

existence of a public health emergency under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), the Secretary of Health and Human Services shall keep relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, fully and currently informed.

(3) Potential public health emergency

In cases involving, or potentially involving, a public health emergency, but in which no determination of an emergency by the Secretary of Health and Human Services under section 319(a) of the Public Health Service Act (42 U.S.C. 247d(a)), has been made, all relevant agencies, including the Department of Homeland Security, the Department of Justice, and the Federal Bureau of Investigation, shall keep the Secretary of Health and Human Services and the Director of the Centers for Disease Control and Prevention fully and currently informed.

(Pub. L. 107–296, title VIII, § 887, Nov. 25, 2002, 116 Stat. 2248.)

§ 468. Preserving Coast Guard mission performance

(a) Definitions

In this section:

(1) Non-homeland security missions

The term “non-homeland security missions” means the following missions of the Coast Guard:

- (A) Marine safety.
- (B) Search and rescue.
- (C) Aids to navigation.
- (D) Living marine resources (fisheries law enforcement).
- (E) Marine environmental protection.
- (F) Ice operations.

(2) Homeland security missions

The term “homeland security missions” means the following missions of the Coast Guard:

- (A) Ports, waterways and coastal security.
- (B) Drug interdiction.
- (C) Migrant interdiction.
- (D) Defense readiness.
- (E) Other law enforcement.

(b) Transfer

There are transferred to the Department the authorities, functions, personnel, and assets of the Coast Guard, which shall be maintained as a distinct entity within the Department, including the authorities and functions of the Secretary of Transportation relating thereto.

(c) Maintenance of status of functions and assets

Notwithstanding any other provision of this chapter, the authorities, functions, and capabilities of the Coast Guard to perform its missions shall be maintained intact and without significant reduction after the transfer of the Coast Guard to the Department, except as specified in subsequent Acts.

(d) Certain transfers prohibited

No mission, function, or asset (including for purposes of this subsection any ship, aircraft, or

helicopter) of the Coast Guard may be diverted to the principal and continuing use of any other organization, unit, or entity of the Department, except for details or assignments that do not reduce the Coast Guard’s capability to perform its missions.

(e) Changes to missions

(1) Prohibition

The Secretary may not substantially or significantly reduce the missions of the Coast Guard or the Coast Guard’s capability to perform those missions, except as specified in subsequent Acts.

(2) Waiver

The Secretary may waive the restrictions under paragraph (1) for a period of not to exceed 90 days upon a declaration and certification by the Secretary to Congress that a clear, compelling, and immediate need exists for such a waiver. A certification under this paragraph shall include a detailed justification for the declaration and certification, including the reasons and specific information that demonstrate that the Nation and the Coast Guard cannot respond effectively if the restrictions under paragraph (1) are not waived.

(f) Annual review

(1) In general

The Inspector General of the Department shall conduct an annual review that shall assess thoroughly the performance by the Coast Guard of all missions of the Coast Guard (including non-homeland security missions and homeland security missions) with a particular emphasis on examining the non-homeland security missions.

(2) Report

The report under this paragraph shall be submitted to—

- (A) the Committee on Governmental Affairs of the Senate;
- (B) the Committee on Government Reform of the House of Representatives;
- (C) the Committees on Appropriations of the Senate and the House of Representatives;
- (D) the Committee on Commerce, Science, and Transportation of the Senate; and
- (E) the Committee on Transportation and Infrastructure of the House of Representatives.

(g) Direct reporting to Secretary

Upon the transfer of the Coast Guard to the Department, the Commandant shall report directly to the Secretary without being required to report through any other official of the Department.

(h) Operation as a service in the Navy

None of the conditions and restrictions in this section shall apply when the Coast Guard operates as a service in the Navy under section 3 of title 14.

(i) Report on accelerating the Integrated Deep-water System

Not later than 90 days after November 25, 2002, the Secretary, in consultation with the Com-

mandant of the Coast Guard, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives that—

- (1) analyzes the feasibility of accelerating the rate of procurement in the Coast Guard's Integrated Deepwater System from 20 years to 10 years;
- (2) includes an estimate of additional resources required;
- (3) describes the resulting increased capabilities;
- (4) outlines any increases in the Coast Guard's homeland security readiness;
- (5) describes any increases in operational efficiencies; and
- (6) provides a revised asset phase-in time line.

(Pub. L. 107–296, title VIII, § 888, Nov. 25, 2002, 116 Stat. 2249.)

CHANGE OF NAME

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 469. Fees for credentialing and background investigations in transportation

For fiscal year 2004 and thereafter, the Secretary of Homeland Security shall charge reasonable fees for providing credentialing and background investigations in the field of transportation: *Provided*, That the establishment and collection of fees shall be subject to the following requirements:

- (1) such fees, in the aggregate, shall not exceed the costs incurred by the Department of Homeland Security associated with providing the credential or performing the background record checks;
- (2) the Secretary shall charge fees in amounts that are reasonably related to the costs of providing services in connection with the activity or item for which the fee is charged;
- (3) a fee may not be collected except to the extent such fee will be expended to pay for the costs of conducting or obtaining a criminal history record check and a review of available law enforcement databases and commercial databases and records of other governmental and international agencies; reviewing and adjudicating requests for waiver and appeals of agency decisions with respect to providing the credential, performing the background record check, and denying requests for waiver and appeals; and any other costs related to providing the credential or performing the background record check; and
- (4) any fee collected shall be available for expenditure only to pay the costs incurred in

providing services in connection with the activity or item for which the fee is charged and shall remain available until expended.

(Pub. L. 108–90, title V, § 520, Oct. 1, 2003, 117 Stat. 1156.)

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.

§ 470. Disclosures regarding homeland security grants

(a) Definitions

In this section:

(1) Homeland security grant

The term “homeland security grant” means any grant made or administered by the Department, including—

- (A) the State Homeland Security Grant Program;
- (B) the Urban Area Security Initiative Grant Program;
- (C) the Law Enforcement Terrorism Prevention Program;
- (D) the Citizen Corps; and
- (E) the Metropolitan Medical Response System.

(2) Local government

The term “local government” has the meaning given the term in section 101 of this title.

(b) Required disclosures

Each State or local government that receives a homeland security grant shall, not later than 12 months after the later of October 13, 2006, and the date of receipt of such grant, and every 12 months thereafter until all funds provided under such grant are expended, submit a report to the Secretary that contains a list of all expenditures made by such State or local government using funds from such grant.

(Pub. L. 109–347, title VII, § 702, Oct. 13, 2006, 120 Stat. 1943.)

CODIFICATION

Section was enacted as part of the Security and Accountability For Every Port Act of 2006, also known as the SAFE Port Act, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

DEFINITIONS

For definitions of “Department” and “Secretary” as used in this section, see section 901 of this title.

PART I—INFORMATION SHARING

§ 481. Short title; findings; and sense of Congress

(a) Short title

This part may be cited as the “Homeland Security Information Sharing Act”.

(b) Findings

Congress finds the following:

- (1) The Federal Government is required by the Constitution to provide for the common defense, which includes terrorist attack.
- (2) The Federal Government relies on State and local personnel to protect against terrorist attack.