

Public Law 107-296
107th Congress

An Act

To establish the Department of Homeland Security, and for other purposes.

Nov. 25, 2002

[H.R. 5005]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Homeland Security Act of 2002”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Homeland
Security Act of
2002.

6 USC 101 note.

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Construction; severability.
- Sec. 4. Effective date.

TITLE I—DEPARTMENT OF HOMELAND SECURITY

- Sec. 101. Executive department; mission.
- Sec. 102. Secretary; functions.
- Sec. 103. Other officers.

TITLE II—INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

**Subtitle A—Directorate for Information Analysis and Infrastructure Protection;
Access to Information**

- Sec. 201. Directorate for Information Analysis and Infrastructure Protection.
- Sec. 202. Access to information.

Subtitle B—Critical Infrastructure Information

- Sec. 211. Short title.
- Sec. 212. Definitions.
- Sec. 213. Designation of critical infrastructure protection program.
- Sec. 214. Protection of voluntarily shared critical infrastructure information.
- Sec. 215. No private right of action.

Subtitle C—Information Security

- Sec. 221. Procedures for sharing information.
- Sec. 222. Privacy Officer.
- Sec. 223. Enhancement of non-Federal cybersecurity.
- Sec. 224. Net guard.
- Sec. 225. Cyber Security Enhancement Act of 2002.

Subtitle D—Office of Science and Technology

- Sec. 231. Establishment of office; Director.
- Sec. 232. Mission of office; duties.
- Sec. 233. Definition of law enforcement technology.
- Sec. 234. Abolishment of Office of Science and Technology of National Institute of Justice; transfer of functions.
- Sec. 235. National Law Enforcement and Corrections Technology Centers.
- Sec. 236. Coordination with other entities within Department of Justice.
- Sec. 237. Amendments relating to National Institute of Justice.

**TITLE III—SCIENCE AND TECHNOLOGY IN SUPPORT OF HOMELAND
SECURITY**

- Sec. 301. Under Secretary for Science and Technology.

- Sec. 302. Responsibilities and authorities of the Under Secretary for Science and Technology.
- Sec. 303. Functions transferred.
- Sec. 304. Conduct of certain public health-related activities.
- Sec. 305. Federally funded research and development centers.
- Sec. 306. Miscellaneous provisions.
- Sec. 307. Homeland Security Advanced Research Projects Agency.
- Sec. 308. Conduct of research, development, demonstration, testing and evaluation.
- Sec. 309. Utilization of Department of Energy national laboratories and sites in support of homeland security activities.
- Sec. 310. Transfer of Plum Island Animal Disease Center, Department of Agriculture.
- Sec. 311. Homeland Security Science and Technology Advisory Committee.
- Sec. 312. Homeland Security Institute.
- Sec. 313. Technology clearinghouse to encourage and support innovative solutions to enhance homeland security.

TITLE IV—DIRECTORATE OF BORDER AND TRANSPORTATION SECURITY

Subtitle A—Under Secretary for Border and Transportation Security

- Sec. 401. Under Secretary for Border and Transportation Security.
- Sec. 402. Responsibilities.
- Sec. 403. Functions transferred.

Subtitle B—United States Customs Service

- Sec. 411. Establishment; Commissioner of Customs.
- Sec. 412. Retention of customs revenue functions by Secretary of the Treasury.
- Sec. 413. Preservation of customs funds.
- Sec. 414. Separate budget request for customs.
- Sec. 415. Definition.
- Sec. 416. GAO report to Congress.
- Sec. 417. Allocation of resources by the Secretary.
- Sec. 418. Reports to Congress.
- Sec. 419. Customs user fees.

Subtitle C—Miscellaneous Provisions

- Sec. 421. Transfer of certain agricultural inspection functions of the Department of Agriculture.
- Sec. 422. Functions of Administrator of General Services.
- Sec. 423. Functions of Transportation Security Administration.
- Sec. 424. Preservation of Transportation Security Administration as a distinct entity.
- Sec. 425. Explosive detection systems.
- Sec. 426. Transportation security.
- Sec. 427. Coordination of information and information technology.
- Sec. 428. Visa issuance.
- Sec. 429. Information on visa denials required to be entered into electronic data system.
- Sec. 430. Office for Domestic Preparedness.

Subtitle D—Immigration Enforcement Functions

- Sec. 441. Transfer of functions to Under Secretary for Border and Transportation Security.
- Sec. 442. Establishment of Bureau of Border Security.
- Sec. 443. Professional responsibility and quality review.
- Sec. 444. Employee discipline.
- Sec. 445. Report on improving enforcement functions.
- Sec. 446. Sense of Congress regarding construction of fencing near San Diego, California.

Subtitle E—Citizenship and Immigration Services

- Sec. 451. Establishment of Bureau of Citizenship and Immigration Services.
- Sec. 452. Citizenship and Immigration Services Ombudsman.
- Sec. 453. Professional responsibility and quality review.
- Sec. 454. Employee discipline.
- Sec. 455. Effective date.
- Sec. 456. Transition.
- Sec. 457. Funding for citizenship and immigration services.
- Sec. 458. Backlog elimination.
- Sec. 459. Report on improving immigration services.
- Sec. 460. Report on responding to fluctuating needs.