

rity shall ensure that the Department of Homeland Security complies with the protections for human research subjects, as described in part 46 of title 45, Code of Federal Regulations, or in equivalent regulations as promulgated by such Secretary, with respect to research that is conducted or supported by the Department.”

### § 113. Other officers

#### (a) Deputy Secretary; Under Secretaries

##### (1) In general

Except as provided under paragraph (2), there are the following officers, appointed by the President, by and with the advice and consent of the Senate:

(A) A Deputy Secretary of Homeland Security, who shall be the Secretary’s first assistant for purposes of subchapter III of chapter 33 of title 5.

(B) An Under Secretary for Science and Technology.

(C) An Under Secretary for Border and Transportation Security.

(D) An Administrator of the Federal Emergency Management Agency.

(E) A Director of the Bureau of Citizenship and Immigration Services.

(F) An Under Secretary for Management.

(G) A Director of the Office of Counternarcotics Enforcement.

(H) An Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department.

(I) Not more than 12 Assistant Secretaries.

(J) A General Counsel, who shall be the chief legal officer of the Department.

##### (2) Assistant Secretaries

If any of the Assistant Secretaries referred to under paragraph (1)(I) is designated to be the Assistant Secretary for Health Affairs, the Assistant Secretary for Legislative Affairs, or the Assistant Secretary for Public Affairs, that Assistant Secretary shall be appointed by the President without the advice and consent of the Senate.

#### (b) Inspector General

There shall be in the Department an Office of Inspector General and an Inspector General at the head of such office, as provided in the Inspector General Act of 1978 (5 U.S.C. App.).

#### (c) Commandant of the Coast Guard

To assist the Secretary in the performance of the Secretary’s functions, there is a Commandant of the Coast Guard, who shall be appointed as provided in section 44 of title 14 and who shall report directly to the Secretary. In addition to such duties as may be provided in this chapter and as assigned to the Commandant by the Secretary, the duties of the Commandant shall include those required by section 2 of title 14.

#### (d) Other officers

To assist the Secretary in the performance of the Secretary’s functions, there are the following officers, appointed by the President:

- (1) A Director of the Secret Service.
- (2) A Chief Information Officer.

(3) An Officer for Civil Rights and Civil Liberties.

(4) A Director for Domestic Nuclear Detection.

#### (e) Chief Financial Officer

There shall be in the Department a Chief Financial Officer, as provided in chapter 9 of title 31.

#### (f) Performance of specific functions

Subject to the provisions of this chapter, every officer of the Department shall perform the functions specified by law for the official’s office or prescribed by the Secretary.

(Pub. L. 107–296, title I, §103, Nov. 25, 2002, 116 Stat. 2144; Pub. L. 108–7, div. L, §104(a), Feb. 20, 2003, 117 Stat. 529; Pub. L. 108–330, §3(d)(1)(A), Oct. 16, 2004, 118 Stat. 1276; Pub. L. 108–458, title VII, §7407(b), Dec. 17, 2004, 118 Stat. 3853; Pub. L. 109–295, title VI, §612(b), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 109–347, title V, §501(b)(1), Oct. 13, 2006, 120 Stat. 1935; Pub. L. 110–53, title V, §531(b)(2), Aug. 3, 2007, 121 Stat. 334; Pub. L. 110–388, §1, Oct. 10, 2008, 122 Stat. 4144; Pub. L. 112–166, §2(f)(5), Aug. 10, 2012, 126 Stat. 1285.)

#### REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (b), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

This chapter, referred to in subsecs. (c) and (f), was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

#### AMENDMENTS

2012—Subsec. (a). Pub. L. 112–166 redesignated introductory provisions as introductory provisions of par. (1), inserted par. (1) heading, substituted “Except as provided under paragraph (2), there” for “There”, redesignated pars. (1) to (10) as subpars. (A) to (J), respectively, of par. (1), and added par. (2).

2008—Subsec. (d)(3) to (5). Pub. L. 110–388 redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows: “A Chief Human Capital Officer.”

2007—Subsec. (a)(8) to (10). Pub. L. 110–53 added par. (8) and redesignated former pars. (8) and (9) as (9) and (10), respectively.

2006—Subsec. (a)(2) to (4). Pub. L. 109–295, §612(b)(2), (3), redesignated pars. (3) to (5) as (2) to (4), respectively, and struck out former par. (2) which read as follows: “An Under Secretary for Information Analysis and Infrastructure Protection.”

Subsec. (a)(5). Pub. L. 109–295, §612(b)(3), redesignated par. (6) as (5). Former par. (5) redesignated (4).

Pub. L. 109–295, §612(b)(1), added par. (5) and struck out former par. (5) which read as follows: “An Under Secretary for Emergency Preparedness and Response.”

Subsec. (a)(6) to (10). Pub. L. 109–295, §612(b)(3), redesignated pars. (7) to (10) as (6) to (9), respectively. Former par. (6) redesignated (5).

Subsec. (d)(5). Pub. L. 109–347 added par. (5).

2004—Subsec. (a)(8) to (10). Pub. L. 108–458 added par. (8) and redesignated former pars. (8) and (9) as (9) and (10), respectively.

Subsec. (d)(4), (5). Pub. L. 108–330, §3(d)(1)(A)(i), redesignated par. (5) as (4) and struck out former par. (4) which read as follows: “A Chief Financial Officer.”

Subsecs. (e), (f). Pub. L. 108–330, §3(d)(1)(A)(ii), (iii), added subsec. (e) and redesignated former subsec. (e) as (f).

2003—Subsec. (b). Pub. L. 108–7 reenacted heading without change and amended text generally. Prior to amendment, text read as follows: “There is an Inspector General, who shall be appointed as provided in section 3(a) of the Inspector General Act of 1978.”

#### CHANGE OF NAME

Any reference to the Administrator of the Federal Emergency Management Agency in title VI of Pub. L. 109–295 or an amendment by title VI to be considered to refer and apply to the Director of the Federal Emergency Management Agency until Mar. 31, 2007, see section 612(f)(2) of Pub. L. 109–295, set out as a note under section 313 of this title.

#### EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–166, §6(a), Aug. 10, 2012, 126 Stat. 1295, provided that: “The amendments made by section 2 [see Tables for classification] shall take effect 60 days after the date of enactment of this Act [Aug. 10, 2012] and apply to appointments made on and after that effective date, including any nomination pending in the Senate on that date.”

### § 114. Sensitive Security Information

Using funds made available in this Act, the Secretary of Homeland Security shall provide that each office within the Department that handles documents marked as Sensitive Security Information (SSI) shall have at least one employee in that office with authority to coordinate and make determinations on behalf of the agency that such documents meet the criteria for marking as SSI: *Provided*, That not later than December 31, 2005, the Secretary shall submit to the Committees on Appropriations of the Senate and the House of Representatives: (1) Department-wide policies for designating, coordinating and marking documents as SSI; (2) Department-wide auditing and accountability procedures for documents designated and marked as SSI; (3) the total number of SSI Coordinators within the Department; and (4) the total number of staff authorized to designate SSI documents within the Department: *Provided further*, That not later than January 31, 2006, the Secretary shall provide to the Committees on Appropriations of the Senate and the House of Representatives the title of all DHS documents that are designated as SSI in their entirety during the period October 1, 2005, through December 31, 2005: *Provided further*, That not later than January 31 of each succeeding year, starting on January 31, 2007, the Secretary shall provide annually a similar report to the Committees on Appropriations of the Senate and the House of Representatives on the titles of all DHS documents that are designated as SSI in their entirety during the period of January 1 through December 31 for the preceding year: *Provided further*, That the Secretary shall promulgate guidance that includes common but extensive examples of SSI that further define the individual categories of information cited under 49 CFR 1520(b)(1) through (16) and eliminates judgment by covered persons in the application of the SSI marking: *Provided further*, That such guidance shall serve as the primary basis and authority for the marking of DHS information as SSI by covered persons.

(Pub. L. 109–90, title V, §537, Oct. 18, 2005, 119 Stat. 2088.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 109–90, Oct. 18, 2005, 119 Stat. 2064, known as the Department of Homeland Security Appropriations Act, 2006. For complete classification of this Act to the Code, see Tables.

#### CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2006, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

### § 115. Trade and customs revenue functions of the Department

#### (a) Trade and customs revenue functions

##### (1) Designation of appropriate official

The Secretary shall designate an appropriate senior official in the office of the Secretary who shall—

(A) ensure that the trade and customs revenue functions of the Department are coordinated within the Department and with other Federal departments and agencies, and that the impact on legitimate trade is taken into account in any action impacting the functions; and

(B) monitor and report to Congress on the Department’s mandate to ensure that the trade and customs revenue functions of the Department are not diminished, including how spending, operations, and personnel related to these functions have kept pace with the level of trade entering the United States.

##### (2) Director of Trade Policy

There shall be a Director of Trade Policy (in this subsection referred to as the “Director”), who shall be subject to the direction and control of the official designated pursuant to paragraph (1). The Director shall—

(A) advise the official designated pursuant to paragraph (1) regarding all aspects of Department policies relating to the trade and customs revenue functions of the Department;

(B) coordinate the development of Department-wide policies regarding trade and customs revenue functions and trade facilitation; and

(C) coordinate the trade and customs revenue-related policies of the Department with the policies of other Federal departments and agencies.

#### (b) Study; report

##### (1) In general

The Comptroller General of the United States shall conduct a study evaluating the extent to which the Department of Homeland Security is meeting its obligations under section 212(b) of this title with respect to the maintenance of customs revenue functions.

##### (2) Analysis

The study shall include an analysis of—

(A) the extent to which the customs revenue functions carried out by the former United States Customs Service have been consolidated with other functions of the Department (including the assignment of non-