

after June 30, 1994, with transition provisions directing that determinations by the division of the court contained 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 circumstances 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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

Sec.
599B. Personnel management demonstration project¹

§ 599A. Bureau of alcohol, tobacco, firearms, and Explosives¹

(a) ESTABLISHMENT.—

(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 subtitle² referred to as the “Director”). The Director shall be appointed by the President, by and with the advice and consent of the Senate³ 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 V⁴, 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),² but notwithstanding any other provision of law, there are transferred to the Department of Justice the authorities, functions, per-

sonnel, 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)⁵ BUILDING PROSPECTUS.—Prospectus PDC-98W10, giving the General Services Administration the authority for site acquisition, design, 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.)

Editorial Notes

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.

¹ So in original. Does not conform to section catchline.

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

² See References in Text note below.

³ So in original. Probably should be followed by a comma.

⁴ So in original. Probably should be title “5”.

⁵ So in original. There is no par. (2).