“(i) which is exempt from section 3302 or 9102 of title 31 of the United States Code, except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such provision.”

Similar provisions were contained in the following prior appropriation acts:


Pub. L. 96–132, §7(d), Nov. 30, 1979, 93 Stat. 1046, provided that:

“(i) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1979, and—

(A) report the results of each audit in writing to the Attorney General;

(B) report annually to the Congress concerning these audits.

“(2) For the purposes of paragraph (1), ‘undercover operation’ means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation.

“(3) In which the gross receipts exceed $50,000, and

“(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) [31 U.S.C. 3302(b)] or section 394(a) of the Government Corporation Control Act (31 U.S.C. 699(a)) [31 U.S.C. 1002].”

§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an emancipated person as defined by the laws of the place of residence of such person) and personal confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); and

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, including State sentencing commissions, Indian tribes, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

(1) to access and enter information into Federal criminal information databases; and

(2) to obtain information from the databases.

(e) For purposes of this section, the term “other institutions” includes—

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal, tribal, and State criminal justice agencies authorized to enter information into criminal information databases may include—

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection—

(A) the term “national crime information databases” means the National Crime Information Center and the incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term “protection order” includes—

(i) any injunction, restraining order, or other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final or—
ers issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.


Subsec. (d). Pub. L. 111–211, §233(a)(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “The Attorney General or the FBI Director, was editorially reclassified as section 41311 of Title 34, Crime Control and Law Enforcement.

amendments.”


Subsec. (d). Pub. L. 111–211, §233(a)(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases.”

Subsec. (e). Pub. L. 111–211, §233(a)(3), which directed redesignation of “the second subsection (e)” as (f), could not be executed because only one subsec. (e) appeared subsequent to amendment by Pub. L. 109–248. See 2006 Amendment note below.


Subsec. (e)(3)(B). Pub. L. 109–162, §118, added subpar. (B) and struck out former subpar. (B) which read as follows: “the term ‘protection order’ includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.”

Subsec. (f). Pub. L. 109–248 redesignated subsec. (e), relating to information from national crime information databases, as (f).

2002—Subsec. (a)(3). Pub. L. 107–273, §§204(c) and 40601(b), amended par. (3) identically, inserting “and” at end. Subsec. (a)(4). Pub. L. 107–273, §11004, added par. (4) and struck out former par. (4) which read as follows: “exchange such records and information with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.”


2002—Subsec. (a)(3). Pub. L. 107–273, §§204(c) and 40601(b), amended par. (3) identically, inserting “and” at end. Subsec. (a)(4). Pub. L. 107–273, §11004, added par. (4) and struck out former par. (4) which read as follows: “exchange such records and information with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.”


REGULATIONS

Pub. L. 110–322, title IV, §40601(b), Sept. 13, 1994, 108 Stat. 1951, provided that: “The Attorney General may make rules to carry out the subsection added to section 534 of title 28, United States Code, by subsection (a), after consultation with the officials charged with managing the National Crime Information Center and the Criminal Justice Information Services Advisory Policy Board.”

IMPROVING DEPARTMENT OF JUSTICE DATA COLLECTION ON MENTAL ILLNESS INVOLVED IN CRIME

Pub. L. 114–255, div. B, title XIV, §14015, Dec. 13, 2016, 130 Stat. 1306, which requires inclusion of data with respect to the involvement of mental illness in incidences of certain crimes in data prepared by or submitted to the Attorney General or the FBI Director, was editorially reclassified as section 41311 of Title 34, Crime Control and Law Enforcement.

ACCESS TO NATIONAL CRIME INFORMATION DATABASES

Pub. L. 111–211, title II, §233(b), July 29, 2010, 124 Stat. 2279, which requires the Attorney General to ensure...
that tribal law enforcement officials that meet applicable
Federal or State requirements be allowed access to
national crime information databases, was editorially reclassified as section 41107 of Title 34, Crime Control and Law Enforcement.

ADDITIONAL REPORTING ON CRIME
Pub. L. 110–457, title II, § 237(a), (b), Dec. 23, 2008, 122 Stat. 5083, which relates to reporting on human traf-

ficking, was editorially reclassified as section 41309 of Title 34, Crime Control and Law Enforcement.

TRIBAL REGISTRY
eral to establish and maintain a national tribal sex of-

fender registry along with interested tribal organiza-
tions, was editorially reclassified as section 20903 of
Title 34, Crime Control and Law Enforcement.

NATIONAL GANG INTELLIGENCE CENTER
ment Authorization Act of 2004, was editorially reclas-
sified as section 41106 of Title 34, Crime Control and Law Enforcement.

REVIEWS OF CRIMINAL RECORDS OF APPLICANTS FOR PRIVATE SECURITY OFFICER EMPLOYMENT

CRIMINAL BACKGROUND CHECKS FOR APPLICANTS FOR EMPLOYMENT IN NURSING FACILITIES AND HOME HEALTH CARE AGENCIES
ing facility or home health care agency to submit a re-
quest to the Attorney General to conduct a search and exchange of criminal history records regarding an ap-
licant for employment if the employment position is
involved in direct patient care, was editorially reclass-
ified as section 41106 of Title 34, Crime Control and Law Enforcement.

COMPILED OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES
Pub. L. 104–132, title VIII, § 808, Apr. 24, 1996, 110 Stat. 1310, which required Attorney General to collect data for the calendar year 1990 and each succeeding calendar year, relating to crimes and incidents of threats of vio-
ence and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties, and to annually publish a summary of the data collected to be used only for research and statistical purposes, was repealed by Pub. L. 107–273, div. A, title III, § 311(a), Nov. 2, 2002, 116 Stat. 1786.

NATIONAL CRIME INFORMATION CENTER PROJECT 2000
Pub. L. 101–647, title VI, subtitle B, Nov. 29, 1990, 104 Stat. 4823, provided that:

"SEC. 611. SHORT TITLE.

"This section [subtitle] may be cited as the 'National Law Enforcement Cooperation Act of 1990'.

"SEC. 612. FINDINGS.

"The Congress finds that—

"(1) cooperation among Federal, State and local law enforcement agencies is critical to an effective national response to the problems of violent crime and drug trafficking in the United States;

"(2) the National Crime Information Center, which links more than 16,000 Federal, State and local law

enforcement agencies, is the single most important avenue of cooperation among law enforcement agen-
cies;

"(3) major improvements to the National Crime In-
formation Center are needed because the current sys-
tem is more than twenty years old; carries much greater volumes of enforcement information; and at this time is unable to incorporate technological ad-

vances that would significantly improve its perform-
ance; and

"(4) the Federal Bureau of Investigation, working with State and local law enforcement agencies and private organizations, has developed a promising plan, 'NCIC 2000', to make the necessary upgrades to the National Crime Information Center that should meet the needs of United States law enforcement agencies into the next century.

"SEC. 613. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated the follow-
ing sums to implement the 'NCIC 2000' project:

"(1) $17,000,000 for fiscal year 1991;

"(2) $25,000,000 for fiscal year 1992;

"(3) $22,000,000 for fiscal year 1993;

"(4) $9,000,000 for fiscal year 1994; and

"(5) such sums as may be necessary for fiscal year 1995.

"SEC. 614. REPORT.

"By February 1 of each fiscal year for which funds for NCIC 2000 are requested, the Director of the Federal Bureau of Investigation shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives that details the progress that has been made in implementing NCIC 2000 and a complete justification for the funds requested in the following fiscal year for NCIC 2000.''

FBI FEES TO PROCESS FINGERPRINT IDENTIFICATION RECORDS AND NAME CHECKS
Pub. L. 101–515, title II, Nov. 5, 1990, 104 Stat. 2112, as amended by section 113 of H.R. 2076, One Hundred Fourth Congress, as passed by the House of Representa-


tablish and collect fees to process fingerprint identi-

fication records and name checks for non-criminal jus-
tice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified Government contracts, was editorially reclassified as section 41104 of Title 34, Crime Control and Law Enforcement.

HATE CRIME STATISTICS
ing of sections 1 and 2, was editorially reclassified to
Title 34, Crime Control and Law Enforcement. Section 1 was editorially reclassified as section 41305 of Title 34. Section 2 was editorially reclassified as a note under section 41305 of Title 34.

UNIFORM FEDERAL CRIME REPORTING ACT OF 1988

FAMILY AND DOMESTIC VIOLENCE: DATA COLLECTION AND REPORTING
Pub. L. 100–690, title VII, § 7809, Nov. 18, 1988, 102 Stat. 4417, which required inclusion of certain data relating to the victim in uniform crime reports by the Attorney General and publication of domestic violence data by the Director of the Bureau of Justice Statistics, was
§ 535. Investigation of crimes involving Government officers and employees; limitations

(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of Federal criminal law involving Government officers and employees—

(1) notwithstanding any other provision of law; and

(2) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(b) Any information, allegation, matter, or complaint witnessed, discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate, unless—

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs investigation with respect thereto.

(c) This section does not limit—

(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

(2) the primary authority of the Postmaster General to investigate postal offenses.


### Historical and Revision Notes

<table>
<thead>
<tr>
<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
</tr>
</thead>
</table>

The section is reorganized for clarity and continuity. In subsection (a), the word “may” is substituted for “shall have authority”. The word “is” is substituted for “may” in paragraph (b). In subsection (c), the words “This section does not limit” are substituted for “that the provisions of this section shall not limit, in any way”. The words “(chapter 4 of title 10)” are added after “Uniform Code of Military Justice” to reflect the codification of that Code in title 10, United States Code.

### Amendments

2002—Subsec. (a). Pub. L. 107–273 substituted “Federal criminal law” for “title 18” in introductory provisions. Subsec. (b). Pub. L. 107–273, in introductory provisions, substituted “matter, or complaint witnessed, discovered, or” for “or complaint” and “Federal criminal law” for “title 18” and inserted “or the witness, discoverer, or recipient, as appropriate,” after “agency.”.

### Transfer of Functions


### § 536. Positions in excepted service

All positions in the Federal Bureau of Investigation are excepted from the competitive service, and the incumbents of such positions occupy positions in the excepted service.

(Added Pub. L. 89–554, §4(c), Sept. 6, 1966, 80 Stat. 617.)

### Historical and Revision Notes

<table>
<thead>
<tr>
<th>Derivation</th>
<th>U.S. Code</th>
<th>Revised Statutes and Statutes at Large</th>
</tr>
</thead>
</table>

The section is revised and restated to eliminate ambiguity and give true effect to the prohibition against the use of appropriations to the Federal Bureau of Investigation. The language used to define the excepted status of the positions, officers, and employees is based on revised sections 2102 and 2103 of title 5, United States Code.

The provisions of this section were made permanent by the Act of July 28, 1950, 64 Stat. 380. Identical provisions appearing in former section 306d of title 5 are derived from the Department of Justice Appropriation Act, 1965, and earlier appropriation Acts for the Department of Justice running back to 1942, which Acts are identified in a note under former section 3004 of title 5, U.S.C. 1964 ed.

### § 537. Expenses of unforeseen emergencies of a confidential character

Appropriations for the Federal Bureau of Investigation are available for expenses of unforeseen emergencies of a confidential character, when so specified in the appropriation concerned, to be spent under the direction of the Attorney General. The Attorney General shall certify the amount spent that he considers advisable not to specify, and his certification is a sufficient voucher for the amount therein expressed to have been spent.

(Added Pub. L. 89–554, §4(c), Sept. 6, 1966, 80 Stat. 617.)