

“(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that voluntarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and

“(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

“(A) analog and nondigital control systems;

“(B) purpose-built control systems; and

“(C) physical controls.

“(c) WORKING GROUP TO EVALUATE PROGRAM STANDARDS AND DEVELOP STRATEGY.—

“(1) ESTABLISHMENT.—The Secretary shall establish a working group—

“(A) to evaluate the technology and standards used in the Program under subsection (b)(2); and

“(B) to develop a national cyber-informed engineering strategy to isolate and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

“(2) MEMBERSHIP.—The working group established under paragraph (1) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:

“(A) The Department of Energy.

“(B) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.

“(C)(i) The Department of Homeland Security; or
“(ii) the Industrial Control Systems Cyber Emergency Response Team.

“(D) The North American Electric Reliability Corporation.

“(E) The Nuclear Regulatory Commission.

“(F)(i) The Office of the Director of National Intelligence; or

“(ii) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

“(G)(i) The Department of Defense; or

“(ii) the Assistant Secretary of Defense for Homeland Security and America’s Security Affairs.

“(H) A State or regional energy agency.

“(I) A national research body or academic institution.

“(J) The National Laboratories.

“(d) REPORTS ON THE PROGRAM.—

“(1) INTERIM REPORT.—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees an interim report that—

“(A) describes the results of the Program;

“(B) includes an analysis of the feasibility of each method studied under the Program; and

“(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

“(2) FINAL REPORT.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees a final report that—

“(A) describes the results of the Program;

“(B) includes an analysis of the feasibility of each method studied under the Program; and

“(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

“(e) EXEMPTION FROM DISCLOSURE.—Information shared by or with the Federal Government or a State, Tribal, or local government under this section—

“(1) shall be deemed to be voluntarily shared information;

“(2) shall be exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local freedom of information

law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records; and

“(3) shall be withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, and any provision of any State, Tribal, or local law requiring the disclosure of information or records.

“(f) PROTECTION FROM LIABILITY.—

“(1) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under subsection (b)—

“(A) shall not lie or be maintained in any court; and

“(B) shall be promptly dismissed by the applicable court.

“(2) VOLUNTARY ACTIVITIES.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

“(g) NO NEW REGULATORY AUTHORITY FOR FEDERAL AGENCIES.—Nothing in this section authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

“(h) AUTHORIZATION OF APPROPRIATIONS.—

“(1) PILOT PROGRAM.—There is authorized to be appropriated \$10,000,000 to carry out subsection (b).

“(2) WORKING GROUP AND REPORT.—There is authorized to be appropriated \$1,500,000 to carry out subsections (c) and (d).

“(3) AVAILABILITY.—Amounts made available under paragraphs (1) and (2) shall remain available until expended.”

§ 190. Transfer of Plum Island Animal Disease Center, Department of Agriculture

(a) In general

In accordance with subchapter XII, the Secretary of Agriculture shall transfer to the Secretary of Homeland Security the Plum Island Animal Disease Center of the Department of Agriculture, including the assets and liabilities of the Center.

(b) Continued Department of Agriculture access

On completion of the transfer of the Plum Island Animal Disease Center under subsection (a), the Secretary of Homeland Security and the Secretary of Agriculture shall enter into an agreement to ensure that the Department of Agriculture is able to carry out research, diagnostic, and other activities of the Department of Agriculture at the Center.

(c) Direction of activities

The Secretary of Agriculture shall continue to direct the research, diagnostic, and other activities of the Department of Agriculture at the Center described in subsection (b).

(d) Notification

(1) In general

At least 180 days before any change in the biosafety level at the Plum Island Animal Disease Center, the President shall notify Congress of the change and describe the reasons for the change.

(2) Limitation

No change described in paragraph (1) may be made earlier than 180 days after the completion of the transition period (as defined in section 541 of this title).

(Pub. L. 107–296, title III, § 310, Nov. 25, 2002, 116 Stat. 2174.)

TRANSFER OF NATIONAL BIO AND AGRO-DEFENSE
FACILITY

Pub. L. 116-94, div. B, title VII, §766, Dec. 20, 2019, 133 Stat. 2655, provided that: “The National Bio and Agro-Defense Facility shall be transferred without reimbursement from the Secretary of Homeland Security to the Secretary of Agriculture.”

DISPOSITION OF PLUM ISLAND PROPERTY AND
TRANSPORTATION ASSETS

Pub. L. 112-74, div. D, title V, §538, Dec. 23, 2011, 125 Stat. 976, provided that:

“(a) Notwithstanding any other provision of law during fiscal year 2012 or any subsequent fiscal year, if the Secretary of Homeland Security determines that the National Bio- and Agro-defense Facility should be located at a site other than Plum Island, New York, the Secretary shall ensure that the Administrator of General Services sells through public sale all real and related personal property and transportation assets which support Plum Island operations, subject to such terms and conditions as may be necessary to protect Government interests and meet program requirements.

“(b) The proceeds of such sale described in subsection (a) shall be deposited as offsetting collections into the Department of Homeland Security Science and Technology ‘Research, Development, Acquisition, and Operations’ account and, subject to appropriation, shall be available until expended, for site acquisition, construction, and costs related to the construction of the National Bio- and Agro-defense Facility, including the costs associated with the sale, including due diligence requirements, necessary environmental remediation at Plum Island, and reimbursement of expenses incurred by the General Services Administration.”

§ 191. Homeland Security Science and Technology Advisory Committee

(a) Establishment

There is established within the Department a Homeland Security Science and Technology Advisory Committee (in this section referred to as the “Advisory Committee”). The Advisory Committee shall make recommendations with respect to the activities of the Under Secretary for Science and Technology, including identifying research areas of potential importance to the security of the Nation.

(b) Membership

(1) Appointment

The Advisory Committee shall consist of 20 members appointed by the Under Secretary for Science and Technology, which shall include emergency first-responders or representatives of organizations or associations of emergency first-responders. The Advisory Committee shall also include representatives of citizen groups, including economically disadvantaged communities. The individuals appointed as members of the Advisory Committee—

(A) shall be eminent in fields such as emergency response, research, engineering, new product development, business, and management consulting;

(B) shall be selected solely on the basis of established records of distinguished service;

(C) shall not be employees of the Federal Government; and

(D) shall be so selected as to provide representation of a cross-section of the research, development, demonstration, and deployment activities supported by the Under Secretary for Science and Technology.

(2) National Research Council

The Under Secretary for Science and Technology may enter into an arrangement for the National Research Council to select members of the Advisory Committee, but only if the panel used by the National Research Council reflects the representation described in paragraph (1).

(c) Terms of office

(1) In general

Except as otherwise provided in this subsection, the term of office of each member of the Advisory Committee shall be 3 years.

(2) Original appointments

The original members of the Advisory Committee shall be appointed to three classes. One class of six shall have a term of 1 year, one class of seven a term of 2 years, and one class of seven a term of 3 years.

(3) Vacancies

A member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed for the remainder of such term.

(d) Eligibility

A person who has completed two consecutive full terms of service on the Advisory Committee shall thereafter be ineligible for appointment during the 1-year period following the expiration of the second such term.

(e) Meetings

The Advisory Committee shall meet at least quarterly at the call of the Chair or whenever one-third of the members so request in writing. Each member shall be given appropriate notice of the call of each meeting, whenever possible not less than 15 days before the meeting.

(f) Quorum

A majority of the members of the Advisory Committee not having a conflict of interest in the matter being considered by the Advisory Committee shall constitute a quorum.

(g) Conflict of interest rules

The Advisory Committee shall establish rules for determining when 1 of its members has a conflict of interest in a matter being considered by the Advisory Committee.

(h) Reports

(1) Annual report

The Advisory Committee shall render an annual report to the Under Secretary for Science and Technology for transmittal to Congress on or before January 31 of each year. Such report shall describe the activities and recommendations of the Advisory Committee during the previous year.

(2) Additional reports

The Advisory Committee may render to the Under Secretary for transmittal to Congress such additional reports on specific policy matters as it considers appropriate.

(i) Federal Advisory Committee Act exemption

Section 14 of the Federal Advisory Committee Act shall not apply to the Advisory Committee.