

homeland security review that is the subject of such report were integrated into the acquisition strategy and expenditure plans for the Department.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 107-296, title VII, § 707, as added Pub. L. 110-53, title XXIV, § 2401(a), Aug. 3, 2007, 121 Stat. 543; amended Pub. L. 114-328, div. A, title XIX, § 1902(b), Dec. 23, 2016, 130 Stat. 2672; Pub. L. 116-92, div. A, title XVII, § 1740(b), Dec. 20, 2019, 133 Stat. 1824; Pub. L. 117-263, div. G, title LXXI, § 7141(a), Dec. 23, 2022, 136 Stat. 3652.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(3)(C), (D). Pub. L. 117-263, § 7141(a)(1), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (b)(2). Pub. L. 117-263, § 7141(a)(2)(A), inserted “based on the risk assessment required pursuant to subsection (c)(2)(B)” before semicolon at end.

Subsec. (b)(3). Pub. L. 117-263, § 7141(a)(2)(B), inserted “, to the extent practicable,” after “describe” and substituted “resources required” for “budget plan”.

Subsec. (b)(4). Pub. L. 117-263, § 7141(a)(2)(C), inserted “, to the extent practicable,” after “identify” and substituted “resources required to” for “budget plan required to provide sufficient resources to successfully” and “, including any resources identified from redundant, wasteful, or unnecessary capabilities or capacities that may be redirected to better support other existing capabilities or capacities, as the case may be; and” for semicolon at end.

Subsec. (b)(6). Pub. L. 117-263, § 7141(a)(2)(D), (E), struck out par. (6) which read as follows: “review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.”

Subsec. (c)(1). Pub. L. 117-263, § 7141(a)(3)(A), substituted “60 days after the date of the submission of the President’s budget for the fiscal year after the fiscal year” for “December 31 of the year”.

Subsec. (c)(2)(B). Pub. L. 117-263, § 7141(a)(3)(B)(i), substituted “risk assessment of” for “description of the threats to”.

Subsec. (c)(2)(C). Pub. L. 117-263, § 7141(a)(3)(B)(ii), inserted “, as required under subsection (b)(2)” before semicolon at end.

Subsec. (c)(2)(D). Pub. L. 117-263, § 7141(a)(3)(B)(iii), inserted “to the extent practicable,” before “a description” and substituted “resources required” for “budget plan”.

Subsec. (c)(2)(F). Pub. L. 117-263, § 7141(a)(3)(B)(iv), inserted “to the extent practicable,” before “a discussion” and struck out “the status of” before “cooperation”.

Subsec. (c)(2)(G). Pub. L. 117-263, § 7141(a)(3)(B)(v), inserted “to the extent practicable,” before “a discussion”, “and risks” before “to national homeland”, and “and” after semicolon at end and struck out “the status of” before “cooperation”.

Subsec. (c)(2)(H), (I). Pub. L. 117-263, § 7141(a)(3)(B)(vi), (vii), redesignated subpar. (I) as (H) and struck out former subpar. (H) which read as follows: “an explanation of any underlying assumptions used in conducting the review; and”.

Subsec. (c)(3), (4). Pub. L. 117-263, § 7141(a)(3)(C), (D), added par. (3) and redesignated former par. (3) as (4).

Subsecs. (d), (e). Pub. L. 117-263, § 7141(a)(4), (5), added subsec. (d) and redesignated former subsec. (d) as (e).

2019—Subsec. (a)(3)(A). Pub. L. 116-92, § 1740(b)(1), inserted “the Secretary of Energy,” after “the Secretary of Agriculture”.

Subsec. (c)(2)(B). Pub. L. 116-92, § 1740(b)(2), which directed insertion of “or for purposes of the quadrennial EMP and GMD risk assessment under section 195f(d)(1)(E) of this title” after review, was executed by making the insertion after “review” as if quotation marks had appeared around the word in the directory language, to reflect the probable intent of Congress.

2016—Subsec. (a)(3)(B). Pub. L. 114-328 inserted “, including the Under Secretary for Strategy, Policy, and Plans” after “Department”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-263, div. G, title LXXI, § 7141(b), Dec. 23, 2022, 136 Stat. 3654, provided that: “The amendments made by this Act [probably means “this section”, amending this section] shall apply with respect to a quadrennial homeland security review conducted after December 31, 2021.”

PREPARATION FOR FIRST QUADRENNIAL HOMELAND SECURITY REVIEW

Pub. L. 110-53, title XXIV, § 2401(b), Aug. 3, 2007, 121 Stat. 546, provided that:

“(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Homeland Security shall make preparations to conduct the first quadrennial homeland security review under section 707 of the Homeland Security Act of 2002 [6 U.S.C. 347], as added by subsection (a), in fiscal year 2009, including—

“(A) determining the tasks to be performed;

“(B) estimating the human, financial, and other resources required to perform each task;

“(C) establishing the schedule for the execution of all project tasks;

“(D) ensuring that these resources will be available as needed; and

“(E) all other preparations considered necessary by the Secretary.

“(2) REPORT.—Not later than 60 days after the date of enactment of this Act [Aug. 3, 2007], the Secretary shall submit to Congress and make publicly available on the Internet website of the Department of Homeland Security a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the first quadrennial homeland security review.”

§ 348. Joint task forces

(a) Definition

In this section, the term “situational awareness” means knowledge and unified understanding of unlawful cross-border activity, including—

(1) threats and trends concerning illicit trafficking and unlawful crossings;

(2) the ability to forecast future shifts in such threats and trends;

(3) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

(4) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

(b) Joint task forces

(1) Establishment

The Secretary may establish and operate departmental Joint Task Forces to conduct joint operations using personnel and capabilities of

the Department for the purposes specified in paragraph (2).

(2) Purposes

(A) In general

Subject to subparagraph (B), the purposes referred to in paragraph (1) are or relate to the following:

- (i) Securing the land and maritime borders of the United States.
- (ii) Homeland security crises.
- (iii) Establishing regionally-based operations.

(B) Limitation

(i) In general

The Secretary may not establish a Joint Task Force for any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under subchapter V of this chapter, including section 314(a)(3)(A) of this title, unless the responsibilities of such a Joint Task Force—

(I) do not include operational functions related to incident management, including coordination of operations; and

(II) are consistent with the requirements of paragraphs (3) and (4)(A) of section 313(c) and section 319(c) of this title, and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

(ii) Responsibilities and functions not reduced

Nothing in this section may be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator of the Agency under subchapter V of this chapter or any other provision of law, including the diversion of any asset, function, or mission from the Agency or the Administrator of the Agency pursuant to section 316 of this title.

(3) Joint task force directors

(A) Director

Each Joint Task Force established and operated pursuant to paragraph (1) shall be headed by a Director, appointed by the President, for a term of not more than two years. The Secretary shall submit to the President recommendations for such appointments after consulting with the heads of the components of the Department with membership on any such Joint Task Force. Any Director appointed by the President shall be—

(i) a current senior official of the Department with not less than one year of significant leadership experience at the Department; or

(ii) if no suitable candidate is available at the Department, an individual with—

(I) not less than one year of significant leadership experience in a Federal agen-

cy since the establishment of the Department; and

(II) a demonstrated ability in, knowledge of, and significant experience working on the issues to be addressed by any such Joint Task Force.

(B) Extension

The Secretary may extend the appointment of a Director of a Joint Task Force under subparagraph (A) for not more than two years if the Secretary determines that such an extension is in the best interest of the Department.

(4) Joint Task Force deputy directors

For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be an official of a different component or office of the Department than the Director of such Joint Task Force.

(5) Responsibilities

The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

(A) when established for the purpose referred to in paragraph (2)(A)(i), maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(B) provide operational plans and requirements for standard operating procedures and contingency operations within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(D) set and accomplish strategic objectives through integrated operational planning and execution;

(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

(F) when established for the purpose referred to in paragraph (2)(A)(i), establish operational and investigative priorities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

(H) carry out other duties and powers the Secretary determines appropriate.

(6) Personnel and resources

(A) In general

The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate to such Joint Task Force on a temporary basis personnel and equipment of components and offices of the Department.

(B) Cost neutrality

A Joint Task Force may not require more resources than would have otherwise been

required by the Department to carry out the duties assigned to such Joint Task Force if such Joint Task Force had not been established.

(C) Location of operations

In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

(D) Consideration of impact

When reviewing requests for allocation of component personnel and equipment under subparagraph (A), the Secretary shall consider the impact of such allocation on the ability of the donating component or office to carry out the primary missions of the Department, and in the case of the Coast Guard, the missions specified in section 468 of this title.

(E) Limitation

Personnel and equipment of the Coast Guard allocated under this paragraph may be used only to carry out operations and investigations related to the missions specified in section 468 of this title.

(F) Report

The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the total funding, personnel, and other resources that each component or office of the Department allocated under this paragraph to each Joint Task Force to carry out the mission of such Joint Task Force during the fiscal year immediately preceding each such report, and a description of the degree to which the resources drawn from each component or office impact the primary mission of such component or office.

(7) Component resource authority

As directed by the Secretary—

(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities of such Joint Task Force required under this section;

(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which such resources are assigned; and

(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the head of the component or office of the Department that provided such personnel or equipment.

(8) Joint Task Force staff

(A) In general

Each Joint Task Force shall have a staff, composed of personnel from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.

(B) Report

The Secretary shall include in the report submitted under paragraph (6)(F)—

(i) the number of personnel of each component or office permanently assigned to each Joint Task Force; and

(ii) the number of personnel of each component or office assigned on a temporary basis to each Joint Task Force.

(9) Mission; establishment of performance metrics

The Secretary shall—

(A) using leading practices in performance management and lessons learned by other law enforcement task forces and joint operations, establish—

(i) the mission, strategic goals, and objectives of each Joint Task Force;

(ii) the criteria for terminating each Joint Task Force; and

(iii) outcome-based and other appropriate performance metrics for evaluating the effectiveness of each Joint Task Force with respect to the mission, strategic goals, and objectives established pursuant to clause (i), including—

(I) targets for each Joint Task Force to achieve by not later than one and three years after such establishment; and

(II) a description of the methodology used to establish such metrics;

(B) not later than 120 days after December 23, 2022, and 120 days after the establishment of a new Joint Task Force, as appropriate, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate the mission, strategic goals, objectives, and metrics established under subparagraph (A); and

(C) not later than one year after December 23, 2022, and annually thereafter, submit to the committees specified in subparagraph (B) a report that contains information on the progress in implementing the outcome-based and other appropriate performance metrics established pursuant to subparagraph (A)(iii).

(10) Joint duty training program

(A) In general

The Secretary shall—

(i) establish a joint duty training program in the Department for the purposes of—

(I) enhancing coordination within the Department; and

(II) promoting workforce professional development; and

(ii) tailor such joint duty training program to improve joint operations as part of the Joint Task Forces.

(B) Elements

The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

- (i) National security strategy.
- (ii) Strategic and contingency planning.
- (iii) Command and control of operations under joint command.
- (iv) International engagement.
- (v) The homeland security enterprise.
- (vi) Interagency collaboration.
- (vii) Leadership.
- (viii) Specific subject matters relevant to the Joint Task Force, including matters relating to the missions specified in section 468 of this title, to which the joint duty training program is assigned.

(C) Training required

(i) Directors and deputy directors

Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

(ii) Joint Task Force staff

Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to such Joint Task Force.

(iii) Exception

Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after December 23, 2016.

(iv) Waiver

The Secretary may waive the application of clause (i) if the Secretary determines that such a waiver is in the interest of homeland security or necessary to carry out the mission for which a Joint Task Force was established.

(11) Notification of Joint Task Force formation or termination

(A) In general

Not later than seven days after establishing or terminating a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment or termination, as the case may be. The contents of any such notification shall include the following:

(i) The criteria and conditions required to establish or terminate the Joint Task Force at issue.

(ii) The primary mission, strategic goals, objectives, and plan of operations of such Joint Task Force.

(iii) If such notification is a notification of termination, information on the effectiveness of such Joint Task Force as measured by the outcome-based performance metrics and other appropriate performance metrics established pursuant to paragraph (9)(A)(iii).

(iv) The funding and resources required to establish or terminate such Joint Task Force.

(v) The number of personnel of each component or office permanently assigned to such Joint Task Force.

(vi) The number of personnel of each component and office assigned on a temporary basis to such Joint Task Force.

(vii) If such notification is a notification of establishment, the anticipated costs of establishing and operating such Joint Task Force.

(viii) If such notification is a notification of termination, funding allocated in the immediately preceding fiscal year to such Joint Task Force for—

(I) operations, notwithstanding such termination; and

(II) activities associated with such termination.

(ix) The anticipated establishment or actual termination date of such Joint Task Force, as the case may be.

(B) Waiver authority

The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or property.

(12) Review

(A) In general

Not later than one year after December 23, 2022, the Comptroller General of the United States shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate an assessment of the effectiveness of the Secretary's utilization of the authority provided under this section for the purposes specified in subsection (b)(2) as among the range of options available to the Secretary to conduct joint operations among departmental components and offices and a review of the Joint Task Forces established under this subsection.

(B) Contents

The review required under subparagraph (A) shall include—

- (i) an assessment of methodology utilized to determine whether to establish or terminate each Joint Task Force; and

(ii) an assessment of the effectiveness of oversight over each Joint Task Force, with specificity regarding the Secretary's utilization of outcome-based or other appropriate performance metrics (established pursuant to paragraph (9)(A)(iii)) to evaluate the effectiveness of each Joint Task Force in measuring progress with respect to the mission, strategic goals, and objectives (established pursuant to paragraph (9)(A)(i)) of such Joint Task Force.

(13) Sunset

This section expires on September 30, 2024.

(c) Joint duty assignment program

After establishing the joint duty training program under subsection (b)(10), the Secretary shall establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.

(Pub. L. 107–296, title VII, § 708, as added Pub. L. 114–328, div. A, title XIX, § 1901(b), Dec. 23, 2016, 130 Stat. 2665; amended Pub. L. 117–263, div. G, title LXXI, § 7111(b), Dec. 23, 2022, 136 Stat. 3625.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(2)(B)(i), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

2022—Subsec. (b)(8). Pub. L. 117–263, § 7111(b)(1), amended par. (8) generally. Prior to amendment, text read as follows: “Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.”

Subsec. (b)(9). Pub. L. 117–263, § 7111(b)(2)(A), substituted “Mission; establishment” for “Establishment” in heading.

Subsec. (b)(9)(A). Pub. L. 117–263, § 7111(b)(2)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;”.

Subsec. (b)(9)(B). Pub. L. 117–263, § 7111(b)(2)(C), substituted “December 23, 2022” for “December 23, 2016” and “; and” for period at end and inserted “mission, strategic goals, objectives, and” before “metrics”.

Subsec. (b)(9)(C). Pub. L. 117–263, § 7111(b)(2)(D), amended subpar. (C) generally. Prior to amendment, subpar. (C) read as follows: “not later than January 31 of each year beginning in 2017, submit to each committee specified in subparagraph (B) a report that contains the evaluation described in subparagraph (A).”

Subsec. (b)(11). Pub. L. 117–263, § 7111(b)(3)(A), inserted “or termination” after “formation” in heading.

Subsec. (b)(11)(A). Pub. L. 117–263, § 7111(b)(3)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: “Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee

on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment.”

Subsec. (b)(12)(A). Pub. L. 117–263, § 7111(b)(4)(A), substituted “one year after December 23, 2022, the Comptroller General of the United States” for “January 31, 2018, and January 31, 2021, the Inspector General of the Department” and inserted “an assessment of the effectiveness of the Secretary's utilization of the authority provided under this section for the purposes specified in subsection (b)(2) as among the range of options available to the Secretary to conduct joint operations among departmental components and offices and” before “a review of the Joint Task Forces”.

Subsec. (b)(12)(B). Pub. L. 117–263, § 7111(b)(4)(B)(i), substituted “review” for “reviews” in introductory provisions.

Subsec. (b)(12)(B)(i), (ii). Pub. L. 117–263, § 7111(b)(4)(B)(ii), amended cls. (i) and (ii) generally. Prior to amendment, cls. (i) and (ii) read as follows:

“(i) an assessment of the effectiveness of the structure of each Joint Task Force; and

“(ii) recommendations for enhancements to such structure to strengthen the effectiveness of each Joint Task Force.”

Subsec. (b)(13). Pub. L. 117–263, § 7111(b)(5), substituted “2024” for “2022”.

Statutory Notes and Related Subsidiaries

TRANSITION PROVISIONS

Pub. L. 114–328, div. A, title XIX, § 1901(c), Dec. 23, 2016, 130 Stat. 2670, provided that: “An individual serving as a Director of a Joint Task Force of the Department of Homeland Security in existence on the day before the date of the enactment of this section [Dec. 23, 2016] may serve as the Director of such Joint Task Force on and after such date of enactment until a Director of such Joint Task Force is appointed pursuant to subparagraph (A) of section 708(b)(3) [6 U.S.C. 348(b)(3)], as added by subsection (a) of this section.”

§ 349. Office of Strategy, Policy, and Plans

(a) In general

There is established in the Department an Office of Strategy, Policy, and Plans.

(b) Head of Office

The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary. The Under Secretary for Strategy, Policy, and Plans shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions

The Under Secretary for Strategy, Policy, and Plans shall—

(1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;

(2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, components, offices, and activities across the Department;

(3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including consultation with the Secretary regarding the quadrennial homeland security review under section 347 of this title;