

CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

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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 Investigation personnel outside the United States to reflect the probable intent of Congress, because corresponding section was repealed.

2002—Pub. L. 107-306, title VIII, §824(b), Nov. 27, 2002, 116 Stat. 2429, added item 540C relating to annual report on activities of Federal Bureau of Investigation personnel outside the United States.

Pub. L. 107-273, div. B, title IV, §4003(b)(7), (8), div. C, title I, §11024(b), Nov. 2, 2002, 116 Stat. 1812, 1831, inserted “the” after “of” in item 532, substituted “character” for “nature” in item 537, and added item 540C relating to FBI police.

1998—Pub. L. 105-314, title VII, §701(b), Oct. 30, 1998, 112 Stat. 2987, added item 540B.

1994—Pub. L. 103-322, title XXXII, §320916(b), Sept. 13, 1994, 108 Stat. 2129, added item 540A.

Pub. L. 103-272, §4(e)(2), July 5, 1994, 108 Stat. 1361, added item 538.

1988—Pub. L. 100-690, title VII, §7331(b), Nov. 18, 1988, 102 Stat. 4468, added item 540.

1986—Pub. L. 99-569, title IV, §401(b), Oct. 27, 1986, 100 Stat. 3195, added item 539.

1982—Pub. L. 97-292, §3(b), Oct. 12, 1982, 96 Stat. 1260, inserted “and information” after “identification records” in item 534.

1966—Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 616, substituted “FEDERAL BUREAU OF INVESTIGATION” for “UNITED STATES MARSHALS” in chapter heading, added items 531 to 537, and struck out items 541 to 556.

§ 531. Federal Bureau of Investigation

The Federal Bureau of Investigation is in the Department of Justice.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 616.)

HISTORICAL AND REVISION NOTES

The section is supplied for convenience and clarification. The Bureau of Investigation in the Department of Justice, the earliest predecessor agency of the Federal Bureau of Investigation, was created administratively in 1908. It appears that funds used for the Bureau of Investigation were first obtained through the Depart-

ment of Justice Appropriation Act of May 22, 1908, ch. 186, §1 (par. beginning “From the appropriations for the prosecution of crimes”), 35 Stat. 236, although that statutory provision makes no express mention of the Bureau or of the investigative function.

Section 3 of Executive Order No. 6166 of June 10, 1933, specifically recognized the Bureau of Investigation in the Department of Justice and provided that all that Bureau’s functions together with the investigative functions of the Bureau of Prohibition were “transferred to and consolidated in a Division of Investigation in the Department of Justice, at the head of which shall be a Director of Investigation.”

The Division of Investigation was first designated as the “Federal Bureau of Investigation” by the Act of Mar. 22, 1935, ch. 39, title II, 49 Stat. 77, and has been so designated in statutes since that date.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Bureau of Investigation, including the functions of the Attorney General relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see former section 313(3) and sections 121(g)(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

ENTERPRISE ARCHITECTURE

Pub. L. 108-458, title VIII, §8402, Dec. 17, 2004, 118 Stat. 3869, provided that:

“(a) ENTERPRISE ARCHITECTURE DEFINED.—In this section, the term ‘enterprise architecture’ means a detailed outline or blueprint of the information technology of the Federal Bureau of Investigation that will satisfy the ongoing mission and goals of the Federal Bureau of Investigation and that sets forth specific and identifiable benchmarks.

“(b) ENTERPRISE ARCHITECTURE.—The Federal Bureau of Investigation shall—

“(1) continually maintain and update an enterprise architecture; and

“(2) maintain a state of the art and up to date information technology infrastructure that is in compliance with the enterprise architecture of the Federal Bureau of Investigation.

“(c) REPORT.—Subject to subsection (d), the Director of the Federal Bureau of Investigation shall, on an annual basis, submit to the Committees on the Judiciary of the Senate and House of Representatives a report on whether the major information technology investments of the Federal Bureau of Investigation are in compliance with the enterprise architecture of the Federal Bureau of Investigation and identify any inability or expectation of inability to meet the terms set forth in the enterprise architecture.

“(d) FAILURE TO MEET TERMS.—If the Director of the Federal Bureau of Investigation identifies any inability or expectation of inability to meet the terms set forth in the enterprise architecture in a report under subsection (c), the report under subsection (c) shall—

“(1) be twice a year until the inability is corrected;

“(2) include a statement as to whether the inability or expectation of inability to meet the terms set forth in the enterprise architecture is substantially related to resources; and

“(3) if the inability or expectation of inability is substantially related to resources, include a request for additional funding that would resolve the problem or a request to reprogram funds that would resolve the problem.

“(e) ENTERPRISE ARCHITECTURE, AGENCY PLANS AND REPORTS.—This section shall be carried out in compliance with the requirements set forth in section 1016(e) and (h) [6 U.S.C. 485(e), (h)].”

REPORT TO CONGRESS

Pub. L. 108-405, title II, §203(f), Oct. 30, 2004, 118 Stat. 2271, provided that: “If the Department of Justice plans