

the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives.

**(b) Contents**

Each update shall address the following:

- (1) Coordinating the planning, integration of maritime operations, and development of joint maritime domain awareness efforts of any component or office of the Department with responsibility for maritime security missions.
- (2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.
- (3) Cooperating and coordinating with Federal departments and agencies, and State and local agencies, in the maritime environment, in support of maritime security missions.
- (4) Highlighting the work completed within the context of other national and Department maritime security strategic guidance and how that work fits with the Maritime Operations Coordination Plan.

(Pub. L. 107-296, title IV, §435, as added Pub. L. 115-254, div. J, §1807(a), Oct. 5, 2018, 132 Stat. 3536.)

**§ 244. Maritime security capabilities assessments**

Not later than 180 days after October 5, 2018, and annually thereafter, the Secretary shall submit to the Committee on Commerce, Science, and Transportation and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives, an assessment of the number and type of maritime assets and the number of personnel required to increase the Department's maritime response rate pursuant to section 223 of this title.

(Pub. L. 107-296, title IV, §436, as added Pub. L. 115-254, div. J, §1811(a), Oct. 5, 2018, 132 Stat. 3538.)

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.)

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. 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 Security. The legal advisor shall provide specialized legal advice to the Assistant Secretary of the Bureau of Border Security and shall represent the bureau 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.)

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.

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 bureau 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, §802(g)(1)(B)(v)(II), Feb. 24, 2016, 130 Stat. 212.)

AMENDMENTS

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).

**§ 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.)

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 Attorney 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.