

further notify the senior official that an audit or investigation was not initiated. The further notification under this subclause shall be made not later than 3 days after the end of that 90-day period.

(iii) Investigation by senior official

The senior official may investigate a matter referred under clause (i) if—

(I) the Inspector General notifies the senior official under clause (ii)(I)(bb) that the Inspector General does not intend to initiate an audit or investigation relating to that matter; or

(II) the Inspector General provides a further notification under clause (ii)(II) relating to that matter.

(iv) Privacy training

Any employee of the Office of Inspector General who audits or investigates any matter referred under clause (i) shall be required to receive adequate training on privacy laws, rules, and regulations, to be provided by an entity approved by the Inspector General in consultation with the senior official appointed under subsection (a).

(d) Notification to Congress on removal

If the Secretary removes the senior official appointed under subsection (a) or transfers that senior official to another position or location within the Department, the Secretary shall—

(1) promptly submit a written notification of the removal or transfer to Houses of Congress; and

(2) include in any such notification the reasons for the removal or transfer.

(e) Reports by senior official to Congress

The senior official appointed under subsection (a) shall—

(1) submit reports directly to the Congress regarding performance of the responsibilities of the senior official under this section, without any prior comment or amendment by the Secretary, Deputy Secretary, or any other officer or employee of the Department or the Office of Management and Budget; and

(2) inform the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives not later than—

(A) 30 days after the Secretary disapproves the senior official's request for a subpoena under subsection (b)(1)(C) or the Secretary substantively modifies the requested subpoena; or

(B) 45 days after the senior official's request for a subpoena under subsection (b)(1)(C), if that subpoena has not either been approved or disapproved by the Secretary.

(Pub. L. 107-296, title II, § 222, Nov. 25, 2002, 116 Stat. 2155; Pub. L. 108-458, title VIII, § 8305, Dec. 17, 2004, 118 Stat. 3868; Pub. L. 110-53, title VIII, § 802, Aug. 3, 2007, 121 Stat. 358.)

REFERENCES IN TEXT

The Privacy Act of 1974, referred to in subsec. (a)(2), (6), is Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, as

amended, which enacted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title of 1974 Amendment note set out under section 552a of Title 5 and Tables.

AMENDMENTS

2007—Pub. L. 110-53 designated existing provisions as subsec. (a), inserted heading, and added subsecs. (b) to (e).

2004—Pub. L. 108-458, § 8305(1), inserted “, who shall report directly to the Secretary,” after “in the Department” in introductory provisions.

Pars. (5), (6). Pub. L. 108-458, § 8305(2)-(4), added par. (5) and redesignated former par. (5) as (6).

§ 143. Enhancement of non-Federal cybersecurity

In carrying out the responsibilities under section 121 of this title, the Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection¹ shall—

(1) as appropriate, provide to State and local government entities, and upon request to private entities that own or operate critical information systems—

(A) analysis and warnings related to threats to, and vulnerabilities of, critical information systems; and

(B) in coordination with the Under Secretary for Emergency Preparedness and Response, crisis management support in response to threats to, or attacks on, critical information systems; and

(2) as appropriate, provide technical assistance, upon request, to the private sector and other government entities, in coordination with the Under Secretary for Emergency Preparedness and Response, with respect to emergency recovery plans to respond to major failures of critical information systems.

(Pub. L. 107-296, title II, § 223, Nov. 25, 2002, 116 Stat. 2156; Pub. L. 110-53, title V, § 531(b)(1)(A), Aug. 3, 2007, 121 Stat. 334.)

AMENDMENTS

2007—Pub. L. 110-53 substituted “Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection” for “Under Secretary for Information Analysis and Infrastructure Protection” in introductory provisions.

§ 144. NET Guard

The Assistant Secretary for Infrastructure Protection may establish a national technology guard, to be known as “NET Guard”, comprised of local teams of volunteers with expertise in relevant areas of science and technology, to assist local communities to respond and recover from attacks on information systems and communications networks.

(Pub. L. 107-296, title II, § 224, Nov. 25, 2002, 116 Stat. 2156; Pub. L. 110-53, title V, § 531(b)(1)(B), Aug. 3, 2007, 121 Stat. 334.)

AMENDMENTS

2007—Pub. L. 110-53 substituted “Assistant Secretary for Infrastructure Protection” for “Under Secretary for Information Analysis and Infrastructure Protection”.

¹ So in original. Probably should be followed by a comma.