

## SUBCHAPTER VII—MANAGEMENT

**§ 341. Under Secretary for Management****(a) In general**

The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs. The Secretary, acting through the Under Secretary for Management, shall be responsible for the management and administration of the Department, including the following:

(1) The budget, appropriations, expenditures of funds, accounting, and finance.

(2) Procurement.

(3) Human resources and personnel.

(4) Information technology and communications systems, including policies and directives to achieve and maintain interoperable communications among the components of the Department.

(5) Facilities, property, equipment, vehicle fleets (under subsection (c)), and other material resources.

(6) Security for personnel, information technology and communications systems, facilities, property, equipment, and other material resources.

(7) Strategic management planning and annual performance planning and identification and tracking of performance measures relating to the responsibilities of the Department.

(8) Grants and other assistance management programs.

(9) The management integration and transformation within each functional management discipline of the Department, including information technology, financial management, acquisition management, and human capital management, to ensure an efficient and orderly consolidation of functions and personnel in the Department, including—

(A) the development of centralized data sources and connectivity of information systems to the greatest extent practicable to enhance program visibility, transparency, and operational effectiveness and coordination;

(B) the development of standardized and automated management information to manage and oversee programs and make informed decisions to improve the efficiency of the Department;

(C) the development of effective program management and regular oversight mechanisms, including clear roles and processes for program governance, sharing of best practices, and access to timely, reliable, and evaluated data on all acquisitions and investments; and

(D) the overall supervision, including the conduct of internal audits and management analyses, of the programs and activities of the Department, including establishment of oversight procedures to ensure a full and effective review of the efforts by components of the Department to implement policies and

procedures of the Department for management integration and transformation.

(10) The development of a transition and succession plan, before December 1 of each year in which a Presidential election is held, to guide the transition of Department functions to a new Presidential administration, and making such plan available to the next Secretary and Under Secretary for Management and to the congressional homeland security committees.

(11) Reporting to the Government Accountability Office every six months to demonstrate measurable, sustainable progress made in implementing the corrective action plans of the Department to address the designation of the management functions of the Department on the bi-annual high risk list of the Government Accountability Office, until the Comptroller General of the United States submits to the appropriate congressional committees written notification of removal of the high-risk designation.

(12) The conduct of internal audits and management analyses of the programs and activities of the Department.

(13) Any other management duties that the Secretary may designate.

**(b) Waivers for conducting business with suspended or debarred contractors**

Not later than five days after the date on which the Chief Procurement Officer or Chief Financial Officer of the Department issues a waiver of the requirement that an agency not engage in business with a contractor or other recipient of funds listed as a party suspended or debarred from receiving contracts, grants, or other types of Federal assistance in the System for Award Management maintained by the General Services Administration, or any successor thereto, the Under Secretary for Management shall submit to the congressional homeland security committees and the Inspector General of the Department notice of the waiver and an explanation of the finding by the Under Secretary that a compelling reason exists for the waiver.

**(c) Vehicle fleets****(1) In general**

In carrying out responsibilities regarding vehicle fleets pursuant to subsection (a)(5), the Under Secretary for Management shall be responsible for overseeing and managing vehicle fleets throughout the Department. The Under Secretary shall also be responsible for the following:

(A) Ensuring that components are in compliance with Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) relating to fleet management and use of vehicles from home to work.

(B) Developing and distributing a standardized vehicle allocation methodology and fleet management plan for components to use to determine optimal fleet size in accordance with paragraph (4).

(C) Ensuring that components formally document fleet management decisions.

(D) Approving component fleet management plans, vehicle leases, and vehicle acquisitions.

**(2) Component responsibilities****(A) In general**

Component heads—

- (i) shall—
  - (I) comply with Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) relating to fleet management and use of vehicles from home to work;
  - (II) ensure that data related to fleet management is accurate and reliable;
  - (III) use such data to develop a vehicle allocation tool derived by using the standardized vehicle allocation methodology provided by the Under Secretary for Management to determine the optimal fleet size for the next fiscal year and a fleet management plan; and
  - (IV) use vehicle allocation methodologies and fleet management plans to develop annual requests for funding to support vehicle fleets pursuant to paragraph (6); and
- (ii) may not, except as provided in subparagraph (B), lease or acquire new vehicles or replace existing vehicles without prior approval from the Under Secretary for Management pursuant to paragraph (5)(B).

**(B) Exception regarding certain leasing and acquisitions**

If exigent circumstances warrant such, a component head may lease or acquire a new vehicle or replace an existing vehicle without prior approval from the Under Secretary for Management. If under such exigent circumstances a component head so leases, acquires, or replaces a vehicle, such component head shall provide to the Under Secretary an explanation of such circumstances.

**(3) Ongoing oversight****(A) Quarterly monitoring**

In accordance with paragraph (4), the Under Secretary for Management shall collect, on a quarterly basis, information regarding component vehicle fleets, including information on fleet size, composition, cost, and vehicle utilization.

**(B) Automated information**

The Under Secretary for Management shall seek to achieve a capability to collect, on a quarterly basis, automated information regarding component vehicle fleets, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles.

**(C) Monitoring**

The Under Secretary for Management shall track and monitor component information provided pursuant to subparagraph (A) and, as appropriate, subparagraph (B), to ensure that component vehicle fleets are the optimal fleet size and cost effective. The Under Secretary shall use such information to inform the annual component fleet analyses referred to in paragraph (4).

**(4) Annual review of component fleet analyses****(A) In general**

To determine the optimal fleet size and associated resources needed for each fiscal year beginning with fiscal year 2018, component heads shall annually submit to the Under Secretary for Management a vehicle allocation tool and fleet management plan using information described in paragraph (3)(A). Such tools and plans may be submitted in classified form if a component head determines that such is necessary to protect operations or mission requirements.

**(B) Vehicle allocation tool**

Component heads shall develop a vehicle allocation tool in accordance with subclause (III) of paragraph (2)(A)(i) that includes an analysis of the following:

- (i) Vehicle utilization data, including the number of trips, miles driven, hours and days used, and the associated costs of such mileage for leased vehicles, in accordance with such paragraph.
- (ii) The role of vehicle fleets in supporting mission requirements for each component.
- (iii) Any other information determined relevant by such component heads.

**(C) Fleet management plans**

Component heads shall use information described in subparagraph (B) to develop a fleet management plan for each such component. Such fleet management plans shall include the following:

- (i) A plan for how each such component may achieve optimal fleet size determined by the vehicle allocation tool required under such subparagraph, including the elimination of excess vehicles in accordance with paragraph (5), if applicable.
- (ii) A cost benefit analysis supporting such plan.
- (iii) A schedule each such component will follow to obtain optimal fleet size.
- (iv) Any other information determined relevant by component heads.

**(D) Review**

The Under Secretary for Management shall review and make a determination on the results of each component's vehicle allocation tool and fleet management plan under this paragraph to ensure each such component's vehicle fleets are the optimal fleet size and that components are in compliance with applicable Federal law, Federal regulations, executive branch guidance, and Department policy (including associated guidance) pursuant to paragraph (2) relating to fleet management and use of vehicles from home to work. The Under Secretary shall use such tools and plans when reviewing annual component requests for vehicle fleet funding in accordance with paragraph (6).

**(5) Guidance to develop fleet management plans**

The Under Secretary for Management shall provide guidance, pursuant to paragraph (1)(B)

on how component heads may achieve optimal fleet size in accordance with paragraph (4), including processes for the following:

(A) Leasing or acquiring additional vehicles or replacing existing vehicles, if determined necessary.

(B) Disposing of excess vehicles that the Under Secretary determines should not be reallocated under subparagraph (C).

(C) Reallocating excess vehicles to other components that may need temporary or long-term use of additional vehicles.

**(6) Annual review of vehicle fleet funding requests**

As part of the annual budget process, the Under Secretary for Management shall review and make determinations regarding annual component requests for funding for vehicle fleets. If component heads have not taken steps in furtherance of achieving optimal fleet size in the prior fiscal year pursuant to paragraphs (4) and (5), the Under Secretary shall provide rescission recommendations to the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives and the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate regarding such component vehicle fleets.

**(7) Accountability for vehicle fleet management**

**(A) Prohibition on certain new vehicle leases and acquisitions**

The Under Secretary for Management and component heads may not approve in any fiscal year beginning with fiscal year 2019 a vehicle lease, acquisition, or replacement request if such component heads did not comply in the prior fiscal year with paragraph (4).

**(B) Prohibition on certain performance compensation**

No Department official with vehicle fleet management responsibilities may receive annual performance compensation in pay in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

**(C) Prohibition on certain car services**

Notwithstanding any other provision of law, no senior executive service official of the Department whose office has a vehicle fleet may receive access to a car service in any fiscal year beginning with fiscal year 2019 if such official did not comply in the prior fiscal year with paragraph (4).

**(8) Motor pool**

**(A) In general**

The Under Secretary for Management may determine the feasibility of operating a vehicle motor pool to permit components to share vehicles as necessary to support mission requirements to reduce the number of excess vehicles in the Department.

**(B) Requirements**

The determination of feasibility of operating a vehicle motor pool under subparagraph (A) shall—

(i) include—

(I) regions in the United States in which multiple components with vehicle fleets are located in proximity to one another, or a significant number of employees with authorization to use vehicles are located; and

(II) law enforcement vehicles;

(ii) cover the National Capital Region; and

(iii) take into account different mission requirements.

**(C) Report**

The Secretary shall include in the Department's next annual performance report required under current law the results of the determination under this paragraph.

**(9) Definitions**

In this subsection:

**(A) Component head**

The term “component head” means the head of any component of the Department with a vehicle fleet.

**(B) Excess vehicle**

The term “excess vehicle” means any vehicle that is not essential to support mission requirements of a component.

**(C) Optimal fleet size**

The term “optimal fleet size” means, with respect to a particular component, the appropriate number of vehicles to support mission requirements of such component.

**(D) Vehicle fleet**

The term “vehicle fleet” means all owned, commercially leased, or Government-leased vehicles of the Department or of a component of the Department, as the case may be, including vehicles used for law enforcement and other purposes.

**(d) Appointment and evaluation**

The Under Secretary for Management shall—

(1) be appointed by the President, by and with the advice and consent of the Senate, from among persons who have—

(A) extensive executive level leadership and management experience in the public or private sector;

(B) strong leadership skills;

(C) a demonstrated ability to manage large and complex organizations; and

(D) a proven record in achieving positive operational results;

(2) enter into an annual performance agreement with the Secretary that shall set forth measurable individual and organizational goals; and

(3) be subject to an annual performance evaluation by the Secretary, who shall determine as part of each such evaluation whether the Under Secretary for Management has made satisfactory progress toward achieving the goals set out in the performance agreement required under paragraph (2).

**(e)<sup>1</sup> System for Award Management consultation**

The Under Secretary for Management shall require that all Department contracting and grant

<sup>1</sup> So in original. There are two subsecs. (e).

officials consult the System for Award Management (or successor system) as maintained by the General Services Administration prior to awarding a contract or grant or entering into other transactions to ascertain whether the selected contractor is excluded from receiving Federal contracts, certain subcontracts, and certain types of Federal financial and non-financial assistance and benefits.

**(e)<sup>1</sup> Interoperable communications defined**

In this section, the term “interoperable communications” has the meaning given that term in section 194(g) of this title.

(Pub. L. 107–296, title VII, § 701, Nov. 25, 2002, 116 Stat. 2218; Pub. L. 110–53, title XXIV, § 2405(a), (b), Aug. 3, 2007, 121 Stat. 548; Pub. L. 114–29, § 3, July 6, 2015, 129 Stat. 421; Pub. L. 114–328, div. A, title XIX, § 1903(b), Dec. 23, 2016, 130 Stat. 2673; Pub. L. 115–38, § 2, June 6, 2017, 131 Stat. 855.)

**Editorial Notes**

**AMENDMENTS**

2017—Subsec. (a)(5). Pub. L. 115–38, § 2(1), inserted “vehicle fleets (under subsection (c)),” after “equipment.”

Subsecs. (c) to (e). Pub. L. 115–38, § 2(2), (3), added subsec. (c), redesignated former subsec. (c) as (d), and redesignated former subsec. (d), relating to System for Award Management consultation, as (e).

2016—Subsec. (a)(9) to (13). Pub. L. 114–328, § 1903(b)(1), added pars. (9) to (11), redesignated former pars. (10) and (11) as (12) and (13), respectively, and struck out former par. (9). Prior to amendment, text of par. (9) read as follows: “The management integration and transformation process, as well as the transition process, to ensure an efficient and orderly consolidation of functions and personnel in the Department and transition, including—

“(A) the development of a management integration strategy for the Department, and

“(B) before December 1 of any year in which a Presidential election is held, the development of a transition and succession plan, to be made available to the incoming Secretary and Under Secretary for Management, to guide the transition of management functions to a new Administration.”

Subsec. (b). Pub. L. 114–328, § 1903(b)(2), added subsec. (b) and struck out former subsec. (b) which related to maintenance of immigration statistics by the Under Secretary for Management and transfer of certain functions of the Statistics Branch of the Office of Policy and Planning of the Immigration and Naturalization Service to the Under Secretary for Management.

Subsecs. (d), (e). Pub. L. 114–328, § 1903(b)(3), (4), added subsec. (d) and redesignated former subsec. (d), defining interoperable communications, as (e).

2015—Subsec. (a)(4). Pub. L. 114–29, § 3(1), inserted before period at end “, including policies and directives to achieve and maintain interoperable communications among the components of the Department”.

Subsec. (d). Pub. L. 114–29, § 3(2), added subsec. (d).

2007—Subsec. (a). Pub. L. 110–53, § 2405(a)(1), inserted in introductory provisions “The Under Secretary for Management shall serve as the Chief Management Officer and principal advisor to the Secretary on matters related to the management of the Department, including management integration and transformation in support of homeland security operations and programs.”

Subsec. (a)(7). Pub. L. 110–53, § 2405(a)(2), added par. (7) and struck out former par. (7) which read as follows: “Identification and tracking of performance measures relating to the responsibilities of the Department.”

Subsec. (a)(9). Pub. L. 110–53, § 2405(a)(3), added par. (9) and struck out former par. (9) which read as follows: “The transition and reorganization process, to ensure

an efficient and orderly transfer of functions and personnel to the Department, including the development of a transition plan.”

Subsec. (c). Pub. L. 110–53, § 2405(b), added subsec. (c).

**Statutory Notes and Related Subsidiaries**

**DEADLINE FOR APPOINTMENT; INCUMBENT**

Pub. L. 110–53, title XXIV, § 2405(c), Aug. 3, 2007, 121 Stat. 549, provided that:

“(1) **DEADLINE FOR APPOINTMENT.**—Not later than 90 days after the date of the enactment of this Act [Aug. 3, 2007], the Secretary of Homeland Security shall name an individual who meets the qualifications of section 701 of the Homeland Security Act (6 U.S.C. 341), as amended by subsections (a) and (b), to serve as the Under Secretary of Homeland Security for Management. The Secretary may submit the name of the individual who serves in the position of Under Secretary of Homeland Security for Management on the date of enactment of this Act together with a statement that informs the Congress that the individual meets the qualifications of such section as so amended.

“(2) **INCUMBENT.**—The incumbent serving as Under Secretary of Homeland Security for Management on November 4, 2008, is authorized to continue serving in that position until a successor is confirmed, to ensure continuity in the management functions of the Department.”

**§ 342. Chief Financial Officer**

**(a) In general**

The Chief Financial Officer shall perform functions as specified in chapter 9 of title 31 and, with respect to all such functions and other responsibilities that may be assigned to the Chief Financial Officer from time to time, shall also report to the Under Secretary for Management.

**(b) Program analysis and evaluation function**

**(1) Establishment of Office of Program Analysis and Evaluation**

Not later than 90 days after October 16, 2004, the Secretary shall establish an Office of Program Analysis and Evaluation within the Department (in this section referred to as the “Office”).

**(2) Responsibilities**

The Office shall perform the following functions:

(A) Analyze and evaluate plans, programs, and budgets of the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to section 454(b)(2) of this title.

(B) Develop and perform analyses and evaluations of alternative plans, programs, personnel levels, and budget submissions for the Department in relation to United States homeland security objectives, projected threats, vulnerability assessments, estimated costs, resource constraints, and the most recent homeland security strategy developed pursuant to section 454(b)(2) of this title.

(C) Establish policies for, and oversee the integration of, the planning, programming, and budgeting system of the Department.

(D) Review and ensure that the Department meets performance-based budget re-

quirements established by the Office of Management and Budget.

(E) Provide guidance for, and oversee the development of, the Future Years Homeland Security Program of the Department, as specified under section 454 of this title.

(F) Ensure that the costs of Department programs, including classified programs, are presented accurately and completely.

(G) Oversee the preparation of the annual performance plan for the Department and the program and performance section of the annual report on program performance for the Department, consistent with sections 1115 and 1116, respectively, of title 31.

(H) Provide leadership in developing and promoting improved analytical tools and methods for analyzing homeland security planning and the allocation of resources.

(I) Any other responsibilities delegated by the Secretary consistent with an effective program analysis and evaluation function.

### **(3) Director of Program Analysis and Evaluation**

There shall be a Director of Program Analysis and Evaluation, who—

(A) shall be a principal staff assistant to the Chief Financial Officer of the Department for program analysis and evaluation; and

(B) shall report to an official no lower than the Chief Financial Officer.

### **(4) Reorganization**

#### **(A) In general**

The Secretary may allocate or reallocate the functions of the Office, or discontinue the Office, in accordance with section 452(a) of this title.

#### **(B) Exemption from limitations**

Section 452(b) of this title shall not apply to any action by the Secretary under this paragraph.

### **(c) Notification regarding transfer or reprogramming of funds**

In any case in which appropriations available to the Department or any officer of the Department are transferred or reprogrammed and notice of such transfer or reprogramming is submitted to the Congress (including any officer, office, or Committee of the Congress), the Chief Financial Officer of the Department shall simultaneously submit such notice to the Select Committee on Homeland Security (or any successor to the jurisdiction of that committee) and the Committee on Government Reform of the House of Representatives, and to the Committee on Governmental Affairs of the Senate.

(Pub. L. 107-296, title VII, §702, Nov. 25, 2002, 116 Stat. 2219; Pub. L. 108-330, §§3(d)(1)(B), 6, 7, Oct. 16, 2004, 118 Stat. 1276, 1278, 1279.)

### **Editorial Notes**

#### **AMENDMENTS**

2004—Pub. L. 108-330, §§6, 7, designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) and (c).

Pub. L. 108-330, §3(d)(1)(B), substituted “shall perform functions as specified in chapter 9 of title 31 and, with

respect to all such functions and other responsibilities that may be assigned to the Chief Financial Officer from time to time, shall also report to the Under Secretary for Management” for “shall report to the Secretary, or to another official of the Department, as the Secretary may direct”.

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

#### **CHANGE OF NAME**

Select Committee on Homeland Security, which was established by House Resolution 449, One Hundred Seventh Congress, June 19, 2002, and reestablished by section 4 of House Resolution 5, One Hundred Eighth Congress, Jan. 4, 2005, was not reestablished in the One Hundred Ninth Congress. Rule X(1)(i) of the Rules of the House of Representatives, One Hundred Ninth Congress, as amended by section 2 of House Resolution 5, One Hundred Ninth Congress, Jan. 4, 2005, established a Committee on Homeland Security. For jurisdiction of the Select Committee on Homeland Security and of the Committee on Homeland Security, see section 4 of House Resolution 5, One Hundred Eighth Congress, and Rule X(1)(i) of the Rules of the House, One Hundred Ninth Congress.

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.

#### **FINDINGS**

Pub. L. 108-330, §2, Oct. 16, 2004, 118 Stat. 1275, provided that: “The Congress finds the following:

“(1) Influential financial management leadership is of vital importance to the mission success of the Department of Homeland Security. For this reason, the Chief Financial Officer of the Department must be a key figure in the Department’s management.

“(2) To provide a sound financial leadership structure, the provisions of law enacted by the Chief Financial Officers Act of 1990 (Public Law 101-576) [see Short Title of 1990 Amendment note set out under section 501 of Title 31, Money and Finance] provide that the Chief Financial Officer of each of the Federal executive departments is to be a Presidential appointee who reports directly to the Secretary of that department on financial management matters. Because the Department of Homeland Security was only recently created, the provisions enacted by that Act must be amended to include the Department within these provisions.

“(3) The Department of Homeland Security was created by consolidation of 22 separate Federal agencies, each with its own accounting and financial management system. None of these systems was developed with a view to executing the mission of the Department of Homeland Security to prevent terrorist attacks within the United States, reduce the Nation’s vulnerability to terrorism, and minimize the damage and assist in the recovery from terrorist attacks. For these reasons, a strong Chief Financial Officer is needed within the Department both to consolidate financial management operations, and to insure that management control systems are comprehensively designed to achieve the mission and execute the strategy of the Department.

“(4) The provisions of law enacted by the Chief Financial Officers Act of 1990 require agency Chief Financial Officers to improve the financial information

available to agency managers and the Congress. Those provisions also specify that agency financial management systems must provide for the systematic measurement of performance. In the case of the Department of Homeland Security, therefore, it is vitally important that management control systems be designed with a clear view of a homeland security strategy, including the priorities of the Department in addressing those risks of terrorism deemed most significant based upon a comprehensive assessment of potential threats, vulnerabilities, criticality, and consequences. For this reason, Federal law should be amended to clearly state the responsibilities of the Chief Financial Officer of the Department of Homeland Security to provide management control information, for the benefit of managers within the Department and to help inform the Congress, that permits an assessment of the Department's performance in executing a homeland security strategy."

### § 343. Chief Information Officer

#### (a) In general

The Chief Information Officer shall report to the Secretary, or to another official of the Department, as the Secretary may direct.

#### (b) Geospatial information functions

##### (1) Definitions

As used in this subsection:

##### (A) Geospatial information

The term "geospatial information" means graphical or digital data depicting natural or manmade physical features, phenomena, or boundaries of the earth and any information related thereto, including surveys, maps, charts, remote sensing data, and images.

##### (B) Geospatial technology

The term "geospatial technology" means any technology utilized by analysts, specialists, surveyors, photogrammetrists, hydrographers, geodesists, cartographers, architects, or engineers for the collection, storage, retrieval, or dissemination of geospatial information, including—

- (i) global satellite surveillance systems;
- (ii) global position systems;
- (iii) geographic information systems;
- (iv) mapping equipment;
- (v) geocoding technology; and
- (vi) remote sensing devices.

#### (2) Office of Geospatial Management

##### (A) Establishment

The Office of Geospatial Management is established within the Office of the Chief Information Officer.

##### (B) Geospatial Information Officer

##### (i) Appointment

The Office of Geospatial Management shall be administered by the Geospatial Information Officer, who shall be appointed by the Secretary and serve under the direction of the Chief Information Officer.

##### (ii) Functions

The Geospatial Information Officer shall assist the Chief Information Officer in carrying out all functions under this section and in coordinating the geospatial information needs of the Department.

#### (C) Coordination of geospatial information

The Chief Information Officer shall establish and carry out a program to provide for the efficient use of geospatial information, which shall include—

- (i) providing such geospatial information as may be necessary to implement the critical infrastructure protection programs;
- (ii) providing leadership and coordination in meeting the geospatial information requirements of those responsible for planning, prevention, mitigation, assessment and response to emergencies, critical infrastructure protection, and other functions of the Department; and
- (iii) coordinating with users of geospatial information within the Department to assure interoperability and prevent unnecessary duplication.

#### (D) Responsibilities

In carrying out this subsection, the responsibilities of the Chief Information Officer shall include—

- (i) coordinating the geospatial information needs and activities of the Department;
- (ii) implementing standards, as adopted by the Director of the Office of Management and Budget under the processes established under section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), to facilitate the interoperability of geospatial information pertaining to homeland security among all users of such information within—
  - (I) the Department;
  - (II) State and local government; and
  - (III) the private sector;
- (iii) coordinating with the Federal Geographic Data Committee and carrying out the responsibilities of the Department pursuant to Office of Management and Budget Circular A-16 and Executive Order 12906; and
- (iv) making recommendations to the Secretary and the Executive Director of the Office for State and Local Government Coordination and Preparedness on awarding grants to—
  - (I) fund the creation of geospatial data; and
  - (II) execute information sharing agreements regarding geospatial data with State, local, and tribal governments.

#### (3) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this subsection for each fiscal year.

(Pub. L. 107-296, title VII, § 703, Nov. 25, 2002, 116 Stat. 2219; Pub. L. 108-458, title VIII, § 8201(b), Dec. 17, 2004, 118 Stat. 3865.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 216 of the E-Government Act of 2002, referred to in subsec. (b)(2)(D)(ii), is section 216 of Pub. L. 107-347, which is set out in a note under section 3501 of Title 44, Public Printing and Documents.

Executive Order 12906, referred to in subsec. (b)(2)(D)(iii), is set out as a note under section 1457 of Title 43, Public Lands.

#### AMENDMENTS

2004—Pub. L. 108-458 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

#### Statutory Notes and Related Subsidiaries

##### FINDINGS

Pub. L. 108-458, title VIII, § 8201(a), Dec. 17, 2004, 118 Stat. 3865, provided that: “Congress makes the following findings:

“(1) Geospatial technologies and geospatial data improve government capabilities to detect, plan for, prepare for, and respond to disasters in order to save lives and protect property.

“(2) Geospatial data improves the ability of information technology applications and systems to enhance public security in a cost-effective manner.

“(3) Geospatial information preparedness in the United States, and specifically in the Department of Homeland Security, is insufficient because of—

“(A) inadequate geospatial data compatibility;

“(B) insufficient geospatial data sharing; and

“(C) technology interoperability barriers.”

#### § 344. Chief Human Capital Officer

##### (a) In general

The Chief Human Capital Officer shall report directly to the Under Secretary for Management.

##### (b) Responsibilities

In addition to the responsibilities set forth in chapter 14 of title 5 and other applicable law, the Chief Human Capital Officer of the Department shall—

(1) develop and implement strategic workforce planning policies, including with respect to leader development and employee engagement, that are consistent with Government-wide leading principles, in line with Department strategic human capital goals and priorities, and informed by best practices within the Federal Government and the private sector, taking into account the special requirements of members of the Armed Forces serving in the Coast Guard;

(2) use performance measures to evaluate, on an ongoing basis, Department-wide strategic workforce planning efforts;

(3) develop, improve, and implement policies that, to the extent practicable, are informed by employee feedback, including compensation flexibilities available to Federal agencies where appropriate, to recruit, hire, train, and retain the workforce of the Department, in coordination with all components of the Department;

(4) identify methods for managing and overseeing human capital programs and initiatives, including leader development and employee engagement programs, in coordination with the head of each component of the Department;

(5) develop a career path framework and create opportunities for leader development in coordination with all components of the Department that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs

of employees in supervisory and non-supervisory roles across the Department and appropriate workforce planning initiatives;

(6) lead the efforts of the Department for managing employee resources, including training and development opportunities, in coordination with each component of the Department;

(7) work to ensure the Department is implementing human capital programs and initiatives and effectively educating each component of the Department about these programs and initiatives;

(8) identify and eliminate unnecessary and duplicative human capital policies and guidance;

(9) maintain a catalogue of available employee development opportunities, including the Homeland Security Rotation Program pursuant to section 414 of this title, departmental leadership development programs, interagency development programs, and other rotational programs;

(10) ensure that employee discipline and adverse action programs comply with the requirements of all pertinent laws, rules, regulations, and Federal guidance, and ensure due process for employees;

(11) analyze each Department or Government-wide Federal workforce satisfaction or morale survey not later than 90 days after the date of the publication of each such survey and submit to the Secretary such analysis, including, as appropriate, recommendations to improve workforce satisfaction or morale within the Department;

(12) review and approve all component employee engagement action plans to ensure such plans include initiatives responsive to the root cause of employee engagement challenges, as well as outcome-based performance measures and targets to track the progress of such initiatives;

(13) provide input concerning the hiring and performance of the Chief Human Capital Officer or comparable official in each component of the Department; and

(14) ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5.

##### (c) Component strategies

###### (1) In general

Each component of the Department shall, in coordination with the Chief Human Capital Officer of the Department, develop a 5-year workforce strategy for the component that will support the goals, objectives, and performance measures of the Department for determining the proper balance of Federal employees and private labor resources.

###### (2) Strategy requirements

In developing the strategy required under paragraph (1), each component shall consider the effect on human resources associated with creating additional Federal full-time equivalent positions, converting private contractors to Federal employees, or relying on the private sector for goods and services.

##### (d) Chief Learning and Engagement Officer

The Chief Human Capital Officer may designate an employee of the Department to serve

as a Chief Learning and Engagement Officer to assist the Chief Human Capital Officer in carrying out this section.

**(e) Annual submission**

Not later than 90 days after the date on which the Secretary submits the annual budget justification for the Department, the Secretary shall submit to the congressional homeland security committees a report that includes a table, delineated by component with actual and enacted amounts, including—

(1) information on the progress within the Department of fulfilling the workforce strategies developed under subsection (c);

(2) information on employee development opportunities catalogued pursuant to paragraph (9) of subsection (b) and any available data on participation rates, attrition rates, and impacts on retention and employee satisfaction;

(3) information on the progress of Departmentwide strategic workforce planning efforts as determined under paragraph (2) of subsection (b);

(4) information on the activities of the steering committee established pursuant to section 351(a) of this title, including the number of meetings, types of materials developed and distributed, and recommendations made to the Secretary;

(5) the number of on-board staffing for Federal employees from the prior fiscal year;

(6) the total contract hours submitted by each prime contractor as part of the service contract inventory required under section 743 of the Financial Services and General Government Appropriations Act, 2010 (division C of Public Law 111–117; 31 U.S.C. 501 note); and

(7) the number of full-time equivalent personnel identified under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.).

**(f) Limitation**

Nothing in this section overrides or otherwise affects the requirements specified in section 468 of this title.

(Pub. L. 107–296, title VII, § 704, Nov. 25, 2002, 116 Stat. 2219; Pub. L. 114–328, div. A, title XIX, § 1904, Dec. 23, 2016, 130 Stat. 2674; Pub. L. 117–81, div. F, title LXIV, § 6403, Dec. 27, 2021, 135 Stat. 2399.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Intergovernmental Personnel Act of 1970, referred to in subsec. (e)(7), is Pub. L. 91–648, Jan. 5, 1971, 84 Stat. 1909, which is classified principally to chapter 62 (§ 4701 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 4701 of Title 42 and Tables.

**AMENDMENTS**

2021—Subsec. (b)(1). Pub. L. 117–81, § 6403(a)(1), inserted “, including with respect to leader development and employee engagement,” after “policies” and “and informed by best practices within the Federal Government and the private sector,” after “priorities,” and substituted “, in line” for “and in line”.

Subsec. (b)(2). Pub. L. 117–81, § 6403(1)(B), substituted “use performance measures to evaluate, on an ongoing

basis,” for “develop performance measures to provide a basis for monitoring and evaluating”.

Subsec. (b)(3). Pub. L. 117–81, § 6403(1)(C), inserted “that, to the extent practicable, are informed by employee feedback” after “policies”.

Subsec. (b)(4). Pub. L. 117–81, § 6403(1)(D), inserted “including leader development and employee engagement programs,” before “in coordination”.

Subsec. (b)(5). Pub. L. 117–81, § 6403(1)(E), inserted “that is informed by an assessment, carried out by the Chief Human Capital Officer, of the learning and developmental needs of employees in supervisory and non-supervisory roles across the Department and appropriate workforce planning initiatives” before semicolon at end.

Subsec. (b)(9) to (12). Pub. L. 117–81, § 6403(1)(G), added pars. (9) to (12). Former pars. (9) and (10) redesignated (13) and (14), respectively.

Subsec. (b)(13), (14). Pub. L. 117–81, § 6403(1)(F), redesignated pars. (9) and (10) as (13) and (14), respectively.

Subsec. (d). Pub. L. 117–81, § 6403(3), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 117–81, § 6403(2), (4), redesignated subsec. (d) as (e), inserted pars. (2) to (4), and redesignated former pars. (2) to (4) as (5) to (7), respectively.

Subsec. (f). Pub. L. 117–81, § 6403(2), redesignated subsec. (e) as (f).

2016—Pub. L. 114–328 amended section generally. Prior to amendment, text read as follows: “The Chief Human Capital Officer shall report to the Secretary, or to another official of the Department, as the Secretary may direct and shall ensure that all employees of the Department are informed of their rights and remedies under chapters 12 and 23 of title 5 by—

“(1) participating in the 2302(c) Certification Program of the Office of Special Counsel;

“(2) achieving certification from the Office of Special Counsel of the Department’s compliance with section 2302(c) of title 5; and

“(3) informing Congress of such certification not later than 24 months after November 25, 2002.”

**§ 345. Establishment of Officer for Civil Rights and Civil Liberties**

**(a) In general**

The Officer for Civil Rights and Civil Liberties, who shall report directly to the Secretary, shall—

(1) review and assess information concerning abuses of civil rights, civil liberties, and profiling on the basis of race, ethnicity, or religion, by employees and officials of the Department;

(2) make public through the Internet, radio, television, or newspaper advertisements information on the responsibilities and functions of, and how to contact, the Officer;

(3) assist the Secretary, directorates, and offices of the Department to develop, implement, and periodically review Department policies and procedures to ensure that the protection of civil rights and civil liberties is appropriately incorporated into Department programs and activities;

(4) oversee compliance with constitutional, statutory, regulatory, policy, and other requirements relating to the civil rights and civil liberties of individuals affected by the programs and activities of the Department;

(5) coordinate with the Privacy Officer to ensure that—

(A) programs, policies, and procedures involving civil rights, civil liberties, and privacy considerations are addressed in an integrated and comprehensive manner; and



(B) Congress receives appropriate reports regarding such programs, policies, and procedures; and

(6) investigate complaints and information indicating possible abuses of civil rights or civil liberties, unless the Inspector General of the Department determines that any such complaint or information should be investigated by the Inspector General.

#### (b) Report

The Secretary shall submit to the President of the Senate, the Speaker of the House of Representatives, and the appropriate committees and subcommittees of Congress on an annual basis a report on the implementation of this section, including the use of funds appropriated to carry out this section, and detailing any allegations of abuses described under subsection (a)(1) and any actions taken by the Department in response to such allegations.

(Pub. L. 107-296, title VII, § 705, Nov. 25, 2002, 116 Stat. 2219; Pub. L. 108-458, title VIII, § 8303, Dec. 17, 2004, 118 Stat. 3867.)

#### Editorial Notes

##### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, § 8303(1), reenacted heading without change and amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: “The Secretary shall appoint in the Department an Officer for Civil Rights and Civil Liberties, who shall—”.

Subsec. (a)(1). Pub. L. 108-458, § 8303(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “review and assess information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by employees and officials of the Department; and”.

Subsec. (a)(3) to (6). Pub. L. 108-458, § 8303(3), (4), added pars. (3) to (6).

#### § 346. Consolidation and co-location of offices

Not later than 1 year after November 25, 2002, the Secretary shall develop and submit to Congress a plan for consolidating and co-locating—

(1) any regional offices or field offices of agencies that are transferred to the Department under this chapter, if such officers<sup>1</sup> are located in the same municipality; and

(2) portions of regional and field offices of other Federal agencies, to the extent such offices perform functions that are transferred to the Secretary under this chapter.

(Pub. L. 107-296, title VII, § 706, Nov. 25, 2002, 116 Stat. 2220.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in pars. (1) and (2), 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.

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

#### § 347. Quadrennial homeland security review

##### (a) Requirement

###### (1) Quadrennial reviews required

In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a “quadrennial homeland security review”).

###### (2) Scope of reviews

Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the programs, assets, capabilities, budget, policies, and authorities of the Department.

###### (3) Consultation

The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—

(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture the Secretary of Energy,<sup>1</sup> and the Director of National Intelligence;

(B) key officials of the Department, including the Under Secretary for Strategy, Policy, and Plans;

(C) representatives from appropriate advisory committees established pursuant to section 451 of this title, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49; and

(D) other relevant governmental and non-governmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

###### (4) Relationship with future years homeland security program

The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 454 of this title.

##### (b) Contents of review

In each quadrennial homeland security review, the Secretary shall—

(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

(2) outline and prioritize the full range of the critical homeland security mission areas

<sup>1</sup> So in original.

of the Nation based on the risk assessment required pursuant to subsection (c)(2)(B);

(3) describe, to the extent practicable, the interagency cooperation, preparedness of Federal response assets, infrastructure, resources required, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

(4) identify, to the extent practicable, the resources required to execute the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2), 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

(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2).

### **(c) Reporting**

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

Not later than 60 days after the date of the submission of the President's budget for the fiscal year after the fiscal year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

#### **(2) Contents of report**

Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) a risk assessment of the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review or for purposes of the quadrennial EMP and GMD risk assessment under section 195f(d)(1)(E) of this title;

(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation, as required under subsection (b)(2);

(D) to the extent practicable, a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, resources required, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy

referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

(F) to the extent practicable, a discussion of cooperation among Federal agencies in the effort to promote national homeland security;

(G) to the extent practicable, a discussion of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats and risks to national homeland security; and

(H) any other matter the Secretary considers appropriate.

### **(3) Documentation**

The Secretary shall retain and, upon request, provide to Congress the following documentation regarding each quadrennial homeland security review:

(A) Records regarding the consultation carried out pursuant to subsection (a)(3), including the following:

(i) All written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the interagency process.

(ii) Information on how feedback received by the Secretary informed each such quadrennial homeland security review.

(B) Information regarding the risk assessment required pursuant to subsection (c)(2)(B), including the following:

(i) The risk model utilized to generate such risk assessment.

(ii) Information, including data used in the risk model, utilized to generate such risk assessment.

(iii) Sources of information, including other risk assessments, utilized to generate such risk assessment.

(iv) Information on assumptions, weighing factors, and subjective judgments utilized to generate such risk assessment, together with information on the rationale or basis thereof.

### **(4) Public availability**

The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

### **(d) Review**

Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the quadrennial

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;

(4) manage Department leadership councils and provide analytics and support to such councils;

(5) manage international coordination and engagement for the Department;

(6) review and incorporate, as appropriate, external stakeholder feedback into Department policy; and

(7) carry out such other responsibilities as the Secretary determines appropriate.

**(d) Deputy Under Secretary**

**(1) In general**

The Secretary may—

(A) establish within the Office of Strategy, Policy, and Plans a position of Deputy Under Secretary to support the Under Secretary for Strategy, Policy, and Plans in carrying out the Under Secretary's responsibilities; and

(B) appoint a career employee to such position.

**(2) Limitation on establishment of Deputy Under Secretary positions**

A Deputy Under Secretary position (or any substantially similar position) within the Office of Strategy, Policy, and Plans may not be established except for the position provided for by paragraph (1), unless the Secretary receives prior authorization from Congress.

**(3) Definitions**

For purposes of paragraph (1)—

(A) the term “career employee” means any employee (as such term is defined in section 2105 of title 5), but does not include a political appointee; and

(B) the term “political appointee” means any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

**(e) Coordination by Department components**

To ensure consistency with the policy priorities of the Department, the head of each component of the Department shall coordinate with the Office of Strategy, Policy, and Plans in establishing or modifying policies or strategic planning guidance with respect to each such component.

**(f) Homeland Security statistics and joint analysis**

**(1) Homeland Security statistics**

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

(A) establish standards of reliability and validity for statistical data collected and analyzed by the Department;

(B) be provided by the heads of all components of the Department with statistical data maintained by the Department regarding the operations of the Department;

(C) conduct or oversee analysis and reporting of such data by the Department as required by law or as directed by the Secretary; and

(D) ensure the accuracy of metrics and statistical data provided to Congress.

**(2) Transfer of responsibilities**

There shall be transferred to the Under Secretary for Strategy, Policy, and Plans the maintenance of all immigration statistical information of U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and United States Citizenship and Immigration Services, which shall include information and statistics of the type contained in the publication entitled “Yearbook of Immigration Statistics” prepared by the Office of Immigration Statistics, including region-by-region statistics on the aggregate number of applications and petitions filed by an alien (or filed on behalf of an alien) and denied, and the reasons for such denials, disaggregated by category of denial and application or petition type.

**(g) Assistant Secretary**

**(1) In general**

There is established within the Office of Strategy, Policy, and Plans an Assistant Secretary, who shall assist the Secretary in carrying out the duties under paragraph (2) and the responsibilities under paragraph (3). Notwithstanding section 113(a)(1) of this title, the Assistant Secretary established under this paragraph shall be appointed by the President without the advice and consent of the Senate.

**(2) Duties**

At the direction of the Secretary, the Assistant Secretary established under paragraph (1) shall be responsible for policy formulation regarding matters relating to economic security and trade, as such matters relate to the mission and the operations of the Department.

**(3) Additional responsibilities**

In addition to the duties specified in paragraph (2), the Assistant Secretary established under paragraph (1), at the direction of the Secretary, may—

(A) oversee—

(i) coordination of supply chain policy; and

(ii) assessments and reports to Congress related to critical economic security domains;

(B) coordinate with stakeholders in other Federal departments and agencies and non-governmental entities with trade and economic security interests, authorities, and responsibilities; and

(C) perform such additional duties as the Secretary or the Under Secretary of Strategy, Policy, and Plans may prescribe.

**(4) Definitions**

In this subsection:

**(A) Critical economic security domain**

The term “critical economic security domain” means any infrastructure, industry, technology, or intellectual property (or combination thereof) that is essential for the economic security of the United States.

**(B) Economic security**

The term “economic security” has the meaning given such term in section 474(c)(2) of this title.



**(h) Limitation**

Nothing in this section overrides or otherwise affects the requirements specified in section 468 of this title.

(Pub. L. 107–296, title VII, § 709, as added Pub. L. 114–328, div. A, title XIX, § 1902(a), Dec. 23, 2016, 130 Stat. 2670; amended Pub. L. 117–263, div. G, title LXXI, § 7116(b), Dec. 23, 2022, 136 Stat. 3637.)

**Editorial Notes****AMENDMENTS**

2022—Subsecs. (g), (h). Pub. L. 117–263 added subsec. (g) and redesignated former subsec. (g) as (h).

**Statutory Notes and Related Subsidiaries****RULE OF CONSTRUCTION**

Pub. L. 117–263, div. G, title LXXI, § 7116(c), Dec. 23, 2022, 136 Stat. 3638, provided that: “Nothing in this section [amending this section and enacting provisions set out as a note under section 451 of this title] or the amendments made by this section may be construed to affect or diminish the authority otherwise granted to any other officer of the Department of Homeland Security.”

**§ 350. Workforce health and medical support****(a) In general**

The Under Secretary for Management shall be responsible for workforce-focused health and medical activities of the Department. The Under Secretary for Management may further delegate responsibility for those activities, as appropriate.

**(b) Responsibilities**

The Under Secretary for Management, in coordination with the Chief Medical Officer, shall—

(1) provide oversight and coordinate the medical and health activities of the Department for the human and animal personnel of the Department;

(2) establish medical, health, veterinary, and occupational health exposure policy, guidance, strategies, and initiatives for the human and animal personnel of the Department;

(3) as deemed appropriate by the Under Secretary, provide medical liaisons to the components of the Department, on a reimbursable basis, to provide subject matter expertise on occupational medical and public health issues;

(4) serve as the primary representative for the Department on agreements regarding the detail of Commissioned Corps officers of the Public Health Service of the Department of Health and Human Services to the Department, except that components of the Department shall retain authority for funding, determination of specific duties, and supervision of such detailed Commissioned Corps officers; and

(5) perform such other duties relating to the responsibilities described in this subsection as the Secretary may require.

(Pub. L. 107–296, title VII, § 710, as added Pub. L. 115–387, § 2(d), Dec. 21, 2018, 132 Stat. 5167.)

**§ 351. Employee engagement****(a) Steering committee**

Not later than 120 days after December 27, 2021, the Secretary shall establish an employee

engagement steering committee, including representatives from operational components, headquarters, and field personnel, including supervisory and nonsupervisory personnel, and employee labor organizations that represent Department employees, and chaired by the Under Secretary for Management, to carry out the following activities:

(1) Identify factors that have a negative impact on employee engagement, morale, and communications within the Department, such as perceptions about limitations on career progression, mobility, or development opportunities, collected through employee feedback platforms, including through annual employee surveys, questionnaires, and other communications, as appropriate.

(2) Identify, develop, and distribute initiatives and best practices to improve employee engagement, morale, and communications within the Department, including through annual employee surveys, questionnaires, and other communications, as appropriate.

(3) Monitor efforts of each component to address employee engagement, morale, and communications based on employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate.

(4) Advise the Secretary on efforts to improve employee engagement, morale, and communications within specific components and across the Department.

(5) Conduct regular meetings and report, not less than once per quarter, to the Under Secretary for Management, the head of each component, and the Secretary on Departmentwide efforts to improve employee engagement, morale, and communications.

**(b) Action plan; reporting**

The Secretary, acting through the Chief Human Capital Officer, shall—

(1) not later than 120 days after the date of the establishment of the employee engagement steering committee under subsection (a), issue a Departmentwide employee engagement action plan, reflecting input from the steering committee and employee feedback provided through annual employee surveys, questionnaires, and other communications in accordance with paragraph (1) of such subsection, to execute strategies to improve employee engagement, morale, and communications within the Department; and

(2) require the head of each component to—

(A) develop and implement a component-specific employee engagement plan to advance the action plan required under paragraph (1) that includes performance measures and objectives, is informed by employee feedback provided through annual employee surveys, questionnaires, and other communications, as appropriate, and sets forth how employees and, where applicable, their labor representatives are to be integrated in developing programs and initiatives;

(B) monitor progress on implementation of such action plan; and

(C) provide to the Chief Human Capital Officer and the steering committee quarterly

reports on actions planned and progress made under this paragraph.

**(c) Termination**

This section shall terminate on the date that is five years after December 27, 2021.

(Pub. L. 107-296, title VII, § 711, as added Pub. L. 117-81, div. F, title LXIV, § 6401(a), Dec. 27, 2021, 135 Stat. 2397.)

**Statutory Notes and Related Subsidiaries**

**SUBMISSIONS TO CONGRESS**

Pub. L. 117-81, div. F, title LXIV, § 6401(c), Dec. 27, 2021, 135 Stat. 2398, provided that:

“(1) DEPARTMENT-WIDE EMPLOYEE ENGAGEMENT ACTION PLAN.—The Secretary of Homeland Security, acting through the Chief Human Capital Officer of the Department of Homeland Security, shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the Department-wide employee engagement action plan required under subsection (b)(1) of section 711 of the Homeland Security Act of 2002 [this section] (as added by subsection (a) of this section) not later than 30 days after the issuance of such plan under such subsection (b)(1).

“(2) COMPONENT-SPECIFIC EMPLOYEE ENGAGEMENT PLANS.—Each head of a component of the Department of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate the component-specific employee engagement plan of each such component required under subsection (b)(2) of section 711 of the Homeland Security Act of 2002 [this section] not later than 30 days after the issuance of each such plan under such subsection (b)(2).”

**§ 352. Annual employee award program**

**(a) In general**

The Secretary may establish an annual employee award program to recognize Department employees or groups of employees for significant contributions to the achievement of the Department's goals and missions. If such a program is established, the Secretary shall—

(1) establish within such program categories of awards, each with specific criteria, that emphasize honoring employees who are at the nonsupervisory level;

(2) publicize within the Department how any employee or group of employees may be nominated for an award;

(3) establish an internal review board comprised of representatives from Department components, headquarters, and field personnel to submit to the Secretary award recommendations regarding specific employees or groups of employees;

(4) select recipients from the pool of nominees submitted by the internal review board under paragraph (3) and convene a ceremony at which employees or groups of employees receive such awards from the Secretary; and

(5) publicize such program within the Department.

**(b) Internal review board**

The internal review board described in subsection (a)(3) shall, when carrying out its function under such subsection, consult with representatives from operational components and

headquarters, including supervisory and non-supervisory personnel, and employee labor organizations that represent Department employees.

**(c) Rule of construction**

Nothing in this section may be construed to authorize additional funds to carry out the requirements of this section or to require the Secretary to provide monetary bonuses to recipients of an award under this section.

(Pub. L. 107-296, title VII, § 712, as added Pub. L. 117-81, div. F, title LXIV, § 6402(a), Dec. 27, 2021, 135 Stat. 2398.)

**§ 353. Acquisition professional career program**

**(a) Establishment**

There is established in the Department an acquisition professional career program to develop a cadre of acquisition professionals within the Department.

**(b) Administration**

The Under Secretary for Management shall administer the acquisition professional career program established pursuant to subsection (a).

**(c) Program requirements**

The Under Secretary for Management shall carry out the following with respect to the acquisition professional career program.<sup>1</sup>

(1) Designate the occupational series, grades, and number of acquisition positions throughout the Department to be included in the program and manage centrally such positions.

(2) Establish and publish on the Department's website eligibility criteria for candidates to participate in the program.

(3) Carry out recruitment efforts to attract candidates—

(A) from institutions of higher education, including such institutions with established acquisition specialties and courses of study, historically Black colleges and universities, and Hispanic-serving institutions;

(B) with diverse work experience outside of the Federal Government; or

(C) with military service.

(4) Hire eligible candidates for designated positions under the program.

(5) Develop a structured program comprised of acquisition training, on-the-job experience, Department-wide rotations, mentorship, shadowing, and other career development opportunities for program participants.

(6) Provide, beyond required training established for program participants, additional specialized acquisition training, including small business contracting and innovative acquisition techniques training.

**(d) Reports**

Not later than one year after December 27, 2021, and annually thereafter through 2027, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the acquisition professional career program. Each such report shall include the following information:

<sup>1</sup> So in original. Probably should be a colon.

(1) The number of candidates approved for the program.

(2) The number of candidates who commenced participation in the program, including generalized information on such candidates' backgrounds with respect to education and prior work experience, but not including personally identifiable information.

(3) A breakdown of the number of participants hired under the program by type of acquisition position.

(4) A list of Department components and offices that participated in the program and information regarding length of time of each program participant in each rotation at such components or offices.

(5) Program attrition rates and post-program graduation retention data, including information on how such data compare to the prior year's data, as available.

(6) The Department's recruiting efforts for the program.

(7) The Department's efforts to promote retention of program participants.

**(e) Definitions**

In this section:

**(1) Hispanic-serving institution**

The term "Hispanic-serving institution" has the meaning given such term in section 1101a of title 20.

**(2) Historically Black colleges and universities**

The term "historically Black colleges and universities" has the meaning given the term "part B institution" in section 1061(2) of title 20.

**(3) Institution of higher education**

The term "institution of higher education" has the meaning given such term in section 1001 of title 20.

(Pub. L. 107–296, title VII, § 713, as added Pub. L. 117–81, div. F, title LXIV, § 6405(a), Dec. 27, 2021, 135 Stat. 2401.)

**SUBCHAPTER VIII—COORDINATION WITH NON-FEDERAL ENTITIES; INSPECTOR GENERAL; UNITED STATES SECRET SERVICE; COAST GUARD; GENERAL PROVISIONS**

**PART A—COORDINATION WITH NON-FEDERAL ENTITIES**

**§ 361. Office for State and Local Government Coordination**

**(a) Establishment**

There is established within the Office of the Secretary the Office for State and Local Government Coordination, to oversee and coordinate departmental programs for and relationships with State and local governments.

**(b) Responsibilities**

The Office established under subsection (a) shall—

(1) coordinate the activities of the Department relating to State and local government;

(2) assess, and advocate for, the resources needed by State and local government to im-

plement the national strategy for combating terrorism;

(3) provide State and local government with regular information, research, and technical support to assist local efforts at securing the homeland; and

(4) develop a process for receiving meaningful input from State and local government to assist the development of the national strategy for combating terrorism and other homeland security activities.

(Pub. L. 107–296, title VIII, § 801, Nov. 25, 2002, 116 Stat. 2220.)

**Executive Documents**

**EX. ORD. NO. 13629. ESTABLISHING THE WHITE HOUSE HOMELAND SECURITY PARTNERSHIP COUNCIL**

Ex. Ord. No. 13629, Oct. 26, 2012, 77 F.R. 66353, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to advance the Federal Government's use of local partnerships to address homeland security challenges, it is hereby ordered as follows:

**SECTION 1. Policy.** The purpose of this order is to maximize the Federal Government's ability to develop local partnerships in the United States to support homeland security priorities. Partnerships are collaborative working relationships in which the goals, structure, and roles and responsibilities of the relationships are mutually determined. Collaboration enables the Federal Government and its partners to use resources more efficiently, build on one another's expertise, drive innovation, engage in collective action, broaden investments to achieve shared goals, and improve performance. Partnerships enhance our ability to address homeland security priorities, from responding to natural disasters to preventing terrorism, by utilizing diverse perspectives, skills, tools, and resources.

The National Security Strategy emphasizes the importance of partnerships, underscoring that to keep our Nation safe "we must tap the ingenuity outside government through strategic partnerships with the private sector, nongovernmental organizations, foundations, and community-based organizations. Such partnerships are critical to U.S. success at home and abroad, and we will support them through enhanced opportunities for engagement, coordination, transparency, and information sharing." This approach recognizes that, given the complexities and range of challenges, we must institutionalize an all-of-Nation effort to address the evolving threats to the United States.

**SEC. 2. White House Homeland Security Partnership Council and Steering Committee.**

(a) *White House Homeland Security Partnership Council.* There is established a White House Homeland Security Partnership Council (Council) to foster local partnerships—between the Federal Government and the private sector, nongovernmental organizations, foundations, community-based organizations, and State, local, tribal, and territorial government and law enforcement—to address homeland security challenges. The Council shall be chaired by the Assistant to the President for Homeland Security and Counterterrorism (Chair), or a designee from the National Security Staff.

(b) *Council Membership.*

(i) Pursuant to the nomination process established in subsection (b)(ii) of this section, the Council shall be composed of Federal officials who are from field offices of the executive departments, agencies, and bureaus (agencies) that are members of the Steering Committee established in subsection (c) of this section, and who have demonstrated an ability to develop, sustain, and institutionalize local partnerships to address policy priorities.

(ii) The nomination process and selection criteria for members of the Council shall be established by the