

(c) Limitations on statutory construction**(1) Grant of authority**

Nothing in this chapter may be construed to vest in the Secretary or any other official in the Department any authority over transportation security that is not vested in the Under Secretary of Transportation for Security, or in the Secretary of Transportation under chapter 449 of title 49 on the day before November 25, 2002.

(2) Obligation of AIP funds

Nothing in this chapter may be construed to authorize the Secretary or any other official in the Department to obligate amounts made available under section 48103 of title 49.

(Pub. L. 107–296, title IV, § 423, Nov. 25, 2002, 116 Stat. 2185.)

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.

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.

§ 234. Preservation of Transportation Security Administration as a distinct entity

Notwithstanding any other provision of this chapter, the Transportation Security Administration shall be maintained as a distinct entity within the Department.

(Pub. L. 107–296, title IV, § 424, as added Pub. L. 114–125, title VIII, § 802(g)(1)(B)(iv)(I), Feb. 24, 2016, 130 Stat. 212.)

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PRIOR PROVISIONS

A prior section 234, Pub. L. 107–296, title IV, § 424, Nov. 25, 2002, 116 Stat. 2185, provided for the preservation of the Transportation Security Administration as a distinct entity applicable until 2 years after Nov. 25, 2002, prior to repeal by Pub. L. 114–125, title VIII, § 802(g)(1)(B)(iv)(I), Feb. 24, 2016, 130 Stat. 212.

§ 235. Coordination of information and information technology**(a) Definition of affected agency**

In this section, the term “affected agency” means—

- (1) the Department;
- (2) the Department of Agriculture;
- (3) the Department of Health and Human Services; and
- (4) any other department or agency determined to be appropriate by the Secretary.

(b) Coordination

The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary, shall ensure that appropriate information (as determined by the Secretary) concerning inspections of articles that are imported or entered into the United States, and are inspected or regulated by 1 or more affected agencies, is timely and efficiently exchanged between the affected agencies.

(c) Report and plan

Not later than 18 months after November 25, 2002, the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary, shall submit to Congress—

- (1) a report on the progress made in implementing this section; and
- (2) a plan to complete implementation of this section.

(Pub. L. 107–296, title IV, § 427, Nov. 25, 2002, 116 Stat. 2187.)

§ 236. Visa issuance**(a) Definition**

In this subsection,¹ the term “consular office”² has the meaning given that term under section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)).

(b) In general

Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or any other provision of law, and except as provided in subsection (c) of this section, the Secretary—

- (1) shall be vested exclusively with all authorities to issue regulations with respect to, administer, and enforce the provisions of such Act [8 U.S.C. 1101 et seq.], and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas, and shall have the authority to refuse visas in accordance with law and to develop programs of homeland security training for consular officers (in addition to consular training provided by the Secretary of State), which authorities shall be exercised through the Secretary of State, except that the Secretary shall not have authority to alter or reverse the decision of a consular officer to refuse a visa to an alien; and

- (2) shall have authority to confer or impose upon any officer or employee of the United States, with the consent of the head of the ex-

¹ So in original. Probably should be “section”.

² So in original. Probably should be “consular officer”.