

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in par. (2), 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 Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Reference to Under Secretary of Transportation for Security deemed to refer to Administrator of the Transportation Security Administration, see section 1994 of Pub. L. 115-254, set out as a note under section 114 of Title 49, Transportation.

SUBCHAPTER XI—DEPARTMENT OF JUSTICE DIVISIONS

PART A—EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

§ 521. Legal status of EOIR**(a)¹ Existence of EOIR**

There is in the Department of Justice the Executive Office for Immigration Review, which shall be subject to the direction and regulation of the Attorney General under section 1103(g) of title 8.

(Pub. L. 107-296, title XI, § 1101, Nov. 25, 2002, 116 Stat. 2273.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 107-296, title XI, § 1104, as added by Pub. L. 108-7, div. L, § 105(a)(3), Feb. 20, 2003, 117 Stat. 531, provided that: “The provisions of this subtitle [subtitle A (§§ 1101-1104) of title XI of Pub. L. 107-296, enacting this part and amending section 1103 of Title 8, Aliens and Nationality] shall take effect on the date of the transfer of functions from the Commissioner of Immigration and Naturalization to officials of the Department of Homeland Security [functions transferred Mar. 1, 2003]”.

§ 522. Statutory construction

Nothing in this chapter, any amendment made by this chapter, or in section 1103 of title 8, shall be construed to limit judicial deference to regulations, adjudications, interpretations, orders, decisions, judgments, or any other actions of the Secretary of Homeland Security or the Attorney General.

(Pub. L. 107-296, title XI, § 1103, Nov. 25, 2002, 116 Stat. 2274.)

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 Tables.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date of the transfer of functions from the Commissioner of Immigration and Natu-

¹ So in original. No subsec. (b) has been enacted.

ralization to officials of the Department of Homeland Security (Mar. 1, 2003), see section 1104 of Pub. L. 107-296, as added by Pub. L. 108-7, set out as a note under section 521 of this title.

PART B—TRANSFER OF THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS TO THE DEPARTMENT OF JUSTICE

§ 531. Bureau of Alcohol, Tobacco, Firearms, and Explosives**(a), (b) Transferred****(c) Transfer of authorities, functions, personnel, and assets to the Department of Justice****(1) Transferred****(2) Administration and revenue collection functions**

There shall be retained within the Department of the Treasury the authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms relating to the administration and enforcement of chapters 51 and 52 of title 26, sections 4181 and 4182 of title 26, and title 27.

(3) Transferred**(d) Tax and Trade Bureau****(1) Establishment**

There is established within the Department of the Treasury the Tax and Trade Bureau.

(2) Administrator

The Tax and Trade Bureau shall be headed by an Administrator, who shall perform such duties as assigned by the Under Secretary for Enforcement of the Department of the Treasury. The Administrator shall occupy a career-reserved position within the Senior Executive Service.

(3) Responsibilities

The authorities, functions, personnel, and assets of the Bureau of Alcohol, Tobacco and Firearms that are not transferred to the Department of Justice under this section shall be retained and administered by the Tax and Trade Bureau.

(Pub. L. 107-296, title XI, § 1111, Nov. 25, 2002, 116 Stat. 2274; Pub. L. 109-162, title XI, § 1187(b), Jan. 5, 2006, 119 Stat. 3127.)

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AMENDMENTS

2006—Pub. L. 109-162 transferred section catchline and subsecs. (a)–(c)(1), (3), to section 599A of Title 28, Judiciary and Judicial Procedure.

§ 532. Explosives Training and Research Facility**(a) Establishment**

There is established within the Bureau an Explosives Training and Research Facility at Fort AP Hill, Fredericksburg, Virginia.

(b) Purpose

The facility established under subsection (a) shall be utilized to train Federal, State, and local law enforcement officers to—

- (1) investigate bombings and explosions;

- (2) properly handle, utilize, and dispose of explosive materials and devices;
- (3) train canines on explosive detection; and
- (4) conduct research on explosives.

(c) Authorization of appropriations

(1) In general

There are authorized to be appropriated such sums as may be necessary to establish and maintain the facility established under subsection (a).

(2) Availability of funds

Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

(Pub. L. 107–296, title XI, §1114, Nov. 25, 2002, 116 Stat. 2280.)

§ 533. Transferred

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CODIFICATION

Section, Pub. L. 107–296, title XI, §1115, Nov. 25, 2002, 116 Stat. 2280, which related to a Personnel Management Demonstration Project, was transferred to section 599B of Title 28, Judiciary and Judicial Procedure, by Pub. L. 109–162, title XI, §1187(b), (c)(2), Jan. 5, 2006, 119 Stat. 3127, 3128.

SUBCHAPTER XII—TRANSITION

PART A—REORGANIZATION PLAN

§ 541. Definitions

For purposes of this subchapter:

- (1) The term “agency” includes any entity, organizational unit, program, or function.
- (2) The term “transition period” means the 12-month period beginning on the effective date of this chapter.

(Pub. L. 107–296, title XV, §1501, Nov. 25, 2002, 116 Stat. 2307.)

Editorial Notes

REFERENCES IN TEXT

The effective date of this chapter, referred to in par. (2), is 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of this title.

§ 542. Reorganization plan

(a) Submission of plan

Not later than 60 days after November 25, 2002, the President shall transmit to the appropriate congressional committees a reorganization plan regarding the following:

- (1) The transfer of agencies, personnel, assets, and obligations to the Department pursuant to this chapter.
- (2) Any consolidation, reorganization, or streamlining of agencies transferred to the Department pursuant to this chapter.

(b) Plan elements

The plan transmitted under subsection (a) shall contain, consistent with this chapter, such elements as the President deems appropriate, including the following:

- (1) Identification of any functions of agencies transferred to the Department pursuant

to this chapter that will not be transferred to the Department under the plan.

(2) Specification of the steps to be taken by the Secretary to organize the Department, including the delegation or assignment of functions transferred to the Department among officers of the Department in order to permit the Department to carry out the functions transferred under the plan.

(3) Specification of the funds available to each agency that will be transferred to the Department as a result of transfers under the plan.

(4) Specification of the proposed allocations within the Department of unexpended funds transferred in connection with transfers under the plan.

(5) Specification of any proposed disposition of property, facilities, contracts, records, and other assets and obligations of agencies transferred under the plan.

(6) Specification of the proposed allocations within the Department of the functions of the agencies and subdivisions that are not related directly to securing the homeland.

(c) Modification of plan

The President may, on the basis of consultations with the appropriate congressional committees, modify or revise any part of the plan until that part of the plan becomes effective in accordance with subsection (d).

(d) Effective date

(1) In general

The reorganization plan described in this section, including any modifications or revisions of the plan under subsection (d), shall become effective for an agency on the earlier of—

- (A) the date specified in the plan (or the plan as modified pursuant to subsection (d)), except that such date may not be earlier than 90 days after the date the President has transmitted the reorganization plan to the appropriate congressional committees pursuant to subsection (a); or
- (B) the end of the transition period.

(2) Statutory construction

Nothing in this subsection may be construed to require the transfer of functions, personnel, records, balances of appropriations, or other assets of an agency on a single date.

(3) Supersedes existing law

Paragraph (1) shall apply notwithstanding section 905(b) of title 5.

(Pub. L. 107–296, title XV, §1502, Nov. 25, 2002, 116 Stat. 2308.)

Editorial Notes

REFERENCES IN TEXT

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