

§ 453b. Requirement to buy certain items related to national security interests from American sources; exceptions

(a) Requirement

Except as provided in subsections (c) through (g), funds appropriated or otherwise available to the Department of Homeland Security may not be used for the procurement of an item described in subsection (b) if the item is not grown, reprocessed, reused, or produced in the United States.

(b) Covered items

An item referred to in subsection (a) is any of the following, if the item is directly related to the national security interests of the United States:

(1)¹ An article or item of—

(A) clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing (and the materials and components thereof);

(B) tents, tarpaulins, covers, textile belts, bags, protective equipment (including but not limited to body armor), sleep systems, load carrying equipment (including but not limited to fieldpacks), textile marine equipment, parachutes, or bandages;

(C) cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric (including all textile fibers and yarns that are for use in such fabrics), canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles); or

(D) any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials.

(c) Availability exception

Subsection (a) does not apply to the extent that the Secretary of Homeland Security determines that satisfactory quality and sufficient quantity of any such article or item described in subsection (b)(1) grown, reprocessed, reused, or produced in the United States cannot be procured as and when needed at United States market prices. This section is not applicable to covered items that are, or include, materials determined to be non-available in accordance with Federal Acquisition Regulation 25.104 Nonavailable Articles.

(d) De minimis exception

Notwithstanding subsection (a), the Secretary of Homeland Security may accept delivery of an item covered by subsection (b) that contains non-compliant fibers if the total value of non-compliant fibers contained in the end item does not exceed 10 percent of the total purchase price of the end item.

(e) Exception for certain procurements outside the United States

Subsection (a) does not apply to the following:

(1) Procurements by vessels in foreign waters.

(2) Emergency procurements.

(f) Exception for small purchases

Subsection (a) does not apply to purchases for amounts not greater than the simplified acquisition threshold referred to in section 2304(g) of title 10.

(g) Applicability to contracts and subcontracts for procurement of commercial items

This section is applicable to contracts and subcontracts for the procurement of commercial items not withstanding section 1906 of title 41, with the exception of commercial items listed under subsections (b)(1)(C) and (b)(1)(D) above. For the purposes of this section, “commercial” shall be as defined in the Federal Acquisition Regulation—Part 2.

(h) Geographic coverage

In this section, the term “United States” includes the possessions of the United States.

(i) Notification required within 7 days after contract award if certain exceptions applied

In the case of any contract for the procurement of an item described in subsection (b)(1), if the Secretary of Homeland Security applies an exception set forth in subsection (c) with respect to that contract, the Secretary shall, not later than 7 days after the award of the contract, post a notification that the exception has been applied on the Internet site maintained by the General Services Administration known as FedBizOps.gov (or any successor site).

(j) Training during fiscal year 2009

(1) In general

The Secretary of Homeland Security shall ensure that each member of the acquisition workforce in the Department of Homeland Security who participates personally and substantially in the acquisition of textiles on a regular basis receives training during fiscal year 2009 on the requirements of this section and the regulations implementing this section.

(2) Inclusion of information in new training programs

The Secretary shall ensure that any training program for the acquisition workforce developed or implemented after February 17, 2009, includes comprehensive information on the requirements described in paragraph (1).

(k) Consistency with international agreements

This section shall be applied in a manner consistent with United States obligations under international agreements.

(l) Effective date

This section applies with respect to contracts entered into by the Department of Homeland Security 180 days after February 17, 2009.

(Pub. L. 111–5, div. A, title VI, §604, Feb. 17, 2009, 123 Stat. 165.)

CODIFICATION

In subsec. (g), “section 1906 of title 41” substituted for “section 34 of the Office of Federal Procurement Policy Act (41 U.S.C. 430)” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

¹ So in original. No par. (2) has been enacted.

Section was enacted as part of the American Recovery and Reinvestment Act of 2009, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 453c. Disposition of equines unfit for service

None of the funds made available in this or any other Act for fiscal year 2012 and thereafter may be used to destroy or put out to pasture any horse or other equine belonging to any component or agency of the Department of Homeland Security that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

(Pub. L. 112-74, div. D, title V, § 526, Dec. 23, 2011, 125 Stat. 974.)

REFERENCES IN TEXT

This Act, referred to in text, means div. D of Pub. L. 112-74, Dec. 23, 2011, 125 Stat. 943, known as the Department of Homeland Security Appropriations Act, 2012. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2012, and also as part of the Consolidated Appropriations Act, 2012, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 454. Future Years Homeland Security Program

(a) In general

Each budget request submitted to Congress for the Department under section 1105 of title 31 shall, at or about the same time, be accompanied by a Future Years Homeland Security Program.

(b) Contents

The Future Years Homeland Security Program under subsection (a) of this section 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.)

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.”

§ 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) Redelelegation 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.)

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