

(2) The Attorney General shall enter into a separate memorandum of understanding pursuant to this subsection with each person protected under this chapter who is eighteen years of age or older. The memorandum of understanding shall be signed by the Attorney General and the person protected.

(3) The Attorney General may delegate the responsibility initially to authorize protection under this chapter only to the Deputy Attorney General, to the Associate Attorney General, to any Assistant Attorney General in charge of the Criminal Division or National Security Division of the Department of Justice, to the Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice (insofar as the delegation relates to a criminal civil rights case), and to one other officer or employee of the Department of Justice.

(e) If the Attorney General determines that harm to a person for whom protection may be provided under section 3521 of this title is imminent or that failure to provide immediate protection would otherwise seriously jeopardize an ongoing investigation, the Attorney General may provide temporary protection to such person under this chapter before making the written assessment and determination required by subsection (c) of this section or entering into the memorandum of understanding required by subsection (d) of this section. In such a case the Attorney General shall make such assessment and determination and enter into such memorandum of understanding without undue delay after the protection is initiated.

(f) The Attorney General may terminate the protection provided under this chapter to any person who substantially breaches the memorandum of understanding entered into between the Attorney General and that person pursuant to subsection (d), or who provides false information concerning the memorandum of understanding or the circumstances pursuant to which the person was provided protection under this chapter, including information with respect to the nature and circumstances concerning child custody and visitation. Before terminating such protection, the Attorney General shall send notice to the person involved of the termination of the protection provided under this chapter and the reasons for the termination. The decision of the Attorney General to terminate such protection shall not be subject to judicial review.

(Added Pub. L. 98-473, title II, § 1208, Oct. 12, 1984, 98 Stat. 2153; amended Pub. L. 101-647, title XXXV, § 3582, Nov. 29, 1990, 104 Stat. 4929; Pub. L. 105-119, title I, § 115(a)(9), Nov. 26, 1997, 111 Stat. 2467; Pub. L. 109-177, title V, § 506(a)(7), Mar. 9, 2006, 120 Stat. 248.)

AMENDMENTS

2006—Subsec. (d)(3). Pub. L. 109-177 substituted “to any Assistant Attorney General in charge of the Criminal Division or National Security Division of the Department of Justice” for “to the Assistant Attorney General in charge of the Criminal Division of the Department of Justice”.

1997—Subsec. (b)(1)(H), (I). Pub. L. 105-119 added subpar. (H) and redesignated former subpar. (H) as (I).

1990—Subsec. (b)(1). Pub. L. 101-647, § 3582(1), inserted “(G)” after “subparagraph” in last sentence.

Subsec. (d)(3). Pub. L. 101-647, § 3582(2), inserted “the” before “Civil Rights Division”.

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-119, title I, § 115(c), Nov. 26, 1997, 111 Stat. 2467, provided that: “This section [amending this section, sections 3563, 3583, 4042, and 4209 of this title, and sections 14071 and 14072 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 951 of Title 10, Armed Forces, and section 14039 of Title 42, and amending provisions set out as a note under section 14071 of Title 42] shall take effect on the date of the enactment of this Act [Nov. 26, 1997], except that—

“(1) subparagraphs (A), (B), and (C) of subsection (a)(8) [amending sections 3563, 3583, 4042, and 4209 of this title and enacting provisions set out as a note under section 951 of Title 10] shall take effect 1 year after the date of the enactment of this Act; and

“(2) States shall have 3 years from such date of enactment to implement amendments made by this Act [probably should be “this section”] which impose new requirements under the [former] Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act [42 U.S.C. 14071 et seq.], and the Attorney General may grant an additional 2 years to a State that is making good faith efforts to implement these amendments.”

EFFECTIVE DATE

Pub. L. 98-473, title II, § 1210, Oct. 12, 1984, 98 Stat. 2163, provided that: “This subpart [subpart A (§§ 1207-1210) of part F of chapter XII of title II of Pub. L. 98-473, see Short Title note below] and the amendments made by this subpart shall take effect on October 1, 1984.”

SHORT TITLE

Pub. L. 98-473, title II, § 1207, Oct. 12, 1984, 98 Stat. 2153, provided that: “This subpart [subpart A (§§ 1207-1210) of part F of chapter XII of title II of Pub. L. 98-473, enacting this chapter, repealing provisions set out as a note preceding section 3481 of this title, and enacting provisions set out as a note under this section] may be cited as the ‘Witness Security Reform Act of 1984.’”

§ 3522. Probationers and parolees

(a) A probation officer may, upon the request of the Attorney General, supervise any person provided protection under this chapter who is on probation or parole under State law, if the State involved consents to such supervision. Any person so supervised shall be under Federal jurisdiction during the period of supervision and shall, during that period be subject to all laws of the United States which pertain to probationers or parolees, as the case may be.

(b) The failure by any person provided protection under this chapter who is supervised under subsection (a) to comply with the memorandum of understanding entered into by that person pursuant to section 3521(d) of this title shall be grounds for the revocation of probation or parole, as the case may be.

(c) The United States Parole Commission and the Chairman of the Commission shall have the same powers and duties with respect to a probationer or parolee transferred from State supervision pursuant to this section as they have with respect to an offender convicted in a court of the United States and paroled under chapter 311¹ of this title. The provisions of sections 4201

¹ See References in Text note below.

through 4204, 4205(a), (e), and (h), 4206 through 4215, and 4218¹ of this title shall apply following a revocation of probation or parole under this section.

(d) If a person provided protection under this chapter who is on probation or parole and is supervised under subsection (a) of this section has been ordered by the State court which imposed sentence on the person to pay a sum of money to the victim of the offense involved for damage caused by the offense, that penalty or award of damages may be enforced as though it were a civil judgment rendered by a United States district court. Proceedings to collect the moneys ordered to be paid may be instituted by the Attorney General in any United States district court. Moneys recovered pursuant to such proceedings shall be distributed to the victim.

(Added Pub. L. 98-473, title II, § 1208, Oct. 12, 1984, 98 Stat. 2157; amended Pub. L. 99-646, § 75, Nov. 10, 1986, 100 Stat. 3618; Pub. L. 100-690, title VII, § 7072(b), Nov. 18, 1988, 102 Stat. 4405.)

REFERENCES IN TEXT

Chapter 311 of this title, referred to in subsec. (c), which consisted of sections 4201 to 4218 of this title, was repealed effective Nov. 1, 1987, by Pub. L. 98-473, title II, §§ 218(a)(5), 235(a)(1), (b)(1), Oct. 12, 1984, 98 Stat. 2027, 2031, 2032, subject to remaining effective for five years after Nov. 1, 1987, in certain circumstances.

AMENDMENTS

1988—Subsec. (c). Pub. L. 100-690 substituted “4215” for “4216”.

1986—Subsec. (a). Pub. L. 99-646 substituted “probationers or parolees, as the case may be” for “parolees”.

EFFECTIVE DATE

Section effective Oct. 1, 1984, see section 1210 of Pub. L. 98-473, set out as a note under section 3521 of this title.

§ 3523. Civil judgments

(a) If a person provided protection under this chapter is named as a defendant in a civil cause of action arising prior to or during the period in which the protection is provided, process in the civil proceeding may be served upon that person or an agent designated by that person for that purpose. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person protected at the person's last known address. The Attorney General shall notify the plaintiff in the action whether such process has been served. If a judgment in such action is entered against that person the Attorney General shall determine whether the person has made reasonable efforts to comply with the judgment. The Attorney General shall take appropriate steps to urge the person to comply with the judgment. If the Attorney General determines that the person has not made reasonable efforts to comply with the judgment, the Attorney General may, after considering the danger to the person and upon the request of the person holding the judgment disclose the identity and location of the person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure of the identity and location of the person shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if

essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the United States and its officers or employees to any civil liability.

(b)(1) Any person who holds a judgment entered by a Federal or State court in his or her favor against a person provided protection under this chapter may, upon a decision by the Attorney General to deny disclosure of the current identity and location of such protected person, bring an action against the protected person in the United States district court in the district where the person holding the judgment (hereinafter in this subsection referred to as the “petitioner”) resides. Such action shall be brought within one hundred and twenty days after the petitioner requested the Attorney General to disclose the identity and location of the protected person. The complaint in such action shall contain statements that the petitioner holds a valid judgment of a Federal or State court against a person provided protection under this chapter and that the petitioner sought to enforce the judgment by requesting the Attorney General to disclose the identity and location of the protected person.

(2) The petitioner in an action described in paragraph (1) shall notify the Attorney General of the action at the same time the action is brought. The Attorney General shall appear in the action and shall affirm or deny the statements in the complaint that the person against whom the judgment is allegedly held is provided protection under this chapter and that the petitioner requested the Attorney General to disclose the identity and location of the protected person for the purpose of enforcing the judgment.

(3) Upon a determination (A) that the petitioner holds a judgment entered by a Federal or State court and (B) that the Attorney General has declined to disclose to the petitioner the current identity and location of the protected person against whom the judgment was entered, the court shall appoint a guardian to act on behalf of the petitioner to enforce the judgment. The clerk of the court shall forthwith furnish the guardian with a copy of the order of appointment. The Attorney General shall disclose to the guardian the current identity and location of the protected person and any other information necessary to enable the guardian to carry out his or her duties under this subsection.

(4) It is the duty of the guardian to proceed with all reasonable diligence and dispatch to enforce the rights of the petitioner under the judgment. The guardian shall, however, endeavor to carry out such enforcement duties in a manner that maximizes, to the extent practicable, the safety and security of the protected person. In no event shall the guardian disclose the new identity or location of the protected person without the permission of the Attorney General, except that such disclosure may be made to a Federal or State court in order to enforce the judgment. Any good faith disclosure made by the guardian in the performance of his or her duties under this subsection shall not create any