section (a)(1)(A), of the making of the determination described in subsection (a)(1)(B), or of each approval described in subsection (a)(1)(C);

(2) include a complete and detailed statement of the relevant issues and background (including a complete and detailed statement of the reasons for the policy or determination, and the identity of the officer responsible for establishing or implementing such policy, making such determination, or approving such settlement or compromise), except that—

(A) such details may be omitted as may be absolutely necessary to prevent improper disclosure of national-security- or classified information, of any information subject to the deliberative-process-, executive-, attorney-work-product-, or attorney-client privileges, or of any information the disclosure of which is prohibited by section 6103 of the Internal Revenue Code of 1986, or other law or any court order if the fact of each such omission (and the precise ground or grounds therefor) is clearly noted in the statement: *Provided*, That this subparagraph shall not be construed to deny to the Congress (including any House, Committee, or agency thereof) any such omitted details (or related information) that it lawfully may seek, subsequent to the submission of the report; and

(B) the requirements of this paragraph shall be deemed satisfied—

(i) in the case of an approval described in subsection (a)(1)(C)(i), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the legal and factual basis or bases for the settlement or compromise (if not apparent on the face of documents provided); and

(ii) in the case of an approval described in subsection (a)(1)(C)(ii), if an unredacted copy of the entire settlement agreement and consent decree or order (if any) is provided, along with a statement indicating the injunctive or other nonmonetary relief (if not apparent on the face of documents provided); and

(3) in the case of a determination described in subsection (a)(1)(B) or an approval described in subsection (a)(1)(C), indicate the nature, tribunal, identifying information, and status of the proceeding, suit, or action.

(d) DECLARATION.—In the case of a determination described in subsection (a)(1)(B), the representative of the United States participating in the proceeding shall make a clear declaration in the proceeding that any position expressed as to the constitutionality of the provision involved is the position of the executive branch of the Federal Government (or, as applicable, of the President or of any executive agency or military department).

(e) APPLICABILITY TO THE PRESIDENT AND TO EXECUTIVE AGENCIES AND MILITARY DEPARTMENTS.—The reporting, declaration, and other provisions of this section relating to the Attorney General and other officers of the Department of Justice shall apply to the President (but only with respect to the promulgation of any unclassified Executive order or similar memorandum or order), to the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) that establishes or implements a policy described in subsection (a)(1)(A) or is authorized to conduct litigation, and to the officers of such executive agency.

(Added Pub. L. 107–273, div. A, title II, § 202(a), Nov. 2, 2002, 116 Stat. 1771.)

REFERENCES IN TEXT

Section 6405 of the Internal Revenue Code of 1986, referred to in subsec. (a)(1)(C), is classified to section 6405 of Title 26, Internal Revenue Code.

Section 6103 of the Internal Revenue Code of 1986, referred to in subsec. (c)(2)(A), is classified to section 6103 of Title 26, Internal Revenue Code.

REPORT ON POLICIES AND DETERMINATIONS MADE PRIOR TO ENACTMENT OF SECTION

Pub. L. 107–273, div. A, title II, § 202(b)(3), (4), Nov. 2, 2002, 116 Stat. 1774, provided that:

''(3) Not later than 30 days after the date of the enactment of this Act [Nov. 2, 2002], the President shall advise the head of each executive agency or military department (as defined, respectively, in sections 105 and 102 of title 5, United States Code) of the enactment of this section [enacting this section and amending sections 130f and 288k of Title 2, The Congress].

''(4)(A) Not later than 90 days after the date of the enactment of this Act [Nov. 2, 2002], the Attorney General (and, as applicable, the President, and the head of any executive agency or military department described in subsection (e) of section 530D of title 28, United States Code, as added by subsection (a)) shall submit to Congress a report (in accordance with subsections (a), (c), and (e) of such section) on—

''(i) all policies of which the Attorney General and applicable official are aware described in subsection (a)(1)(A) of such section that were established or implemented before the date of the enactment of this Act and were in effect on such date; and

''(ii) all determinations of which the Attorney General and applicable official are aware described in subsection (a)(1)(B) of such section that were made before the date of the enactment of this Act and were in effect on such date.

''(B) If a determination described in subparagraph (A)(ii) relates to any judicial, administrative, or other proceeding that is pending in the 90-day period beginning on the date of the enactment of this Act [Nov. 2, 2002], with respect to any such determination, then the report required by this paragraph shall be submitted within such time as will reasonably enable the House of Representatives and the Senate to take action, separately or jointly, to intervene in timely fashion in the proceeding, but not later than 30 days after the date of the enactment of this Act.''

CHAPTER 33—FEDERAL BUREAU OF INVESTIGATION

Sec.
531. Federal Bureau of Investigation.
532. Director of the Federal Bureau of Investigation.
533. Investigative and other officials; appointment.
534. Acquisition, preservation, and exchange of identification records and information; appointment of officials.
535. Investigation of crimes involving Government officers and employees; limitations.
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Sec.
539. Counterintelligence official reception and representation expenses.
540. Investigation of felonious killings of State or local law enforcement officers.
540A. Investigation of violent crimes against travelers.
540B. Investigation of serial killings.
540C. FBI police.

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 Department 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 to modify or supplement the core genetic markers needed for compatibility with the CODIS system, it shall notify the Judiciary Committee of the Senate and the Judiciary Committee of the House of Representatives in writing not later than 180 days before any change is made and explain the reasons for such change.''

MORGAN P. HARDIMAN CHILD ABDUCTION AND SERIAL MURDER INVESTIGATIVE RESOURCES CENTER

Pub. L. 105–314, title VII, § 703(a)–(f), Oct. 30, 1998, 112 Stat. 2987–2989, provided that:

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act [Oct. 30, 1998], the Attorney General shall establish within the Federal Bureau of Investigation a Child Abduction and Serial Murder Investigative Resources Center to be known as the 'Morgan P. Hardiman Child Abduction and Serial Murder Investigative Resources Center' (in this section referred to as the 'CASMIRC').