

Sincerely,

GEORGE W. BUSH.

¹ **Editorial note.** This is the text of identical letters addressed to the Speaker of the House of Representatives and the President of the Senate.

§ 543. Review of congressional committee structures

It is the sense of Congress that each House of Congress should review its committee structure in light of the reorganization of responsibilities within the executive branch by the establishment of the Department.

(Pub. L. 107-296, title XV, § 1503, Nov. 25, 2002, 116 Stat. 2309.)

PART B—TRANSITIONAL PROVISIONS

§ 551. Transitional authorities

(a) Provision of assistance by officials

Until the transfer of an agency to the Department, any official having authority over or functions relating to the agency immediately before the effective date of this chapter shall provide to the Secretary such assistance, including the use of personnel and assets, as the Secretary may request in preparing for the transfer and integration of the agency into the Department.

(b) Services and personnel

During the transition period, upon the request of the Secretary, the head of any executive agency may, on a reimbursable basis, provide services or detail personnel to assist with the transition.

(c) Acting officials

(1) During the transition period, pending the advice and consent of the Senate to the appointment of an officer required by this chapter to be appointed by and with such advice and consent, the President may designate any officer whose appointment was required to be made by and with such advice and consent and who was such an officer immediately before the effective date of this chapter (and who continues in office) or immediately before such designation, to act in such office until the same is filled as provided in this chapter. While so acting, such officers shall receive compensation at the higher of—

(A) the rates provided by this chapter for the respective offices in which they act; or

(B) the rates provided for the offices held at the time of designation.

(2) Nothing in this chapter shall be understood to require the advice and consent of the Senate to the appointment by the President to a position in the Department of any officer whose agency is transferred to the Department pursuant to this chapter and whose duties following such transfer are germane to those performed before such transfer.

(d) Transfer of personnel, assets, obligations, and functions

Upon the transfer of an agency to the Department—

(1) the personnel, assets, and obligations held by or available in connection with the

agency shall be transferred to the Secretary for appropriate allocation, subject to the approval of the Director of the Office of Management and Budget and in accordance with the provisions of section 1531(a)(2) of title 31; and

(2) the Secretary shall have all functions relating to the agency that any other official could by law exercise in relation to the agency immediately before such transfer, and shall have in addition all functions vested in the Secretary by this chapter or other law.

(e) Prohibition on use of transportation trust funds

(1) In general

Notwithstanding any other provision of this chapter, no funds derived from the Highway Trust Fund, Airport and Airway Trust Fund, Inland Waterway Trust Fund, or Harbor Maintenance Trust Fund, may be transferred to, made available to, or obligated by the Secretary or any other official in the Department.

(2) Limitation

This subsection shall not apply to security-related funds provided to the Federal Aviation Administration for fiscal years preceding fiscal year 2003 for (A) operations, (B) facilities and equipment, or (C) research, engineering, and development, and to any funds provided to the Coast Guard from the Sport Fish Restoration and Boating Trust Fund for boating safety programs.

(Pub. L. 107-296, title XV, § 1511, Nov. 25, 2002, 116 Stat. 2309; Pub. L. 108-7, div. L, § 103(4), Feb. 20, 2003, 117 Stat. 529; Pub. L. 109-59, title XI, § 11115(b)(2)(F), Aug. 10, 2005, 119 Stat. 1950.)

Editorial Notes

REFERENCES IN TEXT

The effective date of this chapter, referred to in subssecs. (a) and (c)(1), 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.

This chapter, referred to in subssecs. (c), (d)(2), and (e)(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.

AMENDMENTS

2005—Subsec. (e)(2). Pub. L. 109-59 substituted “Sport Fish Restoration and Boating Trust Fund” for “Aquatic Resources Trust Fund of the Highway Trust Fund”.

2003—Subsec. (e)(2). Pub. L. 108-7 inserted before period at end “, and to any funds provided to the Coast Guard from the Aquatic Resources Trust Fund of the Highway Trust Fund for boating safety programs”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-59, title XI, § 11115(d), Aug. 10, 2005, 119 Stat. 1950, provided that: “The amendments made by this section [amending this section and sections 9503 and 9504 of Title 26, Internal Revenue Code] shall take effect on October 1, 2005.”

§ 552. Savings provisions

(a) Completed administrative actions

(1) Completed administrative actions of an agency shall not be affected by the enactment of