

(C) the national homeland security strategy, including a prioritized list of the critical homeland security missions of the Nation;

(D) a description of the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, 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) a discussion of the status of cooperation among Federal agencies in the effort to promote national homeland security;

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

(H) an explanation of any underlying assumptions used in conducting the review; and

(I) any other matter the Secretary considers appropriate.

(3) 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) 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.)

Editorial Notes

AMENDMENTS

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

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

emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or an incident for which the Federal Emergency Management Agency has primary responsibility for management of the response under subchapter V of this chapter, including section 314(a)(3)(A) of this title, unless the responsibilities of such a Joint Task Force—

(I) do not include operational functions related to incident management, including coordination of operations; and

(II) are consistent with the requirements of paragraphs (3) and (4)(A) of section 313(c) and section 319(c) of this title, and section 302 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5143).

(ii) Responsibilities and functions not reduced

Nothing in this section may be construed to reduce the responsibilities or functions of the Federal Emergency Management Agency or the Administrator of the Agency under subchapter V of this chapter or any other provision of law, including the diversion of any asset, function, or mission from the Agency or the Administrator of the Agency pursuant to section 316 of this title.

(3) Joint task force directors

(A) Director

Each Joint Task Force established and operated pursuant to paragraph (1) shall be headed by a Director, appointed by the President, for a term of not more than two years. The Secretary shall submit to the President recommendations for such appointments after consulting with the heads of the components of the Department with membership on any such Joint Task Force. Any Director appointed by the President shall be—

(i) a current senior official of the Department with not less than one year of significant leadership experience at the Department; or

(ii) if no suitable candidate is available at the Department, an individual with—

(I) not less than one year of significant leadership experience in a Federal agency since the establishment of the Department; and

(II) a demonstrated ability in, knowledge of, and significant experience working on the issues to be addressed by any such Joint Task Force.

(B) Extension

The Secretary may extend the appointment of a Director of a Joint Task Force under subparagraph (A) for not more than two years if the Secretary determines that such an extension is in the best interest of the Department.

(4) Joint Task Force deputy directors

For each Joint Task Force, the Secretary shall appoint a Deputy Director who shall be

an official of a different component or office of the Department than the Director of such Joint Task Force.

(5) Responsibilities

The Director of a Joint Task Force, subject to the oversight, direction, and guidance of the Secretary, shall—

(A) when established for the purpose referred to in paragraph (2)(A)(i), maintain situational awareness within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(B) provide operational plans and requirements for standard operating procedures and contingency operations within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(C) plan and execute joint task force activities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(D) set and accomplish strategic objectives through integrated operational planning and execution;

(E) exercise operational direction over personnel and equipment from components and offices of the Department allocated to the Joint Task Force to accomplish the objectives of the Joint Task Force;

(F) when established for the purpose referred to in paragraph (2)(A)(i), establish operational and investigative priorities within the areas of responsibility of the Joint Task Force, as determined by the Secretary;

(G) coordinate with foreign governments and other Federal, State, and local agencies, as appropriate, to carry out the mission of the Joint Task Force; and

(H) carry out other duties and powers the Secretary determines appropriate.

(6) Personnel and resources

(A) In general

The Secretary may, upon request of the Director of a Joint Task Force, and giving appropriate consideration of risk to the other primary missions of the Department, allocate to such Joint Task Force on a temporary basis personnel and equipment of components and offices of the Department.

(B) Cost neutrality

A Joint Task Force may not require more resources than would have otherwise been required by the Department to carry out the duties assigned to such Joint Task Force if such Joint Task Force had not been established.

(C) Location of operations

In establishing a location of operations for a Joint Task Force, the Secretary shall, to the extent practicable, use existing facilities that integrate efforts of components of the Department and State, local, tribal, or territorial law enforcement or military entities.

(D) Consideration of impact

When reviewing requests for allocation of component personnel and equipment under

subparagraph (A), the Secretary shall consider the impact of such allocation on the ability of the donating component or office to carry out the primary missions of the Department, and in the case of the Coast Guard, the missions specified in section 468 of this title.

(E) Limitation

Personnel and equipment of the Coast Guard allocated under this paragraph may be used only to carry out operations and investigations related to the missions specified in section 468 of this title.

(F) Report

The Secretary shall, at the time the budget of the President is submitted to Congress for a fiscal year under section 1105(a) of title 31, submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a report on the total funding, personnel, and other resources that each component or office of the Department allocated under this paragraph to each Joint Task Force to carry out the mission of such Joint Task Force during the fiscal year immediately preceding each such report, and a description of the degree to which the resources drawn from each component or office impact the primary mission of such component or office.

(7) Component resource authority

As directed by the Secretary—

(A) each Director of a Joint Task Force shall be provided sufficient resources from relevant components and offices of the Department and the authority necessary to carry out the missions and responsibilities of such Joint Task Force required under this section;

(B) the resources referred to in subparagraph (A) shall be under the operational authority, direction, and control of the Director of the Joint Task Force to which such resources are assigned; and

(C) the personnel and equipment of each Joint Task Force shall remain under the administrative direction of the head of the component or office of the Department that provided such personnel or equipment.

(8) Joint Task Force staff

Each Joint Task Force shall have a staff, composed of officials from relevant components and offices of the Department, to assist the Director of such Joint Task Force in carrying out the mission and responsibilities of such Joint Task Force.

(9) Establishment of performance metrics

The Secretary shall—

(A) establish outcome-based and other appropriate performance metrics to evaluate the effectiveness of each Joint Task Force;

(B) not later than 120 days after December 23, 2016, and 120 days after the establishment of a new Joint Task Force, as appropriate,

submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate the metrics established under subparagraph (A).

(C) not later than January 31 of each year beginning in 2017, submit to each committee specified in subparagraph (B) a report that contains the evaluation described in subparagraph (A).

(10) Joint duty training program

(A) In general

The Secretary shall—

(i) establish a joint duty training program in the Department for the purposes of—

(I) enhancing coordination within the Department; and

(II) promoting workforce professional development; and

(ii) tailor such joint duty training program to improve joint operations as part of the Joint Task Forces.

(B) Elements

The joint duty training program established under subparagraph (A) shall address, at a minimum, the following topics:

(i) National security strategy.

(ii) Strategic and contingency planning.

(iii) Command and control of operations under joint command.

(iv) International engagement.

(v) The homeland security enterprise.

(vi) Interagency collaboration.

(vii) Leadership.

(viii) Specific subject matters relevant to the Joint Task Force, including matters relating to the missions specified in section 468 of this title, to which the joint duty training program is assigned.

(C) Training required

(i) Directors and deputy directors

Except as provided in clauses (iii) and (iv), an individual shall complete the joint duty training program before being appointed Director or Deputy Director of a Joint Task Force.

(ii) Joint Task Force staff

Each official serving on the staff of a Joint Task Force shall complete the joint duty training program within the first year of assignment to such Joint Task Force.

(iii) Exception

Clause (i) shall not apply to the first Director or Deputy Director appointed to a Joint Task Force on or after December 23, 2016.

(iv) Waiver

The Secretary may waive the application of clause (i) if the Secretary determines that such a waiver is in the interest of homeland security or necessary to carry

out the mission for which a Joint Task Force was established.

(11) Notification of Joint Task Force formation

(A) In general

Not later than 90 days before establishing a Joint Task Force under this subsection, the Secretary shall submit to the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives, and the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a notification regarding such establishment.

(B) Waiver authority

The Secretary may waive the requirement under subparagraph (A) in the event of an emergency circumstance that imminently threatens the protection of human life or property.

(12) Review

(A) In general

Not later than January 31, 2018, and January 31, 2021, the Inspector General of the Department shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate a review of the Joint Task Forces established under this subsection.

(B) Contents

The reviews required under subparagraph (A) shall include—

- (i) an assessment of the effectiveness of the structure of each Joint Task Force; and
- (ii) recommendations for enhancements to such structure to strengthen the effectiveness of each Joint Task Force.

(13) Sunset

This section expires on September 30, 2022.

(c) Joint duty assignment program

After establishing the joint duty training program under subsection (b)(10), the Secretary shall establish a joint duty assignment program within the Department for the purposes of enhancing coordination in the Department and promoting workforce professional development.

(Pub. L. 107–296, title VII, § 708, as added Pub. L. 114–328, div. A, title XIX, § 1901(b), Dec. 23, 2016, 130 Stat. 2665.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (b)(2)(B)(i),

is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

TRANSITION PROVISIONS

Pub. L. 114–328, div. A, title XIX, § 1901(c), Dec. 23, 2016, 130 Stat. 2670, provided that: “An individual serving as a Director of a Joint Task Force of the Department of Homeland Security in existence on the day before the date of the enactment of this section [Dec. 23, 2016] may serve as the Director of such Joint Task Force on and after such date of enactment until a Director of such Joint Task Force is appointed pursuant to subparagraph (A) of section 708(b)(3) [6 U.S.C. 348(b)(3)], as added by subsection (a) of this section.”

§ 349. Office of Strategy, Policy, and Plans

(a) In general

There is established in the Department an Office of Strategy, Policy, and Plans.

(b) Head of Office

The Office of Strategy, Policy, and Plans shall be headed by an Under Secretary for Strategy, Policy, and Plans, who shall serve as the principal policy advisor to the Secretary. The Under Secretary for Strategy, Policy, and Plans shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions

The Under Secretary for Strategy, Policy, and Plans shall—

- (1) lead, conduct, and coordinate Department-wide policy development and implementation and strategic planning;
- (2) develop and coordinate policies to promote and ensure quality, consistency, and integration for the programs, components, offices, and activities across the Department;
- (3) develop and coordinate strategic plans and long-term goals of the Department with risk-based analysis and planning to improve operational mission effectiveness, including consultation with the Secretary regarding the quadrennial homeland security review under section 347 of this title;
- (4) manage Department leadership councils and provide analytics and support to such councils;
- (5) manage international coordination and engagement for the Department;
- (6) review and incorporate, as appropriate, external stakeholder feedback into Department policy; and
- (7) carry out such other responsibilities as the Secretary determines appropriate.

(d) Deputy Under Secretary

(1) In general

The Secretary may—

(A) establish within the Office of Strategy, Policy, and Plans a position of Deputy Under Secretary to support the Under Secretary for Strategy, Policy, and Plans in carrying out the Under Secretary’s responsibilities; and

(B) appoint a career employee to such position.