''(a) IMPLEMENTATION PLAN.—Not later than 6 months after the date of enactment of this Act [Nov. 2, 2002], the Director of the Federal Bureau of Investigation shall submit to the appropriate Committees of Congress a plan for implementation of the recommendations of the Commission for Review of FBI Security Programs, dated March 31, 2002, including the costs of such implementation.

''(b) ANNUAL REPORTS.—On the date that is 1 year after the submission of the plan described in subsection (a), and for 2 years thereafter, the Director of the Federal Bureau of Investigation shall submit to the appropriate Committees of Congress a report on the implementation of such plan.

''(c) APPROPRIATE COMMITTEES OF CONGRESS.—For purposes of this section, the term 'appropriate Committees of Congress' means—

''(1) the Committees on the Judiciary of the Senate and the House of Representatives;

''(2) the Committees on Appropriations of the Senate and the House of Representatives;

''(3) the Select Committee on Intelligence of the Senate; and

''(4) the Permanent Select Committee on Intelligence of the House of Representatives.''

EMPLOYMENT OF TRANSLATORS BY THE FEDERAL BUREAU OF INVESTIGATION

Pub. L. 107–56, title II, § 205, Oct. 26, 2001, 115 Stat. 281, provided that:

''(a) AUTHORITY.—The Director of the Federal Bureau of Investigation is authorized to expedite the employment of personnel as translators to support counterterrorism investigations and operations without regard to applicable Federal personnel requirements and limitations.

''(b) SECURITY REQUIREMENTS.—The Director of the Federal Bureau of Investigation shall establish such security requirements as are necessary for the personnel employed as translators under subsection (a).

''(c) REPORT.—The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate on—

''(1) the number of translators employed by the FBI and other components of the Department of Justice;

''(2) any legal or practical impediments to using translators employed by other Federal, State, or local agencies, on a full, part-time, or shared basis; and

''(3) the needs of the FBI for specific translation services in certain languages, and recommendations for meeting those needs.''

FBI CRITICAL SKILLS SCHOLARSHIP PROGRAM

Pub. L. 102–183, title V, § 501, Dec. 4, 1991, 105 Stat. 1268, provided that:

''(a) STUDY.—The Director of the Federal Bureau of Investigation shall conduct a study relative to the establishment of an undergraduate training program with respect to employees of the Federal Bureau of Investigation that is similar in purpose, conditions, content, and administration to undergraduate training programs administered by the Central Intelligence Agency (under section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j)), the National Security Agency (under section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 (note))[)], and the Defense Intelligence Agency (under section 1608 [now 1623] of title 10, United States Code).

''(b) IMPLEMENTATION.—Any program proposed under subsection (a) may be implemented only after the Department of Justice and the Office of Management and Budget review and approve the implementation of such program.

''(c) AVAILABILITY OF FUNDS.—Any payment made by the Director of the Federal Bureau of Investigation to carry out any program proposed to be established under subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.''

CONFIRMATION AND COMPENSATION OF DIRECTOR; TERM OF SERVICE

Pub. L. 90–351, title VI, § 1101, June 19, 1968, 82 Stat. 236, as amended by Pub. L. 94–503, title II, § 203, Oct. 15, 1976, 90 Stat. 2427, provided that:

''(a) Effective as of the day following the date on which the present incumbent in the office of Director ceases to serve as such, the Director of the Federal Bureau of Investigation shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate prescribed for level II of the Federal Executive Salary Schedule [section 5313 of Title 5, Government Organization and Employees].

''(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.''

§ 533. Investigative and other officials; appointment

The Attorney General may appoint officials—

(1) to detect and prosecute crimes against the United States;

(2) to assist in the protection of the person of the President; and[1]

(3) to assist in the protection of the person of the Attorney General.[2]

(4) to conduct such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General.

This section does not limit the authority of departments and agencies to investigate crimes against the United States when investigative jurisdiction has been assigned by law to such departments and agencies.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 616; amended Pub. L. 107–273, div. A, title II, § 204(e), Nov. 2, 2002, 116 Stat. 1776.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 299, 300 (less applicability to acquisition etc. of identification and other records).	Aug. 31, 1964, Pub. L. 88–527, § 201 (1st 105 words of 1st par. under ''Federal Bureau of Investigation'', less applicability to acquisition etc. of identification and other records), 78 Stat. 717.

The section is from the Department of Justice Appropriation Act, 1965. Similar provisions were contained in each appropriation Act for the Department running back to 1921, which Acts are identified in a note under sections 299 and 300 of title 5, U.S.C. 1964 ed.

The section is reorganized for clarity. The authority to appoint officials for the cited purposes is implied. The word ''may'' is substituted for ''is authorized to''. The words ''who shall be vested with the authority necessary for the execution of such duties'' are omitted as unnecessary as the appointment of the officials for the purposes indicated carries with it the authority necessary to perform their duties.

In paragraph (2), the words ''to assist in'' are added for clarity and in recognition of the provisions of 18

[1] So in original. The word ''and'' probably should not appear.

[2] So in original. The period probably should be ''; and''.

U.S.C. 3056 which vest in the United States Secret Service the responsibility for the protection of the person of the President. As so revised, this paragraph will assure that the Secret Service will continue to have primary responsibility for the protection of the President but at the same time will permit the Federal Bureau of Investigation to render assistance in such protection.

The last sentence is added because in various areas the authority to investigate certain criminal offenses has been specifically assigned by statute to departments and agencies other than the Federal Bureau of Investigation. For example, the enforcement of the internal revenue laws is specifically a function of the Secretary of the Treasury and he is authorized to employ such number of persons as he deems proper for the enforcement of such laws (26 U.S.C. 7801, 7803). The Secretary of the Treasury is specifically authorized to direct the collection of duties on imports and to appoint such employees for that purpose as he deems necessary (19 U.S.C. 3, 6). The U.S. Coast Guard is specifically authorized to enforce or assist in enforcing the Federal laws upon the high seas and waters subject to the jurisdiction of the United States (14 U.S.C. 2). Subject to the direction of the Secretary of the Treasury, the Secret Service is specifically authorized to detect and arrest persons committing offenses against the laws of the United States relating to coins and obligations and securities of the United States and foreign governments (18 U.S.C. 3056).

AMENDMENTS

2002—Pars. (3), (4). Pub. L. 107–273 added par. (3) and redesignated former par. (3) as (4).

FBI INVESTIGATIONS OF ESPIONAGE BY PERSONS EMPLOYED BY OR ASSIGNED TO UNITED STATES DIPLOMATIC MISSIONS ABROAD

Pub. L. 101–193, title VI, § 603, Nov. 30, 1989, 103 Stat. 1710, provided that: ''Subject to the authority of the Attorney General, the FBI shall supervise the conduct of all investigations of violations of the espionage laws of the United States by persons employed by or assigned to United States diplomatic missions abroad. All departments and agencies shall report immediately to the FBI any information concerning such a violation. All departments and agencies shall provide appropriate assistance to the FBI in the conduct of such investigations. Nothing in this provision shall be construed as establishing a defense to any criminal, civil, or administrative action.''

UNDERCOVER INVESTIGATIVE OPERATIONS CONDUCTED BY FEDERAL BUREAU OF INVESTIGATION OR DRUG ENFORCEMENT ADMINISTRATION; ANNUAL REPORT TO CONGRESS; FINANCIAL AUDIT

Pub. L. 110–161, div. B, title II, § 207, Dec. 26, 2007, 121 Stat. 1913, provided that: ''Notwithstanding any other provision of law, Public Law 102–395 section 102(b) [set out below] shall extend to the Bureau of Alcohol, Tobacco, Firearms and Explosives in the conduct of undercover investigative operations and shall apply without fiscal year limitation with respect to any undercover investigative operation initiated by the Bureau of Alcohol, Tobacco, Firearms and Explosives that is necessary for the detection and prosecution of crimes against the United States.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 109–108, title I, § 107, Nov. 22, 2005, 119 Stat. 2304.

Pub. L. 108–447, div. B, title I, § 116, Dec. 8, 2004, 118 Stat. 2870.

Pub. L. 109–162, title XI, § 1151(c), Jan. 5, 2006, 119 Stat. 3112, provided that: ''Section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 [Pub. L. 102–395, set out below], as in effect pursuant to section 815(d) of the Antiterrorism and Effective Death Penalty Act of 1996 [Pub. L. 104–132, set out below] shall apply with respect to the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the undercover investigative operations of the Bureau on the same basis as such section applies with respect to any other agency and the undercover investigative operations of such agency.''

Pub. L. 104–132, title VIII, § 815(d), Apr. 24, 1996, 110 Stat. 1315, provided that: ''Notwithstanding any other provision of law, section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993 (Public Law 102–395) [Pub. L. 102–395, set out below], shall remain in effect until specifically repealed, subject to any limitation on appropriations contained in any Department of Justice Appropriation Authorization Act.''

Pub. L. 102–395, title I, § 102(b), Oct. 6, 1992, 106 Stat. 1838, as amended by section 112 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104–91, title I, § 101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104–99, title II, § 211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 109–177, title V, § 506(a)(10), Mar. 9, 2006, 120 Stat. 248, provided that:

''(b)(1) During fiscal year 1996, with respect to any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration which is necessary for the detection and prosecution of crimes against the United States or for the collection of foreign intelligence or counterintelligence—

''(A) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used for purchasing property, buildings, and other facilities, and for leasing space, within the United States, the District of Columbia, and the territories and possessions of the United States, without regard to section 1341 of title 31 of the United States Code, section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading of 'Miscellaneous' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34 [now 40 U.S.C. 8141]), section 3324 of title 31 of the United States Code, section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Service [Services] Act of 1949 (63 Stat. 395; 41 U.S.C. 254(a) and (c)),

''(B) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration may be used to establish or to acquire proprietary corporations or business entities as part of an undercover investigative operation, and to operate such corporations or business entities on a commercial basis, without regard to section 9102 of title 31 of the United States Code,

''(C) sums authorized to be appropriated for the Federal Bureau of Investigation and for the Drug Enforcement Administration for fiscal year 1996, and the proceeds from such undercover operation, may be deposited in banks or other financial institutions, without regard to section 648 of title 18 of the United States Code and section 3302 of title 31 of the United States Code, and

''(D) proceeds from such undercover operation may be used to offset necessary and reasonable expenses incurred in such operation, without regard to section 3302 of title 31 of the United States Code,

only, in operations designed to detect and prosecute crimes against the United States, upon the written certification of the Director of the Federal Bureau of Investigation (or, if designated by the Director, a member of the Undercover Operations Review Committee established by the Attorney General in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, as in effect on July 1, 1983) or the Administrator of the Drug Enforcement Administration, as the case may be, and the Attorney General (or, with respect to Federal Bureau of Investigation undercover operations, if designated by the Attorney General, a member of such Review Committee), that any action authorized by subparagraph (A), (B), (C), or (D)

is necessary for the conduct of such undercover operation. If the undercover operation is designed to collect foreign intelligence or counterintelligence, the certification that any action authorized by subparagraph (A), (B), (C), or (D) is necessary for the conduct of such undercover operation shall be by the Director of the Federal Bureau of Investigation (or, if designated by the Director, the Assistant Director, Intelligence Division) and the Attorney General (or, if designated by the Attorney General, the Assistant Attorney General for National Security). Such certification shall continue in effect for the duration of such undercover operation, without regard to fiscal years.

''(2) Notwithstanding paragraph (1), it shall not be necessary to obtain such certification for an undercover operation in order that proceeds or other money—

''(A) received by an undercover agent from or at the direction of a subject of an investigation, or

''(B) provided to an agent by an individual cooperating with the Government in an investigation, who received the proceeds or money from or at the direction of a subject of the investigation,

may be used as a subject of the investigation directs without regard to section 3302 of title 31 of the United States Code: *Provided*, That the Director of the Federal Bureau of Investigation or the Administrator of the Drug Enforcement Administration, or their designees, in advance or as soon as practicable thereafter, make a written determination that such a use would further the investigation: *And provided further*, That the financial audit requirements of paragraphs (5) and (6) shall apply in each investigation where such a determination has been made.

''(3) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of paragraph (1), or under paragraph (2) 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.

''(4) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

''(5)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1996—

''(i) submit the results of such audit in writing to the Attorney General, and

''(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

''(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

''(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted,

''(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

''(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

''(I) the results,

''(II) any civil claims, and

''(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

''(6) For purposes of paragraph (5)—

''(A) the term 'closed' refers to the earliest 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 term 'employees' means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

''(C) the terms 'undercover investigative operations' and 'undercover operation' mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

''(i) in which—

''(I) the gross receipts (excluding interest earned) exceed $50,000, or

''(II) expenditures (other than expenditures for salaries of employees) exceed $150,000, and

''(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code,

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102–140, title I, § 102(b)(4), (5), Oct. 28, 1991, 105 Stat. 793.

Pub. L. 101–515, title II, § 202(b)(4), (5), Nov. 5, 1990, 104 Stat. 2118.

Pub. L. 101–162, title II, § 204(b)(4), (5), Nov. 21, 1989, 103 Stat. 1004.

Pub. L. 100–459, title II, § 204(b)(4), (5), Oct. 1, 1988, 102 Stat. 2200, 2201, as amended by Pub. L. 101–650, title III, § 325(c)(2), Dec. 1, 1990, 104 Stat. 5121.

Pub. L. 100–202, § 101(a) [title II, § 204(b)(4), (5)], Dec. 22, 1987, 101 Stat. 1329, 1329–16.

Pub. L. 99–500, § 101(b) [title II, § 204(b)(4), (5)], Oct. 18, 1986, 100 Stat. 1783–39, 1783–52, 1783–53, and Pub. L. 99–591, § 101(b) [title II, § 204(b)(4), (5)], Oct. 30, 1986, 100 Stat. 3341–39, 3341–52, 3341–53.

Pub. L. 99–180, title II, § 204(b)(4), (5), Dec. 13, 1985, 99 Stat. 1148.

Pub. L. 98–411, title II, § 203(b)(4), (5), Aug. 30, 1984, 98 Stat. 1560.

Pub. L. 98–166, title II, § 205(b)(4), (5), Nov. 28, 1983, 97 Stat. 1087.

Pub. L. 96–132, § 7(d), Nov. 30, 1979, 93 Stat. 1046, provided that:

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

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

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

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

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

''(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) [31 U.S.C. 3302(b)] or sec-

tion 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)) [31 U.S.C. 9102].''

§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); and

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.

(e) For purposes of this section, the term ''other institutions'' includes—

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal and State criminal justice agencies authorized to enter information into criminal information databases may include—

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection—

(A) the term ''national crime information databases'' means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term ''protection order'' includes—

(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final orders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 616; amended Pub. L. 97–292, §§ 2, 3(a), Oct. 12, 1982, 96 Stat. 1259; Pub. L. 100–690, title VII, § 7333, Nov. 18, 1988, 102 Stat. 4469; Pub. L. 103–322, title IV, § 40601(a), Sept. 13, 1994, 108 Stat. 1950; Pub. L. 107–273, div. A, title II, § 204(c), div. B, title IV, § 4003(b)(4), div. C, title I, § 11004, Nov. 2, 2002, 116 Stat. 1776, 1811, 1816; Pub. L. 109–162, title I, § 118, title IX, § 905(a), Jan. 5, 2006, 119 Stat. 2989, 3079; Pub. L. 109–248, title I, § 153(i), July 27, 2006, 120 Stat. 611.)

HISTORICAL AND REVISION NOTES

Derivation	*U.S. Code*	*Revised Statutes and Statutes at Large*
.....	5 U.S.C. 300 (as applicable to acquisition etc. of identification and other records).	Aug. 31, 1964, Pub. L. 88–527, § 201 (1st 105 words of 1st par. under ''Federal Bureau of Investigation'', as applicable to acquisition etc. of identification and other records), 78 Stat. 717.
.....	5 U.S.C. 340.	June 11, 1930, ch. 455, 46 Stat. 554.

The sections are combined and reorganized for clarity. Former section 300 of title 5 was from the Department of Justice Appropriation Act, 1965. Similar provi-