

### OFFICE OF CONGRESSIONAL AFFAIRS Routing Slip

	ACTION	INFO
1. D/OCA		X
2. DD/Legislation	XXX	
3. DD/Senate Affairs		X
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5. DD/House Affairs		X
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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

OCA 0231-89

March 10, 1989

STAT

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer:

- Department of State - Bronwyn Bachrach (647-4463)
- General Services Administration - Al Vicchiolla (523-3956)
- Office of Personnel Management - Jim Woodruff (632-5524)
- Department of Health & Human Services - Frances White (245-7760)
- Department of the Treasury - Carole Toth (566-8523)

✓ Central Intelligence Agency -

STAT

SUBJECT: Department of Justice draft bill - Fiscal Year 1990  
Appropriation Authorization.

The Office of Management and Budget requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

A response to this request for your views is needed no later than Friday, March 17, 1989.

Questions should be referred to Branden Blum (395-3454), the legislative attorney in this office.

*James J. Jones*  
James J. Jones for  
Assistant Director for  
Legislative Reference

Enclosures

- |             |            |              |
|-------------|------------|--------------|
| cc: A. Raul | M. Sloan   | G. Jones     |
| E. Rea      | B. Damus   | F. Seidl     |
| T. Davis    | L. Guzzi   | H. Schreiber |
| K. Laborde  | J. Donahue | R. Veeder    |

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Jim Wright  
The Speaker  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

On behalf of the Attorney General, I hereby transmit for the consideration of the Congress the proposed 1990 Department of Justice Authorization Act.

The Department's proposed Authorization Act is in four parts. Title I contains the authorization of appropriations for the various activities of the Department of Justice. Title II amends Title 28 of the United States Code and contains permanent spending authorities that, for the most part, codify existing authorities applicable to the Department of Justice. Title III contains additional legislation, including spending authorities not codified in Title 28, United States Code. Title IV contains provisions terminating certain grant programs.

The Office of Management and Budget has advised this Department that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

Thomas M. Boyd  
Assistant Attorney General

Enclosure

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Dan Quayle  
President of the Senate  
United States Senate  
Washington, D.C. 20510

Dear Mr. President:

On behalf of the Attorney General, I hereby transmit for the consideration of the Congress the proposed 1990 Department of Justice Authorization Act.

The Department's proposed Authorization Act is in four parts. Title I contains the authorization of appropriations for the various activities of the Department of Justice. Title II amends Title 28 of the United States Code and contains permanent spending authorities that, for the most part, codify existing authorities applicable to the Department of Justice. Title III contains additional legislation, including spending authorities not codified in Title 28, United States Code. Title IV contains provisions terminating certain grant programs.

The Office of Management and Budget has advised this Department that enactment of this legislative proposal would be in accord with the program of the President.

Sincerely,

Thomas M. Boyd  
Assistant Attorney General

Enclosure

## A BILL

To authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1990 and for other purposes.

*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 1990."

### TITLE I

#### 1990 Fiscal Year Authorization

**SEC. 101** There are authorized to be appropriated for the fiscal year ending September 30, 1990, to carry out the activities of the Department of Justice (including any bureau, office, board, division, commission, or subdivision thereof) the following sums:

(1) For General Administration, Salaries and Expenses: \$99,325,000;

(2) For the Office of Inspector General: \$19,433,000;

(3) For the United States Parole Commission: \$10,335,000;

(4) For General Legal Activities: \$298,567,000; provided that:

(A) not to exceed \$80,000 may be transferred from the "Alien Property Funds, World War II," for the general administrative expenses of alien property activities;

(B) not to exceed \$20,000 for expenses necessary in the collection of evidence may be expended under the direction of the Attorney General and accounted for solely on the certificate of the Attorney General;

(C) not to exceed \$6,000,000 shall remain available until September 30, 1991 for litigation-support contracts;

(D) not to exceed \$12,160,000 shall remain available until expended for office automation systems for legal activities, including legal activities of the Antitrust Division and the United States Attorneys and the activities of offices funded under the General Administration, Salaries and Expenses, appropriation; and

(E) not to exceed \$5,751,000 shall be available to fund the activities of the United States National Central Bureau of INTERPOL;

(5) For the Antitrust Division: \$47,222,000;

(6) For the Foreign Claims Settlement Commission: \$440,000;

(7) For the United States Attorneys: \$470,961,000; and in addition, \$5,000,000, which shall remain available until September 30, 1991, for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services pertinent to debt collection, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations related to locating debtors and their property, and (3) paying expenses of cost of sales of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs;

(8) For the United States Marshals Service: \$228,846,000; Provided, That notwithstanding the provisions of title 31 U.S.C. 3302, the Director of the United States Marshals Service may collect fees and expenses for the service of civil process, including: complaints, summonses, subpoenas and similar process; and seizures, levies, and sales associated with judicial orders of execution; and not to exceed \$1,000,000 of such fees shall be credited to this appropriation to be used for salaries and other expenses incurred in providing these services;

(9) For the Support of United States Prisoners in non-Federal institutions: \$147,034,000; which shall remain available until expended and of which not to exceed \$15,000,000 shall be available until expended under the Cooperative Agreement Program for the purpose of renovating, constructing, and equipping state and local correctional facilities;

(10) For Fees and Expenses of Witnesses: \$56,784,000; which shall remain available until expended; and which shall include not to exceed \$1,690,000 for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites;

(11) For the Community Relations Service: \$29,609,000 of which not to exceed \$21,606,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses necessary under section 501(c) of the Refugee Education Assistance Act of 1980, (P.L. 96-422);

(12) For the United States Trustee System Fund: \$62,777,000; to remain available until expended and to be derived from the Fund, provided that deposits to the fund are available in such amounts as may be necessary to pay refunds due depositors;

(13) For the Assets Forfeiture Fund: \$100,000,000, to be derived from the Fund, as may be necessary for the payment of expenses as authorized by 28 U.S.C. 524(c)(1)(A)(ii),(B),(C),(F) and (G); provided that of funds otherwise available, not to exceed \$237,729,000 is available for expenses otherwise authorized by 28 U.S.C. 524 (c)(1);

(14) For Organized Crime Drug Enforcement: \$214,921,000; for expenses, not otherwise provided for, for the investigation and prosecution of individuals involved in organized crime drug trafficking;

(15) For the Federal Bureau of Investigation: \$1,530,885,128 which shall include

(A) 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 the certificate of the Attorney General or the Deputy Attorney General;

(B) not to exceed \$15,100,000 for INF treaty activities which shall remain available until expended;

(C) not to exceed \$8,000,000 which shall remain available until expended for research and development relating to investigative activities;

(D) not to exceed \$25,000,000 which shall remain available until September 30, 1991, for automated data processing and telecommunications; not to exceed \$1,000,000 which shall remain available until September 30, 1991, for undercover operations;

(E) \$7,500,000 for a language translation system shall remain available until expended;

(F) not to exceed \$45,000 for official reception and representation expenses;

(16) For the Drug Enforcement Administration: \$551,181,000; which shall include

(A) 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 the certificate of the Attorney General or the Deputy Attorney General;

(B) not to exceed \$1,200,000 shall remain available until expended for research;

(C) not to exceed \$1,700,000, shall remain available until September 30, 1991 for the purchase of evidence and for payments for information;

(D) not to exceed \$9,638,000 shall remain available until September 30, 1991 for automatic data processing and telecommunications; and not to exceed \$2,000,000 shall remain available until September 30, 1991 for technical and laboratory equipment;

(17) For the Immigration and Naturalization Service: \$866,459,000; which shall include:

(A) not to exceed \$50,000 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 the certificate of the Attorney General or the Deputy Attorney General;

(B) not to exceed \$400,000 which shall remain available until expended for research;

(C) funds for the purchase of uniforms without regard to the general purchase price limitation for the current fiscal year;

(18) For the Federal Prison System, including the National Institute of Corrections: \$1,563,998,000 which shall include

(A) \$10,112,000 which shall remain available until expended for carrying out the provisions of sections 4351 thru 4353 of Title 18, United States Code, which established a National Institute of Corrections;

(B) \$401,332,000 which shall remain available until expended for planning, acquisition of sites and construction of new facilities; and for the purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional institutions; and for the payment of United States prisoners for work performed in these activities; and that not to exceed 10 per centum of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and expenses," Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of both the House and Senate; and

(C) funds for the purchase of uniforms without regard to the general purchase price limitation for the current fiscal year;

**SEC. 102.** A total of not to exceed \$75,000 from funds authorized to be appropriated to the Department of Justice by this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

**SEC. 103.** The Attorney General may transfer up to two per centum of any appropriation made to the Department of Justice to any other such appropriation, but no such appropriation shall be increased by more than two per centum by any such transfers.



## TITLE II

### Permanent Enabling Legislation

**SEC. 201** Part II of Title 28, United States Code, is amended by inserting after chapter 37 the following new chapter:

"Chapter 38 - GENERAL AUTHORIZATIONS - DEPARTMENT OF JUSTICE

"Sec.

"577. General Authorizations - Department of Justice

"578. Authorizations and Exemptions Available for Undercover Investigative Operations

"579. Reimbursement of Litigation Expenses.

"577. General Authorizations - Department of Justice

"(a) The Attorney General is authorized to use Department of Justice appropriations to make payments for the conduct of the activities of the Department of Justice. Such payments may include payments for:

"(1) expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law, without regard to the competitive procurement requirements of Title 15 and Title 41, United States Code; provided that no witness shall be paid more than one attendance fee for any one calendar day;

"(2) advances of public moneys under 31 U.S.C. 3324; provided that travel advances to law enforcement personnel engaged in undercover activity shall be deemed public monies within the meaning of 31 U.S.C. 3527;

"(3) planning, acquisition of sites and construction of special purpose law enforcement type facilities; and construction, operation, remodeling and repair of law enforcement type buildings and facilities used for law enforcement purposes; and the purchase of necessary equipment and the payment of necessary expenses directly related to the conduct of these activities;

"(4) contracting or engaging in cooperative agreements with public or private organizations or entities for the safekeeping, evaluation, treatment, care and subsistence of persons held under any legal authority;

"(5) the lease or purchase of passenger motor vehicles; provided that motor vehicles for police type use may be purchased for law enforcement purposes without regard to the general purchase price limitation for the fiscal year during which such a purchase is effected;

"(6) the purchase of firearms and ammunition for use by law enforcement officers and security personnel, and the participation in firearms competitions;

"(7) the confidential lease of surveillance sites for law enforcement purposes;

"(8) the acquisition, lease, maintenance and operation of aircraft for law enforcement purposes;

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

"(10) official reception and representation expenses;

"(11) attendance at meetings;

"(12) expenses for conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs;

"(13) training in the United States and abroad for foreign law enforcement personnel, with the concurrence of the Secretary of State, as a counterpart to similar training programs designed for state and local officers;

"(14) services of experts and consultants as authorized by 5 U.S.C. 3109 and at rates of pay for individuals up to but not exceeding the daily rate payable for GS-18 of the General Schedule in 5 U.S.C. 5332;

"(15) services of interpreters and translators who are not citizens of the United States;

"(16) payment of rewards, the purchase of evidence and payment for information in connection with law enforcement;

"(17) the purchase of insurance for motor vehicles, boats and aircraft operated in official government business in foreign countries; and

"(18) benefits for employees serving overseas as authorized under section 901(3),(5),(6),(8),(9),(11),(15) and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081(3),(5),(6), (8),(9),(11),(15) and 22 U.S.C. 4084), and under regulations issued by the Secretary of State.

"(b) The Attorney General is authorized to collect fees from state, local or private agencies or members of the public to defray all or part of the costs of any service which the Department of Justice may provide to such agencies or individuals. Any fees collected shall be credited to the appropriation accounts used to pay the expenses incurred in providing the service and shall be available in those accounts to the extent specified in appropriations acts.

"(c)(1) The Attorney General is authorized to accept and utilize, on behalf of the United States, any gift, donation, or bequest of real or personal property for the purpose of aiding or facilitating the work of the Department of Justice, including Federal Prison Industries, Inc. No gift may be accepted:

"(A) that attaches conditions inconsistent with applicable laws or regulations,  
or

"(B) that is conditioned upon or will require the expenditure of appropriated funds unless such expenditure has been authorized by Act of Congress.

"(2) The Attorney General shall promulgate rules for accepting gifts pursuant to this provision, to ensure, among other things, that no gifts are accepted under circumstances that will create a conflict of interest for the Department of Justice.

"(3) Gifts and bequests of money, as well as the proceeds from sales of property received as gifts or bequests that were not immediately usable by the Department of Justice, shall be credited to any appropriation or fund and shall remain available until expended, upon order of the Attorney General.

"(4) Gifts, bequests of property, and property acquired from the proceeds credited to appropriations or funds pursuant to subsection (3), and which are no longer required by the Department of Justice for its needs and the discharge of its responsibilities, shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

"(5) Property accepted pursuant to this section and the proceeds credited to appropriations of funds pursuant to subsection (3) shall be used as nearly as practicable in accordance with the terms of the gift or bequest.

"(6) For the purpose of Federal income, estate, and gift taxes, property accepted under subsection (1) of this section shall be considered as a gift or bequest to or for the use of the United States."

"(d)(1) The Attorney General is authorized to use appropriations for the Federal Bureau of Investigation to make payments for the conduct of its activities. Such payments may not be used to pay the compensation of any employee in the competitive service but may include payments for:

"(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) 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; and

"(D) 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.

"(2) The Federal Bureau of Investigation may establish and collect fees for the processing of fingerprint cards for purposes of licensing, employment (other than in the criminal justice system), and personnel checks for contractors with access to national security information. Such fees shall represent the full cost of furnishing the service. The funds collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to 31 U.S.C. 3302(b), and shall be available, to the extent specified in appropriations acts, until expended, to pay for salaries and other expenses incurred in operating the FBI Identification Division. No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies.

"(e) The Attorney General is authorized to use appropriations for the Drug Enforcement Administration to make payments for the conduct of its activities. Such payments may include payments for:

"(1) expenses necessary for the detection and prosecution of crimes against the United States within its investigative jurisdiction;

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

"(3) the employment of temporary workers for the unloading, loading, transportation or destruction of contraband without regard to any law administered by the Office of Personnel Management, provided that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

"(f) The Attorney General is authorized to use appropriations for the Immigration and Naturalization Service to make payments for the conduct of its activities. Such payments may include payments for:

"(1) distribution of citizenship textbooks to aliens without cost to such aliens;

"(2) allowances to aliens for work performed while held in custody under the immigration laws;

"(3) cash advances to aliens for meals and lodgings upon departure from the United States;

"(4) 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;

"(5) the lease of horses from officers or employees of the Service;

"(6) acquisition of land as sites for enforcement fences, and expenses incident to the construction of such fences;

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

"(8) expenses necessary for the detection and prosecution of crimes against the United States within its investigative jurisdiction.

"(g) The Attorney General is authorized to use appropriations for the Bureau of Prisons to make payments for the conduct of its activities. Such payments may include payments for:

"(1) the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions; and for inmate legal services within the Federal prison system;

"(2) construction of buildings at prison camps and acquisition of land as authorized by 18 U.S.C. 4010;

"(3) the labor of United States prisoners performed in the construction or remodeling of prison buildings or facilities; and

"(4) the purchase and exchange of farm products and livestock.

"(h) The Attorney General is authorized to use appropriations for the United States Marshals Service to make payments for the conduct of its activities.

"(1) Such payments may include payments for:

"(A) the actual and necessary expenses associated with the offices established under section 561 of this title;

"(B) the expense of transporting prisoners, including the transportation between the United States and foreign countries of persons charged with crime, and including the cost of necessary guards and the travel and subsistence expenses of prisoners and guards;

"(C) the supervision of United States prisoners in non-federal institutions;

"(D) the operation and maintenance for official use of vehicles seized and forfeited to the United States Government; and

"(E) other necessary expenditures as required by law."

"(2) The United States Marshals Service may also make payments from the appropriation for the protection of witnesses for expenses incurred for the use of facilities in the protection of witnesses and in the planning, acquisition, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites;

"(i) As used in this section the term 'law enforcement' refers to the activities of the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Bureau of Prisons; and the United States Marshals Service; except that for the purposes of subsection (a)(3), 'law enforcement' refers only to the activities, in the United States, of the Bureau of Prisons and, subject to the provisions of 8 U.S.C. 1252(c) and 18 U.S.C. 4003, of the Immigration and Naturalization Service.

" 578. Authorizations and Exemptions Available for Undercover Investigative Operations

"(a) Subject to the provisions of subsection (f) of this section, the authorizations and exemptions provided below may be utilized for undercover operations conducted by the following bureaus of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service and the United States Marshals Service. As used herein, the head of a bureau refers, respectively, to the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service and the Director of the United States Marshals Service.

"(b) (1) An exempt undercover operation refers to any operation designed and necessary to detect and prosecute crimes against the United States as to which the head of a bureau, or his designee, and the Attorney General, or his designee, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation; provided that as to undercover investigative operations of the Federal Bureau of Investigation any designee for the Director of the Federal Bureau of Investigation and any designee for the Attorney General shall

be a member of the Undercover Operations Review Committee.

"(2) An exempt undercover operation also refers to any operation of the Federal Bureau of Investigation designed and necessary to collect foreign intelligence or to conduct foreign counterintelligence, as to which the Director of the Federal Bureau of Investigation, or the Assistant Director of the Intelligence Division if so designated by the Director, and the Attorney General, or the Counsel for Intelligence Policy if so designated by the Attorney General, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation.

"(3) The type of exemptions sought for each operation shall be specified on the certification and the use of the exemptions for each operation will be reviewed during the operation by the official designated by the head of the bureau pursuant to subsection (b)(1) or (2) of this section.

"(c) (1) Appropriations may be used for purchasing or leasing property, buildings, facilities, space, goods, insurance, licenses and any equipment necessary to establish and/or operate an undercover operation. These acquisitions shall be made in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal acquisitions, federal property management and federal appropriations shall not apply to any acquisition for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

"(2) Appropriations may be used to establish, acquire and/or operate proprietary corporations or business entities in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal appropriations and government corporations shall not apply to any transaction for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

"(3) Appropriations and the proceeds from an exempt undercover operation may be deposited in banks or other financial institutions and may be used to offset necessary and reasonable expenses incurred in such operation without deposit in the Treasury; provided that, as soon as any such proceeds 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 in the Treasury of the United States as miscellaneous receipts.

"(d) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (2) of paragraph (c) with a net value of over \$150,000 is to be liquidated, sold, or otherwise disposed of, the head of the bureau, as much in advance as he or his designee determines is practicable, shall report the circumstances to the Attorney 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.

"(e) (1) The Attorney General shall direct and supervise a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1990, and each fiscal year thereafter, and shall, not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

"(2) For purposes of these audit and reporting requirements:

"(A) the term "closed" refers to the point in time at which-

"(i) all criminal proceedings (other than appeals) are concluded, or  
"(ii) covert activities are concluded, whichever occurs later;

"(B) the terms 'undercover investigative operation' and 'undercover operation' mean any undercover investigative operation of a bureau (other than a foreign counterintelligence undercover investigative operation)-

"(i) in which-

"(a) the gross receipts (excluding interest earned) exceed \$150,000, or

"(b) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

"(ii) which is exempt from laws applicable to federal appropriations and government corporations.

"(f) The Commissioner of the Immigration and Naturalization Service, or his designee, and the Director of the United States Marshals Service, or his designee, shall include in the request for the Attorney General's certification required by subsection (b)(1) of this section: the expected time period for utilizing the exemptions, the expected resources to be committed, a description of the circumstances for using the exemptions, and a specification of the scope of the effort.

"579. Reimbursement of Litigation Expenses.

"The Attorney General may enter into reimbursable agreements with other Federal Government agencies or components within the Department of Justice to pay expenses of private counsel to defend Federal Government employees sued for actions while performing their official duties."

**SEC. 202.** Section 6 of the Act of July 28, 1950 (64 Stat. 380), 8 U.S.C. 1555, is hereby repealed.

**SEC. 203.** Sections 4043 and 4044 of Title 18, United States Code, and section 871(c) of Title 21, United States Code, are hereby repealed.



### TITLE III

#### Additional Permanent Legislation

**SEC. 301.** The Attorney General or his designee is authorized to use Department of Justice appropriations to make payments for assistance to individuals under section 501(c) of the Refugee Education Assistance Act of 1980 (P.L. 96-422) without regard to section 501(e)(2)(B) of that Act, which prohibits such assistance to individuals with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has been entered. Such payments may include grants which shall be administered by the Community Relations Service.

**SEC. 302.** Section 287 of the Immigration and Nationality Act of 1952 (66 Stat. 233) as amended (8 U.S.C. 1357) is further amended by adding the following at the end thereof:

"(e) Under the direction of the Attorney General, agents and officers of the Immigration and Naturalization Service are authorized to:

- (1) carry a firearm;
- (2) execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States;
- (3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
- (4) perform any other law enforcement duty that the Attorney General may designate; and
- (5) the authority conferred by subsections (1) through (4) of this section does not affect the investigative jurisdiction of any other federal law enforcement agency."

**SEC. 303.** Chapter 307 of Title 18, United States Code, is amended by deleting the first paragraph of section 4121 and inserting a new first paragraph as follows:

"Federal Prison Industries', a government corporation of the District of Columbia, shall be administered by a board of six directors, appointed by the President to serve at the will of the President. Members of the board who are not employees of the Federal Government or the District of Columbia shall be paid for their services at the daily equivalent of the rate payable for GS-18 of the General Schedule in section 5332 of

Title 5, United States Code."

**Sec. 304.** Chapter 307 of Title 18, United States Code, is amended by adding the following new section:

"§4129. General authorizations - Federal Prison Industries, Inc.

"Federal Prison Industries, Incorporated, is authorized to make such expenditures and to make such contracts and commitments, without regard to fiscal year limitation, 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."

**SEC. 305.** Section 4204(b) of Title 18, United States Code, pertaining to the United States Parole Commission, is amended by adding at the end thereof the following new subsection:

"(9) the lease or purchase of passenger motor vehicles."

**SEC. 306.** Section 878 of title 21, United States Code, is amended by:

(1) striking out the following in subsection (a): "Any officer or employee of the Drug Enforcement Administration or any State or local law enforcement officer designated by the Attorney General may --"

(2) inserting the following in lieu thereof: "Any officer or employee of the Drug Enforcement Administration or the Federal Bureau of Investigation designated by the Attorney General, or any Federal, state, or local law enforcement officer designated by the Attorney General when acting under the direct control of the Drug Enforcement Administration or the Federal Bureau of Investigation, may --"

(3) striking out 'section 3374(c)' in subsection (b), and inserting in lieu thereof: "sections 3374(c) and 3374(d)"; and

(4) inserting the following at the end of subsection (b): "While exercising these powers and authorities under the direct control and supervision of the Drug Enforcement Administration or the Federal Bureau of Investigation, state and local law enforcement officers shall have all the immunities of Federal law officials and shall be protected by sections 111, 113, 1114, 1201 of title 18, United States Code."

**SEC. 307.** Section 263a of title 22, United States Code, is amended by inserting the following at the end thereof:

"The Attorney General is also authorized to use appropriations that fund the activities of INTERPOL-USNCB to make payments for expenses necessary for the periodic hosting of the annual meeting of the General Assembly of INTERPOL and for the periodic sponsorship of INTERPOL conferences, meetings, symposia, and other events related to

topics of international crime."

**SEC. 308.** Section 1622d of title 22, United States Code, pertaining to the Foreign Claims Settlement Commission, is amended by adding at the end thereof the following new paragraph:

"The Commission is authorized to hire passenger motor vehicles, for field use only, and to purchase insurance for official motor vehicles used abroad. The Commission may advance funds abroad and may advance funds to other government departments or agencies in connection with reimbursable agreements. The Commission is also authorized to employ aliens abroad and, with the approval of the Secretary of State, to acquire necessary office space and living quarters abroad and to maintain, repair, furnish and provide utilities for such properties."

#### TITLE IV

##### Program Reductions and Terminations

**SEC. 401.** Section 517(b) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2075), 21 U.S.C. 873(d), is hereby repealed.

**SEC. 402.** Section 609 of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2088-90), 42 U.S.C. 3769 through 3769d, is hereby repealed.

**SEC. 403.** Part A, sections 204-206, Part B, sections 221-229, and Part C, sections 241-248, and 261; and Part D, sections 281 and 282, of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, 88 Stat. 1109), as amended by the Anti-Drug Abuse Act of 1988, P.L. 100-690 (Nov. 18, 1988), are hereby repealed, effective October 1, 1989.

**SEC. 404.** Section 501 of the Immigration Reform and Control Act of 1986, P.L. 99-603, (October 14, 1986) is hereby repealed effective October 1, 1989.

**TITLE V**

**Tables of Chapters and Sections**

**SEC. 501.** The table of sections for chapter 303 of Title 18, United States Code, is amended by deleting the items relating to sections 4043 and 4044 and inserting the following:

- "4043. Repealed.
- "4044. Repealed."

**SEC. 502.** The table of sections for chapter 307 of Title 18, United States Code, is amended by inserting after the item relating to section 4128 the following new item:

- "4129. General authorizations - Federal Prison Industries, Inc."

**SEC. 503.** The table of chapters for part II of Title 28, United States Code, is amended by inserting after the item relating to chapter 37 and following new item:

- "38. General authorizations.....577."

**SEC. 504.** The table of sections for Chapter 38 of Title 28 United States Code, shall read as follows:

- "577. General authorizations."
- "578. Authorizations and exemptions available for undercover investigative operations."
- "579. Reimbursement of Litigation Expenses."

# Department of Justice 1990 Authorization Bill

## SECTION BY SECTION ANALYSIS

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# TITLE I

## 1990 Fiscal Year Authorization

### Proposed Section 101:

This section of the bill authorizes 1990 fiscal year appropriations for various categories of activities conducted by the Department of Justice. Fifteen separate categories of appropriations are listed. Within certain of these categories additional provisions are made for allowing a portion of an appropriations to be available on a multi-year or a no year basis. Similar language has been inserted in previous authorization and appropriation legislation. For example, a portion of the funds appropriated for the FBI's automated data processing and telecommunications expenses will be available for two years, and similarly part of the FBI's and DEA's funds for research will be available until expended. Other provisions set maximum amounts which may be used for certain purposes, such as representation expenses, construction of witness safesites, expenses necessary in the collection of evidence, and emergency expenses.

### Proposed Section 102:

A total of not to exceed \$75,000 from funds authorized to be appropriated to the Department of Justice by this title shall be available for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

This section authorizes the Attorney General to expend from monies appropriated to the Department of Justice up to \$75,000 for official representation and reception expenses.

### Proposed Section 103:

The Attorney General may transfer up to two per centum of any appropriation made to the Department of Justice to any other such appropriation, but no such appropriation shall be increased by more than two per centum by any such transfers.

This section authorizes the Attorney General to transfer a portion of one Department of Justice appropriations to another Department of Justice appropriation. Such a transfer may not diminish an appropriation by more than two percent nor may it increase an appropriation by more than two percent.

## TITLE II

### Permanent Authorizing Legislation

Title II of the Bill, for the most part, contains authorizations that were previously enacted in the Department's 1980 annual Authorization Act, which has remained in force through continuing resolutions, and/or that have been sought by the Department in the nine authorization bills submitted to Congress since then. If Title II is enacted as permanent law, future Department of Justice authorizations bills will generally be confined to the true fiscal year authorizations contained in Title I.

#### Proposed Bill Section 201:

Part II of Title 28, United States Code, is amended by inserting after chapter 37 the following new chapter:

"Sec.

"577. General Authorizations

"578. Authorizations and Exemptions Available for Undercover Investigative Operations

"579. Reimbursement of Litigation Expenses

This section of the bill will amend Title 28, United States Code, by adding chapter 38, which will contain three sections. Proposed section 577 will provide permanent appropriations authorization for the various types of expenses incurred by the Department of Justice in the conduct of its activities. Proposed section 578 will provide specific authorizations and exemptions available only for undercover investigative operations. Proposed section 579 will provide authority for agencies to reimburse the the Department's litigation appropriation for the expenses of private counsel who represent agency personnel who have been civilly sued.

#### Proposed Section 577:

##### General Authorizations - Department of Justice

Proposed section 577 contains nine principle subsections. Subsection 577(a) contains eighteen authorization provisions which, in general, are available for all Department of Justice activities. Subsection 577(b) provides general authority to collect and retain user fees and subsection 577(c) provides general gift acceptance authority. Subsections 577(d), (e), (f), (g) and (h) contain specific authorization provisions applicable, respectively, to the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service, the Bureau of Prisons and the United States Marshals Service. Subsection 577(i) defines the term law enforcement as used in the general authorization provisions of subsection 577(a).

**Proposed Section 577(a):**

The Attorney General is authorized to use Department of Justice appropriations to make payments for the conduct of the activities of the Department of Justice. Such payments may include payments for:

This provision allows appropriations for the Department of Justice to be used to support the Department's activities. Additional specific authorizations are provided in seventeen subsections.

**Proposed Section 577(a)(1):**

expenses, mileage, compensation, and per diem in lieu of subsistence, of witnesses as authorized by law, without regard to the competitive procurement requirements of Titles 15 and 41, United States Codes; provided that no witness shall be paid more than one attendance fee for any one calendar day:

This provision allows Department of Justice appropriations to be used to pay for the fees and expenses of witness and prohibits any multiple payment to a witness who attended more than one proceeding on the same day. This provision also permits the hiring of expert witness without regard to the technically applicable competitive procurement requirements contained in Titles 15 and 41 of the United States Code. Full competitive procurement procedure would put the government at a disadvantage in adversary litigation.

**Proposed Section 577(a)(2):**

advances of public monies under 31 U.S.C. 3324; provided that travel advances to law enforcement personnel engaged in undercover activity shall be deemed public monies within the meaning of 31 U.S.C. 3527;

This provision will give the Attorney General authority to permit advance payments on contracts and in other matters where it is in the interest of the Department of Justice to do so. The proviso regarding travel advances to law enforcement personnel engaged in undercover activity assures that the non-negligent loss of such funds will be reimbursable.

**Proposed Section 577(a)(3):**

planning, acquisition of sites and construction of special purpose law enforcement type facilities; and construction, operation, remodeling and repair of law enforcement type buildings and law enforcement type facilities used for law enforcement purposes; and the purchase of necessary equipment and the payment of necessary expenses directly related to the conduct of these activities;

This provision will provide the Attorney General with construction and renovation authority. This authority extends to the construction and renovation of special purpose law enforcement facilities; i.e., buildings and facilities whose location, function and/or design



requirements are such that the requisite expertise for such construction or renovation can most effectively be implemented by the Department. This provision does not provide authority for the construction of general purpose office space. The availability of this construction and renovation authority is limited to those law enforcement bureaus listed in proposed section 577(i).

**Proposed Section 577(a)(4):**

contracting or engaging in cooperative agreements with public or private organizations or entities for the safekeeping, evaluation, care and subsistence of persons held under any legal authority;

This provision will allow the Department of Justice, principally the Bureau of Prisons and the Immigration and Naturalization Service, to enter into contracts or cooperative agreements with public or private organizations or entities to provide prison and detention facilities.

**Proposed Section 577(a)(5):**

the lease or purchase of passenger motor vehicles; provided that motor vehicles for police type use may be purchased for law enforcement purposes without regard to the general purchase price limitation for the fiscal year during which such a purchase is effected;

The lease or purchase of passenger motor vehicles is generally prohibited by 31 U.S.C. 1343 unless specifically authorized by statute. This provision provides the necessary statutory authorization for such leases and purchases. The provision regarding vehicles for police type use is necessary because the required design features for such vehicles normally result in a higher purchase price than the general purchase price limitation for any given fiscal year.

**Proposed Section 577(a)(6):**

the purchase of firearms and ammunition for use by law enforcement officers and security personnel, and participation in firearms competitions;

This provision would authorize both the purchase of firearms and ammunition for use by law enforcement officers and security personnel and the participation in firearms competition by Department personnel.

**Proposed Section 577(a)(7):**

the confidential lease of surveillance sites for law enforcement purposes;

This provision would authorize agents of the Department's law enforcement bureaus to lease surveillance sites without complying with Federal property management and banking laws that would otherwise require disclosure of their role as criminal investigators.

This authority would not extend to other leases, such as for the operation of a proprietary corporation as part of an undercover investigation. Authority for such leases would be available only through the certification and exemption provisions pertaining to undercover investigations. (See Proposed Section 578)

**Proposed Section 577(a)(8):**

*the acquisition, lease, maintenance and operation of aircraft for law enforcement purposes:*

The lease or purchase of aircraft is generally prohibited by 31 U.S.C. 1343 unless specifically authorized by statute. This provision provides the necessary statutory authorization for such leases and purchases, as well as for the acquisition of aircraft forfeited to the government.

**Proposed Section 577(a)(9):**

*miscellaneous and emergency expenses authorized or approved by either the Attorney General, the Deputy Attorney General, the Associate Attorney General or the Assistant Attorney General for Administration:*

This provision allows the use of funds in unforeseen circumstances, such as the appointment of a Special Counsel under the Ethics In Government Act.

**Proposed Section 577(a)(10):**

*official reception and representation expenses:*

This provision authorizes the use of funds to pay the expenses of Department of Justice senior employees whose official positions entail the responsibility for establishing and maintaining relationships of value to the Department.

**Proposed Section 577(a)(11):**

*attendance at meetings:*

Four statutes (5 U.S.C. 4109, 4110, 5946, and 31 U.S.C. 551) govern the ability of the Department to authorize payments for the purpose of attendance at meetings. These statutes are, in significant respects, inconsistent with one another and later statutes have been interpreted as overturning all or part of the prior statutes. In addition, a fifth statute (40 U.S.C. 34) has been interpreted as limiting a department's authority to pay for hotel accommodations in connection with meetings. The availability of funds for the expense of attendance at meetings has been the subject of numerous cases submitted to the Comptroller General.

Although these various statutes permit attendance at meetings in most circumstances,

the Department of Justice, and other Executive Branch departments and agencies, have routinely obtained statutory authority for the payment of expenses for attendance at meetings. The Justice Department's prior authorities have been on an annual basis. This provision would make that authority permanent and would thus allow the Attorney General to issue appropriate Department-wide regulations governing the proper circumstances in which the payment of such expenses is warranted.

**Proposed Section 577(a)(12):**

conducting drug education programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs;

This provision would allow the Department of Justice to use its appropriations for drug education programs, including the payment of travel and related expenses for participants in these programs and the payment of the cost of distributing items of token value that promote the goals of such programs.

**Proposed Section 577(a)(13):**

training in the United States and abroad for foreign law enforcement personnel, with the concurrence of the Secretary of State, as a counterpart to similar training programs designed for state and local officers;

This provision would set forth the authority of the Department of Justice to provide training for foreign law enforcement personnel, either in the United States or abroad, with the concurrence of the Secretary of State. Such activities are presently conducted by the Federal Bureau of Investigation and the Drug Enforcement Administration as part of their law enforcement mission. The authority provided by this section would not change the statutory basis for, or the funding of, training of foreign law enforcement personnel carried out by the Department's International Criminal Investigative Training Assistance Program (ICITAP) under arrangements with the Department of State pursuant to the Foreign Assistance Act of 1961, as amended.

**Proposed Section 577(a)(14):**

services of experts and consultants as authorized by 5 U.S.C. 3109 and at rates of pay for individuals up to but not exceeding the daily rate payable for GS-18 of the General Schedule in 5 U.S.C. 5322;

This provision permits payments to be made for the services of experts and consultants. Payment for such services is prohibited by 5 U.S.C. 3109 unless authorized by statute.

**Proposed Section 577(a)(15):**

services of interpreters and translators who are not citizens of the United States;

Government employment is generally available only to United States citizens. This provision permits the employment of non-citizens solely in the capacities of interpreters and translators. This authority is used primarily by the Immigration and Naturalization Service in situations where a U.S. citizen is not available to translate a particular language.

**Proposed Section 577(a)(16):**

payment of rewards, the purchase of evidence and payment for information in connection with law enforcement;

These provisions allow law enforcement agencies to pay rewards, purchase evidence, and pay for information as part of their mission to conduct criminal and foreign counter intelligence investigations.

**Proposed Section 577(a)(17):**

the purchase of insurance for motor vehicles, boats and aircraft operated in official government business in foreign countries;

The United States government generally acts as a self insurer. In foreign countries, however, compulsory insurance laws and/or prudent business practice may require that motor vehicles, boats and aircraft be covered by private insurance policies. This provision will allow the Department of Justice to procure appropriate insurance coverage when doing business in foreign countries.

**Proposed Section 577(a)(18):**

benefits for employees serving overseas as authorized under section 901(3), (5), (6), (8), (9), (11), (15) and section 904 of the Foreign Service Act of 1980 (22 U.S.C. 4081(3), (5), (6), (8), (9), (11), (15) and 22 U.S.C. 4084), and under the regulations issued by the Secretary of State;

This provision affords to Department of Justice employees serving overseas certain of the benefits provided for members of the foreign service. These benefits, as set forth in Title 22, include: travel expenses for family members (4081(3)); medical care (4081(5)); rest and recuperation travel (4081(6)); family visitation travel (4081(8)); emergency family visitation (4081(9)); transportation of furniture and personal effects (4081(11)); children's travel for visitation with divorced or separated parents (4081(15)); and health care benefits (4084).

**Proposed Section 577(b):**

the Attorney General is authorized to collect fees from state, local or private agencies or members of the public to defray all or part of the costs of any service which the Department of Justice may provide to such agencies or individuals. Any fees collected shall be credited to

the appropriation accounts used to pay the expenses incurred in providing the service and shall be available in those accounts to the extent specified in appropriations acts.

This provision would authorize the Department of Justice to collect fees for services rendered to State, local or private agencies or members of the public. Fees would not exceed the costs of the services. Any monies collected would be credited to the appropriation account used to pay the expenses of providing the service and would be available for expenditure from those accounts to the extent specified in appropriated acts.

The crediting of these fees to the appropriation accounts used to pay the expenses will not increase budget totals for the Department of Justice because these fees are not scored as budget authority or outlays.

### Proposed Section 577(c)

(1) The Attorney General is authorized to accept and utilize, on behalf of the United States, any gift, donation, or bequest of real or personal property for the purpose of aiding or facilitating the work of the Department of Justice, including Federal Prison Industries, Inc. No gift may be accepted

(A) that attaches conditions inconsistent with applicable laws or regulations, or

(B) that is conditioned upon or will require the expenditure of appropriated funds unless such expenditure has been authorized by Act of Congress.

(2) The Attorney General shall promulgate rules for accepting gifts pursuant to this provision, to ensure, among other things, that no gifts are accepted under circumstances that will create a conflict of interest for the Department of Justice.

(3) Gifts and bequests of money and the proceeds from sales of property received as gifts or bequests that were not immediately useable by the Department of Justice shall be credited to any appropriation or fund and shall remain available until expended, upon order of the Attorney General.

(4) Gifts, bequests of property, and property acquired from the proceeds credited to appropriations or funds pursuant to subsection (3), and which are no longer required by the Department of Justice for its needs and the discharge of its responsibilities, shall be reported to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(5) property accepted pursuant to this section and the proceeds credited to appropriations or funds pursuant to subsection (3) shall be used as nearly as practicable in accordance with the terms of the gift or bequest.

(6) For the purpose of Federal income, estate, and gift taxes, property accepted under

subsection (3) of this section shall be considered as a gift or bequest to or for the use of the United States."

This provision would authorize the Attorney General to accept gifts, donations, or bequests of real or personal property to aid the Department in carrying out its functions, including the functions of the Federal Prison Industries, Inc. Gifts that attach conditions inconsistent with applicable laws or that are conditioned upon or require the expenditure of appropriated funds (unless the expenditure had been authorized by Congress) may not be accepted. The Attorney General is required to establish rules to insure that no gifts are accepted that will create a conflict of interest for the Department.

**Proposed Section 577(d)(1):**

The Attorney General is authorized to use appropriations for the Federal Bureau of Investigation to make payments for the conduct of its activities. Such payments may not be used to pay the compensation of any employee in the competitive service but may include payments for:

This provision allows appropriations for the Federal Bureau of Investigation to be used to support the Bureau's activities. Payment from Bureau appropriations for the compensation of any employee in the competitive service is expressly forbidden. Additional specific authorizations are set out in subsections A through D.

**Proposed Section 577(d)(1)(A):**

expenses necessary for the detection and prosecution of crimes against the United States:

Payments for the detection and prosecution of crimes against the United States include the expenses necessary for the FBI to conduct investigations of those violations of Federal law for which the FBI has responsibility. In addition to national priority areas of organized crime, foreign counterintelligence, counterterrorism, narcotics matters and white-collar crime, the FBI has primary jurisdiction over numerous other Federal statutes concentrating on such areas as interstate crimes, forcible crimes against banking institutions, civil rights, and fugitive investigations. Typical expenses include personnel compensation and benefits, travel and transportation of persons and property, rent, communications and utilities, capital and noncapital equipment, and supplies.

**Proposal Section 577(d)(1)(B):**

protection of the person of the President of the United States and the person of the Attorney General:

Payments are utilized for the purposes of assuring the security of the President and of the Attorney General. Typical expenses include personnel compensation and travel costs.

**Proposed Section 577(d)(1)(C):**

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:

This provision would allow the Attorney General to authorize payments to conduct investigations regarding official matters of concern to the Department of Justice and the Department of State.

**Proposed Section 577(d)(1)(D):**

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 on related agencies.

This provision authorizes the collection and preservation of identification and other records and their exchange with authorized officials. Expenses include the maintenance at FBI Headquarters of the Central Records System, consisting of over six million investigative, personnel, applicant, administrative, and general case files, and the maintenance of fingerprint identification records submitted by over 20,000 authorized agencies. In addition, payments under the authorization include expenses of providing information contained in FBI records to other Federal agencies in compliance with Executive Order 10450 and to authorized officials of States, cities, and other institutions.

**Proposed Section 577(d)(2):**

The Federal Bureau of Investigation may establish and collect fees for the processing of fingerprint cards for purposes of licensing, employment (other than in the criminal justice system), and personnel checks for contractors with access to national security information. The funds collected shall be credited to the Salaries and Expenses, Federal Bureau of Investigation appropriation without regard to 31 U.S.C. 3302(b), and, to the extent specified in appropriations acts, shall be available, until expended, to pay for salaries and other expenses incurred in operating the FBI Identification Division. No fee shall be assessed in connection with the processing of requests for criminal history records by criminal justice agencies for criminal justice purposes or for employment in criminal justice agencies.

This provision allows the Federal Bureau of Investigation to set fees for services rendered by the Identification Division and permits any collected fees to be used, to the extent specified in appropriations acts, to pay for the operation of the Bureau's Identification Division.

The crediting of these fees to the appropriation accounts used to pay the expenses will not increase budget totals for the Department of Justice because these fees are not scored as budget authority or outlays.

**Proposed Section 577(e):**

The Attorney General is authorized to use appropriations for the Drug Enforcement Administration to make payments for the conduct of its activities. Such payments may include payments for:

This provision allows appropriations for the Drug Enforcement Administration to be used to support the activities of the Administration. Additional specific authorities are set out below in subsections (1) and (2).

**Proposed Section 577 (e)(1):**

expenses necessary for the detection and prosecution of crimes against the United States within its investigative jurisdiction; and

This provision authorizes payments for the conduct of the DEA's principal mission, the detection and prosecution of drug related crimes.

**Proposed Section 577(e)(2):**

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

This provision would allow the DEA to contract with non-U.S. citizens in those foreign countries where the Department conducts activities. It will also allow the DEA to contract with U.S. citizens who reside abroad; in particular, the dependents of the Foreign Service, military and other U.S. government personnel. Such individuals would not be federal employees and thus would not be subject to the personnel benefits, restrictions and controls associated with United States government employment.

**Proposed Section 577(e)(3):**

the employment of temporary workers for the unloading, loading, transportation or destruction of contraband without regard to any law administered by the Office of Personnel Management, provided that such individuals shall not be regarded as employees of the United States for the purpose of any law administered by the Office of Personnel Management.

The Drug Enforcement Administration occasionally requires the services of laborers to unload contraband from vessels, trucks, airplanes, etc. In normal business practice these laborers would be drawn from available workers who are paid on an hourly basis. This provision would allow the DEA to employ such workers for the unloading, loading, transportation or destruction of contraband. These workers would not be employees of the United States for the purpose of any law administered by the Office of Personnel Management.



**Proposed Section 577(f):**

The Attorney General is authorized to use appropriations for the Immigration and Naturalization Service to make payments for the conduct of its activities. Such payments may include payments for:

This provision allows appropriations for the Immigration and Naturalization Service to be used to support the activities of the Service. Additional specific authorizations are set out in subsection (1) through (8).

**Proposed Section 577(f)(1):**

distribution of citizenship textbooks to aliens without cost to such aliens:

This provision allows appropriations to be used to pay for citizenship textbooks which may be distributed, without costs, to aliens who are seeking or are interested in seeking United States citizenship.

**Proposed Section 577(f)(2):**

allowances to aliens for work performed while held in custody under the immigration laws:

This provision will allow aliens to be paid for work which they perform while in custody under the immigration laws. Payment rates are set, from time to time, in Department of Justice appropriations acts.

**Proposed Section 577(f)(3):**

cash advances to aliens for meals and lodgings upon departure from the United States:

This provision will allow the Immigration and Naturalization Service to make payments to aliens who are being expelled from the United States to cover the costs of meals and lodgings while en route to their final destination.

**Proposed Section 577(f)(4):**

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:

This provision will allow appropriations for the Immigration and Naturalization Service to be used to pay for refunds to which an alien may be properly entitled. Such appropriations may not, however, be used for refunds of any deposit by an alien who becomes a public charge, or of deposits made to secure payment of a fine or to secure payment of passage money.

**Proposed Section 577(f)(5):**

the lease of horses from officers or employees of the Service:

This provision will allow the Service to lease horses from its officers and employees notwithstanding general prohibitions against an agency entering into private business transactions with its employees. This authority benefits the Service because in remote border areas employees living in the region who own horses may be the best available providers of horses for lease. This authority currently exists as stated in section 1555 of Title 8.

**Proposed Section 577(f)(6):**

acquisition of land as sites for enforcement fences, and expenses incident to the construction of such fences:

This provision would give the Service limited land acquisition authority. Enforcement fences are constructed in border areas as a passive preventive measure which is used in conjunction with other strategies for controlling the flow of unlawful entrants.

**Proposed Section 577(f)(7):**

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

This provision will allow the Service to come to the aid of State and local law enforcement agencies when they are searching for a lost person. The Service is often in a unique position to provide such assistance due to its knowledge of, and access to, remote border areas.

**Proposed Section 577(f)(8):**

expenses necessary for the detection and prosecution of crimes against the United States within its investigative jurisdiction:

The Immigration and Naturalization Service (INS) has responsibility for the detection and prosecution of various criminal offenses as specified in Title 8 and Title 18 of the United States Code. This provision provides explicit recognition of the authority of INS to spend funds for the detection and prosecution of these offenses and of other offenses factually related to an offense against the immigration laws.

**Proposed Section 577(g):**

The Attorney General is authorized to use appropriations for the Bureau of Prisons to make payments for the conduct of its activities. Such payments may include payments for:

This provision allows appropriations for the Bureau of Prisons to be used to support the activities of the Bureau. Additional specific authorizations are set out in subsections (1) through (4).

**Proposed Section 577(g)(1):**

the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision and support of United States prisoners in non-Federal institutions; and for inmate legal services within the Federal prison system;

This provision authorizes appropriations to be used to support the Bureau's principal mission of operating the federal penal system, including the supervision of prisoners in non-federal institutions and the delivery of appropriate legal services.

**Proposed Section 577(g)(2):**

construction of buildings at prison camps and acquisition of land as authorized by 18 U.S.C. 4010;

This provision would give the Bureau construction authority in connection with facilities at prison camps and authority to acquire land. Land acquisitions are generally in the vicinity of prisons and for the purpose of perimeter security or site expansion.

**Proposed Section 577(g)(3):**

the labor of United States prisoners performed in the construction or remodeling of prison buildings on facilities; and

This provision would authorize the Bureau's use of prisoner labor in the construction and remodeling of prison buildings and facilities and would authorize the payment of prisoners for their labor.

**Proposed Section 577(g)(4):**

the purchase and exchange of farm products and livestock;

This provision would authorize the Bureau to purchase and exchange farm products and livestock. Such authority will facilitate the efficiency of the farm programs operated as part of the federal prison system.

**Proposed Section 577(h):**

The Attorney General is authorized to use appropriations for the United States Marshals Service to make payments for the conduct of its activities.

(1) Such payments may include payments for:

This provision allows appropriations for the United States Marshals Service to be used to support the activities of the Marshals Service. Additional specific authorizations are set out in subsection (A) through (D).

**Proposed Section 577(h)(1)(A):**

the actual and necessary expenses associated with the offices established under section 561 of this title:

This provision allows for payments of the actual and necessary expenses of the United States Marshals Service. This same authority is presently set out in 28 U.S.C. 567.

**Proposed Section 577(h)(1)(B):**

the expense of transporting prisoners, including the transportation between the United States and foreign countries of persons charged with crime, and including the cost of necessary guards and the travel and subsistence expenses of prisoners and guards:

This provision allows for payments of the expenses of transporting prisoners. Similar authority is presently set out in 28 U.S.C. 567. This provision also states explicitly the authority of the Marshals Service to transport persons charged with crimes to or from foreign countries.

**Proposed Section 577(h)(1)(C):**

the supervision of United States prisoners in non-federal institutions:

This provision allows for payments for the supervision of United States prisoners in non-federal institutions. Payments are made from the appropriation for the Support of United States prisoners in non-federal institutions.

**Proposed Section 577(h)(1)(D):**

the operation and maintenance for official use of vehicles seized and forfeited to the United States Government:

This provision allows for payment of expenses for the operation and maintenance by the Marshals Service of vehicles seized pursuant to forfeiture statutes.

**Proposed Section 577(h)(1)(E):**

other necessary expenditures as required by law:

This provision allows for the payment of other necessary expenses of the Marshals Service. This same authority is presently set out in 28 U.S.C. 567.

**Proposed Section 577(h)(2):**

The United States Marshals Service may also make payments from the appropriation for the protection of witnesses for expenses incurred for the use of facilities in the protection of witnesses and in the planning, acquisition, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites:

This provision allows for payments by the Marshals Service for the operation of its witness protection program, including payments for construction and related activities.

**Proposed Section 577(i):**

As used in this section the term "law enforcement" refers to the activities of the Federal Bureau of Investigation; the Drug Enforcement Administration; the Immigration and Naturalization Service; the Bureau of Prisons; and the United States Marshals Service; except that for the purposes of subsection (a)(3), "law enforcement" refers only to the activities, in the United States, of the Bureau of Prisons and, subject to the provisions of 8 U.S.C. 1252(c) and 18 U.S.C. 4003, of the Immigration and Naturalization Service.

The general authorities set forth in proposed section 577(a) contain various references to authorities that are available for a purpose related to law enforcement. Proposed section 577(h) defines these references to law enforcement as indicating that the authority applies to the activities of five specific bureaus of the Department of Justice. The construction authority conferred by proposed section 577(a)(3) is available, however, only for the Bureau of Prisons and the Immigration and Naturalization Service.

**Proposed Section 578:**

Authorizations and Exemptions Available for Undercover Investigative Operations

Proposed section 578 contains provisions which authorize the use of appropriated funds for the conduct of undercover investigative operations. In addition, if certain approval procedures are followed, the proposed section exempts such operations from federal acquisition, appropriations, property management and government corporation laws which would otherwise be applicable to a federal agency. These exemptions may be used if complying with those federal laws would risk compromise of the undercover nature of the investigation.

**Proposed Section 578(a):**

The authorizations and exemptions provided below may be utilized for undercover operations conducted by the following bureaus of the Department of Justice: the Federal Bureau of Investigation, the Drug Enforcement Administration, the Immigration and Naturalization Service and the United States Marshals Service. As used herein, the head of a bureau refers.

respectively, to the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Commissioner of the Immigration and Naturalization Service and the Director of the United States Marshals Service.

This provision lists the law enforcement bureaus that may utilize the authorizations and exemptions available for undercover investigative operations.

### **Proposed Section 578(b):**

(1) An exempt undercover operation refers to any operation designed and necessary to detect and prosecute crimes against the United States as to which the head of a bureau, or his designee, and the Attorney General, or his designee, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation; provided that as to undercover investigative operations of the Federal Bureau of Investigation any designee for the Director of the Federal Bureau of Investigation and any designee for the Attorney General shall be a member of the Undercover Operations Review Committee.

(2) An exempt undercover operation also refers to any operation of the Federal Bureau of Investigation designed and necessary to collect foreign intelligence or to conduct foreign counterintelligence, as to which the Director of the Federal Bureau of Investigation, or the Assistant Director of the Intelligence Division if so designated by the Director, and the Attorney General, or the Counsel for Intelligence Policy if so designated by the Attorney General, have certified in writing that any action authorized by this section is necessary for the conduct of that undercover investigation.

(3) The type of exemptions sought for each operation shall be specified on the certification and the use of the exemptions for each operation will be reviewed during the operation by the official designated by the head of the bureau pursuant to subsection (b)(1) or (2) of this section.

This provision establishes high level approval procedures to be followed within the Department of Justice in order for an available exemption to be applicable to a given criminal law enforcement, foreign intelligence or foreign counterintelligence undercover investigation operation.

### **Proposed Section 578(c):**

(1) Appropriations may be used for purchasing or leasing property, buildings, facilities, space, goods, insurance, licenses and any equipment necessary to establish and/or operate an undercover operation. These acquisitions shall be made in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal acquisitions, federal property management and federal appropriations shall not apply to any acquisition for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

(2) Appropriations may be used to establish, acquire and/or operate proprietary corporations or business entities in accordance with prevailing commercial practices so long as such practices are consistent with the purposes of the undercover operation. Laws applicable to federal appropriations and government corporations shall not apply to any transaction for an exempt undercover operation where compliance with such laws would risk compromise of the undercover nature of the investigation.

(3) Appropriations and the proceeds from an exempt undercover operation may be deposited in banks or other financial institutions and may be used to offset necessary and reasonable expenses incurred in such operation without deposit in the Treasury; provided that, as soon as any such proceeds 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 in the Treasury of the United States as miscellaneous receipts.

This provision contains the three basic types of authorizations and exemptions available for undercover operations. Such operations may conduct their business transactions in accord with prevailing commercial practices. The exemptions available through this provision allow the undercover operation to proceed with these transactions without complying with certain classes of federal laws which would be applicable to such transactions solely because a government agency rather than a private entity, was a party to the transaction. These exemptions may be used if complying with the law in question would risk disclosure of the fact that the supposed private person or entity conducting the operation is, in fact, a government agent or agency.

Exemptions may be obtained from federal acquisition laws, property management laws, appropriation laws, and laws relating to government corporations. These categories of federal law may be defined, and the need for exemptions illustrated, as follows:

Federal acquisition laws govern the acquisition by contract of supplies or services by purchase or lease using appropriated funds. These activities are principally governed by Title 41 of the United States Code. Requirements that may be incompatible with undercover operations include: the requirement to advertise proposed purchases and proposed contracts for supplies or services, 41 U.S.C. 5, and the inclusion of certain contract provisions such as the Walsh-Healey Act representations and stipulations required by 41 U.S.C. 35, the requirement to purchase blind-made products, 41 U.S.C. 46-48C; the prohibition on advance payment to contractors, 41 U.S.C. 255; and the requirements for full and open competition, 41 U.S.C. 253.

Federal property management laws govern the control and use of Federal real and personal property. These activities are principally governed by Title 40 of the United States Code. Restrictions that may be incompatible with undercover operations include: limitations on the leasing of space in the District of Columbia, 40 U.S.C. 34; restrictions on construction loans for office buildings by Government Corporations, 40 U.S.C. 33a; limitation on a Government Corporation's leasing of buildings in addition to the limitation

on rental rates, 40 U.S.C. 129; and the prohibition against any lease provision regarding the repair of real property, 40 U.S.C. 303b.

Federal appropriations laws refer to any act of Congress that permits Federal agencies to incur obligations and to make payments out of the Treasury for specified purposes. Fiscal transactions are principally governed by Title 31 of the United States Code. Restrictions that may be incompatible with undercover operations include: the proscription against the depositing of money in banks or lending money 31 U.S.C. 3302(a); the requirement that all proceeds shall be deposited into the Treasury 31 U.S.C. 3302(b); the requirement that contracts and leases must be reexecuted at the beginning of each fiscal year 32 U.S.C. 1341; the prohibition against the acceptance of voluntary services 31 U.S.C. 1342; the proscription against installing telephones in private residence 31 U.S.C. 1348; and the requirement that agreements be in writing in order to record an amount as an obligation 31 U.S.C. 1501.

Government corporation laws govern corporations that are owned by the Federal Government. While undercover proprietaries are not government corporations in the classical sense, they nonetheless may meet the definition set out in 31 U.S.C. 9101(1). Government corporations are principally governed by Title 31 of the United States Code. Requirements pertaining to Government corporations that may be incompatible with undercover operations include: the requirement that each corporation established or acquired by an agency be specifically authorized by Congress 31 U.S.C. 9102; the requirement for budget submission 31 U.S.C. 9103; and the limitation on the obligations that may be issued by a Government corporation, 31 U.S.C. 9108.

#### **Proposed Section 578(d):**

*If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (2) of paragraph (c) with a net value of over \$150,000 is to be liquidated, sold, or otherwise disposed of, the head of the bureau, as much in advance as he or his designee determines is practicable, shall report the circumstances to the Attorney 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.*

This provision allows for the orderly liquidation of corporations or business entities valued in excess of \$150,000, which have been acquired during an undercover operation. Any excess proceeds, after meeting obligations, are to be deposited in the Treasury as miscellaneous receipts.

#### **Proposed Section 578(e):**



(1) The Attorney General shall direct and supervise a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1987, and each fiscal year thereafter, and shall, not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

(2) For purposes of these audit and reporting requirements:

(A) the term "closed" refers to the point in time at which-

(i) all criminal proceedings (other than appeals) are concluded, or

(ii) covert activities are concluded, whichever occurs later;

(B) the terms 'undercover investigative operation' and 'undercover operation' means any undercover investigative operation of a bureau (other than a foreign counterintelligence undercover investigative operation)-

(i) in which-

(a) the gross receipts (excluding interest earned) exceed \$150,000, or

(b) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

(ii) which is exempt from laws applicable to federal appropriations and government corporations.

If an undercover investigative operation has made use of exemptions from federal appropriations laws and from laws regarding government corporations and has had receipts or expenditures in excess of \$150,000 the Attorney General must direct and supervise an audit of the undercover operation once it has been closed. The results of the audit must be transmitted to Congress within 180 days after the undercover operation was closed. This audit requirement does not apply to foreign counterintelligence undercover operations.

### **Proposed Section 578(f)**

The Commissioner of the Immigration and Naturalization Service, or his designee, and the Director of the United States Marshals Service, or his designee, shall include in the certification required by subsection (b)(1) of this section: the expected time period for utilizing the exemptions, the expected resources to be committed, a description of the circumstances for using the exemptions, and a specification of the scope of the effort.

This provision provides that additional information shall be provided by the Immigration and Naturalization Service and the United States Marshals Service when either bureau certifies to the Attorney General that the action is necessary for the conduct of an undercover investigation. In addition to specifying the type of exemptions sought, the Commissioner of the Immigration and Naturalization Service or his designee and the Director of the United States Marshals Service shall include in the certification the expected time period for utilizing the exemptions, the expected resources to be committed, a description of the circumstances for using the exemptions, and a specification of the scope of the effort.

**Proposed Bill Section 202:**

Section 6 of the Act of July 28, 1950 (64 Stat. 380), 8 U.S.C. 1556, is hereby repealed.

This provision will repeal the current authorizations set out in Title 8 for the Immigration and Naturalization Service. These same authorizations will be available to the Service under 28 U.S.C. 577 as proposed above.

**Proposed Bill Section 203:**

Sections 4043 and 4044 of Title 18, United States Code and section 871(c) of Title 21, United States Code, are hereby repealed.

This provision repeals specific gift acceptance authorizations for the Bureau of Prisons and the Drug Enforcement Administration. The Attorney General will be able to accept gifts for the benefit of any component of the Department under 28 U.S.C. 577(c) as proposed above.

## **TITLE III**

### **Additional Permanent Legislation**

**Proposed Bill Section 301:**

The Attorney General is authorized to use Department of Justice appropriations to make payments for assistance to individuals under section 501(c) of the Refugee Education Assistance Act of 1980 (P.L. 96-422) without regard to section 501(e)(2)(B) of that Act, which prohibits such assistance to individuals with respect to whom a final, nonappealable, and legally enforceable order of deportation or exclusion has been entered. Such payments may include grants which shall be administered by the Community Relations Service.

Title V of the Refugee Education Assistance Act of 1980 (P.L. 96-422) was enacted primarily to provide federal reimbursement for State and local government expenditures for Cuban and Haitian entrants. However, because of the way section 501(e) of the Act defines Cuban and Haitian entrants, funds provided for this program cannot be applied to Cuban and Haitian entrants who are under "final, nonappealable, and legally enforceable orders of deportation or exclusion." When Cuba refused to accept these individuals, this provision became necessary in order to overcome the restricting clause so benefits could be provided to these entrants. An agreement has been negotiated between the United States and Cuba which provides for repatriation of 2,746 Mariel Cubans. It is anticipated that this repatriation will ultimately have an effect on Community Relations Service activities; however, currently repatriation activities have ceased and therefore, it is not possible to predict when or to what extent, the reception, processing and care of Cubans and Haitians program will be effected.

### **Proposed Bill Section 302:**

Section 287 of the Immigration and Nationality Act of 1952 (66 Stat. 233) as amended (8 U.S.C. 1357) is further amended by adding the following at the end thereof:

"(e) Under the direction of the Attorney General, agents and officers of the Immigration and Naturalization Service are authorized to:

- (1) carry a firearm;
- (2) execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States;
- (3) make an arrest without a warrant for any offense against the United States committed in the officer's presence or for a felony, cognizable under the laws of the United States committed outside the officer's presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
- (4) perform any other law enforcement duty that the Attorney General may designate;
- (5) the authority conferred by subsections (1) through (4) of this section does not affect the investigative jurisdiction of any other federal law enforcement agency."

This provision would provide law enforcement authorities that will be available to agents and officers for the Immigration and Naturalization Service (INS). The authorities listed below will be available to the extent provided for by the Attorney General in implementing regulations.

- (1) INS officers carry firearms pursuant to an implied authority arising from their law enforcement function. This provision would make that authority explicit.
- (2) INS officers currently have authority to execute warrants in immigration related cases only. This provision would allow INS officers to execute warrants in other cases as well.
- (3) INS officers make over 1,000,000 arrests a year for immigration offense. During the course of those arrests they often encounter other violations of law, principally narcotics and customs violations. At present, INS officers can only effect a "citizen's arrest" under state law for these offenses. This provision would give INS officers general arrest authority so that they can effect arrests for these offenses under federal law.
- (4) This provision would allow the Attorney General to assign other law enforcement duties to INS officers, for example, assisting in joint narcotics interdiction task forces.
- (5) This provision confirms that any additional authorities conferred upon INS officers do not affect the authorities of any other federal law enforcement agencies.

### **Proposed Bill Section 303:**

Chapter 307 of Title 18, United States Code, is amended by deleting the first paragraph of section 4121 and inserting a new first paragraph as follows:

"Federal Prison Industries', a government corporation of the District of Columbia, shall be administered by a board of six directors, appointed by the President to serve at the will of the President. Members of the board who are not employees of the Federal Government or the District of Columbia shall be paid for their services at the daily equivalent of the rate payable for GS-18 of the General Schedule in section 5332 of Title 5, United States Code."

Chapter 307 of Title 18, United States Code, contains various sections dealing with the Federal Prison Industries, (FPI), Inc. FPI was created by Congress in 1934 and is a wholly-owned Government corporation. It is administered by a Board of Directors. Proposed section 305 amends section 4121 of Title 18 to authorize compensation for service as a member of the Board of Directors of FPI.

### **Proposed Bill Section 304:**

Chapter 307 of Title 18, United States Code, is amended by adding the following new section:

"§4129. General authorizations - Federal Prison Industries, Inc.

"Federal Prison Industries, Incorporated, is authorized to make such expenditures and to make such contracts and commitments, without regard to fiscal year limitations, 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.

FPI's mission is to employ and train Federal inmates through a diversified program providing products with a minimum of competition to private industry and labor. Employment provides inmates with work, develops occupational knowledge and skills, and earns money for personal expenses and family assistance. The proposed section 306 enacts a new section 4129 which will provide FPI with appropriate authorizations for the conduct of its activities.

### **Proposed Bill Section 305:**

Section 4204(b) of Title 18, pertaining to the United States Parole Commission, is amended by adding at the end thereof the following new subsection:

"(a) the lease or purchase of passenger motor vehicles."

The lease or purchase of passenger motor vehicles is generally prohibited by 31 U.S.C. 1343 unless specifically authorized by statute. Passenger vehicles are needed by the

Parole Commission for transporting hearing examiners to hearing locations. This provision would give the Commission the necessary authority for acquiring passenger motor vehicles.

**Proposed Bill Section 306:**

Section 263 of title 22, United States Code, is amended by inserting the following at the end thereof:

"The Attorney General on his designee is also authorized to make payments from Department of Justice appropriations for expenses necessary to host, at intervals of ten years or longer, the annual meeting of the General Assembly of INTERPOL and to periodically sponsor INTERPOL conferences on topics of international crime."

The additional legislative authority being proposed is extremely important to INTERPOL-USNCB. Currently, the United States, through the INTERPOL-USNCB, is exerting a greater leadership role in the international organization. In this regard, the INTERPOL-USNCB, with substantial member country support, has successfully initiated an ongoing fiscal audit and review of the INTERPOL General Secretariat and plans are currently being made to implement a similar management review of the General Secretariat.

Additionally, during the recent meeting of the General Assembly, the United States achieved the support of the majority of the INTERPOL member countries in passing specific resolutions relating to international crime. The increasing leadership role of the United States in the international organization also is reflected by this country's successful efforts to seek and win the Presidency of INTERPOL in 1984. As United States involvement continues to expand, it is important that a highly credible United States image is maintained and that INTERPOL member countries perceive that the United States is assuming a greater participatory role in the organization.

One way to accomplish this objective is for the INTERPOL-USNCB to host the annual meeting of the INTERPOL General Assembly at intervals of approximately ten years or more. The proposed legislative language would clarify the USNCB's role in hosting such annual meetings and other conferences.

**Proposed Bill Section 307:**

Section 1622d of Title 22, United States Code, pertaining to the Foreign Claims Settlement Commission, is amended by adding at the end thereof the following new paragraph.

"The Commission is authorized to hire passenger motor vehicles, for field use only, and to purchase insurance for official motor vehicles used abroad. The Commission may advance funds abroad and may advance funds to other government departments or agencies in connection with reimbursable agreements. The Commission is also authorized to employ aliens abroad and, with the approval of the Secretary of State, to acquire necessary office space and living quarters abroad and to maintain, repair, furnish and provide utilities for such properties."

This provision gives additional permanent spending authorizations to the Foreign Claims Settlement Commission. All of these authorizations have been available to Commission under language contained in prior Department of Justice Appropriations Acts.

## TITLE IV

### Program Reductions and Terminations

The following provisions effectuate program reductions and terminations mandated by the Presidents's 1989 Budget. These provisions are consistent with the need to reduce federal spending and limit expenditures of the Department to core functions.

#### Proposed Bill Section 401:

Section 517(b) of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2075), 21 U.S.C. 873(d), is hereby repealed.

This provision would repeal the Attorney General's authority to make grants to state and local governments to assist in suppressing the diversion of controlled substances from legitimate medical, scientific and commercial use. This program has never been funded by Congress.

#### Proposed Bill Section 402:

Section 609 of the Comprehensive Crime Control Act of 1984 (P.L. 98-473, 98 Stat. 2088-90), 42 U.S.C. 3769 through 3769d, is hereby repealed.

This provision would repeal the authority of the Director of the Bureau of Justice Assistance to make grants to state and local governments to assist in the construction of correctional facilities. No monies have ever been appropriated for this program.

#### Proposed Bill Section 403:

Part A, sections 204-206, Part B, sections 221-229, and Part C, sections 241-248, and 261; and Part D, sections 281 and 282, of the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415, 88 Stat. 1109), as amended by the Anti-Drug Abuse Act of 1988, P.L. 100-690 (Nov. 18, 1988), are hereby repealed, effective October 1, 1989.

This provision would repeal the authority of the Administrator of the Office of Juvenile Justice and Delinquency Prevention to make grants to state and local governments for juvenile justice programs, and to provide funding for Federal program coordination

and concentration of Federal programs, and for prevention and treatment programs relating to juvenile gangs and drug abuse and trafficking.

**Proposed Bill Section 404:**

Section 501 of the Immigration Reform and Control Act of 1986, P.L. 99-603, (October 14, 1986) is hereby repealed effective October 1, 1989.

This provision would repeal the authority of the Attorney General to reimburse states for costs of incarcerating illegal aliens and certain Cuban nationals.

**TITLE V**

**Tables of Chapters and Sections**

The provisions in this part of the bill correct tables of chapters and sections within the United States Code to conform to amendments effected earlier in the bill.

**Proposed Bill Section 501:**

The table of sections for chapter 303 of Title 18, United States Code, is amended by deleting the items relating to sections 4043 and 4044 and inserting the following:

"4043. Repealed."

"4044. Repealed."

This provision should be enacted if proposed bill section 203 is enacted.

**Proposed Bill Section 502:**

The table of sections for chapter 307 of Title 18, United States Code, is amended by inserting after the item relating to section 4128 the following new item:

"4219. General Authorizations - Federal Prison Industries, Inc."

This provision should be enacted if proposed bill section 304 is enacted.

**Proposed Bill Section 503:**

The table of chapters for part II of Title 28, United States Code, is amended by inserting after the item relating to chapter 37 the following new item:

"38. General Authorizations.....577."

This provision should be enacted if proposed bill sections 201 and 310 are enacted.

**Proposed Bill Section 505:**

The table of sections for Chapter 38 of Title 28 United States Code, shall read as follows:

"577. General authorizations."

"578. Authorizations and exemptions available for undercover investigative operations."

"579. Reimbursement of Litigation Expenses."

This provision should be enacted if proposed bill section 201 is enacted.