

July 29, 2010, 124 Stat. 2297, providing for the establishment of the National Gang Intelligence Center, was editorially reclassified as section 41507 of Title 34, Crime Control and Law Enforcement.

REVIEWS OF CRIMINAL RECORDS OF APPLICANTS FOR PRIVATE SECURITY OFFICER EMPLOYMENT

Pub. L. 108-458, title VI, §6402, Dec. 17, 2004, 118 Stat. 3755, known as the Private Security Officer Employment Authorization Act of 2004, was editorially reclassified as section 41106 of Title 34, Crime Control and Law Enforcement.

CRIMINAL BACKGROUND CHECKS FOR APPLICANTS FOR EMPLOYMENT IN NURSING FACILITIES AND HOME HEALTH CARE AGENCIES

Pub. L. 105-277, div. A, §101(b) [title I, §124], Oct. 21, 1998, 112 Stat. 2681-50, 2681-73, which authorizes a nursing facility or home health care agency to submit a request to the Attorney General to conduct a search and exchange of criminal history records regarding an applicant for employment if the employment position is involved in direct patient care, was editorially reclassified as section 41105 of Title 34, Crime Control and Law Enforcement.

COMPILATION 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 violence 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and to annually publish a summary of the data collected to be used only for research and statistical purposes, was repealed by Pub.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 agencies;

“(3) major improvements to the National Crime Information Center are needed because the current system is more than twenty years old; carries much greater volumes of enforcement information; and at this time is unable to incorporate technological advances that would significantly improve its performance; 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 following 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 Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37, which authorized the FBI Director to establish and collect fees to process fingerprint identification records and name checks for non-criminal justice, 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

Pub. L. 101-275, Apr. 23, 1990, 104 Stat. 140, as amended by Pub. L. 103-322, title XXXII, §320926, Sept. 13, 1994, 108 Stat. 2131; Pub. L. 104-155, §7, July 3, 1996, 110 Stat. 1394; Pub. L. 111-84, div. E, §4708, Oct. 28, 2009, 123 Stat. 2841, known as the Hate Crimes Statistics Act, consisting 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

Pub. L. 100-690, title VII, §7332, Nov. 18, 1988, 102 Stat. 4468, known as the Uniform Federal Crime Reporting Act of 1988, was editorially reclassified as section 41303 of Title 34, Crime Control and Law Enforcement.

FAMILY AND DOMESTIC VIOLENCE; DATA COLLECTION AND REPORTING

Pub. L. 100-690, title VII, §7609, Nov. 18, 1988, 102 Stat. 4517, 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 editorially reclassified as section 41304 of Title 34, Crime Control and Law Enforcement.

PARIMUTUEL LICENSING SIMPLIFICATION

Pub. L. 100-413, Aug. 22, 1988, 102 Stat. 1101, known as the Parimutuel Licensing Simplification Act of 1988, consisting of sections 1 to 3, was editorially reclassified to Title 34, Crime Control and Law Enforcement. Section 1 was editorially reclassified as a Short Title of 1988 Act note under section 10101 of Title 34. Section 2 was editorially reclassified as section 41102 of Title 34. Section 3 was editorially reclassified as an Effective Date note under section 41102 of Title 34.

FUNDS FOR EXCHANGE OF IDENTIFICATION RECORDS

Pub. L. 92-544, title II, Oct. 25, 1972, 86 Stat. 1115, which provided funds for the exchange of identification records, was editorially reclassified as section 41101 of Title 34, Crime Control and Law Enforcement.

§ 535. Investigation of crimes involving Government officers and employees; limitations

(a) The Attorney General and the Federal Bureau of Investigation may investigate any viola-

tion 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 otherwise with respect to a specified class of information, allegation, or complaint.

(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.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 616; amended Pub. L. 107-273, div. A, title II, §206, Nov. 2, 2002, 116 Stat. 1779.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|------------------|---|
| | 5 U.S.C. 311a. | Aug. 31, 1954, ch. 1143, §1, 68 Stat. 998. |

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 have been or may hereafter be".

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 47 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

Office of Postmaster General of Post Office Department abolished and all functions, powers, and duties of Postmaster General transferred to United States Postal Service by Pub. L. 91-375, §4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service.

§ 536. Positions in excepted service

All positions in the Federal Bureau of Investigation are excepted from the competitive serv-

ice, 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

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|--------------------------------|---|
| | 5 U.S.C. 300d. | Aug. 31, 1964, Pub. L. 88-527, §201 (2nd par. under "Federal Bureau of Investigation"), 78 Stat. 718. |
| | 5 U.S.C. 341c (last sentence). | July 28, 1950, ch. 503, §5 (last sentence), 4 Stat. 380. |

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 300d 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 300d 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.)

HISTORICAL AND REVISION NOTES

| <i>Derivation</i> | <i>U.S. Code</i> | <i>Revised Statutes and Statutes at Large</i> |
|-------------------|-------------------------------------|--|
| | 5 U.S.C. 341c (less last sentence). | July 28, 1950, ch. 503, §5 (less last sentence), 64 Stat. 380. |

The section is revised and reorganized for clarity. The words "now or hereafter provided" are omitted as unnecessary. The words "for expenses of membership in the International Commission of Criminal Police and" are omitted as obsolete. The Act of Aug. 27, 1958, Pub. L. 85-768, 72 Stat. 921 (22 U.S.C. 263a) authorizes the Attorney General to accept and maintain, on behalf of the United States, membership in the International Criminal Police Organization, and to designate any departments and agencies which may participate in the United States representation with that organization; and authorizes each participating department and agency to pay its pro rata share, as determined by the Attorney General, of the expenses of such membership. The word "spent" is substituted for "expended". The words "certify the amount spent that he considers" are substituted for "make a certificate of the amount of any such expenditure as he may think it". The words "his certification is a sufficient voucher" are substituted for "and every such certificate shall be deemed a sufficient voucher".