

ment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 403-4¹ of title 50.

(2) Intelligence sharing infrastructure

For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than 180 days after July 21, 2004, all classified information and products to which the Under Secretary for Intelligence and Analysis is entitled under part A of subchapter II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006.

(Pub. L. 107-296, title V, § 521, formerly § 510, as added Pub. L. 108-276, § 3(b)(2), July 21, 2004, 118 Stat. 852; renumbered § 521, Pub. L. 109-295, title VI, § 611(7), Oct. 4, 2006, 120 Stat. 1395; amended Pub. L. 109-417, title IV, § 403(c), Dec. 19, 2006, 120 Stat. 2874; Pub. L. 110-53, title V, § 531(b)(1)(D), Aug. 3, 2007, 121 Stat. 334.)

REFERENCES IN TEXT

Section 247d-6b(c)(1)(B) of title 42, referred to in subsec. (a), was in the original “section 319F-2(c)(1)(B)”, which was translated as meaning section 319F-2(c)(1)(B) of the Public Health Service Act, to reflect the probable intent of Congress.

Section 403-4 of title 50, referred to in subsec. (d)(1), was repealed and a new section 403-4 enacted by Pub. L. 108-458, title I, § 1011(a), Dec. 17, 2004, 118 Stat. 3660, and subsequently editorially reclassified to section 3035 of Title 50, War and National Defense; as so enacted, section 3035 no longer relates to promulgation of standards and qualifications for the performance of intelligence activities.

Part A of subchapter II of this chapter, referred to in subsec. (d)(2), was in the original “subtitle A of title II”, meaning subtitle A of title II of Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2145, which is classified generally to part A (§121 et seq.) of subchapter II of this chapter. For complete classification of part A to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 320 of this title prior to renumbering by Pub. L. 109-295.

AMENDMENTS

2007—Subsec. (d)(1). Pub. L. 110-53, § 531(b)(1)(D)(i), substituted “Office of Intelligence and Analysis” for “Directorate for Information Analysis and Infrastructure Protection”.

Subsec. (d)(2). Pub. L. 110-53, § 531(b)(1)(D)(ii), substituted “Under Secretary for Intelligence and Analysis” for “Under Secretary for Information Analysis and Infrastructure Protection”.

2006—Subsec. (a). Pub. L. 109-417, which directed amendment of section 510(a) of the Homeland Security Act of 2002, Pub. L. 107-296, by inserting a new last sentence, was executed to subsec. (a) of this section to reflect the probable intent of Congress and the redesignation of section 510(a) as 521(a) by Pub. L. 109-295, § 611(7).

CHANGE OF NAME

Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.

§ 321k. Model standards and guidelines for critical infrastructure workers

(a) In general

Not later than 12 months after August 3, 2007, and in coordination with appropriate national professional organizations, Federal, State, local, and tribal government agencies, and private-sector and nongovernmental entities, the Administrator shall establish model standards and guidelines for credentialing critical infrastructure workers that may be used by a State to credential critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other man-made disaster.

(b) Distribution and assistance

The Administrator shall provide the standards developed under subsection (a), including detailed written guidance, to State, local, and tribal governments, and provide expertise and technical assistance to aid such governments with credentialing critical infrastructure workers that may respond to a natural disaster, act of terrorism, or other manmade disaster.

(Pub. L. 107-296, title V, § 522, as added Pub. L. 110-53, title IV, § 409(a), Aug. 3, 2007, 121 Stat. 305.)

§ 321l. Guidance and recommendations

(a) In general

Consistent with their responsibilities and authorities under law, as of the day before August 3, 2007, the Administrator and the Director of Cybersecurity and Infrastructure Security, in consultation with the private sector, may develop guidance or recommendations and identify best practices to assist or foster action by the private sector in—

- (1) identifying potential hazards and assessing risks and impacts;
- (2) mitigating the impact of a wide variety of hazards, including weapons of mass destruction;
- (3) managing necessary emergency preparedness and response resources;
- (4) developing mutual aid agreements;
- (5) developing and maintaining emergency preparedness and response plans, and associated operational procedures;
- (6) developing and conducting training and exercises to support and evaluate emergency preparedness and response plans and operational procedures;
- (7) developing and conducting training programs for security guards to implement emergency preparedness and response plans and operations procedures; and

(8) developing procedures to respond to requests for information from the media or the public.

(b) Issuance and promotion

Any guidance or recommendations developed or best practices identified under subsection (a) shall be—

- (1) issued through the Administrator; and
- (2) promoted by the Secretary to the private sector.

(c) Small business concerns

In developing guidance or recommendations or identifying best practices under subsection (a), the Administrator and the Director of Cybersecurity and Infrastructure Security shall take into consideration small business concerns (under the meaning given that term in section 632 of title 15), including any need for separate guidance or recommendations or best practices, as necessary and appropriate.

(d) Rule of construction

Nothing in this section may be construed to supersede any requirement established under any other provision of law.

(Pub. L. 107–296, title V, § 523, as added Pub. L. 110–53, title IX, § 901(a), Aug. 3, 2007, 121 Stat. 364; amended Pub. L. 115–278, § 2(g)(4)(C), Nov. 16, 2018, 132 Stat. 4178.)

AMENDMENTS

2018—Subsecs. (a), (c). Pub. L. 115–278 substituted “Director of Cybersecurity and Infrastructure Security” for “Assistant Secretary for Infrastructure Protection”.

§ 321m. Voluntary private sector preparedness accreditation and certification program

(a) Establishment

(1) In general

The Secretary, acting through the officer designated under paragraph (2), shall establish and implement the voluntary private sector preparedness accreditation and certification program in accordance with this section.

(2) Designation of officer

The Secretary shall designate an officer responsible for the accreditation and certification program under this section. Such officer (hereinafter referred to in this section as the “designated officer”) shall be one of the following:

- (A) The Administrator, based on consideration of—
 - (i) the expertise of the Administrator in emergency management and preparedness in the United States; and
 - (ii) the responsibilities of the Administrator as the principal advisor to the President for all matters relating to emergency management in the United States.
- (B) The Assistant Secretary for Infrastructure Protection,¹ based on consideration of the expertise of the Assistant Secretary in, and responsibilities for—
 - (i) protection of critical infrastructure;

- (ii) risk assessment methodologies; and
- (iii) interacting with the private sector on the issues described in clauses (i) and (ii).

(C) The Under Secretary for Science and Technology, based on consideration of the expertise of the Under Secretary in, and responsibilities associated with, standards.

(3) Coordination

In carrying out the accreditation and certification program under this section, the designated officer shall coordinate with—

- (A) the other officers of the Department referred to in paragraph (2), using the expertise and responsibilities of such officers; and
- (B) the Special Assistant to the Secretary for the Private Sector, based on consideration of the expertise of the Special Assistant in, and responsibilities for, interacting with the private sector.

(b) Voluntary private sector preparedness standards; voluntary accreditation and certification program for the private sector

(1) Accreditation and certification program

Not later than 210 days after August 3, 2007, the designated officer shall—

- (A) begin supporting the development and updating, as necessary, of voluntary preparedness standards through appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards and voluntary consensus standards development organizations; and

(B) in consultation with representatives of appropriate organizations that coordinate or facilitate the development and use of voluntary consensus standards, appropriate voluntary consensus standards development organizations, each private sector advisory council created under section 112(f)(4) of this title, appropriate representatives of State and local governments, including emergency management officials, and appropriate private sector advisory groups, such as sector coordinating councils and information sharing and analysis centers—

- (i) develop and promote a program to certify the preparedness of private sector entities that voluntarily choose to seek certification under the program; and
- (ii) implement the program under this subsection through any entity with which the designated officer enters into an agreement under paragraph (3)(A), which shall accredit third parties to carry out the certification process under this section.

(2) Program elements

(A) In general

(i) Program

The program developed and implemented under this subsection shall assess whether a private sector entity complies with voluntary preparedness standards.

(ii) Guidelines

In developing the program under this subsection, the designated officer shall develop guidelines for the accreditation and

¹ See Change of Name note below.