

shall, in coordination with the Director of National Intelligence, establish a process for the regular review for official publication of significant opinions of the Office of Legal Counsel of the Department of Justice that have been provided to an element of the intelligence community.

“(b) FACTORS.—The process of review of opinions established under subsection (a) shall include consideration of the following:

“(1) The potential importance of an opinion to other agencies or officials in the Executive branch.

“(2) The likelihood that similar questions addressed in an opinion may arise in the future.

“(3) The historical importance of an opinion or the context in which it arose.

“(4) The potential significance of an opinion to the overall jurisprudence of the Office of Legal Counsel.

“(5) Such other factors as the Attorney General and the Director of National Intelligence consider appropriate.

“(c) PRESUMPTION.—The process of review established under subsection (a) shall apply a presumption that significant opinions of the Office of Legal Counsel should be published when practicable, consistent with national security and other confidentiality considerations.

“(d) CONSTRUCTION.—Nothing in this section shall require the official publication of any opinion of the Office of Legal Counsel, including publication under any circumstance as follows:

“(1) When publication would reveal classified or other sensitive information relating to national security.

“(2) When publication could reasonably be anticipated to interfere with Federal law enforcement efforts or is prohibited by law.

“(3) When publication would conflict with preserving internal Executive branch deliberative processes or protecting other information properly subject to privilege.

“(e) REQUIREMENT TO PROVIDE CLASSIFIED OPINIONS TO CONGRESS.—

“(1) IN GENERAL.—Any opinion of the Office of Legal Counsel that would have been selected for publication under the process of review established under subsection (a) but for the fact that publication would reveal classified or other sensitive information relating to national security shall be provided or made available to the appropriate committees of Congress.

“(2) EXCEPTION FOR COVERT ACTION.—If the President determines that it is essential to limit access to a covert action finding under section 503(c)(2) of the National Security Act of 1947 (50 U.S.C. 3093(c)(2)), the President may limit access to information concerning such finding that would otherwise be provided or made available under this subsection to those members of Congress who have been granted access to such finding under such section 503(c)(2).

“(f) JUDICIAL REVIEW.—The determination whether an opinion of the Office of Legal Counsel is appropriate for official publication under the process of review established under subsection (a) is discretionary and is not subject to judicial review.”

[For definition of “intelligence community” as used in section 322 of Pub. L. 113–126, set out above, see section 2 of Pub. L. 113–126, set out as a note under section 3003 of Title 50, War and National Defense.]

§ 522. Report of business and statistics

(a) The Attorney General, by April 1 of each year, shall report to Congress on the business of the Department of Justice for the last preceding fiscal year, and on any other matters pertaining to the Department that he considers proper, including—

(1) a statement of the several appropriations which are placed under the control of the Department and the amount appropriated;

(2) the statistics of crime under the laws of the United States; and

(3) a statement of the number of causes involving the United States, civil and criminal, pending during the preceding year in each of the several courts of the United States.

(b) With respect to any data, records, or other information acquired, collected, classified, preserved, or published by the Attorney General for any statistical, research, or other aggregate reporting purpose beginning not later than 1 year after the date of enactment of 21st Century Department of Justice Appropriations Authorization Act and continuing thereafter, and notwithstanding any other provision of law, the same criteria shall be used (and shall be required to be used, as applicable) to classify or categorize offenders and victims (in the criminal context), and to classify or categorize actors and acted upon (in the noncriminal context).

(Added Pub. L. 89–554, § 4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 94–273, § 19, Apr. 21, 1976, 90 Stat. 379; Pub. L. 107–273, div. A, title II, § 204(b), Nov. 2, 2002, 116 Stat. 1776.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Derivation, U.S. Code, Revised Statutes and Statutes at Large. Row 1: 5 U.S.C. 333, R.S. § 384.

The words “The Attorney General . . . shall report” are substituted for “It shall be the duty of the Attorney General to make . . . a report”. The word “beginning” is substituted for “commencement”. The words “pertaining to the Department that he considers proper” are substituted for “appertaining thereto that he may deem proper”.

The words “and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district” are omitted as obsolete in view of the creation of the Administrative Office of the United States Courts by the Act of Aug. 7, 1939, ch. 501, § 1, 53 Stat. 1223 (Chapter 41 of this title).

In paragraph (3), the words “involving the United States” are inserted for clarity. The function of reporting on all cases pending in the United States courts is now vested in the Administrative Office of the United States Courts, see 28 U.S.C. 604.

Editorial Notes

REFERENCES IN TEXT

The date of enactment of 21st Century Department of Justice Appropriations Authorization Act, referred to in subsec. (b), is the date of enactment of Pub. L. 107–273, which was approved Nov. 2, 2002.

AMENDMENTS

2002—Pub. L. 107–273 designated existing provisions as subsec. (a) and added subsec. (b).

1976—Pub. L. 94–273 substituted “by April 1 of each year” for “at the beginning of each regular session of Congress”.

Statutory Notes and Related Subsidiaries

REPORT TO CONGRESS ON BANKING LAW OFFENSES

Pub. L. 101–647, title XXV, § 2546, Nov. 29, 1990, 104 Stat. 4885, which requires the Attorney General to report to Congress quarterly, after Dec. 31, 1991, on the nature and number of proceedings in progress with respect to banking law offenses, was editorially reclassified as section 41306 of Title 34, Crime Control and Law Enforcement.

¹ So in original. Probably should be followed by “the”.

CONGRESSIONAL OVERSIGHT

Pub. L. 100-700, § 6, Nov. 19, 1988, 102 Stat. 4634, which required the Attorney General to report annually to Congress on referrals of fraud cases and related matters, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 120 of House Document No. 103-7.

REPORT TO CONGRESS ON ROBBERIES AND BURGLARIES INVOLVING CONTROLLED SUBSTANCES

Pub. L. 98-305, § 4, May 31, 1984, 98 Stat. 222, provided that for each of the first three years after May 31, 1984, the Attorney General would submit an annual report to Congress with respect to the enforcement activities of the Attorney General relating to the offenses created by section 2118 of Title 18.

REPORT TO CONGRESS ON SEXUAL EXPLOITATION OF CHILDREN

Pub. L. 98-292, § 9, May 21, 1984, 98 Stat. 206, which requires the Attorney General to report to Congress annually on prosecutions, convictions, and forfeitures under chapter 110 of Title 18, Crimes and Criminal Procedure, relating to sexual exploitation and other abuse of children, was editorially reclassified as section 41301 of Title 34, Crime Control and Law Enforcement.

§ 523. Requisitions

The Attorney General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the Government Accountability Office.

(Added Pub. L. 89-554, § 4(c), Sept. 6, 1966, 80 Stat. 615; amended Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 319.	R.S. § 369.

The words "General Accounting Office" are substituted for "First Auditor or First Comptroller of the Treasury" on authority of the Act of June 10, 1921, ch. 18, § 304, 42 Stat. 24.

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-271 substituted "Government Accountability Office" for "General Accounting Office".

§ 524. Availability of appropriations

(a) Appropriations for the Department of Justice are available to the Attorney General for payment of—

(1) notarial fees, including such additional stenographic services as are required in connection therewith in the taking of depositions, and compensation and expenses of witnesses and informants, all at the rates authorized or approved by the Attorney General or the Assistant Attorney General for Administration; and

(2) when ordered by the court, actual expenses of meals and lodging for marshals, deputy marshals, or criers when acting as bailiffs in attendance on juries.

(b) Except as provided in subsection (a) of this section, a claim of not more than \$500 for ex-

penses related to litigation that is beyond the control of the Department may be paid out of appropriations currently available to the Department for expenses related to litigation when the Comptroller General settles the payment.

(c)(1) There is established in the United States Treasury a special fund to be known as the Department of Justice Assets Forfeiture Fund (hereafter in this subsection referred to as the "Fund") which shall be available to the Attorney General without fiscal year limitation for the following law enforcement purposes—

(A) the payment, at the discretion of the Attorney General, of any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, sell, or dispose of property under seizure, detention, or forfeited pursuant to any law enforced or administered by the Department of Justice, or of any other necessary expense incident to the seizure, detention, forfeiture, or disposal of such property including—

(i) payments for—

(I) contract services;

(II) the employment of outside contractors to operate and manage properties or provide other specialized services necessary to dispose of such properties in an effort to maximize the return from such properties; and

(III) reimbursement of any Federal, State, or local agency for any expenditures made to perform the functions described in this clause;

(ii) payments to reimburse any Federal agency participating in the Fund for investigative costs leading to seizures;

(iii) payments for contracting for the services of experts and consultants needed by the Department of Justice to assist in carrying out duties related to asset seizure and forfeiture; and

(iv) payments made pursuant to guidelines promulgated by the Attorney General if such payments are necessary and directly related to seizure and forfeiture program expenses for—

(I) the purchase or lease of automatic data processing systems (not less than a majority of which use will be related to such program);

(II) training;

(III) printing;

(IV) the storage, protection, and destruction of controlled substances; and

(V) contracting for services directly related to the identification of forfeitable assets, and the processing of and accounting for forfeitures;

(B) the payment of awards for information or assistance directly relating to violations of the criminal drug laws of the United States or of chapter 77 of title 18, chapter 110 of title 18, sections 1956 and 1957 of title 18, sections 5313 and 5324 of title 31, and section 6050I of the Internal Revenue Code of 1986;

(C) at the discretion of the Attorney General, the payment of awards for information or assistance leading to a civil or criminal forfeiture involving any Federal agency participating in the Fund;