

interruption losses, that it sustains, or for losses sustained by its own employees resulting from an activity resulting from an act of terrorism when qualified anti-terrorism technologies have been deployed in defense against or response or recovery from such act.

**(c) Extent of liability**

Notwithstanding any other provision of law, liability for all claims against a Seller arising out of, relating to, or resulting from an act of terrorism when qualified anti-terrorism technologies have been deployed in defense against or response or recovery from such act and such claims result or may result in loss to the Seller, whether for compensatory or punitive damages or for contribution or indemnity, shall not be in an amount greater than the limits of liability insurance coverage required to be maintained by the Seller under this section.

(Pub. L. 107–296, title VIII, § 864, Nov. 25, 2002, 116 Stat. 2240.)

**§ 444. Definitions**

For purposes of this part, the following definitions apply:

**(1) Qualified anti-terrorism technology**

For purposes of this part, the term “qualified anti-terrorism technology” means any product, equipment, service (including support services), device, or technology (including information technology) designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, or deterring acts of terrorism or limiting the harm such acts might otherwise cause, that is designated as such by the Secretary.

**(2) Act of terrorism**

(A) The term “act of terrorism” means any act that the Secretary determines meets the requirements under subparagraph (B), as such requirements are further defined and specified by the Secretary.

(B) REQUIREMENTS.—An act meets the requirements of this subparagraph if the act—

- (i) is unlawful;
- (ii) causes harm to a person, property, or entity, in the United States, or in the case of a domestic United States air carrier or a United States-flag vessel (or a vessel based principally in the United States on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), in or outside the United States; and
- (iii) uses or attempts to use instrumentalities, weapons or other methods designed or intended to cause mass destruction, injury or other loss to citizens or institutions of the United States.

**(3) Insurance carrier**

The term “insurance carrier” means any corporation, association, society, order, firm, company, mutual,<sup>1</sup> partnership, individual aggregation of individuals, or any other legal entity that provides commercial property and

casualty insurance. Such term includes any affiliates of a commercial insurance carrier.

**(4) Liability insurance**

**(A)<sup>2</sup> In general**

The term “liability insurance” means insurance for legal liabilities incurred by the insured resulting from—

- (i) loss of or damage to property of others;
- (ii) ensuing loss of income or extra expense incurred because of loss of or damage to property of others;
- (iii) bodily injury (including) to persons other than the insured or its employees; or
- (iv) loss resulting from debt or default of another.

**(5) Loss**

The term “loss” means death, bodily injury, or loss of or damage to property, including business interruption loss.

**(6) Non-Federal Government customers**

The term “non-Federal Government customers” means any customer of a Seller that is not an agency or instrumentality of the United States Government with authority under Public Law 85–804 [50 U.S.C. 1431 et seq.] to provide for indemnification under certain circumstances for third-party claims against its contractors, including but not limited to State and local authorities and commercial entities.

(Pub. L. 107–296, title VIII, § 865, Nov. 25, 2002, 116 Stat. 2241.)

**Editorial Notes**

REFERENCES IN TEXT

Public Law 85–804, referred to in par. (6), is Pub. L. 85–804, Aug. 28, 1958, 72 Stat. 972, which is classified generally to chapter 29 (§1431 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Tables.

PART H—MISCELLANEOUS PROVISIONS

**§ 451. Advisory committees**

**(a) In general**

The Secretary may establish, appoint members of, and use the services of, advisory committees, as the Secretary may deem necessary. An advisory committee established under this section may be exempted by the Secretary from chapter 10 of title 5, but the Secretary shall publish notice in the Federal Register announcing the establishment of such a committee and identifying its purpose and membership. Notwithstanding the preceding sentence, members of an advisory committee that is exempted by the Secretary under the preceding sentence who are special Government employees (as that term is defined in section 202 of title 18) shall be eligible for certifications under subsection (b)(3) of section 208 of title 18 for official actions taken as a member of such advisory committee.

**(b) Termination**

Any advisory committee established by the Secretary shall terminate 2 years after the date

<sup>1</sup> So in original.

<sup>2</sup> So in original. No subpar. (B) has been enacted.

of its establishment, unless the Secretary makes a written determination to extend the advisory committee to a specified date, which shall not be more than 2 years after the date on which such determination is made. The Secretary may make any number of subsequent extensions consistent with this subsection.

(Pub. L. 107–296, title VIII, § 871, Nov. 25, 2002, 116 Stat. 2243; Pub. L. 117–286, § 4(a)(16), Dec. 27, 2022, 136 Stat. 4307.)

### Editorial Notes

#### AMENDMENTS

2022—Subsec. (a). Pub. L. 117–286 substituted “chapter 10 of title 5,” for “Public Law 92–463.”

### Statutory Notes and Related Subsidiaries

#### ESTABLISHMENT OF THE DEPARTMENT OF HOMELAND SECURITY ECONOMIC SECURITY COUNCIL

Pub. L. 117–263, div. G, title LXXI, § 7116(a), Dec. 23, 2022, 136 Stat. 3636, provided that:

“(1) DEFINITIONS.—In this subsection:

“(A) COUNCIL.—The term ‘Council’ means the council established under paragraph (2).

“(B) DEPARTMENT.—The term ‘Department’ means the Department of Homeland Security.

“(C) ECONOMIC SECURITY.—The term ‘economic security’ has the meaning given such term in section 890B(c)(2) of the Homeland Security Act of 2002 (6 U.S.C. 474(c)(2)).

“(D) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.

“(2) ESTABLISHMENT.—In accordance with the mission of the Department under section 101(b) of the Homeland Security Act of 2002 (6 U.S.C. 111(b)), and in particular paragraph (1)(F) of such section, the Secretary shall establish a standing council of Department component heads or their designees, to carry out the duties described in paragraph (3).

“(3) DUTIES OF THE COUNCIL.—Pursuant to the scope of the mission of the Department as described in paragraph (2), the Council shall provide to the Secretary advice and recommendations on matters of economic security, including relating to the following:

“(A) Identifying concentrated risks for trade and economic security.

“(B) Setting priorities for securing the trade and economic security of the United States.

“(C) Coordinating Department-wide activity on trade and economic security matters.

“(D) With respect to the development of the continuity of the economy plan of the President under section 9603 of the William M. (Mac) Thornberry National Defense Authorization Act of [for] Fiscal Year 2021 (6 U.S.C. 322).

“(E) Proposing statutory and regulatory changes impacting trade and economic security.

“(F) Any other matters the Secretary considers appropriate.

“(4) CHAIR AND VICE CHAIR.—The Under Secretary for Strategy, Policy, and Plans of the Department—

“(A) shall serve as Chair of the Council; and

“(B) may designate a Council member as a Vice Chair.

“(5) MEETINGS.—The Council shall meet not less frequently than quarterly, as well as—

“(A) at the call of the Chair; or

“(B) at the direction of the Secretary.

“(6) BRIEFINGS.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022] and every 180 days thereafter for four years, the Council shall brief the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Finance of the Senate, the Com-

mittee on Ways and Means of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and Committee on Energy and Commerce of the House of Representatives on the actions and activities of the Council.”

[Nothing in section 7116(a) of Pub. L. 117–263, set out above, to be construed to affect or diminish the authority otherwise granted to any other officer of the Department of Homeland Security, see section 7116(c) of Pub. L. 117–263, set out as a note under section 349 of this title.]

### § 452. Reorganization

#### (a) Reorganization

The Secretary may allocate or reallocate functions among the officers of the Department, and may establish, consolidate, alter, or discontinue organizational units within the Department, but only—

(1) pursuant to section 542(b) of this title; or

(2) after the expiration of 60 days after providing notice of such action to the appropriate congressional committees, which shall include an explanation of the rationale for the action.

#### (b) Limitations

##### (1) In general

Authority under subsection (a)(1) does not extend to the abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by this chapter.

##### (2) Abolitions

Authority under subsection (a)(2) does not extend to the abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.

(Pub. L. 107–296, title VIII, § 872, Nov. 25, 2002, 116 Stat. 2243.)

### Editorial Notes

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), 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.

### Statutory Notes and Related Subsidiaries

#### TRANSFER OF OFFICE OF BIOMETRIC IDENTITY MANAGEMENT AND FEDERAL PROTECTIVE SERVICE

Pub. L. 115–278, § 3, Nov. 16, 2018, 132 Stat. 4184, provided that:

“(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of enactment of this Act [Nov. 16, 2018] is hereby transferred to the Management Directorate of the Department.

“(b) FEDERAL PROTECTIVE SERVICE.—

“(1) IN GENERAL.—Not later than 90 days after the completion of the Government Accountability Office review of the organizational placement of the Federal Protective Service (authorized under section 1315 of title 40, United States Code), the Secretary of Homeland Security shall determine the appropriate place-

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 93<sup>1</sup> 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.

<sup>1</sup> 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)<sup>1</sup> 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

<sup>1</sup> So in original. No par. (2) has been enacted.

the Homeland Security Act of 2002 which comprises this chapter.

#### AMENDMENTS

2021—Subsec. (f). Pub. L. 117-81 substituted “section 3205” for “section 2304(g)”.

2018—Subsec. (g). Pub. L. 115-232 substituted “commercial products” for “commercial items” in heading and, in text, substituted “procurement of commercial products notwithstanding section 1906 of title 41, with the exception of commercial products listed” for “procurement of commercial items not withstanding section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430), with the exception of commercial items listed” and “‘commercial product’ shall be as defined in section 103 of title 41.” for “‘commercial’ shall be as defined in the Federal Acquisition Regulation—Part 2.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT; SAVINGS PROVISION

Pub. L. 115-232, div. A, title VIII, §836(h), Aug. 13, 2018, 132 Stat. 1874, provided that: “The amendments made by subsections (a) through (g) [see Tables for classification] shall take effect on January 1, 2020. Any provision of law that on the day before such effective date is on a list of provisions of law included in the Federal Acquisition Regulation pursuant to section 1907 of title 41, United States Code, shall be deemed as of that effective date to be on a list of provisions of law included in the Federal Acquisition Regulation pursuant to section 1906 of such title.”

#### § 453c. Disposition of equines unfit for service

None of the funds made available in this or any other Act for fiscal year 2012 and thereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

(Pub. L. 112-74, div. D, title V, §526, Dec. 23, 2011, 125 Stat. 974.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in text, means div. D of Pub. L. 112-74, Dec. 23, 2011, 125 Stat. 943, known as the Department of Homeland Security Appropriations Act, 2012. 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, 2012, and also as part of the Consolidated Appropriations Act, 2012, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### § 454. Future Years Homeland Security Program

##### (a) In general

Each budget request submitted to Congress for the Department under section 1105 of title 31 shall, at or about the same time, be accompanied by a Future Years Homeland Security Program.

##### (b) Contents

The Future Years Homeland Security Program under subsection (a) shall—

(1) include the same type of information, organizational structure, and level of detail as the future years defense program submitted to Congress by the Secretary of Defense under section 221 of title 10;

(2) set forth the homeland security strategy of the Department, which shall be developed and updated as appropriate annually by the Secretary, that was used to develop program planning guidance for the Future Years Homeland Security Program; and

(3) include an explanation of how the resource allocations included in the Future Years Homeland Security Program correlate to the homeland security strategy set forth under paragraph (2).

##### (c) Effective date

This section shall take effect with respect to the preparation and submission of the fiscal year 2005 budget request for the Department and for any subsequent fiscal year, except that the first Future Years Homeland Security Program shall be submitted not later than 90 days after the Department's fiscal year 2005 budget request is submitted to Congress.

(Pub. L. 107-296, title VIII, §874, Nov. 25, 2002, 116 Stat. 2244; Pub. L. 108-330, §5, Oct. 16, 2004, 118 Stat. 1278.)

#### Editorial Notes

##### AMENDMENTS

2004—Subsec. (b). Pub. L. 108-330 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows: “The Future Years Homeland Security Program under subsection (a) of this section shall be structured, and include the same type of information and level of detail, as the Future Years Defense Program submitted to Congress by the Department of Defense under section 221 of title 10.”

#### Statutory Notes and Related Subsidiaries

##### ADMINISTRATIVE PROVISIONS

Pub. L. 115-141, div. F, title I, §101, Mar. 23, 2018, 132 Stat. 606, provided that: “Hereafter, the Secretary of Homeland Security shall submit to the Committees on Appropriations of the Senate and the House of Representatives, at the time the President's budget proposal is submitted pursuant to section 1105(a) of title 31, United States Code, the Future Years Homeland Security Program, as authorized by section 874 of the Homeland Security Act of 2002 (6 U.S.C. 454).”

#### § 455. Miscellaneous authorities

##### (a) Seal

The Department shall have a seal, whose design is subject to the approval of the President.

##### (b) Participation of members of the Armed Forces

With respect to the Department, the Secretary shall have the same authorities that the Secretary of Transportation has with respect to the Department of Transportation under section 324 of title 49.

##### (c) Redlegation of functions

Unless otherwise provided in the delegation or by law, any function delegated under this chapter may be redelegated to any subordinate.

**(d) Investigation of certain violent acts, shootings, and mass killings**

**(1) In general**

At the request of an appropriate law enforcement official of a State or political subdivision, the Secretary, through deployment of the Secret Service or United States Immigration and Customs Enforcement, may assist in the investigation of violent acts and shootings occurring in a place of public use, and in the investigation of mass killings and attempted mass killings. Any assistance provided by the Secretary under this subsection shall be presumed to be within the scope of Federal office or employment.

**(2) Definitions**

For purposes of this subsection—

(A) the term “mass killings” means 3 or more killings in a single incident; and

(B) the term “place of public use” has the meaning given that term under section 2332f(e)(6) of title 18.

(Pub. L. 107–296, title VIII, §875, Nov. 25, 2002, 116 Stat. 2244; Pub. L. 112–265, §2(b), Jan. 14, 2013, 126 Stat. 2435.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsec. (c), 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

2013—Subsec. (d). Pub. L. 112–265 added subsec. (d).

**§ 456. Military activities**

Nothing in this chapter shall confer upon the Secretary any authority to engage in warfighting, the military defense of the United States, or other military activities, nor shall anything in this chapter limit the existing authority of the Department of Defense or the Armed Forces to engage in warfighting, the military defense of the United States, or other military activities.

(Pub. L. 107–296, title VIII, §876, Nov. 25, 2002, 116 Stat. 2244.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in text, 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.

**§ 457. Regulatory authority and preemption**

**(a) Regulatory authority**

Except as otherwise provided in sections 186(c) and 441(c) of this title and section 1315 of title 40,<sup>1</sup> this chapter vests no new regulatory author-

ity in the Secretary or any other Federal official, and transfers to the Secretary or another Federal official only such regulatory authority as exists on November 25, 2002, within any agency, program, or function transferred to the Department pursuant to this chapter, or that on November 25, 2002, is exercised by another official of the executive branch with respect to such agency, program, or function. Any such transferred authority may not be exercised by an official from whom it is transferred upon transfer of such agency, program, or function to the Secretary or another Federal official pursuant to this chapter. This chapter may not be construed as altering or diminishing the regulatory authority of any other executive agency, except to the extent that this chapter transfers such authority from the agency.

**(b) Preemption of State or local law**

Except as otherwise provided in this chapter, this chapter preempts no State or local law, except that any authority to preempt State or local law vested in any Federal agency or official transferred to the Department pursuant to this chapter shall be transferred to the Department effective on the date of the transfer to the Department of that Federal agency or official.

(Pub. L. 107–296, title VIII, §877, Nov. 25, 2002, 116 Stat. 2244.)

**Editorial Notes**

REFERENCES IN TEXT

Section 1315 of title 40, referred to in subsec. (a), was in the original “1706(b)”, meaning section 1706(b) of Pub. L. 107–296, which amended generally section 1315 of Title 40, Public Buildings, Property, and Works, and enacted provisions set out as a note under section 1315 of Title 40. For complete classification of section 1706(b) to the Code, see Tables.

This chapter, referred to in text, 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.

**§ 458. Office of Counternarcotics Enforcement**

**(a) Office**

There is established in the Department an Office of Counternarcotics Enforcement, which shall be headed by a Director appointed by the President.

**(b) Assignment of personnel**

**(1) In general**

The Secretary shall assign permanent staff to the Office, consistent with effective management of Department resources.

**(2) Liaisons**

The Secretary shall designate senior employees from each appropriate subdivision of the Department that has significant counternarcotics responsibilities to act as a liaison between that subdivision and the Office of Counternarcotics Enforcement.

**(c) Limitation on concurrent employment**

The Director of the Office of Counternarcotics Enforcement shall not be employed by, assigned

<sup>1</sup> See References in Text note below.

to, or serve as the head of, any other branch of the Federal Government, any State or local government, or any subdivision of the Department other than the Office of Counternarcotics Enforcement.

**(d) Responsibilities**

The Secretary shall direct the Director of the Office of Counternarcotics Enforcement—

(1) to coordinate policy and operations within the Department, between the Department and other Federal departments and agencies, and between the Department and State and local agencies with respect to stopping the entry of illegal drugs into the United States;

(2) to ensure the adequacy of resources within the Department for stopping the entry of illegal drugs into the United States;

(3) to recommend the appropriate financial and personnel resources necessary to help the Department better fulfill its responsibility to stop the entry of illegal drugs into the United States;

(4) within the Joint Terrorism Task Force construct to track and sever connections between illegal drug trafficking and terrorism; and

(5) to be a representative of the Department on all task forces, committees, or other entities whose purpose is to coordinate the counternarcotics enforcement activities of the Department and other Federal, State or local agencies.

**(e) Savings clause**

Nothing in this section shall be construed to authorize direct control of the operations conducted by the Directorate of Border and Transportation Security,<sup>1</sup> the Coast Guard, or joint terrorism task forces.

**(f) Reports to Congress**

**(1) Annual budget review**

The Director of the Office of Counternarcotics Enforcement shall, not later than 30 days after the submission by the President to Congress of any request for expenditures for the Department, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of such request. The review and evaluation shall—

(A) identify any request or subpart of any request that affects or may affect the counternarcotics activities of the Department or any of its subdivisions, or that affects the ability of the Department or any subdivision of the Department to meet its responsibility to stop the entry of illegal drugs into the United States;

(B) describe with particularity how such requested funds would be or could be expended in furtherance of counternarcotics activities; and

(C) compare such requests with requests for expenditures and amounts appropriated by Congress in the previous fiscal year.

**(2) Evaluation of counternarcotics activities**

The Director of the Office of Counternarcotics Enforcement shall, not later than

February 1 of each year, submit to the Committees on Appropriations and the authorizing committees of jurisdiction of the House of Representatives and the Senate a review and evaluation of the counternarcotics activities of the Department for the previous fiscal year. The review and evaluation shall—

(A) describe the counternarcotics activities of the Department and each subdivision of the Department (whether individually or in cooperation with other subdivisions of the Department, or in cooperation with other branches of the Federal Government or with State or local agencies), including the methods, procedures, and systems (including computer systems) for collecting, analyzing, sharing, and disseminating information concerning narcotics activity within the Department and between the Department and other Federal, State, and local agencies;

(B) describe the results of those activities, using quantifiable data whenever possible;

(C) state whether those activities were sufficient to meet the responsibility of the Department to stop the entry of illegal drugs into the United States, including a description of the performance measures of effectiveness that were used in making that determination; and

(D) recommend, where appropriate, changes to those activities to improve the performance of the Department in meeting its responsibility to stop the entry of illegal drugs into the United States.

**(3) Classified or law enforcement sensitive information**

Any content of a review and evaluation described in the reports required in this subsection that involves information classified under criteria established by an Executive order, or whose public disclosure, as determined by the Secretary, would be detrimental to the law enforcement or national security activities of the Department or any other Federal, State, or local agency, shall be presented to Congress separately from the rest of the review and evaluation.

(Pub. L. 107-296, title VIII, §878, Nov. 25, 2002, 116 Stat. 2245; Pub. L. 108-458, title VII, §7407(a), Dec. 17, 2004, 118 Stat. 3851; Pub. L. 109-469, title I, §103(f)(2), Dec. 29, 2006, 120 Stat. 3510; Pub. L. 112-166, §2(f)(3), Aug. 10, 2012, 126 Stat. 1284.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Directorate of Border and Transportation Security, referred to in subsection (e), was abolished by section 802(g)(2) of Pub. L. 114-125, which repealed section 201 of this title. Section 211(a) of this title established U.S. Customs and Border Protection.

**AMENDMENTS**

2012—Subsec. (a). Pub. L. 112-166 struck out “, by and with the advice and consent of the Senate” before period at end.

2006—Subsec. (c). Pub. L. 109-469, §103(f)(2)(A), substituted “The” for “Except as provided in subsection (d) of this section, the”.

Subsecs. (d) to (g). Pub. L. 109-469, §103(f)(2)(B), redesignated subsecs. (e) to (g) as (d) to (f), respectively, and

<sup>1</sup> See References in Text note below.

struck out heading and text of former subsec. (d). Text read as follows: “The Director of the Office of Counter-narcotics Enforcement may be appointed as the United States Interdiction Coordinator by the Director of the Office of National Drug Control Policy, and shall be the only person at the Department eligible to be so appointed.”

2004—Pub. L. 108-458 amended section catchline and text generally. Prior to amendment, text read as follows: “The Secretary shall appoint a senior official in the Department to assume primary responsibility for coordinating policy and operations within the Department and between the Department and other Federal departments and agencies with respect to interdicting the entry of illegal drugs into the United States, and tracking and severing connections between illegal drug trafficking and terrorism. Such official shall—

“(1) ensure the adequacy of resources within the Department for illicit drug interdiction; and

“(2) serve as the United States Interdiction Coordinator for the Director of National Drug Control Policy.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of this title.

### § 459. Office of International Affairs

#### (a) Establishment

There is established within the Office of the Secretary an Office of International Affairs. The Office shall be headed by a Director, who shall be a senior official appointed by the Secretary.

#### (b) Duties of the Director

The Director shall have the following duties:

(1) To promote information and education exchange with nations friendly to the United States in order to promote sharing of best practices and technologies relating to homeland security. Such exchange shall include the following:

(A) Exchange of information on research and development on homeland security technologies.

(B) Joint training exercises of first responders.

(C) Exchange of expertise on terrorism prevention, response, and crisis management.

(2) To identify areas for homeland security information and training exchange where the United States has a demonstrated weakness and another friendly nation or nations have a demonstrated expertise.

(3) To plan and undertake international conferences, exchange programs, and training activities.

(4) To manage international activities within the Department in coordination with other Federal officials with responsibility for counter-terrorism matters.

(Pub. L. 107-296, title VIII, § 879, Nov. 25, 2002, 116 Stat. 2245.)

### § 460. Prohibition of the Terrorism Information and Prevention System

Any and all activities of the Federal Government to implement the proposed component pro-

gram of the Citizen Corps known as Operation TIPS (Terrorism Information and Prevention System) are hereby prohibited.

(Pub. L. 107-296, title VIII, § 880, Nov. 25, 2002, 116 Stat. 2245.)

### § 461. Review of pay and benefit plans

Notwithstanding any other provision of this chapter, the Secretary shall, in consultation with the Director of the Office of Personnel Management, review the pay and benefit plans of each agency whose functions are transferred under this chapter to the Department and, within 90 days after November 25, 2002, submit a plan to the President of the Senate and the Speaker of the House of Representatives and the appropriate committees and subcommittees of Congress, for ensuring, to the maximum extent practicable, the elimination of disparities in pay and benefits throughout the Department, especially among law enforcement personnel, that are inconsistent with merit system principles set forth in section 2301 of title 5.

(Pub. L. 107-296, title VIII, § 881, Nov. 25, 2002, 116 Stat. 2246.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in text, 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.

### § 462. Office of National Capital Region Coordination

#### (a) Establishment

##### (1) In general

There is established within the Office of the Secretary the Office of National Capital Region Coordination, to oversee and coordinate Federal programs for and relationships with State, local, and regional authorities in the National Capital Region, as defined under section 2674(f)(2) of title 10.

##### (2) Director

The Office established under paragraph (1) shall be headed by a Director, who shall be appointed by the Secretary.

##### (3) Cooperation

The Secretary shall cooperate with the Mayor of the District of Columbia, the Governors of Maryland and Virginia, and other State, local, and regional officers in the National Capital Region to integrate the District of Columbia, Maryland, and Virginia into the planning, coordination, and execution of the activities of the Federal Government for the enhancement of domestic preparedness against the consequences of terrorist attacks.

#### (b) Responsibilities

The Office established under subsection (a)(1) shall—

(1) coordinate the activities of the Department relating to the National Capital Region,



including cooperation with the Office for State and Local Government Coordination;

(2) assess, and advocate for, the resources needed by State, local, and regional authorities in the National Capital Region to implement efforts to secure the homeland;

(3) provide State, local, and regional authorities in the National Capital Region with regular information, research, and technical support to assist the efforts of State, local, and regional authorities in the National Capital Region in securing the homeland;

(4) develop a process for receiving meaningful input from State, local, and regional authorities and the private sector in the National Capital Region to assist in the development of the homeland security plans and activities of the Federal Government;

(5) coordinate with Federal agencies in the National Capital Region on terrorism preparedness, to ensure adequate planning, information sharing, training, and execution of the Federal role in domestic preparedness activities;

(6) coordinate with Federal, State, local, and regional agencies, and the private sector in the National Capital Region on terrorism preparedness to ensure adequate planning, information sharing, training, and execution of domestic preparedness activities among these agencies and entities; and

(7) serve as a liaison between the Federal Government and State, local, and regional authorities, and private sector entities in the National Capital Region to facilitate access to Federal grants and other programs.

#### (c) Annual report

The Office established under subsection (a) shall submit an annual report to Congress that includes—

(1) the identification of the resources required to fully implement homeland security efforts in the National Capital Region;

(2) an assessment of the progress made by the National Capital Region in implementing homeland security efforts; and

(3) recommendations to Congress regarding the additional resources needed to fully implement homeland security efforts in the National Capital Region.

#### (d) Limitation

Nothing contained in this section shall be construed as limiting the power of State and local governments.

(Pub. L. 107-296, title VIII, § 882, Nov. 25, 2002, 116 Stat. 2246.)

#### Statutory Notes and Related Subsidiaries

##### INCORPORATION OF GOVERNORS OF WEST VIRGINIA AND PENNSYLVANIA INTO MASS EVACUATION PLANNING

Pub. L. 113-6, div. D, title III, Mar. 26, 2013, 127 Stat. 357, provided in part: “That for fiscal year 2013 and thereafter, for purposes of planning, coordination, execution, and decision making related to mass evacuation during a disaster, the Governors of the State of West Virginia and the Commonwealth of Pennsylvania, or their designees, shall be incorporated into efforts to integrate the activities of Federal, State, and local governments in the National Capital Region, as defined

in section 882 of the Homeland Security Act of 2002 (Public Law 107-296) [6 U.S.C. 462]”.

#### § 463. Requirement to comply with laws protecting equal employment opportunity and providing whistleblower protections

Nothing in this chapter shall be construed as exempting the Department from requirements applicable with respect to executive agencies—

(1) to provide equal employment protection for employees of the Department (including pursuant to the provisions in section 2302(b)(1) of title 5 and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (Public Law 107-174)); or

(2) to provide whistleblower protections for employees of the Department (including pursuant to the provisions in section 2302(b)(8) and (9) of such title and the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002).

(Pub. L. 107-296, title VIII, § 883, Nov. 25, 2002, 116 Stat. 2247.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in introductory provisions, 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.

The Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002, referred to in pars. (1) and (2), is Pub. L. 107-174, May 15, 2002, 116 Stat. 566, which is set out as a note under section 2301 of Title 5, Government Organization and Employees. For complete classification of this Act to the Code, see Tables.

#### § 464. Federal Law Enforcement Training Centers

##### (a) Establishment

The Secretary shall maintain in the Department the Federal Law Enforcement Training Centers (FLETC), headed by a Director, who shall report to the Secretary.

##### (b) Position

The Director shall occupy a career-reserved position within the Senior Executive Service.

##### (c) Functions of the Director

The Director shall—

(1) develop training goals and establish strategic and tactical organizational program plan and priorities;

(2) provide direction and management for FLETC’s training facilities, programs, and support activities while ensuring that organizational program goals and priorities are executed in an effective and efficient manner;

(3) develop homeland security and law enforcement training curricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, for Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies;

(4) monitor progress toward strategic and tactical FLETC plans regarding training cur-

ricula, including curricula related to domestic preparedness and response to threats or acts of terrorism, and facilities;

(5) ensure the timely dissemination of homeland security information as necessary to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and the private sector to achieve the training goals for such entities, in accordance with paragraph (1);

(6) carry out delegated acquisition responsibilities in a manner that—

(A) fully complies with—

- (i) Federal law;
- (ii) the Federal Acquisition Regulation, including requirements regarding agency obligations to contract only with responsible prospective contractors; and
- (iii) Department acquisition management directives; and

(B) maximizes opportunities for small business participation;

(7) coordinate and share information with the heads of relevant components and offices on digital learning and training resources, as appropriate;

(8) advise the Secretary on matters relating to executive level policy and program administration of Federal, State, local, tribal, territorial, and international law enforcement and security training activities and private sector security agency training activities, including training activities related to domestic preparedness and response to threats or acts of terrorism;

(9) collaborate with the Secretary and relevant officials at other Federal departments and agencies, as appropriate, to improve international instructional development, training, and technical assistance provided by the Federal Government to foreign law enforcement; and

(10) carry out such other functions as the Secretary determines are appropriate.

#### **(d) Training responsibilities**

##### **(1) In general**

The Director is authorized to provide training to employees of Federal agencies who are engaged, directly or indirectly, in homeland security operations or Federal law enforcement activities, including such operations or activities related to domestic preparedness and response to threats or acts of terrorism. In carrying out such training, the Director shall—

(A) evaluate best practices of law enforcement training methods and curriculum content to maintain state-of-the-art expertise in adult learning methodology;

(B) provide expertise and technical assistance, including on domestic preparedness and response to threats or acts of terrorism, to Federal, State, local, tribal, territorial, and international law enforcement and security agencies and private sector security agencies; and

(C) maintain a performance evaluation process for students.

##### **(2) Relationship with law enforcement agencies**

The Director shall consult with relevant law enforcement and security agencies in the development and delivery of FLETC's training programs.

##### **(3) Training delivery locations**

The training required under paragraph (1) may be conducted at FLETC facilities, at appropriate off-site locations, or by distributed learning.

##### **(4) Strategic partnerships**

###### **(A) In general**

The Director may—

(i) execute strategic partnerships with State and local law enforcement to provide such law enforcement with specific training, including maritime law enforcement training; and

(ii) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency and with private sector stakeholders, including critical infrastructure owners and operators, to provide training pertinent to improving coordination, security, and resiliency of critical infrastructure.

###### **(B) Provision of information**

The Director shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, upon request, information on activities undertaken in the previous year pursuant to subparagraph (A).

##### **(5) FLETC details to DHS**

The Director may detail employees of FLETC to positions throughout the Department in furtherance of improving the effectiveness and quality of training provided by the Department and, as appropriate, the development of critical departmental programs and initiatives.

##### **(6) Detail of instructors to FLETC**

Partner organizations that wish to participate in FLETC training programs shall assign non-reimbursable detailed instructors to FLETC for designated time periods to support all training programs at FLETC, as appropriate. The Director shall determine the number of detailed instructors that is proportional to the number of training hours requested by each partner organization scheduled by FLETC for each fiscal year. If a partner organization is unable to provide a proportional number of detailed instructors, such partner organization shall reimburse FLETC for the salary equivalent for such detailed instructors, as appropriate.

##### **(7) Partner organization expenses requirements**

###### **(A) In general**

Partner organizations shall be responsible for the following expenses:

(i) Salaries, travel expenses, lodging expenses, and miscellaneous per diem allow-

ances of their personnel attending training courses at FLETC.

(ii) Salaries and travel expenses of instructors and support personnel involved in conducting advanced training at FLETC for partner organization personnel and the cost of expendable supplies and special equipment for such training, unless such supplies and equipment are common to FLETC-conducted training and have been included in FLETC's budget for the applicable fiscal year.

**(B) Excess basic and advanced Federal training**

All hours of advanced training and hours of basic training provided in excess of the training for which appropriations were made available shall be paid by the partner organizations and provided to FLETC on a reimbursable basis in accordance with section 4104 of title 5.

**(8) Provision of non-Federal training**

**(A) In general**

The Director is authorized to charge and retain fees that would pay for its actual costs of the training for the following:

- (i) State, local, tribal, and territorial law enforcement personnel.
- (ii) Foreign law enforcement officials, including provision of such training at the International Law Enforcement Academies wherever established.
- (iii) Private sector security officers, participants in the Federal Flight Deck Officer program under section 44921 of title 49, and other appropriate private sector individuals.

**(B) Waiver**

The Director may waive the requirement for reimbursement of any cost under this section and shall maintain records regarding the reasons for any requirements so waived.

**(9) Reimbursement**

The Director is authorized to reimburse travel or other expenses for non-Federal personnel who attend activities related to training sponsored by FLETC, at travel and per diem rates established by the General Services Administration.

**(10) Student support**

In furtherance of its training mission, the Director is authorized to provide the following support to students:

- (A) Athletic and related activities.
- (B) Short-term medical services.
- (C) Chaplain services.

**(11) Authority to hire Federal annuitants**

**(A) In general**

Notwithstanding any other provision of law, the Director is authorized to appoint and maintain, as necessary, Federal annuitants who have expert knowledge and experience to meet the training responsibilities under this subsection.

**(B) No reduction in retirement pay**

A Federal annuitant employed pursuant to this paragraph shall not be subject to any

reduction in pay for annuity allocable to the period of actual employment under the provisions of section 8344 or 8468 of title 5 or similar provision of any other retirement system for employees.

**(C) Re-employed annuitants**

A Federal annuitant employed pursuant to this paragraph shall not be considered an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5 or such other retirement system (referred to in subparagraph (B)) as may apply.

**(D) Counting**

Federal annuitants shall be counted on a full time equivalent basis.

**(E) Limitation**

No appointment under this paragraph may be made which would result in the displacement of any employee.

**(12) Travel for intermittent employees**

The Director is authorized to reimburse intermittent Federal employees traveling from outside a commuting distance (to be predetermined by the Director) for travel expenses.

**(e) On-FLETC housing**

Notwithstanding any other provision of law, individuals attending training at any FLETC facility shall, to the extent practicable and in accordance with FLETC policy, reside in on-FLETC or FLETC-provided housing.

**(f) Additional fiscal authorities**

In order to further the goals and objectives of FLETC, the Director is authorized to—

- (1) expend funds for public awareness and to enhance community support of law enforcement training, including the advertisement of available law enforcement training programs;
- (2) accept and use gifts of property, both real and personal, and to accept gifts of services, for purposes that promote the functions of the Director pursuant to subsection (c) and the training responsibilities of the Director under subsection (d);
- (3) accept reimbursement from other Federal agencies for the construction or renovation of training and support facilities and the use of equipment and technology on government owned-property;<sup>1</sup>
- (4) obligate funds in anticipation of reimbursements from agencies receiving training at FLETC, except that total obligations at the end of a fiscal year may not exceed total budgetary resources available at the end of such fiscal year;
- (5) in accordance with the purchasing authority provided under section 453a of this title—
  - (A) purchase employee and student uniforms; and
  - (B) purchase and lease passenger motor vehicles, including vehicles for police-type use;
- (6) provide room and board for student interns; and

<sup>1</sup> So in original. Probably should be "Government-owned property;"

(7) expend funds each fiscal year to honor and memorialize FLETC graduates who have died in the line of duty.

**(g) Definitions**

In this section:

**(1) Basic training**

The term “basic training” means the entry-level training required to instill in new Federal law enforcement personnel fundamental knowledge of criminal laws, law enforcement and investigative techniques, laws and rules of evidence, rules of criminal procedure, constitutional rights, search and seizure, and related issues.

**(2) Detailed instructors**

The term “detailed instructors” means personnel who are assigned to the Federal Law Enforcement Training Centers for a period of time to serve as instructors for the purpose of conducting basic and advanced training.

**(3) Director**

The term “Director” means the Director of the Federal Law Enforcement Training Centers.

**(4) Distributed learning**

The term “distributed learning” means education in which students take academic courses by accessing information and communicating with the instructor, from various locations, on an individual basis, over a computer network or via other technologies.

**(5) Employee**

The term “employee” has the meaning given such term in section 2105 of title 5.

**(6) Federal agency**

The term “Federal agency” means—

(A) an Executive Department as defined in section 101 of title 5;

(B) an independent establishment as defined in section 104 of title 5;

(C) a Government corporation as defined in section 9101 of title 31;

(D) the Government Printing Office;

(E) the United States Capitol Police;

(F) the United States Supreme Court Police; and

(G) Government agencies with law enforcement related duties.

**(7) Law enforcement personnel**

The term “law enforcement personnel” means an individual, including criminal investigators (commonly known as “agents”) and uniformed police (commonly known as “officers”), who has statutory authority to search, seize, make arrests, or to carry firearms.

**(8) Local**

The term “local” means—

(A) of or pertaining to any county, parish, municipality, city, town, township, rural community, unincorporated town or village, local public authority, educational institution, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under

State law), regional or interstate government entity, any agency or instrumentality of a local government, or any other political subdivision of a State; and

(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation.

**(9) Partner organization**

The term “partner organization” means any Federal agency participating in FLETC’s training programs under a formal memorandum of understanding.

**(10) State**

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

**(11) Student intern**

The term “student intern” means any eligible baccalaureate or graduate degree student participating in FLETC’s College Intern Program.

**(h) Prohibition on new funding**

No funds are authorized to carry out this section. This section shall be carried out using amounts otherwise appropriated or made available for such purpose.

(Pub. L. 107–296, title VIII, §884, Nov. 25, 2002, 116 Stat. 2247; Pub. L. 111–245, §2(a)(3), Sept. 30, 2010, 124 Stat. 2621; Pub. L. 114–285, §2(a), Dec. 16, 2016, 130 Stat. 1453; Pub. L. 115–278, §2(g)(5)(A), Nov. 16, 2018, 132 Stat. 4178; Pub. L. 117–263, div. G, title LXXI, §7143(c)(2), Dec. 23, 2022, 136 Stat. 3662.)

**Editorial Notes**

**AMENDMENTS**

2022—Subsec. (d)(4)(A)(ii). Pub. L. 117–263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security”.

2018—Subsec. (d)(4)(A)(ii). Pub. L. 115–278 substituted “Director of Cybersecurity and Infrastructure Security” for “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department”.

2016—Pub. L. 114–285 amended section generally. Prior to amendment, section related to the Federal Law Enforcement Training Center.

2010—Subsec. (c). Pub. L. 111–245 added subsec. (c).

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

Government Printing Office redesignated Government Publishing Office. See section 1301(b) of Pub. L. 113–235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

**RULE OF CONSTRUCTION**

Nothing in amendment made by Pub. L. 117–263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section

7143(f)(1) of Pub. L. 117-263, set out in a note under section 650 of this title.

#### STANDARDS FOR MEASURING AND ASSESSING THE QUALITY AND EFFECTIVENESS OF FEDERAL LAW ENFORCEMENT TRAINING

Pub. L. 108-334, title V, §506, Oct. 18, 2004, 118 Stat. 1316, provided that: “The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-90, title V, §509, Oct. 1, 2003, 117 Stat. 1154.  
 Pub. L. 108-7, div. J, title I, §122, Feb. 20, 2003, 117 Stat. 439.

#### ANNUAL OUTSTANDING STUDENT AWARD

Pub. L. 108-7, div. J, title I, Feb. 20, 2003, 117 Stat. 431, provided in part: “That the [Federal Law Enforcement Training] Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center’s gift authority”.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 107-67, title I, Nov. 12, 2001, 115 Stat. 516.  
 Pub. L. 106-554, §1(a)(3) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A-127.  
 Pub. L. 106-58, title I, Sept. 29, 1999, 113 Stat. 432.  
 Pub. L. 105-277, div. A, §101(h) [title I], Oct. 21, 1998, 112 Stat. 2681-480, 2681-483.  
 Pub. L. 105-61, title I, Oct. 10, 1997, 111 Stat. 1275.  
 Pub. L. 104-208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009-314, 3009-317.  
 Pub. L. 104-52, title I, Nov. 19, 1995, 109 Stat. 470.  
 Pub. L. 103-329, title I, Sept. 30, 1994, 108 Stat. 2383.  
 Pub. L. 103-123, title I, Oct. 28, 1993, 107 Stat. 1227.  
 Pub. L. 102-393, title I, Oct. 6, 1992, 106 Stat. 1730.  
 Pub. L. 102-141, title I, Oct. 28, 1991, 105 Stat. 835.  
 Pub. L. 101-509, title I, Nov. 5, 1990, 104 Stat. 1390.  
 Pub. L. 101-136, title I, Nov. 3, 1989, 103 Stat. 784.

#### § 464a. Repealed. Pub. L. 111-245, §2(b)(2), Sept. 30, 2010, 124 Stat. 2621

Section, Pub. L. 108-90, title IV, Oct. 1, 2003, 117 Stat. 1150, related to Federal Law Enforcement Training Center’s acceptance and use of gifts. See section 464(f)(2) of this title.

#### § 464b. Staffing accreditation function

In fiscal year 2004 and thereafter, the Center is authorized to accept detailees from other Federal agencies, on a non-reimbursable basis, to staff the accreditation function.

(Pub. L. 108-90, title IV, Oct. 1, 2003, 117 Stat. 1150.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Center, referred to in text, means the Federal Law Enforcement Training Center.

##### 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.

#### PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 108-7, div. J, title I, Feb. 20, 2003, 117 Stat. 431.

#### § 464c. Student housing

In fiscal year 2004 and thereafter, students attending training at any Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy.

(Pub. L. 108-90, title IV, Oct. 1, 2003, 117 Stat. 1151.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Center, referred to in text, means the Federal Law Enforcement Training Center.

##### 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.

#### PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108-7, div. J, title I, Feb. 20, 2003, 117 Stat. 431.  
 Pub. L. 107-67, title I, Nov. 12, 2001, 115 Stat. 517.  
 Pub. L. 106-554, §1(a)(3) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A-127.  
 Pub. L. 106-58, title I, Sept. 29, 1999, 113 Stat. 432.  
 Pub. L. 105-277, div. A, §101(h) [title I], Oct. 21, 1998, 112 Stat. 2681-480, 2681-483.  
 Pub. L. 105-61, title I, Oct. 10, 1997, 111 Stat. 1275.  
 Pub. L. 104-208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009-314, 3009-317.  
 Pub. L. 104-52, title I, Nov. 19, 1995, 109 Stat. 470.  
 Pub. L. 103-329, title I, Sept. 30, 1994, 108 Stat. 2383.  
 Pub. L. 103-123, title I, Oct. 28, 1993, 107 Stat. 1227.  
 Pub. L. 102-393, title I, Oct. 6, 1992, 106 Stat. 1730.  
 Pub. L. 102-141, title I, Oct. 28, 1991, 105 Stat. 835.  
 Pub. L. 101-509, title I, Nov. 5, 1990, 104 Stat. 1390.  
 Pub. L. 101-136, title I, Nov. 3, 1989, 103 Stat. 784.

#### § 464d. Additional funds for training

In fiscal year 2004 and thereafter, funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken under section 801 of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 509 note); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center.

(Pub. L. 108-90, title IV, Oct. 1, 2003, 117 Stat. 1151.)

**Editorial Notes****REFERENCES IN TEXT**

“Funds appropriated in this account”, and “this appropriation”, referred to in text, mean funds appropriated under the headings “FEDERAL LAW ENFORCEMENT TRAINING CENTER” and “SALARIES AND EXPENSES” of title IV of the Department of Homeland Security Appropriations Act, 2004, Pub. L. 108–90.

Section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, referred to in text, is section 801 of Pub. L. 104–132, which is set out as a note under section 509 of Title 28, Judiciary and Judicial Procedure.

The Center, referred to in text, means the Federal Law Enforcement Training Center.

**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.

**PRIOR PROVISIONS**

Similar provisions were contained in the following prior appropriation acts:

- Pub. L. 108–7, div. J, title I, Feb. 20, 2003, 117 Stat. 431.
- Pub. L. 107–67, title I, Nov. 12, 2001, 115 Stat. 516.
- Pub. L. 106–554, §1(a)(3) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A–127.
- Pub. L. 106–58, title I, Sept. 29, 1999, 113 Stat. 432.
- Pub. L. 105–277, div. A, §101(h) [title I], Oct. 21, 1998, 112 Stat. 2681–480, 2681–483.
- Pub. L. 105–61, title I, Oct. 10, 1997, 111 Stat. 1276.
- Pub. L. 104–208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009–314, 3009–317.
- Pub. L. 104–52, title I, Nov. 19, 1995, 109 Stat. 470.
- Pub. L. 103–329, title I, Sept. 30, 1994, 108 Stat. 2383.

**§ 464e. Short-term medical services for students**

In fiscal year 2004 and thereafter, the Center is authorized to provide short-term medical services for students undergoing training at the Center.

(Pub. L. 108–90, title IV, Oct. 1, 2003, 117 Stat. 1151.)

**Editorial Notes****REFERENCES IN TEXT**

The Center, referred to in text, means the Federal Law Enforcement Training Center.

**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.

**PRIOR PROVISIONS**

Similar provisions were contained in the following prior appropriation acts:

- Pub. L. 108–7, div. J, title I, Feb. 20, 2003, 117 Stat. 431.
- Pub. L. 107–67, title I, Nov. 12, 2001, 115 Stat. 517.
- Pub. L. 106–554, §1(a)(3) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A–127.
- Pub. L. 106–58, title I, Sept. 29, 1999, 113 Stat. 433.
- Pub. L. 105–277, div. A, §101(h) [title I], Oct. 21, 1998, 112 Stat. 2681–480, 2681–483.
- Pub. L. 105–61, title I, Oct. 10, 1997, 111 Stat. 1276.
- Pub. L. 104–208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009–314, 3009–318.
- Pub. L. 104–52, title I, Nov. 19, 1995, 109 Stat. 470.
- Pub. L. 103–329, title I, Sept. 30, 1994, 108 Stat. 2384.
- Pub. L. 103–123, title I, Oct. 28, 1993, 107 Stat. 1228.
- Pub. L. 102–393, title I, Oct. 6, 1992, 106 Stat. 1730.

**§ 465. Joint Interagency Task Force****(a) Establishment**

The Secretary may establish and operate a permanent Joint Interagency Homeland Security

Task Force composed of representatives from military and civilian agencies of the United States Government for the purposes of anticipating terrorist threats against the United States and taking appropriate actions to prevent harm to the United States.

**(b) Structure**

It is the sense of Congress that the Secretary should model the Joint Interagency Homeland Security Task Force on the approach taken by the Joint Interagency Task Forces for drug interdiction at Key West, Florida and Alameda, California, to the maximum extent feasible and appropriate.

(Pub. L. 107–296, title VIII, §885, Nov. 25, 2002, 116 Stat. 2247.)

**§ 466. Sense of Congress reaffirming the continued importance and applicability of the Posse Comitatus Act****(a) Findings**

Congress finds the following:

(1) Section 1385 of title 18 (commonly known as the “Posse Comitatus Act”) prohibits the use of the Armed Forces as a posse comitatus to execute the laws except in cases and under circumstances expressly authorized by the Constitution or Act of Congress.

(2) Enacted in 1878, the Posse Comitatus Act was expressly intended to prevent United States Marshals, on their own initiative, from calling on the Army for assistance in enforcing Federal law.

(3) The Posse Comitatus Act has served the Nation well in limiting the use of the Armed Forces to enforce the law.

(4) Nevertheless, by its express terms, the Posse Comitatus Act is not a complete barrier to the use of the Armed Forces for a range of domestic purposes, including law enforcement functions, when the use of the Armed Forces is authorized by Act of Congress or the President determines that the use of the Armed Forces is required to fulfill the President’s obligations under the Constitution to respond promptly in time of war, insurrection, or other serious emergency.

(5) Existing laws, including chapter 13 of title 10 (commonly known as the “Insurrection Act”), and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), grant the President broad powers that may be invoked in the event of domestic emergencies, including an attack against the Nation using weapons of mass destruction, and these laws specifically authorize the President to use the Armed Forces to help restore public order.

**(b) Sense of Congress**

Congress reaffirms the continued importance of section 1385 of title 18, and it is the sense of Congress that nothing in this chapter should be construed to alter the applicability of such section to any use of the Armed Forces as a posse comitatus to execute the laws.

(Pub. L. 107–296, title VIII, §886, Nov. 25, 2002, 116 Stat. 2248; Pub. L. 115–232, div. A, title XII, §1204(a)(1), Aug. 13, 2018, 132 Stat. 2017.)

**Editorial Notes****REFERENCES IN TEXT**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a)(5), is Pub. L. 93-288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

This chapter, referred to in subsec. (b), 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**

2018—Subsec. (a)(5). Pub. L. 115-232 substituted “chapter 13” for “chapter 15”.

**§ 467. Coordination with the Department of Health and Human Services under the Public Health Service Act**

**(a) In general**

The annual Federal response plan developed by the Department shall be consistent with section 319 of the Public Health Service Act (42 U.S.C. 247d).

**(b) Disclosures among relevant agencies****(1) In general**

Full disclosure among relevant agencies shall be made in accordance with this subsection.

**(2) Public health emergency**

During the period in which the Secretary of Health and Human Services has declared the existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

**(3) Potential public health emergency**

In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

(Pub. L. 107-296, title VIII, §887, Nov. 25, 2002, 116 Stat. 2248.)

**§ 468. Preserving Coast Guard mission performance**

**(a) Definitions**

In this section:

**(1) Non-homeland security missions**

The term “non-homeland security missions” means the following missions of the Coast Guard:

- (A) Marine safety.
- (B) Search and rescue.
- (C) Aids to navigation.
- (D) Living marine resources (fisheries law enforcement).
- (E) Marine environmental protection.
- (F) Ice operations.

**(2) Homeland security missions**

The term “homeland security missions” means the following missions of the Coast Guard:

- (A) Ports, waterways and coastal security.
- (B) Drug interdiction.
- (C) Migrant interdiction.
- (D) Defense readiness.
- (E) Other law enforcement.

**(b) Transfer**

There are transferred to the Department the authorities, functions, personnel, and assets of the Coast Guard, which shall be maintained as a distinct entity within the Department, including the authorities and functions of the Secretary of Transportation relating thereto.

**(c) Maintenance of status of functions and assets**

Notwithstanding any other provision of this chapter, the authorities, functions, and capabilities of the Coast Guard to perform its missions shall be maintained intact and without significant reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts.

**(d) Certain transfers prohibited**

No mission, function, or asset (including for purposes of this subsection any ship, aircraft, or helicopter) of the Coast Guard may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the Coast Guard’s capability to perform its missions.

**(e) Changes to missions****(1) Prohibition**

The Secretary may not substantially or significantly reduce the missions of the Coast Guard or the Coast Guard’s capability to perform those missions, except as specified in subsequent Acts.

**(2) Waiver**

The Secretary may waive the restrictions under paragraph (1) for a period of not to exceed 90 days upon a declaration and certification by the Secretary to Congress that a clear, compelling, and immediate need exists for such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively if the restrictions under paragraph (1) are not waived.

**(f) Direct reporting to Secretary**

Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

**(g) Operation as a service in the Navy**

None of the conditions and restrictions in this section shall apply when the Coast Guard operates as a service in the Navy under section 3<sup>1</sup> of title 14.

(Pub. L. 107-296, title VIII, §888, Nov. 25, 2002, 116 Stat. 2249; Pub. L. 113-284, §2(b), Dec. 18, 2014, 128 Stat. 3089; Pub. L. 115-282, title VIII, §801, Dec. 4, 2018, 132 Stat. 4299.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in subsec. (c), 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.

Section 3 of title 14, referred to in subsec. (g), was redesignated section 103 of title 14 by Pub. L. 115-282, title I, §103(b), Dec. 4, 2018, 132 Stat. 4195, and references to section 3 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.

**AMENDMENTS**

2018—Subsec. (h). Pub. L. 115-282 struck out subsec. (h). Text read as follows: “Not later than 90 days after November 25, 2002, the Secretary, in consultation with the Commandant of the Coast Guard, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives that—

“(1) analyzes the feasibility of accelerating the rate of procurement in the Coast Guard’s Integrated Deepwater System from 20 years to 10 years;

“(2) includes an estimate of additional resources required;

“(3) describes the resulting increased capabilities;

“(4) outlines any increases in the Coast Guard’s homeland security readiness;

“(5) describes any increases in operational efficiencies; and

“(6) provides a revised asset phase-in time line.”

2014—Subsecs. (f) to (i). Pub. L. 113-284 redesignated subsecs. (g) to (i) as (f) to (h), respectively, and struck out former subsec. (f) which related to annual review.

**Statutory Notes and Related Subsidiaries****CHANGE OF NAME**

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

<sup>1</sup> See References in Text note below.

**§ 469. Fees for credentialing and background investigations in transportation****(a) Fees**

For fiscal year 2004 and thereafter, the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations in the field of transportation: *Provided*, That the establishment and collection of fees shall be subject to the following requirements:

(1) such fees, in the aggregate, shall not exceed the costs incurred by the Department of Homeland Security associated with providing the credential or performing the background record checks;

(2) the Secretary shall charge fees in amounts that are reasonably related to the costs of providing services in connection with the activity or item for which the fee is charged;

(3) a fee may not be collected except to the extent such fee will be expended to pay for the costs of conducting or obtaining a criminal history record check and a review of available law enforcement databases and commercial databases and records of other governmental and international agencies; reviewing and adjudicating requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background record check, and denying requests for waiver and appeals; and any other costs related to providing the credential or performing the background record check; and

(4) any fee collected shall be available for expenditure only to pay the costs incurred in providing services in connection with the activity or item for which the fee is charged and shall remain available until expended.

**(b) Recurrent training of aliens in operation of aircraft****(1) Process for reviewing threat assessments**

Notwithstanding section 44939(e) of title 49, the Secretary shall establish a process to ensure that an alien (as defined in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3))) applying for recurrent training in the operation of any aircraft is properly identified and has not, since the time of any prior threat assessment conducted pursuant to section 44939(a) of such title, become a risk to aviation or national security.

**(2) Interruption of training**

If the Secretary determines, in carrying out the process established under paragraph (1), that an alien is a present risk to aviation or national security, the Secretary shall immediately notify the person providing the training of the determination and that person shall not provide the training or if such training has commenced that person shall immediately terminate the training.

**(3) Fees**

The Secretary may charge reasonable fees under subsection (a) for providing credentialing and background investigations for aliens in connection with the process for recurrent training established under para-



graph (1). Such fees shall be promulgated by notice in the Federal Register.

(Pub. L. 108-90, title V, § 520, Oct. 1, 2003, 117 Stat. 1156; Pub. L. 110-329, div. D, title V, § 543, Sept. 30, 2008, 122 Stat. 3689.)

#### 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.

##### AMENDMENTS

2008—Pub. L. 110-329 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### § 469a. Collection of fees from non-Federal participants in meetings

For fiscal year 2010 and thereafter, the Secretary of Homeland Security may collect fees from any non-Federal participant in a conference, seminar, exhibition, symposium, or similar meeting conducted by the Department of Homeland Security in advance of the conference, either directly or by contract, and those fees shall be credited to the appropriation or account from which the costs of the conference, seminar, exhibition, symposium, or similar meeting are paid and shall be available to pay the costs of the Department of Homeland Security with respect to the conference or to reimburse the Department for costs incurred with respect to the conference: *Provided*, That in the event the total amount of fees collected with respect to a conference exceeds the actual costs of the Department of Homeland Security with respect to the conference, the amount of such excess shall be deposited into the Treasury as miscellaneous receipts: *Provided further*, That the Secretary shall provide a report to the Committees on Appropriations of the Senate and the House of Representatives not later than January 5, 2011, providing the level of collections and a summary by agency of the purposes and levels of expenditures for the prior fiscal year.<sup>1</sup>

(Pub. L. 111-83, title V, § 554, Oct. 28, 2009, 123 Stat. 2179; Pub. L. 114-113, div. F, title V, § 510(c), Dec. 18, 2015, 129 Stat. 2514.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2010, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

##### AMENDMENTS

2015—Pub. L. 114-113 struck out “and shall report annually thereafter” before period at end.

#### § 470. Disclosures regarding homeland security grants

##### (a) Definitions

In this section:

<sup>1</sup> So in original.

##### (1) Homeland security grant

The term “homeland security grant” means any grant made or administered by the Department, including—

- (A) the State Homeland Security Grant Program;
- (B) the Urban Area Security Initiative Grant Program;
- (C) the Law Enforcement Terrorism Prevention Program;
- (D) the Citizen Corps; and
- (E) the Metropolitan Medical Response System.

##### (2) Local government

The term “local government” has the meaning given the term in section 101 of this title.

##### (b) Required disclosures

Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of October 13, 2006, and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, submit a report to the Secretary that contains a list of all expenditures made by such State or local government using funds from such grant.

(Pub. L. 109-347, title VII, § 702, Oct. 13, 2006, 120 Stat. 1943.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### DEFINITIONS

For definitions of “Department” and “Secretary” as used in this section, see section 901 of this title.

#### § 471. Annual ammunition report

(a) The Secretary of Homeland Security shall submit to Congress, 180 days after January 17, 2014, and annually thereafter beginning with the submission of the President’s budget proposal for fiscal year 2016 pursuant to section 1105(a) of title 31, a comprehensive report on the purchase and usage of ammunition, subdivided by ammunition type. The report shall include—

- (1) the quantity of ammunition in inventory at the end of the preceding calendar year, and the amount of ammunition expended and purchased, subdivided by ammunition type, during the year for each relevant component or agency in the Department of Homeland Security;
- (2) a description of how such quantity, usage, and purchase aligns to each component or agency’s mission requirements for certification, qualification, training, and operations; and
- (3) details on all contracting practices applied by the Department of Homeland Security, including comparative details regarding other contracting options with respect to cost and availability.

(b) The reports required by subsection (a) shall be submitted in an appropriate format in order to ensure the safety of law enforcement personnel.

(Pub. L. 113–76, div. F, title V, § 569, Jan. 17, 2014, 128 Stat. 286.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the appropriation act cited in the credit of this section, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### § 472. Annual weaponry report

(a) The Secretary of Homeland Security shall submit to the Congress, not later than 180 days after March 4, 2015, and annually thereafter, beginning at the time the President’s budget proposal for fiscal year 2017 is submitted pursuant to section 1105(a) of title 31, a comprehensive report on the purchase and usage of weapons, subdivided by weapon type. The report shall include—

(1) the quantity of weapons in inventory at the end of the preceding calendar year, and the amount of weapons, subdivided by weapon type, included in the budget request for each relevant component or agency in the Department of Homeland Security;

(2) a description of how such quantity and purchase aligns to each component or agency’s mission requirements for certification, qualification, training, and operations; and

(3) details on all contracting practices applied by the Department of Homeland Security, including comparative details regarding other contracting options with respect to cost and availability.

(b) The reports required by subsection (a) shall be submitted in an appropriate format in order to ensure the safety of law enforcement personnel.

(Pub. L. 114–4, title V, § 562, Mar. 4, 2015, 129 Stat. 72.)

#### Editorial Notes

##### CODIFICATION

Section was enacted as part of the appropriation act cited in the credit of this section, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

#### § 473. Cyber Crimes Center, Child Exploitation Investigations Unit, Computer Forensics Unit, and Cyber Crimes Unit

##### (a) Cyber Crimes Center

###### (1) In general

The Secretary shall operate, within United States Immigration and Customs Enforcement, Homeland Security Investigations, a Cyber Crimes Center (referred to in this section as the “Center”).

###### (2) Purpose

The Center shall provide investigative assistance, training, and equipment to support domestic and international investigations of cyber-related crimes by the Department.

##### (b) Child Exploitation Investigations Unit

###### (1) In general

The Secretary shall operate, within the Center, a Child Exploitation Investigations Unit (referred to in this subsection as the “CEIU”).

###### (2) Functions

The CEIU—

(A) shall coordinate all United States Immigration and Customs Enforcement child exploitation initiatives, including investigations into—

- (i) child exploitation;
- (ii) child pornography;
- (iii) child victim identification;
- (iv) traveling child sex offenders; and
- (v) forced child labor, including the sexual exploitation of minors;

(B) shall, among other things, focus on—

- (i) child exploitation prevention;
- (ii) investigative capacity building;
- (iii) enforcement operations; and
- (iv) training for Federal, State, local, tribal, and foreign law enforcement agency personnel, upon request;

(C) shall provide training, technical expertise, support, or coordination of child exploitation investigations, as needed, to cooperating law enforcement agencies and personnel, which shall include participating in training for Homeland Security Investigations personnel conducted by Internet Crimes Against Children Task Forces;

(D) shall provide psychological support and counseling services for United States Immigration and Customs Enforcement personnel engaged in child exploitation prevention initiatives, including making available other existing services to assist employees who are exposed to child exploitation material during investigations;

(E) is authorized to collaborate with the Department of Defense and the National Association to Protect Children for the purpose of the recruiting, training, equipping and hiring of wounded, ill, and injured veterans and transitioning service members, through the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program<sup>1</sup>; and

(F) shall collaborate with other governmental, nongovernmental, and nonprofit entities approved by the Secretary for the sponsorship of, and participation in, outreach and training activities.

###### (3) Data collection

The CEIU shall collect and maintain data concerning—

(A) the total number of suspects identified by United States Immigration and Customs Enforcement;

(B) the number of arrests by United States Immigration and Customs Enforcement in child exploitation investigations, disaggregated by type, including—

- (i) the number of child victims identified through investigations carried out by United States Immigration and Customs Enforcement; and

<sup>1</sup> So in original. Probably should be “Program”.

(ii) the number of suspects arrested who were in positions of trust or authority over children;

(C) the number of child exploitation cases opened for investigation by United States Immigration and Customs Enforcement; and

(D) the number of child exploitation cases resulting in a Federal, State, foreign, or military prosecution.

**(4) Availability of data to Congress**

In addition to submitting the reports required under paragraph (7), the CEIU shall make the data collected and maintained under paragraph (3) available to the committees of Congress described in paragraph (7).

**(5) Cooperative agreements**

The CEIU is authorized to enter into cooperative agreements to accomplish the functions set forth in paragraphs (2) and (3).

**(6) Acceptance of gifts**

**(A) In general**

The Secretary is authorized to accept monies and in-kind donations from the Virtual Global Taskforce, national laboratories, Federal agencies, not-for-profit organizations, and educational institutions to create and expand public awareness campaigns in support of the functions of the CEIU.

**(B) Exemption from Federal Acquisition Regulation**

Gifts authorized under subparagraph (A) shall not be subject to the Federal Acquisition Regulation for competition when the services provided by the entities referred to in such subparagraph are donated or of minimal cost to the Department.

**(7) Reports**

Not later than 1 year after May 29, 2015, and annually for the following 4 years, the CEIU shall—

(A) submit a report containing a summary of the data collected pursuant to paragraph (3) during the previous year to—

(i) the Committee on Homeland Security and Governmental Affairs of the Senate;

(ii) the Committee on the Judiciary of the Senate;

(iii) the Committee on Appropriations of the Senate;

(iv) the Committee on Homeland Security of the House of Representatives;

(v) the Committee on the Judiciary of the House of Representatives; and

(vi) the Committee on Appropriations of the House of Representatives; and

(B) make a copy of each report submitted under subparagraph (A) publicly available on the website of the Department.

**(c) Computer Forensics Unit**

**(1) In general**

The Secretary shall operate, within the Center, a Computer Forensics Unit (referred to in this subsection as the “CFU”).

**(2) Functions**

The CFU—

(A) shall provide training and technical support in digital forensics and administer the Digital Forensics and Document and Media Exploitation program to—

(i) United States Immigration and Customs Enforcement personnel; and

(ii) Federal, State, local, tribal, military, and foreign law enforcement agency personnel engaged in the investigation of crimes within their respective jurisdictions, upon request and subject to the availability of funds;

(B) shall provide computer hardware, software, and forensic licenses for all computer forensics personnel within United States Immigration and Customs Enforcement;

(C) shall participate in research and development in the area of digital forensics and emerging technologies, in coordination with appropriate components of the Department; and

(D) is authorized to collaborate with the Department of Defense, the National Association to Protect Children, and other governmental entities for the purpose of recruiting, training, equipping, and hiring wounded, ill, and injured veterans and transitioning service members, through the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program<sup>1</sup>.

**(3) Cooperative agreements**

The CFU is authorized to enter into cooperative agreements to accomplish the functions set forth in paragraph (2).

**(4) Acceptance of gifts**

**(A) In general**

The Secretary is authorized to accept monies and in-kind donations from the Virtual Global Task Force, national laboratories, Federal agencies, not-for-profit organizations, and educational institutions to create and expand public awareness campaigns in support of the functions of the CFU.

**(B) Exemption from Federal Acquisition Regulation**

Gifts authorized under subparagraph (A) shall not be subject to the Federal Acquisition Regulation for competition when the services provided by the entities referred to in such subparagraph are donated or of minimal cost to the Department.

**(d) Cyber Crimes Unit**

**(1) In general**

The Secretary shall operate, within the Center, a Cyber Crimes Unit (referred to in this subsection as the “CCU”).

**(2) Functions**

The CCU—

(A) shall oversee the cyber security strategy and cyber-related operations and programs for United States Immigration and Customs Enforcement;

(B) shall enhance United States Immigration and Customs Enforcement's ability to combat criminal enterprises operating on or through the Internet, with specific focus in the areas of—

- (i) cyber economic crime;
- (ii) digital theft of intellectual property;
- (iii) illicit e-commerce (including hidden marketplaces);
- (iv) Internet-facilitated proliferation of arms and strategic technology; and
- (v) cyber-enabled smuggling and money laundering;

(C) shall provide training and technical support in cyber investigations to—

- (i) United States Immigration and Customs Enforcement personnel; and
- (ii) Federal, State, local, tribal, military, and foreign law enforcement agency personnel engaged in the investigation of crimes within their respective jurisdictions, upon request and subject to the availability of funds;

(D) shall participate in research and development in the area of cyber investigations, in coordination with appropriate components of the Department; and

(E) is authorized to recruit participants of the Human Exploitation Rescue Operative (HERO) Child Rescue Corps program<sup>1</sup> for investigative and forensic positions in support of the functions of the CCU.

### (3) Cooperative agreements

The CCU is authorized to enter into cooperative agreements to accomplish the functions set forth in paragraph (2).

## (e) HERO Child-Rescue Corps<sup>2</sup>

### (1) Establishment

#### (A) In general

There is established within the Center a Human Exploitation Rescue Operation<sup>3</sup> Child-Rescue Corps Program (referred to in this section as the “HERO Child-Rescue Corps Program”), which shall be a Department-wide program, in collaboration with the Department of Defense and the National Association to Protect Children.

#### (B) Private sector collaboration

As part of the HERO Child-Rescue Corps Program, the National Association to Protect Children shall provide logistical support for program participants.

### (2) Purpose

The purpose of the HERO Child-Rescue Corps Program shall be to recruit, train, equip, and employ members of the Armed Forces on active duty and wounded, ill, and injured veterans to combat and prevent child exploitation, including in investigative, intelligence, analyst, inspection, and forensic positions or any other positions determined appropriate by the employing agency.

### (3) Functions

The HERO Child-Rescue Program shall—

- (A) provide, recruit, train, and equip participants of the Program in the areas of digital forensics, investigation, analysis, intel-

ligence, and victim identification, as determined by the Center and the needs of the Department; and

(B) ensure that during the internship period, participants of the Program are assigned to investigate and analyze—

- (i) child exploitation;
- (ii) child pornography;
- (iii) unidentified child victims;
- (iv) human trafficking;
- (v) traveling child sex offenders; and
- (vi) forced child labor, including the sexual exploitation of minors.

## (f) Paid internship and hiring program

### (1) In general

The Secretary shall establish a paid internship and hiring program for the purpose of placing participants of the HERO Child-Rescue Corps Program (in this subsection referred to as “participants”) into paid internship positions, for the subsequent appointment of the participants to permanent positions, as described in the guidelines promulgated under paragraph (3).

### (2) Internship positions

Under the paid internship and hiring program required to be established under paragraph (1), the Secretary shall assign or detail participants to positions within United States Immigration and Customs Enforcement or any other Federal agency in accordance with the guidelines promulgated under paragraph (3).

### (3) Placement

#### (A) In general

The Secretary shall promulgate guidelines for assigning or detailing participants to positions within United States Immigration and Customs Enforcement and other Federal agencies, which shall include requirements for internship duties and agreements regarding the subsequent appointment of the participants to permanent positions.

#### (B) Preference

The Secretary shall give a preference to Homeland Security Investigations in assignments or details under the guidelines promulgated under subparagraph (A).

### (4) Term of internship

An appointment to an internship position under this subsection shall be for a term not to exceed 12 months.

### (5) Rate and term of pay

After completion of initial group training and upon beginning work at an assigned office, a participant appointed to an internship position under this subsection who is not receiving monthly basic pay as a member of the Armed Forces on active duty shall receive compensation at a rate that is—

- (A) not less than the minimum rate of basic pay payable for a position at level GS-5 of the General Schedule; and

- (B) not more than the maximum rate of basic pay payable for a position at level GS-7 of the General Schedule.

### (6) Eligibility

In establishing the paid internship and hiring program required under paragraph (1), the

<sup>2</sup> So in original. “Program” probably should be inserted at end of heading.

<sup>3</sup> So in original. Probably should be “Operative”.

Secretary shall ensure that the eligibility requirements for participation in the internship program are the same as the eligibility requirements for participation in the HERO Child-Rescue Corps Program.

**(7) Hero Corps hiring**

The Secretary shall establish within Homeland Security Investigations positions, which shall be in addition to any positions in existence on December 21, 2019, for the hiring and permanent employment of graduates of the paid internship program required to be established under paragraph (1).

**(g) Authorization of appropriations**

**(1) In general**

There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

**(2) Allocation**

Of the amount made available pursuant to paragraph (1) in each of fiscal years 2022 through 2027, not more than \$10,000,000 shall be used to carry out subsection (e) and not less than \$2,000,000 shall be used to carry out subsection (f).

(Pub. L. 107–296, title VIII, §890A, as added Pub. L. 114–22, title III, §302(b)(1), May 29, 2015, 129 Stat. 251; amended Pub. L. 115–392, §23(a), (b), Dec. 21, 2018, 132 Stat. 5261, 5262; Pub. L. 117–347, title I, §105(b), Jan. 5, 2023, 136 Stat. 6203.)

**Editorial Notes**

**AMENDMENTS**

2023—Subsec. (g)(2). Pub. L. 117–347 substituted “2022 through 2027” for “2019 through 2022”.

2018—Subsec. (a)(1). Pub. L. 115–392, §23(a)(1)(A), inserted “Homeland Security Investigations,” after “Customs Enforcement,”.

Subsec. (a)(2). Pub. L. 115–392, §23(a)(1)(B), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “The purpose of the Center shall be to provide investigative assistance, training, and equipment to support United States Immigration and Customs Enforcement’s domestic and international investigations of cyber-related crimes.”

Subsec. (b)(2)(C). Pub. L. 115–392, §23(a)(2)(A), inserted “, which shall include participating in training for Homeland Security Investigations personnel conducted by Internet Crimes Against Children Task Forces” after “agencies and personnel”.

Subsec. (b)(3)(B). Pub. L. 115–392, §23(a)(2)(B)(i)(I), inserted “in child exploitation investigations” after “Enforcement” in introductory provisions.

Subsec. (b)(3)(B)(i). Pub. L. 115–392, §23(a)(2)(B)(i)(II), inserted “child” before “victims”.

Subsec. (b)(3)(C), (D). Pub. L. 115–392, §23(a)(2)(B)(ii), (iii), inserted “child exploitation” after “number of”.

Subsec. (c)(2)(A). Pub. L. 115–392, §23(a)(3)(A), inserted “and administer the Digital Forensics and Document and Media Exploitation program” after “forensics” in introductory provisions.

Subsec. (c)(2)(C). Pub. L. 115–392, §23(a)(3)(B), inserted “and emerging technologies” after “forensics”.

Subsec. (c)(2)(D). Pub. L. 115–392, §23(a)(3)(C), substituted “, the National Association to Protect Children, and other governmental entities” for “and the National Association to Protect Children”.

Subsecs. (e), (f). Pub. L. 115–392, §23(b)(2), added subsecs. (e) and (f). Former subsec. (e) redesignated (g).

Subsec. (g). Pub. L. 115–392, §23(b)(1), (3), redesignated subsec. (e) as (g), inserted par. (1) designation and heading, and added par. (2).

**Statutory Notes and Related Subsidiaries**

**FINDINGS**

Pub. L. 114–22, title III, §302(a), May 29, 2015, 129 Stat. 251, provided that: “Congress finds the following:

“(1) The illegal market for the production and distribution of child abuse imagery is a growing threat to children in the United States. International demand for this material creates a powerful incentive for the rape, abuse, and torture of children within the United States.

“(2) The targeting of United States children by international criminal networks is a threat to the homeland security of the United States. This threat must be fought with trained personnel and highly specialized counter-child-exploitation strategies and technologies.

“(3) The United States Immigration and Customs Enforcement of the Department of Homeland Security serves a critical national security role in protecting the United States from the growing international threat of child exploitation and human trafficking.

“(4) The Cyber Crimes Center of the United States Immigration and Customs Enforcement is a vital national resource in the effort to combat international child exploitation, providing advanced expertise and assistance in investigations, computer forensics, and victim identification.

“(5) The returning military heroes of the United States possess unique and valuable skills that can assist law enforcement in combating global sexual and child exploitation, and the Department of Homeland Security should use this national resource to the maximum extent possible.

“(6) Through the Human Exploitation Rescue Operation (HERO) Child Rescue Corps program, the returning military heroes of the United States are trained and hired to investigate crimes of child exploitation in order to target predators and rescue children from sexual abuse and slavery.”

**§ 474. Homeland security critical domain research and development**

**(a) In general**

**(1) Research and development**

The Secretary is authorized to conduct research and development to—

(A) identify United States critical domains for economic security and homeland security; and

(B) evaluate the extent to which disruption, corruption, exploitation, or dysfunction of any of such domain poses a substantial threat to homeland security.

**(2) Requirements**

**(A) Risk analysis of critical domains**

The research under paragraph (1) shall include a risk analysis of each identified United States critical domain for economic security to determine the degree to which there exists a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such domain. Such research shall consider, to the extent possible, the following:

(i) The vulnerability and resilience of relevant supply chains.

(ii) Foreign production, processing, and manufacturing methods.

(iii) Influence of malign economic actors.

- (iv) Asset ownership.
- (v) Relationships within the supply chains of such domains.
- (vi) The degree to which the conditions referred to in clauses (i) through (v) would place such a domain at risk of disruption, corruption, exploitation, or dysfunction.

**(B) Additional research into high-risk critical domains**

Based on the identification and risk analysis of United States critical domains for economic security pursuant to paragraph (1) and subparagraph (A) of this paragraph, respectively, the Secretary may conduct additional research into those critical domains, or specific elements thereof, with respect to which there exists the highest degree of a present or future threat to homeland security in the event of disruption, corruption, exploitation, or dysfunction to such a domain. For each such high-risk domain, or element thereof, such research shall—

- (i) describe the underlying infrastructure and processes;
- (ii) analyze present and projected performance of industries that comprise or support such domain;
- (iii) examine the extent to which the supply chain of a product or service necessary to such domain is concentrated, either through a small number of sources, or if multiple sources are concentrated in one geographic area;
- (iv) examine the extent to which the demand for supplies of goods and services of such industries can be fulfilled by present and projected performance of other industries, identify strategies, plans, and potential barriers to expand the supplier industrial base, and identify the barriers to the participation of such other industries;
- (v) consider each such domain's performance capacities in stable economic environments, adversarial supply conditions, and under crisis economic constraints;
- (vi) identify and define needs and requirements to establish supply resiliency within each such domain; and
- (vii) consider the effects of sector consolidation, including foreign consolidation, either through mergers or acquisitions, or due to recent geographic realignment, on such industries' performances.

**(3) Consultation**

In conducting the research under paragraph (1) and subparagraph (B) of paragraph (2), the Secretary may consult with appropriate Federal agencies, State agencies, and private sector stakeholders.

**(4) Publication**

Beginning one year after December 27, 2021, the Secretary shall publish a report containing information relating to the research under paragraph (1) and subparagraph (B) of paragraph (2), including findings, evidence, analysis, and recommendations. Such report shall be updated annually through 2026.

**(b) Submission to Congress**

Not later than 90 days after the publication of each report required under paragraph (4) of sub-

section (a), the Secretary shall transmit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate each such report, together with a description of actions the Secretary, in consultation with appropriate Federal agencies, will undertake or has undertaken in response to each such report.

**(c) Definitions**

In this section:

**(1) United states critical domains for economic security**

The term “United States critical domains for economic security” means the critical infrastructure and other associated industries, technologies, and intellectual property, or any combination thereof, that are essential to the economic security of the United States.

**(2) Economic security**

The term “economic security” means the condition of having secure and resilient domestic production capacity, combined with reliable access to the global resources necessary to maintain an acceptable standard of living and to protect core national values.

**(d) Authorization of appropriations**

There is authorized to be appropriated \$1,000,000 for each of fiscal years 2022 through 2026 to carry out this section.

(Pub. L. 107–296, title VIII, §890B, as added Pub. L. 117–81, div. F, title LXIV, §6409(a), Dec. 27, 2021, 135 Stat. 2406.)

**§ 475. Transnational Criminal Investigative Units**

**(a) In general**

The Secretary, with the concurrence of the Secretary of State, shall operate Transnational Criminal Investigative Units within Homeland Security Investigations.

**(b) Composition**

Each Transnational Criminal Investigative Unit shall be composed of trained foreign law enforcement officials who shall collaborate with Homeland Security Investigations to investigate and prosecute individuals involved in transnational criminal activity.

**(c) Vetting requirement**

**(1) In general**

Before entry into a Transnational Criminal Investigative Unit, and at periodic intervals while serving in such a unit, foreign law enforcement officials shall be required to pass certain security evaluations, which may include a background check, a polygraph examination, a urinalysis test, or other measures that the Secretary determines to be appropriate.

**(2) Leahy vetting required**

No member of a foreign law enforcement unit may join a Transnational Criminal Investigative Unit if the Secretary, in coordination with the Secretary of State, has credible information that such foreign law enforcement unit has committed a gross violation of

human rights, consistent with the limitations set forth in section 2378d of title 22.

**(3) Approval and concurrence**

The establishment and continued support of the Transnational Criminal Investigative Units who are assigned under paragraph (1)—

(A) shall be performed with the approval of the chief of mission to the foreign country to which the personnel are assigned;

(B) shall be consistent with the duties and powers of the Secretary of State and the chief of mission for a foreign country under section 4802 of title 22 and section 3927 of title 22, respectively; and

(C) shall not be established without the concurrence of the Assistant Secretary of State for International Narcotics and Law Enforcement Affairs.

**(4) Report**

The Executive Associate Director of Homeland Security Investigations shall submit a report to the Committee on Foreign Relations of the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on the Judiciary of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the Committee on the Judiciary of the House of Representatives that describes—

(A) the procedures used for vetting Transnational Criminal Investigative Unit members to include compliance with the vetting required under this subsection; and

(B) any additional measures that should be implemented to prevent personnel in vetted units from being compromised by criminal organizations.

**(d) Monetary stipend**

The Executive Associate Director of Homeland Security Investigations is authorized to pay vetted members of a Transnational Criminal Investigative Unit a monetary stipend in an amount associated with their duties dedicated to unit activities.

**(e) Annual briefing**

The Executive Associate Director of Homeland Security Investigations, during the 5-year period beginning on December 23, 2022, shall provide an annual unclassified briefing to the congressional committees referred to in subsection (c)(4), which may include a classified session, if necessary, that identifies—

(1) the number of vetted members of Transnational Criminal Investigative Unit in each country;

(2) the amount paid in stipends to such members, disaggregated by country;

(3) relevant enforcement statistics, such as arrests and progress made on joint investigations, in each such country; and

(4) whether any vetted members of the Transnational Criminal Investigative Unit in each country were involved in any unlawful activity, including human rights abuses or significant acts of corruption.

(Pub. L. 107-296, title VIII, §890C, as added Pub. L. 117-263, div. G, title LXXI, §7105(b)(1), Dec. 23, 2022, 136 Stat. 3623.)

**§ 475a. Mentor-protégé program**

**(a) Establishment**

There is established in the Department a mentor-protégé program (in this section referred to as the “Program”) under which a mentor firm enters into an agreement with a protégé firm for the purpose of assisting the protégé firm to compete for prime contracts and subcontracts of the Department.

**(b) Eligibility**

The Secretary shall establish criteria for mentor firms and protégé firms to be eligible to participate in the Program, including a requirement that a firm is not included on any list maintained by the Federal Government of contractors that have been suspended or debarred.

**(c) Program application and approval**

**(1) Application**

The Secretary, acting through the Office of Small and Disadvantaged Business Utilization of the Department, shall establish a process for submission of an application jointly by a mentor firm and the protégé firm selected by the mentor firm. The application shall include each of the following:

(A) A description of the assistance to be provided by the mentor firm, including, to the extent available, the number and a brief description of each anticipated subcontract to be awarded to the protégé firm.

(B) A schedule with milestones for achieving the assistance to be provided over the period of participation in the Program.

(C) An estimate of the costs to be incurred by the mentor firm for providing assistance under the Program.

(D) Attestations that Program participants will submit to the Secretary reports at times specified by the Secretary to assist the Secretary in evaluating the protégé firm’s developmental progress.

(E) Attestations that Program participants will inform the Secretary in the event of a change in eligibility or voluntary withdrawal from the Program.

**(2) Approval**

Not later than 60 days after receipt of an application pursuant to paragraph (1), the head of the Office of Small and Disadvantaged Business Utilization shall notify applicants of approval or, in the case of disapproval, the process for resubmitting an application for reconsideration.

**(3) Rescission**

The head of the Office of Small and Disadvantaged Business Utilization may rescind the approval of an application under this subsection if it determines that such action is in the best interest of the Department.

**(d) Program duration**

A mentor firm and protégé firm approved under subsection (c) shall enter into an agreement to participate in the Program for a period of not less than 36 months.

**(e) Program benefits**

A mentor firm and protégé firm that enter into an agreement under subsection (d) may receive the following Program benefits:

(1) With respect to an award of a contract that requires a subcontracting plan, a mentor firm may receive evaluation credit for participating in the Program.

(2) With respect to an award of a contract that requires a subcontracting plan, a mentor firm may receive credit for a protégé firm performing as a first tier subcontractor or a subcontractor at any tier in an amount equal to the total dollar value of any subcontracts awarded to such protégé firm.

(3) A protégé firm may receive technical, managerial, financial, or any other mutually agreed upon benefit from a mentor firm, including a subcontract award.

#### **(f) Reporting**

Not later than one year after December 23, 2022, and annually thereafter, the head of the Office of Small and Disadvantaged Business Utilization shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Homeland Security and the Committee on Small Business of the House of Representatives a report that—

(1) identifies each agreement between a mentor firm and a protégé firm entered into under this section, including the number of protégé firm participants that are—

- (A) small business concerns;
- (B) small business concerns owned and controlled by veterans;
- (C) small business concerns owned and controlled by service-disabled veterans;
- (D) qualified HUBZone small business concerns;
- (E) small business concerns owned and controlled by socially and economically disadvantaged individuals;
- (F) small business concerns owned and controlled by women;
- (G) historically Black colleges and universities; and
- (H) minority-serving institutions;

(2) describes the type of assistance provided by mentor firms to protégé firms;

(3) identifies contracts within the Department in which a mentor firm serving as the prime contractor provided subcontracts to a protégé firm under the Program; and

(4) assesses the degree to which there has been—

- (A) an increase in the technical capabilities of protégé firms; and
- (B) an increase in the quantity and estimated value of prime contract and subcontract awards to protégé firms for the period covered by the report.

#### **(g) Rule of construction**

Nothing in this section may be construed to limit, diminish, impair, or otherwise affect the authority of the Department to participate in any program carried out by or requiring approval of the Small Business Administration or adopt or follow any regulation or policy that the Administrator of the Small Business Administration may promulgate, except that, to the extent that any provision of this section (includ-

ing subsection (h)) conflicts with any other provision of law, regulation, or policy, this section shall control.

#### **(h) Definitions**

In this section:

##### **(1) Historically Black college or university**

The term “historically Black college or university” has the meaning given the term “part B institution” in section 1061 of title 20.

##### **(2) Mentor firm**

The term “mentor firm” means a for-profit business concern that is not a small business concern that—

- (A) has the ability to assist and commits to assisting a protégé to compete for Federal prime contracts and subcontracts; and
- (B) satisfies any other requirements imposed by the Secretary.

##### **(3) Minority-serving institution**

The term “minority-serving institution” means an institution of higher education described in section 1067q(a) of title 20.<sup>1</sup>

##### **(4) Protégé firm**

The term “protégé firm” means a small business concern, a historically Black college or university, or a minority-serving institution that—

- (A) is eligible to enter into a prime contract or subcontract with the Department; and
- (B) satisfies any other requirements imposed by the Secretary.

##### **(5) Small Business Act definitions**

The terms “small business concern”, “small business concern owned and controlled by veterans”, “small business concern owned and controlled by service-disabled veterans”, “qualified HUBZone small business concern”, “and small<sup>2</sup> business concern owned and controlled by women” have the meanings given such terms, respectively, under section 632 of title 15. The term “small business concern owned and controlled by socially and economically disadvantaged individuals” has the meaning given such term in section 637(d)(3)(C) of title 15.

(Pub. L. 107–296, title VIII, §890D, as added Pub. L. 117–263, div. G, title LXXI, §7115(a), Dec. 23, 2022, 136 Stat. 3633.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Section 1067q(a) of title 20, referred to in subsec. (h)(3), was in the original “section 317 of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))” and was translated as reading “section 371(a) of the Higher Education Act of 1965”, to reflect the probable intent of Congress.

#### **PART I—INFORMATION SHARING**

### **§ 481. Short title; findings; and sense of Congress**

#### **(a) Short title**

This part may be cited as the “Homeland Security Information Sharing Act”.

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. The opening quotation marks preceding “and” probably should precede “small”.