attorney General may exercise au-
14 thority under section 542 of title 28, United States Code,
15 to appoint 200 assistant United States attorneys in addi-
16 tion to the number of assistant United States attorneys
17 serving on the date of the enactment of this Act.

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

24 (c) **TERMINATION OF POSITIONS.**—Each of the 200
25 litigation positions that become vacant by reason of an ap-

1 pointment made in accordance with subsections (a) and
 2 (b) shall be terminated at the time the vacancy arises.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated such sums as may be
 5 necessary for fiscal years 1999 and 2000 to carry out this
 6 section.

7 **TITLE II—AUTHORIZATIONS OF**
 8 **APPROPRIATIONS FOR PRO-**
 9 **GRAMS**

10 **SEC. 201. AMENDMENTS TO THE CRIME CONTROL AND LAW**
 11 **ENFORCEMENT ACT OF 1994.**

12 (a) EXPEDITIOUS DEPORTATION FOR DENIED ASY-
 13 LUM APPLICANTS.—Section 130005(e) of the Violent
 14 Crime Control and Law Enforcement Act of 1994 (8
 15 U.S.C. 1158 note) is amended—

16 (1) in paragraph (3) by striking “and” at the
 17 end;

18 (2) in paragraph (4) by striking the period at
 19 the end and inserting a semicolon; and

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

21 “(5) \$90,000,000 for fiscal year 1999; and

22 “(6) \$90,000,000 for fiscal year 2000.”.

23 (b) AMENDMENTS TO VIOLENCE AGAINST WOMEN
 24 ACT OF 1994.—SECTION 40114 OF THE VIOLENCE

1 ~~AGAINST WOMEN ACT OF 1994 (PUBLIC LAW 103-322; 108~~
2 ~~STAT 1910) IS AMENDED—~~

3 (1) in paragraph (2) by striking “and” at the
4 end;

5 (2) in paragraph (3) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by adding at the end the following:

8 “~~(4) \$500,000 for fiscal year 1999; and~~

9 “~~(5) \$500,000 for fiscal year 2000.~~”.

10 (e) ~~IMPROVING BORDER CONTROLS.—~~Section
11 ~~130006(a) of the Violent Crime Control and Law Enforce-~~
12 ~~ment Act of 1994 (8 U.S.C. 1101 note) is amended—~~

13 (1) in paragraph (3) by striking “and” at the
14 end;

15 (2) in paragraph (4) by striking the period at
16 the end and inserting a semicolon; and

17 (3) by adding at the end the following:

18 “~~(5) \$200,000,000 for fiscal year 1999; and~~

19 “~~(6) \$200,000,000 for fiscal year 2000.~~”.

20 (d) ~~EXPANDED SPECIAL DEPORTATION PROCEED-~~
21 ~~INGS.—~~Section ~~130007(d) of the Violent Crime Control~~
22 ~~and Law Enforcement Act of 1994 (8 U.S.C. 1252 note)~~
23 ~~is amended—~~

24 (1) in paragraph (3) by striking “and” at the
25 end;

1 (2) in paragraph (4) by striking the period at
2 the end and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “~~(5)~~ \$2,000,000 for fiscal year 1999; and

5 “~~(6)~~ \$2,000,000 for fiscal year 2000.”.

6 (e) TRAINING PROGRAMS.—Section 40152(e) of the
7 Violent Crime Control and Law Enforcement Act of 1994
8 (42 U.S.C. 13941(e)) is amended by striking paragraphs
9 (1) and (2), and inserting the following:

10 “~~(1)~~ \$1,000,000 for fiscal year 1999; and

11 “~~(2)~~ \$1,000,000 for fiscal year 2000.”.

12 (f) MISSING ALZHEIMER’S DISEASE PATIENT ALERT
13 PROGRAM.—Section 240001(d) of the Violent Crime Con-
14 trol and Law Enforcement Act of 1994 (42 U.S.C.
15 14181(d)) is amended—

16 (1) in paragraph (2) by striking “and” at the
17 end;

18 (2) in paragraph (3) by striking the period at
19 the end and inserting a semicolon; and

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

21 “~~(4)~~ \$900,000 for fiscal year 1999; and

22 “~~(5)~~ \$900,000 for fiscal year 2000.”.

23 (g) MOTOR VEHICLE THEFT PREVENTION PRO-
24 GRAM.—Section 220002(h) of the Violent Crime Control

1 and Law Enforcement Act of 1994 (42 U.S.C. 14171(h))
2 is amended—

3 (1) in paragraph (2) by striking “and” at the
4 end;

5 (2) in paragraph (3) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by adding at the end the following:

8 “~~(4)~~ \$750,000 for fiscal year 1999; and

9 “~~(5)~~ \$750,000 for fiscal year 2000.”.

10 (h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE
11 ENFORCEMENT ASSISTANCE ACT.—Section 40295(e)(1)
12 of the Violent Crime Control and Law Enforcement Act
13 of 1994 (42 U.S.C. 13971(e)(1)) is amended—

14 (1) in subparagraph (B) by striking “and” at
15 the end;

16 (2) in subparagraph (C) by striking the period
17 at the end and inserting a semicolon; and

18 (3) by adding at the end the following:

19 “~~(D)~~ \$15,000,000 for fiscal year 1999;

20 and

21 “~~(E)~~ \$15,000,000 for fiscal year 2000.”.

1 **SEC. 202. AMENDMENTS TO THE ANTITERRORISM AND EF-**
2 **FECTIVE DEATH PENALTY ACT OF 1996.**

3 The Antiterrorism and Effective Death Penalty Act
4 of 1996 (Public Law 104–132; 110 Stat. 1214) is amend-
5 ed—

6 (1) in section 819(b) by striking “for fiscal”
7 and all that follows through “section”, and inserting
8 “to carry out this section \$5,000,000 for fiscal year
9 1999 and \$5,000,000 for fiscal year 2000”; and

10 (2) in section 821 by striking “not more than
11 \$10,000,000 for fiscal year 1997” and inserting
12 “\$10,000,000 for fiscal year 1999 and \$10,000,000
13 for fiscal year 2000”.

14 **SEC. 203. AUTHORITY TO TRANSFER PROPERTY OF MAR-**
15 **GINAL VALUE.**

16 Section 524(e)(9)(B) of title 28, United States Code,
17 is amended—

18 (1) by striking “year 1997” and inserting
19 “years 1999 and 2000”; and

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

21 “Such transfer shall be subject to satisfaction by the recip-
22 ient involved of any outstanding lien against the property
23 transferred.”.

24 **SEC. 204. COMMUNICATIONS ASSISTANCE.**

25 The Communications Assistance for Law Enforce-
26 ment Act (47 U.S.C. 1001–1021) is amended—

1 (1) in section 108(c)(3) by striking “on or be-
2 fore January 1, 1995” and inserting “before Octo-
3 ber 1, 2000”;

4 (2) in section 109—

5 (A) in subsection (a)—

6 (i) in the heading by striking “JANU-
7 ARY 1, 1995” and inserting “OCTOBER 1,
8 2000”; and

9 (ii) by striking “January 1, 1995”
10 and inserting “October 1, 2000”;

11 (B) in subsection (b)—

12 (i) in the heading by striking “JANU-
13 ARY 1, 1995” and inserting “OCTOBER 1,
14 2000”;

15 (ii) in paragraph (1)—

16 (I) in the matter preceding sub-
17 paragraph (A) by striking “January
18 1, 1995” and inserting “October 1,
19 2000”; and

20 (II) in subparagraph (J) by
21 striking “January 1, 1995” and in-
22 serting “October 1, 2000”; and

23 (iii) in paragraph (2) by striking
24 “January 1, 1995” and inserting “October
25 1, 2000”; and

1 (C) in subsection (d)—

2 (i) in the heading by striking “JANU-
3 ARY 1, 1995” and inserting “OCTOBER 1,
4 2000”; and

5 (ii) by striking “January 1, 1995”
6 and inserting “October 1, 2000”;

7 (3) in section 110 by striking “and 1998” and
8 inserting “1998, 1999, and 2000”; and

9 (4) in section 111(b) by striking “on the date
10 that is 4 years after the date of enactment of this
11 Act” and inserting “October 1, 2000”.

12 **SEC. 205. CRIMINAL ALIEN ASSISTANCE.**

13 Section 241(i)(5) of the Immigration and Nationality
14 Act (8 U.S.C. 1231(i)(5)) is amended by striking subpara-
15 graphs (A) through (F) and inserting the following:

16 “(A) \$750,000,000 for fiscal year 1999;

17 “(B) \$800,000,000 for fiscal year 2000;

18 and

19 “(C) \$850,000,000 for fiscal year 2001.”.

20 **TITLE III—PERMANENT**
21 **ENABLING PROVISIONS**

22 **SEC. 301. PERMANENT AUTHORITY.**

23 (a) AMENDMENT.—Chapter 31 of title 28, United
24 States Code, is amended by adding at the end the follow-
25 ing:

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

2 “(a) PERMITTED USES.—Except to the extent pro-
3 vided otherwise by law applicable to funds available to
4 carry out the activities of the Department of Justice (in-
5 cluding any bureau, office, board, division, commission, or
6 subdivision thereof) and in addition to authority provided
7 in subsections (a) and (b) of section 524 of this title, the
8 Attorney General may use such funds as follows:

9 “(1) GENERAL PERMITTED USES.—Such funds
10 may be used for the following:

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

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

19 “(C) Services of experts and consultants,
20 including private counsel, as authorized by sec-
21 tion 3109 of title 5, and at rates of pay for in-
22 dividuals not to exceed the maximum daily rate
23 payable from time to time under section 5332
24 of title 5, United States Code.

25 “(D) Not to exceed \$200,000 for each fis-
26 cal year for official receptions and representa-

1 tion expenses, in accordance with distributions,
2 procedures, and regulations established by the
3 Attorney General.

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

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

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

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

19 “(ii) conferences and training; and

20 “(iii) advances of public moneys under
21 section 3324 of title 31, United States
22 Code.

23 Travel advances of such funds to law enforce-
24 ment personnel engaged in undercover activity
25 shall be considered to be public money for pur-

1 poses of section 3527 of title 31, United States
2 Code.

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

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

14 “(2) SPECIFIC PERMITTED USES.—

15 “(A) AIRCRAFT AND BOATS.—Funds avail-
16 able for United States Attorneys, for the Fed-
17 eral Bureau of Investigation, for the United
18 States Marshals Service, for the Drug Enforce-
19 ment Administration, and for the Immigration
20 and Naturalization Service may be used for the
21 purchase, lease, maintenance, and operation of
22 aircraft and boats, for law enforcement pur-
23 poses.

24 “(B) PAYMENT OF REWARDS; PURCHASE
25 OF EVIDENCE.—Funds available for the Federal

1 Bureau of Investigation, for the Drug Enforce-
2 ment Administration, for the Immigration and
3 Naturalization Service, and for the Federal
4 Prison System may be used for the payment of
5 rewards, for the purchase of evidence, and for
6 payment for information in connection with law
7 enforcement.

8 “(C) PURCHASE OF AMMUNITION AND
9 FIREARMS; FIREARMS COMPETITIONS.—Funds
10 available for United States Attorneys, for the
11 Federal Bureau of Investigation, for the United
12 States Marshals Service, for the Drug Enforce-
13 ment Administration, and for the Immigration
14 and Naturalization Service may be used for—

15 “(i) the purchase of ammunition and
16 firearms; and

17 “(ii) participation in firearms com-
18 petitions.

19 “(3) UNIFORMS.—Funds available for the Im-
20 migration and Naturalization Service and for the
21 Federal Prison System may be used for expenses or
22 allowances for uniforms as authorized by section
23 5901 of title 5 but without regard to the general
24 purchase price limitation for the then current fiscal
25 year.

1 “(4) FEES AND EXPENSES OF WITNESSES.—
2 Funds available for Fees and Expenses of Witnesses
3 may be used for expenses, mileage, compensation,
4 and per diem in lieu of subsistence, of witnesses as
5 authorized by law (including advances of public
6 money); but no witness may be paid more than one
7 attendance fee for any one calendar day.

8 “(5) FEDERAL BUREAU OF INVESTIGATION.—
9 (A) Funds available to the Federal Bureau of Inves-
10 tigation may be used for the conduct of its activities,
11 including for—

12 “(i) expenses necessary for the detection
13 and prosecution of crimes against the United
14 States;

15 “(ii) protection of the person of the Attor-
16 ney General;

17 “(iii) investigations regarding official mat-
18 ters under the control of the Department of
19 Justice and the Department of State, as may
20 be directed by the Attorney General;

21 “(iv) the confidential lease of surveillance
22 sites for law enforcement purposes; and

23 “(v) acquisition, collection, classification,
24 and preservation of identification and other
25 records and their exchange with, and for the of-

1 ficial use of, the duly authorized officials of the
2 Federal Government, of States, of cities, and of
3 such other institutions, as authorized by law,
4 such exchange to be subject to cancellation if
5 dissemination is made outside the receiving de-
6 partments or related agencies.

7 “(B)(i) The Federal Bureau of Investigation
8 may establish and collect fees for the processing of
9 noncriminal employment and licensing fingerprint
10 records. Such fees shall represent the full cost of
11 furnishing the service.

12 “(ii) Such fees collected shall be credited to the
13 Salaries and Expenses, Federal Bureau of Investiga-
14 tion appropriation without regard to section 3302(b)
15 of title 31 and, to the extent specified in appropria-
16 tions Acts, shall be available until expended for sala-
17 ries and other expenses incurred in processing such
18 records.

19 “(iii) No fee shall be assessed in connection
20 with the processing of requests for criminal history
21 records by criminal justice agencies for criminal jus-
22 tice purposes or for employment in criminal justice
23 agencies.

24 “(6) IMMIGRATION AND NATURALIZATION
25 SERVICE.—Funds available for the Immigration and

1 Naturalization Service may be used for the adminis-
2 tration and enforcement of laws relating to immigra-
3 tion, naturalization, and alien registration, including
4 for—

5 “(A) acquisition of land as sites for en-
6 forcement fences, and construction incidental to
7 such fences;

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

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

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

19 “(7) FEDERAL PRISON SYSTEM.—Funds avail-
20 able for the Federal Prison System may be used for
21 the conduct of its activities, including for—

22 “(A) the administration, operation, and
23 maintenance of Federal penal and correctional
24 institutions, including inmate medical services

1 and inmate legal services, within the Federal
2 prison system;

3 “(B) planning, acquisition of sites, and
4 construction of new facilities, including—

5 “(i) the purchase and acquisition of
6 facilities, and remodeling and equipping of
7 such facilities, for penal and correctional
8 institutions; and

9 “(ii) the payment of United States
10 prisoners for work performed in the activi-
11 ties described in this subparagraph,

12 which shall remain available until expended;

13 “(C) construction of buildings at prison
14 camps and acquisition of land as authorized by
15 section 4010 of title 18, United States Code;

16 “(D) the labor of the United States pris-
17 oners performed in the construction, remodel-
18 ing, renovating, converting, expanding, plan-
19 ning, designing, maintaining, or equipping of
20 prison buildings or facilities; and

21 “(E) the purchase and exchange of farm
22 products and livestock.

23 “(b) RELATED PROVISIONS.—

24 “(1) LIMITATION OF COMPENSATION OF INDI-
25 VIDUALS EMPLOYED AS ATTORNEYS.—None of the

1 funds available to the Attorney General may be used
 2 to pay compensation for services provided by an in-
 3 dividual employed as an attorney (other than an in-
 4 dividual employed to provide services as a foreign at-
 5 torney in special cases) unless such individual is duly
 6 licensed and authorized to practice as an attorney
 7 under the law of a State, a territory of the United
 8 States, or the District of Columbia.

9 ~~“(2) REIMBURSEMENTS PAID TO GOVERN-~~
 10 ~~MENTAL ENTITIES.—~~Funds available to the Attor-
 11 ney General that are paid as a reimbursement to a
 12 governmental unit in the Department of Justice, to
 13 another Federal entity, or to a unit of State or local
 14 government may be used under the authority appli-
 15 cable to such unit or such entity that receives such
 16 reimbursement.”.

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

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

20 **SEC. 302. PERMANENT AUTHORITY RELATING TO EN-**
 21 **FORCEMENT OF LAWS.**

22 (a) AMENDMENT.—Chapter 31 of title 28, United
 23 States Code, as amended by section 301, is amended by
 24 adding at the end the following:

1 **“§ 530C. Report on enforcement of laws**

2 “(a) REPORT REQUIRED.—The Attorney General
3 shall transmit a report to each House of the Congress in
4 any case in which the Attorney General—

5 “(1) establishes a policy to refrain from enforce-
6 ing any provision of any Federal statute whose en-
7 forcement is the responsibility of the Department of
8 Justice, because of the position of the Attorney Gen-
9 eral that such provision is not constitutional; or

10 “(2) determines that the Department of Justice
11 will contest, or will refrain from defending, in any
12 judicial, administrative, or other proceeding, any
13 provision of any Federal statute, because of the posi-
14 tion of the Attorney General that such provision is
15 not constitutional.

16 “(b) DEADLINE FOR REPORT.—Any report required
17 by subsection (a) shall be transmitted not later than 30
18 days after the Attorney General establishes the policy
19 specified in subsection (a)(1) or makes the determination
20 specified in subsection (a)(2). Each such report shall—

21 “(1) specify the provision of the Federal statute
22 involved;

23 “(2) include a detailed statement of the reasons
24 for the position of the Attorney General; and

1 “(3) in the case of a determination specified in
2 subsection (a)(2), indicate the nature of the proceed-
3 ing involved.

4 “(c) **DECLARATION.**—In the case of a determination
5 specified in subsection (a)(2), the representative of the De-
6 partment of Justice participating in the proceeding shall
7 make a declaration in such proceeding that the position
8 of the Attorney General on the constitutionality of the pro-
9 vision of the Federal statute involved is the position of
10 the executive branch of the Federal Government.”.

11 “(b) **TECHNICAL AMENDMENT.**—The table of sec-
12 tions for chapter 31 of title 28, United States Code, as
13 amended by section 301, is amended by adding at the end
14 the following:

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

15 **SEC. 303. PROTECTION OF THE ATTORNEY GENERAL.**

16 Section 533(2) of title 28, United States Code, is
17 amended by inserting “or the person of the Attorney Gen-
18 eral” before the semicolon at the end.

19 **TITLE IV—MISCELLANEOUS**

20 **SEC. 401. REPEALERS.**

21 (a) **OPEN-ENDED AUTHORIZATION OF APPROPRIA-**
22 **TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS—**
23 Chapter 319 of title 18, United States Code, is amended—
24 (1) by striking section 4353; and

1 (2) in the table of sections for such chapter by
2 striking the item relating to section 4353.

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

7 **SEC. 402. TECHNICAL AMENDMENT.**

8 Section 542(e)(5) of title 28, United States Code, is
9 amended by striking “Fund” the second place it appears
10 and inserting “Fund,”.

11 **SEC. 403. APPLICABILITY OF TITLE III.**

12 The amendments made by title III shall not apply
13 with respect to funds available for any fiscal year ending
14 before fiscal year 1999.

15 **SEC. 404. RULE OF CONSTRUCTION.**

16 Nothing in this Act or the amendments made by this
17 Act shall be construed to modify or supersede the applica-
18 tion or operation of the Public Buildings Act of 1959 (40
19 U.S.C. 601–619).

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Department of Justice*
22 *Appropriations Authorization Act, Fiscal Years 1999, 2000,*
23 *and 2001”.*

1 **TITLE I—AUTHORIZATIONS OF**
2 **APPROPRIATIONS**
3 **Subtitle A—Specific Provisions**

4 **SEC. 101. SUMS AUTHORIZED TO BE APPROPRIATED.**

5 *There are authorized to be appropriated for fiscal*
6 *years 1999, 2000, and 2001, to carry out the activities of*
7 *the Department of Justice (including any bureau, office,*
8 *board, division, commission, or subdivision thereof), the fol-*
9 *lowing sums:*

10 (1) *For General Administration: \$238,085,000*
11 *for fiscal year 1999, \$249,989,000 for fiscal year*
12 *2000, and \$262,489,000 for fiscal year 2001.*

13 (2) *For Administrative Review and Appeals:*
14 *\$144,863,000 for fiscal year 1999, \$152,106,000 for*
15 *fiscal year 2000, and \$159,712,000 for fiscal year*
16 *2001, for administration of pardon and clemency pe-*
17 *titions and for immigration related activities.*

18 (3) *For the Office of Inspector General:*
19 *\$34,610,000 for fiscal year 1999, \$36,341,000 for fis-*
20 *cal year 2000, and \$38,158,000 for fiscal year 2001,*
21 *which shall include—*

22 (A) *not to exceed \$10,000 to meet unforeseen*
23 *emergencies of a confidential character, to be ex-*
24 *pended under the direction of the Attorney Gen-*

1 *eral, and to be accounted for solely on the certifi-*
2 *cate of the Attorney General; and*

3 *(B) funds for the purchase, lease, mainte-*
4 *nance, and operation of motor vehicles without*
5 *regard to the general purchase price limitation.*

6 *(4) For General Legal Activities: \$485,506,000*
7 *for fiscal year 1999, \$509,781,000 for fiscal year*
8 *2000, and \$535,270,000 for fiscal year 2001, which*
9 *shall include—*

10 *(A) not less than \$4,000,000 for each fiscal*
11 *year for the investigation and prosecution of*
12 *denaturalization and deportation cases involving*
13 *alleged Nazi war criminals; and*

14 *(B) not to exceed \$20,000 for each fiscal*
15 *year to meet unforeseen emergencies of a con-*
16 *fidential character to be expended under the di-*
17 *rection of the Attorney General and to be ac-*
18 *counted for solely on the certificate of the Attor-*
19 *ney General.*

20 *(5) For the Antitrust Division: \$102,845,000 for*
21 *fiscal year 1999, \$107,987,000 for fiscal year 2000,*
22 *and \$113,386,000 for fiscal year 2001.*

23 *(6) For United States Attorneys: \$1,106,993,000*
24 *for fiscal year 1999, \$1,162,343,000 for fiscal year*
25 *2000, and \$1,220,460,000 for fiscal year 2001.*

1 (7) *For the Federal Bureau of Investigation:*
2 \$3,032,408,000 for fiscal year 1999, \$3,164,679,000
3 for fiscal year 2000, and \$3,322,913,000 for fiscal
4 year 2001, which shall include—

5 (A) *not to exceed \$14,146,000 for each fiscal*
6 *year—*

7 (i) *for construction, acquisition, or*
8 *renovation of buildings (including equip-*
9 *ment for such buildings) and sites, by pur-*
10 *chase or as otherwise authorized by law;*

11 (ii) *for conversion or extension of fed-*
12 *erally owned buildings; and*

13 (iii) *for preliminary planning and de-*
14 *sign of projects,*

15 *to remain available until expended; and*

16 (B) *not to exceed \$70,000 for each fiscal*
17 *year to meet unforeseen emergencies of a con-*
18 *fidential character to be expended under the di-*
19 *rection of the Attorney General and to be ac-*
20 *counted for solely on the certificate of the Attor-*
21 *ney General.*

22 (8) *For the United States Marshals Service:*
23 \$529,143,000 for fiscal year 1999, \$554,785,000 for
24 fiscal year 2000, and \$582,525,000 for fiscal year
25 2001, which shall include—

1 (A) not to exceed \$6,300,000 for each fiscal
2 year—

3 (i) for construction, acquisition, or
4 renovation of buildings (including equip-
5 ment for such buildings) and sites, by pur-
6 chase or as otherwise authorized by law;

7 (ii) for conversion or extension of fed-
8 erally owned buildings; and

9 (iii) for preliminary planning and de-
10 sign of projects,

11 to remain available until expended; and

12 (B) \$10,000,000 for each fiscal year for ad-
13 ministrative expenses of the Justice Prisoner and
14 Alien Transportation System to remain avail-
15 able until expended.

16 (9) For the Drug Enforcement Administration:
17 \$1,193,102,000 for fiscal year 1999, \$1,252,358,000
18 for fiscal year 2000, and \$1,314,994,000 for fiscal
19 year 2001, which shall include—

20 (A) not to exceed \$8,000,000 for each fiscal
21 year—

22 (i) for construction, acquisition, or
23 renovation of buildings (including equip-
24 ment for such buildings) and sites, by pur-
25 chase or as otherwise authorized by law;

1 (ii) for conversion or extension of fed-
2 erally owned buildings; and

3 (iii) for preliminary planning and de-
4 sign of projects,

5 to remain available until expended;

6 (B) not to exceed \$70,000 for each fiscal
7 year to meet unforeseen emergencies of a con-
8 fidential character to be expended under the di-
9 rection of the Attorney General and to be ac-
10 counted for solely on the certificate of the Attor-
11 ney General or the Deputy Attorney General;
12 and

13 (C) not to exceed \$15,000,000 for each fiscal
14 year for diversion control.

15 (10) For the Immigration and Naturalization
16 Service: \$2,727,490,000 for fiscal year 1999,
17 \$2,839,756,000 for fiscal year 2000, and
18 \$2,981,544,000 for fiscal year 2001, which shall in-
19 clude—

20 (A) not to exceed \$118,170,000 for each fis-
21 cal year—

22 (i) for construction, acquisition, or
23 renovation of buildings (including equip-
24 ment for such buildings) and sites, by pur-
25 chase or as otherwise authorized by law;

1 (ii) for conversion or extension of fed-
2 erally owned buildings; and

3 (iii) for preliminary planning and de-
4 sign of projects,

5 to remain available until expended;

6 (B) not to exceed \$50,000 for each fiscal
7 year to meet unforeseen emergencies of a con-
8 fidential character to be expended under the di-
9 rection of the Attorney General and to be ac-
10 counted for solely on the certificate of the Attor-
11 ney General; and

12 (C) not to exceed \$4,000,000 for each fiscal
13 year to establish and operate—

14 (i) a district office in Memphis, Ten-
15 nessee, for the States of Tennessee, Arkan-
16 sas, and Kentucky, and the portion of the
17 State of Mississippi north of the city of
18 Jackson;

19 (ii) a district office in San Jose, Cali-
20 fornia, for the counties of Monterey, Santa
21 Clara, San Benito, and Santa Cruz of the
22 State of California;

23 (iii) a suboffice in Nashville, Ten-
24 nessee, for the counties of Anderson, Blount,
25 Campbell, Cannon, Carter, Cheatham, Clai-

1 borne, Clay, Cocke, Cumberland, Davidson,
2 DeKalb, Dickson, Fentress, Grainger,
3 Greene, Hamblen, Hancock, Hawkins,
4 Houston, Humphreys, Jackson, Jefferson,
5 Johnson, Knox, Loudon, Macon, Monroe,
6 Montgomery, Morgan, Overton, Pickett,
7 Putnam, Roane, Robertson, Rutherford,
8 Scott, Sevier, Smith, Stewart, Sullivan,
9 Sumner, Trousdale, Unicoi, Union, Wash-
10 ington, White, Williamson, and Wilson of
11 the State of Tennessee; and

12 (iv) a district office in Charlotte, North
13 Carolina, for the States of North Carolina
14 and South Carolina.

15 (11) For Fees and Expenses of Witnesses:
16 \$95,000,000 for fiscal year 1999, \$99,750,000 for fis-
17 cal year 2000, and \$104,738,000 for fiscal year 2001,
18 which shall remain available until expended and
19 which shall include not to exceed \$6,000,000 for each
20 fiscal year for planning, construction, renovation,
21 maintenance, remodeling, and repair of buildings,
22 and the purchase of equipment incidental thereto, for
23 protected witness safe sites.

24 (12) For Interagency Crime and Drug Enforce-
25 ment: \$304,014,000 for fiscal year 1999, \$319,215,000

1 for fiscal year 2000, and \$335,176,000 for fiscal year
2 2001, for expenses not otherwise provided for, for the
3 investigation and prosecution of individuals involved
4 in organized crime drug trafficking, except that any
5 funds obligated from appropriations authorized by
6 this paragraph may be used under authorities avail-
7 able to the organizations reimbursed from such funds.

8 (13) For the Federal Prison System, including
9 the National Institute of Corrections: \$4,508,480,000
10 for fiscal year 1999, \$4,733,900,000 for fiscal year
11 2000, and \$4,970,595,000 for fiscal year 2001.

12 (14) For the Foreign Claims Settlement Commis-
13 sion: \$1,335,000 for fiscal year 1999, \$1,402,000 for
14 fiscal year 2000, and \$1,472,000 for fiscal year 2001.

15 (15) For the Community Relations Service:
16 \$8,899,000 for fiscal year 1999, \$9,344,000 for fiscal
17 year 2000, and \$9,812,000 for fiscal year 2001.

18 (16) For the Assets Forfeiture Fund: \$23,000,000
19 for fiscal year 1999, \$24,150,000 for fiscal year 2000,
20 and \$25,358,000 for fiscal year 2001, as may be nec-
21 essary for the payment of expenses as authorized by
22 section 524 of title 28, United States Code.

23 (17) For Federal Prisoner Detention:
24 \$501,360,000 for fiscal year 1999, \$526,428,000 for
25 fiscal year 2000, and \$552,749,400 for fiscal year

1 2001, which shall remain available until expended.
2 Such sums may be expended to reimburse appropriate
3 health care providers for the care, diagnosis, and
4 treatment of United States prisoners and individuals
5 adjudicated in Federal courts as not guilty by reason
6 of insanity, but only at rates that do not exceed the
7 actual cost of such care, diagnosis, and treatment. Not
8 to exceed \$20,000,000 for each fiscal year shall re-
9 main available until expended for the purpose of en-
10 tering into contracts for only the reasonable and ac-
11 tual cost to assist the government of any State, terri-
12 tory, or political subdivision thereof for purposes of
13 renovating, constructing, and equipping any facility
14 that confines Federal detainees, in accordance with
15 regulations to be issued by the Attorney General com-
16 parable to the regulations issued under section 4006
17 of title 18, United States Code.

18 (18) For the United States Parole Commission:
19 \$7,621,000 for fiscal year 1999, \$8,002,000 for fiscal
20 year 2000, and \$8,402,000 for fiscal year 2001.

21 **SEC. 102. FEDERAL PRISON INDUSTRIES.**

22 Notwithstanding section 4129 of title 18, United States
23 Code, not to exceed \$3,266,000 for fiscal year 1999, and
24 not to exceed \$3,429,000 for fiscal year 2000, and not to

1 exceed \$3,601,000 for fiscal year 2001, of the funds available
2 to Federal Prison Industries may be used for—

3 (1) administrative expenses; and

4 (2) services authorized by section 3109 of title 5,
5 United States Code,

6 to be computed on an accrual basis in accordance with the
7 current prescribed accounting system of Federal Prison In-
8 dustries. Such funds shall be exclusive of depreciation, pay-
9 ment of claims, and expenditures that such accounting sys-
10 tem requires to be capitalized or charged to the cost of com-
11 modities acquired or produced (including selling and ship-
12 ping expenses) and expenses incurred in connection with
13 acquisition, construction, operation, maintenance, improve-
14 ment, protection, or disposition of facilities and other prop-
15 erty of Federal Prison Industries.

16 **Subtitle B—General Provisions**

17 **SEC. 151. APPOINTMENT OF ADDITIONAL ASSISTANT** 18 **UNITED STATES ATTORNEYS; REDUCTION OF** 19 **CERTAIN LITIGATION POSITIONS.**

20 (a) *APPOINTMENTS REQUIRED.*—Not later than Sep-
21 tember 30, 2000, the Attorney General may exercise author-
22 ity under section 542 of title 28, United States Code, to
23 appoint 200 assistant United States attorneys in addition
24 to the number of assistant United States attorneys serving
25 on the date of the enactment of this Act.

1 (b) *SELECTION OF APPOINTEES.*—*Individuals first*
 2 *appointed under subsection (a) shall be appointed from*
 3 *among attorneys who are incumbents of 200 full-time liti-*
 4 *gation positions in divisions of the Department of Justice*
 5 *and whose official duty station is at the seat of Government.*

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

10 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 11 *authorized to be appropriated such sums as may be nec-*
 12 *essary for fiscal years 1999 and 2000 to carry out this sec-*
 13 *tion.*

14 **TITLE II—AUTHORIZATIONS OF**
 15 **APPROPRIATIONS FOR PRO-**
 16 **GRAMS**

17 **SEC. 201. AMENDMENTS TO THE CRIME CONTROL AND LAW**
 18 **ENFORCEMENT ACT OF 1994.**

19 (a) *EXPEDITIOUS DEPORTATION FOR DENIED ASYLUM*
 20 *APPLICANTS.*—*Section 130005(c) of the Violent Crime Con-*
 21 *trol and Law Enforcement Act of 1994 (8 U.S.C. 1158 note)*
 22 *is amended—*

23 (1) *in paragraph (3) by striking “and” at the*
 24 *end;*

1 (2) *in paragraph (4) by striking the period at*
2 *the end and inserting a semicolon; and*

3 (3) *by adding at the end the following:*

4 “*(5) \$90,000,000 for fiscal year 1999; and*

5 “*(6) \$90,000,000 for fiscal year 2000.*”.

6 **(b) AMENDMENTS TO VIOLENCE AGAINST WOMEN ACT**
7 *OF 1994.—Section 40114 of the Violence Against Women*
8 *Act of 1994 (Public Law 103–322; 108 Stat 1910) is*
9 *amended—*

10 (1) *in paragraph (2) by striking “and” at the*
11 *end;*

12 (2) *in paragraph (3) by striking the period at*
13 *the end and inserting a semicolon; and*

14 (3) *by adding at the end the following:*

15 “*(4) \$500,000 for fiscal year 1999; and*

16 “*(5) \$500,000 for fiscal year 2000.*”.

17 **(c) IMPROVING BORDER CONTROLS.—Section**
18 *130006(a) of the Violent Crime Control and Law Enforce-*
19 *ment Act of 1994 (8 U.S.C. 1101 note) is amended—*

20 (1) *in paragraph (3) by striking “and” at the*
21 *end;*

22 (2) *in paragraph (4) by striking the period at*
23 *the end and inserting a semicolon; and*

24 (3) *by adding at the end the following:*

25 “*(5) \$455,000,000 for fiscal year 1999; and*

1 “(6) \$477,750,000 for fiscal year 2000.”.

2 (d) *EXPANDED SPECIAL DEPORTATION PROCEED-*
3 *INGS.—Section 130007(d) of the Violent Crime Control and*
4 *Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is*
5 *amended—*

6 (1) *in paragraph (3) by striking “and” at the*
7 *end;*

8 (2) *in paragraph (4) by striking the period at*
9 *the end and inserting a semicolon; and*

10 (3) *by adding at the end the following:*

11 “(5) \$236,000,000 for fiscal year 1999; and

12 “(6) \$236,000,000 for fiscal year 2000.”.

13 (e) *TRAINING PROGRAMS.—Section 40152(c) of the*
14 *Violent Crime Control and Law Enforcement Act of 1994*
15 *(42 U.S.C. 13941(c)) is amended by striking paragraphs*
16 *(1) and (2), and inserting the following:*

17 “(1) \$1,000,000 for fiscal year 1999; and

18 “(2) \$1,000,000 for fiscal year 2000.”.

19 (f) *MISSING ALZHEIMER’S DISEASE PATIENT ALERT*
20 *PROGRAM.—Section 240001(d) of the Violent Crime Control*
21 *and Law Enforcement Act of 1994 (42 U.S.C. 14181(d))*
22 *is amended—*

23 (1) *in paragraph (2) by striking “and” at the*
24 *end;*

1 (2) *in paragraph (3) by striking the period at*
2 *the end and inserting a semicolon; and*

3 (3) *by adding at the end the following:*

4 “(4) \$900,000 for fiscal year 1999; and

5 “(5) \$900,000 for fiscal year 2000.”.

6 (g) *MOTOR VEHICLE THEFT PREVENTION PRO-*
7 *GRAM.—Section 220002(h) of the Violent Crime Control*
8 *and Law Enforcement Act of 1994 (42 U.S.C. 14171(h))*
9 *is amended—*

10 (1) *in paragraph (2) by striking “and” at the*
11 *end;*

12 (2) *in paragraph (3) by striking the period at*
13 *the end and inserting a semicolon; and*

14 (3) *by adding at the end the following:*

15 “(4) \$750,000 for fiscal year 1999; and

16 “(5) \$750,000 for fiscal year 2000.”.

17 (h) *RURAL DOMESTIC VIOLENCE AND CHILD ABUSE*
18 *ENFORCEMENT ASSISTANCE ACT.—Section 40295(c)(1) of*
19 *the Violent Crime Control and Law Enforcement Act of*
20 *1994 (42 U.S.C. 13971(c)(1)) is amended—*

21 (1) *in subparagraph (B) by striking “and” at*
22 *the end;*

23 (2) *in subparagraph (C) by striking the period*
24 *at the end and inserting a semicolon; and*

25 (3) *by adding at the end the following:*

1 “(D) \$15,000,000 for fiscal year 1999; and
2 “(E) \$15,000,000 for fiscal year 2000.”.

3 **SEC. 202. AMENDMENTS TO THE ANTITERRORISM AND EF-**
4 **FFECTIVE DEATH PENALTY ACT OF 1996.**

5 *The Antiterrorism and Effective Death Penalty Act of*
6 *1996 (Public Law 104–132; 110 Stat. 1214) is amended—*

7 (1) *in section 819(b) by striking “for fiscal” and*
8 *all that follows through “section”, and inserting “to*
9 *carry out this section \$5,000,000 for fiscal year 1999*
10 *and \$5,000,000 for fiscal year 2000”; and*

11 (2) *in section 821 by striking “not more than*
12 *\$10,000,000 for fiscal year 1997” and inserting*
13 *“\$10,000,000 for fiscal year 1999 and \$10,000,000 for*
14 *fiscal year 2000”.*

15 **SEC. 203. AUTHORITY TO TRANSFER PROPERTY OF MAR-**
16 **GINAL VALUE.**

17 *Section 524(c)(9)(B) of title 28, United States Code,*
18 *is amended—*

19 (1) *by striking “year 1997” and inserting “years*
20 *1999 and 2000”; and*

21 (2) *by adding at the end the following:*

22 *“Such transfer shall be subject to satisfaction by the recipi-*
23 *ent involved of any outstanding lien against the property*
24 *transferred.”.*

1 **SEC. 204. CRIMINAL ALIEN ASSISTANCE.**

2 *Section 241(i)(5) of the Immigration and Nationality*
 3 *Act (8 U.S.C. 1231(i)(5)) is amended by striking subpara-*
 4 *graphs (A) through (F) and inserting the following:*

5 *“(A) \$750,000,000 for fiscal year 1999;*

6 *“(B) \$800,000,000 for fiscal year 2000; and*

7 *“(C) \$850,000,000 for fiscal year 2001.”.*

8 **TITLE III—PERMANENT**
 9 **ENABLING PROVISIONS**

10 **SEC. 301. PERMANENT AUTHORITY.**

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

13 **“§ 530B. Authority to use available funds**

14 *“(a) PERMITTED USES.—Except to the extent pro-*
 15 *vided otherwise by any provision of law applicable to funds*
 16 *available to carry out the activities of the Department of*
 17 *Justice (including any bureau, office, board, division, com-*
 18 *mission, or subdivision thereof) and in addition to author-*
 19 *ity provided in subsections (a) and (b) of section 524, or*
 20 *any other provision of law (including the Public Law 96–*
 21 *132 (93 Stat. 1040), section 102(b) of Public Law 102–395*
 22 *(106 Stat. 1838), and section 815(d) of the Antiterrorism*
 23 *and Effective Death Penalty Act of 1996 (110 Stat. 1315)),*
 24 *the Attorney General may use such funds as follows:*

25 *“(1) GENERAL PERMITTED USES.—Such funds*
 26 *may be used for the following:*

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

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

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

15 “(D) *Not to exceed \$200,000 for each fiscal*
16 *year for official receptions and representation ex-*
17 *penses (i.e., official expenses of a social nature*
18 *intended in whole or in predominant part to*
19 *promote goodwill toward the Department or its*
20 *missions, not including tours, open to the general*
21 *public, of departmental facilities), in accordance*
22 *with distributions, procedures, and regulations*
23 *established by the Attorney General.*

24 “(E) *Unforeseen emergencies of a confiden-*
25 *tial character, to be expended under the direction*

1 *of the Attorney General and accounted for solely*
2 *on the certificate of the Attorney General.*

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

8 “(G) *In accordance with procedures estab-*
9 *lished and regulations issued by the Attorney*
10 *General—*

11 “(i) *attendance at meetings and semi-*
12 *nars;*

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

14 “(iii) *advances of public moneys under*
15 *section 3324 of title 31.*

16 *Travel advances of such funds to law enforce-*
17 *ment personnel engaged in undercover activity*
18 *shall be considered to be public money for pur-*
19 *poses of section 3527 of title 31.*

20 “(H) *For the conduct of its activities, in-*
21 *cluding for contracting with individuals for per-*
22 *sonal services abroad, except that such individ-*
23 *uals shall not be regarded as employees of the*
24 *United States for the purpose of any law admin-*
25 *istered by the Office of Personnel Management.*

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

5 “(J) *For the payment of rewards, for the*
6 *purchase of evidence, and for payment for infor-*
7 *mation in connection with law enforcement.*

8 “(K) *For expenses or allowances for uni-*
9 *forms as authorized by section 5901 of title 5 but*
10 *without regard to the general purchase price lim-*
11 *itation for the then current fiscal year.*

12 “(L) *With respect to dependents of employ-*
13 *ees of the Department of Justice stationed out-*
14 *side the continental United States, expenses of—*

15 “(i) *primary and secondary schooling*
16 *for such dependents, at a cost not to exceed*
17 *that authorized by the Department of De-*
18 *fense for the same area, upon a determina-*
19 *tion by the Attorney General that schools*
20 *serving the locality are unable to provide*
21 *adequately for their education;*

22 “(ii) *transportation of such dependents*
23 *between their places of residence and the*
24 *primary and secondary schools serving the*
25 *locality that they normally would attend,*

1 upon a determination by the Attorney Gen-
2 eral that such schools are not accessible by
3 adequate public means of transportation;
4 and

5 “(iii) transitional and other language
6 and cultural training or education for such
7 dependents, upon a determination by the
8 Attorney General that training or education
9 are necessary for employee welfare and ade-
10 quate nondepartmental facilities are un-
11 available.

12 “(M) Health care program expenses for, and
13 travel and related expenses of, employees of the
14 Department of Justice serving abroad and their
15 families, to be payable in the same manner as
16 applicable to the members of the Foreign Service
17 and their families under sections 904 and 901 of
18 the Foreign Service Act of 1980 (22 U.S.C. 4084,
19 4081) and the regulations issued by the Sec-
20 retary of State.

21 “(2) SPECIFIC PERMITTED USES.—

22 “(A) AIRCRAFT AND BOATS.—Funds avail-
23 able for United States Attorneys, for the Federal
24 Bureau of Investigation, for the United States
25 Marshals Service, for the Drug Enforcement Ad-

1 *ministration, and for the Immigration and Nat-*
2 *uralization Service may be used for the purchase,*
3 *lease, maintenance, and operation of aircraft*
4 *and boats, for law enforcement purposes.*

5 “(B) *PURCHASE OF AMMUNITION AND FIRE-*
6 *ARMS; FIREARMS COMPETITIONS.—Funds avail-*
7 *able for United States Attorneys, for the Federal*
8 *Bureau of Investigation, for the United States*
9 *Marshals Service, for the Drug Enforcement Ad-*
10 *ministration, for the Federal Prison System, for*
11 *the Office of the Inspector General, and for the*
12 *Immigration and Naturalization Service may be*
13 *used for—*

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

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

18 “(3) *SUBSISTENCE AND MEDICAL EXPENSES OF*
19 *PERSONS IN THE CUSTODY OF THE UNITED STATES*
20 *MARSHALS SERVICE.—*

21 “(A) *IN GENERAL.—Funds available for the*
22 *United States Marshals Service may be used to*
23 *acquire subsistence and medical care for persons*
24 *in the custody of the United States Marshals*
25 *Service at fair and reasonable prices.*

1 “(B) *COSTS.*—Without specific authoriza-
2 tion from the Attorney General, the expenses in-
3 curred in the provision of medical care under
4 this paragraph shall not exceed the costs and ex-
5 penses charged in the provision of similar health
6 care services paid pursuant to the medicare pro-
7 gram under title XVIII of the Social Security
8 Act and the medicaid program under title XIX
9 of such Act.

10 “(4) *FEEES AND EXPENSES OF WITNESSES.*—
11 *Funds available for Fees and Expenses of Witnesses*
12 *may be used for expenses, mileage, compensation, and*
13 *per diem in lieu of subsistence, of witnesses (including*
14 *advances of public money) as authorized by section*
15 *1821 or any other provision of law, but no witness*
16 *may be paid more than 1 attendance fee for any 1*
17 *calendar day.*

18 “(5) *IMMIGRATION AND NATURALIZATION SERV-*
19 *ICE.*—*Funds available for the Immigration and Natu-*
20 *ralization Service may be used for the administration*
21 *and enforcement of laws relating to immigration, nat-*
22 *uralization, and alien registration, including for—*

23 “(A) *acquisition of land as sites for enforce-*
24 *ment fences, and construction incidental to such*
25 *fences;*

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

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

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

12 “(6) FEDERAL PRISON SYSTEM.—Funds avail-
13 able for the Federal Prison System may be used for
14 the conduct of its activities, including for—

15 “(A) the administration, operation, and
16 maintenance of Federal penal and correctional
17 institutions, including inmate medical services
18 and inmate legal services, within the Federal
19 prison system;

20 “(B) planning, acquisition of sites, and
21 construction of new facilities, including—

22 “(i) the purchase and acquisition of fa-
23 cilities, and remodeling and equipping of
24 such facilities, for penal and correctional
25 institutions; and

1 “(ii) the payment of United States
2 prisoners for work performed in the activi-
3 ties described in this subparagraph,
4 which shall remain available until expended;

5 “(C) construction of buildings at prison
6 camps and acquisition of land as authorized by
7 section 4010 of title 18;

8 “(D) construction, remodeling, renovating,
9 converting, expanding, planning, designing,
10 maintaining, or equipping of prison buildings or
11 facilities, by contract or force account, and the
12 labor of United States prisoners may be used in
13 any such work; and

14 “(E) the purchase and exchange of farm
15 products and livestock.

16 “(b) RELATED PROVISIONS.—

17 “(1) LIMITATION OF COMPENSATION OF INDIVID-
18 UALS EMPLOYED AS ATTORNEYS.—None of the funds
19 available to the Attorney General may be used to pay
20 compensation for services provided by an individual
21 employed as an attorney (other than an individual
22 employed to provide services as a foreign attorney in
23 special cases) unless such individual is duly licensed
24 and authorized to practice as an attorney under the

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

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

10 (b) *TECHNICAL AMENDMENT.—The table of sections for*
11 *chapter 31 of title 28, United States Code, is amended by*
12 *adding at the end the following:*

 “530B. *Authority to use available funds.*”.

13 **SEC. 302. PERMANENT AUTHORITY RELATING TO ENFORCE-**
14 **MENT OF LAWS.**

15 (a) *IN GENERAL.—Chapter 31 of title 28, United*
16 *States Code, as amended by section 301, is amended by add-*
17 *ing at the end the following:*

18 **“§ 530C. Report on enforcement of laws**

19 “(a) *REPORT REQUIRED.—The Attorney General shall*
20 *transmit a report to each House of the Congress in any*
21 *case in which the Attorney General—*

22 “(1) *establishes a policy to refrain from enforce-*
23 *ing any provision of any Federal statute whose en-*
24 *forcement is the responsibility of the Department of*

1 *Justice, because of the position of the Attorney Gen-*
2 *eral that such provision is not constitutional; or*

3 “(2) *determines that the Department of Justice*
4 *will contest, or will refrain from defending, in any*
5 *judicial, administrative, or other proceeding, any pro-*
6 *vision of any Federal statute, because of the position*
7 *of the Attorney General that such provision is not*
8 *constitutional.*

9 “(b) *DEADLINE FOR REPORT.—Any report required by*
10 *subsection (a) shall be transmitted not later than 30 days*
11 *after the Attorney General establishes the policy specified*
12 *in subsection (a)(1) or makes the determination specified*
13 *in subsection (a)(2). Each such report shall—*

14 “(1) *specify the provision of the Federal statute*
15 *involved:*

16 “(2) *include a detailed statement of the reasons*
17 *for the position of the Attorney General; and*

18 “(3) *in the case of a determination specified in*
19 *subsection (a)(2), indicate the nature of the proceed-*
20 *ing involved.*

21 “(c) *DECLARATION.—In the case of a determination*
22 *specified in subsection (a)(2), the representative of the De-*
23 *partment of Justice participating in the proceeding shall*
24 *make a declaration in such proceeding that the position of*
25 *the Attorney General on the constitutionality of the provi-*

1 *sion of the Federal statute involved is the position of the*
 2 *executive branch of the Federal Government.”.*

3 (b) *TECHNICAL AMENDMENT.—The table of sections for*
 4 *chapter 31 of title 28, United States Code, as amended by*
 5 *section 301, is amended by adding at the end the following:*
 “530C. *Report on enforcement of laws.*”.

6 **SEC. 303. PROTECTION OF THE ATTORNEY GENERAL.**

7 *Section 533(2) of title 28, United States Code, is*
 8 *amended by inserting “or the person of the Attorney Gen-*
 9 *eral” before the semicolon at the end.*

10 **TITLE IV—MISCELLANEOUS**

11 **SEC. 401. REPEALERS.**

12 (a) *OPEN-ENDED AUTHORIZATION OF APPROPRIA-*
 13 *TIONS FOR NATIONAL INSTITUTE OF CORRECTIONS—Chap-*
 14 *ter 319 of title 18, United States Code, is amended—*

15 (1) *by striking section 4353; and*

16 (2) *in the table of sections for such chapter by*
 17 *striking the item relating to section 4353.*

18 (b) *OPEN-ENDED AUTHORIZATION OF APPROPRIA-*
 19 *TIONS FOR UNITED STATES MARSHALS SERVICE.—Section*
 20 *561 of title 28, United States Code, is amended by striking*
 21 *subsection (i).*

22 **SEC. 402. TECHNICAL AMENDMENT.**

23 *Section 542(c)(5) of title 28, United States Code, is*
 24 *amended by striking “Fund” the second place it appears*
 25 *and inserting “Fund,”.*

1 **SEC. 403. APPLICABILITY OF TITLE III.**

2 *The amendments made by title III shall not apply*
3 *with respect to funds available for any fiscal year ending*
4 *before fiscal year 1999.*

5 **SEC. 404. RULE OF CONSTRUCTION.**

6 *Nothing in this Act or the amendments made by this*
7 *Act shall be construed to modify or supersede the applica-*
8 *tion or operation of the Public Buildings Act of 1959 (40*
9 *U.S.C. 601 et seq.).*

10 **SEC. 405. COUNTERTERRORISM FUND AMENDMENTS.**

11 *(a) IN GENERAL.—The undesignated paragraph under*
12 *the heading “GENERAL ADMINISTRATION” under the sub-*
13 *heading “COUNTERTERRORISM FUND” of chapter I of title*
14 *III of Public Law 104–19 (28 U.S.C. 524 note) is amended*
15 *to read as follows:*

16 *“There is hereby established the Counterterrorism*
17 *Fund, amounts appropriated to which shall remain avail-*
18 *able without fiscal year limitation—*

19 *“(1) to reimburse any component of the Depart-*
20 *ment of Justice for costs incurred in connection*
21 *with—*

22 *“(A) reestablishing the operational capabil-*
23 *ity of an office or facility that has been damaged*
24 *or destroyed as the result of any domestic or*
25 *international terrorism event;*

1 “(B) engaging in, or providing support to,
2 countering, investigating, or prosecuting domes-
3 tic or international terrorism, including, without
4 limitation, paying rewards in connection with
5 these activities; and

6 “(C) conducting a terrorism threat assess-
7 ment of Federal agencies and their facilities;
8 except that, in any fiscal year, sums in the Fund
9 shall not be available for such reimbursement except
10 pursuant to the reprogramming procedures applicable
11 to general Department of Justice appropriations for
12 that year; and

13 “(2) to reimburse departments and agencies of
14 the Federal Government for any costs incurred in
15 connection with—

16 “(A) counterterrorism technology research
17 and development; and

18 “(B) providing training and related equip-
19 ment to State and local law enforcement agencies
20 for prevention and response capabilities against
21 bombs and against chemical, biological, nuclear,
22 and cyber attack.”.

23 (b) *APPLICABILITY.*—The amendment made by sub-
24 section (a) shall not be construed to affect the amount or

1 *availability of any appropriation to the Counterterrorism*
2 *Fund made before the date of enactment of this Act.*

3 **SEC. 406. USE OF GOVERNMENT VEHICLES.**

4 (a) *IN GENERAL.*—Section 4(a) of the Portal-to-Portal
5 Act of 1947 (29 U.S.C. 254(a)) is amended, in the second
6 sentence—

7 (1) by striking “the use of the employer’s vehicle
8 is subject” and inserting “the use (including, without
9 limitation, driving) of the employer’s vehicle is either
10 subject”; and

11 (2) by inserting “, or, notwithstanding sub-
12 section (b), required or permitted by the employer
13 pursuant to section 1344 of title 31, United States
14 Code” before the period at the end.

15 (b) *APPLICABILITY.*—The amendment made by sub-
16 section (a) shall take effect on the date of enactment of this
17 Act and shall apply to any civil action filed before such
18 date but pending on such date, and to any civil action filed
19 after such date.