

## PART H—MISCELLANEOUS PROVISIONS

## § 451. Advisory committees

## (a) In general

The Secretary may establish, appoint members of, and use the services of, advisory committees, as the Secretary may deem necessary. An advisory committee established under this section may be exempted by the Secretary from Public Law 92-463, but the Secretary shall publish notice in the Federal Register announcing the establishment of such a committee and identifying its purpose and membership. Notwithstanding the preceding sentence, members of an advisory committee that is exempted by the Secretary under the preceding sentence who are special Government employees (as that term is defined in section 202 of title 18) shall be eligible for certifications under subsection (b)(3) of section 208 of title 18 for official actions taken as a member of such advisory committee.

## (b) Termination

Any advisory committee established by the Secretary shall terminate 2 years after the date of its establishment, unless the Secretary makes a written determination to extend the advisory committee to a specified date, which shall not be more than 2 years after the date on which such determination is made. The Secretary may make any number of subsequent extensions consistent with this subsection.

(Pub. L. 107-296, title VIII, § 871, Nov. 25, 2002, 116 Stat. 2243.)

## Editorial Notes

## REFERENCES IN TEXT

Public Law 92-463, referred to in subsec. (a), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, known as the Federal Advisory Committee Act, which is set out in the Appendix to Title 5, Government Organization and Employees.

## § 452. Reorganization

## (a) Reorganization

The Secretary may allocate or reallocate functions among the officers of the Department, and may establish, consolidate, alter, or discontinue organizational units within the Department, but only—

- (1) pursuant to section 542(b) of this title; or
- (2) after the expiration of 60 days after providing notice of such action to the appropriate congressional committees, which shall include an explanation of the rationale for the action.

## (b) Limitations

## (1) In general

Authority under subsection (a)(1) does not extend to the abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by this chapter.

## (2) Abolitions

Authority under subsection (a)(2) does not extend to the abolition of any agency, entity, organizational unit, program, or function established or required to be maintained by statute.

(Pub. L. 107-296, title VIII, § 872, Nov. 25, 2002, 116 Stat. 2243.)

## Editorial Notes

## REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(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.

## Statutory Notes and Related Subsidiaries

TRANSFER OF OFFICE OF BIOMETRIC IDENTITY  
MANAGEMENT AND FEDERAL PROTECTIVE SERVICE

Pub. L. 115-278, § 3, Nov. 16, 2018, 132 Stat. 4184, provided that:

“(a) OFFICE OF BIOMETRIC IDENTITY MANAGEMENT.—The Office of Biometric Identity Management of the Department of Homeland Security located in the National Protection and Programs Directorate of the Department of Homeland Security on the day before the date of enactment of this Act [Nov. 16, 2018] is hereby transferred to the Management Directorate of the Department.

“(b) FEDERAL PROTECTIVE SERVICE.—

“(1) IN GENERAL.—Not later than 90 days after the completion of the Government Accountability Office review of the organizational placement of the Federal Protective Service (authorized under section 1315 of title 40, United States Code), the Secretary of Homeland Security shall determine the appropriate placement of the Service within the Department of Homeland Security and commence the transfer of the Service to such component, directorate, or other office of the Department that the Secretary so determines appropriate.

“(2) EXCEPTION.—If the Secretary of Homeland Security determines pursuant to paragraph (1) that no component, directorate, or other office of the Department of Homeland Security is an appropriate placement for the Federal Protective Service, the Secretary shall—

“(A) provide to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate and the Office of Management and Budget a detailed explanation, in writing, of the reason for such determination that includes—

“(i) information on how the Department considered the Government Accountability Office review described in such paragraph;

“(ii) a list of the components, directorates, or other offices of the Department that were considered for such placement; and

“(iii) information on why each such component, directorate, or other office of the Department was determined to not be an appropriate placement for the Service;

“(B) not later than 120 days after the completion of the Government Accountability Office review described in such paragraph, develop and submit to the committees specified in subparagraph (A) and the Office of Management and Budget a plan to coordinate with other appropriate Federal agencies, including the General Services Administration, to determine a more appropriate placement for the Service; and

“(C) not later than 180 days after the completion of such Government Accountability Office review, submit to such committees and the Office of Management and Budget a recommendation regarding the appropriate placement of the Service within the executive branch of the Federal Government.”

**§ 453. Use of appropriated funds****(a) Disposal of property****(1) Strict compliance**

If specifically authorized to dispose of real property in this chapter or any other Act, the Secretary shall exercise this authority in strict compliance with subchapter IV of chapter 5 of title 40.

**(2) Deposit of proceeds**

The Secretary shall deposit the proceeds of any exercise of property disposal authority into the miscellaneous receipts of the Treasury in accordance with section 3302(b) of title 31.

**(b) Gifts**

Except as authorized by section 2601 of title 10, by section 93<sup>1</sup> of title 14, or by section 321n or 464 of this title, gifts or donations of services or property of or for the Department may not be accepted, used, or disposed of unless specifically permitted in advance in an appropriations Act and only under the conditions and for the purposes specified in such appropriations Act.

**(c) Budget request**

Under section 1105 of title 31, the President shall submit to Congress a detailed budget request for the Department for fiscal year 2004, and for each subsequent fiscal year.

(Pub. L. 107-296, title VIII, § 873, Nov. 25, 2002, 116 Stat. 2243; Pub. L. 108-7, div. L, § 103(3), Feb. 20, 2003, 117 Stat. 529; Pub. L. 111-245, § 2(a)(2), Sept. 30, 2010, 124 Stat. 2621.)

**Editorial Notes**

## REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(1), was in the original a reference to 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.

Section 93 of title 14, referred to in subsec. (b), was redesignated section 504 of title 14 by Pub. L. 115-282, title I, § 105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 93 of title 14 deemed to refer to such redesignated section, see section 123(b)(1) of Pub. L. 115-282, set out as a References to Sections of Title 14 as Redesignated by Pub. L. 115-282 note preceding section 101 of Title 14, Coast Guard.

## CODIFICATION

In subsec. (a)(1), “subchapter IV of chapter 5 of title 40” substituted for “section 204 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485)” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

## AMENDMENTS

2010—Subsec. (b). Pub. L. 111-245 substituted “title 10, by section 93 of title 14, or by section 321n or 464 of this title, gifts or donations” for “title 10 and by section 93 of title 14, gifts or donations”.

2003—Subsec. (b). Pub. L. 108-7 substituted “Except as authorized by section 2601 of title 10 and by section 93 of title 14, gifts” for “Gifts”.

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

**§ 453a. Additional uses of appropriated funds**

In fiscal year 2004 and thereafter, unless otherwise provided, funds may be used for purchase of uniforms without regard to the general purchase price limitation for the current fiscal year; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State to furnish health and medical services to employees and their dependents serving in foreign countries; services authorized by section 3109 of title 5; and the hire and purchase of motor vehicles, as authorized by section 1343 of title 31: *Provided*, That purchase for police-type use of passenger vehicles may be made without regard to the general purchase price limitation for the current fiscal year.

(Pub. L. 108-90, title V, § 505, Oct. 1, 2003, 117 Stat. 1153.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Department of Homeland Security Appropriations Act, 2004, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

**§ 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)<sup>1</sup> 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.

<sup>1</sup> So in original. No par. (2) has been enacted.