Public Law 96-132
96th Congress

An Act

Nov. 30, 1979
[S. 1157]

To authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1980, and for other purposes.

Department of Justice Appropriation Authorization Act, Fiscal Year 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Department of Justice Appropriation Authorization Act, Fiscal Year 1980".

SEC. 2. There are authorized to be appropriated for the fiscal year ending September 30, 1980, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following amounts:

General administration.

(1) For General Administration, including—

(A) hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration; and

(C) for the management analysis under section 10 of this Act and for the preparation of the plan for case management information and tracking systems under section 11 of this Act:

$28,168,000.

United States Parole Commission.

(2) For the United States Parole Commission, including the hire of passenger motor vehicles: $5,555,000.

General legal activities.

(3) For General Legal Activities, including—

(A) the hire of passenger motor vehicles;

(B) miscellaneous and emergency expenses authorized or approved by the Attorney General, or the Deputy Attorney General, or the Associate Attorney General, or the Assistant Attorney General for Administration;

(C) not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate;

(D) advance of public moneys under section 3648 of the Revised Statutes (31 U.S.C. 529);

(E) pay for necessary accommodations in the District of Columbia for conferences and training activities;

Alien Property Funds, World War II.

(F) not to exceed $105,000 which may be transferred from the "Alien Property Funds, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia; and

(G) not to exceed $3,000,000, of which $2,300,000 shall be made available, for the investigation and prosecution of denaturalization and deportation cases involving alleged Nazi war criminals:

$111,748,000.

Antitrust Division.

(4) For the Antitrust Division, consumer protection and kindred laws, including not to exceed $4,000,000, to remain available until expended, for antitrust enforcement grants to the States

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

under section 309 of the Omnibus Crime Control and Safe Streets Act of 1968, as such Act existed on September 30, 1979: $48,592,000.

42 USC 3739.

(5) For United States Attorneys, Marshals, and Trustees, including—

United States attorneys, marshals, and trustees.

(A) purchase of firearms and ammunition;

(B) lease and acquisition of law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(C) supervision of United States prisoners in non-Federal institutions;

(D) bringing to the United States from foreign countries persons charged with crime; and

(E) acquisition, lease, maintenance, and operation of aircraft:

$242,573,000.

(6) For Support of United States Prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursements to Saint Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by section 2 of the Act entitled "An Act to authorize certain expenditures from the appropriations of Saint Elizabeths Hospital, and for other purposes", approved August 4, 1947 (24 U.S.C. 168a): $25,100,000.

United States prisoners, support in non-Federal institutions.

(7) For Fees and Expenses of Witnesses, including expenses, mileage, compensation, and per diems of witnesses in lieu of subsistence, as authorized by law; including advances of public moneys: $27,052,000, but no sums authorized to be appropriated by this Act shall be used to pay any witness more than one attendance fee for any one calendar day.

Witnesses, fees and expenses.

(8) For the Community Relations Service: $5,428,000.

Community Relations Service.

(9) For the Federal Bureau of Investigation for—

Federal Bureau of Investigation.

(A) expenses necessary for the detection and prosecution of crimes against the United States;

(B) protection of the person of the President of the United States and the person of the Attorney General;

(C) acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies;

(D) such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General;

(E) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(F) acquisition, lease, maintenance, and operation of aircraft; firearms and ammunition; payment of rewards;

(G) benefits in accordance with those provided under sections 911 (9) through (11), 942, and 945 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (9) through (11), 1157, and 1160), under regulations prescribed by the Secretary of State; and

(H) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direc-

tion of the Attorney General and to be accounted for solely on his certificate:

$584,408,000. None of the sums authorized to be appropriated by this Act for the Federal Bureau of Investigation shall be used to pay the compensation of any employee in the competitive service. Using sums authorized to be appropriated by this Act, the Federal Bureau of Investigation shall classify the offense of arson as a part I crime in its Uniform Crime Reports.

Arson, classification.

Immigration and Naturalization Service.

(10) For the Immigration and Naturalization Service, for expenses necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including—

(A) advance of cash to aliens for meals and lodging while en route;

(B) payment of allowances to aliens, while held in custody under the immigration laws, for work performed;

(C) payment of expenses and allowances incurred in tracking lost persons as required by public exigencies in aid of State or local law enforcement agencies;

(D) payment of rewards;

(E) not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate;

(F) purchase for police-type use without regard to the general purchase price limitation for the current fiscal year and hire of passenger motor vehicles;

(G) acquisition, lease, maintenance, and operation of aircraft;

(H) firearms and ammunition and attendance at firearms matches;

(I) operation, maintenance, remodeling and repair of buildings, and the purchase of equipment incident thereto;

(J) refunds of maintenance bills, immigration fines, and other items properly returnable except deposits of aliens who become public charges and deposits to secure payment of fines and passage money;

(K) payment of interpreters and translators who are not citizens of the United States and distribution of citizenship textbooks to aliens without cost to such aliens;

(L) acquisition of land as sites for enforcement fences, and construction incident to such fences;

(M) benefits in accordance with those provided under sections 911 (9) through (11), 942, and 945 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (9) through (11), 1157, and 1160) under regulations prescribed by the Secretary of State; and

(N) research related to immigration enforcement which shall remain available until expended:

$319,386,000, of which not to exceed $50,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

Drug Enforcement Administration.

(11) For the Drug Enforcement Administration for its activities, including—

(A) hiring and acquiring law enforcement and passenger motor vehicles without regard to the general purchase price limitation for the current fiscal year;

(B) paying in advance for special tests and studies by contract;

(C) paying in advance for expenses arising out of contractual and reimbursable agreements with State and local law enforcement and regulatory agencies while engaged in cooperative enforcement and regulatory activities in accordance with section 503a(2) of the Controlled Substances Act (21 U.S.C. 873(a)(2));

(D) paying expenses not to exceed $70,000 to meet unforeseen emergencies of a confidential character to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate;

(E) paying rewards;

(F) paying for publication of technical and informational material in professional and trade journals; purchase chemicals, apparatus, and scientific equipment;

(G) paying for necessary accommodations in the District of Columbia for conferences and training activities;

(H) acquiring, leasing, maintaining, and operating aircraft;

(I) research related to enforcement and drug control to remain available until expended;

(J) contracting with individuals for personal services abroad, and such individuals shall not be regarded as employees of the United States Government for the purpose of any law administered by the Office of Personnel Management;

(K) benefits in accordance with those provided under sections 911 (9) through (11), 942, and 945 of the Foreign Service Act of 1946 (22 U.S.C. 1136 (9) through (11), 1157, and 1160), under regulations prescribed by the Secretary of State; and

(L) paying for firearms and ammunition and attendance at firearms matches:

$198,336,000, including such sums as are authorized by section 709(a) of the Controlled Substances Act (21 U.S.C. 904(a)), for the fiscal year ending September 30, 1980.

(12) For the Federal Prison System: $349,789,770, including the following:

Federal Prison System.

(A)(i) For the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions, and not to exceed $28,168,770 for inmate medical services within the system, and not to exceed $100,000 for inmate legal services within the system;

(ii) purchase and hire of law enforcement and passenger motor vehicles;

(iii) compilation of statistics relating to prisoners in Federal penal and correctional institutions;

(iv) assistance to State and local governments to improve their correctional systems;

(v) purchase of firearms and ammunition; medals and other awards;

(vi) payment of rewards;

(vii) purchase and exchange of farm products and livestock;

(viii) construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18 of the United States Code; and

(ix) transfer to the Health Services Administration of such amounts as may be necessary, in the discretion of the

42 USC 250a.

Attorney General, for the direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

Federal Prison Industries, Inc.

(B) For Federal Prison Industries, Incorporated, to make such expenditures, within the limits of funds and borrowing authority, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Control Corporation Act, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase and hire of passenger motor vehicles.

31 USC 849.

(C) For planning, acquisition of sites and construction of new facilities, and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, to remain available until expended, and the labor of United States prisoners may be used for work performed with sums authorized to be appropriated by this clause.

(D) For carrying out the provisions of sections 4351 through 4353 of title 18 of the United States Code, which establishes a National Institute of Corrections, to remain available until expended.

National Institute of Corrections.

SEC. 3. (a) None of the sums authorized to be appropriated by this Act may be used to pay the compensation of any person employed after the date of the enactment of this Act as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

(b) The Department of Justice shall not be required to absorb from sums appropriated pursuant to the authorization provided in this Act, other than sums appropriated pursuant to section 4(f) of this Act, any increases in salary, pay, retirement, and other employee benefits authorized by law, or other nondiscretionary costs.

Message-switching.

(c) None of the sums authorized to be appropriated in this Act may be used for the purposes of engaging in the activity of message-switching until such time as the Committees on the Judiciary of the House of Representatives and Senate have each given their approval.

Definition.

For the purposes of this subsection, the term "message-switching" means the use of electronic equipment to receive a message, store that message until an outgoing line is available, and then retransmit the message without any direct connection between the line on which the message was received and the line on which the message is retransmitted.

SEC. 4. (a) Sums authorized to be appropriated by this Act which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

(b) Sums authorized to be appropriated by this Act may be used for the purchase of insurance for motor vehicles and aircraft operated in official Government business in foreign countries.

(c) Sums authorized to be appropriated by this Act for salaries and expenses shall be available for services as authorized by section 3109 of title 5 of the United States Code.

(d) Sums authorized to be appropriated by this Act to the Department of Justice may be used, in an amount not to exceed $31,000, for official reception and representation expenses in accordance with

distributions, procedures, and regulations established by the Attorney General.

(e) Sums authorized to be appropriated by this Act may be used for—

(1) expenses of primary and secondary schooling for dependents of personnel stationed outside the continental United States at cost not in excess of those authorized by the Department of Defense for the same area, when it is determined by the Attorney General that schools available in the locality are unable to provide adequately for the education of such dependents; and

(2) transportation of those dependents between their place of residence and schools serving the area which those dependents would normally attend when the Attorney General, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation.

(f) There are authorized to be appropriated for the fiscal year ending September 30, 1980, such sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs.

(g) Sums authorized to be appropriated for "Salaries and expenses, General Administration", "Salaries and expenses, United States Attorneys, and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons" may be used for uniforms and allowances as authorized by sections 5901 and 5902 of title 5 of the United States Code.

(h) The first sentence of section 5924(4)(B) of title 5 of the United States Code is amended by inserting "the Department of Justice," after "the International Communication Agency,".

SEC. 5. Section 5315(19) of title 5 of the United States Code is amended by striking out "Assistant Attorneys General (9)" and inserting in lieu thereof "Assistant Attorneys General (10)".

SEC. 6. Notwithstanding the second of the paragraphs relating to salaries and expenses of the Federal Bureau of Investigation in the Department of Justice Appropriation Act, 1973 (86 Stat. 1115), sums authorized to be appropriated by this Act for such salaries and expenses may be used for the purposes described in such paragraph until, but not later than, the end of the fiscal year ending September 30, 1980.

Undercover operation.

SEC. 7. (a) With respect to any undercover investigative operation of the Federal Bureau of Investigation which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

(1) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used for leasing space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 665(a)), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 529), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(2) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act may be used to establish or to acquire proprietary corporations or business entities as part of an under-

cover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 869);

(3) sums authorized to be appropriated for the Federal Bureau of Investigation by this Act, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 521); and

(4) the proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484);

only upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Associate Director) and the Attorney General (or, if designated by the Attorney General, the Deputy Attorney General) that any action authorized by paragraph (1), (3), or (4) of this subsection is necessary for the conduct of such undercover operation.

(b) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under paragraphs (3) and (4) of subsection (a) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation, as much in advance as the Director or his designee determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

28 USC 533 note.

(d)(1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1979, and—

(A) report the results of each audit in writing to the Department of Justice, and

(B) report annually to the Congress concerning these audits.

"Undercover operation."

(2) For the purposes of paragraph (1), "undercover operation" means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation—

(A) in which the gross receipts exceed $50,000, and

(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)).

SEC. 8. During the fiscal year for which appropriations are authorized by this Act, each organization of the Department of Justice, through the appropriate office within the Department of Justice, shall notify in writing the Committees on the Judiciary, of the House of Representatives and the Senate, and other appropriate committees, and the ranking Minority members thereof, a minimum of 15 days before—

(1) reprograming of funds in excess of $250,000 or 10 percent, whichever is less, between the programs within the offices, divisions, and boards as defined in the Department of Justice's

program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives;

(2) reprograming of funds in excess of $500,000 or 10 percent, whichever is less, between programs within the Bureaus as defined in the Department of Justice's program structure submitted to the Committees on the Judiciary of the Senate and House of Representatives;

(3) any reprograming action which involves less than the amounts specified in paragraphs (1) and (2) if such action would have the effect of significant program changes and committing substantive program funding requirements in future years;

(4) increasing personnel or funds by any means for any project or program for which funds or other resources have been restricted;

(5) creation of new programs or significant augmentation of existing programs;

(6) reorganization of offices or programs; and

(7) significant relocation of offices or employees.

SEC. 9. (a) The Attorney General shall perform periodic evaluations of the overall efficiency and effectiveness of the Department of Justice programs and any supporting activities funded by appropriations authorized by this Act and annual specific program evaluations of selected subordinate organization's programs, as determined by priorities set either by the Congress or the Attorney General.

(b) Subordinate Department of Justice organizations and their officials shall provide all necessary assistance and cooperation in the conduct of the evaluation, including full access to all information, documentation, and cognizant personnel, as required.

(c) Completed evaluations shall be made available to the Committees on the Judiciary of the Senate and House of Representatives, and other appropriate committees.

(d) If the Committee on the Judiciary of either the Senate or the House of Representatives requests the Attorney General to perform an evaluation of the kind described in subsection (a) of this section, the Attorney General shall submit to the committee making the request, not later than 30 days after the date the request is made, a design and timetable for making the requested evaluation. If the projected time period for completing the evaluation exceeds 6 months, the Attorney General shall, during the course of the evaluation, submit intermittent reports on the progress of the evaluation to the committee making the request.

Immigration and Naturalization Service, management analysis.
8 USC 1551 note.
Report to congressional committees.

SEC. 10. The Attorney General shall make arrangements with an appropriate entity for an independent comprehensive management analysis of the operations of the Immigration and Naturalization Service for the purpose of making such operations efficient and cost effective. After the completion of such analysis, the Attorney General shall promptly submit a report to the appropriate committees of Congress on the results of such analysis together with any administrative or legislative recommendations of the Attorney General to improve the operations of the Service.

Plan, submittal to congressional committees.
28 USC 519 note.

SEC. 11. (a) Not later than April 15, 1980, the Attorney General, after consultation with the Director of the Executive Office of United States Attorneys and such Assistant Attorneys General as he shall deem appropriate, shall prepare and submit to the Committees on the Judiciary of the Senate and House of Representatives a plan for the activation and coordination, within the Department, of compatible, comprehensive case management information and tracking systems for each of the judicial districts of the United States, as described in

chapter 5 of title 28 of the United States Code and for each of the divisions of the Department.

(b) Such plan shall—

(1) incorporate into the design of such systems all matters and cases involving the United States Attorneys and, where relevant, other departmental resources;

(2) make provision for identifying and retrieving all relevant data, including—

(A) complete individual case information from intake or commencement of investigation to final disposition, including identification of the division or office primarily responsible for the case;

(B) complete information on decisions not to prosecute or litigate alleged violations of the laws of the United States, the stage of the proceedings at which such decisions are made, and the reasons for such decisions; and

(C) identification of the local, State, or Federal governmental organization, including any organization within the Department of Justice, referring each case for prosecution or litigation;

(3) take into account the importance of identifying investigations, prosecutions, and litigation in areas which the Attorney General may from time to time designate as high priority;

(4) consider the application of a case weighting system for evaluating prosecutorial and litigation decisions, dedication of resources, and case management and disposition by all departmental personnel involved;

(5) emphasize as a goal maximum data retrieval and utilization; and

(6) include a timetable for implementation of the plan and the costs for implementation.

28 USC 509 note.

SEC. 12. The Attorney General may, with the concurrence of any agency or Department with primary enforcement responsibility for an environmental or natural resource law, investigate any violation, of an environmental or natural resource law of the United States, and bring such actions as are necessary to enforce such laws. This section does not affect the criminal law enforcement authority of the Attorney General.

SEC. 13. Section 709 of the Controlled Substances Act (21 U.S.C. 904(b)) is amended by adding after subsection (b) the following new subsection:

"(c) Notwithstanding section 2680(k) of title 28, United States Code, the Attorney General, in carrying out the functions of the Department of Justice under this title, is authorized to pay tort claims in the manner authorized by section 2672 of title 28, United States Code, when such claims arise in a foreign country in connection with the operations of the Drug Enforcement Administration abroad.".

SEC. 14. Section 511(d) of the Controlled Substances Act (21 U.S.C. 881(d)) is amended by—

(1) striking out "All provisions" and inserting in lieu thereof "The provisions", and

(2) striking out "and the award of compensation to informers in respect of such forfeitures".

SEC. 15. Section 709(a) of the Controlled Substances Act (21 U.S.C. 904) is amended—

(1) by striking out "and" after "1978,", and

(2) by inserting after "1979," the following: "and $198,336,000 for the fiscal year ending September 30, 1980,".

SEC. 16. (a) Paragraph (4) of section 102 of the Controlled Substances Act (21 U.S.C. 802(4)) is amended to read as follows:

"(4) The term 'Drug Enforcement Administration' means the Drug Enforcement Administration in the Department of Justice.". "Drug Enforcement Administration."

(b) Sections 508 and 516 of such Act (21 U.S.C. 878, 886) are each amended by striking out "Bureau of Narcotics and Dangerous Drugs" each place it occurs and inserting in lieu thereof "Drug Enforcement Administration".

(c) Section 513 of such Act (21 U.S.C. 883) is amended—

(1) by striking out "Director of the Bureau of Narcotics and Dangerous Drugs" and inserting in lieu thereof "Administrator of the Drug Enforcement Administration"; and

(2) by striking out "Director may" and inserting in lieu thereof "Administrator may".

SEC. 17. (a) In addition to any other sums appropriated by this Act, there are authorized to be appropriated $5,000,000, to remain available until expended, for financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all support activities related thereto.

(b) The Attorney General shall, in accordance with section 553 of title 5 of the United States Code promulgate regulations establishing criteria under which such cooperative enforcement agencies may qualify for financial assistance under this section. Regulations.

SEC. 18. (a) On or before September 1, 1980, the Attorney General shall submit to Congress— Plan, submittal to Congress.

(1) a plan to assure the closure of the United States Penitentiary at Atlanta, Georgia, by September 1, 1984; and

(2) a plan to alter the function of the United States Penitentiary at Leavenworth, Kansas, to that of a modern correctional institution by September 1, 1985.

(b) The plan prepared under this section shall prohibit the use of the United States Penitentiary at Atlanta, Georgia, as a correctional institution by a State or political subdivision after the closure of the institution by the Federal Government.

SEC. 19. In addition to any other sums that are authorized to be appropriated by this Act, there are authorized to be appropriated $2,600,000, for planning and site acquisition of a Federal detention facility in Los Angeles County, California.

SEC. 20. (a) The National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration are authorized to use funds, and to authorize States to use funds, for programs, projects or events devoted to the international aspects of crime prevention and criminal justice. 42 USC 3793 note.

(b) Notwithstanding any other provision of law, the State of California is authorized to utilize the proceeds of block grants awarded during fiscal year 1979 or fiscal years previous thereto to fund the 1980 Congress on the Prevention of Crime and Treatment of Offenders.

SEC. 21. (a) The Attorney General shall, during the fiscal year for which appropriations are authorized by this Act, transmit a report to each House of the Congress in any case in which the Attorney General— Report to Congress. 28 USC 519 note.

(1) establishes a policy to refrain from the enforcement of any provision of law enacted by the Congress, the enforcement of which is the responsibility of the Department of Justice, because of the position of the Department of Justice that such provision of law is not constitutional; or

(2) determines that the Department of Justice will contest, or will refrain from defending, any provision of law enacted by the Congress in any proceeding before any court of the United States, or in any administrative or other proceeding, because of the position of the Department of Justice that such provision of law is not constitutional.

(b) Any report required in subsection (a) shall be transmitted not later than 30 days after the Attorney General establishes the policy specified in subsection (a)(1) or makes the determination specified in subsection (a)(2). Each such report shall—

(1) specify the provision of law involved;

(2) include a detailed statement of the reasons for the position of the Department of Justice that such provision of law is not constitutional; and

(3) in the case of a determination specified in subsection (a)(2), indicate the nature of the judicial, administrative, or other proceeding involved.

(c) If, during the fiscal year for which appropriations are authorized by this Act, the Attorney General determines that the Department of Justice will contest, or will refrain from defending, any provision of law enacted by the Congress in any proceeding before any court of the United States, or in any administrative or other proceeding, because of the position of the Department of Justice that such provision of law is not constitutional, then the representative of the Department of Justice participating in such proceeding shall make a declaration in such proceeding that such position of the Department of Justice regarding the constitutionality of the provision of law involved constitutes the position of the executive branch of the United States with respect to such matter.

Office of Special Investigator, Immigration and Naturalization Service, creation.
8 USC 1551 note.

SEC. 22. (a) In order to create an independent and objective unit—

(1) to conduct and supervise audits and investigations relating to programs and operations of the Immigration and Naturalization Service,

(2) to provide leadership and coordination and recommend policies for activities designed (A) to promote economy, efficiency, and effectiveness in the administration of, and (B) to prevent and detect fraud and abuse in, such programs and operations, and

(3) to provide a means for keeping the Commissioner of the Immigration and Naturalization Service and the Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations and the necessity for and progress of corrective action,

there is hereby established in the Immigration and Naturalization Service of the Department of Justice an Office of Special Investigator (hereinafter in this section referred to as "the Office").

(b)(1) There shall be at the head of the Office a Special Investigator (hereinafter in this section referred to as "the Special Investigator") who shall be appointed by the Attorney General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Special Investigator shall report to and be under the general supervision of the Commissioner, who shall not prevent or prohibit the Special Investigator from initiating, carrying out, or completing any audit or investigation, or from issuing any subpena during the course of any audit or investigation.

(2) The Special Investigator may be removed from office by the Attorney General. The Attorney General shall communicate the reasons for any such removal to both Houses of Congress.

(3) For the purposes of section 7324 of title 5 of the United States Code, the Special Investigator shall not be considered to be an employee who determines policies to be pursued by the United States in the nationwide administration of Federal laws.

(4) The Special Investigator shall, in accordance with applicable laws and regulations governing the civil service—

(A) appoint an Assistant Special Investigator for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Service, and

(B) appoint an Assistant Special Investigator for Investigations who shall have the responsibility for the performance of investigative activities relating to such programs and operations.

(c) The following provisions of the Inspector General Act of 1978 (Public Law 95-452) shall apply to the Special Investigator, the Office, the Commissioner, and the Service under this section in the same manner as those provisions apply to an Inspector General, an Office, the head of the establishment, and an establishment under such Act:

92 Stat. 1101.
5 USC app.

(1) Section 4 (relating to duties and responsibilities of an Inspector General and the manner in which they are carried out).

92 Stat. 1102.
5 USC app.

(2) Section 5 (relating to reports required to be prepared and furnished by or to an Inspector General and their transmittal and availability).

92 Stat. 1103.
5 USC app.

(3) Section 6 (relating to the authority of an Inspector General and related administrative provisions).

92 Stat. 1104.
5 USC app.

(4) Section 7 (relating to the treatment of employee complaints by an Inspector General).

92 Stat. 1105.
5 USC app.

(d) The Attorney General is authorized to appoint such staff as may be necessary to carry out this section.

(e) For purposes of this section—

Definitions.

(1) the term "Service" means the Immigration and Naturalization Service;

(2) the term "Department" means the Department of Justice; and

(3) the term "Commissioner" means the Commissioner of Immigration and Naturalization.

(f) The Special Investigator shall be compensated at the rate then payable under section 5316 of title 5 of the United States Code for level V of the Executive Schedule.

(g) The provisions of this section shall take effect on the date of the enactment of this Act and shall cease to have effect the earlier of—

(1) 3 years after the date of the enactment of this Act; and

(2) the establishment of an office of inspector general for the Department of Justice.

(h) In addition to any other sums authorized to be appropriated by this Act, there are authorized to be appropriated $376,000 for the fiscal year ending September 30, 1980 to carry out this section.

SEC. 23. Section 4 of the Act entitled "An Act to amend section 201 (a), 202(c) and 203(a) of the Immigration and Nationality Act, as amended, and to establish a Select Commission on Immigration and Refugee Policy", approved October 5, 1978 (92 Stat. 907; 8 U.S.C. 1151 note), is amended—

(1) in subsection (b)(2), by striking out "receive the sum of $100" and inserting in lieu thereof "be compensated at a rate not to exceed the daily equivalent of the rate then payable for grade

92 Stat. 907.

GS-18 in the General Schedule under section 5332 of title 5, United States Code,";

92 Stat. 908. (2) in subsection (d)(7), by striking out "September 30, 1980" and inserting in lieu thereof "March 1, 1981";

92 Stat. 908. (3) in subsection (e)(1), by inserting after "detailed to the Commission" the following: "without reimbursement";

92 Stat. 909. (4) in subsection (i), by striking out "$700,000" and inserting in lieu thereof "$2,450,000, to remain available until expended,"; and

92 Stat. 909. (5) by amending subsection (j) to read as follows:

"(j) The Commission is authorized to procure temporary and intermittent services of experts and consultants as are necessary to the extent authorized by section 3109 of title 5, United States Code, but at rates not to exceed the daily equivalent of the rate then payable for grade GS-18 in the General Schedule under section 5332 of such title.".

Approved November 30, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-99, Pt. 1 (Comm. on the Judiciary), Pt. 2 (Comm. on Intelligence), and Pt. 3 (Comm. on Interstate and Foreign Commerce), all accompanying H.R. 3303, and No. 96-628 (Comm. of Conference).

SENATE REPORTS: No. 96-173 (Comm. on the Judiciary) and No. 96-418 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 4, considered and passed Senate.

Oct. 16, H.R. 3303 considered and passed House; passage vacated and S.1157, amended, passed in lieu.

Nov. 27, House and Senate agreed to conference report.