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28 § 535

DEPARTMENT OF JUSTICE

Part 2

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(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.

Explanatory Note
The section is to eliminate and refer to the provision of appropriation of investigation. define the exceptions, officers, on revised section 5, United States

Historical and Revision Notes

Reviser's Notes

Derivation: United States Code
5 U.S.C. 311a

Revised Statutes and Statutes at Large
Aug. 31, 1954, ch. 1143, § 1, 68 Stat. 998.

Explanatory Notes.

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.

Library References

Attorney General 6.
United States 40.

C.J.S. Attorney General §§ 5, 6.
C.J.S. United States §§ 38-40.

Notes of Decisions

L. Purpose

Even if special legislation might empower court to force prosecutions in some circumstances this section pertaining to investigation of crimes involving government officers and employees disclosed no congressional intent to alter traditional scope of Attorney General's

discretion so as to permit federal court to order prosecution. Powell v. Katzenbach, 1965, 359 F.2d 234, 123 U.S.App.D.C. 250, certiorari denied 86 S.Ct. 1341, 384 U.S. 906, 16 L.Ed.2d 359, rehearing denied 86 S.Ct. 1534, 384 U.S. 907, 16 L.Ed.2d 679.

§ 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

Reviser's Notes

Derivation: United States Code
5 U.S.C. 300d

5 U.S.C. 341e (last sentence)

Revised Statutes and Statutes at Large
Aug. 31, 1954, Pub.L. 83-527, § 201 (2nd par. under "Federal Bureau of Investigation"), 78 Stat. 713.
July 23, 1950, ch. 503, § 5 (last sentence)
64 Stat. 350.

§ 537.

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Derivation:

Explanatory

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Ch. 33

BUREAU OF INVESTIGATION 28 § 537

Explanatory Notes.

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 23, 1950, 64 Stat. 350. Identical provisions appearing in former section 300d of title 5 are derived from the Department of Justice Appropriation Act, 1865, 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**Reviser's Notes**

Derivation: United States Code
5 U.S.C. 341c (less last sentence)

Revised Statutes and Statutes at Large
July 28, 1950, ch. 503, § 5 (less last sentence), 64 Stat. 350.

Explanatory Notes.

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, 1939, 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 representa-

tion 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".

Library References

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C.J.S. United States § 123.