

the Homeland Security Act of 2002 which comprises this chapter.

#### Statutory Notes and Related Subsidiaries

##### BRIEFING ON DEPARTMENT OF HOMELAND SECURITY INTELLIGENCE ACTIVITIES

Pub. L. 117-263, div. F, title LXVIII, § 6819, Dec. 23, 2022, 136 Stat. 3611, provided that:

“(a) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means the following:

“(A) The congressional intelligence committees.

“(B) The Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate.

“(C) The Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

“(2) COMPONENT OF THE DEPARTMENT OF HOMELAND SECURITY.—The term ‘component of the Department of Homeland Security’ means the following components of the Department of Homeland Security:

“(A) The Cybersecurity and Infrastructure Security Agency Threat Management Division.

“(B) The Federal Emergency Management Agency Protection and National Preparedness, Office of Counterterrorism and Security Preparedness.

“(C) The Transportation Security Administration Office of Intelligence and Analysis.

“(D) The United States Citizenship and Immigration Services Fraud Detection and National Security Directorate, Field Operations Directorate, and Collateral Duty Intelligence.

“(E) The United States Customs and Border Protection Office of Intelligence.

“(F) The United States Immigration and Customs Enforcement Homeland Security Investigations, Office of Intelligence, and Special Agent in Charge Intelligence Program.

“(3) INTELLIGENCE ACTIVITY.—The term ‘intelligence activity’ shall be interpreted consistent with how such term is used in section 502 of the National Security Act of 1947 (50 U.S.C. 3092).

“(b) BRIEFING ON INTELLIGENCE ACTIVITIES.—Consistent with section 501 of the National Security Act of 1947 (50 U.S.C. 3091), not later than 30 days after the date of the enactment of this Act [Dec. 23, 2022], the Chief Intelligence Officer of the Department of Homeland Security shall provide the appropriate congressional committees a briefing on the intelligence activities of elements of the Department of Homeland Security that are not elements of the intelligence community. Such briefing shall include the following:

“(1) A comprehensive description of all intelligence activities conducted during the period beginning on January 1, 2018, and ending on the date of the briefing, by any component of the Department of Homeland Security that conducts intelligence activities.

“(2) With respect to each such intelligence activity, a description of the activity, including, at a minimum—

“(A) the nature of the activity;

“(B) the component undertaking the activity;

“(C) the legal authority for such activity; and

“(D) the source of funding for such activity.

“(3) A description and the quantity of any types of finished intelligence products, or intelligence information reports, produced or contributed to by a component of the Department of Homeland Security that conducts intelligence activities during the period specified in paragraph (1).

“(4) An identification of any external or internal guidelines, policies, processes, practices, or programs governing the collection, retention, analysis, or dissemination by such a component of information regarding United States citizens, lawful permanent residents of the United States, or individuals located within the United States.

“(c) FORM.—The briefing under subsection (b) may be provided in classified form.

“(d) ADDITIONAL BRIEFINGS.—Not later than 1 year after the date on which the Chief Intelligence Officer provides the briefing under subsection (b) and not less frequently than once each year thereafter, the Chief Intelligence Officer shall provide the appropriate congressional committees a briefing on any new intelligence activities commenced by any component of the Department of Homeland Security and any that have been terminated.”

[For definitions of “congressional intelligence committees” and “intelligence community” as used in section 6819 of Pub. L. 117-263, set out above, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of Title 50, War and National Defense.]

#### DEFINITIONS

“Congressional intelligence committees” means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, see section 2 of Pub. L. 113-293, set out as a note under section 3003 of Title 50, War and National Defense.

### § 126. Department of Homeland Security data framework

#### (a) In general

##### (1) Development

The Secretary of Homeland Security shall develop a data framework to integrate existing Department of Homeland Security datasets and systems, as appropriate, for access by authorized personnel in a manner consistent with relevant legal authorities and privacy, civil rights, and civil liberties policies and protections.

##### (2) Requirements

In developing the framework required under paragraph (1), the Secretary of Homeland Security shall ensure, in accordance with all applicable statutory and regulatory requirements, the following information is included:

(A) All information acquired, held, or obtained by an office or component of the Department of Homeland Security that falls within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence.

(B) Any information or intelligence relevant to priority mission needs and capability requirements of the homeland security enterprise, as determined appropriate by the Secretary.

#### (b) Data framework access

##### (1) In general

The Secretary of Homeland Security shall ensure that the data framework required under this section is accessible to employees of the Department of Homeland Security who the Secretary determines—

(A) have an appropriate security clearance;

(B) are assigned to perform a function that requires access to information in such framework; and

(C) are trained in applicable standards for safeguarding and using such information.

##### (2) Guidance

The Secretary of Homeland Security shall—

(A) issue guidance for Department of Homeland Security employees authorized to access and contribute to the data framework pursuant to paragraph (1); and

(B) ensure that such guidance enforces a duty to share between offices and components of the Department when accessing or contributing to such framework for mission needs.

**(3) Efficiency**

The Secretary of Homeland Security shall promulgate data standards and instruct components of the Department of Homeland Security to make available information through the data framework required under this section in a machine-readable standard format, to the greatest extent practicable.

**(c) Exclusion of information**

The Secretary of Homeland Security may exclude information from the data framework required under this section if the Secretary determines inclusion of such information may—

- (1) jeopardize the protection of sources, methods, or activities;
- (2) compromise a criminal or national security investigation;
- (3) be inconsistent with other Federal laws or regulations; or
- (4) be duplicative or not serve an operational purpose if included in such framework.

**(d) Safeguards**

The Secretary of Homeland Security shall incorporate into the data framework required under this section systems capabilities for auditing and ensuring the security of information included in such framework. Such capabilities shall include the following:

- (1) Mechanisms for identifying insider threats.
- (2) Mechanisms for identifying security risks.
- (3) Safeguards for privacy, civil rights, and civil liberties.

**(e) Deadline for implementation**

Not later than 2 years after December 19, 2018, the Secretary of Homeland Security shall ensure the data framework required under this section has the ability to include appropriate information in existence within the Department of Homeland Security to meet the critical mission operations of the Department of Homeland Security.

**(f) Notice to Congress**

**(1) Status updates**

The Secretary of Homeland Security shall submit to the appropriate congressional committees regular updates on the status of the data framework until the framework is fully operational.

**(2) Operational notification**

Not later than 60 days after the date on which the data framework required under this section is fully operational, the Secretary of Homeland Security shall provide notice to the appropriate congressional committees that the data framework is fully operational.

**(3) Value added**

The Secretary of Homeland Security shall annually brief Congress on component use of

the data framework required under this section to support operations that disrupt terrorist activities and incidents in the homeland.

**(g) Definitions**

In this section:

**(1) Appropriate congressional committee; homeland**

The terms “appropriate congressional committee” and “homeland” have the meaning given those terms in section 101 of this title.

**(2) Homeland security information**

The term “homeland security information” has the meaning given such term in section 482 of this title.

**(3) National intelligence**

The term “national intelligence” has the meaning given such term in section 3003(5) of title 50.

**(4) Terrorism information**

The term “terrorism information” has the meaning given such term in section 485 of this title.

(Pub. L. 115–331, § 2, Dec. 19, 2018, 132 Stat. 4484.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Department of Homeland Security Data Framework Act of 2018, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

PART B—INFORMATION SECURITY

**Editorial Notes**

CODIFICATION

Subtitle C of title II of Pub. L. 107–296, which was classified to part C of this subchapter, was redesignated subtitle B of title II of Pub. L. 107–296 by Pub. L. 115–278, § 2(g)(2)(K), Nov. 16, 2018, 132 Stat. 4178, and transferred to this part.

PRIOR PROVISIONS

A prior subtitle B of title II of Pub. L. 107–296, which was classified to this part, was redesignated subtitle B of title XXII of Pub. L. 107–296 by Pub. L. 115–278, § 2(g)(2)(H), Nov. 16, 2018, 132 Stat. 4178, and transferred to part B (§ 671 et seq.) of subchapter XVIII of this chapter.

**§§ 131 to 134. Transferred**

**Editorial Notes**

CODIFICATION

Section 131, Pub. L. 107–296, title II, § 212, Nov. 25, 2002, 116 Stat. 2150; Pub. L. 114–113, div. N, title II, § 204, Dec. 18, 2015, 129 Stat. 2961, which related to definitions, was renumbered section 2222 of Pub. L. 107–296 by Pub. L. 115–278, § 2(g)(2)(H), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 671 of this title.

Section 132, Pub. L. 107–296, title II, § 213, Nov. 25, 2002, 116 Stat. 2152, which related to designation of critical infrastructure protection program, was renumbered section 2223 of Pub. L. 107–296 by Pub. L. 115–278, § 2(g)(2)(H), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 672 of this title.

Section 133, Pub. L. 107–296, title II, § 214, Nov. 25, 2002, 116 Stat. 2152; Pub. L. 108–271, § 8(b), July 7, 2004, 118