

official from the Department of Homeland Security detailed pursuant to subsection (d)(6),² shall ensure that—

(A) the products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, prepared by the National Counterterrorism Center and the ITACG Detail for distribution to State, local, and tribal homeland security and law enforcement agencies reflect the requirements of such agencies and are produced consistently with the policies, processes, procedures, standards, and guidelines established by the ITACG Advisory Council;

(B) in consultation with the ITACG Advisory Council and consistent with sections 3024(f)(1)(B)(iii) and 3056(f)(E)¹ of title 50, all products described in subparagraph (A) are disseminated through existing channels of the Department and the Department of Justice and other appropriate channels to State, local, and tribal government officials and other entities;

(C) all detailees under subsection (d)(5)² have appropriate access to all relevant information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information, available at the National Counterterrorism Center in order to accomplish the objectives under that paragraph;

(D) all detailees under subsection (d)(5)² have the appropriate security clearances and are trained in the procedures for handling, processing, storing, and disseminating classified products derived from information within the scope of the information sharing environment, including homeland security information, terrorism information, and weapons of mass destruction information; and

(E) all detailees under subsection (d)(5)² complete appropriate privacy and civil liberties training.

(g) Inapplicability of chapter 10 of title 5

Chapter 10 of title 5 shall not apply to the ITACG or any subsidiary groups thereof.

(h) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section, including to obtain security clearances for the State, local, and tribal participants in the ITACG.

(Pub. L. 107–296, title II, §210D, as added Pub. L. 110–53, title V, §521(a), Aug. 3, 2007, 121 Stat. 328; amended Pub. L. 111–258, §5(b)(2), (c), Oct. 7, 2010, 124 Stat. 2650, 2651; Pub. L. 116–92, div. E, title LXVII, §6726(b), Dec. 20, 2019, 133 Stat. 2236; Pub. L. 117–286, §4(a)(12), Dec. 27, 2022, 136 Stat. 4306.)

² See References in Text note below.

Editorial Notes

REFERENCES IN TEXT

Subsection (d)(5) and (6), referred to in subsec. (f)(2), was redesignated subsec. (c)(5) and (6), respectively, by Pub. L. 116–92, div. E, title LXVII, §6726(b)(2), Dec. 20, 2019, 133 Stat. 2236.

AMENDMENTS

2022—Subsec. (g). Pub. L. 117–286, which directed amendment of subsec. (h) by substituting “chapter 10 of title 5” for “the Federal Advisory Committee Act” in heading and “Chapter 10 of title 5” for “The Federal Advisory Committee Act (5 U.S.C. App.)” in text, was executed by making the substitutions in subsec. (g) to reflect the probable intent of Congress and the prior amendment by Pub. L. 116–92. See 2019 Amendment below.

2019—Subsec. (c). Pub. L. 116–92, §6726(b)(1), (2), redesignated subsec. (d) as (c) and struck out former subsec. (c) which related to responsibilities of program manager.

Subsec. (c)(9). Pub. L. 116–92, §6726(b)(3), struck out par. (9) which read as follows: “provide the assessment developed pursuant to paragraph (8) to the program manager for use in the annual reports required by subsection (c)(2).”

Subsecs. (d) to (i). Pub. L. 116–92, §6726(b)(2), redesignated subsecs. (e) to (i) as (d) to (h), respectively.

2010—Subsec. (c). Pub. L. 111–258, §5(c)(1), struck out “, in consultation with the Information Sharing Council,” after “program manager” in introductory provisions.

Subsec. (c)(3). Pub. L. 111–258, §5(c)(2)–(4), added par. (3).

Subsec. (d)(5)(E), (F). Pub. L. 111–258, §5(b)(2)(A), added subpar. (E) and redesignated former subpar. (E) as (F).

Subsec. (d)(8), (9). Pub. L. 111–258, §5(b)(2)(B)–(D), added pars. (8) and (9).

§ 124I. Transferred

Editorial Notes

CODIFICATION

Section, Pub. L. 107–296, title II, §210E, as added Pub. L. 110–53, title X, §1001(a), Aug. 3, 2007, 121 Stat. 372, which related to national asset database, was renumbered section 2214 of Pub. L. 107–296 by Pub. L. 115–278, §2(g)(2)(G), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 664 of this title.

§ 124m. Classified Information Advisory Officer

(a) Requirement to establish

The Secretary shall identify and designate within the Department a Classified Information Advisory Officer, as described in this section.

(b) Responsibilities

The responsibilities of the Classified Information Advisory Officer shall be as follows:

(1) To develop and disseminate educational materials and to develop and administer training programs to assist State, local, and tribal governments (including State, local, and tribal law enforcement agencies) and private sector entities—

(A) in developing plans and policies to respond to requests related to classified information without communicating such information to individuals who lack appropriate security clearances;

(B) regarding the appropriate procedures for challenging classification designations of information received by personnel of such entities; and

(C) on the means by which such personnel may apply for security clearances.

(2) To inform the Under Secretary for Intelligence and Analysis on policies and procedures that could facilitate the sharing of classified information with such personnel, as appropriate.

(c) Initial designation

Not later than 90 days after October 7, 2010, the Secretary shall—

(1) designate the initial Classified Information Advisory Officer; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a written notification of the designation.

(Pub. L. 107–296, title II, § 210E, formerly § 210F, as added Pub. L. 111–258, § 4(a), Oct. 7, 2010, 124 Stat. 2649; renumbered § 210E, Pub. L. 115–278, § 2(g)(2)(J), Nov. 16, 2018, 132 Stat. 4178.)

Editorial Notes

PRIOR PROVISIONS

A prior section 210E of Pub. L. 107–296, title II, as added Pub. L. 110–53, title X, § 1001(a), Aug. 3, 2007, 121 Stat. 372, was renumbered section 2214 of Pub. L. 107–296 by Pub. L. 115–278, § 2(g)(2)(G), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 664 of this title.

Statutory Notes and Related Subsidiaries

FINDINGS

Pub. L. 111–258, § 2, Oct. 7, 2010, 124 Stat. 2648, provided that: “Congress finds the following:

“(1) The National Commission on Terrorist Attacks Upon the United States (commonly known as the ‘9/11 Commission’) concluded that security requirements nurture over-classification and excessive compartmentation of information among agencies.

“(2) The 9/11 Commission and others have observed that the over-classification of information interferes with accurate, actionable, and timely information sharing, increases the cost of information security, and needlessly limits stakeholder and public access to information.

“(3) Over-classification of information causes considerable confusion regarding what information may be shared with whom, and negatively affects the dissemination of information within the Federal Government and with State, local, and tribal entities, and with the private sector.

“(4) Over-classification of information is antithetical to the creation and operation of the information sharing environment established under section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485).

“(5) Federal departments or agencies authorized to make original classification decisions or that perform derivative classification of information are responsible for developing, implementing, and administering policies, procedures, and programs that promote compliance with applicable laws, executive orders, and other authorities pertaining to the proper use of classification markings and the policies of the National Archives and Records Administration.”

§ 124m–1. Departmental coordination on counter threats

(a) Establishment

There is authorized in the Department, for a period of 2 years beginning after December 27,

2020, a Counter Threats Advisory Board (in this section referred to as the “Board”) which shall—

(1) be composed of senior representatives of departmental operational components and headquarters elements; and

(2) coordinate departmental intelligence activities and policy and information related to the mission and functions of the Department that counter threats.

(b) Charter

There shall be a charter to govern the structure and mission of the Board, which shall—

(1) direct the Board to focus on the current threat environment and the importance of aligning departmental activities to counter threats under the guidance of the Secretary; and

(2) be reviewed and updated as appropriate.

(c) Members

(1) In general

The Board shall be composed of senior representatives of departmental operational components and headquarters elements.

(2) Chair

The Under Secretary for Intelligence and Analysis shall serve as the Chair of the Board.

(3) Members

The Secretary shall appoint additional members of the Board from among the following:

(A) The Transportation Security Administration.

(B) U.S. Customs and Border Protection.

(C) U.S. Immigration and Customs Enforcement.

(D) The Federal Emergency Management Agency.

(E) The Coast Guard.

(F) U.S. Citizenship and Immigration Services.

(G) The United States Secret Service.

(H) The Cybersecurity and Infrastructure Security Agency.

(I) The Office of Operations Coordination.

(J) The Office of the General Counsel.

(K) The Office of Intelligence and Analysis.

(L) The Office of Strategy, Policy, and Plans.

(M) The Science and Technology Directorate.

(N) The Office for State and Local Law Enforcement.

(O) The Privacy Office.

(P) The Office for Civil Rights and Civil Liberties.

(Q) Other departmental offices and programs as determined appropriate by the Secretary.

(d) Meetings

The Board shall—

(1) meet on a regular basis to discuss intelligence and coordinate ongoing threat mitigation efforts and departmental activities, including coordination with other Federal, State, local, tribal, territorial, and private sector partners; and

(2) make recommendations to the Secretary.

(e) Terrorism alerts

The Board shall advise the Secretary on the issuance of terrorism alerts under section 124 of this title.