

§ 802(g)(1)(B)(v)(II), Feb. 24, 2016, 130 Stat. 212; Pub. L. 118–96, § 3(b)(3), 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

AMENDMENTS

2024—Par. (2). Pub. L. 118–96, §§ 3(b)(3), 6, temporarily substituted “such agency” for “such bureau”. See Termination Date of 2024 Amendment note below.

2016—Pub. L. 114–125 substituted “Secretary” for “Under Secretary for Border and Transportation Security” in introductory provisions and “U.S. Immigration and Customs Enforcement” for “the Bureau of Border Security” in pars. (1) to (3).

Statutory Notes and Related Subsidiaries

TERMINATION DATE OF 2024 AMENDMENT

Amendment by Pub. L. 118–96 to cease to have force or effect beginning on Oct. 1, 2030, see section 6 of Pub. L. 118–96, set out as a note under section 252 of this title.

§ 254. Employee discipline

Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of U.S. Immigration and Customs Enforcement and U.S. Customs and Border Protection who willfully deceives Congress or agency leadership on any matter.

(Pub. L. 107–296, title IV, § 444, Nov. 25, 2002, 116 Stat. 2194; Pub. L. 114–125, title VIII, § 802(g)(1)(B)(v)(III), Feb. 24, 2016, 130 Stat. 212.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114–125 amended section generally. Prior to amendment, text read as follows: “The Under Secretary for Border and Transportation Security may, notwithstanding any other provision of law, impose disciplinary action, including termination of employment, pursuant to policies and procedures applicable to employees of the Federal Bureau of Investigation, on any employee of the Bureau of Border Security who willfully deceives the Congress or agency leadership on any matter.”

§ 255. Report on improving enforcement functions

(a) In general

The Secretary, not later than 1 year after being sworn into office, shall submit to the Committees on Appropriations and the Judiciary of the House of Representatives and of the Senate a report with a plan detailing how the Bureau of Border Security, after the transfer of functions specified under section 251 of this title takes effect, will enforce comprehensively, effectively, and fairly all the enforcement provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) relating to such functions.

(b) Consultation

In carrying out subsection (a), the Secretary of Homeland Security shall consult with the At-

torney General, the Secretary of State, the Director of the Federal Bureau of Investigation, the Secretary of the Treasury, the Secretary of Labor, the Commissioner of Social Security, the Director of the Executive Office for Immigration Review, and the heads of State and local law enforcement agencies to determine how to most effectively conduct enforcement operations.

(Pub. L. 107–296, title IV, § 445, Nov. 25, 2002, 116 Stat. 2194.)

Editorial Notes

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (a), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§ 1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Bureau of Border Security, referred to in subsec. (a), 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.

§ 256. Sense of Congress regarding construction of fencing near San Diego, California

It is the sense of the Congress that completing the 14-mile border fence project required to be carried out under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) should be a priority for the Secretary.

(Pub. L. 107–296, title IV, § 446, Nov. 25, 2002, 116 Stat. 2195.)

Editorial Notes

REFERENCES IN TEXT

Section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, referred to in text, is section 102(b) of title I of div. C of Pub. L. 104–208, which is set out as a note under section 1103 of Title 8, Aliens and Nationality.

§ 257. Report

(a) In general

The Secretary of Homeland Security shall submit an annual report to the congressional committees set forth in subsection (b) that includes a description of—

(1) the cross-border tunnels along the border between Mexico and the United States discovered during the preceding fiscal year; and

(2) the needs of the Department of Homeland Security to effectively prevent, investigate and prosecute border tunnel construction along the border between Mexico and the United States.

(b) Congressional committees

The congressional committees set forth in this subsection are—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

(Pub. L. 112–127, §8, June 5, 2012, 126 Stat. 371.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Border Tunnel Prevention Act of 2012, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DHS ILLICIT CROSS-BORDER TUNNEL DEFENSE

Pub. L. 117–263, div. G, title LXXI, §7134, Dec. 23, 2022, 136 Stat. 3649, provided that:

“(a) COUNTER ILLICIT CROSS-BORDER TUNNEL OPERATIONS STRATEGIC PLAN.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act [Dec. 23, 2022], the Commissioner of U.S. Customs and Border Protection, in coordination with the Under Secretary for Science and Technology, and, as appropriate, other officials of the Department of Homeland Security, shall develop a counter illicit cross-border tunnel operations strategic plan (in this section referred to as the ‘strategic plan’) to address the following:

“(A) Risk-based criteria to be used to prioritize the identification, breach, assessment, and remediation of illicit cross-border tunnels.

“(B) Promote the use of innovative technologies to identify, breach, assess, and remediate illicit cross-border tunnels in a manner that, among other considerations, reduces the impact of such activities on surrounding communities.

“(C) Processes to share relevant illicit cross-border tunnel location, operations, and technical information.

“(D) Indicators of specific types of illicit cross-border tunnels found in each U.S. Border Patrol sector identified through operations to be periodically disseminated to U.S. Border Patrol sector chiefs to educate field personnel.

“(E) A counter illicit cross-border tunnel operations resource needs assessment that includes consideration of the following:

“(i) Technology needs.

“(ii) Staffing needs, including the following:

“(I) A position description for counter illicit cross-border tunnel operations personnel.

“(II) Any specialized skills required of such personnel.

“(III) The number of such full time personnel, disaggregated by U.S. Border Patrol sector.

“(2) REPORT TO CONGRESS ON STRATEGIC PLAN.—Not later than one year after the development of the strategic plan, the Commissioner of U.S. Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the implementation of the strategic plan.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commissioner of U.S. Customs and Border Protection \$1,000,000 for each of fiscal years 2023 and 2024 to carry out—

“(1) the development of the strategic plan; and

“(2) remediation operations of illicit cross-border tunnels in accordance with the strategic plan to the maximum extent practicable.”

§ 258. Homeland Security Investigations Victim Assistance Program

(a) Definitions

In this section:

(1) Forensic interview specialist

The term “forensic interview specialist” is an interview professional who has specialized experience and training in conducting trauma-informed forensic interviews with victims of crime.

(2) Victim

The term “victim” has the meaning given such term in section 20141(e)(2) of title 34.

(3) Victim assistance specialist

The term “victim assistance specialist” is a victim assistance professional who—

(A) has experience working with victims of crime in a service capacity;

(B) has been trained on the exposure of various forms of trauma and other stressors experienced in working with victims; and

(C) may have experience working with local government and community-based organizations, including victim advocacy centers, child advocacy centers, child welfare agencies, faith-based organizations, and other social service programs.

(b) In general

There is established, in Homeland Security Investigations of U.S. Immigration and Customs Enforcement, the Victim Assistance Program.

(c) Functions

The Victim Assistance Program shall—

(1) provide oversight, guidance, training, travel, equipment, and coordination to Homeland Security Investigations victim assistance personnel throughout the United States;

(2) recruit not fewer than—

(A) 1 forensic interview specialist and 1 victim assistance specialist for each Homeland Security Investigations Special Agent in Charge office;

(B) 1 victim assistance specialist for—

(i) every Homeland Security Investigations office participating in a human trafficking task force; and

(ii) every Homeland Security Investigations office participating in a child sexual exploitation task force;

(3) support Homeland Security Investigations regional attaché offices, to the extent necessary;

(4) provide training regarding victims’ rights, victim-related policies, roles of forensic interviewers and victim assistance specialists, and an approach that is—

(A) victim-centered;

(B) trauma-informed; and

(C) linguistically appropriate, to the extent feasible; and

(5) purchase emergency items that are needed to assist identified victims in Homeland Security Investigations criminal investigations, including food, clothing, hygiene products, transportation, and temporary shelter that is not otherwise provided by a nongovernmental organization.