

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.

Section is comprised of section 9002 of Pub. L. 116-283. Subsec. (c)(1) of section 9002 of Pub. L. 116-283 enacted section 665d of this title. Subsec. (c)(2) of section 9002 of Pub. L. 116-283 amended sections 195f, 321m, 651, 652, and 664 of this title. Subsec. (c)(4) of section 9002 of Pub. L. 116-283 amended the table of contents in section 1(b) of the Homeland Security Act of 2002.

AMENDMENTS

2022—Subsec. (a)(5). Pub. L. 117-263, § 7143(d)(5)(A)(i), (ii), redesignated par. (6) as (5) and struck out former par. (5). Prior to amendment, text of par (5) read as follows: “The term ‘information sharing and analysis organization’ has the meaning given that term in section 671(5) of this title.”

Subsec. (a)(6), (7). Pub. L. 117-263, § 7143(d)(5)(A)(ii), (iii), which redesignated par. (7) as (6) and then directed the general amendment of par. (7), was executed by making the redesignation and generally amending par. (6) as redesignated, to reflect the probable intent of Congress. As amended, such par. remained designated as (7). Prior to amendment, text of par. (7) read as follows: “The term ‘sector risk management agency’ has the meaning given the term ‘Sector-Specific Agency’ in section 651(5) of this title.”

Subsec. (c)(3)(B). Pub. L. 117-263, § 7143(d)(5)(B), which directed substitution of “given such term in section 650 of this title” for “given such term in section 651(5) of this title”, was executed by making the substitution for “give such term in section 651(5) of this title”, to reflect the probable intent of Congress.

Subsec. (d). Pub. L. 117-263, § 7143(d)(5)(C), made technical amendment to reference in original act which appears in text as reference to section 665d of this title.

§ 653. Cybersecurity Division**(a) Establishment****(1) In general**

There is established in the Agency a Cybersecurity Division.

(2) Executive Assistant Director

The Cybersecurity Division shall be headed by an Executive Assistant Director for Cybersecurity (in this section referred to as “the Executive Assistant Director”), who shall—

(A) be at the level of Assistant Secretary within the Department;

(B) be appointed by the President without the advice and consent of the Senate; and

(C) report to the Director.

(3) Reference

Any reference to the Assistant Secretary for Cybersecurity and Communications or Assistant Director for Cybersecurity in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Executive Assistant Director for Cybersecurity.

(b) Functions

The Executive Assistant Director shall—

(1) direct the cybersecurity efforts of the Agency;

(2) carry out activities, at the direction of the Director, related to the security of Federal

information and Federal information systems consistent with law, including subchapter II of chapter 35 of title 44 and the Cybersecurity Act of 2015 (contained in division N of the Consolidated Appropriations Act, 2016 (Public Law 114-113));

(3) fully participate in the mechanisms required under section 652(c)(7) of this title; and

(4) carry out such other duties and powers as prescribed by the Director.

(Pub. L. 107-296, title XXII, § 2203, as added Pub. L. 115-278, § 2(a), Nov. 16, 2018, 132 Stat. 4174; amended Pub. L. 116-283, div. H, title XC, § 9001(c)(1), Jan. 1, 2021, 134 Stat. 4766.)

Editorial Notes**REFERENCES IN TEXT**

The Cybersecurity Act of 2015, referred to in subsec. (b)(2), is div. N of Pub. L. 114-113, Dec. 18, 2015, 129 Stat. 2835. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of this title and Tables.

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 116-283, § 9001(c)(1)(A)(i), in heading, substituted “Executive Assistant Director” for “Assistant Director” and, in introductory provisions, substituted “Executive Assistant Director for Cybersecurity” for “Assistant Director for Cybersecurity” and “the Executive Assistant Director” for “the Assistant Director”.

Subsec. (a)(3). Pub. L. 116-283, § 9001(c)(1)(A)(ii), inserted “or Assistant Director for Cybersecurity” after “Assistant Secretary for Cybersecurity” and substituted “Executive Assistant Director for Cybersecurity.” for “Assistant Director for Cybersecurity.”

Subsec. (b). Pub. L. 116-283, § 9001(c)(1)(B), substituted “Executive Assistant Director” for “Assistant Director” in introductory provisions.

Statutory Notes and Related Subsidiaries**CONTINUATION IN OFFICE**

Pub. L. 116-283, div. H, title XC, § 9001(c)(2), Jan. 1, 2021, 134 Stat. 4767, provided that: “The individual serving as the Assistant Director for Cybersecurity of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security on the day before the date of enactment of this Act [Jan. 1, 2021] may serve as the Executive Assistant Director for Cybersecurity on and after that date without the need for renomination or reappointment.”

ASSISTANT SECRETARY FOR CYBERSECURITY AND COMMUNICATIONS AUTHORIZED TO SERVE AS ASSISTANT DIRECTOR FOR CYBERSECURITY

Pub. L. 115-278, § 2(b)(3), Nov. 16, 2018, 132 Stat. 4175, provided that: “The individual serving as the Assistant Secretary for Cybersecurity and Communications on the day before the date of enactment of this Act [Nov. 16, 2018] may continue to serve as the Assistant Director for Cybersecurity on and after such date.”

§ 654. Infrastructure Security Division**(a) Establishment****(1) In general**

There is established in the Agency an Infrastructure Security Division.

(2) Executive Assistant Director

The Infrastructure Security Division shall be headed by an Executive Assistant Director

for Infrastructure Security (in this section referred to as “the Executive Assistant Director”), who shall—

- (A) be at the level of Assistant Secretary within the Department;
- (B) be appointed by the President without the advice and consent of the Senate; and
- (C) report to the Director.

(3) Reference

Any reference to the Assistant Secretary for Infrastructure Protection or Assistant Director for Infrastructure Security in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Executive Assistant Director for Infrastructure Security.

(b) Functions

The Executive Assistant Director shall—

- (1) direct the critical infrastructure security efforts of the Agency;
- (2) carry out, at the direction of the Director, the Chemical Facilities Anti-Terrorism Standards Program established under subchapter XVI and the secure handling of ammonium nitrate program established under part J of subchapter VIII, or any successor programs;
- (3) fully participate in the mechanisms required under section 652(c)(7) of this title; and
- (4) carry out such other duties and powers as prescribed by the Director.

(Pub. L. 107-296, title XXII, §2204, as added Pub. L. 115-278, §2(a), Nov. 16, 2018, 132 Stat. 4174; amended Pub. L. 116-283, div. H, title XC, §9001(d)(1), Jan. 1, 2021, 134 Stat. 4767.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 116-283, §9001(d)(1)(A)(i), in heading, substituted “Executive Assistant Director” for “Assistant Director” and, in introductory provisions, substituted “Executive Assistant Director for Infrastructure Security” for “Assistant Director for Infrastructure Security” and “the Executive Assistant Director” for “the Assistant Director”.

Subsec. (a)(3). Pub. L. 116-283, §9001(d)(1)(A)(ii), inserted “or Assistant Director for Infrastructure Security” after “Assistant Secretary for Infrastructure Protection” and substituted “Executive Assistant Director for Infrastructure Security.” for “Assistant Director for Infrastructure Security.”

Subsec. (b). Pub. L. 116-283, §9001(d)(1)(B), substituted “Executive Assistant Director” for “Assistant Director” in introductory provisions.

Statutory Notes and Related Subsidiaries

CONTINUATION IN OFFICE

Pub. L. 116-283, div. H, title XC, §9001(d)(2), Jan. 1, 2021, 134 Stat. 4767, provided that: “The individual serving as the Assistant Director for Infrastructure Security of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security on the day before the date of enactment of this Act [Jan. 1, 2021] may serve as the Executive Assistant Director for Infrastructure Security on and after that date without the need for renomination or reappointment.”

ASSISTANT SECRETARY FOR INFRASTRUCTURE PROTECTION AUTHORIZED TO SERVE AS ASSISTANT DIRECTOR FOR INFRASTRUCTURE SECURITY

Pub. L. 115-278, §2(b)(4), Nov. 16, 2018, 132 Stat. 4175, provided that: “The individual serving as the Assistant

Secretary for Infrastructure Protection on the day before the date of enactment of this Act [Nov. 16, 2018] may continue to serve as the Assistant Director for Infrastructure Security on and after such date.”

§ 655. Enhancement of Federal and non-Federal cybersecurity

In carrying out the responsibilities under section 652 of this title, the Director of the Cybersecurity and Infrastructure Security Agency 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;

- (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; and

- (3) fulfill the responsibilities of the Secretary to protect Federal information systems under subchapter II of chapter 35 of title 44.

(Pub. L. 107-296, title XXII, §2205, formerly 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; renumbered title XXII, §2205, and amended Pub. L. 115-278, §2(g)(2)(I), (9)(A)(i), Nov. 16, 2018, 132 Stat. 4178, 4180; Pub. L. 117-263, div. G, title LXXI, §7143(c)(6), Dec. 23, 2022, 136 Stat. 3663.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 143 of this title prior to renumbering by Pub. L. 115-278.

AMENDMENTS

2022—Pub. L. 117-263 substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security” in introductory provisions.

2018—Pub. L. 115-278, §2(g)(9)(A)(i)(I), substituted “section 652 of this title” for “section 121 of this title” and “Director of Cybersecurity and Infrastructure Security” for “Under Secretary appointed under section 113(a)(1)(H) of this title” in introductory provisions.

Par. (1)(B). Pub. L. 115-278, §2(g)(9)(A)(i)(II), struck out “and” at end.

2014—Pub. L. 113-283, §2(e)(3)(A)(i), (ii), inserted “Federal and” before “non-Federal” in section catchline and substituted “the Under Secretary appointed under section 113(a)(1)(H) of this title” for “the Under Secretary for Intelligence and Analysis, in cooperation with the Assistant Secretary for Infrastructure Protection” in introductory provisions.

Par. (3). Pub. L. 113-283, §2(e)(3)(A)(iii), (iv), added par. (3).

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