

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

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

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

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

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

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

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

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

§ 453. Use of appropriated funds

(a) Disposal of property

(1) Strict compliance

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

(2) Deposit of proceeds

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

(b) Gifts

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

¹ See References in Text note below.