

(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

(2) Notification

The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

(3) Required inventory

(A) In general

The Secretary shall—

(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

(ii) make the inventory required under clause (i) available, on a continual basis, to—

(I) the Secretary of Health and Human Services; and

(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

(B) Form

Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 107-296, title V, § 529, as added Pub. L. 117-58, div. G, title IX, § 70953(f)(2)(A), Nov. 15, 2021, 135 Stat. 1315.)

§ 322. Continuity of the economy plan

(a) Requirement

(1) In general

The President shall develop and maintain a plan to maintain and restore the economy of the United States in response to a significant event.

(2) Principles

The plan required under paragraph (1) shall—

(A) be consistent with—

- (i) a free market economy; and
- (ii) the rule of law; and

(B) respect private property rights.

(3) Contents

The plan required under paragraph (1) shall—

(A) examine the distribution of goods and services across the United States necessary for the reliable functioning of the United States during a significant event;

(B) identify the economic functions of relevant actors, the disruption, corruption, or dysfunction of which would have a debilitating effect in the United States on—

- (i) security;
- (ii) economic security;
- (iii) defense readiness; or
- (iv) public health or safety;

(C) identify the critical distribution mechanisms for each economic sector that should be prioritized for operation during a significant event, including—

- (i) bulk power and electric transmission systems;
- (ii) national and international financial systems, including wholesale payments, stocks, and currency exchanges;
- (iii) national and international communications networks, data-hosting services, and cloud services;
- (iv) interstate oil and natural gas pipelines; and
- (v) mechanisms for the interstate and international trade and distribution of materials, food, and medical supplies, including road, rail, air, and maritime shipping;

(D) identify economic functions of relevant actors, the disruption, corruption, or dysfunction of which would cause—

- (i) catastrophic economic loss;
- (ii) the loss of public confidence; or
- (iii) the widespread imperilment of human life;

(E) identify the economic functions of relevant actors that are so vital to the economy of the United States that the disruption, corruption, or dysfunction of those economic functions would undermine response, recovery, or mobilization efforts during a significant event;

(F) incorporate, to the greatest extent practicable, the principles and practices contained within Federal plans for the continuity of Government and continuity of operations;

(G) identify—

- (i) industrial control networks for which a loss of internet connectivity, a loss of network integrity or availability, an exploitation of a system connected to the network, or another failure, disruption, corruption, or dysfunction would have a debilitating effect in the United States on—
 - (I) security;
 - (II) economic security;
 - (III) defense readiness; or
 - (IV) public health or safety; and

(ii) for each industrial control network identified under clause (i), risk mitigation measures, including—

- (I) the installation of parallel services;
- (II) the use of stand-alone analog services; or
- (III) the significant hardening of the industrial control network against failure, disruption, corruption, or dysfunction;

(H) identify critical economic sectors for which the preservation of data in a pro-

tested, verified, and uncorrupted status would be required for the quick recovery of the economy of the United States in the face of a significant disruption following a significant event;

(I) include a list of raw materials, industrial goods, and other items, the absence of which would significantly undermine the ability of the United States to sustain the functions described in subparagraphs (B), (D), and (E);

(J) provide an analysis of supply chain diversification for the items described in subparagraph (I) in the event of a disruption caused by a significant event;

(K) include—

(i) a recommendation as to whether the United States should maintain a strategic reserve of 1 or more of the items described in subparagraph (I); and

(ii) for each item described in subparagraph (I) for which the President recommends maintaining a strategic reserve under clause (i), an identification of mechanisms for tracking inventory and availability of the item in the strategic reserve;

(L) identify mechanisms in existence on January 1, 2021 and mechanisms that can be developed to ensure that the swift transport and delivery of the items described in subparagraph (I) is feasible in the event of a distribution network disturbance or degradation, including a distribution network disturbance or degradation caused by a significant event;

(M) include guidance for determining the prioritization for the distribution of the items described in subparagraph (I), including distribution to States and Indian Tribes;

(N) consider the advisability and feasibility of mechanisms for extending the credit of the United States or providing other financial support authorized by law to key participants in the economy of the United States if the extension or provision of other financial support—

(i) is necessary to avoid severe economic degradation; or

(ii) allows for the recovery from a significant event;

(O) include guidance for determining categories of employees that should be prioritized to continue to work in order to sustain the functions described in subparagraphs (B), (D), and (E) in the event that there are limitations on the ability of individuals to travel to workplaces or to work remotely, including considerations for defense readiness;

(P) identify critical economic sectors necessary to provide material and operational support to the defense of the United States;

(Q) determine whether the Secretary of Homeland Security, the National Guard, and the Secretary of Defense have adequate authority to assist the United States in a recovery from a severe economic degradation caused by a significant event;

(R) review and assess the authority and capability of heads of other agencies that the

President determines necessary to assist the United States in a recovery from a severe economic degradation caused by a significant event; and

(S) consider any other matter that would aid in protecting and increasing the resilience of the economy of the United States from a significant event.

(b) Coordination

In developing the plan required under subsection (a)(1), the President shall—

(1) receive advice from—

(A) the Secretary of Homeland Security;

(B) the Secretary of Defense;

(C) the Secretary of the Treasury;

(D) the Secretary of Health and Human Services;

(E) the Secretary of Commerce;

(F) the Secretary of Transportation;

(G) the Secretary of Energy;

(H) the Administrator of the Small Business Administration; and

(I) the head of any other agency that the President determines necessary to complete the plan;

(2) consult with economic sectors relating to critical infrastructure through sector-coordinated councils, as appropriate;

(3) consult with relevant State, Tribal, and local governments and organizations that represent those governments; and

(4) consult with any other non-Federal entity that the President determines necessary to complete the plan.

(c) Submission to Congress

(1) In general

Not later than 2 years after January 1, 2021, and not less frequently than every 3 years thereafter, the President shall submit the plan required under subsection (a)(1) and the information described in paragraph (2) to—

(A) the majority and minority leaders of the Senate;

(B) the Speaker and the minority leader of the House of Representatives;

(C) the Committee on Armed Services of the Senate;

(D) the Committee on Armed Services of the House of Representatives;

(E) the Committee on Homeland Security and Governmental Affairs of the Senate;

(F) the Committee on Homeland Security of the House of Representatives;

(G) the Committee on Health, Education, Labor, and Pensions of the Senate;

(H) the Committee on Commerce, Science, and Transportation of the Senate;

(I) the Committee on Energy and Commerce of the House of Representatives;

(J) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(K) the Committee on Finance of the Senate;

(L) the Committee on Financial Services of the House of Representatives;

(M) the Committee on Small Business and Entrepreneurship of the Senate;

(N) the Committee on Small Business of the House of Representatives;

(O) the Committee on Energy and Natural Resources of the Senate;

(P) the Committee on Environment and Public Works of the Senate;

(Q) the Committee on Indian Affairs of the Senate;

(R) the Committee on Oversight and Reform of the House of Representatives;

(S) Committee on the Budget of the House of Representatives; and

(T) any other committee of the Senate or the House of Representatives that has jurisdiction over the subject of the plan.

(2) Additional information

The information described in this paragraph is—

(A) any change to Federal law that would be necessary to carry out the plan required under subsection (a)(1); and

(B) any proposed changes to the funding levels provided in appropriation Acts for the most recent fiscal year that can be implemented in future appropriation Acts or additional resources necessary to—

(i) implement the plan required under subsection (a)(1); or

(ii) maintain any program offices and personnel necessary to—

(I) maintain the plan required under subsection (a)(1) and the plans described in subsection (a)(3)(F); and

(II) conduct exercises, assessments, and updates to the plans described in subclause (I) over time.

(3) Budget of the President

The President may include the information described in paragraph (2)(B) in the budget required to be submitted by the President under section 1105(a) of title 31.

(d) Definitions

In this section:

(1) The term “agency” has the meaning given the term in section 551 of title 5.

(2) The term “economic sector” means a sector of the economy of the United States.

(3) The term “relevant actor” means—

(A) the Federal Government;

(B) a State, local, or Tribal government; or

(C) the private sector.

(4) The term “significant event” means an event that causes severe degradation to economic activity in the United States due to—

(A) a cyber attack; or

(B) another significant event that is natural or human-caused.

(5) The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(Pub. L. 116-283, div. H, title XCVI, §9603, Jan. 1, 2021, 134 Stat. 4829.)

Editorial Notes

CODIFICATION

Section was enacted as part of the William M. (Mac) Thornberry National Defense Authorization Act for

Fiscal Year 2021, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 323. Guidance on how to prevent exposure to and release of PFAS

(a) In general

Not later than 1 year after December 20, 2022, the Secretary of Homeland Security, in consultation with the Administrator of the United States Fire Administration, the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the heads of any other relevant agencies, shall—

(1) develop and publish guidance for firefighters and other emergency response personnel on training, education programs, and best practices;

(2) make available a curriculum designed to—

(A) reduce and eliminate exposure to per- and polyfluoroalkyl substances (commonly referred to as “PFAS”) from firefighting foam and personal protective equipment;

(B) prevent the release of PFAS from firefighting foam into the environment; and

(C) educate firefighters and other emergency response personnel on foams and non-foam alternatives, personal protective equipment, and other firefighting tools and equipment that do not contain PFAS; and

(3) create an online public repository, which shall be updated on a regular basis, on tools and best practices for firefighters and other emergency response personnel to reduce, limit, and prevent the release of and exposure to PFAS.

(b) Curriculum

(1) In general

For the purpose of developing the curriculum required under subsection (a)(2), the Administrator of the United States Fire Administration shall make recommendations to the Secretary of Homeland Security as to the content of the curriculum.

(2) Consultation

For the purpose of making recommendations under paragraph (1), the Administrator of the United States Fire Administration shall consult with interested entities, as appropriate, including—

(A) firefighters and other emergency response personnel, including national fire service and emergency response organizations;

(B) impacted communities dealing with PFAS contamination;

(C) scientists, including public and occupational health and safety experts, who are studying PFAS and PFAS alternatives in firefighting foam;

(D) voluntary standards organizations engaged in developing standards for firefighter and firefighting equipment;

(E) State fire training academies;

(F) State fire marshals;

(G) manufacturers of firefighting tools and equipment; and