

107TH CONGRESS
1ST SESSION

S. 1435

To provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2001

Mr. WYDEN (for himself and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide that covert investigative practices involving Federal attorneys in criminal investigations and prosecutions shall not be considered dishonest, fraudulent, deceitful, or misrepresentative, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Investigation
5 Enhancement Act of 2001”.

1 **SEC. 2. COVERT INVESTIGATIVE PRACTICES CONDUCTED**
2 **BY FEDERAL ATTORNEYS.**

3 Section 530B(a) of title 28, United States Code, is
4 amended by inserting after the first sentence, “Notwith-
5 standing any provision of State law, including disciplinary
6 rules, statutes, regulations, constitutional provisions, or
7 case law, a Government attorney may, for the purpose of
8 enforcing Federal law, provide legal advice, authorization,
9 concurrence, direction or supervision on conducting covert
10 activities, and participate in such activities, even though
11 such activities may require the use of deceit or misrepre-
12 sentation.”

○