

chairperson renews the Group for a successive 5-year period, prior to the date on which the Group would otherwise terminate, by submitting to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a certification that the continued existence of the Group is necessary to fulfill the purpose described in subsection (b).

(2) Continued renewal

The chairperson may continue to renew the Group for successive 5-year periods by submitting a certification in accordance with paragraph (1) prior to the date on which the Group would otherwise terminate.

(Pub. L. 107-296, title III, §318, as added Pub. L. 114-80, §2(a), Nov. 5, 2015, 129 Stat. 646.)

§ 195e. Transparency in research and development

(a) Requirement to list research and development programs

(1) In general

The Secretary shall maintain a detailed list of the following:

(A) Each classified and unclassified research and development project, and all appropriate details for each such project, including the component of the Department responsible for each such project.

(B) Each task order for a Federally Funded Research and Development Center not associated with a research and development project.

(C) Each task order for a University-based center of excellence not associated with a research and development project.

(D) The indicators developed and tracked by the Under Secretary for Science and Technology with respect to transitioned projects pursuant to subsection (c).

(2) Exception for certain completed projects

Paragraph (1) shall not apply to a project completed or otherwise terminated before December 23, 2016.

(3) Updates

The list required under paragraph (1) shall be updated as frequently as possible, but not less frequently than once per quarter.

(4) Research and development defined

For purposes of the list required under paragraph (1), the Secretary shall provide a definition for the term “research and development”.

(b) Requirement to report to Congress on all projects

Not later than January 1, 2017, and annually thereafter, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a classified and unclassified report, as applicable, that lists each ongoing classified and unclassified project at the Department, including all appropriate details of each such project.

(c) Indicators of success of transitioned projects

(1) In general

For each project that has been transitioned to practice from research and development, the Under Secretary for Science and Technology shall develop and track indicators to demonstrate the uptake of the technology or project among customers or end-users.

(2) Requirement

To the fullest extent possible, the tracking of a project required under paragraph (1) shall continue for the three-year period beginning on the date on which such project was transitioned to practice from research and development.

(d) Definitions

In this section:

(1) All appropriate details

The term “all appropriate details” means, with respect to a research and development project—

(A) the name of such project, including both classified and unclassified names if applicable;

(B) the name of the component of the Department carrying out such project;

(C) an abstract or summary of such project;

(D) funding levels for such project;

(E) project duration or timeline;

(F) the name of each contractor, grantee, or cooperative agreement partner involved in such project;

(G) expected objectives and milestones for such project; and

(H) to the maximum extent practicable, relevant literature and patents that are associated with such project.

(2) Classified

The term “classified” means anything containing—

(A) classified national security information as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order;

(B) Restricted Data or data that was formerly Restricted Data, as defined in section 2014(y) of title 42;

(C) material classified at the Sensitive Compartmented Information (SCI) level, as defined in section 3345 of title 50; or

(D) information relating to a special access program, as defined in section 6.1 of Executive Order 13526 (50 U.S.C. 3161 note) or any successor order.

(3) Controlled unclassified information

The term “controlled unclassified information” means information described as “Controlled Unclassified Information” under Executive Order 13556 (50 U.S.C. 3501 note)¹ or any successor order.

(4) Project

The term “project” means a research or development project, program, or activity ad-

¹ See References in Text note below.

ministered by the Department, whether ongoing, completed, or otherwise terminated.

(e) Limitation

Nothing in this section overrides or otherwise affects the requirements specified in section 468 of this title.

(Pub. L. 107–296, title III, §319, as added Pub. L. 114–328, div. A, title XIX, §1906(a), Dec. 23, 2016, 130 Stat. 2676.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13556, referred to in subsec. (d)(3), is set out as a note under section 3501 of Title 44, Public Printing and Documents.

PRIOR PROVISIONS

A prior section 319 of Pub. L. 107–296 was renumbered section 320 and is classified to section 195f of this title.

§ 195f. EMP and GMD mitigation research and development and threat assessment, response, and recovery

(a) In general

In furtherance of domestic preparedness and response, the Secretary, acting through the Under Secretary for Science and Technology, and in consultation with other relevant executive agencies, relevant State, local, and tribal governments, and relevant owners and operators of critical infrastructure, shall, to the extent practicable, conduct research and development to mitigate the consequences of threats of EMP and GMD.

(b) Scope

The scope of the research and development under subsection (a) shall include the following:

(1) An objective scientific analysis—

(A) evaluating the risks to critical infrastructure from a range of threats of EMP and GMD; and

(B) which shall—

(i) be conducted in conjunction with the Office of Intelligence and Analysis; and

(ii) include a review and comparison of the range of threats and hazards facing critical infrastructure of the electrical grid.

(2) Determination of the critical utilities and national security assets and infrastructure that are at risk from threats of EMP and GMD.

(3) An evaluation of emergency planning and response technologies that would address the findings and recommendations of experts, including those of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack, which shall include a review of the feasibility of rapidly isolating one or more portions of the electrical grid from the main electrical grid.

(4) An analysis of technology options that are available to improve the resiliency of critical infrastructure to threats of EMP and GMD, including an analysis of neutral current blocking devices that may protect high-voltage transmission lines.

(5) The restoration and recovery capabilities of critical infrastructure under differing levels

of damage and disruption from various threats of EMP and GMD, as informed by the objective scientific analysis conducted under paragraph (1).

(6) An analysis of the feasibility of a real-time alert system to inform electrical grid operators and other stakeholders within milliseconds of a high-altitude nuclear explosion.

(c) Exemption from disclosure

(1) Information shared with the Federal Government

Section 673 of this title, and any regulations issued pursuant to such section, shall apply to any information shared with the Federal Government under this section.

(2) Information shared by the Federal Government

Information shared by the Federal Government with a State, local, or tribal government under this section shall be exempt from disclosure under any provision of State, local, or tribal 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.

(d) Threat assessment, response, and recovery

(1) Roles and responsibilities

(A) Distribution of information

(i) In general

Beginning not later than June 19, 2020, the Secretary shall provide timely distribution of information on EMPs and GMDs to Federal, State, and local governments, owners and operators of critical infrastructure, and other persons determined appropriate by the Secretary.

(ii) Briefing

The Secretary shall brief the appropriate congressional committees on the effectiveness of the distribution of information under clause (i).

(B) Response and recovery

(i) In general

The Administrator of the Federal Emergency Management Agency shall—

(I) coordinate the response to and recovery from the effects of EMPs and GMDs on critical infrastructure, in coordination with the heads of appropriate Sector-Specific Agencies, and on matters related to the bulk power system, in consultation with the Secretary of Energy and the Federal Energy Regulatory Commission; and

(II) to the extent practicable, incorporate events that include EMPs and extreme GMDs as a factor in preparedness scenarios and exercises.

(ii) Implementation

The Administrator of the Federal Emergency Management Agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, and on matters related to the bulk power system, the Secretary of En-