

tion, including the use of funds appropriated to carry out this section, and detailing any allegations of abuses described under subsection (a)(1) and any actions taken by the Department in response to such allegations.

(Pub. L. 107–296, title VII, §705, Nov. 25, 2002, 116 Stat. 2219; Pub. L. 108–458, title VIII, §8303, Dec. 17, 2004, 118 Stat. 3867.)

Editorial Notes

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–458, §8303(1), reenacted heading without change and amended introductory provisions generally. Prior to amendment, introductory provisions read as follows: “The Secretary shall appoint in the Department an Officer for Civil Rights and Civil Liberties, who shall—”.

Subsec. (a)(1). Pub. L. 108–458, §8303(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “review and assess information alleging abuses of civil rights, civil liberties, and racial and ethnic profiling by employees and officials of the Department; and”.

Subsec. (a)(3) to (6). Pub. L. 108–458, §8303(3), (4), added pars. (3) to (6).

§ 346. Consolidation and co-location of offices

Not later than 1 year after November 25, 2002, the Secretary shall develop and submit to Congress a plan for consolidating and co-locating—

(1) any regional offices or field offices of agencies that are transferred to the Department under this chapter, if such officers¹ are located in the same municipality; and

(2) portions of regional and field offices of other Federal agencies, to the extent such offices perform functions that are transferred to the Secretary under this chapter.

(Pub. L. 107–296, title VII, §706, Nov. 25, 2002, 116 Stat. 2220.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in pars. (1) and (2), was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

§ 347. Quadrennial homeland security review

(a) Requirement

(1) Quadrennial reviews required

In fiscal year 2009, and every 4 years thereafter, the Secretary shall conduct a review of the homeland security of the Nation (in this section referred to as a “quadrennial homeland security review”).

(2) Scope of reviews

Each quadrennial homeland security review shall be a comprehensive examination of the homeland security strategy of the Nation, including recommendations regarding the long-term strategy and priorities of the Nation for homeland security and guidance on the pro-

grams, assets, capabilities, budget, policies, and authorities of the Department.

(3) Consultation

The Secretary shall conduct each quadrennial homeland security review under this subsection in consultation with—

(A) the heads of other Federal agencies, including the Attorney General, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Agriculture the Secretary of Energy,¹ and the Director of National Intelligence;

(B) key officials of the Department, including the Under Secretary for Strategy, Policy, and Plans;

(C) representatives from appropriate advisory committees established pursuant to section 451 of this title, including the Homeland Security Advisory Council and the Homeland Security Science and Technology Advisory Committee, or otherwise established, including the Aviation Security Advisory Committee established pursuant to section 44946 of title 49; and

(D) other relevant governmental and non-governmental entities, including State, local, and tribal government officials, members of Congress, private sector representatives, academics, and other policy experts.

(4) Relationship with future years homeland security program

The Secretary shall ensure that each review conducted under this section is coordinated with the Future Years Homeland Security Program required under section 454 of this title.

(b) Contents of review

In each quadrennial homeland security review, the Secretary shall—

(1) delineate and update, as appropriate, the national homeland security strategy, consistent with appropriate national and Department strategies, strategic plans, and Homeland Security Presidential Directives, including the National Strategy for Homeland Security, the National Response Plan, and the Department Security Strategic Plan;

(2) outline and prioritize the full range of the critical homeland security mission areas of the Nation based on the risk assessment required pursuant to subsection (c)(2)(B);

(3) describe, to the extent practicable, the interagency cooperation, preparedness of Federal response assets, infrastructure, resources required, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the national homeland security strategy described in paragraph (1) and the homeland security mission areas outlined under paragraph (2);

(4) identify, to the extent practicable, the resources required to execute the full range of missions called for in the national homeland security strategy described in paragraph (1)

¹ So in original. Probably should be “offices”.

¹ So in original.

and the homeland security mission areas outlined under paragraph (2), including any resources identified from redundant, wasteful, or unnecessary capabilities or capacities that may be redirected to better support other existing capabilities or capacities, as the case may be; and

(5) include an assessment of the organizational alignment of the Department with the national homeland security strategy referred to in paragraph (1) and the homeland security mission areas outlined under paragraph (2).

(c) Reporting

(1) In general

Not later than 60 days after the date of the submission of the President's budget for the fiscal year after the fiscal year in which a quadrennial homeland security review is conducted, the Secretary shall submit to Congress a report regarding that quadrennial homeland security review.

(2) Contents of report

Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) a risk assessment of the assumed or defined national homeland security interests of the Nation that were examined for the purposes of that review or for purposes of the quadrennial EMP and GMD risk assessment under section 195f(d)(1)(E) of this title;

(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation, as required under subsection (b)(2);

(D) to the extent practicable, a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, resources required, and other elements of the homeland security program and policies of the Nation associated with the national homeland security strategy, required to execute successfully the full range of missions called for in the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2);

(E) an assessment of the organizational alignment of the Department with the applicable national homeland security strategy referred to in subsection (b)(1) and the homeland security mission areas outlined under subsection (b)(2), including the Department's organizational structure, management systems, budget and accounting systems, human resources systems, procurement systems, and physical and technical infrastructure;

(F) to the extent practicable, a discussion of cooperation among Federal agencies in the effort to promote national homeland security;

(G) to the extent practicable, a discussion of cooperation between the Federal Government and State, local, and tribal governments in preventing terrorist attacks and preparing for emergency response to threats and risks to national homeland security; and

(H) any other matter the Secretary considers appropriate.

(3) Documentation

The Secretary shall retain and, upon request, provide to Congress the following documentation regarding each quadrennial homeland security review:

(A) Records regarding the consultation carried out pursuant to subsection (a)(3), including the following:

(i) All written communications, including communications sent out by the Secretary and feedback submitted to the Secretary through technology, online communications tools, in-person discussions, and the interagency process.

(ii) Information on how feedback received by the Secretary informed each such quadrennial homeland security review.

(B) Information regarding the risk assessment required pursuant to subsection (c)(2)(B), including the following:

(i) The risk model utilized to generate such risk assessment.

(ii) Information, including data used in the risk model, utilized to generate such risk assessment.

(iii) Sources of information, including other risk assessments, utilized to generate such risk assessment.

(iv) Information on assumptions, weighing factors, and subjective judgments utilized to generate such risk assessment, together with information on the rationale or basis thereof.

(4) Public availability

The Secretary shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet website of the Department.

(d) Review

Not later than 90 days after the submission of each report required under subsection (c)(1), the Secretary shall provide to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate information on the degree to which the findings and recommendations developed in the quadrennial homeland security review that is the subject of such report were integrated into the acquisition strategy and expenditure plans for the Department.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 107-296, title VII, §707, as added Pub. L. 110-53, title XXIV, §2401(a), Aug. 3, 2007, 121 Stat. 543; amended Pub. L. 114-328, div. A, title XIX, §1902(b), Dec. 23, 2016, 130 Stat. 2672; Pub. L. 116-92, div. A, title XVII, §1740(b), Dec. 20, 2019, 133 Stat. 1824; Pub. L. 117-263, div. G, title LXXI, §7141(a), Dec. 23, 2022, 136 Stat. 3652.)

Editorial Notes

AMENDMENTS

2022—Subsec. (a)(3)(C), (D). Pub. L. 117–263, § 7141(a)(1), added subpar. (C) and redesignated former subpar. (C) as (D).

Subsec. (b)(2). Pub. L. 117–263, § 7141(a)(2)(A), inserted “based on the risk assessment required pursuant to subsection (c)(2)(B)” before semicolon at end.

Subsec. (b)(3). Pub. L. 117–263, § 7141(a)(2)(B), inserted “, to the extent practicable,” after “describe” and substituted “resources required” for “budget plan”.

Subsec. (b)(4). Pub. L. 117–263, § 7141(a)(2)(C), inserted “, to the extent practicable,” after “identify” and substituted “resources required to” for “budget plan required to provide sufficient resources to successfully” and “, including any resources identified from redundant, wasteful, or unnecessary capabilities or capacities that may be redirected to better support other existing capabilities or capacities, as the case may be; and” for semicolon at end.

Subsec. (b)(6). Pub. L. 117–263, § 7141(a)(2)(D), (E), struck out par. (6) which read as follows: “review and assess the effectiveness of the mechanisms of the Department for executing the process of turning the requirements developed in the quadrennial homeland security review into an acquisition strategy and expenditure plan within the Department.”

Subsec. (c)(1). Pub. L. 117–263, § 7141(a)(3)(A), substituted “60 days after the date of the submission of the President’s budget for the fiscal year after the fiscal year” for “December 31 of the year”.

Subsec. (c)(2)(B). Pub. L. 117–263, § 7141(a)(3)(B)(i), substituted “risk assessment of” for “description of the threats to”.

Subsec. (c)(2)(C). Pub. L. 117–263, § 7141(a)(3)(B)(ii), inserted “, as required under subsection (b)(2)” before semicolon at end.

Subsec. (c)(2)(D). Pub. L. 117–263, § 7141(a)(3)(B)(iii), inserted “to the extent practicable,” before “a description” and substituted “resources required” for “budget plan”.

Subsec. (c)(2)(F). Pub. L. 117–263, § 7141(a)(3)(B)(iv), inserted “to the extent practicable,” before “a discussion” and struck out “the status of” before “cooperation”.

Subsec. (c)(2)(G). Pub. L. 117–263, § 7141(a)(3)(B)(v), inserted “to the extent practicable,” before “a discussion”, “and risks” before “to national homeland”, and “and” after semicolon at end and struck out “the status of” before “cooperation”.

Subsec. (c)(2)(H), (I). Pub. L. 117–263, § 7141(a)(3)(B)(vi), (vii), redesignated subpar. (I) as (H) and struck out former subpar. (H) which read as follows: “an explanation of any underlying assumptions used in conducting the review; and”.

Subsec. (c)(3), (4). Pub. L. 117–263, § 7141(a)(3)(C), (D), added par. (3) and redesignated former par. (3) as (4).

Subsecs. (d), (e). Pub. L. 117–263, § 7141(a)(4), (5), added subsec. (d) and redesignated former subsec. (d) as (e).

2019—Subsec. (a)(3)(A). Pub. L. 116–92, § 1740(b)(1), inserted “the Secretary of Energy,” after “the Secretary of Agriculture”.

Subsec. (c)(2)(B). Pub. L. 116–92, § 1740(b)(2), which directed insertion of “or for purposes of the quadrennial EMP and GMD risk assessment under section 195f(d)(1)(E) of this title” after review, was executed by making the insertion after “review” as if quotation marks had appeared around the word in the directory language, to reflect the probable intent of Congress.

2016—Subsec. (a)(3)(B). Pub. L. 114–328 inserted “, including the Under Secretary for Strategy, Policy, and Plans” after “Department”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117–263, div. G, title LXXI, § 7141(b), Dec. 23, 2022, 136 Stat. 3654, provided that: “The amendments

made by this Act [probably means “this section”, amending this section] shall apply with respect to a quadrennial homeland security review conducted after December 31, 2021.”

PREPARATION FOR FIRST QUADRENNIAL HOMELAND SECURITY REVIEW

Pub. L. 110–53, title XXIV, § 2401(b), Aug. 3, 2007, 121 Stat. 546, provided that:

“(1) IN GENERAL.—During fiscal years 2007 and 2008, the Secretary of Homeland Security shall make preparations to conduct the first quadrennial homeland security review under section 707 of the Homeland Security Act of 2002 [6 U.S.C. 347], as added by subsection (a), in fiscal year 2009, including—

“(A) determining the tasks to be performed;

“(B) estimating the human, financial, and other resources required to perform each task;

“(C) establishing the schedule for the execution of all project tasks;

“(D) ensuring that these resources will be available as needed; and

“(E) all other preparations considered necessary by the Secretary.

“(2) REPORT.—Not later than 60 days after the date of enactment of this Act [Aug. 3, 2007], the Secretary shall submit to Congress and make publicly available on the Internet website of the Department of Homeland Security a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the first quadrennial homeland security review.”

§ 348. Joint task forces**(a) Definition**

In this section, the term “situational awareness” means knowledge and unified understanding of unlawful cross-border activity, including—

(1) threats and trends concerning illicit trafficking and unlawful crossings;

(2) the ability to forecast future shifts in such threats and trends;

(3) the ability to evaluate such threats and trends at a level sufficient to create actionable plans; and

(4) the operational capability to conduct continuous and integrated surveillance of the air, land, and maritime borders of the United States.

(b) Joint task forces**(1) Establishment**

The Secretary may establish and operate departmental Joint Task Forces to conduct joint operations using personnel and capabilities of the Department for the purposes specified in paragraph (2).

(2) Purposes**(A) In general**

Subject to subparagraph (B), the purposes referred to in paragraph (1) are or relate to the following:

(i) Securing the land and maritime borders of the United States.

(ii) Homeland security crises.

(iii) Establishing regionally-based operations.

(B) Limitation**(i) In general**

The Secretary may not establish a Joint Task Force for any major disaster or