

(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 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

| <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 unfore-

seen 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”.

**§ 538. Investigation of aircraft piracy and related violations**

The Federal Bureau of Investigation shall investigate any violation of section 46314 or chapter 465 of title 49.

(Added Pub. L. 103-272, §4(e)(1), July 5, 1994, 108 Stat. 1361.)

**§ 539. Counterintelligence official reception and representation expenses**

The Director of the Federal Bureau of Investigation may use funds available to the Federal Bureau of Investigation for counterintelligence programs to pay the expenses of hosting foreign officials in the United States under the auspices of the Federal Bureau of Investigation for consultation on counterintelligence matters.

(Added Pub. L. 99-569, title IV, §401(a), Oct. 27, 1986, 100 Stat. 3195.)

**§ 540. Investigation of felonious killings of State or local law enforcement officers**

The Attorney General and the Federal Bureau of Investigation may investigate felonious killings of officials and employees of a State or political subdivision thereof while engaged in or on account of the performance of official duties relating to the prevention, detection, investigation, or prosecution of an offense against the criminal laws of a State or political subdivision, when such investigation is requested by the head of the agency employing the official or em-