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Federal Bureau of Investigation Reform Act of 2002

Congress: 107 (2001–2003, Ended)

Chamber: Senate

Policy Area: Crime and Law Enforcement

Introduced: Feb 28, 2002

Current Status: Sponsor introductory remarks on measure. (CR S5842-5844)

Latest Action: Sponsor introductory remarks on measure. (CR S5842-5844) (Jun 20, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/senate-bill/1974>

Sponsor

Name: Sen. Leahy, Patrick J. [D-VT]

Party: Democratic • State: VT • Chamber: Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Grassley, Chuck [R-IA]	R · IA		Feb 28, 2002

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	Senate	Reported By	Apr 25, 2002

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
107 HR 2215	Related bill	Nov 2, 2002: Became Public Law No: 107-273.

Federal Bureau of Investigation Reform Act of 2002 - **Title I: Improving FBI Oversight** - Rewrites provisions of the Inspector General Act of 1978 to: (1) provide specific statutory authority for the Inspector General (IG) of the Department of Justice (DOJ) to investigate allegations of criminal wrongdoing or administrative misconduct by DOJ (including the Federal Bureau of Investigation (FBI)) employees, or to refer such allegations to the Office of Professional Responsibility (OPR) or the appropriate internal affairs office; (2) direct the IG to refer to OPR counsel certain allegations of misconduct involving DOJ personnel; (3) authorize the IG to investigate allegations of criminal wrongdoing or administrative misconduct, including a failure to properly discipline employees, by a person who is the head of any DOJ agency or component; (4) direct the IG to forward the results of any such investigation, with any appropriate recommendation for disciplinary action, to the Attorney General, who is authorized to take appropriate disciplinary action; (5) direct the Attorney General to report to the chairperson and ranking member of the House and Senate Judiciary Committees on any IG recommendation the AG is not following; and (6) direct the Attorney General to ensure that any DOJ component receiving a non-frivolous allegation of criminal wrongdoing or administrative misconduct by a DOJ employee reports that information to the IG.

(Sec. 102) Requires the IG to direct that one official of the IG's office be responsible for supervising and coordinating independent oversight of FBI programs and operations until September 30, 2003. Allows continued individual oversight after that date. Directs the IG to submit a plan for FBI oversight.

Directs the Attorney General to submit a report and recommendation concerning: (1) establishment within DOJ of a separate office of the IG responsible for supervising independent oversight of FBI programs and operations; (2) changes to the rules, regulations, policies, or practices governing the FBI to assist the Office of the IG in effectively exercising its authority to investigate the conduct of FBI employees; (3) differences between the methods and practices used by DOJ components in the investigation and adjudication of alleged misconduct by DOJ personnel and steps to make such methods and practices uniform; and (4) the development of guidelines relating to the discipline of DOJ personnel for misconduct and factors that should be taken into account in establishing such guidelines.

Title II: Whistleblower Protection - Expands the types of disclosures that trigger FBI whistle-blower protections to include disclosures to the IG, Congress, a supervisor of the employee, or the Special Counsel (an office of the Merit Systems Protection Board (MSPB)) that the employee reasonably believes evidence misconduct. Makes procedural protections of the Administrative Procedure Act applicable in cases where a complaint of retaliation was made by an FBI employee. Provides an individual right of action before the MSPB.

Title III: FBI Security Career Program - Directs: (1) the Attorney General to establish policies and procedures for the effective management of persons serving in FBI security positions (to be implemented at both the headquarters and field office levels); and (2) the FBI Director, acting through a Director of Security, to establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the FBI's security workforce.

(Sec. 306) Requires the Director to ensure that appropriate career paths, in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions, are identified and publicized. Limits preference for Special Agents.

(Sec. 307) Requires the: (1) Director to establish education, training, and experience requirements for each security position based on the level of complexity of associated duties; (2) Attorney General to submit such requirements to the Director of the Office of Personnel Management for approval; and (3) Director to establish and implement education and

training programs for persons serving in FBI security positions.

Title IV: FBI Counterintelligence Polygraph Program - Directs the Attorney General to establish a counterintelligence screening polygraph program for the FBI that consists of periodic polygraph examinations of employees or contractor employees who are in exceptionally sensitive positions.

(Sec. 404) Requires the FBI Director to submit to Congress a report setting forth recommendations for legislative action to enhance the FBI personnel security program.

Title V: FBI Police - Authorizes the Director to establish a permanent FBI police force to protect persons and property within FBI buildings and grounds.

Title VI: Reports - Directs the Attorney General to submit to Congress by December 31, 2002, reports describing: (1) the statutory and other legal authority for all FBI programs and activities; and (2) FBI information management and technology programs. Directs the Comptroller General to report to the House and Senate Judiciary Committees on how statistics are reported and used by Federal law enforcement agencies.

Title VII: Ending the Double Standard - Authorizes disciplinary suspensions of members of the Senior Executive Service for any length of time (currently for more than 14 days).

(Sec. 702) Directs the Office of IG to submit to the chairperson and ranking member of the House and Senate Judiciary Committees an annual report by the OPR on each investigation completed by that Office, the findings and recommendations of that Office for disciplinary action, and what (if any) action was taken by the FBI Director based on any such recommendation.

Title VIII: Enhancing Security At the Department of Justice - Directs the Attorney General to submit to Congress by December 31, 2002, a report on the manner in which the Security and Emergency Planning Staff, the Office of Intelligence Policy and Review, and the Chief Information Officer of DOJ plan to improve the protection of security and information at DOJ.

Authorizes appropriations to DOJ for increased resources to protect security and information, to help meet the increased personnel demands to combat terrorism, to process applications to the Foreign Intelligence Surveillance Court, to participate effectively in counterespionage investigations, to provide policy analysis and oversight on national security matters, and to enhance secure computer and telecommunications facilities.

Actions Timeline

- **Jun 20, 2002:** Sponsor introductory remarks on measure. (CR S5842-5844)
- **Jun 7, 2002:** Sponsor introductory remarks on measure. (CR S5252-5254)
- **May 10, 2002:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 107-148.
- **May 10, 2002:** By Senator Leahy from Committee on the Judiciary filed written report. Report No. 107-148.
- **Apr 25, 2002:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Apr 25, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Apr 25, 2002:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Apr 25, 2002:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 351.
- **Mar 21, 2002:** Committee on the Judiciary. Hearings held.
- **Feb 28, 2002:** Introduced in Senate
- **Feb 28, 2002:** Sponsor introductory remarks on measure. (CR S1352-1355)
- **Feb 28, 2002:** Read twice and referred to the Committee on the Judiciary. (text of measure as introduced: CR S1355-1358)