

this title. For complete classification of this Act to the Code, see section 1 of Pub. L. 117–322, set out as a Short Title of 2022 Amendment note under section 101 of this title and Tables.

CODIFICATION

Section was enacted as part of the Countering Human Trafficking Act of 2021, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

Statutory Notes and Related Subsidiaries

FORCED LABOR REQUIREMENTS: DEPARTMENT OF HOMELAND SECURITY

Pub. L. 117–347, title IV, § 406(b), Jan. 5, 2023, 136 Stat. 6209, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act [Jan. 5, 2023], the Secretary of Homeland Security shall establish a team of not less than 10 agents within the Center for Countering Human Trafficking of the Department of Homeland Security to be assigned to exclusively investigate labor trafficking.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out paragraph (1) \$2,000,000 for each of fiscal years 2022 to 2027, to remain available until expended.”

SENSE OF CONGRESS

Pub. L. 117–322, § 2, Dec. 27, 2022, 136 Stat. 4433, provided that: “It is the sense of Congress that—

“(1) the victim-centered approach must become universally understood, adopted, and practiced;

“(2) criminal justice efforts must increase the focus on, and adeptness at, investigating and prosecuting forced labor cases;

“(3) corporations must eradicate forced labor from their supply chains;

“(4) the Department of Homeland Security must lead by example—

“(A) by ensuring that its government supply chain of contracts and procurement are not tainted by forced labor; and

“(B) by leveraging all of its authorities against the importation of goods produced with forced labor; and

“(5) human trafficking training, awareness, identification, and screening efforts—

“(A) are a necessary first step for prevention, protection, and enforcement; and

“(B) should be evidence-based to be most effective.”

§ 242b. Reports

(a) Information sharing to facilitate reports and analysis

Each subagency of the Department of Homeland Security shall share with CCHT—

(1) any information needed by CCHT to develop the strategy and proposal required under section 4(a);¹ and

(2) any additional data analysis to help CCHT better understand the issues surrounding human trafficking.

(b) Report to Congress

Not later than 1 year after December 27, 2022, the CCHT Director shall submit a report to Congress that identifies any legislation that is needed to facilitate the Department of Homeland Security’s mission to end human trafficking.

(c) Annual report on potential human trafficking victims

Not later than 1 year after December 27, 2022, and annually thereafter, the Secretary of Home-

land Security shall submit a report to Congress that includes—

(1) the numbers of screened and identified potential victims of trafficking (as defined in section 7102(17) of title 22) at or near the international border between the United States and Mexico, including a summary of the age ranges of such victims and their countries of origin; and

(2) an update on the Department of Homeland Security’s efforts to establish protocols and methods for personnel to report human trafficking, pursuant to the Department of Homeland Security Strategy to Combat Human Trafficking, the Importation of Goods Produced with Forced Labor, and Child Sexual Exploitation, published in January 2020.

(Pub. L. 117–322, § 5, Dec. 27, 2022, 136 Stat. 4435.)

Editorial Notes

REFERENCES IN TEXT

CCHT, referred to in text, means the Center for Countering Human Trafficking, see section 242a(a)(1) of this title.

Section 4(a), referred to in subsec. (a)(1), means section 4(a) of Pub. L. 117–322, Dec. 27, 2022, 136 Stat. 4435, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Countering Human Trafficking Act of 2021, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 243. Maritime operations coordination plan

(a) In general

Not later than 180 days after October 5, 2018, and biennially thereafter, the Secretary shall—

(1) update the Maritime Operations Coordination Plan, published by the Department on July 7, 2011, to strengthen coordination, planning, information sharing, and intelligence integration for maritime operations of components and offices of the Department with responsibility for maritime security missions; and

(2) submit each update to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

(b) Contents

Each update shall address the following:

(1) Coordinating the planning, integration of maritime operations, and development of joint maritime domain awareness efforts of any component or office of the Department with responsibility for maritime security missions.

(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

(3) Cooperating and coordinating with Federal departments and agencies, and State and local agencies, in the maritime environment, in support of maritime security missions.

(4) Highlighting the work completed within the context of other national and Department

¹ See References in Text note below.

maritime security strategic guidance and how that work fits with the Maritime Operations Coordination Plan.

(Pub. L. 107-296, title IV, § 435, as added Pub. L. 115-254, div. J, § 1807(a), Oct. 5, 2018, 132 Stat. 3536.)

§ 244. Maritime security capabilities assessments

Not later than 180 days after October 5, 2018, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, an assessment of the number and type of maritime assets and the number of personnel required to increase the Department's maritime response rate pursuant to section 223 of this title.

(Pub. L. 107-296, title IV, § 436, as added Pub. L. 115-254, div. J, § 1811(a), Oct. 5, 2018, 132 Stat. 3538.)

§ 245. Operational data sharing capability

(a) In general

Not later than 18 months after December 23, 2022, the Secretary shall, consistent with the ongoing Integrated Multi-Domain Enterprise joint effort by the Department of Homeland Security and the Department of Defense, establish a secure, centralized capability to allow real-time, or near real-time, data and information sharing between Customs and Border Protection and the Coast Guard for purposes of maritime boundary domain awareness and enforcement activities along the maritime boundaries of the United States, including the maritime boundaries in the northern and southern continental United States and Alaska.

(b) Priority

In establishing the capability under subsection (a), the Secretary shall prioritize enforcement areas experiencing the highest levels of enforcement activity.

(c) Requirements

The capability established under subsection (a) shall be sufficient for the secure sharing of data, information, and surveillance necessary for operational missions, including data from governmental assets, irrespective of whether an asset located in or around mission operation areas belongs to the Coast Guard, Customs and Border Protection, or any other partner agency.

(d) Elements

The Commissioner of Customs and Border Protection and the Commandant shall jointly—

- (1) assess and delineate the types of data and quality of data sharing needed to meet the respective operational missions of Customs and Border Protection and the Coast Guard, including video surveillance, seismic sensors, infrared detection, space-based remote sensing, and any other data or information necessary;
- (2) develop appropriate requirements and processes for the credentialing of personnel of

Customs and Border Protection and personnel of the Coast Guard to access and use the capability established under subsection (a); and

- (3) establish a cost-sharing agreement for the long-term operation and maintenance of the capability and the assets that provide data to the capability.

(e) Report

Not later than 2 years after December 23, 2022, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives a report on the establishment of the capability under this section.

(f) Rule of construction

Nothing in this section may be construed to authorize the Coast Guard, Customs and Border Protection, or any other partner agency to acquire, share, or transfer personal information relating to an individual in violation of any Federal or State law or regulation.

(Pub. L. 117-263, div. K, title CXII, § 11264, Dec. 23, 2022, 136 Stat. 4062.)

Editorial Notes

CODIFICATION

Section was enacted as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Pub. L. 117-263, div. K, § 11003, Dec. 23, 2022, 136 Stat. 4003, provided that:

“(a) IN GENERAL.—Nothing in this division [div. K (§§ 11001–11808) of Pub. L. 117-263, see Tables for classification] may be construed—

“(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

“(2) to affect or modify any treaty or other right of any Tribal government.

“(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ‘Tribal government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act [Dec. 23, 2022] pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).”

DEFINITIONS

For definitions of “Secretary” and “Commandant” as referred to in this section, see section 11002 of div. K of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard.

PART D—IMMIGRATION ENFORCEMENT FUNCTIONS

§ 251. Transfer of functions

In accordance with subchapter XII (relating to transition provisions), there shall be transferred from the Commissioner of Immigration and Naturalization to the Secretary all functions per-