

rected and controlled by a foreign government or governments.

(July 26, 1947, ch. 343, title I, §105A, as added Pub. L. 104–293, title VIII, §814(a), Oct. 11, 1996, 110 Stat. 3483; amended Pub. L. 108–136, div. A, title IX, §921(e)(3), Nov. 24, 2003, 117 Stat. 1569.)

AMENDMENTS

2003—Subsec. (b)(1)(C). Pub. L. 108–136 substituted “National Geospatial-Intelligence Agency” for “National Imagery and Mapping Agency”.

§ 403–5b. Disclosure of foreign intelligence acquired in criminal investigations; notice of criminal investigations of foreign intelligence sources

(a) Disclosure of foreign intelligence

(1) Except as otherwise provided by law and subject to paragraph (2), the Attorney General, or the head of any other department or agency of the Federal Government with law enforcement responsibilities, shall expeditiously disclose to the Director of National Intelligence, pursuant to guidelines developed by the Attorney General in consultation with the Director, foreign intelligence acquired by an element of the Department of Justice or an element of such department or agency, as the case may be, in the course of a criminal investigation.

(2) The Attorney General by regulation and in consultation with the Director may provide for exceptions to the applicability of paragraph (1) for one or more classes of foreign intelligence, or foreign intelligence with respect to one or more targets or matters, if the Attorney General determines that disclosure of such foreign intelligence under that paragraph would jeopardize an ongoing law enforcement investigation or impair other significant law enforcement interests.

(b) Procedures for notice of criminal investigations

Not later than 180 days after October 26, 2001, the Attorney General, in consultation with the Director of National Intelligence, shall develop guidelines to ensure that after receipt of a report from an element of the intelligence community of activity of a foreign intelligence source or potential foreign intelligence source that may warrant investigation as criminal activity, the Attorney General provides notice to the Director, within a reasonable period of time, of his intention to commence, or decline to commence, a criminal investigation of such activity.

(c) Procedures

The Attorney General shall develop procedures for the administration of this section, including the disclosure of foreign intelligence by elements of the Department of Justice, and elements of other departments and agencies of the Federal Government, under subsection (a) of this section and the provision of notice with respect to criminal investigations under subsection (b) of this section.

(July 26, 1947, ch. 343, title I, §105B, as added Pub. L. 107–56, title IX, §905(a)(2), Oct. 26, 2001, 115 Stat. 388; amended Pub. L. 108–458, title I, §1071(a)(1)(G), (H), (2)(B), (C), Dec. 17, 2004, 118 Stat. 3689, 3690.)

PRIOR PROVISIONS

A prior section 403–5b, act July 26, 1947, ch. 343, title I, §105B, as added Pub. L. 106–120, title V, §501(a)(1), Dec. 3, 1999, 113 Stat. 1616, which related to protection of operational files of the National Imagery and Mapping Agency, was renumbered by subsequent acts and transferred, see section 432 of this title.

AMENDMENTS

2004—Subsec. (a)(1). Pub. L. 108–458, §1071(a)(1)(G), substituted “Director of National Intelligence” for “Director of Central Intelligence”.

Subsec. (a)(2). Pub. L. 108–458, §1071(a)(2)(B), struck out “of Central Intelligence” after “Director”.

Subsec. (b). Pub. L. 108–458, §1071(a)(2)(C), struck out “of Central Intelligence” after “notice to the Director”.

Pub. L. 108–458, §1071(a)(1)(H), substituted “with the Director of National Intelligence” for “with the Director of Central Intelligence”.

EFFECTIVE DATE OF 2004 AMENDMENT

For Determination by President that amendment by Pub. L. 108–458 take effect on Apr. 21, 2005, see Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of this title.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out in an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of this title.

§ 403–5c. Transferred

CODIFICATION

Section, act July 26, 1947, ch. 343, title I, §105C, formerly §105B, as added Pub. L. 106–120, title V, §501(a)(1), Dec. 3, 1999, 113 Stat. 1616; renumbered §105C, Pub. L. 107–56, title IX, §905(a)(1), Oct. 26, 2001, 115 Stat. 388; amended Pub. L. 107–306, title III, §353(b)(5), Nov. 27, 2002, 116 Stat. 2402; Pub. L. 108–136, div. A, title IX, §921(e)(4), Nov. 24, 2003, 117 Stat. 1569, which related to protection of operational files of the National Geospatial-Intelligence Agency, was renumbered section 702 of act July 26, 1947, by Pub. L. 108–136, div. A, title IX, §922(c), Nov. 24, 2003, 117 Stat. 1573, and was transferred to section 432 of this title.

§ 403–5d. Foreign intelligence information

(1) In general

Notwithstanding any other provision of law, it shall be lawful for foreign intelligence or counterintelligence (as defined in section 401a of this title) or foreign intelligence information obtained as part of a criminal investigation to be disclosed to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official in order to assist the official receiving that information in the performance of his official duties. Any Federal official who receives information pursuant to this provision may use that information only as necessary in the conduct of that person’s official duties subject to any limitations on the unauthorized disclosure of such information. Consistent with the responsibility of the Director of Central Intelligence to protect intelligence sources and methods, and the responsibility of the Attorney General to protect sensitive law enforcement information, it shall be lawful for information revealing a threat of actual or potential attack or other grave hostile acts of a foreign power or an agent of a foreign power, do-