

Public Law 107–273
107th Congress

An Act

Nov. 2, 2002
[H.R. 2215]

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

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

21st Century
Department of
Justice
Appropriations
Authorization
Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

**DIVISION A—21ST CENTURY DEPARTMENT OF JUSTICE APPROPRIATIONS
AUTHORIZATION ACT**

**TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2002
AND 2003**

- Sec. 101. Specific sums authorized to be appropriated for fiscal year 2002.
- Sec. 102. Specific sums authorized to be appropriated for fiscal year 2003.
- Sec. 103. Appointment of additional assistant United States attorneys; reduction of certain litigation positions.
- Sec. 104. Authorization for additional assistant United States attorneys for project safe neighborhoods.

TITLE II—PERMANENT ENABLING PROVISIONS

- Sec. 201. Permanent authority.
- Sec. 202. Permanent authority relating to enforcement of laws.
- Sec. 203. Miscellaneous uses of funds; technical amendments.
- Sec. 204. Technical and miscellaneous amendments to Department of Justice authorities; authority to transfer property of marginal value; record-keeping; protection of the Attorney General.
- Sec. 205. Oversight; waste, fraud, and abuse within the Department of Justice.
- Sec. 206. Enforcement of Federal criminal laws by Attorney General.
- Sec. 207. Strengthening law enforcement in United States territories, commonwealths, and possessions.

TITLE III—MISCELLANEOUS

- Sec. 301. Repealers.
- Sec. 302. Technical amendments to title 18 of the United States Code.
- Sec. 303. Required submission of proposed authorization of appropriations for the Department of Justice for fiscal years 2004 and 2005.
- Sec. 304. Study of untested rape examination kits.
- Sec. 305. Reports on use of DCS 1000 (Carnivore).
- Sec. 306. Study of allocation of litigating attorneys.
- Sec. 307. Use of truth-in-sentencing and violent offender incarceration grants.
- Sec. 308. Authority of the Department of Justice Inspector General.
- Sec. 309. Review of the Department of Justice.
- Sec. 310. Authorization of appropriations.
- Sec. 311. Report on threats and assaults against Federal law enforcement officers, United States judges, United States officials and their families.
- Sec. 312. Additional Federal judgeships.

TITLE IV—VIOLENCE AGAINST WOMEN

- Sec. 401. Short title.

(2) in subsection (h)—

(A) in paragraph (1), by striking “section 372” each place it appears and inserting “chapter 16”; and

(B) in paragraph (2), by striking “section 372(c)” and inserting “chapter 16”.

(f) COURT OF APPEALS FOR VETERANS CLAIMS.—Section 7253(g) of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “section 372(c)” and inserting “chapter 16”; and

(B) by striking “such section” and inserting “such chapter”;

(2) in paragraph (2)—

(A) in the first sentence, by striking “paragraphs (7) through (15) of section 372(c)” and inserting “sections 354(b) through 360”; and

(B) in the second sentence, by striking “paragraph (7) or (8) of section 372(c)” and inserting “section 354(b) or 355”; and

(3) in paragraph (3)(B), by striking “372(c)(16)” and inserting “361”.

28 USC 351 note. **SEC. 11044. SEVERABILITY.**

If any provision of this subtitle, an amendment made by this subtitle, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this subtitle, the amendments made by this subtitle, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Antitrust
Modernization
Commission Act
of 2002.

Subtitle D—Antitrust Modernization Commission Act of 2002

15 USC 1 note.

SEC. 11051. SHORT TITLE.

This subtitle may be cited as the “Antitrust Modernization Commission Act of 2002”.

SEC. 11052. ESTABLISHMENT.

There is established the Antitrust Modernization Commission (in this subtitle referred to as the “Commission”).

SEC. 11053. DUTIES OF THE COMMISSION.

The duties of the Commission are—

(1) to examine whether the need exists to modernize the antitrust laws and to identify and study related issues;

(2) to solicit views of all parties concerned with the operation of the antitrust laws;

(3) to evaluate the advisability of proposals and current arrangements with respect to any issues so identified; and

(4) to prepare and to submit to Congress and the President a report in accordance with section 11058.

SEC. 11054. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members appointed as follows:

President.

(1) Four members, no more than 2 of whom shall be of the same political party, shall be appointed by the President.

The President shall appoint members of the opposing party only on the recommendation of the leaders of Congress from that party.

(2) Two members shall be appointed by the majority leader of the Senate.

(3) Two members shall be appointed by the minority leader of the Senate.

(4) Two members shall be appointed by the Speaker of the House of Representatives.

(5) Two members shall be appointed by the minority leader of the House of Representatives.

(b) INELIGIBILITY FOR APPOINTMENT.—Members of Congress shall be ineligible for appointment to the Commission.

(c) TERM OF APPOINTMENT.—

(1) IN GENERAL.—Subject to paragraph (2), members of the Commission shall be appointed for the life of the Commission.

(2) EARLY TERMINATION OF APPOINTMENT.—If a member of the Commission who is appointed to the Commission as—

(A) an officer or employee of a government ceases to be an officer or employee of such government; or

(B) an individual who is not an officer or employee of a government becomes an officer or employee of a government;

then such member shall cease to be a member of the Commission on the expiration of the 90-day period beginning on the date such member ceases to be such officer or employee of such government, or becomes an officer or employee of a government, as the case may be.

(d) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may conduct meetings.

(e) APPOINTMENT DEADLINE.—Initial appointments under subsection (a) shall be made not later than 60 days after the date of enactment of this Act.

(f) MEETINGS.—The Commission shall meet at the call of the chairperson. The first meeting of the Commission shall be held not later than 30 days after the date on which all members of the Commission are first appointed under subsection (a) or funds are appropriated to carry out this subtitle, whichever occurs later.

(g) VACANCY.—A vacancy on the Commission shall be filled in the same manner as the initial appointment is made.

(h) CONSULTATION BEFORE APPOINTMENT.—Before appointing members of the Commission, the President, the majority and minority leaders of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall consult with each other to ensure fair and equitable representation of various points of view in the Commission.

(i) CHAIRPERSON; VICE CHAIRPERSON.—The President shall select the chairperson of the Commission from among its appointed members. The leaders of Congress from the opposing party of the President shall select the vice chairperson of the Commission from among its remaining members.

President.

SEC. 11055. COMPENSATION OF THE COMMISSION.

(a) PAY.—

(1) NONGOVERNMENT EMPLOYEES.—Each member of the Commission who is not otherwise employed by a government

shall be entitled to receive the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5 United States Code, as in effect from time to time, for each day (including travel time) during which such member is engaged in the actual performance of duties of the Commission.

(2) **GOVERNMENT EMPLOYEES.**—A member of the Commission who is an officer or employee of a government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Commission.

(b) **TRAVEL EXPENSES.**—Members of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

SEC. 11056. STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) **STAFF.**—

(1) **APPOINTMENT.**—The chairperson of the Commission may, without regard to the provisions of chapter 51 of title 5 of the United States Code (relating to appointments in the competitive service), appoint and terminate an executive director and such other staff as are necessary to enable the Commission to perform its duties. The appointment of an executive director shall be subject to approval by the Commission.

(2) **COMPENSATION.**—The chairperson of the Commission may fix the compensation of the executive director and other staff without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code (relating to classification of positions and General Schedule pay rates), except that the rate of pay for the executive director and other staff may not exceed the rate of basic pay payable for level V of the Executive Schedule under section 5315 of title 5 United States Code, as in effect from time to time.

(b) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services of experts and consultants in accordance with section 3109(b) of title 5, United States Code.

SEC. 11057. POWERS OF THE COMMISSION.

(a) **HEARINGS AND MEETINGS.**—The Commission, or a member of the Commission if authorized by the Commission, may hold such hearings, sit and act at such time and places, take such testimony, and receive such evidence, as the Commission considers to be appropriate. The Commission or a member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission or such member.

(b) **OFFICIAL DATA.**—The Commission may obtain directly from any executive agency (as defined in section 105 of title 5 of the United States Code) or court information necessary to enable it to carry out its duties under this subtitle. On the request of the chairperson of the Commission, and consistent with any other law, the head of an executive agency or of a Federal court shall provide such information to the Commission.

(c) **FACILITIES AND SUPPORT SERVICES.**—The Administrator of General Services shall provide to the Commission on a reimbursable basis such facilities and support services as the Commission may request. On request of the Commission, the head of an executive agency may make any of the facilities or services of such agency available to the Commission, on a reimbursable or nonreimbursable

basis, to assist the Commission in carrying out its duties under this subtitle.

(d) **EXPENDITURES AND CONTRACTS.**—The Commission or, on authorization of the Commission, a member of the Commission may make expenditures and enter into contracts for the procurement of such supplies, services, and property as the Commission or such member considers to be appropriate for the purpose of carrying out the duties of the Commission. Such expenditures and contracts may be made only to such extent or in such amounts as are provided in advance in appropriation Acts.

(e) **MAILS.**—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) **GIFTS, BEQUESTS, AND DEVISES.**—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

SEC. 11058. REPORT.

Not later than 3 years after the first meeting of the Commission, the Commission shall submit to Congress and the President a report containing a detailed statement of the findings and conclusions of the Commission, together with recommendations for legislative or administrative action the Commission considers to be appropriate.

Deadline.

SEC. 11059. TERMINATION OF COMMISSION.

The Commission shall cease to exist 30 days after the date on which the report required by section 8 is submitted.

SEC. 11060. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$4,000,000 to carry out this subtitle.

TITLE II—JUVENILE JUSTICE

Subtitle A—Juvenile Offender Accountability

Consequences for
Juvenile
Offenders Act of
2002.

SEC. 12101. SHORT TITLE.

This subtitle may be cited as the “Consequences for Juvenile Offenders Act of 2002”.

42 USC 3711
note.

SEC. 12102. JUVENILE OFFENDER ACCOUNTABILITY.

(a) **GRANT PROGRAM.**—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ee et seq.) is amended to read as follows: