

panied 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 authority 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 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.

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

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