

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
599B.	Personnel management demonstration project ¹

§ 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.

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

² So in original. Probably should be “Bureau of Alcohol, Tobacco, Firearms, and Explosives”.

³ See References in Text note below.

⁴ So in original. Probably should be followed by a comma.

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

(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, 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)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, formerly set out in the Appendix to Title 5, Government Organization and Employees (see 5 U.S.C. 412, 422), 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.

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

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)”.

§ 599B. Personnel Management demonstration¹ project¹

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; 122² 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.)

Editorial Notes

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

¹ So in original. Probably should be capitalized.

² So in original. Probably should be “112”.