

cluding low-purity fentanyl, especially in counterfeit pressed tablets, and illicit pill press molds; and

(2) enhance detection of such counterfeit pressed tablets through nonintrusive, noninvasive, and other advanced screening technologies.

**(b) Evaluation of current technologies and strategies in illicit drug interdiction and procurement decisions**

**(1) In general**

The Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall establish a program to collect available data and develop metrics to measure how technologies and strategies used by the Department of Homeland Security, U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and other relevant Federal agencies have helped detect trafficked illicit fentanyl, fentanyl analogs, and precursor chemicals or deter illicit fentanyl, fentanyl analogs, and precursor chemicals from being trafficked into the United States at and between land, air, and sea ports of entry.

**(2) Considerations**

The data and metrics program established pursuant to paragraph (1) may consider—

(A) the rate of detection of illicit fentanyl, fentanyl analogs, and precursor chemicals at land, air, and sea ports of entry;

(B) investigations and intelligence sharing into the origins of illicit fentanyl, fentanyl analogs, and precursor chemicals within the United States; and

(C) other data or metrics considered appropriate by the Secretary of Homeland Security.

**(3) Updates**

The Secretary of Homeland Security, as appropriate and in the coordination with the officials referred to in paragraph (1), may update the data and metrics program established pursuant to paragraph (1).

**(4) Reports**

**(A) Secretary of Homeland Security**

Not later than one year after December 23, 2022, and biennially thereafter, the Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy shall, based on the data collected and metrics developed pursuant to the program established pursuant to paragraph (1), submit to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate a report that—

(i) examines and analyzes current technologies, including pilot technologies, deployed at land, air, and sea ports of entry to assess how well such technologies detect, deter, and address illicit fentanyl, fentanyl analogs, and precursor chemicals; and

(ii) examines and analyzes current technologies, including pilot technologies, deployed between land ports of entry to assess how well and accurately such technologies detect, deter, interdict, and address illicit fentanyl, fentanyl analogs, and precursor chemicals;<sup>1</sup>

**(B) Government Accountability Office**

Not later than one year after the submission of each of the first three reports required under subparagraph (A), the Comptroller General of the United States shall submit to the Committee on Homeland Security, the Committee on Energy and Commerce, the Committee on Science, Space, and Technology, and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on the Judiciary of the Senate a report that evaluates and, as appropriate, makes recommendations to improve, the collection of data under the program established pursuant to paragraph (1) and metrics used in the subsequent reports required under such subparagraph.

(Pub. L. 117-263, div. G, title LXXI, §7136, Dec. 23, 2022, 136 Stat. 3650.)

**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.

**PART C—MISCELLANEOUS PROVISIONS**

**§ 231. Transfer of certain agricultural inspection functions of the Department of Agriculture**

**(a) Transfer of agricultural import and entry inspection functions**

There shall be transferred to the Secretary the functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under the laws specified in subsection (b).

**(b) Covered animal and plant protection laws**

The laws referred to in subsection (a) are the following:

(1) The Act commonly known as the Virus-Serum-Toxin Act (the eighth paragraph under the heading “Bureau of Animal Industry” in the Act of March 4, 1913; 21 U.S.C. 151 et seq.).

(2) Section 1 of the Act of August 31, 1922 (commonly known as the Honeybee Act; 7 U.S.C. 281).

(3) Title III of the Federal Seed Act (7 U.S.C. 1581 et seq.).

<sup>1</sup> So in original. The semicolon probably should be a period.

(4) The Plant Protection Act (7 U.S.C. 7701 et seq.).

(5) The Animal Health Protection Act (subtitle E of title X of Public Law 107-171; 7 U.S.C. 8301 et seq.).

(6) The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.).

(7) Section 11 of the Endangered Species Act of 1973 (16 U.S.C. 1540).

**(c) Exclusion of quarantine activities**

For purposes of this section, the term “functions” does not include any quarantine activities carried out under the laws specified in subsection (b).

**(d) Effect of transfer**

**(1) Compliance with Department of Agriculture regulations**

The authority transferred pursuant to subsection (a) shall be exercised by the Secretary in accordance with the regulations, policies, and procedures issued by the Secretary of Agriculture regarding the administration of the laws specified in subsection (b).

**(2) Rulemaking coordination**

The Secretary of Agriculture shall coordinate with the Secretary whenever the Secretary of Agriculture prescribes regulations, policies, or procedures for administering the functions transferred under subsection (a) under a law specified in subsection (b).

**(3) Effective administration**

The Secretary, in consultation with the Secretary of Agriculture, may issue such directives and guidelines as are necessary to ensure the effective use of personnel of the Department of Homeland Security to carry out the functions transferred pursuant to subsection (a).

**(e) Transfer agreement**

**(1) Agreement required; revision**

Before the end of the transition period, as defined in section 541 of this title, the Secretary of Agriculture and the Secretary shall enter into an agreement to effectuate the transfer of functions required by subsection (a) of this section. The Secretary of Agriculture and the Secretary may jointly revise the agreement as necessary thereafter.

**(2) Required terms**

The agreement required by this subsection shall specifically address the following:

(A) The supervision by the Secretary of Agriculture of the training of employees of the Secretary to carry out the functions transferred pursuant to subsection (a).

(B) The transfer of funds to the Secretary under subsection (f).

**(3) Cooperation and reciprocity**

The Secretary of Agriculture and the Secretary may include as part of the agreement the following:

(A) Authority for the Secretary to perform functions delegated to the Animal and Plant Health Inspection Service of the Department of Agriculture regarding the protection of domestic livestock and plants, but not trans-

ferred to the Secretary pursuant to subsection (a).

(B) Authority for the Secretary of Agriculture to use employees of the Department of Homeland Security to carry out authorities delegated to the Animal and Plant Health Inspection Service regarding the protection of domestic livestock and plants.

**(f) Periodic transfer of funds to Department of Homeland Security**

**(1) Transfer of funds**

Out of funds collected by fees authorized under sections 136 and 136a of title 21, the Secretary of Agriculture shall transfer, from time to time in accordance with the agreement under subsection (e), to the Secretary funds for activities carried out by the Secretary for which such fees were collected.

**(2) Limitation**

The proportion of fees collected pursuant to such sections that are transferred to the Secretary under this subsection may not exceed the proportion of the costs incurred by the Secretary to all costs incurred to carry out activities funded by such fees.

**(g) Transfer of Department of Agriculture employees**

Not later than the completion of the transition period defined under section 541 of this title, the Secretary of Agriculture shall transfer to the Secretary not more than 3,200 full-time equivalent positions of the Department of Agriculture.

(Pub. L. 107-296, title IV, § 421, Nov. 25, 2002, 116 Stat. 2182.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Virus-Serum-Toxin Act, referred to in subsec. (b)(1), is the eighth paragraph under the heading “Bureau of Animal Industry” in act Mar. 4, 1913, ch. 145, 37 Stat. 832, 833, which is classified generally to chapter 5 (§ 151 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 151 of Title 21 and Tables.

The Federal Seed Act, referred to in subsec. (b)(3), is act Aug. 9, 1939, ch. 615, 53 Stat. 1275. Title III of the Act is classified generally to subchapter III (§ 1581 et seq.) of chapter 37 of Title 7, Agriculture. For complete classification of this Act to the Code, see section 1551 of Title 7 and Tables.

The Plant Protection Act, referred to in subsec. (b)(4), is title IV of Pub. L. 106-224, June 20, 2000, 114 Stat. 438, which is classified principally to chapter 104 (§ 7701 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 7701 of Title 7 and Tables.

The Animal Health Protection Act, referred to in subsec. (b)(5), is subtitle E (§§ 10401-10418) of title X of Pub. L. 107-171, May 13, 2002, 116 Stat. 494, which is classified principally to chapter 109 (§ 8301 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 8301 of Title 7 and Tables.

The Lacey Act Amendments of 1981, referred to in subsec. (b)(6), is Pub. L. 97-79, Nov. 16, 1981, 95 Stat. 1073, which enacted chapter 53 (§ 3371 et seq.) of Title 16, Conservation, amended section 1540 of Title 16 and section 42 of Title 18, Crimes and Criminal Procedure, repealed sections 667e and 851 to 856 of Title 16 and sections 43, 44, 3054, and 3112 of Title 18, and enacted provi-

sions set out as notes under sections 1540 and 3371 of Title 16. For complete classification of this Act to the Code, see Short Title note set out under section 3371 of Title 16 and Tables.

#### CODIFICATION

Section is comprised of section 421 of Pub. L. 107–296. Subsec. (h) of section 421 of Pub. L. 107–296 amended sections 2279e and 2279f of Title 7, Agriculture.

### § 232. Functions of Administrator of General Services

#### (a) Operation, maintenance, and protection of Federal buildings and grounds

Nothing in this chapter may be construed to affect the functions or authorities of the Administrator of General Services with respect to the operation, maintenance, and protection of buildings and grounds owned or occupied by the Federal Government and under the jurisdiction, custody, or control of the Administrator. Except for the law enforcement and related security functions transferred under section 203(3) of this title, the Administrator shall retain all powers, functions, and authorities vested in the Administrator under chapter 1, except section 121(e)(2)(A), and chapters 5 to 11 of title 40 and other provisions of law that are necessary for the operation, maintenance, and protection of such buildings and grounds.

#### (b) Collection of rents and fees; Federal Buildings Fund

##### (1) Statutory construction

Nothing in this chapter may be construed—

(A) to direct the transfer of, or affect, the authority of the Administrator of General Services to collect rents and fees, including fees collected for protective services; or

(B) to authorize the Secretary or any other official in the Department to obligate amounts in the Federal Buildings Fund established by section 592 of title 40.

##### (2) Use of transferred amounts

Any amounts transferred by the Administrator of General Services to the Secretary out of rents and fees collected by the Administrator shall be used by the Secretary solely for the protection of buildings or grounds owned or occupied by the Federal Government.

(Pub. L. 107–296, title IV, § 422, Nov. 25, 2002, 116 Stat. 2184.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (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.

#### CODIFICATION

“Chapter 1, except section 121(e)(2)(A), and chapters 5 to 11 of title 40” substituted in subsec. (a) for “chapter 10 of title 40” and “section 592 of title 40” substituted in subsec. (b)(1)(B) for “section 490(f) of title 40” 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.

### § 233. Functions of Transportation Security Administration

#### (a) Consultation with Federal Aviation Administration

The Secretary and other officials in the Department shall consult with the Administrator of the Federal Aviation Administration before taking any action that might affect aviation safety, air carrier operations, aircraft airworthiness, or the use of airspace. The Secretary shall establish a liaison office within the Department for the purpose of consulting with the Administrator of the Federal Aviation Administration.

#### (b) Report to Congress

Not later than 60 days after November 25, 2002, the Secretary of Transportation shall transmit to Congress a report containing a plan for complying with the requirements of section 44901(d) of title 49.

#### (c) Limitations on statutory construction

##### (1) Grant of authority

Nothing in this chapter may be construed to vest in the Secretary or any other official in the Department any authority over transportation security that is not vested in the Under Secretary of Transportation for Security, or in the Secretary of Transportation under chapter 449 of title 49 on the day before November 25, 2002.

##### (2) Obligation of AIP funds

Nothing in this chapter may be construed to authorize the Secretary or any other official in the Department to obligate amounts made available under section 48103 of title 49.

(Pub. L. 107–296, title IV, § 423, Nov. 25, 2002, 116 Stat. 2185.)

#### Editorial Notes

##### REFERENCES IN TEXT

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

##### CHANGE OF NAME

Reference to Under Secretary of Transportation for Security deemed to refer to Administrator of the Transportation Security Administration, see section 1194 of Pub. L. 115–254, set out as a note under section 114 of Title 49, Transportation.

### § 234. Preservation of Transportation Security Administration as a distinct entity

Notwithstanding any other provision of this chapter, the Transportation Security Administration shall be maintained as a distinct entity within the Department.

(Pub. L. 107–296, title IV, § 424, as added Pub. L. 114–125, title VIII, § 802(g)(1)(B)(iv)(I), Feb. 24, 2016, 130 Stat. 212.)

**Editorial Notes****REFERENCES IN TEXT**

This chapter, referred to in text, 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.

**PRIOR PROVISIONS**

A prior section 234, Pub. L. 107–296, title IV, § 424, Nov. 25, 2002, 116 Stat. 2185, provided for the preservation of the Transportation Security Administration as a distinct entity applicable until 2 years after Nov. 25, 2002, prior to repeal by Pub. L. 114–125, title VIII, § 802(g)(1)(B)(iv)(I), Feb. 24, 2016, 130 Stat. 212.

**§ 235. Coordination of information and information technology****(a) Definition of affected agency**

In this section, the term “affected agency” means—

- (1) the Department;
- (2) the Department of Agriculture;
- (3) the Department of Health and Human Services; and
- (4) any other department or agency determined to be appropriate by the Secretary.

**(b) Coordination**

The Secretary, in coordination with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary, shall ensure that appropriate information (as determined by the Secretary) concerning inspections of articles that are imported or entered into the United States, and are inspected or regulated by 1 or more affected agencies, is timely and efficiently exchanged between the affected agencies.

**(c) Report and plan**

Not later than 18 months after November 25, 2002, the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the head of each other department or agency determined to be appropriate by the Secretary, shall submit to Congress—

- (1) a report on the progress made in implementing this section; and
- (2) a plan to complete implementation of this section.

(Pub. L. 107–296, title IV, § 427, Nov. 25, 2002, 116 Stat. 2187.)

**§ 236. Visa issuance****(a) Definition**

In this subsection,<sup>1</sup> the term “consular officer”<sup>2</sup> has the meaning given that term under section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)).

**(b) In general**

Notwithstanding section 104(a) of the Immigration and Nationality Act (8 U.S.C. 1104(a)) or

any other provision of law, and except as provided in subsection (c) of this section, the Secretary—

(1) shall be vested exclusively with all authorities to issue regulations with respect to, administer, and enforce the provisions of such Act [8 U.S.C. 1101 et seq.], and of all other immigration and nationality laws, relating to the functions of consular officers of the United States in connection with the granting or refusal of visas, and shall have the authority to refuse visas in accordance with law and to develop programs of homeland security training for consular officers (in addition to consular training provided by the Secretary of State), which authorities shall be exercised through the Secretary of State, except that the Secretary shall not have authority to alter or reverse the decision of a consular officer to refuse a visa to an alien; and

(2) shall have authority to confer or impose upon any officer or employee of the United States, with the consent of the head of the executive agency under whose jurisdiction such officer or employee is serving, any of the functions specified in paragraph (1).

**(c) Authority of the Secretary of State****(1) In general**

Notwithstanding subsection (b), the Secretary of State may direct a consular officer to refuse a visa to an alien if the Secretary of State deems such refusal necessary or advisable in the foreign policy or security interests of the United States.

**(2) Construction regarding authority**

Nothing in this section, consistent with the Secretary of Homeland Security’s authority to refuse visas in accordance with law, shall be construed as affecting the authorities of the Secretary of State under the following provisions of law:

(A) Section 101(a)(15)(A) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(A)).

(B) Section 204(d)(2) of the Immigration and Nationality Act (8 U.S.C. 1154) (as it will take effect upon the entry into force of the Convention on Protection of Children and Cooperation in Respect to Inter-Country adoption).

(C) Section 212(a)(3)(B)(i)(IV)(bb) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(IV)(bb)).

(D) Section 212(a)(3)(B)(i)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(i)(VI)).

(E) Section 212(a)(3)(B)(vi)(II) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(vi)(II)).

(F) Section 212(a)(3)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(C)).

(G) Section 212(a)(10)(C) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(C)).

(H) Section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)).

(I) Section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a)).

(J) Section 237(a)(4)(C) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)(C)).

<sup>1</sup> So in original. Probably should be “section”.

<sup>2</sup> So in original. Probably should be “‘consular officer’”.

(K) Section 401 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 [22 U.S.C. 6091].

(L) Section 613 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1999<sup>3</sup> (as contained in section 101(b) of division A of Public Law 105-277) (Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; 112 Stat. 2681; H.R. 4328 (originally H.R. 4276) as amended by section 617 of Public Law 106-553).

(M) Section 103(f) of the Chemical Weapon Convention Implementation Act of 1998 [22 U.S.C. 6713(f)] (112 Stat. 2681-865).

(N) Section 801 of H.R. 3427, the Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act, Fiscal Years 2000 and 2001 [8 U.S.C. 1182e], as enacted by reference in Public Law 106-113.

(O) Section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002 (Public Law 107-115).

(P) Section 51 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2723).

**(d) Consular officers and chiefs of missions**

**(1) In general**

Nothing in this section may be construed to alter or affect—

(A) the employment status of consular officers as employees of the Department of State; or

(B) the authority of a chief of mission under section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927).

**(2) Construction regarding delegation of authority**

Nothing in this section shall be construed to affect any delegation of authority to the Secretary of State by the President pursuant to any proclamation issued under section 212(f) of the Immigration and Nationality Act (8 U.S.C. 1182(f)), consistent with the Secretary of Homeland Security's authority to refuse visas in accordance with law.

**(e) Assignment of Homeland Security employees to diplomatic and consular posts**

**(1) In general**

The Secretary is authorized to assign employees of the Department to each diplomatic and consular post at which visas are issued, unless the Secretary determines that such an assignment at a particular post would not promote homeland security.

**(2) Functions**

Employees assigned under paragraph (1) shall perform the following functions:

(A) Provide expert advice and training to consular officers regarding specific security threats relating to the adjudication of individual visa applications or classes of applications.

(B) Review any such applications, either on the initiative of the employee of the Department or upon request by a consular offi-

cer or other person charged with adjudicating such applications.

(C) Conduct investigations with respect to consular matters under the jurisdiction of the Secretary.

**(3) Evaluation of consular officers**

The Secretary of State shall evaluate, in consultation with the Secretary, as deemed appropriate by the Secretary, the performance of consular officers with respect to the processing and adjudication of applications for visas in accordance with performance standards developed by the Secretary for these procedures.

**(4) Report**

The Secretary shall, on an annual basis, submit a report to Congress that describes the basis for each determination under paragraph (1) that the assignment of an employee of the Department at a particular diplomatic post would not promote homeland security.

**(5) Permanent assignment; participation in terrorist lookout committee**

When appropriate, employees of the Department assigned to perform functions described in paragraph (2) may be assigned permanently to overseas diplomatic or consular posts with country-specific or regional responsibility. If the Secretary so directs, any such employee, when present at an overseas post, shall participate in the terrorist lookout committee established under section 304 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1733).

**(6) Training and hiring**

**(A) In general**

The Secretary shall ensure, to the extent possible, that any employees of the Department assigned to perform functions under paragraph (2) and, as appropriate, consular officers, shall be provided the necessary training to enable them to carry out such functions, including training in foreign languages, interview techniques, and fraud detection techniques, in conditions in the particular country where each employee is assigned, and in other appropriate areas of study.

**(B) Use of Center**

The Secretary is authorized to use the National Foreign Affairs Training Center, on a reimbursable basis, to obtain the training described in subparagraph (A).

**(7) Report**

Not later than 1 year after November 25, 2002, the Secretary and the Secretary of State shall submit to Congress—

(A) a report on the implementation of this subsection; and

(B) any legislative proposals necessary to further the objectives of this subsection.

**(8) Effective date**

This subsection shall take effect on the earlier of—

(A) the date on which the President publishes notice in the Federal Register that

<sup>3</sup> See References in Text note below.

the President has submitted a report to Congress setting forth a memorandum of understanding between the Secretary and the Secretary of State governing the implementation of this section; or

(B) the date occurring 1 year after November 25, 2002.

**(f) No creation of private right of action**

Nothing in this section shall be construed to create or authorize a private right of action to challenge a decision of a consular officer or other United States official or employee to grant or deny a visa.

**(g) Study regarding use of foreign nationals**

**(1) In general**

The Secretary of Homeland Security shall conduct a study of the role of foreign nationals in the granting or refusal of visas and other documents authorizing entry of aliens into the United States. The study shall address the following:

(A) The proper role, if any, of foreign nationals in the process of rendering decisions on such grants and refusals.

(B) Any security concerns involving the employment of foreign nationals.

(C) Whether there are cost-effective alternatives to the use of foreign nationals.

**(2) Report**

Not later than 1 year after November 25, 2002, the Secretary shall submit a report containing the findings of the study conducted under paragraph (1) to the Committee on the Judiciary, the Committee on International Relations, and the Committee on Government Reform of the House of Representatives, and the Committee on the Judiciary, the Committee on Foreign Relations, and the Committee on Government<sup>4</sup> Affairs of the Senate.

**(h) Report**

Not later than 120 days after November 25, 2002, the Director of the Office of Science and Technology Policy shall submit to Congress a report on how the provisions of this section will affect procedures for the issuance of student visas.

**(i) Visa issuance program for Saudi Arabia**

Notwithstanding any other provision of law, after November 25, 2002, all third party screening programs in Saudi Arabia shall be terminated. On-site personnel of the Department of Homeland Security shall review all visa applications prior to adjudication.

(Pub. L. 107-296, title IV, § 428, Nov. 25, 2002, 116 Stat. 2187.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Immigration and Nationality Act, referred to in subsec. (b)(1), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

<sup>4</sup> So in original. Probably should be “Governmental”.

Section 613 of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1999, referred to in subsec. (c)(2)(L), probably means section 101(b) [title VI, §616] of Pub. L. 105-277, div. A, Oct. 21, 1998, 112 Stat. 2681-50, 2681-114, which prohibits use of funds for issuance of visas to persons alleged to have ordered, carried out, or materially assisted in extrajudicial and political killings in Haiti and to certain others and is not classified to the Code.

Section 103(f) of the Chemical Weapon Convention Implementation Act of 1998, referred to in subsec. (c)(2)(M), probably means section 103(f) of the Chemical Weapons Convention Implementation Act of 1998, which is classified to section 6713(f) of Title 22, Foreign Relations and Intercourse.

Section 568 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2002, referred to in subsec. (c)(2)(O), is section 568 of title V of Pub. L. 107-115, Jan. 10, 2002, 115 Stat. 2166, which is not classified to the Code.

**Statutory Notes and Related Subsidiaries**

**CHANGE OF NAME**

References to National Foreign Affairs Training Center considered to refer to George P. Shultz National Foreign Affairs Training Center, see section 1(b) of Pub. L. 107-132, set out as a note under section 4021 of Title 22, Foreign Relations and Intercourse.

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

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. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

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.

**§ 237. Information on visa denials required to be entered into electronic data system**

**(a) In general**

Whenever a consular officer of the United States denies a visa to an applicant, the consular officer shall enter the fact and the basis of the denial and the name of the applicant into the interoperable electronic data system implemented under section 1722(a) of title 8.

**(b) Prohibition**

In the case of any alien with respect to whom a visa has been denied under subsection (a)—

(1) no subsequent visa may be issued to the alien unless the consular officer considering the alien's visa application has reviewed the information concerning the alien placed in the interoperable electronic data system, has indicated on the alien's application that the information has been reviewed, and has stated for the record why the visa is being issued or a waiver of visa ineligibility recommended in spite of that information; and

(2) the alien may not be admitted to the United States without a visa issued in accordance with the procedures described in paragraph (1).

(Pub. L. 107–296, title IV, § 429, Nov. 25, 2002, 116 Stat. 2191.)

### § 238. Office for Domestic Preparedness

#### (a) Establishment

There is established in the Department an Office for Domestic Preparedness.

#### (b) Director

There shall be a Director of the Office for Domestic Preparedness, who shall be appointed by the President.

#### (c) Responsibilities

The Office for Domestic Preparedness shall have the primary responsibility within the executive branch of Government for the preparedness of the United States for acts of terrorism, including—

(1) coordinating preparedness efforts at the Federal level, and working with all State, local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

(2) coordinating or, as appropriate, consolidating communications and systems of communications relating to homeland security at all levels of government;

(3) directing and supervising terrorism preparedness grant programs of the Federal Government (other than those programs administered by the Department of Health and Human Services) for all emergency response providers;

(4) incorporating the Strategy priorities into planning guidance on an agency level for the preparedness efforts of the Office for Domestic Preparedness;

(5) providing agency-specific training for agents and analysts within the Department, other agencies, and State and local agencies and international entities;

(6) as the lead executive branch agency for preparedness of the United States for acts of terrorism, cooperating closely with the Federal Emergency Management Agency, which shall have the primary responsibility within the executive branch to prepare for and mitigate the effects of nonterrorist-related disasters in the United States;

(7) assisting and supporting the Secretary, in coordination with other Directorates and entities outside the Department, in conducting appropriate risk analysis and risk management activities of State, local, and tribal governments consistent with the mission and functions of the Department;

(8) those elements of the Office of National Preparedness of the Federal Emergency Management Agency which relate to terrorism, which shall be consolidated within the Department in the Office for Domestic Preparedness established under this section; and

(9) helping to ensure the acquisition of interoperable communication technology by State and local governments and emergency response providers.

#### (d) Fiscal years 2003 and 2004

During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness

established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

(Pub. L. 107–296, title IV, § 430, Nov. 25, 2002, 116 Stat. 2191; Pub. L. 108–458, title VII, § 7303(h)(2), Dec. 17, 2004, 118 Stat. 3847; Pub. L. 112–166, § 2(f)(1), Aug. 10, 2012, 126 Stat. 1284; Pub. L. 114–125, title VIII, § 802(g)(1)(B)(iv)(II), Feb. 24, 2016, 130 Stat. 212.)

### Editorial Notes

#### AMENDMENTS

2016—Subsec. (a). Pub. L. 114–125, § 802(g)(1)(B)(iv)(II)(aa), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Office for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.”

Subsec. (b). Pub. L. 114–125, § 802(g)(1)(B)(iv)(II)(bb), struck out at end “The Director of the Office for Domestic Preparedness shall report directly to the Under Secretary for Border and Transportation Security.”

Subsec. (c)(7). Pub. L. 114–125, § 802(g)(1)(B)(iv)(II)(cc), substituted “functions of the Department” for “functions of the Directorate”.

2012—Subsec. (b). Pub. L. 112–166 struck out “, by and with the advice and consent of the Senate” before period at end of first sentence.

2004—Subsec. (c)(9). Pub. L. 108–458 added par. (9).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112–166, set out as a note under section 113 of this title.

### § 239. Office of Cargo Security Policy

#### (a) Establishment

There is established within the Department an Office of Cargo Security Policy (referred to in this section as the “Office”).

#### (b) Purpose

The Office shall—

(1) coordinate all Department policies relating to cargo security; and

(2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

#### (c) Director

##### (1) Appointment

The Office shall be headed by a Director, who shall—

(A) be appointed by the Secretary; and

(B) report to the Assistant Secretary for Policy.

##### (2) Responsibilities

The Director shall—

(A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;

(B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and

(C) coordinate the cargo security policies of the Department with the policies of other executive agencies.

(Pub. L. 107-296, title IV, § 431, as added Pub. L. 109-347, title III, § 301(a), Oct. 13, 2006, 120 Stat. 1920.)

#### Statutory Notes and Related Subsidiaries

##### RULE OF CONSTRUCTION

Pub. L. 109-347, title III, § 301(c), Oct. 13, 2006, 120 Stat. 1920, provided that: “Nothing in this section [enacting this section and section 1001 of this title] shall be construed to affect—

“(1) the authorities, functions, or capabilities of the Coast Guard to perform its missions; or

“(2) the requirement under section 888 of the Homeland Security Act (6 U.S.C. 468) that those authorities, functions, and capabilities be maintained intact.”

### § 240. Border Enforcement Security Task Force

#### (a) Establishment

There is established within the Department a program to be known as the Border Enforcement Security Task Force (referred to in this section as “BEST”).

#### (b) Purpose

The purpose of BEST is to establish units to enhance border security by addressing and reducing border security threats and violence by—

(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

#### (c) Composition and establishment of units

##### (1) Composition

BEST units may be comprised of personnel from—

(A) U.S. Immigration and Customs Enforcement;

(B) U.S. Customs and Border Protection;

(C) the United States Coast Guard;

(D) other Department personnel, as appropriate<sup>1</sup>

(E) other Federal agencies, as appropriate;

(F) appropriate State law enforcement agencies;

(G) foreign law enforcement agencies, as appropriate;

(H) local law enforcement agencies from affected border cities and communities; and

(I) appropriate tribal law enforcement agencies.

##### (2) Establishment of units

The Secretary is authorized to establish BEST units in jurisdictions in which such units can contribute to BEST missions, as appropriate. Before establishing a BEST unit, the Secretary shall consider—

(A) whether the area in which the BEST unit would be established is significantly impacted by cross-border threats;

(B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit;

(C) the extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions in the country; and

(D) whether or not an Integrated Border Enforcement Team already exists in the area in which the BEST unit would be established.

#### (3) Duplication of efforts

In determining whether to establish a new BEST unit or to expand an existing BEST unit in a given jurisdiction, the Secretary shall ensure that the BEST unit under consideration does not duplicate the efforts of other existing interagency task forces or centers within that jurisdiction.

#### (d) Operation

After determining the jurisdictions in which to establish BEST units under subsection (c)(2), and in order to provide Federal assistance to such jurisdictions, the Secretary may—

(1) direct the assignment of Federal personnel to BEST, subject to the approval of the head of the department or agency that employs such personnel; and

(2) take other actions to assist Federal, State, local, and tribal entities to participate in BEST, including providing financial assistance, as appropriate, for operational, administrative, salary reimbursement, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

#### (e) Report

Not later than 180 days after the date on which BEST is established under this section, and annually thereafter for the following 5 years, the Secretary shall submit a report to Congress that describes the effectiveness of BEST in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

(Pub. L. 107-296, title IV, § 432, as added Pub. L. 112-205, § 3(a), Dec. 7, 2012, 126 Stat. 1488; amended Pub. L. 117-159, div. A, title II, § 12004(j), June 25, 2022, 136 Stat. 1332.)

#### Editorial Notes

##### AMENDMENTS

2022—Subsec. (d)(2). Pub. L. 117-159 inserted “salary reimbursement,” after “administrative,”.

#### Statutory Notes and Related Subsidiaries

##### RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117-159 to be construed to allow the establishment of a Federal sys-

<sup>1</sup> So in original. Probably should be followed by a semicolon.



tem of registration of firearms, firearms owners, or firearms transactions or dispositions, see section 12004(k) of Pub. L. 117-159, set out as a note under section 922 of Title 18, Crimes and Criminal Procedure.

#### FINDINGS AND DECLARATION OF PURPOSES

Pub. L. 112-205, § 2, Dec. 7, 2012, 126 Stat. 1487, provided that: “Congress finds the following:

“(1) The Department of Homeland Security’s (DHS) overriding mission is to lead a unified national effort to protect the United States. United States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

“(2) Mexico’s northern border with the United States has experienced a dramatic surge in border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize their profits.

“(3) Law enforcement agencies at the United States northern border also face challenges from transnational smuggling organizations.

“(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

“(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney’s Office (USAO), along with other key Federal, State and local law enforcement agencies.

“(6) Foreign law enforcement agencies participating in BEST include Mexico’s Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).”

### § 241. Prevention of international child abduction

#### (a) Program established

The Secretary, through the Commissioner of U.S. Customs and Border Protection (referred to in this section as “CBP”), in coordination with the Secretary of State, the Attorney General, and the Director of the Federal Bureau of Investigation, shall establish a program that—

(1) seeks to prevent a child (as defined in section 1204(b)(1) of title 18) from departing from the territory of the United States if a parent or legal guardian of such child presents a court order from a court of competent jurisdiction prohibiting the removal of such child from the United States to a CBP Officer in sufficient time to prevent such departure for the duration of such court order; and

(2) leverages other existing authorities and processes to address the wrongful removal and return of a child.

#### (b) Interagency coordination

##### (1) In general

The Secretary of State shall convene and chair an interagency working group to prevent international parental child abduction. The group shall be composed of presidentially appointed, Senate confirmed officials from—

(A) the Department of State;

(B) the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement; and

(C) the Department of Justice, including the Federal Bureau of Investigation.

#### (2) Department of Defense

The Secretary of Defense shall designate an official within the Department of Defense—

(A) to coordinate with the Department of State on international child abduction issues; and

(B) to oversee activities designed to prevent or resolve international child abduction cases relating to active duty military service members.

(Pub. L. 107-296, title IV, § 433, as added Pub. L. 113-150, title III, § 301(a), Aug. 8, 2014, 128 Stat. 1822.)

### § 242. Department of Homeland Security Blue Campaign

#### (a) Definition

In this section, the term “human trafficking” means an act or practice described in paragraph (9) or (10)<sup>1</sup> of section 7102 of title 22.

#### (b) Establishment

There is established within the Department a program, which shall be known as the “Blue Campaign”. The Blue Campaign shall be headed by a Director, who shall be appointed by the Secretary.

#### (c) Purpose

The purpose of the Blue Campaign shall be to unify and coordinate Department efforts to address human trafficking.

#### (d) Responsibilities

The Secretary, working through the Director, shall, in accordance with subsection (e)—

(1) issue Department-wide guidance to appropriate Department personnel;

(2) develop training programs for such personnel;

(3) coordinate departmental efforts, including training for such personnel; and

(4) provide guidance and training on trauma-informed practices to ensure that human trafficking victims are afforded prompt access to victim support service providers, in addition to the assistance required under section 7105 of title 22, to address their immediate and long-term needs.

#### (e) Guidance and training

The Blue Campaign shall provide guidance and training to Department personnel and other Federal, State, tribal, and law enforcement personnel, as appropriate, regarding—

(1) programs to help identify instances of human trafficking;

(2) the types of information that should be collected and recorded in information technology systems utilized by the Department to help identify individuals suspected or convicted of human trafficking;

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

(3) systematic and routine information sharing within the Department and among Federal, State, tribal, and local law enforcement agencies regarding—

(A) individuals suspected or convicted of human trafficking; and

(B) patterns and practices of human trafficking;

(4) techniques to identify suspected victims of trafficking along the United States border and at airport security checkpoints;

(5) methods to be used by the Transportation Security Administration and personnel from other appropriate agencies to—

(A) train employees of the Transportation Security Administration to identify suspected victims of trafficking; and

(B) serve as a liaison and resource regarding human trafficking prevention to appropriate State, local, and private sector aviation workers and the traveling public;

(6) developing and utilizing, in consultation with the Blue Campaign Advisory Board established pursuant to subsection (g), resources such as indicator cards, fact sheets, pamphlets, posters, brochures, and radio and television campaigns to—

(A) educate partners and stakeholders; and

(B) increase public awareness of human trafficking;

(7) leveraging partnerships with State and local governmental, nongovernmental, and private sector organizations to raise public awareness of human trafficking; and

(8) any other activities the Secretary determines necessary to carry out the Blue Campaign.

#### **(f) Web-based training programs**

To enhance training opportunities, the Director of the Blue Campaign shall develop web-based interactive training videos that utilize a learning management system to provide online training opportunities. During the 10-year period beginning on the date that is 90 days after December 27, 2021, such training opportunities shall be made available to the following individuals:

(1) Federal, State, local, Tribal, and territorial law enforcement officers.

(2) Non-Federal correction system personnel.

(3) Such other individuals as the Director determines appropriate.

#### **(g) Blue Campaign Advisory Board**

##### **(1) In general**

There is established in the Department a Blue Campaign Advisory Board, which shall be comprised of representatives assigned by the Secretary from—

(A) the Office for Civil Rights and Civil Liberties of the Department;

(B) the Privacy Office of the Department; and

(C) not fewer than four other separate components or offices of the Department.

##### **(2) Charter**

The Secretary is authorized to issue a charter for the Blue Campaign Advisory Board, and such charter shall specify the following:

(A) The Board's mission, goals, and scope of its activities.

(B) The duties of the Board's representatives.

(C) The frequency of the Board's meetings.

#### **(3) Consultation**

The Director shall consult the Blue Campaign Advisory Board and, as appropriate, experts from other components and offices of the Center for Countering Human Trafficking of the Department regarding the following:

(A) Recruitment tactics used by human traffickers to inform the development of training and materials by the Blue Campaign.

(B) The development of effective awareness tools for distribution to Federal and non-Federal officials to identify and prevent instances of human trafficking.

(C) Identification of additional persons or entities that may be uniquely positioned to recognize signs of human trafficking and the development of materials for such persons.

#### **(h) Consultation**

With regard to the development of programs under the Blue Campaign and the implementation of such programs, the Director is authorized to consult with State, local, Tribal, and territorial agencies, non-governmental organizations, private sector organizations, and experts.

(Pub. L. 107–296, title IV, § 434, as added Pub. L. 115–125, § 2(a), Feb. 14, 2018, 132 Stat. 315; amended Pub. L. 117–81, div. F, title LXIV, § 6407, Dec. 27, 2021, 135 Stat. 2403.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Paragraphs (9) and (10) of section 7102 of title 22, referred to in subsec. (a), were redesignated pars. (11) and (12), respectively, of section 7102 of title 22 by Pub. L. 115–427, § 2(1), Jan. 9, 2019, 132 Stat. 5503.

##### **AMENDMENTS**

2021—Subsec. (e)(6). Pub. L. 117–81, § 6407(1), substituted “developing and utilizing, in consultation with the Blue Campaign Advisory Board established pursuant to subsection (g), resources” for “utilizing resources,” in introductory provisions.

Subsecs. (f) to (h). Pub. L. 117–81, § 6407(2), added subsecs. (f) to (h).

#### **Statutory Notes and Related Subsidiaries**

##### **TRANSFER OF OTHER FUNCTIONS RELATED TO HUMAN TRAFFICKING**

Pub. L. 117–322, § 6, Dec. 27, 2022, 136 Stat. 4436, provided that:

“(a) BLUE CAMPAIGN.—The functions and resources of the Blue Campaign located within the Office of Partnership and Engagement on the day before the date of the enactment of this Act [Dec. 27, 2022] are hereby transferred to CCHT [Center for Countering Human Trafficking].

“(b) OTHER TRANSFER.—

“(1) AUTHORIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security may transfer the functions and resources of any component, directorate, or other office of the Department of Homeland Security related to combating human trafficking to the CCHT.

“(2) NOTIFICATION.—Not later than 30 days before executing any transfer authorized under paragraph

(1), the Secretary of Homeland Security shall notify the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives of such planned transfer.”

#### INFORMATION TECHNOLOGY SYSTEMS

Pub. L. 115–125, §3, Feb. 14, 2018, 132 Stat. 316, provided that: “Not later than one year after the date of the enactment of this Act [Feb. 14, 2018], the Secretary of Homeland Security shall ensure, in accordance with the Department of Homeland Security-wide guidance required under section 434(d) of the Homeland Security Act of 2002 [6 U.S.C. 242(d)], as added by section 2 of this Act, the integration of information technology systems utilized within the Department to record and track information regarding individuals suspected or convicted of human trafficking (as such term is defined in such section).”

### § 242a. Department of Homeland Security Center for Countering Human Trafficking

#### (a) Establishment

##### (1) In general

The Secretary of Homeland Security shall operate, within U.S. Immigration and Customs Enforcement’s Homeland Security Investigations, the Center for Countering Human Trafficking (referred to in this Act as “CCHT”).

##### (2) Purpose

The purpose of CCHT shall be to serve at the forefront of the Department of Homeland Security’s unified global efforts to counter human trafficking through law enforcement operations and victim protection, prevention, and awareness programs.

##### (3) Administration

Homeland Security Investigations shall—

(A) maintain a concept of operations that identifies CCHT participants, funding, core functions, and personnel; and

(B) update such concept of operations, as needed, to accommodate its mission and the threats to such mission.

##### (4) Personnel

##### (A) Director

The Secretary of Homeland Security shall appoint a CCHT Director, who shall—

(i) be a member of the Senior Executive Service; and

(ii) serve as the Department of Homeland Security’s representative on human trafficking.

##### (B) Minimum core personnel requirements

Subject to appropriations, the Secretary of Homeland Security shall ensure that CCHT is staffed with at least 45 employees in order to maintain continuity of effort, subject matter expertise, and necessary support to the Department of Homeland Security, including—

(i) employees who are responsible for the Continued Presence Program and other victim protection duties;

(ii) employees who are responsible for training, including curriculum development, and public awareness and education;

(iii) employees who are responsible for stakeholder engagement, Federal inter-

agency coordination, multilateral partnerships, and policy;

(iv) employees who are responsible for public relations, human resources, evaluation, data analysis and reporting, and information technology;

(v) special agents and criminal analysts necessary to accomplish its mission of combating human trafficking and the importation of goods produced with forced labor; and

(vi) managers.

#### (b) Operations Unit

The CCHT Director shall operate, within CCHT, an Operations Unit, which shall, at a minimum—

(1) support criminal investigations of human trafficking (including sex trafficking and forced labor)—

(A) by developing, tracking, and coordinating leads; and

(B) by providing subject matter expertise;

(2) augment the enforcement of the prohibition on the importation of goods produced with forced labor through civil and criminal authorities;

(3) coordinate a Department-wide effort to conduct procurement audits and enforcement actions, including suspension and debarment, in order to mitigate the risk of human trafficking throughout Department acquisitions and contracts; and

(4) support all CCHT enforcement efforts with intelligence by conducting lead development, lead validation, case support, strategic analysis, and data analytics.

#### (c) Protection and Awareness Programs Unit

The CCHT Director shall operate, within CCHT, a Protection and Awareness Programs Unit, which shall—

(1) incorporate a victim-centered approach throughout Department of Homeland Security policies, training, and practices;

(2) operate a comprehensive Continued Presence program;

(3) conduct, review, and assist with Department of Homeland Security human trafficking training, screening, and identification tools and efforts;

(4) operate the Blue Campaign’s nationwide public awareness effort and any other awareness efforts needed to encourage victim identification and reporting to law enforcement and to prevent human trafficking; and

(5) coordinate external engagement, including training and events, regarding human trafficking with critical partners, including survivors, nongovernmental organizations, corporations, multilateral entities, law enforcement agencies, and other interested parties.

(Pub. L. 117–322, §3, Dec. 27, 2022, 136 Stat. 4433.)

#### Editorial Notes

##### REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 117–322, Dec. 27, 2022, 136 Stat. 4433, known as the Countering Human Trafficking Act of 2021, which enacted this section and section 242b of this title and provisions set out as notes under this section and section 242 of

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);<sup>1</sup> 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

<sup>1</sup> 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-