

which is prohibited by section 6103 of the Internal Revenue Code of 1986, or other law or any court order if the fact of each such omission (and the precise ground or grounds therefor) is clearly noted in the statement: *Provided*, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted details (or related information) that it lawfully may seek, subsequent to the submission of the report; and (B) the requirements of this paragraph shall be deemed satisfied—

(i) in the case of an approval described in subsection (a)(1)(C)(i), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the legal and factual basis or bases for the settlement or compromise (if not apparent on the face of documents provided); and

(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if not apparent on the face of documents provided); and

(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C), indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.

(d) **DECLARATION.**—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).

(e) **APPLICABILITY TO THE PRESIDENT AND TO EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.**—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President (but only with respect to the promulgation of any unclassified Executive order or similar memorandum or order), to the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) that establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.

(Added Pub. L. 107-273, div. A, title II, § 202(a), Nov. 2, 2002, 116 Stat. 1771.)

Editorial Notes

REFERENCES IN TEXT

Section 6405 of the Internal Revenue Code of 1986, referred to in subsec. (a)(1)(C), is classified to section 6405 of Title 26, Internal Revenue Code.

Section 6103 of the Internal Revenue Code of 1986, referred to in subsec. (c)(2)(A), is classified to section 6103 of Title 26, Internal Revenue Code.

Statutory Notes and Related Subsidiaries

REPORT ON POLICIES AND DETERMINATIONS MADE PRIOR TO ENACTMENT OF SECTION

Pub. L. 107-273, div. A, title II, § 202(b)(3), (4), Nov. 2, 2002, 116 Stat. 1774, provided that:

“(3) Not later than 30 days after the date of the enactment of this Act [Nov. 2, 2002], the President shall advise the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) of the enactment of this section [enacting this section and amending sections 288k and 5571 of Title 2, The Congress].

“(4)(A) Not later than 90 days after the date of the enactment of this Act [Nov. 2, 2002], the Attorney General (and, as applicable, the President, and the head of any executive agency or military department described in subsection (e) of section 530D of title 28, United States Code, as added by subsection (a)) shall submit to Congress a report (in accordance with subsections (a), (c), and (e) of such section) on—

“(i) all policies of which the Attorney General and applicable official are aware described in subsection (a)(1)(A) of such section that were established or implemented before the date of the enactment of this Act and were in effect on such date; and

“(ii) all determinations of which the Attorney General and applicable official are aware described in subsection (a)(1)(B) of such section that were made before the date of the enactment of this Act and were in effect on such date.

“(B) If a determination described in subparagraph (A)(ii) relates to any judicial, administrative, or other proceeding that is pending in the 90-day period beginning on the date of the enactment of this Act [Nov. 2, 2002], with respect to any such determination, then the report required by this paragraph shall be submitted within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but not later than 30 days after the date of the enactment of this Act.”

CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

Sec.	
531.	Federal Bureau of Investigation.
532.	Director of the Federal Bureau of Investigation.
533.	Investigative and other officials; appointment.
534.	Acquisition, preservation, and exchange of identification records and information; appointment of officials.
535.	Investigation of crimes involving Government officers and employees; limitations.
536.	Positions in excepted service.
537.	Expenses of unforeseen emergencies of a confidential character.
538.	Investigation of aircraft piracy and related violations.
539.	Counterintelligence official reception and representation expenses.
540.	Investigation of felonious killings of State or local law enforcement officers.
540A.	Investigation of violent crimes against travelers.
540B.	Investigation of serial killings.
540C.	FBI police.

Editorial Notes

AMENDMENTS

2003—Pub. L. 108-177, title III, § 361(m)(2), Dec. 13, 2003, 117 Stat. 2626, which directed amendment of table of sections by striking the item relating to section 540C, was executed by striking out item 540C relating to annual report on activities of Federal Bureau of Inves-