

§ 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 the Cybersecurity and Infrastructure Security Agency, 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 the Cybersecurity and Infrastructure Security Agency 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; Pub. L. 117–263, div. G, title LXXI, § 7143(c)(1), Dec. 23, 2022, 136 Stat. 3662.)

Editorial Notes

AMENDMENTS

2022—Subsecs. (a), (c). Pub. L. 117–263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security”.

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

for “Assistant Secretary for Infrastructure Protection”.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117–263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section 7143(f)(1) of Pub. L. 117–263, set out in a note under section 650 of this title.

§ 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.

¹ See Change of Name note below.