

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

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 authorities, 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 im-

pact 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 ensure that the BEST unit under consideration does not duplicate the efforts of other existing interagency task forces or centers within that jurisdiction.

**(d) Operation**

After determining the jurisdictions in which to establish BEST units under subsection (c)(2), and in order to provide Federal assistance to such jurisdictions, the Secretary may—

- (1) direct the assignment of Federal personnel to BEST, subject to the approval of the head of the department or agency that employs such personnel; and
- (2) take other actions to assist Federal, State, local, and tribal entities to participate in BEST, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

**(e) Report**

Not later than 180 days after the date on which BEST is established under this section, and annually thereafter for the following 5 years, the Secretary shall submit a report to Congress that describes the effectiveness of BEST in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.

(Pub. L. 107–296, title IV, § 432, as added Pub. L. 112–205, § 3(a), Dec. 7, 2012, 126 Stat. 1488.)

FINDINGS AND DECLARATION OF PURPOSES

Pub. L. 112–205, § 2, Dec. 7, 2012, 126 Stat. 1487, provided that: “Congress finds the following:

“(1) The Department of Homeland Security’s (DHS) overriding mission is to lead a unified national effort to protect the United States. United States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

“(2) Mexico’s northern border with the United States has experienced a dramatic surge in border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize their profits.

“(3) Law enforcement agencies at the United States northern border also face challenges from transnational smuggling organizations.

“(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive

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

approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

“(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney’s Office (USAO), along with other key Federal, State and local law enforcement agencies.

“(6) Foreign law enforcement agencies participating in BEST include Mexico’s Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).”

#### PART D—IMMIGRATION ENFORCEMENT FUNCTIONS

### § 251. Transfer of functions to Under Secretary for Border and Transportation Security

In accordance with subchapter XII of this chapter (relating to transition provisions), there shall be transferred from the Commissioner of Immigration and Naturalization to the Under Secretary for Border and Transportation Security 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.)

### § 252. Establishment of Bureau of Border Security

#### (a) Establishment of Bureau

##### (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 the Bureau of Border Security shall be the Assistant Secretary of the Bureau of Border Security, 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 the Bureau of Border Security—

- (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 the Bureau of Border Security that may affect the Bureau of 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 the Bureau of Border Security 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 Bureau.

#### (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 the Bureau of Border Security shall design and implement a managerial rotation program under which employees of such bureau 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 bureau; and
- (ii) work in at least one local office of such bureau.

##### (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 the Bureau of Border Security.

##### (2) Functions

In consultation with Bureau of Border Security 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 the Bureau of 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 the Bureau of Border Se-