

105TH CONGRESS  
2D SESSION

# H. R. 3303

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 of the United States Code with respect to the use of funds available to the Department of Justice; and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1998

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

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## A BILL

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 of the 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 Appropriation 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, \$368,341,000 for

1 fiscal year 2000, and \$40,364,000 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: \$86,588,000 for  
2           fiscal year 1999, \$90,917,000 for fiscal year 2000,  
3           and \$95,463,000 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 or acquisition of  
16                         buildings (including equipment for such  
17                         buildings) and sites, by purchase or as oth-  
18                         erwise 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 or acquisition of  
12                           buildings (including equipment for such  
13                           buildings) and sites, by purchase or as oth-  
14                           erwise 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 Transpiration 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       cal year—

6                       (i) for construction or acquisition of  
7       buildings (including equipment for such  
8       buildings) and sites, by purchase or as oth-  
9       erwise 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       cal year for diversion control.

24       (10) For the Immigration and Naturalization  
25       Service: \$2,723,490,000 for fiscal year 1999,

1       \$2,835,756,000 for fiscal year 2000, and  
2       \$2,977,544,000 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 or acquisition of  
7       buildings (including equipment for such  
8       buildings) and sites, by purchase or as oth-  
9       erwise 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; and

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.

21       During fiscal year 1999, 2000, and 2001, none of  
22       the funds available to the Immigration and Natu-  
23       ralization Service may be used to complete adjudica-  
24       tion of an application for naturalization unless the  
25       Immigration and Naturalization Service has received

1 confirmation from the Federal Bureau of Investiga-  
2 tion that a full criminal background check has been  
3 completed, except for those exempted by regulation  
4 as of January 1, 1997.

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

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

24 (13) For the Federal Prison System, including  
25 the National Institute of Corrections:

1       \$4,508,480,000     for     fiscal     year     1999,  
2       \$4,733,900,000     for     fiscal     year     2000,     and  
3       \$4,970,595,000 for fiscal year 2001.

4             (14) For the Foreign Claims Settlement Com-  
5       mission: \$1,335,000     for     fiscal     year     1999,  
6       \$1,402,000 for fiscal year 2000, and \$1,472,000 for  
7       fiscal year 2001.

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

11            (16) For the Assets Forfeiture Fund:  
12      \$23,000,000 for fiscal year 1999, \$24,150,000 for  
13      fiscal year 2000, and \$25,358,000 for fiscal year  
14      2001, as may be necessary for the payment of ex-  
15      penses as authorized by section 524 of title 28,  
16      United States Code.

17            (17) For the Support of United States Pris-  
18      oners in Non-Federal Institutions: \$450,858,000 for  
19      fiscal year 1999, \$473,401,000 for fiscal year 2000,  
20      and \$497,072,000 for fiscal year 2001, which shall  
21      remain available until expended. Such sums may be  
22      expended to reimburse appropriate health care pro-  
23      viders for the care, diagnosis, and treatment of  
24      United States prisoners and individuals adjudicated  
25      in Federal courts as not guilty by reason of insanity,

1 but only at rates that do not exceed the actual cost  
2 of such care, diagnosis, and treatment. Not to ex-  
3 ceed \$20,000,000 for each fiscal year shall remain  
4 available until expended for the purpose of entering  
5 into contracts for only the reasonable and actual  
6 cost to assist the government of any State, territory,  
7 or political subdivision thereof for purposes of ren-  
8 ovating, constructing, and equipping any facility that  
9 confines Federal detainees, in accordance with regu-  
10 lations to be issued by the Attorney General com-  
11 parable to the regulations issued under section 4006  
12 of title 18, United States Code.

13 (18) For the United States Parole Commission:  
14 \$7,621,000 for fiscal year 1999, \$8,002,000 for fis-  
15 cal year 2000, and \$8,402,000 for fiscal year 2001.

16 **SEC. 102. FEDERAL PRISON INDUSTRIES.**

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

22 (1) administrative expenses; and

23 (2) services authorized by section 3109 of title  
24 5, United States Code;

1 to be computed on an accrual basis in accordance with  
2 the current prescribed accounting system of Federal Pris-  
3 on Industries. Such funds shall be exclusive of deprecia-  
4 tion, payment of claims, and expenditures that such ac-  
5 counting system requires to be capitalized or charged to  
6 the cost of commodities acquired or produced (including  
7 selling and shipping expenses) and expenses incurred in  
8 connection with acquisition, construction, operation, main-  
9 tenance, improvement, protection, or disposition of facili-  
10 ties and other property of Federal Prison Industries.

## 11 **Subtitle B—General Provisions**

### 12 **SEC. 151. APPOINTMENT OF ADDITIONAL ASSISTANT** 13 **UNITED STATES ATTORNEYS; REDUCTION OF** 14 **CERTAIN LITIGATION POSITIONS.**

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

21 (b) SELECTION OF APPOINTEES.—Individuals first  
22 appointed under subsection (a) shall be appointed from  
23 among attorneys who are incumbents of 200 full-time liti-  
24 gation positions in divisions of the Department of Justice

1 and whose official duty station is at the seat of Govern-  
2 ment.

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

7 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
8 are authorized to be appropriated such sums as may be  
9 necessary for fiscal years 1999, 2000 to carry out this sec-  
10 tion.

11 **TITLE II—AUTHORIZATIONS OF**  
12 **APPROPRIATIONS FOR PRO-**  
13 **GRAMS**

14 **SEC. 201. AMENDMENTS TO THE CRIME CONTROL AND LAW**  
15 **ENFORCEMENT ACT OF 1994.**

16 (a) EXPEDITIOUS DEPORTATION FOR DENIED ASY-  
17 LUM APPLICANTS.—Section 130005(c) of the Crime Con-  
18 trol and Law Enforcement Act of 1994 (8 U.S.C. 1158  
19 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) \$90,000,000 for fiscal year 1999; and

1 “(6) \$90,000,000 for fiscal year 2000.”.

2 (b) AMENDMENTS TO VIOLENCE AGAINST WOMEN  
3 ACT OF 1994.—Section 40114 of the Violence Against  
4 Women Act of 1994 (Public Law 103–322; 108 Stat  
5 1910) is amended—

6 (1) in paragraph (2) by striking “and” at the  
7 end,

8 (2) in paragraph (3) by striking the period at  
9 the end and inserting a semicolon, and

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

11 “(4) \$500,000 for fiscal year 1999; and

12 “(5) \$500,000 for fiscal year 2000.”.

13 (c) IMPROVING BORDER PATROLS.—Section  
14 130006(a) of the Crime Control and Law Enforcement  
15 Act of 1994 (8 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) \$200,000,000 for fiscal year 1999; and

22 “(6) \$200,000,000 for fiscal year 2000.”.

23 (d) EXPANDED SPECIAL DEPORTATION PROCEED-  
24 INGS.—Section 130007(d) of the Violent Crime Control

1 and Law Enforcement Act of 1994 (8 U.S.C. 1158 note)  
2 is amended—

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

5 (2) in paragraph (4) by striking the period at  
6 the end and inserting a semicolon, and

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

8 “(5) \$2,000,000 for fiscal year 1999; and

9 “(6) \$2,000,000 for fiscal year 2000.”.

10 (e) TRAINING PROGRAMS.—Section 40152 of the Vio-  
11 lent Crime Control and Law Enforcement Act of 1994 (8  
12 U.S.C. 1158 note) is amended by striking paragraphs (1)  
13 and (2), and inserting the following:

14 “(1) \$1,000,000 for fiscal year 1999; and

15 “(2) \$1,000,000 for fiscal year 2000.”.

16 (f) MISSING ALZHEIMER’S DISEASE PATIENT ALERT  
17 PROGRAM.—Section 240001(d) of the Violent Crime Con-  
18 trol and Law Enforcement Act of 1994 (8 U.S.C. 1158  
19 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) \$900,000 for fiscal year 1999; and

1           “(6) \$900,000 for fiscal year 2000.”.

2           (g) MOTOR VEHICLE THEFT PREVENTION PRO-  
3 GRAM.—Section 220002 of the Violent Crime Control and  
4 Law Enforcement Act of 1994 (8 U.S.C. 1158 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) \$750,000 for fiscal year 1999; and

12           “(6) \$750,000 for fiscal year 2000.”.

13           (h) RURAL DOMESTIC VIOLENCE AND CHILD ABUSE  
14 ENFORCEMENT ASSISTANCE ACT.—Section 40295(c) of  
15 the Violent Crime Control and Law Enforcement Act of  
16 1994 (8 U.S.C. 1158 note) is amended—

17           (1) in paragraph (2) by striking “and” at the  
18 end,

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

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

22           “(4) \$15,000,000 for fiscal year 1999; and

23           “(5) \$15,000,000 for fiscal year 2000.”.

1 **SEC. 203. 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. 204. AUTHORITY TO TRANSFER PROPERTY OF MAR-**  
15 **GINAL VALUE.**

16 Section 924(c)(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. 205. COMMUNICATIONS ASSISTANCE.**

25 Section 110 of the Communications Assistance for  
26 Law Enforcement Act (47 U.S.C. 1009) is amended by

1 striking “and 1998” and inserting “1998, 1999, and  
2 2000”.

3                   **TITLE III—PERMANENT**  
4                   **ENABLING LEGISLATION**

5 **SEC. 301. PERMANENT AUTHORITY.**

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

9 **“§ 530B. Authority to use available funds**

10           “(a) PERMITTED USES.—Except to the extent pro-  
11 vided otherwise by law applicable to funds available to  
12 carry out the activities of the Department of Justice (in-  
13 cluding any bureau, office, board, division, commission, or  
14 subdivision thereof) and in addition to authority provided  
15 in subsections (a) and (b) of section 524 if this title, the  
16 Attorney General may use such funds as follows:

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

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

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

4           “(C) Services of experts and consultants,  
5 including private counsel, as authorized by sec-  
6 tion 3109 of title 5, and at rates of pay for in-  
7 dividuals not to exceed the maximum daily rate  
8 payable from time to time under section 5332  
9 of title 5.

10           “(D) Not to exceed \$200,000 for each fis-  
11 cal year for official receptions and representa-  
12 tion expenses, in accordance with distributions,  
13 procedures, and regulations established by the  
14 Attorney General.

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

20           “(F) Miscellaneous and emergency ex-  
21 penses authorized or approved by the Attorney  
22 General, the Deputy Attorney General, the As-  
23 sociate Attorney General, or the Attorney Gen-  
24 eral for Administration.

1           “(G) In accordance with procedures estab-  
2           lished and regulations issued by the Attorney  
3           General—

4                   “(i) attendance at meetings and semi-  
5                   nars;

6                   “(ii) conferences and training;

7                   “(iii) advances of public moneys under  
8                   section 3324 of title 31.

9           Travel advances of such funds to law enforce-  
10           ment personnel engaged in undercover activity  
11           shall be considered to be public money for pur-  
12           poses of section 3527 of title 31.

13           “(H) For the conduct of its activities, in-  
14           cluding for contracting with individuals for per-  
15           sonal services abroad, except that such individ-  
16           uals shall not be regarded as employees of the  
17           United States for the purpose of any law ad-  
18           ministered by the Office of Personnel Manage-  
19           ment.

20           “(I) Payment of interpreters and trans-  
21           lators who are not citizens of the United States,  
22           in accordance with procedures established and  
23           regulations issued by the Attorney General.

24           “(2) SPECIFIC PERMITTED USES.—

1           “(A) AIRCRAFT AND BOATS.—Funds avail-  
2           able for United States Attorneys, for the Fed-  
3           eral Bureau of Investigation, for the United  
4           States Marshals Service, for the Drug Enforce-  
5           ment Administration, and for the Immigration  
6           and Naturalization Service may be used for the  
7           purchase, lease, maintenance, and operation of  
8           aircraft and boats, for law enforcement pur-  
9           poses.

10           “(B) PAYMENT OF REWARDS; PURCHASE  
11           OF EVIDENCE.—Funds available for the Federal  
12           Bureau of Investigation, for the Drug Enforce-  
13           ment Administration, for the Immigration and  
14           Naturalization Service, and for the Federal  
15           Prison System may be used for the payment of  
16           rewards, for the purchase of evidence, and for  
17           payment for information in connection with law  
18           enforcement.

19           “(C) PURCHASE OF AMMUNITION AND  
20           FIREARMS; FIREARMS COMPETITIONS.—Funds  
21           available for United States Attorneys, for the  
22           Federal Bureau of Investigation, for the United  
23           States Marshals Service, for the Drug Enforce-  
24           ment Administration, and for the Immigration  
25           and Naturalization Service may be used for—

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

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

5                   “(3) UNIFORMS.—Funds available for the Im-  
6                   migration and Naturalization Service and for the  
7                   Federal Prison System may be used for expenses or  
8                   allowances for uniforms as authorized by section  
9                   5901 of title 5 but without regard to the general  
10                  purchase price limitation for the then current fiscal  
11                  year.

12                  “(4) FEES AND EXPENSES OF WITNESSES.—  
13                  Funds available for Fees and Expenses of Witnesses  
14                  may be used for expenses, mileage, compensation,  
15                  and per diem in lieu of subsistence, of witnesses as  
16                  authorized by law (including advances of public  
17                  money), but no witness may be paid more than 1 at-  
18                  tendance fee for any 1 calendar day.

19                  “(5) FEDERAL BUREAU OF INVESTIGATION.—  
20                  (A) Funds available to the Federal Bureau of Inves-  
21                  tigation may be used for the conduct of its activities,  
22                  including for—

23                         “(i) expenses necessary for the detection  
24                         and prosecution of crimes against the United  
25                         States;

1           “(ii) protection of the person of the Presi-  
2           dent and the person of the Attorney General;

3           “(iii) investigations regarding official mat-  
4           ters under the control of the Department of  
5           Justice and the Department of State, as may  
6           be directed by the Attorney General;

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

9           “(v) acquisition, collection, classification,  
10          and preservation of identification and other  
11          records and their exchange with, and for the of-  
12          ficial use of, the duly authorized officials of the  
13          Federal Government, of States, of cities, and of  
14          such other institutions, as authorized by law,  
15          such exchange to be subject to cancellation if  
16          dissemination is made outside the receiving de-  
17          partments or related agencies.

18          “(B)(i) The Federal Bureau of Investigation  
19          may establish and collect fees for the processing of  
20          noncriminal employment and licensing fingerprint  
21          records. Such fees shall represent the full cost of  
22          furnishing the service.

23          “(ii) Such fees collected shall be credited to the  
24          Salaries and Expenses, Federal Bureau of Investiga-  
25          tion appropriation without regard to section 3302(b)

1 of title 31 and, to the extent specified in appropria-  
2 tions Acts, shall be available until expended for sala-  
3 ries and other expenses incurred in processing such  
4 records.

5 “(iii) No fee shall be assessed in connection  
6 with the processing of requests for criminal history  
7 records by criminal justice agencies for criminal jus-  
8 tice purposes or for employment in criminal justice  
9 agencies.

10 “(6) IMMIGRATION AND NATURALIZATION  
11 SERVICE.—Funds available for the Immigration and  
12 Naturalization Service may be used for the adminis-  
13 tration and enforcement of laws relating to immigra-  
14 tion, naturalization, and alien registration, including  
15 for—

16 “(A) acquisition of land as sites for en-  
17 forcement fences, and construction incidental to  
18 such fences;

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

21 “(C) refunds of maintenance bills, immi-  
22 gration fines, and other items properly return-  
23 able, except deposits of aliens who become pub-  
24 lic charges and deposits to secure payment of  
25 fines and passage money; and

1           “(D) expenses and allowances incurred in  
2 tracking lost persons, as required by public ex-  
3 igencies, in aid of State or local law enforce-  
4 ment agencies.

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

8           “(A) the administration, operation, and  
9 maintenance of Federal penal and correctional  
10 institutions, including inmate medical services,  
11 and inmate legal services, within the Federal  
12 prison system;

13           “(B) planning, acquisition of sites, and  
14 construction of new facilities, including—

15           “(i) the purchase and acquisition of  
16 facilities, and remodeling and equipping of  
17 such facilities, for penal and correctional  
18 institutions; and

19           “(ii) the payment of United States  
20 prisoners for work performed in the activi-  
21 ties described in this subparagraph;

22 which shall remain available until expended;

23           “(C) construction of buildings at prison  
24 camps and acquisition of land as authorized by  
25 section 4010 of title 18;

1           “(D) the labor of the United States pris-  
2           oners performed in the construction, remodel-  
3           ing, renovating, converting, expanding, plan-  
4           ning, designing, maintaining, or equipping of  
5           prison buildings or facilities; and

6           “(E) the purchase and exchange of farm  
7           products and livestock.

8           “(b) RELATED PROVISIONS.—

9           “(1) LIMITATION ON COMPENSATION OF INDI-  
10          VIDUALS EMPLOYED AS ATTORNEYS.—None of the  
11          funds available to the Attorney General may be used  
12          to pay compensation for services provided by an in-  
13          dividual employed as an attorney (other than an in-  
14          dividual employed to provide services as a foreign at-  
15          torney in special cases) unless such individual is duly  
16          licensed and authorized to practice as an attorney  
17          under the law of a State, a territory of the United  
18          States, or the District of Columbia.

19          “(2) REIMBURSEMENTS PAID TO GOVERN-  
20          MENTAL ENTITIES.—Funds available to the Attor-  
21          ney General that are paid as a reimbursement to a  
22          governmental unit in the Department of Justice, to  
23          another Federal entity, or to a unit of State or local  
24          government may be used under the authority appli-

1 cable to such unit or such entity that receives such  
2 reimbursement.”.

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

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

6 **SEC. 302. PERMANENT AUTHORITY.**

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

10 **“§ 530C. Report on enforcement of laws**

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

14 “(1) establishes a policy to refrain from enforce-  
15 ing any provision of any Federal statute whose en-  
16 forcement is the responsibility of the Department of  
17 Justice, because of the position of the Attorney Gen-  
18 eral that such provision is not constitutional; or

19 “(2) determines that the Department of Justice  
20 will contest, or will refrain from defending, in any  
21 judicial, administrative, or other proceeding, any  
22 provision of any Federal statute, because of the posi-  
23 tion of the Attorney General that such provision is  
24 not constitutional.

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

6               “(1) specify the provision of the Federal statute  
7 involved;

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

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

13       “(c) DECLARATION.—In the case of a determination  
14 specified in subsection (a)(2), the representative of the De-  
15 partment of Justice participating in the proceeding shall  
16 make a declaration in such proceeding that the position  
17 of the Attorney General on the constitutionality of the pro-  
18 vision of the Federal statute involved is the position of  
19 the executive branch of the Federal Government.”.

20       (b) TECHNICAL AMENDMENT.—The table of sections  
21 for chapter 31 of title 28, United States Code, as amended  
22 by section 301, is amended by adding at the end the fol-  
23 lowing:

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

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

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

5 **TITLE IV—MISCELLANEOUS**

6 **SEC. 401. REPEALER.**

7 Section 561 of title 28, United States Code, is  
8 amended by striking subsection (i).

9 **SEC. 402. TECHNICAL AMENDMENT.**

10 Section 524(c)(5) of title 28, United States Code, is  
11 amended by striking “Fund” the 2nd place it appears and  
12 inserting “Fund,”.

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

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

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