The provisions of the first sentence are embodied in rule 6(a) of the Federal Rules of Criminal Procedure, but it has been retained because of its relation to the remainder of the text which is not covered by said rule.

§ 3322. Disclosure of certain matters occurring before grand jury

(a) A person who is privy to grand jury information—

(1) received in the course of duty as an attorney for the government; or

(2) disclosed under rule 6(e)(3)(A)(ii) of the Federal Rules of Criminal Procedure;

may disclose that information to an attorney for the government for use in enforcing section 951 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 or for use in connection with any civil forfeiture provision of Federal law.

(b)(1) Upon motion of an attorney for the government, a court may direct disclosure of matters occurring before a grand jury during an investigation of a banking law violation to identified personnel of a Federal or State financial institution regulatory agency—

(A) for use in relation to any matter within the jurisdiction of such regulatory agency; or

(B) to assist an attorney for the government to whom matters have been disclosed under subsection (a).

(2) A court may issue an order under paragraph (1) at any time during or after the completion of the investigation of the grand jury, upon a finding of a substantial need.

(c) A person to whom matter has been disclosed under this section shall not use such matter other than for the purpose for which such disclosure was authorized.

(d) As used in this section—

(1) the term "banking law violation" means a violation of, or a conspiracy to violate—

(A) section 215, 656, 657, 1005, 1006, 1007, 1014, 1344, 1956, or 1957;

(B) section 1341 or 1343 affecting a financial institution; or

(C) any provision of subchapter II of chapter 53 of title 31, United States Code;

(2) the term "attorney for the government" has the meaning given such term in the Federal Rules of Criminal Procedure; and

(3) the term "grand jury information" means matters occurring before a grand jury other than the deliberations of the grand jury or the vote of any grand juror.

(Added Pub. L. 101–73, title IX, §964(a), Aug. 9, 1989, 103 Stat. 505; amended Pub. L. 106–102, title VII, §740, Nov. 12, 1999, 113 Stat. 1480; Pub. L. 106–185, §10, Apr. 25, 2000, 114 Stat. 217; Pub. L. 107–273, div. C, title I, §11002, Nov. 2, 2002, 116 Stat. 1816.)

Editorial Notes

References in Text

Section 951 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, referred to in subsec. (a), is classified to section 1833a of Title 12, Banks and Banking.

The Federal Rules of Criminal Procedure, referred to in subsecs. (a)(2) and (d)(2), are set out in the Appendix to this title.

Prior Provisions

A prior section 3322, act June 25, 1948, ch. 645, 62 Stat. 829, related to the summoning of and number of grand jurors, prior to repeal by Pub. L. 101–73, §964(a). See Rule 6(a) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Amendments

2002—Subsec. (d)(1)(A). Pub. L. 107–273, §11002(1), substituted "1344, 1956, or 1957;" for "or 1344; or".

Subsec. (d)(1)(C). Pub. L. 107–273, §11002(2), (3), added subpar. (C).

2000—Subsec. (a). Pub. L. 106–185 struck out "concerning a banking law violation" after "grand jury information" in introductory provisions and substituted "any civil forfeiture provision of Federal law" for "civil forfeiture under section 981 of title 18, United States Code, of property described in section 981(a)(1)(C) of such title" in concluding provisions.

1999—Subsec. (b)(1). Pub. L. 106–102, §740(1), inserted "Federal or State" before "financial institution" in introductory provisions.

Subsec. (b)(2). Pub. L. 106–102, §740(2), inserted "at any time during or after the completion of the investigation of the grand jury," after "paragraph (1)".

Statutory Notes and Related Subsidiaries

Effective Date of 2000 Amendment

Amendment by Pub. L. 106–185 applicable to any forfeiture proceeding commenced on or after the date that is 120 days after Apr. 25, 2000, see section 21 of Pub. L. 106–185, set out as a note under section 1324 of Title 8, Aliens and Nationality.

[§§ 3323 to 3328. Repealed. Pub. L. 101–73, title IX, § 964(a), Aug. 9, 1989, 103 Stat. 505]

Section 3323, act June 25, 1948, ch. 645, 62 Stat. 829, related to challenging the array of grand jurors or individual grand jurors and motions to dismiss. See Rule 6(b) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3324, act June 25, 1948, ch. 645, 62 Stat. 829, related to the appointment of the grand jury foreman and deputy foreman, oaths, affirmations and indictments, and records of jurors concurring. See Rule 6(c) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3325, act June 25, 1948, ch. 645, 62 Stat. 829, related to persons who may be present while the grand jury is in session, and exclusion while the jury is deliberating or voting. See Rule 6(d) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3326, act June 25, 1948, ch. 645, 62 Stat. 829, related to disclosure of proceedings to government attorneys, disclosure by direction of the court or permission of the defendant, and secrecy of the indictment. See Rule 6(e) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3327, act June 25, 1948, ch. 645, 62 Stat. 830, related to concurrence of 12 or more jurors in the indictment and return of the indictment to the judge in open court. See Rule 6(f) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

Section 3328, act June 25, 1948, ch. 645, 62 Stat. 830, related to discharge of grand jury by court, limitation of service, and excusing jurors for cause. See Rule 6(g) of the Federal Rules of Criminal Procedure, set out in the Appendix to this title.

CHAPTER 216—SPECIAL GRAND JURY