

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 appropriate<sup>1</sup>
- (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-

<sup>1</sup> So in original. Probably should be followed by a semicolon.