

(f) Rule of construction

Nothing in this section may be construed to authorize the Coast Guard, Customs and Border Protection, or any other partner agency to acquire, share, or transfer personal information relating to an individual in violation of any Federal or State law or regulation.

(Pub. L. 117-263, div. K, title CXII, §11264, Dec. 23, 2022, 136 Stat. 4062.)

Editorial Notes**CODIFICATION**

Section was enacted as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

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

Pub. L. 117-263, div. K, §11003, Dec. 23, 2022, 136 Stat. 4003, provided that:

“(a) IN GENERAL.—Nothing in this division [div. K (§§11001–11808) of Pub. L. 117-263, see Tables for classification] may be construed—

“(1) to satisfy any requirement for government-to-government consultation with Tribal governments; or

“(2) to affect or modify any treaty or other right of any Tribal government.

“(b) TRIBAL GOVERNMENT DEFINED.—In this section, the term ‘Tribal government’ means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of the enactment of this Act [Dec. 23, 2022] pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).”

DEFINITIONS

For definitions of “Secretary” and “Commandant” as referred to in this section, see section 11002 of div. K of Pub. L. 117-263, set out as a note under section 106 of Title 14, Coast Guard.

PART D—IMMIGRATION ENFORCEMENT FUNCTIONS**§ 251. Transfer of functions**

In accordance with subchapter XII (relating to transition provisions), there shall be transferred from the Commissioner of Immigration and Naturalization to the Secretary all functions performed under the following programs, and all personnel, assets, and liabilities pertaining to such programs, immediately before such transfer occurs:

- (1) The Border Patrol program.
- (2) The detention and removal program.
- (3) The intelligence program.
- (4) The investigations program.
- (5) The inspections program.

(Pub. L. 107-296, title IV, §441, Nov. 25, 2002, 116 Stat. 2192; Pub. L. 114-125, title VIII, §802(g)(1)(B)(v)(I), Feb. 24, 2016, 130 Stat. 212.)

Editorial Notes**AMENDMENTS**

2016—Pub. L. 114-125 substituted “Transfer of functions” for “Transfer of functions to Under Secretary

for Border and Transportation Security” in section catchline and “Secretary” for “Under Secretary for Border and Transportation Security” in introductory provisions.

§ 252. U.S. Immigration and Customs Enforcement**(a) Establishment****(1) In general**

There shall be in the Department of Homeland Security a bureau to be known as the “Bureau of Border Security”.

(2) Assistant Secretary

The head of U.S. Immigration and Customs Enforcement shall be the Assistant Secretary of U.S. Immigration and Customs Enforcement, who—

(A) shall report directly to the Under Secretary for Border and Transportation Security; and

(B) shall have a minimum of 5 years professional experience in law enforcement, and a minimum of 5 years of management experience.

(3) Functions

The Assistant Secretary of U.S. Immigration and Customs Enforcement—

(A) shall establish the policies for performing such functions as are—

(i) transferred to the Under Secretary for Border and Transportation Security by section 251 of this title and delegated to the Assistant Secretary by the Under Secretary for Border and Transportation Security; or

(ii) otherwise vested in the Assistant Secretary by law;

(B) shall oversee the administration of such policies; and

(C) shall advise the Under Secretary for Border and Transportation Security with respect to any policy or operation of U.S. Immigration and Customs Enforcement affecting U.S. Citizenship and Immigration Services established under part E of this subchapter, including potentially conflicting policies or operations.

(4) Program to collect information relating to foreign students

The Assistant Secretary of U.S. Immigration and Customs Enforcement shall be responsible for administering the program to collect information relating to nonimmigrant foreign students and other exchange program participants described in section 1372 of title 8, including the Student and Exchange Visitor Information System established under that section, and shall use such information to carry out the enforcement functions of the agency.

(5) Managerial rotation program**(A) In general**

Not later than 1 year after the date on which the transfer of functions specified under section 251 of this title takes effect, the Assistant Secretary of U.S. Immigration and Customs Enforcement shall design and

implement a managerial rotation program under which employees of such agency holding positions involving supervisory or managerial responsibility and classified, in accordance with chapter 51 of title 5, as a GS-14 or above, shall—

- (i) gain some experience in all the major functions performed by such agency; and
- (ii) work in at least one local office of such agency.

(B) Report

Not later than 2 years after the date on which the transfer of functions specified under section 251 of this title takes effect, the Secretary shall submit a report to the Congress on the implementation of such program.

(b) Chief of Policy and Strategy

(1) In general

There shall be a position of Chief of Policy and Strategy for U.S. Immigration and Customs Enforcement.

(2) Functions

In consultation with U.S. Immigration and Customs Enforcement personnel in local offices, the Chief of Policy and Strategy shall be responsible for—

- (A) making policy recommendations and performing policy research and analysis on immigration enforcement issues; and
- (B) coordinating immigration policy issues with the Chief of Policy and Strategy for U.S. Citizenship and Immigration Services (established under part E of this subchapter), as appropriate.

(c) Legal advisor

There shall be a principal legal advisor to the Assistant Secretary of U.S. Immigration and Customs Enforcement. The legal advisor shall provide specialized legal advice to the Assistant Secretary of U.S. Immigration and Customs Enforcement and shall represent the agency in all exclusion, deportation, and removal proceedings before the Executive Office for Immigration Review.

(Pub. L. 107-296, title IV, §442, Nov. 25, 2002, 116 Stat. 2193; Pub. L. 118-96, §3(b)(2), Oct. 1, 2024, 138 Stat. 1571.)

AMENDMENT OF SECTION

For termination of amendment by section 6 of Pub. L. 118-96, see Termination Date of 2024 Amendment note below.

Editorial Notes

REFERENCES IN TEXT

Part E of this subchapter, referred to in subsecs. (a)(3)(C) and (b)(2)(B), was in the original “subtitle E”, meaning subtitle E (§§451-462) of title IV of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2195, which enacted part E (§271 et seq.) of this subchapter, amended sections 1356 and 1573 of Title 8, Aliens and Nationality, and enacted provisions set out as a note under section 271 of this title. For complete classification of subtitle E to the Code, see Tables.

AMENDMENTS

2024—Pub. L. 118-96, §3(b)(2)(C), 6, temporarily substituted “U.S. Immigration and Customs Enforcement”

for “the Bureau of Border Security” wherever appearing. See Termination Date of 2024 Amendment note below.

Pub. L. 118-96, §3(b)(2)(A), 6, temporarily amended section catchline generally, substituting “U.S. Immigration and Customs Enforcement” for “Establishment of Bureau of Border Security”. See Termination Date of 2024 Amendment note below.

Subsec. (a). Pub. L. 118-96, §3(b)(2)(D)(i), 6, temporarily struck out “of Bureau” after “Establishment” in heading. See Termination Date of 2024 Amendment note below.

Subsec. (a)(3)(C). Pub. L. 118-96, §3(b)(2)(D)(ii), 6, which directed the temporary substitution of “affecting U.S.” for “affecting the Bureau of”, was executed by making the temporary substitution for “that may affect the Bureau of” to reflect the probable intent of Congress. See Termination Date of 2024 Amendment note below.

Subsec. (a)(4). Pub. L. 118-96, §3(b)(2)(D), 6, temporarily substituted “the agency.” for “the Bureau.” See Termination Date of 2024 Amendment note below.

Subsec. (a)(5)(A). Pub. L. 118-96, §3(b)(2)(B), 6, temporarily substituted “agency” for “bureau” wherever appearing. See Termination Date of 2024 Amendment note below.

Subsec. (b)(2). Pub. L. 118-96, §3(b)(2)(E)(i), 6, temporarily substituted “U.S. Immigration and Customs Enforcement” for “Bureau of Border Security” in introductory provisions. See Termination Date of 2024 Amendment note below.

Subsec. (b)(2)(B). Pub. L. 118-96, §3(b)(2)(E)(ii), 6, temporarily substituted “U.S.” for “the Bureau of”. See Termination Date of 2024 Amendment note below.

Subsec. (c). Pub. L. 118-96, §3(b)(2)(B), 6, temporarily substituted “agency” for “bureau”. See Termination Date of 2024 Amendment note below.

Statutory Notes and Related Subsidiaries

TERMINATION DATE OF 2024 AMENDMENT

Pub. L. 118-96, §6, Oct. 1, 2024, 138 Stat. 1572, provided that: “This Act [enacting section 258 of this title, amending this section and section 253 of this title and enacting provisions set out as a note under section 258 of this title] and the amendments made by this Act shall cease to have force or effect beginning on October 1, 2030.”

CHANGE OF NAME

Bureau of Border Security, referred to in section catchline and text, changed to Bureau of Immigration and Customs Enforcement by Reorganization Plan Modification for the Department of Homeland Security, eff. Mar. 1, 2003, H. Doc. No. 108-32, 108th Congress, 1st Session, set out as a note under section 542 of this title.

§ 253. Professional responsibility and quality review

The Secretary shall be responsible for—

(1) conducting investigations of noncriminal allegations of misconduct, corruption, and fraud involving any employee of U.S. Immigration and Customs Enforcement that are not subject to investigation by the Inspector General for the Department;

(2) inspecting the operations of U.S. Immigration and Customs Enforcement and providing assessments of the quality of the operations of such agency as a whole and each of its components; and

(3) providing an analysis of the management of U.S. Immigration and Customs Enforcement.

(Pub. L. 107-296, title IV, §443, Nov. 25, 2002, 116 Stat. 2194; Pub. L. 114-125, title VIII,