

§ 1363a. Undercover investigation authority**(a) In general**

With respect to any undercover investigative operation of the Service which is necessary for the detection and prosecution of crimes against the United States—

(1) sums appropriated for the Service may be used for leasing space within the United States and the territories and possessions of the United States without regard to the following provisions of law:

- (A) section 1341(a) of title 31,
- (B) section 6301(a) and (b)(1) to (3) of title 41,
- (C) chapter 45 of title 41,
- (D) section 8141 of title 40,
- (E) section 3324(a) and (b) of title 31,
- (F) section 6306 of title 41, and
- (G) section 3901 of title 41;

(2) sums appropriated for the Service may be used to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 9102 of title 31;

(3) sums appropriated for the Service, and the proceeds from the undercover operation, may be deposited in banks or other financial institutions without regard to the provisions of section 648 of title 18 and of section 3302(a) of title 31; and

(4) the proceeds from the undercover operation may be used to offset necessary and reasonable expenses incurred in such operation without regard to the provisions of section 3302(b) of title 31.

The authority set forth in this subsection may be exercised only upon written certification of the Commissioner, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1), (2), (3), or (4) is necessary for the conduct of the undercover operation.

(b) Disposition of proceeds no longer required

As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraphs (3) and (4) of subsection (a), are no longer necessary for the conduct of the operation, the proceeds or the balance of the proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) Disposition of certain corporations and business entities

If a corporation or business entity established or acquired as part of an undercover operation under paragraph (2) of subsection (a) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Service, as much in advance as the Commissioner or Commissioner's designee determines practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, 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.

(d) Financial audits

The Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

(June 27, 1952, ch. 477, title II, ch. 9, § 294, as added Pub. L. 104-208, div. C, title II, § 205(a), Sept. 30, 1996, 110 Stat. 3009-567.)

Editorial Notes**CODIFICATION**

In subsec. (a)(1)(A), (E), (2) to (4), "section 1341(a) of title 31" substituted for "section 3679(a) of the Revised Statutes (31 U.S.C. 1341)", "section 3324(a) and (b) of title 31" substituted for "section 3648 of the Revised Statutes (31 U.S.C. 3324)", "section 9102 of title 31" substituted for "section 304 of the Government Corporation Control Act (31 U.S.C. 9102)", "section 3302(a) of title 31" substituted for "section 3639 of the Revised Statutes (31 U.S.C. 3302)", and "section 3302(b) of title 31" substituted for "section 3617 of the Revised Statutes (31 U.S.C. 3302)", on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

In subsec. (a)(1)(B), (C), (F), "section 6301(a) and (b)(1) to (3) of title 41" substituted for "section 3732(a) of the Revised Statutes (41 U.S.C. 11(a))", "chapter 45 of title 41" substituted for "section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255)", and "section 6306 of title 41" substituted for "section 3741 of the Revised Statutes (41 U.S.C. 22)" on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (a)(1)(D), "section 8141 of title 40" substituted for "the third undesignated paragraph under the heading 'Miscellaneous' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34)" on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

In subsec. (a)(1)(G), "section 3901 of title 41" substituted for "subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254(a) and (c))" on authority of Pub. L. 111-350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts and because subsec. (c) was previously repealed by Pub. L. 103-355, title II, § 2251(b), Oct. 13, 1994, 108 Stat. 3320.

Statutory Notes and Related Subsidiaries**ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS**

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

§ 1363b. Repealed. Pub. L. 105-277, div. A, § 101(b) [title I, § 109(b)], Oct. 21, 1998, 112 Stat. 2681-50, 2681-67

Section, act June 27, 1952, ch. 477, title II, ch. 9, § 295, as added Pub. L. 104-208, div. C, title VI, § 626(a), Sept. 30, 1996, 110 Stat. 3009-700, related to transportation of remains of immigration officers and border patrol agents killed in the line of duty. Pub. L. 105-277, which directed the repeal of section 626 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which is section 626 of Pub. L. 104-208, div. C, title VI, Sept. 30, 1996, 110 Stat. 3009-700, was executed by repealing this section, which was section 295 of the Immigration and Nationality Act and was enacted by section 626(a) of Pub. L. 104-208, to reflect the probable intent of Congress.