



U.S. Department of Justice
Executive Office for United States Attorneys

Tom Coleman
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Main

United States Attorneys' Bulletin

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EXECUTIVE OFFICE FOR U.S. ATTORNEYS
William P. Tyson, Acting DirectorCLEARINGHOUSECONTINUING POWER OF TRIAL SUBPOENAS

On January 23, 1980, the United States Marshals Service issued a teletype to all U. S. Marshals concerning the question of reissuing subpoenas in cases where subpoenas were initially served and the case later postponed. Since the reissuance of subpoenas to persons already served can create a substantial expense for the United States Marshals Service, in manpower and mileage costs, that agency explored the legality of a continuing subpoena. The United States Marshals Service determined that existing case law supports the proposition that once the subpoena has been served on an individual for a specific trial date, the subpoena has continuing power over that person if the trial date is subsequently changed. U.S. v. Snyder, 413 F2d 288 (1969), cert. denied, 396 U.S. 907 (1969). Furthermore, they believe the only additional requirement is for the Government to give notification of the date change to the subpoenaed person.

The EOUSA believes that the United States Marshals Service position is sound. Therefore, it is suggested that, if you have not already done so, you may wish to contact the United States Marshal's Office and Chief Judge in your respective districts to explore the possibility of formulating an appropriate procedure to facilitate the use of a continuing subpoena. The United States Attorney for the Western District of Wisconsin has discussed this problem with the judges in his district. They have agreed to enter the following order when adjourning a trial to another date and you may find it adaptable in your district:

"IT IS HEREBY ORDERED THAT

1. Trial of the above matter is adjourned from (date 1) to (date 2).
2. All subpoenas issued in the above matter requiring the appearance of witnesses or production of documents or both on (date 1) are adjourned to (date 2) and the attorney for the party responsible for the subpoena is authorized to notify the witness subpoenaed of the adjourned date of the subpoena."

You may also wish to add appropriate language to the subpoena, Criminal Form No. 20: "The subpoena is issued upon application of the United States and remains in effect until final disposition of the case or until you are excused from further attendance by the Court."

EXECUTIVE OFFICE FOR U.S. ATTORNEYS
William P. Tyson, Acting DirectorPOINTS TO REMEMBERCoordination of Departments' Response to Proposed Amendments
to the Federal Rules

The Attorney General has recently created systematic procedures to insure timely and adequate Department-wide participation in considering proposed amendments to the various Federal Rules of Procedure.

Certain offices have been designated as coordinating agencies (Criminal Division, criminal rules; Office for Improvements in the Administration of Justice, civil and appellate rules; and the Executive Office for United States Trustees, bankruptcy rules) and each office will be responsible for establishing interdepartmental committees. These committees will consist of representatives from the affected litigating divisions, the EOUSA, OIAJ and the Office of the Solicitor General. Their responsibility will be to circulate the proposed amendments to the interested units within the Department and to receive and consider responsive comments. The EOUSA will refer all proposed rule changes to the Attorney General's Advisory Committee for consideration and comment.

The interdepartmental committees will then prepare proposed Departmental responses for submission to and approval by the Attorney General before the Department's formal response is transmitted to the Judicial Conference's standing committee on Rules of Practice and Procedure.

(Executive Office)

Increase in Admission Fee to the Supreme Court Bar

On May 14, 1980, Wade H. McCree, Jr., Solicitor General announced to the Heads of Offices, Boards, Divisions and Bureaus an increase in the admission fee to the Supreme Court Bar. Under amended Rule 52(d) of the Supreme Court effective June 30, the fee for admission to the Bar of the Court will increase from \$25 to \$100. You may wish to advise eligible attorneys (admitted three or more years) in the event they wish to be admitted before the effective date of the increase.

(Executive Office)

Memorandum



Subject Political Activities of United States Attorneys, Assistant U.S. Attorneys and Federal Employees in United States Attorneys' Offices	Date MAY 5 1980
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To: All U.S. Attorneys' Offices Personnel

From: William P. Tyson, Acting Director
Executive Office for U.S. Attorneys

This memorandum regarding restrictions on political activities has been prepared for the general guidance of U.S. Attorneys' offices employees, Assistant U.S. Attorneys, United States Attorneys, Special Assistant U.S. Attorneys, temporary and part-time employees.

The guidance offered is of a general nature for the above classes of employees. However, because of the sensitive nature of the responsibilities of the Department of Justice and United States Attorneys' offices in administering the federal system of justice, as well as the unique relationship between the Department of Justice and the political system, all United States Attorneys, Assistant U.S. Attorneys and Special Assistant U.S. Attorneys should err on the side of extreme conservatism in resolving any questionable political activities. All special questions should be discussed with the Acting Director or Deputy Director of the Executive Office prior to making a commitment for, or actually participating in or attending any political meeting, event or other political activity.

In all cases, extreme care should be taken to avoid even the appearance of impropriety, or the public impression that the U.S. Attorney's office has an association with a candidate or political organization.

The specific questions which some of you submitted to the Executive Office have been referred to the Office of Special Counsel of the Merit Protection Review Board. You will be provided with answers when they become available. In addition, the questions and answers will be published at USAM 1-4.000, entitled, "Standards of Conduct in General."

Contributions by executive branch employees to certain political candidates and organizations are prohibited by the recent amendment to the Federal Election Campaign Act. As discussed below, the Executive Branch is interpreting the amendment in the most conservative fashion. All employees in the executive branch are best advised to avoid contributing to President Carter's campaign, even through the Carter-Mondale Campaign Committee, pending final action on the proposed amendment of the Federal Election Campaign Act discussed below.

The Hatch Act coverage extends to any person employed in an executive agency, 5 U.S.C. §7324(d).

As a point of information, U.S. Attorneys and Assistant U.S. Attorneys serve in the excepted service, not in the competitive service. 5 U.S.C. §2103; 5 C.F.R. §213.3102. However, the same restrictions on political activities are applied to both the competitive and excepted services. 5 C.F.R. §733.201. Distinguishing the services in a Hatch Act context would only be relevant in a procedural sense and then only in the event of an alleged violation of the Act.

Basically, the Act "interdicts only active participation in political management and political campaigns and not expressions, public or private, as to public affairs, personalities and matters of public interest, not an objective of party action."

A list of permitted and prohibited political activities of federal employees, as well as other pertinent regulations relating to political activity, can be found in 5 C.F.R. §733.101 - §733.204. (A partial list of permitted and prohibited activities follows the article.) These regulations incorporate, almost completely, the case law on this subject.

Situations that may arise and are not dealt with in the regulations will have to be considered on a case-by-case basis and should involve consultation with the Merit Systems Protection Board's Office of Special Counsel which has been delegated this advisory function by the U.S. Office of Personnel Management (OPM).

Contributions may be made voluntarily by federal officers or employees to a political party or organization, with certain limitations. This is interpreted to mean that contributions may be made to an authorized individual campaign organization. However, contributions by a government employee delivered either personally to a candidate or mailed directly to a candidate should be avoided. These contributions are covered by 18 U.S.C. §591 et seq., titled Elections and Political Activities, as amended by the Federal Election Campaign Act Amendments of 1979, P.L. 96-187 (H.R. 5010) (January 8, 1980). Disregarding this advice may not only violate the Hatch Act but could result in prosecution under 18 U.S.C. §603, as amended by P.L. 96-187. The recent amendment to 18 U.S.C. §603, entitled, "Making Political Contributions," prohibits all officers and employees of the United States and its departments and agencies from making contributions (as defined in §301(8) of the Federal Election Campaign Act of 1971) to any other such officer, employee or person, Senator or Representative of Congress, if the recipient is the employer or employing authority of the contributor.

The conservative interpretation given to this amendment by the Department of Justice's Office of Legal Counsel is that the "employer or employing authority" of an Executive Branch contributor includes, inter alia, the incumbent President and Vice President and their campaign committees, as well as the employee-contributor's employers in the U.S. Attorney's office.

The maximum penalty for violation of 18 U.S.C. §603 is a \$5,000 fine and three years' imprisonment.

A further amendment limiting the new 18 U.S.C. §603 by excluding executive branch employees from this prohibition has been passed by the House (H.R. 6702) on March 10, 1980, and the issue will soon be decided in the Senate. Such a measure has the support of the appropriate Senators and the President's full support as stated in his signing statement for the original amendment on February 8, 1980. You will be immediately notified if the bill is enacted.

Solicitations of political contributions, as defined by Section 301(8) of the Federal Election Campaign Act of 1971, by any officer or employee of the United States, from any other such officer, employee or person, is still prohibited, subject to a \$5,000 fine and three years' imprisonment, under new section 18 U.S.C. §602, "Solicitation of Political Contributions," as amended by P.L. 96-187.

Dollar amount limitations on contributions by an individual to political organizations or committees are found at 2 U.S.C. §441a. Generally, this statute limits individual contributions to \$1,000 per year per candidate or his/her committee; \$20,000 per year to a political committee established by a national political party, which is not a committee for a particular candidate; and \$5,000 per year to any other political committee. In no case shall an individual make contributions aggregating more than \$25,000 in any calendar year. You should read 2 U.S.C. §441a if you are considering contributing significant amounts to a political campaign or organization.

Section 441a of 2 U.S.C. applies to contributions made to federal office-seekers and national committees. It is advisable for employees to check applicable state statutes in their respective districts before making political contributions to candidates for state and local office.

Violations of Hatch Act provisions by employees in the competitive service could result in removal, and the minimum penalty is suspension without pay for 30 days. Employees in the excepted service may also be removed and the minimum penalty is 30 days' suspension without pay (5 U.S.C. §733.137).

Special rules apply to residents of certain communities with large numbers of federal employees, which are listed in 5 C.F.R. §733.124. Reference to these regulations should answer most questions about these rules. If more information is desired the Merit Systems Protection Board's Office of Special Counsel should be consulted.

If you have any questions regarding political activity, you should obtain an answer before engaging in the activity, since ignorance of the provisions of the law will not excuse you from penalties for a violation.

A simply stated guide for federal employees engaging in political activity can be found in 39 Op. Atty. Gen. 446 (1940): "Generally, at least, it is the duty of persons who conceivably may come within the terms of inhibitions [in statutes such as the Hatch Act] so to shape their conduct as to avoid raising questions of the applicability to them of the statutory penalties." While somewhat dated, the advice is sound.

PARTIAL LIST OF PERMITTED AND PROHIBITED ACTIVITIES

What Employees May Do:

These are some permissible activities under the Hatch Act -

- * You have the right to register to vote as you choose in any election. Political activity restrictions do not relieve federal employees of their obligation as citizens to inform themselves of the issues and to register and vote. Employees are encouraged to vote by being granted leave under certain circumstances to register or vote.
- * You have the right to express your opinions as an individual privately and publicly, on all political subjects and candidates as long as you don't take active part in partisan political management or partisan political campaigns.
- * You may wear a political badge or button or display a political sticker on your private automobile, subject to work-related limitations.
- * You may make a voluntary campaign contribution to a political party or organization, subject to the restrictions of 18 U.S.C. §603, as amended, supra.
- * You may participate in a nonpartisan election either as a candidate or in support of (or in opposition to) a candidate, and you may, if elected, serve in the office if such service will not conflict or interfere with your federal duties.
- * You may serve as an election clerk or judge, or in a similar position, to perform nonpartisan duties as prescribed by state or local law.
- * You may be politically active in connection with an issue that is not specifically identified with a political party such as a constitutional amendment, referendum, approval of a municipal ordinance, or similar issue.

- * You may be a member of a political party or other political organization and attend meetings and vote on issues, but you may not take an active part in managing the organization.
- * You may attend a political convention, rally, fund-raising function, or other political gathering, but you may not take an active part in conducting or managing such gatherings.
- * You may sign petitions, including nominating petitions. You may not initiate them or canvass for signatures, if they are nominating petitions for candidates in partisan elections.
- * You may petition Congress or any Member of Congress, such as by writing to your Representative and Senators to say how you think they should vote on a particular issue.

What Employees May Not Do:

The general prohibitions on federal employees are that they may not use their official authority or influence to interfere with or affect the result of an election, and that they may not take an active part in partisan political management or in partisan political campaigns. These are some of the prohibited activities:

- * You may not be a candidate for nomination or election to a national or state office. You may, under some circumstances, run for local office as described in the section "What Employees May Do" and "Exemptions in Certain Communities."
- * You may not become a partisan candidate for nomination or election to public office.
- * You may not campaign for or against a political party or candidate in an election for public office or political party office.
- * You may not serve as an officer of a political party, a member of a national, state, or local committee of a political party, an officer or member of a committee of a partisan political club, or be a candidate for any of these positions.
- * You may not participate in the organizing or reorganizing of a political party, organization, or club.
- * You may not solicit, receive, collect, handle, disburse, or account for assessments, contributions, or other funds for partisan political purpose or in connection with a partisan election, or make a political contribution in a federal building or to some other employee.
- * You may not sell tickets for or otherwise actively promote such activities as political dinners.
- * You may not work at the polls on behalf of a partisan candidate or political party by acting as a checker, challenger, or watcher, or in a similar partisan position.
- * You may not distribute campaign material.
- * You may not serve as a delegate, alternate, or proxy to a political party convention.

- * You may not address a convention, rally, caucus, or similar gathering of a political party in support of or in opposition to a candidate for public office or political party office, or on a partisan political question.
- * You may not endorse or oppose a candidate or a partisan election through a political advertisement, broadcast, campaign literature, or similar material.
- * You may not use your automobile to drive voters to the polls on behalf of a political party or candidate in a partisan election.

(Executive Office)

CIVIL DIVISION
Assistant Attorney General Alice Daniel

Common Cause v. National Archives and Records Service, No. 79-1637 (D.C. Cir. April 30, 1980) DJ# 145-12-3141

FOIA: D.C. CIRCUIT FINDS THAT, UNDER
CERTAIN CIRCUMSTANCES, THE RELEASE OF
NAMES OF ALLEGED RECIPIENTS OF ILLEGAL
CAMPAIGN CONTRIBUTIONS MAY BE REQUIRED

Common Cause requested the names of candidates for federal office to whom nineteen named corporations were alleged to have made unlawful campaign contributions during the period 1968-1973. The names of these candidates were contained in records compiled by the Watergate Special Prosecution Force and later placed in the possession of the National Archives and Records Service (NARS). Certain information was released but the remainder was withheld under exemption 7(c) on the ground that release would constitute an "unwarranted invasion of personal privacy." None of the alleged recipients had been prosecuted nor, because of the statute of limitations, would they ever be. Based on the affidavit of the Special Prosecutor, which stated that the information in the WSPF/NARS was not substantial enough to support a prosecution of the alleged recipients and that, therefore, release would be an unwarranted invasion of privacy, the district court granted summary judgment in favor of the government.

The Court of Appeals reversed and remanded. It stated that summary judgment was inappropriate because the reliability of the records was at issue. The court seemed to say that the district court should review the records with respect to each alleged recipient and determine the probable (or perhaps the possible) guilt of each recipient. If probable (or possible) guilt is found, the district court would then order release.

We are considering filing a petition for rehearing or rehearing en banc, first, because the Court's directions to the district court are unclear and, second, because the Court's analysis is flawed. The court totally failed to conduct a proper 7(c) analysis, having completely failed to consider and then to balance the privacy and public interests involved. Had it done so, we believe, the Court would have found no current public interest in the information requested.

Attorney: Howard Scher (Civil Division)
FTS 633-5055

Lankford v. LEAA, No. 79-1158 (4th Cir., April 14, 1980) DJ# 145-12-3981

JURISDICTION: FOURTH CIRCUIT DISMISSES
PETITION FOR REVIEW UNDER PUBLIC SAFETY
OFFICERS' BENEFIT ACT BECAUSE OF LACK
OF JURISDICTION

The Public Safety Officers' Benefit (PSOB) Act provides for payment of a \$50,000 benefit to designated survivors of a peace officer who dies as a proximate result of a personal injury sustained in the line of duty. Claimant (beneficiary) sought review of the final administrative denial of her claim.

The Fourth Circuit concluded that it lacked jurisdiction to review the final agency determination because the PSOB Act did not expressly provide for judicial review in the Courts of Appeals. The court rejected the argument that the review provision of the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. 3759(a), which provides that an unsuccessful "applicant or grantee" may petition the Court of Appeals for review, was meant to apply to "claimants" under the PSOB Act.

Attorney: Burton Fretz (formerly of Civil Division)

Kollett v. Harris, Nos. 79-1453, 79-1455 (1st Cir., April 18, 1980) DJ# 181-66-16

SOCIAL SECURITY: FIRST CIRCUIT HOLDS HEW'S
"DEEMING" REGULATIONS UNDER THE SUPPLEMENTAL
SECURITY INCOME PROGRAM CONSTITUTIONAL, A
VALID EXERCISE OF THE PROCEDURAL REQUIREMENTS
OF THE APA

Under the Supplemental Security Income Program (SSI), disabled children are eligible for benefits if their income falls below certain levels. 42 U.S.C. 1382c(f)(2) provides that a child's income is "deemed" to include the income of parents and/or stepparents living in the same household, "whether or not available to such individual, except to the extent determined by the Secretary to be inequitable under the circumstances."

This provision was implemented by the Secretary by general regulations, found at 20 C.F.R. 416.1185, which provide general exclusions from parental income for living and work expenses, but make no allowance for individual family availability or local child support laws. The regulations were first promulgated without opportunity for public comment in 1974. The allowances were then substantially liberalized after public

comment in 1977. The district court held both sets of regulations arbitrary and capricious for failure to consider "relevant factors" and the 1974 regulations procedurally invalid under 5 U.S.C. 553. The district court was influenced by a concern that the statute, as implemented without allowance for the fact that stepparental income would not be actually available under state law, might be unconstitutional.

The First Circuit largely reversed. The statute presented no constitutional difficulty: ". . . Congress could permissibly conclude that no general exception from deeming should be made where the source of family support is a stepparent rather than a natural parent." Both sets of regulations, moreover, were substantively valid. HEW does not have to "enumerate every conceivable factor that entered the decision-making process."

However, the 1974 regulations were held invalid for failure to allow for notice-and-comment in advance of promulgation. The Court found that HEW did not state sufficient "good cause" for abrogating this process, nor did such cause exist, given the 14-months between the enactment of the statute and its effective date.

But the Court also vacated the district court's remedy of automatically retroactively applying the more generous 1977 regulations. The question of remedy has been remanded for a determination of whether the change was stimulated by the comments later received pointing to an error or was influenced by other factors. Also, the district court is to balance any recovery against national economic and regulatory impact.

Attorney: Bruce Forrest (Civil Division)
FTS 633-3445

National Association of Broadcasters v. Copyright Royalty
Tribunal, No. 80-1076 (D.C. Cir., April 21, 1980) DJ# 23-3743

RIPENESS: D.C. CIRCUIT DISMISSES PETITION
FOR REVIEW BROUGHT BY BROADCASTERS ASSOCI-
ATION CHALLENGING INTERLOCUTORY DECISION OF
COPYRIGHT ROYALTY TRIBUNAL

Currently pending before the Copyright Royalty Tribunal is the Tribunal's very first royalty distribution proceeding. The Tribunal is charged by statute with the task of distributing moneys paid by various cable television operators into a fund to pay the royalty fees of programming transmitted on cable T.V. Various claimants of the royalties are participating in the Tribunal proceedings. An association of broadcasting companies (National Association of Broadcasters) was dissatisfied with the

Tribunal's disposition of several legal questions, and filed an immediate petition for review even though proceedings were continuing before the Tribunal. On our motion, the D.C. Circuit has just dismissed the petition for review as not "ripe." This decision, which was rendered without opinion, should aid the Tribunal in restraining future attempts to interrupt agency proceedings through premature court challenges.

Attorney: John Cordes (Civil Division)
FTS 633-3426

National Collegiate Athletic Association v. Harris, No. 78-1632
(10th Cir. April 17, 1980) DJ# 145-16-896

STANDING: TENTH CIRCUIT HOLDS THAT NCAA
LACKS STANDING IN ITS OWN RIGHT TO CHALLENGE
TITLE IX REGULATIONS BUT REMANDS FOR FACTUAL
DETERMINATION OF QUESTION OF REPRESENTATIONAL
STANDING

The National Collegiate Athletic Association brought this action in an effort to obtain pre-enforcement review of the regulations implementing Title IX of the Education Amendments of 1972. The NCAA asserted standing both in its own right and as the representative of its member colleges. However, the National Education Association and the Association of Intercollegiate Athletics for Women intervened as parties defendant, claiming that they represent the interests of American colleges and universities in combating discrimination more accurately than the NCAA. Faced with this unusual situation, the district court granted our motion to dismiss for want of standing. On appeal, the Tenth Circuit accepted our argument that the NCAA has no standing in its own right to challenge the regulations. However, it held that the district court should not have granted a motion to dismiss on the issue of representational standing. Rather, it should have entertained motions for summary judgment wherein each association established by affidavit which colleges and universities it actually represents. Only if the NCAA can show that it represents a majority of its members and only if it can produce at least one college to join in its suit will it be deemed to have representational standing.

Attorney: Linda Cole (Civil Division)
FTS 633-3525

Painter v. FBI, No. 79-2570 (5th Cir., April 18, 1980) DJ# 145-12-3641

FOIA: FIFTH CIRCUIT CONCLUDES THAT THE
PRIVACY ACT IS AN EXEMPTION 3 STATUTE
WITHIN THE MEANING OF FOIA

Painter, an ex-FBI Agent, sued under the FOIA to obtain documents from his files to be used in a challenge to his dismissal from the FBI. The FBI, following established policy to examine both the Privacy Act and the FOIA to determine which permits the broadest disclosure, examined the Privacy Act and determined that exemption (k)(5) (confidential sources) would authorize withholding of the requested information. (The FBI determined that (k)(5) was a narrower exemption than FOIA's 7(D) exemption).

The district court found that the Privacy Act was not a FOIA Exemption 3 statute. Then it concluded that the requested documents would have to be released because the FBI had asserted no other applicable FOIA exemption for the requested material. The FBI then asserted the applicability of FOIA exemption 7(D) and argued, alternatively, that, as a result of its policy with respect to FOIA/Privacy Act requests, it asserted only the (k)(5) exemption because (k)(5) subsumed 7(D). The district court rejected these arguments.

On appeal, we limited our brief to the latter and avoided the (k)(5)-as-exemption-3- statute argument. Nevertheless, the Fifth Circuit, without benefit of oral argument, followed the exemption 3 path. The decision results in policy and practical (on remand) problems. Therefore, we will move this week for modification of the decision.

Attorney: Howard Scher (Civil Division)
FTS 633-5055

Parkridge Hospital v. Califano, No. 77-1576 (6th Cir., April 29, 1980) DJ# 145-161-157

REVERSE FOIA: SIXTH CIRCUIT UPHOLDS VALIDITY
OF HEW REGULATION PROVIDING FOR PUBLIC
DISCLOSURE OF MEDICARE PROVIDERS' COST
REPORTS

In response to an FOIA request, HEW notified Parkridge Hospital that it would release the annual cost report filed by Parkridge to secure reimbursement under the Medicare program. Parkridge then brought this "reverse FOIA" suit to enjoin such disclosure and argued (a) that the report was confidential

financial information within Exemption 4, (b) that disclosure would violate the Trade Secrets Act, 18 U.S.C. 1905, and (c) that HEW's regulation authorizing such disclosure was invalid as contrary to statute and arbitrary and capricious. The district court granted the requested relief, and we appealed.

The Sixth Circuit reversed, accepting our arguments that the regulation is valid and that disclosure is not barred by the FOIA or the Trade Secrets Act. The court emphasized that Medicare providers receive large sums of public money so that it is reasonable for HEW to provide disclosure of their cost reports to facilitate public accountability. This decision is in accord with those of the other two circuits (the Second and the Fifth) which have also sustained HEW's regulation. The well written opinion by Chief Judge Edwards should help us in similar cases pending in the District of Columbia and Fourth circuits.

Attorney: Anthony J. Steinmeyer (Civil Division)
FTS 633-3355

OFFICE OF LEGISLATIVE AFFAIRS
Assistant Attorney General Alan A. Parker

SELECTED CONGRESSIONAL AND LEGISLATIVE ACTIVITIES

APRIL 29 - MAY 13, 1980

DOJ Authorization. Hearings in the Senate concluded on April 30, 1980 with the appearance of Deputy Attorney General Renfrew and Associate Attorney General Shenefield. Senator Biden chaired. Senators Baucus and DeConcini attended for short periods to inquire as to matters within each of their interests. The hearing went very well.

The authorization bill was scheduled for consideration by the Committee in executive session on May 7, 1980. However because Senator Hatch was going to object, the bill has been put over for at least one more week. Senator Hatch's objections do not relate to the provisions of S. 2377, but rather to his continuing demand that Public Integrity Chief Tom Henderson appear as a witness at hearings on "sensitive political cases" handled by the public integrity section.

Fair Housing. The Senate Judiciary Subcommittee on the Constitution has tentatively scheduled markup on S. 506, the fair housing amendments, for May 13. An April 30 markup on this matter was postponed.

On May 6, 1980, the House Rule Committee granted a rule for consideration of the Fair Housing Amendments. The terms are an open rule with two hours of general debate. Floor action is not yet scheduled but is likely to be on Wednesday, May 14, 1980.

Attorney Fees. On May 1, Alice Daniel (Assistant Attorney General, Civil Division) testified before the House Small Business Subcommittee on SBA and SBIC Authority and General Small Business Problems. The hearings involved H.R. 6429, the "Small Business Equal Access to Justice Act." On behalf of the Administration, Ms. Daniel strongly opposed H.R. 6429 and endorsed a less sweeping alternative drafted in the Department.

The Subcommittee reported the bill by voice vote on May 6, 1980. Full committee markup is scheduled for May 13, 1980.

Efforts are expected which would attach S. 265, a bill similar to H.R. 6429, which has already passed the Senate, to the Department's Authorization bill in the Senate and to the regulatory reform bill in the House. The Department opposes both of these moves.

Institutions. On April 24, the Senate began consideration of the Conference Report on H.R. 10, the institutions bill. As they did at the time of the Senate's original deliberations on this bill, Senators Thurmond, Danforth, Exon and Boren commenced a filibuster. The first cloture vote, held on April 28, failed on a vote of 44 to 39; a second cloture vote, held on April 29, failed on a vote of 56 to 34; a third vote on April 30, failed by vote of 53 to 35. Cloture was finally invoked on the fourth attempt on April 29, 1980 by a vote of 60-34. On May 6, 1980, the Senate adopted the conference report. Adoption by the House is expected shortly.

Internal Audit. On April 24 Kevin Rooney (Justice Management Division), Mike Shaheen (Office of Professional Responsibility), Frank Cihlar (Office for Improvements in the Administration of Justice) and Glenn Pommerening (Internal Audit Staff) testified at oversight hearings before Representative Prey's subcommittee of Government Operations. The effectiveness of the Internal Audit Staff and the Office of Professional Responsibility was explored as was the reorganization of JMD. Rather loaded questions were posed in preparation for anticipated legislation which would mandate and expand OPR and/or IAS. The report prepared by OIAJ concerning the establishment of Inspector General-type functions within DOJ was not discussed in detail.

Bankruptcy Act, Technical Amendments Bill. Richard Levine, Director, Executive Office of United States Trustees, testified before the Subcommittee on Civil and Constitutional Rights concerning S. 658, Technical Amendments to the new Bankruptcy Act. Levine articulated the Department's opposition to a proposed change in Section 1103(b) of the Act. The proposal would permit a person, other than an attorney or accountant, to represent individual creditors and creditors' committee simultaneously. Levine stressed that one of the major purposes of the Act was to alleviate conflict of interests. The necessity to avoid conflicts extends to non-attorneys and non-accountants. Chairman Edwards' reaction appeared favorable.

The Subcommittee is scheduled to continue hearings on May 15, 1980.

Organized Crime. The Senate Permanent Subcommittee on Investigations on Organized Crime and the Use of Violence began hearings the week of April 29, 1980 on Organized Crime. On April 28, 1980, FBI Director William Webster, Deputy Assistant Attorney General Irv Nathan (who replaced the ill Philip Heymann) and DEA Administrator Peter Bensinger all testified concerning the progress made and difficulties encountered by their respective Departments in their efforts to fight organized crime. On April 29, 1980, Sean McWeeney, Special Agent-Section Chief, FBI headquarters and James Nelson, Unit Chief, FBI

Headquarters testified in greater detail about organized crime activities and groups that comprise organized crime (LaCosa Nostra, Chinese Mafia, Mexican Mafia, Bikers, Israeli Mafia, Dixie Mafia etc). The agents complained that FOIA and privacy requirements of the Tax Reform Bill of 1976 were handicaps in pursuing the leaders of organized crime. However, the biggest impediment was the light sentences and early parole of those convicted. On April 30, 1980, Michael DeFeo, Strike Force Chief, Kansas City and William Ouseley, FBI, Kansas City testified about their experiences.

On May 5, 1980, the Subcommittee concluded its first round of hearings. The May 5 hearing focused on a ruthless band of Columbian Smugglers who operate in the Miami, Florida area. A second round of hearings is scheduled for June.

Senator Nunn who chairs this Subcommittee hopes these hearings will have an impact similar to that of the Valachi hearings held in the early 1960's. He is hopeful there will be renewed public interest in stopping organized crime which is now heavily involved in legitimate businesses.

Corporate Criminal Liability. Mark-up on H.R. 7040 before the House Judiciary Subcommittee on Crime, which would amend title 18 of the U.S. Code to impose penalties with respect to certain nondisclosure by business entities as dangerous products, was scheduled for the week of May 12, 1980. After receiving official DOJ comment on H.R. 7040, the Subcommittee hopes to have DOJ testify on the day of mark-up.

Continuing Pay Bill. On April 30, 1980, the House Post Office and Civil Service Subcommittee on Compensation and Employee Benefits held hearings on H.R. 5995, the Continuing Pay bill. Larry Simms (OLC) and Peter Shane (OLC) testified for DOJ and reiterated what was contained in the Attorney General's opinion, that without a continuing resolution or Congressional appropriation, Federal agencies would have to terminate functioning as proscribed by the Anti-Deficiency Act (1870), when their appropriated funds run out. The Department believes that H.R. 5995 will not solve the problem since it only continues pay during times when appropriations are delayed and does not provide for operational funds. Therefore, the employees can get paid, but cannot perform any work. Christian White from the FTC testified that his agency was going to abide by the Attorney General's opinion and was preparing for termination at 12:00 midnight. DOJ and FTC had agreed that approximately two or three weeks would be necessary to "terminate" FTC functions in the event appropriated funds were not forthcoming.

Class Action. On May 1, 1980, Assistant Attorney General Maurice Rosenberg testified before the House Committee on Small

Business concerning DOJ views on H.R. 5103, the Small Business Judicial Access Act of 1979.

On May 6, 1980 the Subcommittee problems marked up and approved the bill, with only a few minor changes. Chairman Neal Smith believes this could be the most important bill to pass Congress this year. The bill was jointly referred to the Judiciary and Small Business Committees. To date the Judiciary Committee has not taken action on the bill.

U.S. Postal Service Subject to Certain Provisions of OSHA.

On May 1, 1980, Basil Whiting, Deputy Assistant Secretary of Labor for Occupational Safety and Health, testified before the Senate Governmental Affairs Subcommittee on Energy, Nuclear Proliferation and Federal Services on behalf of the Administration's approval of H.R. 826 (S. 2558). The proposed legislation, which makes the Postal Service subject to provisions of OSHA, will limit the Justice Department's litigating authority. If enacted, the legislation will put the Department in a conflict of interest posture, i.e. having to prosecute and defend the Postal Service. Due to this conflict the Department will have to allow the Postal Service to defend itself (the bill specifically takes litigating authority away from Justice). Mark-up on S. 2558 (similar to H.R. 926 except it allows for criminal sanctions against the employer as well as the employees) will be on May 8, 1980. Even though Labor testified in favor of criminal sanctions against employees only, the Committee appears inclined to include penalties against the employer, the Postal Service. Therefore, the Justice Department may be in a position someday to call for a Grand Jury to indict another Executive Agency, the Postal Service, including the Postmaster General and the Board.

Customs Courts Act. The Subcommittee on Monopolies and Commercial Law of the House Judiciary Committee scheduled markup on H.R. 6394, Customs Court Act on May 8, 1980 was cancelled. It has been rescheduled for May 14, 1980.

Railway Deregulation. The House Commerce Committee was scheduled to markup H.R. 7235, Congressman Florio's bill on the economic deregulation of the railroad industry on May 7, 1980. However, because of the presence of other legislation, markup has been rescheduled for May 13, 1980.

Regulatory Reform. House Judiciary Committee began mark-up of H.R. 3263, on April 29, but made little progress, covering only 5 sections of the bill in a section-by-section reading in two days of mark-up. Amendments were adopted to limit small business impact of agency regulations. Other amendments were considered but final votes were postponed.

S. 262 passed the Senate Judiciary Committee with the following amendments:

(1) S. 1472 (Venue) is the DeConcini/Laxalt bill to create a presumption that environmental actions filed outside the district which was substantially impacted, be transferred to the local district. The bill passed with a slight weakening amendment by Culver to p. 3, line 14: "or that the impact is substantially national and not local in scope." Culver stated that e.g. acid rain which affected 5 or 6 states would not be local in scope.

This revision of the bill was not supported by DOJ, but it appears to be something we can live with.

(2) Bumpers - Culver's attempt to gut the amendment was defeated resoundly. A somewhat modified Bumpers sponsored by DeConcini, Dole, Laxalt, Hatch, and Heflin passed unanimously.

Legislative Veto. Cochran's 2-house veto patterned after Levin/Boren was offered as an amendment to regulatory reform, but was defeated (without a quorum) by a 2/4 vote. The only "aye" votes were Cochran and Baucus. Heflin was concerned with the constitutional problems and expressed interest in an independent regulation review commission.

Senate Governmental Affairs passed S. 1945, the Levin/Boren legislative veto, on May 8 by a vote of 9-4.

Juvenile Justice Authorization. S. 2441 passed the Senate Judiciary Committee with a minor Bayh amendment including "handicapped" in the definition section. DeConcini's amendment mandating separate facilities for juveniles in temporary detention centers was not included.

I&NS Efficiency Bill. On May 7 Senator Simpson objected to Judiciary Committee consideration of the I&NS efficiency bill, S. 1763, thereby putting the bill over until the next Committee markup session.

Jurisdictional Amount in Controversy. S. 2357, a bill to eliminate the amount in controversy requirement for federal question jurisdiction, was not considered by the Senate Judiciary Committee as scheduled on May 7 because Senator Thurmond objected to its consideration. Senator Hatch noted that when the bill does come up he will offer an amendment to retain the jurisdictional amount in controversy requirement in certain "consumer controversies."

Judicial Realignment. On May 7 the Senate Judiciary Committee ordered favorably reported S. 2326, a Department - originated proposal to place the Federal Correctional Institution at Butner, North Carolina, entirely within the Eastern District of North Carolina. At present the line dividing the Middle and Eastern Districts of North Carolina also divides the Federal Correctional Institution at Butner, North Carolina, into two segments. The Bill would avoid potentially serious problems with respect to criminal prosecutions and habeas corpus actions.

Nominations. On May 9, 1980, the Senate confirmed the following nominations:

Odell Horton, to be U.S. District Judge for the Western District of Tennessee;

John T. Nixon, to be U.S. District Judge for the Middle District of Tennessee;

Norma H. Johnson, to be U.S. District Judge for the District of Columbia;

Henry S. Dogin, of New York, to be Director of the Office of Justice Assistance, Research, and Statistics;

Homer F. Broome, Jr., of California, to be Administrator of the Law Enforcement Assistance Administration;

Raymond L. Acosta, to be U.S. Attorney for the District of Puerto Rico;

John S. Edwards, to be U.S. Attorney for the Western District of Virginia;

Thomas E. Delahanty II, to be U.S. Attorney for the District of Maine;

John S. Martin, Jr., to be U.S. Attorney for the Southern District of New York;

James R. Laffoon, to be U.S. Marshal for the Southern District of California;

John W. Spurrier, to be U.S. Marshal for the District of Maryland.

On April 25, 1980, the Senate Judiciary Committee concluded hearings on the nominations of Charles L. Hardy, to be U.S. District Judge for the District of Arizona, and William C. Canby, Jr., of Arizona, to be U.S. Circuit Judge for the Ninth Circuit,

after the nominees, testified and answered questions in their own behalf.

On May 1, 1980 the Senate Judiciary Committee concluded hearings on the nominations of Samuel J. Ervin III, of North Carolina, to be U.S. Circuit Judge for the Fourth Circuit; W. Earl Bitt, to be U.S. District Judge for the Eastern District of North Carolina; Patrick F. Kelly, to be U.S. District Judge for the District of Kansas; Milton I. Shadur, to be U.S. District Judge for the Northern District of Illinois; Frank J. Polozola, to be U.S. District Judge for the Middle District of Louisiana; Clyde S. Cahill, Jr., to be U.S. District Judge for the Eastern District of Missouri; George R. Anderson, Jr., to be U.S. District Judge for the District of South Carolina; Walter H. Rice, and S. Arthur Spiegel, each to be a U.S. District Judge for the Southern District of Ohio, and Raul A. Ramirez, to be U.S. District Judge for the Eastern District of California, after the nominees testified and answered questions in their own behalf.

On May 9, 1980, the Senate received the following nominations:

Judith N. Keep, to be United States District Judge for the Southern District of California;

Marilyn H. Patel, to be United States District Judge for the Northern District of California;

Thelton E. Henderson, to be United States District Judge for the Northern District of California;

A. Wallace Tashima, to be United States District Judge for the Central District of California;

Justin L. Quackenbush, to be United States District Judge for the Eastern District of Washington.

Federal Rules of Criminal Procedure

Rule 18. Place of Prosecution and Trial.

After being convicted of a crime in the Western District of Kentucky, defendant was released on bail pending appeal. Upon his conviction being affirmed and certiorari denied, defendant was ordered to surrender to the U.S. Marshal in Detroit, Michigan. He failed to do so, and, upon being apprehended, was returned to the Western District of Kentucky, where he was indicted for bail jumping. The Government appealed the court's dismissal of the indictment on the ground that criminal venue did not lie in the Western District of Kentucky.

The central question on appeal was whether, within the meaning of Rule 18, the offense was committed in the district which admitted defendant to bail and ordered him to report, or in the district where defendant failed to report as ordered. The Court rejected defendant's argument that the focus of the crime of bail jumping is upon the failure of the bailed defendant to perform a legally required act and venue should therefore lie in the district where the act is required to be performed, distinguishing this case from Johnston v. United States, 351 U.S. 215, 220 (1956), on which defendant relied, which held "that where the crime charged is a failure to do a legally required act, the place fixed for its performance fixes the situs of the crime." Here, as the Government pointed out, the focus of the crime of bail jumping is upon the effect that the proscribed act has on the power and the dignity of the court which sets bail, and not on the physical aspects of the offense. Bail jumping is akin to a "constructive contempt of court," so venue was properly laid in the Western District of Kentucky.

(Reversed and remanded with instructions to reinstate the indictment.)

United States v. Michael Lawrence Roche, 611 F.2d
1180 (6th Cir. January 4, 1980)

LISTING OF ALL BLUESHEETS IN EFFECT

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
	TITLE 1	
5-23-78	1 thru 9	Reissuance and Continuation in Effect of BS to U.S.A. Manual
Undtd	1-1.200	Authority of Manual; A.G. Order 665-76
6-21-77	1-3.100	Assigning Functions to the Associate Attorney General
6-21-77	1-3.102	Assignment of Responsibility to DAG re INTERPOL
6-21-77	1-3.105	Reorganize and Redesignate Office of Policy and Planning as Office for Improvements in the Administration of Justice
4-22-77	1-3.108	Selective Service Pardons
6-21-77	1-3.113	Redesignate Freedom of Information Appeals Unit as Office of Privacy and Information Appeals
6-21-77	1-3.301	Director, Bureau of Prisons; Authority to Promulgate Rules
6-21-77	1-3.402	U.S. Parole Commission to replace U.S. Board of Parole
Undtd	1-5.000	Privacy Act Annual Fed. Reg. Notice; Errata
12-5-78	1-5.400	Searches of the News Media
8-10-79	1-5.500	Public Comments by DOJ Emp. Reg., Invest., Indict., and Arrests
4-28-77	1-6.200	Representation of DOJ Attorneys by the Department: A.G. Order 633-77
8-30-77	1-9.000	Case Processing by Teletype with Social Security Administration
10-31-79	1-9.000	Procedure for Obtaining Disclosure of Social Security Administration Information in Criminal Proceedings

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
11-16-79	1-9.000	Notification to Special Agent in Charge Concerning Illegal or Improper Actions by DEA or Treasury Agents
7-14-78	1-14.210	Delegation of Authority to Conduct Grand Jury Proceedings
	TITLE 2	
1-03-77	2-3.210	Appeals in Tax Case
	TITLE 3	
Undtd	3-4.000	Sealing and Expungement of Case Files Under 21 U.S.C. 844
	TITLE 4	
11-27-78	4-1.200	Responsibilities of the AAG for Civil Division
9-15-78	4-1.210-	Civil Division Reorganization
	4-1.227	
4-14-80	4-1.213	Federal Programs Branch Case Reviews
4-1-79	4-1.300-	Redelegations of authority in Civil Division Cases
	4-1.313	
5-5-78	4-1.313	Addition of "Direct Referral Cases" to USAM 4-1.313
4-1-79	4-2.110-	Redelegation of Authority in Civil Division Cases
	4-2.140	
2-22-78	4-2.320	Memo Containing the USA's Recommendations for the Compromising or Closing of Claims Beyond his Authority
11-13-78	4-2.433	Payment of Compromises in Federal Tort Claims Act Suits
8-13-79	4-3.000	Withholding Taxes on Backpay Judgments
5-05-78	4-3.210	Payment of Judgments by GAO
6-01-78	4-3.210	New telephone number for GAO office handling payment of judgments
5-14-79	4-4.230	Attorneys' Fees in EEO Cases
11-27-78	4-4.240	Attorney fees in FOI and PA suits
4-1-79	4-4.280	New USAM 4-4.280, dealing with attorney's fees in Right To Financial Privacy Act suits

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
4-1-79	4-4.530	Addition to USAM 4-4.530 (costs recoverable from United States)
4-1-79	4-4.810	Interest recoverable by the Gov't.
4-1-79	4-5.229	New USAM 4-5.229, dealing with limitations in Right To Financial Privacy Act suits.
2-15-80	4-5.530; 540; 550	FOIA and Privacy Act Matters
4-1-79	4-5.921	Sovereign immunity
4-1-79	4-5.924	Sovereign immunity
9-24-79	4-9.200	McNamara-O'Hara Service Contract Act cases
9-24-79	4-9.700	Walsh-Healy Act cases
4-1-79	4-11.210	Revision of USAM 4-11.210 (Copyright Infringement Actions).
4-1-79	4-11.850	New USAM 4-11.850, discussing Right To Financial Privacy Act litigation
4-21-80	4-11.860	FEGLI litigation
6-4-79	4-12.250; 4-12.251	Priority of Liens (2410 cases)
4-7-80	4-12.250; .251; .252	Priority of Liens (2420 cases)
5-22-78	4-12.270	Addition to USAM 4-12.270
4-16-79	4-13.230	New USAM 4-13.230, discussing revised HEW regulations governing Social Security Act disability benefits
11-27-78	4-13.335	News discussing "Energy Cases"
7-30-79	4-13.350	Review of Government Personnel Cases under the Civil Service Reform Act of 1978
4-1-79	4-13.361	Handling of suits against Gov't Employees

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
6-25-79	4-15.000	Subjects Treated in Civil Division Practice Manual
	TITLE 5	
9-14-78	5-1.110	Litigation Responsibility of the Land & Natural Resources Division
9-14-78	5-1.302	Signing of Pleadings by AAG
9-7-78	5-1.310	Authority of U.S. Attorneys to Initiate Actions Without Prior Authorization to Initiate Action
9-14-78	5-1.321	Requirement for Authorization to Initiate Action
1-3-79	5-1.325; 5-1.326	Case Weighting System, Case Priority System, Procedures
9-7-78	5-1.620	Settlement Authority of Officers within the Land and Natural Resources Division
9-7-78	5-1.630	Settlement Authority of U.S. Attorneys
9-14-78	5-2.130	Statutes administered by Pollution Control Section
11-13-79	5-2.130	Naming of State in Clear Water Act Enforcements Actions Against Municipalities
9-06-77	5-2.310(a) and (b); 5-2.312	Representation of the Environmental Protection Agency
9-14-78	5-2.312	Cooperation and Coordination with Environmental Protection Agency
9-14-78	5-2.321	Requirement for Authorization to Initiate Action
9-14-78	5-3.321	Requirement for Authorization To Initiate Action
9-06-77	5-3.321; 5-3.322	Category 1 Matters and Category 2 Matters-Land Acquisition Cases
9-14-78	5-4.321	Requirement for Authorization to Initiate Action

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
9-14-78	5-5.320	Requirement for Authorization to Initiate Action
9-14-78	5-7.120	Statutes Administered by the General Litigation Section
9-14-78	5-7.314	Cooperation and Coordination with the Council on Environmental Quality
9-14-78	5-7.321	Requirement for Authorization to Initiate Action
9-14-78	5-8.311	Cooperation and Coordination with the Council on Environmental Quality
TITLE 6		
4-22-80	6-3.630	Responsibilities of United States Attorney of Receipt of Complaint
TITLE 7		
6-21-77	7-2.000	Part 25-Recommendations to President on Civil Aeronautic Board Decisions, Procedures for Receiving Comments by Private Parties
TITLE 8		
6-21-77	8-2.000	Part 55-Implementation of Provisions of Voting Rights Act re Language Minority Groups (interpretive guidelines)
6-21-77	8-2.000	Part 42-Coordination of Enforcement of Non-discrimination in Federally Assisted Programs
10-18-77	8-2.220	Suits Against the Secretary of Commerce Challenging the 10% Minority Business Set-Aside of the Public Works Employment Act of 1977 P.L. 95-28 (May 13, 1977)
Undtd (10-79)	8-3.130	Enforcement of Civil Rights Criminal Statutes--Clarification of Authorization for Arrests Pursuant to Complaint
TITLE 9		
7-11-79	9-1.000	Criminal Division Reorganization

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
Undtd (3-80)	9-1.103	Description of Public Integrity Section
3-14-80	9-1.103	Criminal Division Reorganization
11-13-79	9-1.160	Requests for Grand Jury Authorization Letters for Division Attorneys
Undtd	9-1.215	Foreign Corrupt Practices Act of 1977-15 U.S.C. 78m(b)(2)-(3); 15 U.S.C. 78dd-1; and 15 U.S.C. 78dd-2
4-14-80	9-1.403; .404;.410	Criminal Division Reorganization
4-16-80	9-1.502	Criminal Division Brief/Memo Bank
6-22-79	9-2.000	Cancellation of Outstanding Memorandum
5-11-79	9-2.025	Trade Secrets Act-Prosecution Under 18 U.S.C. 1905
1-25-80	9-2.145	Interstate Agreement on Detainers
4-16-79	9-2.168	State and Territorial Prisoners Incarcerated in Federal Institutions
2-28-80	9-4.116	Oral Search Warrants
6-28-79	9-4.600	Hypnosis
Undtd	9-7.000; 9-7.317	Defendant Overhearings and Attorney Overhearings Wiretap Motions
8-16-79	9-7.230	Pen-Register Surveillance
2-06-80	9-11.220	Use of Grand Jury to Locate Fugitives
12-13-78	9-11.220	Use of Grand Jury to Locate Fugitives
5-31-77	9-11.230	Grand Jury Subpoena for Telephone Toll Records
8-13-79	9-11.230	Fair Credit Reporting Act and Grand Jury Subpoenas
5-22-79	9-16.210	Explanation of "Special Parole" in Entry of Pleas Pursuant to Rule 11 F.R. Crim. P.

<u>DATE</u>	<u>AFFECTS USAM</u>	<u>SUBJECT</u>
9-15-77	9-27.000	Federal Telephone Search Warrant System
11-13-79	9-34.220	Prep. Reports on Convicted Prisoners for Parole Commission
10-22-79	9-42.000	Coordination of Fraud Against the Government Cases (non-disclosable)
2-27-80	9-47.120	Foreign Corrupt Practices Act Review Procedure
6-29-79	9-60.291	Forfeiture of Devices Illegally Used to Intercept Wire or Oral Communications
5-22-79	9-61.132 and 9-61.133	Steps to be Taken to Assure the Serious Consideration of All Motor Vehicle Theft Cases for Prosecution
5-22-79	9-63.165	Revision of Prosecutive Policy to Reflect Availability of Civil Penalty for Processing Individuals who Attempt to Carry a Firearm Aboard a Carrier Aircraft
8-08-79	9-69.260	Perjury: False Affidavits Submitted in Federal Court Proceedings Do Not Constitute Perjury Under 18 USC 1623
1-3-80	9-69.420	Issuance of Federal Complaint in Aid of States' Prerequisites to; Policy
3-12-79	9-79.260	Access to information filed pursuant to the Currency & Foreign Transactions Reporting Act
5-11-78	9-120.160	Fines in Youth Corrections Act Cases
3-14-80	9-120.120	Armed Forces Locator Services
2-29-80	9-121.120, .153 and .154	Authority to Compromise & Close Appearance Bond Forfeiture Judgements
4-21-80	9-121.140	Application of Cash Bail to Criminal Fines
4-05-79	9-123.000	Costs of Prosecution (28 U.S.C. 1918(b))

(Revised 5-7-80)

ADDENDUM

Note that you should remove the Bluesheet affecting 9-27.000 from your U.S. Attorneys' Manual. This Bluesheet was replaced by the bluesheet dated February 28, 1980, affecting USAM 9-4.116.

(Criminal Division)

UNITED STATES ATTORNEYS' MANUAL--TRANSMITTALS

The following United States Attorneys' Manual Transmittals have been issued to date in accordance with USAM 1-1.500. This monthly listing may be removed from the Bulletin and used as a check list to assure that your Manual is up to date.

<u>TRANSMITTAL AFFECTING TITLE</u>	<u>NO.</u>	<u>DATE MO/DAY/YR</u>	<u>DATE OF Text</u>	<u>CONTENTS</u>
1	1	8/20/76	8/31/76	Ch. 1,2,3
	2	9/03/76	9/15/76	Ch. 5
	3	9/14/76	9/24/76	Ch. 8
	4	9/16/76	10/01/76	Ch. 4
	5	2/04/77	1/10/77	Ch. 6,10,12
	6	3/10/77	1/14/77	Ch. 11
	7	6/24/77	6/15/77	Ch. 13
	8	1/18/78	2/01/78	Ch. 14
	9	5/18/79	5/08/79	Ch. 5
	10	8/22/79	8/02/79	Revisions to 1-1.400
	11	10/09/79	10/09/79	Index to Manual
	12	11/21/79	11/16/79	Revision to Ch. 5, 8, 11
	13	1/15/80	1/18/80	Ch. 5, p. i-ii, 29-30, 41-45
2	1	6/25/76	7/04/76	Ch. 1 to 4
	2	8/11/76	7/04/76	Index
3	1	6/23/76	7/30/76	Ch. 1 to 7
	2	11/19/76	7/30/76	Index

	3	8/15/79	6/31/79	Revisions to Ch. 3
	4	9/25/79	7/31/79	Ch. 3
4	1	1/02/77	1/02/77	Ch. 3 to 15
	2	1/21/77	1/03/77	Ch. 1 & 2
	3	3/15/77	1/03/77	Index
	4	11/28/77	11/01/77	Revisions to Ch. 1-6, 11-15 Index
5	1	2/04/77	1/11/77	Ch. 1 to 9
	2	3/17/77	1/11/77	Ch. 10 to 12
	3	6/22/77	4/05/77	Revisions to Ch. 1-8
	4	8/10/79	5/31/79	Letter from Attorney General to Secretary of Interior
6	1	3/31/77	1/19/77	Ch. 1 to 6
	2	4/26/77	1/19/77	Index
	3	3/01/79	1/11/79	Complete Revision of Title 6
7	1	11/18/77	11/22/76	Ch. 1 to 6
	2	3/16/77	11/22/76	Index
8	1	1/04/77	1/07/77	Ch. 4 & 5
	2	1/21/77	9/30/77	Ch. 1 to 3
	3	5/13/77	1/07/77	Index
	4	6/21/77	9/30/76	Ch. 3 (pp. 3-6)
	5	2/09/78	1/31/78	Revisions to Ch. 2
	6	3/14/80	3/6/80	Revisions to Ch. 3

9	1	1/12/77	1/10/77	Ch. 4, 11, 17, 18, 34, 37, 38
	2	2/15/78	1/10/77	Ch. 7, 100, 122
	3	1/18/77	1/17/77	Ch. 12, 14, 16, 40, 41, 42, 43
	4	1/31/77	1/17/77	Ch. 130 to 139
	5	2/02/77	1/10/77	Ch. 1, 2, 8, 10, 15, 101, 102, 104, 120, 121
	6	3/16/77	1/17/77	Ch. 20, 60, 61, 63, 64, 65, 66, 69, 70, 71, 72, 73, 75, 76, 77, 78, 79, 85, 90, 110
	7	9/08/77	8/01/77	Ch. 4 (pp. 81- 129) Ch. 9, 39
	8	10/17/77	10/01/77	Revisions to Ch. 1
	9	4/04/78	3/18/78	Index
	10	5/15/78	3/23/78	Revisions to Ch. 4, 8, 15, and new Ch. 6
	11	5/23/78	3/14/78	Revisions to Ch. 11, 12, 14, 17, 18, & 20
	12	6/15/78	5/23/78	Revisions to Ch. 40, 41, 43, 44, 60
	13	7/12/78	6/19/78	Revisions to Ch. 61, 63, 64, 65, 66
	14	8/02/78	7/19/78	Revisions to Ch. 41, 69, 71, 75, 76, 78, & 79
	15	8/17/78	8/17/78	Revisions to Ch. 11

16	8/25/78	8/02/78	Revisions to Ch. 85,90,100, 101, & 102
17	9/11/78	8/24/78	Revisions to Ch. 120,121,122, 132,133,136,137, 138, & 139
18	11/15/78	10/20/78	Revisions to Ch. 2
19	11/29/78	11/8/78	Revisions to Ch. 7
20	2/01/79	2/1/79	Revisions to Ch. 2
21	2/16/79	2/05/79	Revisions to Ch. 1,4,6,11, 15,100
22	3/10/79	3/10/79	New Section 9-4.800
23	5/29/79	4/16/79	Revisions to Ch. 61
24	8/27/79	4/16/79	Revisions to 9-69.420
25	9/21/79	9/11/79	Revision of Title 9 Ch. 7
26	9/04/79	8/29/79	Revisions to Ch. 14
27	11/09/79	10/31/79	Revisions to Ch. 1, 2, 11, 73, and new Ch. 47
28	1/14/80	1/03/80	Detailed Table of Contents p. i-iii (Ch. 2) Ch. 2 pp 19-20i
29	3/17/80	3/6/80	Revisions to Ch. 1, 7, 11, 21, 42, 75, 79, 131, Index
30	4/29/80	4/1/80	Ch. 1, 2, 4