

(Pub. L. 107–296, title V, § 514, as added Pub. L. 109–295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1409; amended Pub. L. 115–278, § 2(g)(4)(B), Nov. 16, 2018, 132 Stat. 4178.)

### Editorial Notes

#### AMENDMENTS

2018—Subsecs. (b), (c). Pub. L. 115–278 redesignated subsec. (c) as (b) and struck out former subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “There is in the Department an Assistant Secretary for Cybersecurity and Communications.”

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE

Section effective Mar. 31, 2007, see section 614(b)(3) of Pub. L. 109–295, set out as a note under section 701 of this title.

## § 321d. National Operations Center

### (a) Definition

In this section, the term “situational awareness” means information gathered from a variety of sources that, when communicated to emergency managers, decision makers, and other appropriate officials, can form the basis for incident management decisionmaking and steady-state activity.

### (b) Establishment

The National Operations Center is the principal operations center for the Department and shall—

(1) provide situational awareness and a common operating picture for the entire Federal Government, and for State, local, tribal, and territorial governments, the private sector, and international partners as appropriate, for events, threats, and incidents involving a natural disaster, act of terrorism, or other man-made disaster;

(2) ensure that critical terrorism and disaster-related information reaches government decision-makers; and

(3) enter into agreements with other Federal operations centers and other homeland security partners, as appropriate, to facilitate the sharing of information.

### (c) State and local emergency responder representation

#### (1) Establishment of positions

The Secretary shall establish a position, on a rotating basis, for a representative of State and local emergency responders at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local emergency response services.

#### (2) Management

The Secretary shall manage the position established pursuant to paragraph (1) in accordance with such rules, regulations, and practices as govern other similar rotating positions at the National Operations Center.

(Pub. L. 107–296, title V, § 515, as added Pub. L. 109–295, title VI, § 611(13), Oct. 4, 2006, 120 Stat.

1409; amended Pub. L. 110–376, § 8, Oct. 8, 2008, 122 Stat. 4060; Pub. L. 114–328, div. A, title XIX, § 1909, Dec. 23, 2016, 130 Stat. 2681.)

### Editorial Notes

#### AMENDMENTS

2016—Subsec. (a). Pub. L. 114–328, § 1909(1), substituted “emergency managers, decision makers, and other appropriate officials” for “emergency managers and decision makers” and inserted “and steady-state activity” before period at end.

Subsec. (b)(1). Pub. L. 114–328, § 1909(2)(A), substituted “tribal, and territorial governments, the private sector, and international partners” for “and tribal governments” and “for events, threats, and incidents involving” for “in the event of” and struck out “and” at end.

Subsec. (b)(2). Pub. L. 114–328, § 1909(2)(B), substituted “; and” for period at end.

Subsec. (b)(3). Pub. L. 114–328, § 1909(2)(C), added par. (3).

Subsec. (c). Pub. L. 114–328, § 1909(4)(A), substituted “emergency responder” for “fire service” in heading.

Subsec. (c)(1). Pub. L. 114–328, § 1909(4)(B), added par. (1) and struck out former par. (1). Prior to amendment, text read as follows: “The Secretary shall, in consultation with the Administrator of the United States Fire Administration, establish a fire service position at the National Operations Center established under subsection (b) to ensure the effective sharing of information between the Federal Government and State and local fire services.”

Subsec. (c)(2), (3). Pub. L. 114–328, § 1909(4)(C), (D), redesignated par. (3) as (2) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The Secretary shall designate, on a rotating basis, a State or local fire service official for the position described in paragraph (1).”

2008—Subsec. (c). Pub. L. 110–376 added subsec. (c).

## § 321e. Repealed. Pub. L. 115–387, § 2(c)(1), Dec. 21, 2018, 132 Stat. 5166

Section, Pub. L. 107–296, title V, § 516, as added Pub. L. 109–295, title VI, § 611(13), Oct. 4, 2006, 120 Stat. 1409; amended Pub. L. 112–166, § 2(f)(4), Aug. 10, 2012, 126 Stat. 1285, related to establishment, qualifications, and responsibilities of Chief Medical Officer. See section 597 of this title.

## § 321f. Nuclear incident response

### (a) In general

At the direction of the Secretary (in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States), the Nuclear Incident Response Team shall operate as an organizational unit of the Department. While so operating, the Nuclear Incident Response Team shall be subject to the direction, authority, and control of the Secretary.

### (b) Rule of construction

Nothing in this subchapter shall be construed to limit the ordinary responsibility of the Secretary of Energy and the Administrator of the Environmental Protection Agency for organizing, training, equipping, and utilizing their respective entities in the Nuclear Incident Response Team, or (subject to the provisions of this subchapter) from exercising direction, authority, and control over them when they are not operating as a unit of the Department.

(Pub. L. 107–296, title V, § 517, formerly § 504, Nov. 25, 2002, 116 Stat. 2213; renumbered § 517, Pub. L.

109–295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 314 of this title prior to renumbering by Pub. L. 109–295.

### § 321g. Conduct of certain public health-related activities

#### (a) In general

With respect to all public health-related activities to improve State, local, and hospital preparedness and response to chemical, biological, radiological, and nuclear and other emerging terrorist threats carried out by the Department of Health and Human Services (including the Public Health Service), the Secretary of Health and Human Services shall set priorities and preparedness goals and further develop a coordinated strategy for such activities in collaboration with the Secretary.

#### (b) Evaluation of progress

In carrying out subsection (a), the Secretary of Health and Human Services shall collaborate with the Secretary in developing specific benchmarks and outcome measurements for evaluating progress toward achieving the priorities and goals described in such subsection.

(Pub. L. 107–296, title V, § 518, formerly § 505, Nov. 25, 2002, 116 Stat. 2213; renumbered § 518, Pub. L. 109–295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 315 of this title prior to renumbering by Pub. L. 109–295.

### § 321h. Use of national private sector networks in emergency response

To the maximum extent practicable, the Secretary shall use national private sector networks and infrastructure for emergency response to chemical, biological, radiological, nuclear, or explosive disasters, and other major disasters.

(Pub. L. 107–296, title V, § 519, formerly § 508, Nov. 25, 2002, 116 Stat. 2215; renumbered § 519, Pub. L. 109–295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 318 of this title prior to renumbering by Pub. L. 109–295.

### § 321i. Use of commercially available technology, goods, and services

It is the sense of Congress that—

(1) the Secretary should, to the maximum extent possible, use off-the-shelf commercially developed technologies to ensure that the Department's information technology systems allow the Department to collect, manage, share, analyze, and disseminate information

securely over multiple channels of communication; and

(2) in order to further the policy of the United States to avoid competing commercially with the private sector, the Secretary should rely on commercial sources to supply the goods and services needed by the Department.

(Pub. L. 107–296, title V, § 520, formerly § 509, Nov. 25, 2002, 116 Stat. 2215; renumbered § 520, Pub. L. 109–295, title VI, §611(6), Oct. 4, 2006, 120 Stat. 1395.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 319 of this title prior to renumbering by Pub. L. 109–295.

### § 321j. Procurement of security countermeasures for Strategic National Stockpile

#### (a) Authorization of appropriations

For the procurement of security countermeasures under section 247d–6b(c) of title 42 (referred to in this section as the “security countermeasures program”), there is authorized to be appropriated up to \$5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed \$3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed \$890,000,000 may be obligated during fiscal year 2004. None of the funds made available under this subsection shall be used to procure countermeasures to diagnose, mitigate, prevent, or treat harm resulting from any naturally occurring infectious disease or other public health threat that are not security countermeasures under section 247d–6b(c)(1)(B) of title 42.<sup>1</sup>

#### (b) Special reserve fund

For purposes of the security countermeasures program, the term “special reserve fund” means the “Biodefense Countermeasures” appropriations account or any other appropriation made under subsection (a).

#### (c) Availability

Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

#### (d) Related authorizations of appropriations

##### (1) Threat assessment capabilities

For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Office of Intelligence and Analysis, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear

<sup>1</sup> See References in Text note below.