

**(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.

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) 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 subdivi-

sion, 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 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.)

### 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 trans-

ferred 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.)

### 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

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