

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-