

106TH CONGRESS
2D SESSION

H. R. 4105

To establish the Fair Justice Agency as an independent agency for investigating and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2000

Mr. TRAFICANT introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To establish the Fair Justice Agency as an independent agency for investigating and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice.

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 “Fair Justice Act of
5 2000”.

6 **SEC. 2. ESTABLISHMENT.**

7 There is established the Fair Justice Agency (in this
8 Act referred to as the “Agency”), which shall be an inde-

1 pendent agency in the executive branch of the Govern-
2 ment.

3 **SEC. 3. DIRECTOR.**

4 (a) IN GENERAL.—There is at the head of the Agen-
5 cy a Director, who shall be responsible for the exercise
6 of all powers and the discharge of all duties of the Agency.

7 (b) APPOINTMENT.—The Director shall be appointed
8 for a term of ten years by the President, by and with the
9 advice and consent of the Senate, from among persons
10 who, by reason of general background and experience, are
11 specially qualified to manage the full range of responsibil-
12 ities of the Director.

13 (c) PAY.—

14 (1) IN GENERAL.—The Director shall be paid
15 at the rate payable for level II of the Executive
16 Schedule.

17 (2) CONFORMING AMENDMENT.—Section 5313
18 of title 5, United States Code, is amended by adding
19 at the end the following item:

20 “Director, Fair Justice Agency.”.

21 (d) TRAVEL EXPENSES.—The Director and individ-
22 uals appointed under section 5(a) shall receive travel ex-
23 penses in accordance with sections 5702 and 5703 of title
24 5, United States Code.

25 (e) DISMISSAL.—

1 (1) IN GENERAL.—The Director may be dis-
2 missed only by the President for inefficiency, neglect
3 of duty, or malfeasance in office.

4 (2) REPORT.—Within five days after dismissing
5 a Director under this subsection, the President shall
6 submit to the Congress a report containing a de-
7 tailed statement of the reasons for the dismissal.

8 **SEC. 4. INVESTIGATIVE AND PROSECUTORIAL AUTHORITY.**

9 (a) IN GENERAL.—The Director may investigate and
10 prosecute any alleged misconduct, criminal activity, cor-
11 ruption, or fraud by an officer or employee of the Depart-
12 ment of Justice.

13 (b) SPECIFIC FUNCTIONS AND POWERS.—The au-
14 thority of the Director under subsection (a) shall include
15 the following:

16 (1) Conducting proceedings before grand juries
17 and other investigations.

18 (2) Participating in court proceedings and en-
19 gaging in any litigation, including civil and criminal
20 matters, that the Director considers necessary.

21 (3) Appealing any decision of a court in any
22 case or proceeding in which the Director participates
23 in an official capacity.

24 (4) Reviewing all documentary evidence avail-
25 able from any source.

1 (5) Determining whether to contest the asser-
2 tion of any testimonial privilege.

3 (6) Receiving appropriate national security
4 clearances and, if necessary, contesting in court (in-
5 cluding participating in camera proceedings) any
6 claim of privilege or attempt to withhold evidence on
7 grounds of national security.

8 (7) Making applications to any Federal court
9 for a grant of immunity to any witness, consistent
10 with applicable statutory requirements, or for war-
11 rants, subpoenas, or other court orders, and for pur-
12 poses of this Act exercising the authority of a
13 United States attorney or the Attorney General
14 under sections 6003, 6004, and 6005 of title 18,
15 United States Code.

16 (8) Inspecting, obtaining, or using the original
17 or a copy of any tax return, in accordance with the
18 applicable statutes and regulations, and, for pur-
19 poses of this Act exercising the authority vested in
20 a United States attorney or the Attorney General
21 under section 6103 of the Internal Revenue Code of
22 1986 and the regulations issued thereunder.

23 (9) Initiating and conducting prosecutions in
24 any court of competent jurisdiction, framing and
25 signing indictments, filing informations, and han-

1 dling all aspects of any case, in the name of the
2 United States.

3 (10) Consulting with the United States attorney
4 for the district in which any violation of law being
5 investigated or prosecuted by the Director is alleged
6 to have occurred.

7 **SEC. 5. OFFICERS AND EMPLOYEES**

8 (a) OFFICERS AND EMPLOYEES.—The Director may
9 appoint and fix the compensation of such officers and em-
10 ployees, including attorneys, as the Director considers ap-
11 propriate.

12 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE
13 LAWS.—Such officers and employees shall be appointed
14 subject to the provisions of title 5, United States Code,
15 governing appointments in the competitive service, and
16 shall be paid in accordance with the provisions of chapter
17 51 and subchapter III of chapter 53 of that title relating
18 to classification and General Schedule pay rates.

19 (c) EXPERTS AND CONSULTANTS.—The Director
20 may procure temporary and intermittent services under
21 section 3109(b) of title 5, United States Code, at rates
22 for individuals not to exceed the maximum rate payable
23 under the General Schedule.

1 **SEC. 6. ADMINISTRATIVE POWERS.**

2 (a) RULES.—The Director may prescribe such proce-
3 dural and administrative rules and regulations as the Di-
4 rector deems necessary or appropriate to administer and
5 manage the functions now or hereafter vested in the Direc-
6 tor.

7 (b) REORGANIZATION.—The Director may establish,
8 alter, consolidate, or discontinue such organizational units
9 or components within the Agency as the Director considers
10 appropriate.

11 (c) MAILS.—The Agency may use the United States
12 mails in the same manner and under the same conditions
13 as other departments and agencies of the United States.

14 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
15 the request of the Director, the Administrator of General
16 Services shall provide to the Agency, on a reimbursable
17 basis, the administrative support services necessary for the
18 Agency to carry out its responsibilities under this Act.

19 (e) CONTRACT AUTHORITY.—The Director may
20 enter into and perform such contracts, leases, cooperative
21 agreements, or other similar transactions with government
22 and private agencies or persons for supplies and services,
23 to the extent or in the amounts provided in advance in
24 appropriation Acts.

25 (f) SEAL OF AGENCY.—The Director shall cause a
26 seal of office to be made for the Agency of such design

1 as the Director shall approve. Judicial notice shall be
2 taken of such seal.

3 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated to the Direc-
5 tor to carry out this Act \$10,000,000 for fiscal year 2001,
6 \$15,000,000 for fiscal year 2002, and \$20,000,000 for fis-
7 cal year 2003.

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