

tained in last sentence of subsec. (b)(2) of this section shall, for the office of an independent counsel appointed before June 30, 1994, be required no later than 1 year after June 30, 1994, and at end of each succeeding 1-year period, and transition provisions relating to reporting requirements established or modified by Pub. L. 103-270, see section 7(a), (f), (g) of Pub. L. 103-270, set out as a note under section 591 of this title.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, but with subsecs. (a)(3) and (c) applicable to previously initiated proceedings pending on Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of this title.

### § 597. Relationship with Department of Justice

(a) **SUSPENSION OF OTHER INVESTIGATIONS AND PROCEEDINGS.**—Whenever a matter is in the prosecutorial jurisdiction of an independent counsel or has been accepted by an independent counsel under section 594(e), the Department of Justice, the Attorney General, and all other officers and employees of the Department of Justice shall suspend all investigations and proceedings regarding such matter, except to the extent required by section 594(d)(1), and except insofar as such independent counsel agrees in writing that such investigation or proceedings may be continued by the Department of Justice.

(b) **PRESENTATION AS AMICUS CURIAE PERMITTED.**—Nothing in this chapter shall prevent the Attorney General or the Solicitor General from making a presentation as amicus curiae to any court as to issues of law raised by any case or proceeding in which an independent counsel participates in an official capacity or any appeal of such a case or proceeding.

(Added Pub. L. 95-521, title VI, §601(a), Oct. 26, 1978, 92 Stat. 1872; amended Pub. L. 97-409, §2(a)(1)(A), Jan. 3, 1983, 96 Stat. 2039; Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1306.)

#### AMENDMENTS

1987—Pub. L. 100-191 amended section generally, substituting provisions relating to relationship with Department of Justice for substantially similar provisions.

1983—Pub. L. 97-409, §2(a)(1)(A), substituted “independent counsel” for “special prosecutor” wherever appearing.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

### § 598. Severability

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision to other persons not similarly situated or to other circum-

stances shall not be affected by such invalidation.

(Added Pub. L. 95-521, title VI, §601(a), Oct. 26, 1978, 92 Stat. 1873; amended Pub. L. 97-409, §§2(a)(1)(A), 7, Jan. 3, 1983, 96 Stat. 2039, 2042; Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1306.)

#### AMENDMENTS

1987—Pub. L. 100-191 amended section generally, substituting provisions relating to severability for provisions relating to termination of chapter. See section 599 of this title.

1983—Pub. L. 97-409, §2(a)(1)(A), 7, substituted reference to the date of enactment of the Ethics in Government Act Amendments of 1982 for reference to the date of enactment of this chapter and substituted “independent counsel” for “special prosecutor” wherever appearing.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-191 effective Dec. 15, 1987, and applicable to proceedings initiated and independent counsels appointed on and after Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

### § 599. Termination of effect of chapter

This chapter shall cease to be effective five years after the date of the enactment of the Independent Counsel Reauthorization Act of 1994, except that this chapter shall continue in effect with respect to then pending matters before an independent counsel that in the judgment of such counsel require such continuation until that independent counsel determines such matters have been completed.

(Added Pub. L. 100-191, §2, Dec. 15, 1987, 101 Stat. 1306; amended Pub. L. 103-270, §2, June 30, 1994, 108 Stat. 732.)

#### REFERENCES IN TEXT

The date of the enactment of the Independent Counsel Reauthorization Act of 1994, referred to in text, is the date of enactment of Pub. L. 103-270, which was approved June 30, 1994.

#### AMENDMENTS

1994—Pub. L. 103-270 substituted “1994” for “1987”.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-270 applicable with respect to independent counsels appointed before, on, or after June 30, 1994, see section 7(a) of Pub. L. 103-270, set out as an Effective Date of 1994 Amendment; Transition Provisions note under section 591 of this title.

#### EFFECTIVE DATE

Section effective Dec. 15, 1987, see section 6 of Pub. L. 100-191, set out as a note under section 591 of this title.

## CHAPTER 40A—BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

|            |   |
|------------|---|
| Sec. 599A. | Bureau of Alcohol, Tobacco, Firearms, and Explosives    |
| 599B.      | Personnel management demonstration project <sup>1</sup> |

### § 599A. Bureau of alcohol, tobacco, firearms, and Explosives<sup>1</sup>

(a) **ESTABLISHMENT.**—

<sup>1</sup> So in original. Does not conform to section catchline.

<sup>1</sup> So in original. Probably should be “Bureau of Alcohol, Tobacco, Firearms, and Explosives”.

(1) IN GENERAL.—There is established within the Department of Justice under the general authority of the Attorney General the Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this section referred to as the “Bureau”).

(2) DIRECTOR.—There shall be at the head of the Bureau a Director, Bureau of Alcohol, Tobacco, Firearms, and Explosives (in this subtitle<sup>2</sup> referred to as the “Director”). The Director shall be appointed by the President, by and with the advice and consent of the Senate<sup>3</sup> and shall perform such functions as the Attorney General shall direct. The Director shall receive compensation at the rate prescribed by law under section 5314 of title V<sup>4</sup>, United States Code, for positions at level III of the Executive Schedule.

(3) COORDINATION.—The Attorney General, acting through the Director and such other officials of the Department of Justice as the Attorney General may designate, shall provide for the coordination of all firearms, explosives, tobacco enforcement, and arson enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among any officer, employee, or agency of the Department of Justice involved in the performance of these and related functions.

(4) PERFORMANCE OF TRANSFERRED FUNCTIONS.—The Attorney General may make such provisions as the Attorney General determines appropriate to authorize the performance by any officer, employee, or agency of the Department of Justice of any function transferred to the Attorney General under this section.

(b) RESPONSIBILITIES.—Subject to the direction of the Attorney General, the Bureau shall be responsible for investigating—

(1) criminal and regulatory violations of the Federal firearms, explosives, arson, alcohol, and tobacco smuggling laws;

(2) the functions transferred by subsection (c) of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act); and

(3) any other function related to the investigation of violent crime or domestic terrorism that is delegated to the Bureau by the Attorney General.

(c) TRANSFER OF AUTHORITIES, FUNCTIONS, PERSONNEL, AND ASSETS TO THE DEPARTMENT OF JUSTICE.—

(1) IN GENERAL.—Subject to paragraph (2),<sup>2</sup> but notwithstanding any other provision of law, there are transferred to the Department of Justice the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms, which shall be maintained as a distinct entity within the Department of Justice, including the related functions of the Secretary of the Treasury.

(3)<sup>5</sup> BUILDING PROSPECTUS.—Prospectus PDC-98W10, giving the General Services Administration the authority for site acquisition, de-

sign, and construction of a new headquarters building for the Bureau of Alcohol, Tobacco and Firearms, is transferred, and deemed to apply, to the Bureau of Alcohol, Tobacco, Firearms, and Explosives established in the Department of Justice under subsection (a).

(Added and amended Pub. L. 109-162, title XI, §1187(b), (c)(1), Jan. 5, 2006, 119 Stat. 3127; Pub. L. 109-177, title V, §504, Mar. 9, 2006, 120 Stat. 247.)

#### REFERENCES IN TEXT

This subtitle, referred to in subsec. (a)(2), meant subtitle B (§§1111–1115) of title XI of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2274, when subsec. (a) was originally included in section 1111 of Pub. L. 107-296. See Codification note below. There are no subtitles in this title of the Code. Subtitle B of title XI of Pub. L. 107-296 enacted part B (§531 et seq.) of subchapter XI of chapter 1 of Title 6, Domestic Security, and section 3051 of Title 18, Crimes and Criminal Procedure, amended section 2006 of this title, sections 8D and 9 of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, Government Organization and Employees, section 1445-3 of Title 7, Agriculture, section 1701 of Title 8, Aliens and Nationality, section 2223b of Title 15, Commerce and Trade, sections 841 to 847, 921 to 923, 925, 926, 1261, 1952, 2341, 2343, and 2346 of Title 18, sections 6103 and 7801 of Title 26, Internal Revenue Code, sections 713 and 9705 of Title 31, Money and Finance, sections 12281 and 50102 of Title 34, Crime Control and Law Enforcement, sections 80303 and 80304 of Title 49, Transportation, and provisions set out as a note under section 921 of Title 18. For complete classification of subtitle B to the Code, see Tables.

Subsection (c) of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act), referred to in subsec. (b)(2), is section 1111(c) of Pub. L. 107-296, title XI, Nov. 25, 2002, 116 Stat. 2275, which was classified to section 531(c) of Title 6, Domestic Security, prior to transfer of subsec. (c)(1), (3) of such section to subsec. (c)(1), (3) of this section.

Paragraph (2), referred to in subsec. (c)(1), meant paragraph (2) of section 1111(c) of Pub. L. 107-296, when subsec. (c)(1) of this section was originally included in section 1111 of Pub. L. 107-296. See Codification note below. Section 1111(c)(2) of Pub. L. 107-296 is classified to section 531(c)(2) of Title 6, Domestic Security.

#### CODIFICATION

The section catchline and text of subssecs. (a) to (c)(1), (3) of section 1111 of Pub. L. 107-296, formerly classified to section 531 of Title 6, Domestic Security, which were transferred to this chapter, redesignated as this section, and amended by Pub. L. 109-162, §1187(b), (c)(1), were based on Pub. L. 107-296, title XI, §1111(a)–(c)(1), (3), Nov. 25, 2002, 116 Stat. 2274, 2275.

#### AMENDMENTS

2006—Pub. L. 109-162, §1187(b), (c)(1)(A), transferred the section catchline and subssecs. (a) to (c)(1), (3) of section 1111 of Pub. L. 107-296 to this chapter, redesignated them as this section, and substituted “alcohol, tobacco, firearms” for “Alcohol, Tobacco, Firearms” in the section catchline. See Codification note above.

Subsec. (a)(2). Pub. L. 109-177, which directed amendment of second sentence of “section 1111(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 531(a)(2))” by substituting “President, by and with the advice and consent of the Senate” for “Attorney General” the first time appearing, was executed to this section to reflect the probable intent of Congress in light of the transfer of subsec. (a) of section 1111 of the Homeland Security Act of 2002 to this section by Pub. L. 109-162, §1187(b). See Amendment and Codification notes above.

Subsec. (b)(2). Pub. L. 109-162, §1187(c)(1)(B), inserted “of section 1111 of the Homeland Security Act of 2002 (as enacted on the date of the enactment of such Act)” after “subsection (c)”.

<sup>2</sup> See References in Text note below.

<sup>3</sup> So in original. Probably should be followed by a comma.

<sup>4</sup> So in original. Probably should be title “5”.

<sup>5</sup> So in original. There is no par. (2).

§ 599B. Personnel Management demonstration<sup>1</sup> project<sup>1</sup>

Notwithstanding any other provision of law, the Personnel Management Demonstration Project established under section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999 (Public Law 105-277; 122<sup>2</sup> Stat. 2681-585) shall be transferred to the Attorney General of the United States for continued use by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice, and the Secretary of the Treasury for continued use by the Tax and Trade Bureau.

(Added and amended Pub. L. 109-162, title XI, §1187(b), (c)(2), Jan. 5, 2006, 119 Stat. 3127, 3128.)

REFERENCES IN TEXT

Section 102 of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, referred to in text, probably means section 102 of title I of div. C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Pub. L. 105-277, which amended section 122 of Pub. L. 105-119, classified as a note under section 3104 of Title 5, Government Organization and Employees.

CODIFICATION

The text of section 1115 of Pub. L. 107-296, formerly classified as section 533 of Title 6, Domestic Security, which was transferred to this chapter, redesignated as this section, and amended by Pub. L. 109-162, §1187(b), (c)(2), was based on Pub. L. 107-296, title XI, §1115, Nov. 25, 2002, 116 Stat. 2280.

AMENDMENTS

2006—Pub. L. 109-162 transferred section 1115 of Pub. L. 107-296 to this chapter, redesignated it as this section, and substituted “demonstration project” for “Demonstration Project” in the section catchline. See Codification note above.

PART III—COURT OFFICERS AND EMPLOYEES

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[53. Repealed.]
55. Court of International Trade ..... 871
57. General Provisions Applicable to Court Officers and Employees ..... 951
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SENATE REVISION AMENDMENT

Chapter 59 was renumbered as Chapter 57 but without change in its section numbers, by Senate amendment. See 80th Congress Senate Report No. 1559.

AMENDMENTS

1998—Pub. L. 105-315, §12(b)(3), Oct. 30, 1998, 112 Stat. 2998, substituted “Alternative Dispute Resolution” for “Arbitration” as item for chapter 44.

<sup>1</sup> So in original. Probably should be capitalized.
<sup>2</sup> So in original. Probably should be “112”.

1992—Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516, substituted “United States Court of Federal Claims” for “United States Claims Court” as item for chapter 51.

1988—Pub. L. 100-702, title IX, §901(b), Nov. 19, 1988, 102 Stat. 4663, added item for chapter 44.

1984—Pub. L. 98-473, title II, §217(b), Oct. 12, 1984, 98 Stat. 2026, added item for chapter 58, effective on the first day of the first calendar month beginning twenty-four months after Oct. 12, 1984 (Nov. 1, 1986).

1982—Pub. L. 97-164, title I, §121(g)(1), Apr. 2, 1982, 96 Stat. 35, substituted “United States Claims Court” for “Court of Claims” as item for chapter 51.

Pub. L. 97-164, title I, §122(a), Apr. 2, 1982, 96 Stat. 36, struck out item for chapter 53.

1980—Pub. L. 96-417, title V, §501(13), Oct. 10, 1980, 94 Stat. 1742, substituted “Court of International Trade” for “Customs Court” as item for chapter 55.

1978—Pub. L. 95-598, title II, §233(b), Nov. 6, 1978, 92 Stat. 2667, directed the addition of item for chapter 50, “Bankruptcy Courts”, which amendment did not become effective pursuant to section 402(b) of Pub. L. 95-598, as amended, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

1968—Pub. L. 90-578, title I, §102(a), Oct. 17, 1968, 82 Stat. 1114, substituted “United States Magistrates” for “United States Commissioners” as item for chapter 43.

1967—Pub. L. 90-219, title II, §204, Dec. 20, 1967, 81 Stat. 669, added item for chapter 42.

CHANGE OF NAME

“United States Magistrate Judges” substituted for “United States Magistrates” in item for chapter 43 pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

CHAPTER 41—ADMINISTRATIVE OFFICE OF UNITED STATES COURTS

Table with 2 columns: Sec., Description
601. Creation; Director and Deputy Director.
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603. Salaries.
604. Duties of Director generally.
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606. Duties of Deputy Director.
607. Practice of law prohibited.
608. Seal.
609. Courts’ appointive power unaffected.
610. Courts defined.
611. Retirement of Director.
612. Judiciary Automation Fund.<sup>1</sup>
613. Disbursing and certifying officers.

AMENDMENTS

2000—Pub. L. 106-518, title III, §304(b), Nov. 13, 2000, 114 Stat. 2418, added item 613.

1989—Pub. L. 101-162, title IV, §404(b)(2), Nov. 21, 1989, 103 Stat. 1015, added item 612.

1967—Pub. L. 90-219, title II, §201(b), Dec. 20, 1967, 81 Stat. 668, added item 611.

1959—Pub. L. 86-370, §5(a)(2), Sept. 23, 1959, 73 Stat. 652, substituted “Deputy Director” for “Assistant Director” in items 601 and 606.

1949—Act May 24, 1949, ch. 139, §72a, 63 Stat. 100, inserted an apostrophe after “Courts” and struck out comma after “Courts” in item 609.

§ 601. Creation; Director and Deputy Director

The Administrative Office of the United States Courts shall be maintained at the seat of government. It shall be supervised by a Director and a Deputy Director appointed and subject to removal by the Chief Justice of the United States, after consulting with the Judicial Con-

<sup>1</sup> Section catchline amended by Pub. L. 104-106 without corresponding amendment of chapter analysis.