

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.

**(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 struck out heading and text of former subsec. (d). Text read as follows: “The Director of the Office of Counternarcotics 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.)