

Foreign Affairs Training Center, see section 1(b) of Pub. L. 107-132, set out as a note under section 4021 of Title 22, Foreign Relations and Intercourse.

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

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

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

(a) In general

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

(b) Prohibition

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

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

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

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

§ 238. Office for Domestic Preparedness

(a) Establishment

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

(b) Director

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

(c) Responsibilities

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

(1) coordinating preparedness efforts at the Federal level, and working with all State,

local, tribal, parish, and private sector emergency response providers on all matters pertaining to combating terrorism, including training, exercises, and equipment support;

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

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

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

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

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

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

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

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

(d) Fiscal years 2003 and 2004

During fiscal year 2003 and fiscal year 2004, the Director of the Office for Domestic Preparedness established under this section shall manage and carry out those functions of the Office for Domestic Preparedness of the Department of Justice (transferred under this section) before September 11, 2001, under the same terms, conditions, policies, and authorities, and with the required level of personnel, assets, and budget before September 11, 2001.

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

Editorial Notes

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-125, § 802(g)(1)(B)(iv)(II)(aa), amended subsec. (a) generally. Prior to amendment, text read as follows: “The Office

for Domestic Preparedness shall be within the Directorate of Border and Transportation Security.”

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

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

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

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

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

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

§ 239. Office of Cargo Security Policy

(a) Establishment

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

(b) Purpose

The Office shall—

- (1) coordinate all Department policies relating to cargo security; and
- (2) consult with stakeholders and coordinate with other Federal agencies in the establishment of standards and regulations and to promote best practices.

(c) Director

(1) Appointment

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

- (A) be appointed by the Secretary; and
- (B) report to the Assistant Secretary for Policy.

(2) Responsibilities

The Director shall—

- (A) advise the Assistant Secretary for Policy in the development of Department-wide policies regarding cargo security;
- (B) coordinate all policies relating to cargo security among the agencies and offices within the Department relating to cargo security; and
- (C) coordinate the cargo security policies of the Department with the policies of other executive agencies.

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

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

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

- “(1) the authorities, functions, or capabilities of the Coast Guard to perform its missions; or
- “(2) the requirement under section 888 of the Homeland Security Act (6 U.S.C. 468) that those authori-

ties, functions, and capabilities be maintained intact.”

§ 240. Border Enforcement Security Task Force

(a) Establishment

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

(b) Purpose

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

- (1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and
- (2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

(c) Composition and establishment of units

(1) Composition

BEST units may be comprised of personnel from—

- (A) U.S. Immigration and Customs Enforcement;
- (B) U.S. Customs and Border Protection;
- (C) the United States Coast Guard;
- (D) other Department personnel, as appropriate¹
- (E) other Federal agencies, as appropriate;
- (F) appropriate State law enforcement agencies;
- (G) foreign law enforcement agencies, as appropriate;
- (H) local law enforcement agencies from affected border cities and communities; and
- (I) appropriate tribal law enforcement agencies.

(2) Establishment of units

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

- (A) whether the area in which the BEST unit would be established is significantly impacted by cross-border threats;
- (B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit;
- (C) the extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions in the country; and
- (D) whether or not an Integrated Border Enforcement Team already exists in the area in which the BEST unit would be established.

(3) Duplication of efforts

In determining whether to establish a new BEST unit or to expand an existing BEST unit in a given jurisdiction, the Secretary shall en-

¹ So in original. Probably should be followed by a semicolon.