

Editorial Notes

REFERENCES IN TEXT

The Presidential Protection Assistance Act of 1976, referred to in subsec. (k)(3)(C)(i)(II), is Pub. L. 94-524, Oct. 17, 1976, 90 Stat. 2475, which enacted and amended provisions set out as notes under section 3056 of Title 18, Crimes and Criminal Procedure. For complete classification of this Act to the Code, see Tables.

Section 104 of title 14, referred to in subsec. (k)(3)(C)(iv), was redesignated section 528 of title 14 by Pub. L. 115-282, title I, §105(b), Dec. 4, 2018, 132 Stat. 4200, and references to section 104 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.

This chapter, referred to in subsec. (l)(1)(A), 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

TERMINATION DATE

Pub. L. 117-328, div. F, title V, §547, Dec. 29, 2022, 136 Stat. 4758, provided that: “Section 210G(i) of the Homeland Security Act of 2002 (6 U.S.C. 124n(i)) shall be applied by substituting ‘September 30, 2023’ for ‘the date that is 4 years after October 5, 2018’.”

§ 125. Annual report on intelligence activities of the Department of Homeland Security**(a) In general**

For each fiscal year and along with the budget materials submitted in support of the budget of the Department of Homeland Security pursuant to section 1105(a) of title 31, the Under Secretary for Intelligence and Analysis of the Department shall submit to the congressional intelligence committees a report for such fiscal year on each intelligence activity of each intelligence component of the Department, as designated by the Under Secretary, that includes the following:

- (1) The amount of funding requested for each such intelligence activity.
- (2) The number of full-time employees funded to perform each such intelligence activity.
- (3) The number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) funded to perform or in support of each such intelligence activity.
- (4) A determination as to whether each such intelligence activity is predominantly in support of national intelligence or departmental missions.
- (5) The total number of analysts of the Intelligence Enterprise of the Department that perform—
 - (A) strategic analysis; or
 - (B) operational analysis.

(b) Feasibility and advisability report

Not later than 120 days after December 19, 2014, the Secretary of Homeland Security, acting through the Under Secretary for Intelligence and Analysis, shall submit to the congressional intelligence committees a report that—

- (1) examines the feasibility and advisability of including the budget request for all intel-

ligence activities of each intelligence component of the Department that predominantly support departmental missions, as designated by the Under Secretary for Intelligence and Analysis, in the Homeland Security Intelligence Program; and

(2) includes a plan to enhance the coordination of department-wide intelligence activities to achieve greater efficiencies in the performance of the Department of Homeland Security intelligence functions.

(c) Intelligence component of the Department

In this section, the term “intelligence component of the Department” has the meaning given that term in section 101 of this title.

(Pub. L. 113-293, title III, §324, Dec. 19, 2014, 128 Stat. 4004.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

Statutory Notes and Related Subsidiaries

BRIEFING ON DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ACTIVITIES

Pub. L. 117-263, div. F, title LXVIII, §6819, Dec. 23, 2022, 136 Stat. 3611, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the following:

- “(A) The congressional intelligence committees.
- “(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.
- “(C) The Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

“(2) COMPONENT OF THE DEPARTMENT OF HOMELAND SECURITY.—The term ‘component of the Department of Homeland Security’ means the following components of the Department of Homeland Security:

- “(A) The Cybersecurity and Infrastructure Security Agency Threat Management Division.
- “(B) The Federal Emergency Management Agency Protection and National Preparedness, Office of Counterterrorism and Security Preparedness.
- “(C) The Transportation Security Administration Office of Intelligence and Analysis.
- “(D) The United States Citizenship and Immigration Services Fraud Detection and National Security Directorate, Field Operations Directorate, and Collateral Duty Intelligence.
- “(E) The United States Customs and Border Protection Office of Intelligence.
- “(F) The United States Immigration and Customs Enforcement Homeland Security Investigations, Office of Intelligence, and Special Agent in Charge Intelligence Program.

“(3) INTELLIGENCE ACTIVITY.—The term ‘intelligence activity’ shall be interpreted consistent with how such term is used in section 502 of the National Security Act of 1947 (50 U.S.C. 3092).

“(b) BRIEFING ON INTELLIGENCE ACTIVITIES.—Consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091), not later than 30 days after the date of the enactment of this Act [Dec. 23, 2022], the Chief Intelligence Officer of the Department of Homeland Security shall provide the appropriate congressional committees a briefing on the intelligence activi-

ties of elements of the Department of Homeland Security that are not elements of the intelligence community. Such briefing shall include the following:

“(1) A comprehensive description of all intelligence activities conducted during the period beginning on January 1, 2018, and ending on the date of the briefing, by any component of the Department of Homeland Security that conducts intelligence activities.

“(2) With respect to each such intelligence activity, a description of the activity, including, at a minimum—

“(A) the nature of the activity;

“(B) the component undertaking the activity;

“(C) the legal authority for such activity; and

“(D) the source of funding for such activity.

“(3) A description and the quantity of any types of finished intelligence products, or intelligence information reports, produced or contributed to by a component of the Department of Homeland Security that conducts intelligence activities during the period specified in paragraph (1).

“(4) An identification of any external or internal guidelines, policies, processes, practices, or programs governing the collection, retention, analysis, or dissemination by such a component of information regarding United States citizens, lawful permanent residents of the United States, or individuals located within the United States.

“(c) FORM.—The briefing under subsection (b) may be provided in classified form.

“(d) ADDITIONAL BRIEFINGS.—Not later than 1 year after the date on which the Chief Intelligence Officer provides the briefing under subsection (b) and not less frequently than once each year thereafter, the Chief Intelligence Officer shall provide the appropriate congressional committees a briefing on any new intelligence activities commenced by any component of the Department of Homeland Security and any that have been terminated.”

[For definitions of “congressional intelligence committees” and “intelligence community” as used in section 6819 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of Title 50, War and National Defense.]

DEFINITIONS

“Congressional intelligence committees” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, see section 2 of Pub. L. 113-293, set out as a note under section 3003 of Title 50, War and National Defense.

§ 126. Department of Homeland Security data framework

(a) In general

(1) Development

The Secretary of Homeland Security shall develop a data framework to integrate existing Department of Homeland Security datasets and systems, as appropriate, for access by authorized personnel in a manner consistent with relevant legal authorities and privacy, civil rights, and civil liberties policies and protections.

(2) Requirements

In developing the framework required under paragraph (1), the Secretary of Homeland Security shall ensure, in accordance with all applicable statutory and regulatory requirements, the following information is included:

(A) All information acquired, held, or obtained by an office or component of the Department of Homeland Security that falls within the scope of the information sharing

environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence.

(B) Any information or intelligence relevant to priority mission needs and capability requirements of the homeland security enterprise, as determined appropriate by the Secretary.

(b) Data framework access

(1) In general

The Secretary of Homeland Security shall ensure that the data framework required under this section is accessible to employees of the Department of Homeland Security who the Secretary determines—

(A) have an appropriate security clearance;

(B) are assigned to perform a function that requires access to information in such framework; and

(C) are trained in applicable standards for safeguarding and using such information.

(2) Guidance

The Secretary of Homeland Security shall—

(A) issue guidance for Department of Homeland Security employees authorized to access and contribute to the data framework pursuant to paragraph (1); and

(B) ensure that such guidance enforces a duty to share between offices and components of the Department when accessing or contributing to such framework for mission needs.

(3) Efficiency

The Secretary of Homeland Security shall promulgate data standards and instruct components of the Department of Homeland Security to make available information through the data framework required under this section in a machine-readable standard format, to the greatest extent practicable.

(c) Exclusion of information

The Secretary of Homeland Security may exclude information from the data framework required under this section if the Secretary determines inclusion of such information may—

(1) jeopardize the protection of sources, methods, or activities;

(2) compromise a criminal or national security investigation;

(3) be inconsistent with other Federal laws or regulations; or

(4) be duplicative or not serve an operational purpose if included in such framework.

(d) Safeguards

The Secretary of Homeland Security shall incorporate into the data framework required under this section systems capabilities for auditing and ensuring the security of information included in such framework. Such capabilities shall include the following:

(1) Mechanisms for identifying insider threats.

(2) Mechanisms for identifying security risks.

(3) Safeguards for privacy, civil rights, and civil liberties.