

tion, the United States shall notify the defendant, within the time before trial specified by the court, of the portions of the material that it reasonably expects to rely upon to establish the national defense or classified information element of the offense.

(Pub. L. 96-456, §10, Oct. 15, 1980, 94 Stat. 2029.)

§ 11. Amendments to the Act

Sections 1 through 10 of this Act may be amended as provided in section 2076, title 28, United States Code.

(Pub. L. 96-456, §11, Oct. 15, 1980, 94 Stat. 2029.)

§ 12. Attorney General guidelines

(a) Within one hundred and eighty days of enactment of this Act, the Attorney General shall issue guidelines specifying the factors to be used by the Department of Justice in rendering a decision whether to prosecute a violation of Federal law in which, in the judgment of the Attorney General, there is a possibility that classified information will be revealed. Such guidelines shall be transmitted to the appropriate committees of Congress.

(b) When the Department of Justice decides not to prosecute a violation of Federal law pursuant to subsection (a), an appropriate official of the Department of Justice shall prepare written findings detailing the reasons for the decision not to prosecute. The findings shall include—

- (1) the intelligence information which the Department of Justice officials believe might be disclosed,
- (2) the purpose for which the information might be disclosed,
- (3) the probability that the information would be disclosed, and
- (4) the possible consequences such disclosure would have on the national security.

(Pub. L. 96-456, §12, Oct. 15, 1980, 94 Stat. 2029.)

REFERENCES IN TEXT

The enactment of this Act, referred to in subsec. (a), means Oct. 15, 1980.

§ 13. Reports to Congress

(a) Consistent with applicable authorities and duties, including those conferred by the Constitution upon the executive and legislative branches, the Attorney General shall report orally or in writing semiannually to the Permanent Select Committee on Intelligence of the

United States House of Representatives, the Select Committee on Intelligence of the United States Senate, and the chairmen and ranking minority members of the Committees on the Judiciary of the Senate and House of Representatives on all cases where a decision not to prosecute a violation of Federal law pursuant to section 12(a) has been made.

(b) The Attorney General shall deliver to the appropriate committees of Congress a report concerning the operation and effectiveness of this Act and including suggested amendments to this Act. For the first three years this Act is in effect, there shall be a report each year. After three years, such reports shall be delivered as necessary.

(Pub. L. 96-456, §13, Oct. 15, 1980, 94 Stat. 2030.)

§ 14. Functions of Attorney General may be exercised by Deputy Attorney General, the Associate Attorney General, or a designated Assistant Attorney General

The functions and duties of the Attorney General under this Act may be exercised by the Deputy Attorney General, the Associate Attorney General, or by an Assistant Attorney General designated by the Attorney General for such purpose and may not be delegated to any other official.

(Pub. L. 96-456, §14, Oct. 15, 1980, 94 Stat. 2030; Pub. L. 100-690, title VII, §7020(g), Nov. 18, 1988, 102 Stat. 4396.)

AMENDMENTS

1988—Pub. L. 100-690 inserted “, the Associate Attorney General,” after “Deputy Attorney General”.

§ 15. Effective date

The provisions of this Act shall become effective upon the date of the enactment of this Act, but shall not apply to any prosecution in which an indictment or information was filed before such date.

(Pub. L. 96-456, §15, Oct. 15, 1980, 94 Stat. 2030.)

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in text, means Oct. 15, 1980.

§ 16. Short title

That this Act may be cited as the “Classified Information Procedures Act”.

(Pub. L. 96-456, §16, Oct. 15, 1980, 94 Stat. 2031.)

FEDERAL RULES OF EVIDENCE

The text of the Federal Rules of Evidence enacted into law by Pub. L. 93-595, §1, Jan. 2, 1975, 88 Stat. 1929, is set out in the Appendix to Title 28, Judiciary and Judicial Procedure. Rule 1101(b) of the Rules of Evidence provides that the rules apply generally to civil actions and proceedings, including admiralty and maritime cases, to criminal cases and proceedings, to contempt proceedings except those in which the court may act summarily, and to proceedings and cases under the Bankruptcy Act.