



Office of the Attorney General
Washington, D.C.

ORDER NO. 2955-2008

**CHANGES TO THE ATTORNEY GENERAL'S GUIDELINES ON FBI
UNDERCOVER OPERATIONS**

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§ 509, 510, and 533, I hereby order that the following revisions be made to the Attorney General's Guidelines on FBI Undercover Operations (May 30, 2002):

1. Preamble. In the Preamble, revise the second sentence and add a third sentence to read as follows:

They apply to investigations conducted by the FBI pursuant to the Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations, including cyber investigations under those Guidelines. These Guidelines do not apply to activities under the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection, except to the extent provided by FBI Policy.

2. Definitions. In Section II.B, revise the second sentence of the definition of "Undercover Operation" to read as follows:

For purposes of these Guidelines, a series of related undercover activities consists of more than five separate substantive contacts by an undercover employee with the individual[s] under investigation.

3. Approval Authority. (a) In Section IV.B, paragraph (2), replace the second sentence with the following sentence:

The Director of the FBI shall establish specific monetary limits for the expenditure of funds for undercover operations authorized pursuant to this subsection, and operations which involve expenditures in excess of these amounts

must be approved by FBI Headquarters.

(b) In Section IV.G, paragraph (4), delete from the first sentence the words “or involves the expenditure of more than \$50,000 (\$100,000 in drug cases of which a maximum of \$50,000 is for operational expenses), or such other amount that is set from time to time by the Director,” and insert in lieu thereof the following words: “or involves the expenditure of funds in excess of the amounts established by the Director pursuant to Section IV.B, paragraph (2).”

4. Money Laundering Activity Approvals. (a) In Section IV.C, paragraph (2)(g), delete the words “no more than five.”

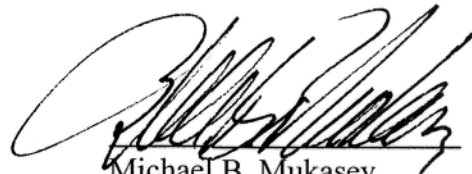
(b) In Section IV.H, paragraph (5)(a)(viii), delete the words “no more than five.”

5. Federal Prosecutor Letter. In Section IV.F, revise paragraph (2)(b) to read as follows:

A letter signed personally by the appropriate Federal prosecutor indicating that he or she has reviewed the proposed operation, including the sensitive circumstances reasonably expected to occur, agrees with the proposal and its legality, and will *prosecute any meritorious case that has developed.* The letter shall include a finding that the proposed investigation would be an appropriate use of the undercover technique and that the potential benefits in detecting, preventing, or prosecuting criminal activity outweigh any direct costs or risks of other harm.

March 5, 2008

Date



Michael B. Mukasey
Attorney General