

organization in establishing a program of training to identify human trafficking, upon request from the government or organization.

(Pub. L. 114-22, title IX, §904, May 29, 2015, 129 Stat. 266.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 645. Victim protection training for the Department of Homeland Security

(a) Directive to DHS law enforcement officials and task forces

(1) In general

Not later than 180 days after December 21, 2018, the Secretary shall issue a directive to—

(A) all Federal law enforcement officers and relevant personnel employed by the Department who may be involved in the investigation of human trafficking offenses; and

(B) members of all task forces led by the Department that participate in the investigation of human trafficking offenses.

(2) Required instructions

The directive required to be issued under paragraph (1) shall include instructions on—

(A) the investigation of individuals who patronize or solicit human trafficking victims as being engaged in severe trafficking in persons and how such individuals should be investigated for their roles in severe trafficking in persons; and

(B) how victims of sex or labor trafficking often engage in criminal acts as a direct result of severe trafficking in persons and such individuals are victims of a crime and affirmative measures should be taken to avoid arresting, charging, or prosecuting such individuals for any offense that is the direct result of their victimization.

(b) Victim screening protocol

(1) In general

Not later than 180 days after December 21, 2018, the Secretary shall issue a screening protocol for use during all anti-trafficking law enforcement operations in which the Department is involved.

(2) Requirements

The protocol required to be issued under paragraph (1) shall—

(A) require the individual screening of all adults and children who are suspected of engaging in commercial sex acts, child labor that is a violation of law, or work in violation of labor standards to determine whether each individual screened is a victim of human trafficking;

(B) require affirmative measures to avoid arresting, charging, or prosecuting human trafficking victims for any offense that is the direct result of their victimization;

(C) be developed in consultation with relevant interagency partners and nongovern-

mental organizations that specialize in the prevention of human trafficking or in the identification and support of victims of human trafficking and survivors of human trafficking; and

(D) include—

(i) procedures and practices to ensure that the screening process minimizes trauma or revictimization of the person being screened; and

(ii) guidelines on assisting victims of human trafficking in identifying and receiving restorative services.

(c) Mandatory training

The training described in sections 642 and 644 of this title shall include training necessary to implement—

(1) the directive required under subsection (a); and

(2) the protocol required under subsection (b).

(Pub. L. 114-22, title IX, §906, as added Pub. L. 115-392, §5(a), Dec. 21, 2018, 132 Stat. 5252.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Justice for Victims of Trafficking Act of 2015, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 645a. Human trafficking assessment

Not later than 1 year after December 21, 2018, and annually thereafter, the Executive Associate Director of Homeland Security Investigations shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate, and the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives a report on human trafficking investigations undertaken by Homeland Security Investigations that includes—

(1) the number of confirmed human trafficking investigations by category, including labor trafficking, sex trafficking, and transnational and domestic human trafficking;

(2) the number of victims by category, including—

(A) whether the victim is a victim of sex trafficking or a victim of labor trafficking; and

(B) whether the victim is a minor or an adult; and

(3) an analysis of the data described in paragraphs (1) and (2) and other data available to Homeland Security Investigations that indicates any general human trafficking or investigatory trends.

(Pub. L. 115-393, title IV, §403, Dec. 21, 2018, 132 Stat. 5275.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Trafficking Victims Protection Act of 2017, and not as part of the

Homeland Security Act of 2002 which comprises this chapter.

SUBCHAPTER XVIII—CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

PART A—CYBERSECURITY AND INFRASTRUCTURE SECURITY

§ 651. Definitions

In this part:

(1) **Critical infrastructure information**

The term “critical infrastructure information” has the meaning given the term in section 671 of this title.

(2) **Cybersecurity risk**

The term “cybersecurity risk” has the meaning given the term in section 659 of this title.

(3) **Cybersecurity threat**

The term “cybersecurity threat” has the meaning given the term in section 1501(5) of this title.

(4) **National cybersecurity asset response activities**

The term “national cybersecurity asset response activities” means—

(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

(D) facilitating information sharing and operational coordination with threat response; and

(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

(5) **Sector Risk Management Agency**

The term “Sector Risk Management Agency” means a Federal department or agency, designated by law or presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

(6) **Sharing**

The term “sharing” has the meaning given the term in section 659 of this title.

(Pub. L. 107–296, title XXII, §2201, as added Pub. L. 115–278, §2(a), Nov. 16, 2018, 132 Stat. 4168; amended Pub. L. 116–283, div. H, title XC, §9002(c)(2)(C), Jan. 1, 2021, 134 Stat. 4772.)

Editorial Notes

AMENDMENTS

2021—Par. (5). Pub. L. 116–283 substituted “Sector Risk Management Agency” for “Sector-Specific Agen-

cy” in heading and “Sector Risk Management Agency” for “Sector-Specific Agency” in text.

Statutory Notes and Related Subsidiaries

CONSTRUCTION OF PUB. L. 115–278

Pub. L. 115–278, §5, Nov. 16, 2018, 132 Stat. 4186, provided that: “Nothing in this Act [see section 1 of Pub. L. 115–278, set out as a Short Title of 2018 Amendment note under section 101 of this title] or an amendment made by this Act may be construed as—

“(1) conferring new authorities to the Secretary of Homeland Security, including programmatic, regulatory, or enforcement authorities, outside of the authorities in existence on the day before the date of enactment of this Act [Nov. 16, 2018];

“(2) reducing or limiting the programmatic, regulatory, or enforcement authority vested in any other Federal agency by statute; or

“(3) affecting in any manner the authority, existing on the day before the date of enactment of this Act, of any other Federal agency or component of the Department of Homeland Security.”

NATIONAL CYBER EXERCISES

Pub. L. 116–283, div. A, title XVII, §1744, Jan. 1, 2021, 134 Stat. 4135, provided that:

“(a) **REQUIREMENT.**—Not later than December 31, 2023, the Secretary of Homeland Security, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall conduct an exercise, which may be a tabletop exercise, to test the resilience, response, and recovery of the United States to a significant cyber incident impacting critical infrastructure. The Secretary shall convene similar exercises not fewer than three times, in consultation with such officials, until 2033.

“(b) **PLANNING AND PREPARATION.**—The exercises required under subsection (a) shall be prepared by—

“(1) appropriate personnel from—

“(A) the Department of Homeland Security;

“(B) the Department of Defense; and

“(C) the Department of Justice; and

“(2) appropriate elements of the intelligence community, identified by the Director of National Intelligence.

“(c) **SUBMISSION TO CONGRESS.**—For each fiscal year in which an exercise is planned, the Secretary, in coordination with the Director of National Intelligence, the Attorney General, and the Secretary of Defense, shall submit to the appropriate congressional committees a plan for the exercise not later than 180 days prior to the exercise. Each such plan shall include information regarding the goals of the exercise at issue, how the exercise is to be carried out, where and when the exercise will take place, how many individuals are expected to participate from each Federal agency specified in subsection (b), and the costs or other resources associated with the exercise.

“(d) **PARTICIPANTS.**—

“(1) **FEDERAL GOVERNMENT PARTICIPANTS.**—Appropriate personnel from the following Federal agencies shall participate in each exercise required under subsection (a):

“(A) The Department of Homeland Security.

“(B) The Department of Defense, as identified by the Secretary of Defense.

“(C) Elements of the intelligence community, as identified by the Director of National Intelligence.

“(D) The Department of Justice, as identified by the Attorney General.

“(E) Sector-specific agencies, as determined by the Secretary of Homeland Security.

“(2) **STATE AND LOCAL GOVERNMENTS.**—The Secretary shall invite representatives from State, local, and Tribal governments to participate in each exercise required under subsection (a) if the Secretary determines such is appropriate.

“(3) **PRIVATE ENTITIES.**—Depending on the nature of an exercise being conducted under subsection (a), the