

ligence Program. The Homeland Security Intelligence Program constitutes the intelligence activities of the Office of Intelligence and Analysis of the Department that serve predominantly departmental missions.

(Pub. L. 112-277, title V, § 501, Jan. 14, 2013, 126 Stat. 2476.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Intelligence Authorization Act for Fiscal Year 2013, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 122. Access to information

(a) In general

(1) Threat and vulnerability information

Except as otherwise directed by the President, the Secretary shall have such access as the Secretary considers necessary to all information, including reports, assessments, analyses, and unevaluated intelligence relating to threats of terrorism against the United States and to other areas of responsibility assigned by the Secretary, and to all information concerning infrastructure or other vulnerabilities of the United States to terrorism, whether or not such information has been analyzed, that may be collected, possessed, or prepared by any agency of the Federal Government.

(2) Other information

The Secretary shall also have access to other information relating to matters under the responsibility of the Secretary that may be collected, possessed, or prepared by an agency of the Federal Government as the President may further provide.

(b) Manner of access

Except as otherwise directed by the President, with respect to information to which the Secretary has access pursuant to this section—

(1) The Secretary may obtain such material upon request, and may enter into cooperative arrangements with other executive agencies to provide such material or provide Department officials with access to it on a regular or routine basis, including requests or arrangements involving broad categories of material, access to electronic databases, or both; and

(2) regardless of whether the Secretary has made any request or entered into any cooperative arrangement pursuant to paragraph (1), all agencies of the Federal Government shall promptly provide to the Secretary—

(A) all reports (including information reports containing intelligence which has not been fully evaluated), assessments, and analytical information relating to threats of terrorism against the United States and to other areas of responsibility assigned by the Secretary;

(B) all information concerning the vulnerability of the infrastructure of the United States, or other vulnerabilities of the United States, to terrorism, whether or not such information has been analyzed;

(C) all other information relating to significant and credible threats of terrorism

against the United States, whether or not such information has been analyzed; and

(D) such other information or material as the President may direct.

(c) Treatment under certain laws

The Secretary shall be deemed to be a Federal law enforcement, intelligence, protective, national defense, immigration, or national security official, and shall be provided with all information from law enforcement agencies that is required to be given to the Director of National Intelligence, under any provision of the following:

(1) The USA PATRIOT Act of 2001 (Public Law 107-56).

(2) Section 2517(6) of title 18.

(3) Rule 6(e)(3)(C) of the Federal Rules of Criminal Procedure.

(d) Access to intelligence and other information

(1) Access by elements of Federal Government

Nothing in this subchapter shall preclude any element of the intelligence community (as that term is defined in section 3003(4) of title 50,¹ or any other element of the Federal Government with responsibility for analyzing terrorist threat information, from receiving any intelligence or other information relating to terrorism.

(2) Sharing of information

The Secretary, in consultation with the Director of National Intelligence, shall work to ensure that intelligence or other information relating to terrorism to which the Department has access is appropriately shared with the elements of the Federal Government referred to in paragraph (1), as well as with State and local governments, as appropriate.

(Pub. L. 107-296, title II, § 202, Nov. 25, 2002, 116 Stat. 2149; Pub. L. 115-278, § 2(g)(2)(D), Nov. 16, 2018, 132 Stat. 4177.)

Editorial Notes

REFERENCES IN TEXT

The USA PATRIOT Act of 2001, referred to in subsec. (c)(1), is Pub. L. 107-56, Oct. 26, 2001, 115 Stat. 272, known as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 or the USA PATRIOT Act. For complete classification of this Act to the Code, see Short Title of 2001 Amendment note set out under section 1 of Title 18, Crimes and Criminal Procedure, and Tables.

The Federal Rules of Criminal Procedure, referred to in subsec. (c)(3), are set out in the Appendix to Title 18, Crimes and Criminal Procedure.

This subchapter, referred to in subsec. (d)(1), was in the original “this title”, meaning title II of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2149, which enacted this subchapter, amended sections 1030, 2511, 2512, 2520, 2701 to 2703, and 3125 of Title 18, Crimes and Criminal Procedure, sections 10102 and 10122 of Title 34, Crime Control and Law Enforcement, and section 3003 of Title 50, War and National Defense, and enacted provisions set out as a note under section 101 of this title and listed in a Provisions for Review, Promulgation, or Amendment of Federal Sentencing Guidelines Relating to Specific Offenses table set out under section 994 of Title 28, Judici-

¹ So in original. There probably should be a closing parenthesis after “50”.

ary and Judicial Procedure. For complete classification of title II to the Code, see Tables.

AMENDMENTS

2018—Subsecs. (c), (d)(2). Pub. L. 115–278 substituted “Director of National Intelligence” for “Director of Central Intelligence”.

§ 123. Terrorist travel program

(a) Requirement to establish

Not later than 90 days after August 3, 2007, the Secretary of Homeland Security, in consultation with the Director of the National Counterterrorism Center and consistent with the strategy developed under section 7201,¹ shall establish a program to oversee the implementation of the Secretary’s responsibilities with respect to terrorist travel.

(b) Head of the program

The Secretary of Homeland Security shall designate an official of the Department of Homeland Security to be responsible for carrying out the program. Such official shall be—

- (1) the Assistant Secretary for Policy of the Department of Homeland Security; or
- (2) an official appointed by the Secretary who reports directly to the Secretary.

(c) Duties

The official designated under subsection (b) shall assist the Secretary of Homeland Security in improving the Department’s ability to prevent terrorists from entering the United States or remaining in the United States undetected by—

- (1) developing relevant strategies and policies;
- (2) reviewing the effectiveness of existing programs and recommending improvements, if necessary;
- (3) making recommendations on budget requests and on the allocation of funding and personnel;
- (4) ensuring effective coordination, with respect to policies, programs, planning, operations, and dissemination of intelligence and information related to terrorist travel—
 - (A) among appropriate subdivisions of the Department of Homeland Security, as determined by the Secretary and including—
 - (i) United States Customs and Border Protection;
 - (ii) United States Immigration and Customs Enforcement;
 - (iii) United States Citizenship and Immigration Services;
 - (iv) the Transportation Security Administration; and
 - (v) the United States Coast Guard; and
 - (B) between the Department of Homeland Security and other appropriate Federal agencies; and
- (5) serving as the Secretary’s primary point of contact with the National Counterterrorism Center for implementing initiatives related to terrorist travel and ensuring that the recommendations of the Center related to terrorist travel are carried out by the Department.

¹ See References in Text note below.

(d) Report

Not later than 180 days after August 3, 2007, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this section.

(Pub. L. 108–458, title VII, § 7215, Dec. 17, 2004, 118 Stat. 3832; Pub. L. 110–53, title VII, § 722, Aug. 3, 2007, 121 Stat. 348.)

Editorial Notes

REFERENCES IN TEXT

Section 7201, referred to in subsec. (a), is section 7201 of Pub. L. 108–458, title VII, Dec. 17, 2004, 118 Stat. 3808, which enacted section 1776 of Title 8, Aliens and Nationality, and provisions set out as notes under section 1776 of Title 8 and sections 3024 and 3056 of Title 50, War and National Defense.

CODIFICATION

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and also as part of the 9/11 Commission Implementation Act of 2004, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

AMENDMENTS

2007—Pub. L. 110–53 reenacted section catchline without change and amended text generally, substituting provisions relating to establishment of a program to oversee the implementation of the Secretary’s responsibilities with respect to terrorist travel not later than 90 days after Aug. 3, 2007, and relating to the head of the program, such official’s duties, and report on implementation for provisions relating to establishment of a program to oversee the implementation of the Department’s responsibilities with respect to terrorist travel.

Statutory Notes and Related Subsidiaries

NATIONAL STRATEGY TO COMBAT TERRORIST TRAVEL

Pub. L. 114–328, div. A, title XIX, § 1908, Dec. 23, 2016, 130 Stat. 2678, provided that:

“(a) SENSE OF CONGRESS.—It is the sense of Congress that it should be the policy of the United States to—

“(1) continue to regularly assess the evolving terrorist threat to the United States;

“(2) catalog existing Federal Government efforts to obstruct terrorist and foreign fighter travel into, out of, and within the United States, and overseas;

“(3) identify such efforts that may benefit from reform or consolidation, or require elimination;

“(4) identify potential security vulnerabilities in United States defenses against terrorist travel; and

“(5) prioritize resources to address any such security vulnerabilities in a risk-based manner.

“(b) NATIONAL STRATEGY AND UPDATES.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016], the President 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 appropriate congressional committees a national strategy to combat terrorist travel. The strategy shall address efforts to intercept terrorists and foreign fighters and constrain the domestic and international travel of such persons. Consistent with the protection of classified information, the strategy shall be submitted in unclassified form, including, as appropriate, a classified annex.

“(2) UPDATED STRATEGIES.—Not later than 180 days after the date on which a new President is inaugu-