

ment of the Service within the Department of Homeland Security and commence the transfer of the Service to such component, directorate, or other office of the Department that the Secretary so determines appropriate.

“(2) EXCEPTION.—If the Secretary of Homeland Security determines pursuant to paragraph (1) that no component, directorate, or other office of the Department of Homeland Security is an appropriate placement for the Federal Protective Service, the Secretary shall—

“(A) provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and the Office of Management and Budget a detailed explanation, in writing, of the reason for such determination that includes—

“(i) information on how the Department considered the Government Accountability Office review described in such paragraph;

“(ii) a list of the components, directorates, or other offices of the Department that were considered for such placement; and

“(iii) information on why each such component, directorate, or other office of the Department was determined to not be an appropriate placement for the Service;

“(B) not later than 120 days after the completion of the Government Accountability Office review described in such paragraph, develop and submit to the committees specified in subparagraph (A) and the Office of Management and Budget a plan to coordinate with other appropriate Federal agencies, including the General Services Administration, to determine a more appropriate placement for the Service; and

“(C) not later than 180 days after the completion of such Government Accountability Office review, submit to such committees and the Office of Management and Budget a recommendation regarding the appropriate placement of the Service within the executive branch of the Federal Government.”

§ 453. Use of appropriated funds

(a) Disposal of property

(1) Strict compliance

If specifically authorized to dispose of real property in this chapter or any other Act, the Secretary shall exercise this authority in strict compliance with subchapter IV of chapter 5 of title 40.

(2) Deposit of proceeds

The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31.

(b) Gifts

Except as authorized by section 2601 of title 10, by section 93¹ of title 14, or by section 321n or 464 of this title, gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

(c) Budget request

Under section 1105 of title 31, the President shall submit to Congress a detailed budget re-

quest for the Department for fiscal year 2004, and for each subsequent fiscal year.

(Pub. L. 107–296, title VIII, § 873, Nov. 25, 2002, 116 Stat. 2243; Pub. L. 108–7, div. L, § 103(3), Feb. 20, 2003, 117 Stat. 529; Pub. L. 111–245, § 2(a)(2), Sept. 30, 2010, 124 Stat. 2621.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original a reference to 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.

Section 93 of title 14, referred to in subsec. (b), was redesignated section 504 of title 14 by Pub. L. 115–282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 93 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115–282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115–282 note preceding section 101 of Title 14, Coast Guard.

CODIFICATION

In subsec. (a)(1), “subchapter IV of chapter 5 of title 40” substituted for “section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485)” on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111–245 substituted “title 10, by section 93 of title 14, or by section 321n or 464 of this title, gifts or donations” for “title 10 and by section 93 of title 14, gifts or donations”.

2003—Subsec. (b). Pub. L. 108–7 substituted “Except as authorized by section 2601 of title 10 and by section 93 of title 14, gifts” for “Gifts”.

§ 453a. Additional uses of appropriated funds

In fiscal year 2004 and thereafter, unless otherwise provided, funds may be used for purchase of uniforms without regard to the general purchase price limitation for the current fiscal year; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State to furnish health and medical services to employees and their dependents serving in foreign countries; services authorized by section 3109 of title 5; and the hire and purchase of motor vehicles, as authorized by section 1343 of title 31: *Provided*, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

(Pub. L. 108–90, title V, § 505, Oct. 1, 2003, 117 Stat. 1153.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2004, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

¹ See References in Text note below.

§ 453b. Requirement to buy certain items related to national security interests from American sources; exceptions

(a) Requirement

Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) Covered items

An item referred to in subsection (a) is any of the following, if the item is directly related to the national security interests of the United States:

(1)¹ An article or item of—

(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(B) tents, tarpaulins, covers, textile belts, bags, protective equipment (including but not limited to body armor), sleep systems, load carrying equipment (including but not limited to fieldpacks), textile marine equipment, parachutes, or bandages;

(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(c) Availability exception

Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices. This section is not applicable to covered items that are, or include, materials determined to be non-available in accordance with Federal Acquisition Regulation 25.104 Nonavailable Articles.

(d) De minimis exception

Notwithstanding subsection (a), the Secretary of Homeland Security may accept delivery of an item covered by subsection (b) that contains non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.

(e) Exception for certain procurements outside the United States

Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Emergency procurements.

(f) Exception for small purchases

Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 3205 of title 10.

(g) Applicability to contracts and subcontracts for procurement of commercial products

This section is applicable to contracts and subcontracts for the procurement of commercial products notwithstanding section 1906 of title 41, with the exception of commercial products listed under subsections (b)(1)(C) and (b)(1)(D) above. For the purposes of this section, “commercial product” shall be as defined in section 103 of title 41.

(h) Geographic coverage

In this section, the term “United States” includes the possessions of the United States.

(i) Notification required within 7 days after contract award if certain exceptions applied

In the case of any contract for the procurement of an item described in subsection (b)(1), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).

(j) Training during fiscal year 2009

(1) In general

The Secretary of Homeland Security shall ensure that each member of the acquisition workforce in the Department of Homeland Security who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2009 on the requirements of this section and the regulations implementing this section.

(2) Inclusion of information in new training programs

The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after February 17, 2009, includes comprehensive information on the requirements described in paragraph (1).

(k) Consistency with international agreements

This section shall be applied in a manner consistent with United States obligations under international agreements.

(l) Effective date

This section applies with respect to contracts entered into by the Department of Homeland Security 180 days after February 17, 2009.

(Pub. L. 111–5, div. A, title VI, § 604, Feb. 17, 2009, 123 Stat. 165; Pub. L. 115–232, div. A, title VIII, § 836(g)(1), Aug. 13, 2018, 132 Stat. 1872; Pub. L. 117–81, div. A, title XVII, § 1702(c)(5), Dec. 27, 2021, 135 Stat. 2156.)

Editorial Notes

CODIFICATION

Section was enacted as part of the American Recovery and Reinvestment Act of 2009, and not as part of

¹ So in original. No par. (2) has been enacted.