

HR 2215

21st Century Department of Justice Appropriations Authorization Act

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Chamber: House

Policy Area: Crime and Law Enforcement

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Sponsor

Name: Rep. Sensenbrenner, F. James, Jr. [R-WI-9]

Party: Republican • State: WI • Chamber: House

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Conyers, John, Jr. [D-MI-14]	D · MI		Jun 19, 2001

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported By	Jul 10, 2001
Judiciary Committee	Senate	Reported By	Oct 30, 2001

Subjects & Policy Tags

No subjects or policy tags are listed for this bill.

Related Bills

Bill	Relationship	Last Action
107 HCONRES 503	Related bill	Oct 18, 2002: Message on Senate action sent to the House.
107 HR 740	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 741	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 809	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 860	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 863	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 1007	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 1866	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 1886	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 2047	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 2137	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 2325	Procedurally related	Oct 3, 2002: For Further Action See H.R.2215.
107 HR 3892	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 S 166	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 S 320	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 S 487	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 S 1099	Related bill	Oct 3, 2002: For Further Action See H.R.2215.
107 HRES 552	Procedurally related	Sep 26, 2002: Motion to reconsider laid on the table Agreed to without objection.
107 S 1140	Related bill	Sep 10, 2002: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 107-266. Minority views filed.
107 S 2713	Related bill	Jul 31, 2002: Placed on Senate Legislative Calendar under General Orders. Calendar No. 533.
107 S 862	Related bill	Jul 18, 2002: Placed on Senate Legislative Calendar under General Orders. Calendar No. 499.
107 S 1754	Related bill	Jun 27, 2002: Held at the desk.
107 S 1974	Related bill	Jun 20, 2002: Sponsor introductory remarks on measure. (CR S5842-5844)
107 S 407	Related bill	Jun 14, 2002: Sponsor introductory remarks on measure. (CR S5583)
107 S 304	Related bill	Nov 29, 2001: Placed on Senate Legislative Calendar under General Orders. Calendar No. 247.
107 S 1319	Companion bill	Nov 8, 2001: By Senator Leahy from Committee on the Judiciary filed written report. Report No. 107-96.
107 HR 1900	Related bill	Sep 21, 2001: Received in the Senate and Read twice and referred to the Committee on the Judiciary.
107 S 1208	Related bill	Jul 19, 2001: Read twice and referred to the Committee on the Judiciary.

21st Century Department of Justice Appropriations Authorization Act - **Division A: 21st Century Department of Justice Appropriations Authorization Act - Title I: Authorization of Appropriations for Fiscal Years 2002 and 2003** - (Sec. 101) Authorizes appropriations to carry out the activities of the Department of Justice (DOJ) for FY 2002 and 2003.

(Sec. 103) Authorizes appointment of 200 additional assistant U.S. attorneys.

(Sec. 104) Authorizes appropriations to hire an additional assistant U.S. attorney in each U.S. attorney office to provide for coordination with State and local law enforcement officials in the identification and prosecution of violations of Federal firearms laws.

Title II: Permanent Enabling Provisions - (Sec. 201) Authorizes DOJ activities to be carried out through any means in the reasonable discretion of the Attorney General, including by sending or receiving details of personnel to or from other branches of the Government and through contracts, grants, or cooperative agreements with non-Federal parties. Specifies permitted uses of funds, including for the payment of rewards (i.e., payments pursuant to public advertisements for assistance to DOJ).

Sets forth provisions regarding: (1) foreign reimbursements of DOJ; (2) railroad police training fees; and (3) reimbursement for warranty work performed at DOJ facilities.

(Sec. 202) Requires the Attorney General to report to Congress on any instance in which the Attorney General or any DOJ officer: (1) establishes or implements a policy to refrain from enforcing any Federal statute on the grounds that it is unconstitutional or from adhering to or enforcing a standing rule of decision established by a final court decision; (2) determines to contest the constitutionality of a Federal statute, regulation, or policy, or to refrain (on the grounds that the provision is unconstitutional) from defending its constitutionality; or (3) approves the settlement or compromise of certain claims or actions against or by the United States. Applies such reporting requirement to the President and the head of each executive agency or military department.

(Sec. 204) Amends the Federal judicial code to authorize the Attorney General to appoint officials to assist in the protection of the Attorney General.

(Sec. 205) Directs the Attorney General to submit annual reports identifying and reviewing: (1) every grant (other than one made to a governmental entity, pursuant to a statutory formula), cooperative agreement, or programmatic services contract that was made, entered into, awarded, or for which additional or supplemental funds were provided in the immediately preceding fiscal year by or on behalf of the Office of Justice Programs; and (2) every such grant, agreement, or contract over \$5 million for which additional or supplemental funds were provided after October 1, 2002, and that was programmatically and financially closed out or otherwise ended in the immediately preceding fiscal year. Establishes a new reporting requirement regarding the criminal infringement of copyright, including the number of infringement cases in specified categories (such as for computer programs and video games), the number of on-line infringement cases, and the total amount of restitution ordered in all copyright infringement cases.

(Sec. 207) Permits executive agencies to pay extended assignment incentives to employees in U.S. territories or possessions who would be difficult to replace.

Title III: Miscellaneous - (Sec. 301) Repeals open-ended authorizations of appropriations for the National Institute of Corrections and the U.S. Marshals Service.

(Sec. 303) Directs the President to submit proposed legislation authorizing DOJ appropriations for FY 2004 and 2005 to the House and Senate Judiciary Committees when he submits his FY 2004 budget request to Congress.

(Sec. 304) Requires the Attorney General to report on: (1) the number of untested rape examination kits nationwide; (2) the use of DCS 1000 (Carnivore) to implement orders for a pen register or trap and trace device or for interception of wire, oral, or electronic communications; (3) U.S. and DOJ attorney funds, workloads, and cases.

(Sec. 307) Amends the Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA) to allow the use of truth-in-sentencing and violent offender incarceration grant funds to provide: (1) separate correctional facilities for juveniles; (2) correctional staff responsible for supervising juveniles; and (3) ombudsmen to monitor the treatment of juveniles.

(Sec. 308) Amends the Inspector General Act of 1978 to revise special DOJ provisions to authorize the Inspector General (IG) to investigate allegations of criminal wrongdoing or administrative misconduct by DOJ employees, including by the head of any agency or component of DOJ, and to refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component.

(Sec. 309) Requires the IG of DOJ to: (1) direct that one official from the IG's office be responsible for supervising and coordinating independent oversight of Federal Bureau of Investigation (FBI) programs and operations until September 30, 2004; and (2) submit to the House and Senate Judiciary Committees a plan for oversight of the FBI. Provides that such plan may include: (1) an audit of the financial systems, information technology systems, and computer security systems of the FBI; (2) an audit and evaluation of FBI programs and processes to identify systemic weaknesses or implementation failures and to recommend corrective action; (3) a review of the activities of internal affairs offices of the FBI; (4) an investigation of allegations of serious misconduct by FBI personnel; (5) a review of matters relating to any other FBI program or operation that the IG determines requires review; and (6) an identification of resources needed by the IG to implement a plan for FBI oversight.

Directs the Attorney General to report to the chairman and ranking member of the Judiciary Committees concerning: (1) establishment within DOJ of a separate IG office 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 different DOJ components in the investigation and adjudication of alleged misconduct by DOJ personnel; (4) steps to make those methods and practices uniform throughout DOJ; and (5) guidelines relating to the discipline of DOJ personnel for misconduct.

(Sec. 310) Authorizes appropriations for FY 2003 to: (1) DOJ to increase the staffing level of the Office of IG by 25 full-time employees who shall conduct an increased number of audits, inspections, and investigations of alleged FBI employee misconduct, to fund expanded audit coverage of the grant program administered by the Office of Justice Programs, and to conduct special reviews of FBI efforts to implement IG recommendations in reports on alleged FBI misconduct; and (2) the FBI for costs associated with increasing the staffing level of the Office of Professional Responsibility by ten full-time special agents and four full-time support employees.

(Sec. 311) Repeals provisions of the Antiterrorism and Effective Death Penalty Act of 1996 requiring the compilation of statistics relating to intimidation of Government employees. Directs the Attorney General to report on the number of investigations and prosecutions under the Federal criminal code regarding threats and assaults against Federal law enforcement officers, U.S. judges, and U.S. officials and their families.

(Sec. 312) Directs the President to appoint five additional permanent district judges for the southern district of California,

one for the western district of North Carolina, and two for the western district of Texas. Converts temporary district judgeships to permanent for the central and southern districts of Illinois, the northern district of New York, and the eastern district of Virginia. Creates new temporary judgeships for the northern district of Alabama, the district of Arizona, the central district of California, the southern district of Florida, the district of New Mexico, the western district of North Carolina, and the eastern district of Texas. Amends the Judicial Improvement Act of 1990 to extend the temporary Federal district court judgeship for the northern district of Ohio.

Title IV: Violence Against Women - Violence Against Women Office Act - (Sec. 402) Amends the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) to establish within DOJ, under the general authority of the Attorney General, a Violence Against Women Office which shall be solely responsible for coordination with other departments, offices, or agencies of activities authorized under the Violence Against Women Act of 1994 and the Violence Against Women Act of 2000. Sets forth the duties of the Director of the Office, including: (1) maintaining liaison with the judicial branches of the Federal and State Governments on matters relating to violence against women; (2) providing information to the President, Congress, the judiciary, State, local, and tribal governments, and the general public on such matters; (3) serving as the DOJ representative on domestic task forces, committees, or commissions addressing policy or issues relating to violence against women; (4) serving as the representative of the Government on human rights and economic justice matters related to such violence in international fora; (5) carrying out DOJ functions under such Acts; and (6) providing certain technical assistance, coordination, and support with respect to such violence. Authorizes appropriations.

Division B: Miscellaneous Division - Title I: Boys and Girls Clubs of America - (Sec. 1101) Amends the Economic Espionage Act of 1996 to reauthorize and expand the boys and girls club program.

Title II: Drug Abuse Education, Prevention, and Treatment Act of 2002 - Drug Abuse Education, Prevention, and Treatment Act of 2002 - **Subtitle A: Drug Free Prisons and Jails** - (Sec. 2101) Amends the Safe Streets Act to: (1) authorize the use of residential substance abuse treatment grants to provide services during and after incarceration; and (2) direct that at least ten percent of the total amount made available to a State for any fiscal year be used by the State to make grants to local correctional and detention facilities in the State to assist jail-based substance abuse treatment programs that are effective and science-based.

(Sec. 2103) Amends the Federal criminal code to provide for mandatory revocation of probation and supervised release for failing a drug test after testing positive for illegal controlled substances more than three times over the course of one year.

Subtitle B: Treatment and Prevention - (Sec. 2201) Directs the National Institute of Justice to conduct a study to identify and assess the efficacy, accuracy, and usefulness for purposes of the national effort to detect the use of illicit drugs of any drug-testing technologies (including the testing of hair) that may be used as alternatives or complements to urinalysis.

(Sec. 2202) Directs the President to conduct a thorough review of all Federal drug and substance abuse treatment, prevention, education, and research programs and to make recommendations to Congress to more effectively conduct and deliver drug and substance abuse treatment, prevention, and education.

(Sec. 2203) Amends the Public Health Service Act (PHSA) to authorize the Director of the National Institute on Drug Abuse (NIDA) to make grants or enter into cooperative agreements to expand the current and ongoing interdisciplinary research and clinical trials with treatment centers of the National Drug Abuse Treatment Clinical Trials Network relating to

drug abuse and addiction, including related biomedical, behavioral, and social issues. Requires the Director to promptly disseminate research results to Federal, State, and local entities involved in combating drug abuse and addiction.

Subtitle C: Drug Courts - (Sec. 2301) Amends the Safe Streets Act to authorize the Attorney General to make grants to States, State and local courts, local governments, and Indian tribal governments for adult, juvenile, family, and tribal drug courts that involve: (1) continuing judicial supervision over offenders with substance abuse problems who are not violent offenders; (2) coordination with the appropriate State or local prosecutor; and (3) the integrated administration of other sanctions and services, including mandatory periodic testing for use of controlled or other addictive substances during any period of supervised release or probation, and substance abuse treatment for each participant. Directs the Attorney General to take specified steps to prevent participation by violent offenders. Defines a "violent offender" as a juvenile who has been convicted of, or adjudicated delinquent for, an offense that: (1) has as an element the use, attempted use, or threatened use of physical force against the person or property of another or the possession or use of a firearm; or (2) by its nature involves a substantial risk that physical force may be used in committing the offense.

Directs the Attorney General to devise a plan to implement specified recommendations of the General Accounting Office, including to develop and implement a management information system that is able to track and readily identify the universe of drug court programs funded by DOJ's Drug Court Program Office and to report to the Senate and House Judiciary Committees.

(Sec. 2302) Authorizes appropriations for FY 2002 through 2005, reserving a specified percent for program research and evaluation.

(Sec. 2303) Directs the Comptroller General to assess and report to Congress on the effectiveness and impact of grants authorized under this Chapter.

Subtitle D: Program for Successful Reentry of Criminal Offenders Into Local Communities - Chapter 1: Post Incarceration Vocational and Remedial Educational Opportunities for Inmates - (Sec. 2411) Directs the Attorney General to establish the Federal Reentry Center Demonstration project, which shall involve appropriate prisoners from the Federal prison population utilizing community corrections facilities, home confinement, and a coordinated response by Federal agencies to assist participating prisoners in preparing for and adjusting to reentry into the community. Directs that the project include: (1) a Reentry Review Team that shall initially meet with each prisoner to develop a reentry plan; (2) a system of graduated levels of supervision with the community corrections facility to promote community safety, provide incentives for prisoners to complete the reentry plan (including victim restitution), and provide a reasonable method for imposing sanctions for a prisoner's violation of the conditions of participation in the project; and (3) substance abuse treatment and aftercare, mental and medical health treatment and aftercare, vocational and educational training, life skills instruction, conflict resolution skills training, batterer intervention programs, assistance in obtaining suitable affordable housing, and other programming to promote effective reintegration into the community. Sets forth provisions regarding the assignment of probation officers and duration of the project. Authorizes appropriations.

Chapter 2: State Reentry Grant Programs - (Sec. 2421) Amends the Safe Streets Act to direct the Attorney General to make grants to States, territories, and Indian tribes, in partnership with local governments and nonprofit organizations, to establish adult and juvenile offender reentry demonstration projects. Authorizes appropriations. Directs the Attorney General to evaluate the demonstration projects to determine their effectiveness.

Subtitle E: Other Matters - (Sec. 2502) Amends the Methamphetamine Anti-Proliferation Act of 2000 to direct the Secretary, in consultation with NADA (currently, the Institute of Medicine of the National Academy of Sciences), to

conduct a study on the development of medications for the treatment of addiction to amphetamine and methamphetamine.

(Sec. 2503) Authorizes appropriations to the Attorney General for regional anti-drug training by the Drug Enforcement Administration for law enforcement entities and increased precursor chemical control efforts in the South and Central Asia region.

(Sec. 2504) Directs the Attorney General to establish an exchange program in which prosecutors, judges, or policy-makers from Thailand observe U.S. prosecutors to learn about prosecution of Federal criminal narcotics laws.

Title III: Safeguarding the Integrity of the Criminal Justice System - (Sec. 3001) Amends the Federal criminal code to expand the scope of provisions concerning, and increase penalties for, tampering with witnesses, victims, or informants. Sets forth provisions prohibiting the use of (or threat to use) physical force with intent to influence, delay, or prevent the testimony of any person in an official proceeding. Specifies that whoever conspires to tamper with a witness, victim, or informant or to retaliate against any such individuals shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

(Sec. 3002) Modifies various code prohibitions to permit imposition of both a fine and imprisonment, instead of just one or the other, including for contempt and for destruction of letter boxes or mail.

(Sec. 3003) Directs that any counts of an indictment or information that are dismissed pursuant to a plea agreement be reinstated by the District Court if: (1) such counts were originally filed within the applicable limitations period; (2) the counts were dismissed pursuant to a plea agreement approved by the District Court under which the defendant pled guilty to other charges; (3) the guilty plea was subsequently vacated on the motion of the defendant; and (4) the United States moves to reinstate the dismissed counts within 60 days of the date on which the order vacating the plea becomes final.

(Sec. 3004) Authorizes an appeal by the United States in a criminal case, except where double jeopardy bars further prosecution, of a decision, judgment, or order of a district court dismissing an indictment or information or granting a new trial after verdict or judgement as to any part of one or more counts.

(Sec. 3006) Grants the court authority to impose a sentence of probation or supervised release when reducing a sentence of imprisonment for extraordinary and compelling reasons.

Title IV: Criminal Law Technical Amendments Act of 2002 - Criminal Law Technical Amendments Act of 2002 - (Sec. 4002) Makes clerical and other technical amendments to the Federal criminal code and other laws relating to crime and criminal procedure, including the Controlled Substances Act and the Economic Espionage Act of 1996.

Title V: Paul Coverdell Forensic Sciences Improvement Grants - (Sec. 5001) Amends the Paul Coverdell National Forensic Sciences Improvement Act of 2000 to modify State requirements for grants under the Safe Streets Act to require that the State or local government has established a forensic laboratory or laboratory system that is accredited by a specified board or association (current law) or any other nonprofit, professional organization that may be recognized within the forensic science community as competent to award such accreditation.

Authorizes forensic sciences improvement grants under the Safe Streets Act to local governments (currently limited to States). Directs that: (1) the Attorney General consider existing resources and current needs of the potential grant recipient; and (2) State reports to the Attorney General include a comparison of pre-grant and post-grant forensic science

capabilities and an identification of the number and type of cases currently accepted by the laboratory.

(Sec. 5002) Authorizes appropriations for FY 2002 through 2007 for: (1) the Center for Domestic Preparedness of the Department of Justice in Anniston, Alabama; (2) the Texas Engineering Extension Service of Texas A&M University; (3) the Energetic Materials Research and Test Center of the New Mexico Institute of Mining and Technology; (4) the Academy of Counterterrorist Education at Louisiana State University; (5) the National Exercise, Test, and Training Center of the Department of Energy located at the Nevada test site; (6) the National Center for the Study of Counter-Terrorism and Cyber-crime at Norwich University; and (7) the Northeast Counter-drug Training Center.

Division C: Improvement to Criminal Justice, Civil Justice, Immigration, Juvenile Justice, and Intellectual Property and Antitrust Laws - Title I: Criminal Justice, Civil Justice, and Immigration - Subtitle A: General Improvements - (Sec. 11001) Law Enforcement Tribute Act - Authorizes the Attorney General to make grants to States, local governments, and Indian tribes to carry out programs to honor, through permanent tributes, men and women of the United States who were killed or disabled while serving as law enforcement or public safety officers.

Limits: (1) grants to \$150,000 to any single recipient; and (2) the Federal portion to 50 percent of the total costs of such a program, with an exception for law enforcement or public safety functions on Indian lands.

(Sec. 11002) Authorizes disclosure of grand jury matters relating to money laundering offenses.

(Sec. 11003) Amends the USA PATRIOT Act to authorize the use of grants to construct, develop, expand, modify, operate, or improve facilities to provide training or assistance to State and local first responders.

(Sec. 11004) Authorizes the United States Sentencing Commission, the States, cities, and penal and other institutions to access the FBI's National Crime Information Center information system.

(Sec. 11005) Authorizes "danger pay" allowances for FBI agents.

(Sec. 11006) Reauthorizes the Police Corps Act.

(Sec. 11007) Directs the General Accounting Office to report to Congress every 18 months with a detailed accounting of DOJ's administration of the Radiation Exposure Compensation Act.

(Sec. 11008) Federal Judiciary Protection Act of 2002 - Amends the Federal criminal code to increase: (1) from three to eight years the maximum term of imprisonment for assaulting, resisting, or impeding a Federal law enforcement official (or member of his or her family) while engaged in his or her official duties; (2) from ten to 20 years the maximum term of imprisonment for using a deadly or dangerous weapon during the commission of any of the above acts; and (3) the maximum terms of imprisonment for threats or assaults made upon a family member of a Federal law enforcement official for purposes of influencing, impeding, or retaliating against such official in the performance of his or her duties.

Provides a ten-year maximum term for mailing a threatening communication to a Federal law enforcement official, including a U.S. judge.

Directs the Sentencing Commission to review and amend Federal sentencing guidelines and policy statements to provide an appropriate sentencing enhancement for offenses involving influencing, assaulting, resisting, impeding, retaliating against, or threatening a Federal judge, magistrate judge, or other appropriate Federal law enforcement official.

(Sec. 11009) James Guelff and Chris McCurley Body Armor Act of 2002 - Directs the Sentencing Commission to review

and amend the Federal sentencing guidelines and policy statements to provide an appropriate enhancement for any crime of violence or drug trafficking crime in which the defendant used body armor. Expresses the sense of Congress that any such sentencing enhancement be at least two levels.

Amends the Brady Handgun Violence Prevention Act to prohibit the purchase, ownership, or possession of body armor by violent felons. Makes it an affirmative defense that: (1) the defendant obtained prior written certification from his or her employer that the defendant's purchase, use, or possession of body armor was necessary for the safe performance of lawful business activity; and (2) the use and possession by the defendant were limited to the course of such performance.

(Sec. 11010) Provides that an officer's presence is not required to serve or execute a search warrant directed to a provider of electronic communication service or remote computing service for records or other information pertaining to a subscriber of that service.

(Sec. 11011) Directs the Attorney General to commission a study or a sampling of offenders with mental illness released from prison or jail in two or more jurisdictions (including at least one State or local and one Federal jurisdiction) to determine and report to Congress on the extent to which participation in public benefit programs correlates with successful reentry and improved public safety.

(Sec. 11013) Authorizes the Attorney General to credit as an offsetting collection to the DOJ Working Capital Fund up to three percent of all amounts collected pursuant to DOJ civil debt collection litigation activities. Directs that such funds be used first for paying the costs of processing and tracking civil and criminal debt collection litigation and thereafter for financial systems and debt collection-related personnel, administrative, and litigation expenses.

(Sec. 11014) Reauthorizes the State Criminal Alien Assistance Program through FY 2004.

(Sec. 11015) Directs the Attorney General to: (1) establish a list of annuity brokers who meet minimum qualifications for providing annuity brokerage services in connection with structured settlements entered by the United States; and (2) transmit such list and any updates to all U.S. Attorneys.

Directs that in any structured settlement that is not negotiated exclusively through DOJ's Civil Division, the U.S. Attorney involved in any settlement negotiations shall have the exclusive authority to select an annuity broker from the list, provided that all documents related to any settlement comply with DOJ requirements.

(Sec. 11016) Amends the Immigration and Nationality Act (INA) to provide for the deposit of processing fees for I-94, I-94W, and I-68 forms in the Land Border Inspection Fee Account.

(Sec. 11017) Extends the United States Parole Commission for an additional three years. Directs the Attorney General to establish a committee within DOJ to evaluate the merits and feasibility of transferring the Commission's functions regarding the supervised release of District of Columbia offenders to other entities outside DOJ.

(Sec. 11018) Amends the INA to extend the program authorizing visas for foreign medical graduates and raises the number of visas per State from 20 to 30.

(Sec. 11019) Amends Rule 16 of the Federal Rules of Criminal Procedure to require both the Government and the defendant to disclose before trial their expert witnesses' testimony on the defendant's mental condition.

(Sec. 11020) Multiparty, Multiforum Trial Jurisdiction Act of 2002 - Amends the Federal judicial code to grant Federal district courts original jurisdiction over any civil action involving minimal diversity of citizenship between adverse parties

that arises from a single accident, where at least 75 natural persons have died in the accident at a discrete location, if: (1) a defendant resides in a State and a substantial part of the accident took place in another State or other location, regardless of whether that defendant is also a resident of the State where a substantial part of the accident took place; (2) any two defendants reside in different States, regardless of whether such defendants are also residents of the same State or States; or (3) substantial parts of the accident took place in different States. Directs the district court to abstain from hearing any such action in which: (1) the substantial majority of all plaintiffs are citizens of a single State of which the primary defendants are also citizens; and (2) the claims asserted will be governed primarily by the laws of that State.

Authorizes venue for such action in any district in which a defendant resides or in which a substantial part of the accident occurred. Permits a district court to retain such actions for the determination of liability and damages.

Permits removal of actions which could have been brought in district court under the above provisions from State to U.S. district courts. Establishes a presumption in favor of discretionary remand to State courts for damages determinations after rulings on liability.

Authorizes nationwide service of process and, upon a showing of good cause, nationwide service of subpoenas with regard to actions under this Act.

(Sec. 11021) Amends the Federal judicial code to provide for an additional place of holding court in the southern district of Ohio at St. Clairsville.

(Sec. 11022) Permits the direct shipment of wine under specified circumstances where the Federal Aviation Administration has in effect restrictions on airline passengers to ensure safety. Authorizes civil actions by State attorneys general for violations.

(Sec. 11023) Requires the FBI Director to submit to specified congressional committees: (1) a plan for implementation of the recommendations of the Commission for Review of FBI Security Programs, dated March 31, 2002; and (2) a report on plan implementation.

(Sec. 11024) Authorizes the Director to establish a permanent FBI police force to protect persons and property within FBI buildings and grounds. Sets forth provisions regarding authority of the force and pay and benefits.

(Sec. 11025) Requires the FBI Director to report to Congress on FBI information management and technology programs, including recommendations for legislation.

(Sec. 11026) Requires the Comptroller General of the United States to report to the Senate and House Judiciary Committees on how statistics are reported and used by Federal law enforcement agencies.

(Sec. 11027) Crime-Free Rural States Act of 2002 - Amends the Safe Streets Act to direct the Attorney General to award grants to rural State criminal justice agencies, Byrne agencies, or other agencies as designated by the Governor of that State and approved by the Attorney General to develop rural States' capacity to assist local communities in the prevention and reduction of crime, violence, and substance abuse.

Requires a capacity building grant to be used to develop a statewide strategic plan. Authorizes a rural State to also use its grant for training and technical assistance to communities and to promote innovation. Allows the State to use up to five percent of the grant to assist grant recipients in collecting statewide data.

Requires: (1) a statewide strategic prevention plan to be used by the rural State to assist local communities, both directly

and through existing State programs and services, in building comprehensive, strategic, and innovative approaches to reducing crime, violence, and substance abuse based on local conditions and needs; (2) the plan to contain statewide long-term goals and measurable annual objectives; and (3) the State to develop and report in its plan relevant performance targets and measures for the goals and objectives to track changes in crime, violence, and substance abuse.

Authorizes appropriations.

(Sec. 11028) Permits the use of arbitration to settle a controversy as provided for under a motor vehicle franchise contract only if all parties consent in writing after the controversy arises. Requires the arbitrator to provide the parties with a written explanation of the factual and legal basis for the award.

(Sec. 11029) Authorizes the U.S. district court for the southern district of Iowa, from January 1, 2003, through July 1, 2005, to: (1) hold court in Rock Island, Illinois, with the consent of the parties in any case filed in the eastern division or the Davenport division; and (2) summon jurors from the southern district of Iowa to serve in any such case.

(Sec. 11030) Posthumous Citizenship Restoration Act of 2002 - Amends the INA to extend until two years after the later of the date of this Act's enactment or the date of the person's death the deadline for the Attorney General to approve a request to grant posthumous citizenship to individuals who die while on active duty military service.

(Sec. 11030A) Amends the American Competitiveness in the Twenty-first Century Act of 2000 to extend H-1B visa status (specialty occupation) in one-year increments for an alien who has waited 365 days or longer since the filing of: (1) an application for labor certification; or (2) a petition for immigrant status.

(Sec. 11030B) Amends the INA to authorize the submission of an application for naturalization on behalf of a child by the child's citizen grandparent or citizen legal guardian if the parent who otherwise would be authorized to submit such application is deceased.

Subtitle B: EB-5 Amendments - Chapter 1: Immigration Amendments - (Sec. 11031) Removes the conditional permanent resident status for certain alien entrepreneurs and their spouses and children. Sets forth qualifying provisions.

(Sec. 11032) Sets forth similar provisions for certain alien entrepreneurs (and their spouses and children) who were approved for, but never received such status.

(Sec. 11033) Requires the Immigration and Naturalization Service to issue implementing regulations within 120 days of enactment of this Act.

Chapter 2: Amendments to Other Laws - (Sec. 11035) Amends the Immigration and Nationality Act with respect to immigration visas for aliens seeking U.S. entry to create businesses to: (1) define "full-time employment" as employment requiring at least 35 hours per week at any time, regardless of who fills the position; and (2) replace the requirement that the alien has established a commercial enterprise with the requirement of having invested in such an enterprise (which may include a limited partnership).

(Sec. 11037) Amends the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 to provide that immigration pilot program regional centers for economic growth may be approved on the basis of alien entrepreneur investment and related employment creation.

Subtitle C: Judicial Improvements Act of 2002 - Judicial Improvements Act of 2002 - (Sec. 11042) Amends the

Federal judicial code to authorize any person alleging that a circuit, district, bankruptcy, or magistrate judge has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts or is unable to discharge all the duties of office by reason of mental or physical disability to file a written complaint with the clerk of the court of appeals for the circuit. Directs the chief judge to expeditiously review such complaints. Authorizes the chief judge: (1) to conduct a limited inquiry to determine whether the facts are untrue or incapable of being established through investigation (in which case the chief judge may order the complaint to be dismissed) and whether appropriate corrective action has been or can be taken without a formal investigation (in which case the chief judge may order proceedings to be concluded); and (2) if he or she does not enter such an order, to form a special committee to investigate the allegations and report findings and recommended action to the judicial council. Authorizes the judicial council to: (1) conduct additional investigation and either dismiss the complaint or take appropriate action (including ordering assignment of no further cases to the judge, privately or publicly reprimanding or censuring the judge, certifying disability of the judge, or requesting that the judge voluntarily retire); or (2) refer the complaint to the Judicial Conference of the United States. Directs the Judicial Conference: (1) to take the actions authorized for the judicial council; or (2) if it finds that impeachment may be warranted, to certify and transmit the determination and record of proceedings to the House of Representatives for whatever action the House considers to be necessary.

Sets forth provisions regarding subpoena power, petitions by aggrieved complainants or judges for review of orders and actions, and rules for the conduct of proceedings.

Bars any judge whose conduct is the subject of an investigation under this Act from serving upon a special committee, judicial council, Judicial Conference, or standing committee until all related proceedings of the investigation are complete. Makes all papers, documents, and records of an investigation confidential and not subject to disclosure, except to the extent that: (1) a judicial council elects to release a report developed by a special committee to the complainant and the affected judge; (2) the judicial council, Judicial Conference, or the Senate or House of Representatives by resolution releases information related to an impeachment investigation; or (3) the affected judge and either the chief judge of the circuit, the Chief Justice, or the chairman of a standing committee authorize in writing their joint desire to disclose information.

Directs that each written order to implement any action issued by a judicial council, Judicial Conference, or standing committee be made available to the appropriate clerk of court's office, accompanied by written reasons explaining the decision (unless contrary to the interests of justice).

Authorizes an affected judge to request that he or she be reimbursed through the Administrative Office of the U.S. Courts for reasonable expenses incurred in the course of an investigation when a complaint is dismissed.

Directs the Court of Federal Claims, Court of International Trade, and Court of Appeals for the Federal Circuit to establish procedures for the filing of complaints regarding the conduct of any judge of such court and for the investigation and resolution of complaints. Grants each of these courts the same powers granted to judicial councils under this Act. Prohibits a judge of such court who is convicted of a State or Federal felony and who has exhausted all means of direct review of the conviction (or for whom the time for obtaining such review has passed) from hearing or deciding cases unless the relevant court determines otherwise. Prohibits any service as such judge after the conviction is final and all time for filing appeals thereof has expired from being included for purposes of determining years of service or creditable service.

Subtitle D: Antitrust Modernization Commission Act of 2002 - (Sec. 11052) Antitrust Modernization Commission Act of 2002 - Establishes the Antitrust Modernization Commission to study and report to Congress and the President on

issues and problems relating to the modernization of the antitrust laws.

Title II: Juvenile Justice - Subtitle A: Juvenile Offender Accountability - Consequences for Juvenile Offenders Act of 2002 - (Sec. 12102) Amends the Safe Streets Act to replace provisions regarding grants to develop alternative methods of punishment for young offenders with provisions authorizing the Attorney General to provide grants to promote greater accountability in the juvenile justice system, including grants to: (1) develop, implement, and administer graduated sanctions for juvenile offenders; (2) build, expand, renovate, or operate juvenile facilities; (3) hire juvenile court judges, probation officers, and court-appointed defenders and special advocates and fund pretrial services (including mental health screening and assessment) for juvenile offenders; (4) provide funding to enable prosecutors to address drug, gang, and youth violence problems more effectively and for technology, equipment, and training; (5) establish and maintain programs designed to enhance school safety, restorative justice programs, and programs to enable juvenile courts and juvenile probation officers to be more effective in holding juvenile offenders accountable and reducing recidivism; and (6) hire and provide training programs for detention and corrections personnel.

Directs the Attorney General to make grants to Indian tribes or consortia of tribes for programs to strengthen tribal juvenile justice systems and to hold tribal youth accountable.

Sets forth State and local grant eligibility requirements, which may include providing: (1) information about the proposed activities and the activity effectiveness assessment criteria; and (2) assurances that the local government has or, within one year, shall have in effect a system that ensures that sanctions are imposed on a juvenile offender for each delinquent offense, that those sanctions escalate in intensity with each subsequent, more serious offense, that there is sufficient flexibility to allow for individualized sanctions and services, and that appropriate consideration is given to public safety and victims of crime.

Requires States and local governments, in developing grant applications, to take into consideration the needs of the judicial branch in strengthening the juvenile justice system and specifically seek the advice of the chief of the highest court of the State and, where appropriate, the chief judge of the local court with respect to the application.

Sets forth provisions regarding the discretionary use of sanctions (including a reporting requirement if graduated sanctions are not used) and the allocation and distribution of funds (requiring not less than 75 percent of amounts received by each State to be distributed among local governments).

Directs the Attorney General to issue guidelines establishing procedures under which a State or specially qualified local government that receives funds is required to provide notice to the Attorney General regarding the proposed use of funds. Specifies the membership of an advisory board to be established by State or local governments, including a nonprofit, nongovernmental victim advocacy organization.

Requires a State or specially qualified local government unit to repay unexpended amounts to the Attorney General before the expiration of the 36-month period beginning on the date of the award, providing for a one-time extension of up to 12 months.

Sets the Federal share of the grant at 90 percent of total program costs. Prohibits the Federal share from exceeding 50 percent of the approved cost of constructing juvenile detention or correctional facilities.

Requires grant and sub-grant assessment reports to the Attorney General (with a waiver provision) and to Congress.

Directs the Attorney General to make grants to Indian tribes, or consortia of tribes, for programs to strengthen tribal

juvenile justice systems and to hold tribal youth accountable.

Specifies that each Juvenile Accountability Incentive Block Grant award shall remain available to the recipient for not more than 36 months.

Subtitle B: Juvenile Justice and Delinquency Prevention Act of 2002 - Juvenile Justice and Delinquency Prevention Act of 2002 - (Sec. 12203) Amends the Juvenile Justice and Delinquency Prevention Act (JJDP A) to restate as its purposes: (1) to support State and local programs that prevent juvenile involvement in delinquent behavior; (2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and (3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.

(Sec. 12205) Requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to issue model standards providing mental health care to incarcerated juveniles within one year of this Act's enactment.

(Sec. 12207) Requires an annual evaluation of the effectiveness of programs funded under this subtitle in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.

(Sec. 12209) Amends or eliminates State plan requirements and modifies the list of activities eligible for funding under the formula grant program to include: : (1) the expanded use of probation officers; (2) counseling, training, and mentoring programs (including programs that support of academic tutoring, vocational and technical training, and drug and violence prevention counseling or that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, State, or local correctional facility or who is otherwise under the jurisdiction of a Federal, State, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals); (3) community-based programs that provide follow-up post-placement services to adjudicated juveniles to promote successful reintegration into the community; (4) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system; and (5) programs designed to provide mental health services for incarcerated juveniles suspected to be in need of such services, including assessment, development of individualized treatment plans, and discharge plans.

Sets forth prohibitions against detained juveniles having contact with adult inmates. Requires the State to have in effect a policy that requires individuals who work with both such juveniles and adult inmates in colocated facilities to have been trained and certified to work with juveniles.

Extends the period of time that a juvenile may be held while awaiting an initial court appearance to up to 48 hours, excluding weekends and holidays.

(Sec. 12210) Amends Title II of JJDP A to: (1) repeal Part C (National Programs), Part D (Gangs), Part E (State Challenge Activities), Part F (Treatment of Juvenile Offenders Who Are Victims of Child Abuse or Neglect), Part G (Mentoring), Part H (Boot Camps), and the first sub-part of Part I (White House Conference on Juvenile Justice; and (2) establish the Juvenile Delinquency Prevention Block Grant Program. Authorizes the use of such grants for specified purposes that include: (1) projects that provide treatment to juvenile offenders, including treatment for mental health problems ; (2) counseling, training, and mentoring programs; (3) community-based projects and services (including literacy and social service programs) that work with juvenile offenders and juveniles who are at risk of becoming juvenile offenders; (4) projects to provide treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful

substances; (5) projects which leverage funds to provide scholarships for post-secondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes.

Sets forth provisions regarding allocation of grant funds and eligibility of States and other entities for grants. Authorizes a State to make grants to eligible entities whose applications are and reviewed by the State advisory group to carry out specified projects and activities, with special consideration to eligible entities that: (1) propose to carry out such projects in geographical areas in which there is a disproportionately high level of serious crime committed by juveniles or a recent rapid increase in the number of non-status offenses committed by juveniles; (2) agree to carry out such projects or activities that are multi-disciplinary, represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that meet other specified requirements.

Sets forth provisions regarding eligibility, factors for consideration, the grant process, and reporting and matching requirements, with respect to grants to Indian tribes.

(Sec. 12211) Authorizes the Administrator to undertake specified activities regarding research, evaluation, technical assistance, and training, including: (1) conducting research or evaluation for the purpose of evaluating services, treatment, and aftercare placement of juveniles who were under the care of the State child protection system before their placement in the juvenile justice system; (2) determining the frequency, seriousness, and incidence of drug use by youth in schools and communities in the States using specified data and the frequency, degree of harm, and morbidity of violent incidents, particularly firearm-related injuries and fatalities, by youth in schools and communities in the States; (3) conducting a study with respect to juveniles who, prior to placement in the juvenile justice system, were under the care or custody of the State child welfare system and juveniles who are unable to return to their family after completing their disposition in the juvenile justice system and remain wards of the State; and (4) providing training and technical assistance to mental health professionals and law enforcement personnel to address or promote the development, testing, or demonstration of promising or innovative models, programs, or delivery systems that address the needs of delinquent juveniles who are placed in secure detention or confinement or in non-secure residential placements.

(Sec. 12215) Prohibits the payment of funds under such Act to a residential program (excluding a program in a private residence) unless: (1) the State in which such placement or care is provided permits the provider to be licensed only after satisfying explicit standards of discipline that prohibit neglect and physical and mental abuse; (2) such provider is so licensed by the State; and (3) the chief administrative officer of the public agency or the officer of the court placing the juvenile certifies that a provider located in a State that is different from the State where the order for placement originates satisfies the originating State's explicit licensing standards of discipline that prohibit neglect, physical and mental abuse and standards for education and health care and otherwise complies with the Interstate Compact on the Placement of Children as entered into by such other State.

(Sec. 12216) Prohibits the use of funds under such Act to support the unsecured release of juveniles charged with a violent crime.

(Sec. 12217) Specifies that nothing under such Act shall prevent otherwise eligible organizations from receiving grants or from modifying or affecting existing Federal or State laws related to collective bargaining rights of employees.

(Sec. 12218) Permits the Administrator to receive surplus Federal property and lease it to States for use in or as facilities for delinquency prevention and treatment activities.

(Sec. 12220) Specifies that materials produced, procured, or distributed using funds appropriated to carry out such Act for preventing hate crimes that result in acts of physical violence shall not recommend or require any action that abridges

or infringes upon specified constitutionally protected rights.

(Sec. 12222) Reauthorizes provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 regarding incentive grants for local delinquency prevention programs. Authorizes the use of grants for youth development activities, assistance in the development of job training skills, and data-driven evidence based prevention programs. Includes among priority applicants those that demonstrate ability in: (1) coordinating and collaborating with programs established in local communities for delinquency prevention; and (2) developing data-driven prevention plans, employing evidence-based prevention strategies, and conducting program evaluations to determine impact and effectiveness.

Subtitle C: Juvenile Disposition Hearing - (Sec. 12301) Modifies provisions of the Federal criminal code regarding sentencing of juvenile delinquents to: (1) authorize imposition of a term of juvenile delinquency supervision to follow detention; and (2) make applicable mandatory revocation provisions if a juvenile is over age 21 at the time of a revocation proceeding.

Title III: Intellectual Property - Subtitle A: Patent and Trademark Office Authorization - Patent and Trademark Office Authorization Act of 2002 - (Sec. 13102) Authorizes appropriations to the U.S. Patent and Trademark Office for salaries and expenses for FY 2003 through 2008 in an amount equal to all patent and trademark fees estimated by the Secretary of Commerce (Secretary) to be collected in each such fiscal year.

Requires the Under Secretary of Commerce for Intellectual Property and the Director of the Office (Director), by February 15 of each fiscal year, to report an estimate of all fees to be collected in the next fiscal year to the chairman and ranking member of specified congressional committees.

(Sec. 13103) Requires the Director, beginning with 90 days after this Act's enactment and during the three-year period thereafter, to develop an electronic system for the filing and processing of patent and trademark applications that: (1) is user friendly; and (2) includes the necessary infrastructure to allow examiners and applicants to send all communications electronically, and the Office to process, maintain, and search electronically the contents and history of each application. Authorizes appropriations for FY 2003 through 2005 for development of such system.

(Sec. 13104) Requires the Director to develop and report to specified congressional committees on a five-year strategic plan to: (1) enhance patent and trademark quality; (2) reduce patent and trademark pendency; and (3) develop and implement an effective electronic system for use by the Office and the public for all aspects of the patent and trademark processes, including searching, examining, communicating, publishing, and making publicly available, patents and trademark registrations.

(Sec. 13105) Amends Federal patent law to provide that previous citation by or to, or consideration by the Office of, a patent or printed publication does not preclude the existence of a substantial new question of patentability in patent reexamination proceedings.

(Sec. 13106) Revises requirements for appeals in inter partes reexamination proceedings to allow a third-party requester to appeal to the U.S. Court of Appeals for the Federal Circuit, or be a party to any appeal taken by the patent owner, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent.

Allows a third-party requester to appeal a decision of the Board of Patent Appeals and Interferences.

Provides that a third-party requester in an inter partes reexamination proceeding dissatisfied with the final decision in an appeal to the Board may appeal the decision only to the U.S. Court of Appeals for the Federal Circuit.

Subtitle B: Intellectual Property and High Technology Technical Amendments - Intellectual Property and High Technology Technical Amendments Act of 2002 - (Sec. 13202) Amends Federal patent and trademark law, as amended by the Intellectual Property and Communications Omnibus Reform Act of 1999 (IPCORA) and the American Inventor's Protection Act (AIPA), to specify that third-party requesters are persons who may invoke inter partes reexamination of a patent in light of new evidence (prior art) affecting its patentability. Makes this specification retroactive to the enactment of IPCORA.

(Sec. 13203)) Amends the Patent and Trademark Efficiency Act to make the U.S. Patent and Trademark Office (PTO) Deputy Commissioner a member of both the Trademark Trial and Appeal Board and the Board of Patent Appeals and Interferences.

Exempts members of the Public Advisory Committee from the current prohibition against PTO employees' having an ownership interest in patents.

Repeals the requirement for a PTO officer's attestation signature on a patent grant.

(Sec. 13204) Amends IPCORA and the Domestic Publication of Foreign Filed Patent Applications Act of 1999 to declare that the right to obtain a reasonable royalty based on an international application designating the United States commences on the date of the application's publication (currently, on the date the PTO receives a copy of the application) under the pertinent treaty.

(Sec. 13205) Revises certain requirements with respect to the prior art effect of published international applications. Declares that the PTO will only rely on information published in English in patent applications as it makes the essential determination of novelty during the examination of a patent application. Makes November 29, 2000, the effective date of specified AIPA amendments establishing the early publication of patent applications, including amendments made by this Act.

(Sec. 13207) Amends the Trademark Act of 1946, as amended by IPCORA and the Anti-Cybersquatting Consumer Protection Act, with respect to certain damages for willful dilutions of famous marks.

Provides for service on the Director of any notices or process in proceedings affecting a mark registered by an applicant, or an assignee of the mark, not domiciled in the United States if the registrant or assignee does not designate by a document filed in the PTO the name and address of a person resident in the United States on whom such notices or process may be served.

Allows a foreign applicant for a trademark duly registered in the applicant's country of origin, when registering the mark on the principal or supplemental U.S. register, to submit a true copy or a photocopy of the foreign registration as an alternative to a certification or a certified copy.

(Sec. 13208) Makes a clerical amendment to the Patent and Trademark Fee Fairness Act of 1999 and technical amendments to copyright law.

Subtitle C: Educational Use Copyright Exemption - Technology, Education, and Copyright Harmonization Act of 2002 - (Sec. 13301) Revises Federal copyright law to extend the exemption from infringement liability for instructional broadcasting to digital distance learning or distance education. Excludes from such exemption (thus subjecting to infringement liability) any work produced or marketed primarily for performance or display as part of mediated instructional activities transmitted via digital networks, or a performance or display that is given by means of a copy or

phonorecord that is not lawfully made and acquired and the transmitting government body or accredited nonprofit educational institution knew or had reasons to believe was not lawfully made and acquired. Allows under specified conditions the performance and display of reasonable and limited portions of any copyrighted work in an amount comparable to that which is typically displayed in the course of a live classroom session, by or in the course of a transmission.

Revises the conditions of such transmission to: (1) require the performance or display to be made by or at the direction of, or under the actual supervision of an instructor as an integral part of a class session offered as a regular part of the systematic mediated instructional activities of a governmental body or an accredited nonprofit education institution; (2) limit its reception to students officially enrolled in the course for which it is made or officers or employees of governmental bodies as a part of their official duties or employment; and (3) require the transmitting body or institution to take specified actions to promote faculty, student, and staff compliance with copyright law. Requires the transmitting body or institution also, in the case of digital transmission, to: (1) apply technological measures that reasonably prevent retention of the work in accessible form by transmission recipients for longer than the class session, and any unauthorized further dissemination of the work in accessible form by such recipients to others; and (2) refrain from engaging in conduct that could reasonably be expected to interfere with technological measures used by copyright owners to prevent such retention or unauthorized further dissemination.

Exempts governmental bodies and accredited nonprofit educational institutions from liability for infringement by reason of the transient or temporary storage of material carried out through the automatic technical process of a digital transmission of the performance or display of that material.

Extends the current ephemeral recording exemption, under specified conditions, to copies or phonorecords embodying a performance or display in digital and analog form for use in making transmissions authorized by this Act.

Declares that this Act does not authorize the conversion of print or other analog versions of works into digital formats, except that such conversion is permitted only with respect to the amount of such works authorized to be performed or displayed if: (1) no digital version of the work is available to the institution; or (2) such version is subject to technological protection measures that prevent its use.

Requires the Undersecretary of Commerce for Intellectual Property to report to specified congressional committees on technological protection systems that have been implemented, are available for implementation, or are proposed to be developed to protect digitized copyrighted works and prevent infringement, including upgradeable and self-repairing systems, and systems that have been developed, are being developed, or are proposed to be developed in private voluntary industry-led entities through an open broad based consensus process.

Subtitle D: Madrid Protocol Implementation - Madrid Protocol Implementation Act - (Sec. 13402) Amends the Trademark Act of 1946 to set forth the Madrid Protocol concerning the International Registration of Marks.

Authorizes the owner of a basic application for mark registration pending before, or of a basic registration granted by, the U.S. Patent and Trademark Office who is a U.S. national, is domiciled in the United States, or has a real and effective industrial or commercial establishment in the United States to file an international application with the Office. Requires the Commissioner of Patents and Trademarks to certify that information contained in the international application corresponds to that in the basic application or registration and to transmit the application to the International Bureau of the World Intellectual Property Organization.

Authorizes holders of international registrations based on U.S. registrations to request extensions of protection from the

International Bureau or the Office and entitles them to: (1) extensions of U.S. protection; and (2) a right of priority under the Paris Convention for the Protection of Industrial Property, subject to certain conditions.

Bars protection: (1) for an international registration if the Office is the office of origin; and (2) to any mark not registrable on the Principal Register.

Declares that a request for extension of protection shall not be refused, and the Director shall issue a certificate of extension, if a notification of refusal (based on examination of the request for extension or on the filing of a opposition to the request) is not timely sent to the International Bureau.

Sets forth provisions relating to extension of U.S. protection (including cancellation of such protection) for goods and services under an international registration that has been canceled or is not renewed, and concerning authorized holders of such registrations.

Authorizes extensions of protection only to persons who are nationals of, or have other specified connections to, a country that is a Contracting Party or a member of an intergovernmental organization that is a Contracting Party to the Protocol.

Title IV: Antitrust Technical Corrections Act of 2002 - Antitrust Technical Corrections Act of 2002 - (Sec. 14102)

Repeals: (1) provisions of the Panama Canal Act which bar use of the Panama Canal to violators of antitrust laws; and (2) specified provisions requiring proceedings for the taking of depositions for use in suits in equity brought by the United States under the Sherman Act to be open to the public; (3) provisions of the Wilson Tariff Act that authorized any person injured in his business or property by reason of anything prohibited by such Act to sue therefor in U.S. circuit court and to recover treble damages and the costs of suit; and (4) provisions of the Aviation and Transportation Security Act allowing air carriers providing air transportation on flights which originate and ter

Actions Timeline

- **Nov 2, 2002:** Signed by President.
- **Nov 2, 2002:** Signed by President.
- **Nov 2, 2002:** Became Public Law No: 107-273.
- **Nov 2, 2002:** Became Public Law No: 107-273.
- **Oct 23, 2002:** Presented to President.
- **Oct 23, 2002:** Presented to President.
- **Oct 17, 2002:** Pursuant to the provisions of H. Con. Res. 503, enrollment corrections on H.R. 2215 have been made.
- **Oct 3, 2002:** Conference report considered in Senate. (consideration: CR S9870-9892)
- **Oct 3, 2002:** Cloture on the conference report to accompany H.R. 2215 invoked in Senate by Yea-Nay Vote. 93 - 5. Record Vote Number: 229.
- **Oct 3, 2002:** Conference report agreed to in Senate: Senate agreed to conference report by Unanimous Consent.
- **Oct 3, 2002:** Senate agreed to conference report by Unanimous Consent.
- **Oct 3, 2002:** Message on Senate action sent to the House.
- **Oct 1, 2002:** Motion to proceed to consideration of the conference report to accompany H.R. 2215 agreed to in Senate by Voice Vote.
- **Oct 1, 2002:** Conference report considered in Senate by Voice Vote. (consideration: CR S9680-9681, S9688-9697, S9697-9703)
- **Oct 1, 2002:** Cloture motion the conference report to accompany H.R. 2215 presented in Senate.
- **Sep 26, 2002:** Rule H. Res. 552 passed House.
- **Sep 26, 2002:** Mr. Sensenbrenner brought up conference report H. Rept. 107-685 for consideration under the provisions of H. Res. 552.
- **Sep 26, 2002:** DEBATE - The House proceeded with one hour of debate on the conference report to accompany H.R. 2215.
- **Sep 26, 2002:** The previous question was ordered without objection.
- **Sep 26, 2002:** Conference report agreed to in House: On agreeing to the conference report Agreed to by the Yeas and Nays: 400 - 4 (Roll no. 422).(consideration: CR H6743-6751)
- **Sep 26, 2002:** Motions to reconsider laid on the table Agreed to without objection.
- **Sep 26, 2002:** On agreeing to the conference report Agreed to by the Yeas and Nays: 400 - 4 (Roll no. 422). (consideration: CR H6743-6751)
- **Sep 26, 2002:** Conference papers: message on House action held at the desk in Senate.
- **Sep 25, 2002:** Conference papers: Senate report and manager's statement held at the desk in Senate.
- **Sep 25, 2002:** Conference report filed: Conference report H. Rept. 107-685 filed.(text of conference report: CR H6586-6649)
- **Sep 25, 2002:** Conference report H. Rept. 107-685 filed. (text of conference report: CR H6586-6649)
- **Sep 25, 2002:** Rules Committee Resolution H. Res. 552 Reported to House. Rule provides for consideration of the conference report to H.R. 2215. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read when called up for consideration.
- **May 1, 2002:** Ms. DeGette moved that the House instruct conferees. (consideration: CR H1990-1997)
- **May 1, 2002:** DEBATE - The House proceeded with one hour of debate on the DeGette motion to instruct conferees. The instructions contained in the motion seek to require the managers on the part of the House to (1) agree to title IV of the Senate amendment (establishing a Violence Against Women Office); and (2) insist upon section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 402 of the House bill (establishing duties and functions of the Director of the Violence Against Women Office).
- **May 1, 2002:** The previous question was ordered without objection.
- **May 1, 2002:** On motion that the House instruct conferees Agreed to by the Yeas and Nays: 416 - 3 (Roll no. 121). (text: CR H1990)
- **May 1, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 30, 2002:** NOTIFICATION OF MOTION TO INSTRUCT CONFEREES - Ms. DeGette notified the House of her intention, on May 1, 2002, to offer a motion to instruct conferees on H.R. 2215. The instructions contained in the motion seek to require the managers on the part of the House to (1) agree to title IV of the Senate amendment (establishing a Violence Against Women Office); and (2) insist upon section 2003 of the Omnibus Crime Control and Safe Streets Act of 1968, as added by section 402 of the House bill (establishing duties and functions of the Director of the Violence

Against Women Office).

- **Feb 6, 2002:** Mr. Sensenbrenner asked unanimous consent that the House disagree to the Senate amendment, and agree to a conference.
- **Feb 6, 2002:** On motion that the House disagree to the Senate amendment, and agree to a conference Agreed to without objection. (consideration: CR H172)
- **Feb 6, 2002:** The Speaker appointed conferees - from the Committee on the Judiciary for consideration of the House bill and the Senate amendment, and modifications committed to conference: Sensenbrenner, Hyde, Gekas, Coble, Smith (TX), Gallegly, Conyers, Frank, Scott, and Baldwin.
- **Feb 6, 2002:** The Speaker appointed conferees Provided that Mr. Berman is appointed in lieu of Ms. Baldwin for consideration of sec. 312 of the Senate amendment, and modifications committed to conference.
- **Feb 6, 2002:** The Speaker appointed conferees - from the Committee on Energy and Commerce for consideration of secs. 2203-6, 2208, 2210, 2801, 2901-2911, 2951, 4005, and title VIII of the Senate amendment, and modifications committed to conference: Tauzin, Bilirakis, and Dingell.
- **Feb 6, 2002:** The Speaker appointed conferees - from the Committee on Education and the Workforce for consideration of secs. 2207, 2301, 2302, 2311, 2321-4, and 2331-4 of the Senate amendment, and modifications committed to conference: Hoekstra, Castle, and Miller, George.
- **Feb 6, 2002:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 23, 2002:** Message on Senate action sent to the House.
- **Dec 20, 2001:** Measure laid before Senate by unanimous consent. (consideration: CR S14065-14075; text of measure a reported in Seante: CR S14065-14072)
- **Dec 20, 2001:** The committee substitute as amended agreed to by Unanimous Consent.
- **Dec 20, 2001:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.
- **Dec 20, 2001:** Passed Senate with amendments by Unanimous Consent.
- **Dec 20, 2001:** Senate insists on its amendments, asks for a conference, appoints conferees Hatch, Kennedy and Leahy.
- **Oct 30, 2001:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Oct 30, 2001:** Committee on the Judiciary. Reported by Senator Leahy with an amendment in the nature of a substitute. Without written report.
- **Oct 30, 2001:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 206.
- **Oct 18, 2001:** Committee on the Judiciary. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 24, 2001:** Received in the Senate and Read twice and referred to the Committee on the Judiciary.
- **Jul 23, 2001:** Mr. Sensenbrenner moved to suspend the rules and pass the bill, as amended.
- **Jul 23, 2001:** Considered under suspension of the rules. (consideration: CR H4384-4392)
- **Jul 23, 2001:** DEBATE - The House proceeded with forty minutes of debate on H.R. 2215.
- **Jul 23, 2001:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H4384-4389)
- **Jul 23, 2001:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H4384-4389)
- **Jul 23, 2001:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 10, 2001:** Reported (Amended) by the Committee on Judiciary. H. Rept. 107-125.
- **Jul 10, 2001:** Reported (Amended) by the Committee on Judiciary. H. Rept. 107-125.
- **Jul 10, 2001:** Placed on the Union Calendar, Calendar No. 70.
- **Jun 28, 2001:** Mr. Foley asked unanimous consent that the Committee on Judiciary have until midnight on July 6 to file a report on H.R. 2215. Agreed to without objection.
- **Jun 20, 2001:** Committee Consideration and Mark-up Session Held.
- **Jun 20, 2001:** Ordered to be Reported (Amended) by Voice Vote.
- **Jun 19, 2001:** Introduced in House
- **Jun 19, 2001:** Introduced in House
- **Jun 19, 2001:** Referred to the House Committee on the Judiciary.