

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.)

Editorial Notes

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, 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 to 145. Transferred

Editorial Notes

CODIFICATION

Section 143, 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; Pub. L. 113-283, § 2(e)(3)(A), Dec. 18, 2014, 128 Stat. 3086, which related to enhancement of Federal and non-Federal cybersecurity, was renumbered section 2205 of Pub. L. 107-296 by Pub. L. 115-278, § 2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 655 of this title.

Section 144, 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, which related to NET Guard, was renumbered section 2206 of Pub. L. 107-296 by Pub. L. 115-278, § 2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 656 of this title.

Section 145, Pub. L. 107-296, title II, § 225, Nov. 25, 2002, 116 Stat. 2156, which related to Cyber Security Enhancement Act of 2002, was renumbered section 2207 of Pub. L. 107-296 by Pub. L. 115-278, § 2(g)(2)(I), Nov. 16, 2018, 132 Stat. 4178, and transferred to section 657 of this title.

§ 146. Cybersecurity workforce assessment and strategy

(a) Workforce assessment

(1) In general

Not later than 180 days after December 18, 2014, and annually thereafter for 3 years, the Secretary shall assess the cybersecurity workforce of the Department.

(2) Contents

The assessment required under paragraph (1) shall include, at a minimum—

(A) an assessment of the readiness and capacity of the workforce of the Department to meet its cybersecurity mission;

(B) information on where cybersecurity workforce positions are located within the Department;

(C) information on which cybersecurity workforce positions are—

(i) performed by—

(I) permanent full-time equivalent employees of the Department, including, to the greatest extent practicable, demographic information about such employees;

(II) independent contractors; and

(III) individuals employed by other Federal agencies, including the National Security Agency; or

(ii) vacant; and