

apply to any action to implement this subsection.

(Pub. L. 107–296, title XXII, § 2210, formerly title II, § 228, as added and amended Pub. L. 114–113, div. N, title II, §§ 205, 223(a)(2), (4), (5), Dec. 18, 2015, 129 Stat. 2961, 2963, 2964; renumbered title XXII, § 2210, and amended Pub. L. 115–278, § 2(g)(2)(I), (9)(A)(iv), Nov. 16, 2018, 132 Stat. 4178, 4181; Pub. L. 117–81, div. A, title XV, §§ 1545, 1546, Dec. 27, 2021, 135 Stat. 2057, 2059; Pub. L. 117–263, div. G, title LXXI, § 7143(b)(2)(E), (c)(8), Dec. 23, 2022, 136 Stat. 3660, 3663.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 149 of this title prior to renumbering by Pub. L. 115–278.

Former section 149 of this title, which was transferred and redesignated as subsec. (c) of this section by Pub. L. 114–113, div. N, title II, § 223(a)(2), Dec. 18, 2015, 129 Stat. 2963, was based on Pub. L. 107–296, title II, § 227, as added by Pub. L. 113–282, § 7(a), Dec. 18, 2014, 128 Stat. 3070.

AMENDMENTS

2022—Subsec. (a). Pub. L. 117–263, § 7143(b)(2)(E)(i), substituted “section, the term ‘agency information system’ means an information system used or operated by an agency or by another entity on behalf of an agency,” for “section—” and struck out pars. (1) to (4) which defined agency information system, cybersecurity risk, information system, intelligence community, and national security system.

Subsec. (c). Pub. L. 117–263, § 7143(c)(8), substituted “Director of the Cybersecurity and Infrastructure Security Agency” for “Director of Cybersecurity and Infrastructure Security”.

Pub. L. 117–263, § 7143(b)(2)(E)(ii), substituted “Information Sharing and Analysis Organizations” for “information sharing and analysis organizations (as defined in section 671(5) of this title)” and struck out “(as defined in section 659 of this title)” after “cybersecurity risks”.

Subsec. (e)(1)(B). Pub. L. 117–263, § 7143(b)(2)(E)(iii)(I), which directed striking out “(as such term is defined in section 659 of this title)”, was executed by striking out “(as such term is defined in section 659 of this title)” after “cybersecurity risks” and after “incidents”, to reflect the probable intent of Congress.

Subsec. (e)(3)(C). Pub. L. 117–263, § 7143(b)(2)(E)(iii)(II), struck out “(as such term is defined in section 1501 of this title)” after “information systems”.

2021—Subsec. (c). Pub. L. 117–81, § 1546, substituted “update not less often than biennially” for “regularly update” and inserted “The Director, in consultation with relevant Sector Risk Management Agencies and the National Cyber Director, shall develop mechanisms to engage with stakeholders to educate such stakeholders regarding Federal Government cybersecurity roles and responsibilities for cyber incident response.” at end.

Subsec. (e). Pub. L. 117–81, § 1545, added subsec. (e).

2018—Subsec. (a)(2). Pub. L. 115–278, § 2(g)(9)(A)(iv)(I), substituted “section 659 of this title” for “section 148 of this title”.

Subsec. (c). Pub. L. 115–278, § 2(g)(9)(A)(iv), substituted “Director of Cybersecurity and Infrastructure Security” for “Under Secretary appointed under section 113(a)(1)(H) of this title”, “section 671(5) of this title” for “section 131(5) of this title”, and “section 659 of this title” for “section 148 of this title”.

2015—Subsec. (c). Pub. L. 114–113, § 223(a)(5), made technical amendment to reference in original act which appears in text as reference to section 148 of this title.

Pub. L. 114–113, § 223(a)(2), transferred former section 149 of this title to subsec. (c) of this section. See Codification note above.

Subsec. (d). Pub. L. 114–113, § 205, added subsec. (d).

Statutory Notes and Related Subsidiaries

RULES OF CONSTRUCTION

Nothing in amendment made by Pub. L. 117–263 to be construed to alter the authorities, responsibilities, functions, or activities of any agency (as such term is defined in 44 U.S.C. 3502) or officer or employee of the United States on or before Dec. 23, 2022, see section 7143(f)(1) of Pub. L. 117–263, set out as a note under section 650 of this title.

Pub. L. 113–282, § 7(c), Dec. 18, 2014, 128 Stat. 3072, provided that: “Nothing in the amendment made by subsection (a) [enacting subsec. (c) of this section and section 150 of this title] or in subsection (b)(1) [formerly classified as a note under section 3543 of Title 44, Public Printing and Documents, see now section 2(d)(1) of Pub. L. 113–283, set out as a note under section 3553 of Title 44] shall be construed to alter any authority of a Federal agency or department.”

§ 661. Cybersecurity strategy

(a) In general

Not later than 90 days after December 23, 2016, the Secretary shall develop a departmental strategy to carry out cybersecurity responsibilities as set forth in law.

(b) Contents

The strategy required under subsection (a) shall include the following:

(1) Strategic and operational goals and priorities to successfully execute the full range of the Secretary’s cybersecurity responsibilities.

(2) Information on the programs, policies, and activities that are required to successfully execute the full range of the Secretary’s cybersecurity responsibilities, including programs, policies, and activities in furtherance of the following:

(A) Cybersecurity functions set forth in section 659 of this title (relating to the national cybersecurity and communications integration center).

(B) Cybersecurity investigations capabilities.

(C) Cybersecurity research and development.

(D) Engagement with international cybersecurity partners.

(c) Considerations

In developing the strategy required under subsection (a), the Secretary shall—

(1) consider—

(A) the cybersecurity strategy for the Homeland Security Enterprise published by the Secretary in November 2011;

(B) the Department of Homeland Security Fiscal Years 2014–2018 Strategic Plan; and

(C) the most recent Quadrennial Homeland Security Review issued pursuant to section 347 of this title; and

(2) include information on the roles and responsibilities of components and offices of the Department, to the extent practicable, to carry out such strategy.

(d) Implementation plan

Not later than 90 days after the development of the strategy required under subsection (a), the Secretary shall issue an implementation

plan for the strategy that includes the following:

- (1) Strategic objectives and corresponding tasks.
- (2) Projected timelines and costs for such tasks.
- (3) Metrics to evaluate performance of such tasks.

(e) Congressional oversight

The Secretary shall submit to Congress for assessment the following:

- (1) A copy of the strategy required under subsection (a) upon issuance.
- (2) A copy of the implementation plan required under subsection (d) upon issuance, together with detailed information on any associated legislative or budgetary proposals.

(f) Classified information

The strategy required under subsection (a) shall be in an unclassified form but may contain a classified annex.

(g) Rule of construction

Nothing in this section may be construed as permitting the Department to engage in monitoring, surveillance, exfiltration, or other collection activities for the purpose of tracking an individual's personally identifiable information.

(Pub. L. 107–296, title XXII, § 2211, formerly title II, § 228A, as added Pub. L. 114–328, div. A, title XIX, § 1912(a), Dec. 23, 2016, 130 Stat. 2683; renumbered title XXII, § 2211, and amended Pub. L. 115–278, § 2(g)(2)(I), (9)(A)(v), Nov. 16, 2018, 132 Stat. 4178, 4181; Pub. L. 117–263, div. G, title LXXI, § 7143(b)(2)(F), Dec. 23, 2022, 136 Stat. 3660.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 149a of this title prior to renumbering by Pub. L. 115–278.

AMENDMENTS

2022—Subsec. (h). Pub. L. 117–263 struck out subsec. (h). Text read as follows: “In this section, the term ‘Homeland Security Enterprise’ means relevant governmental and nongovernmental entities involved in homeland security, including Federal, State, local, and tribal government officials, private sector representatives, academics, and other policy experts.”

2018—Subsec. (b)(2)(A). Pub. L. 115–278, § 2(g)(9)(A)(v), substituted “section 659 of this title” for “the section 148 of this title”.

§ 662. Clearances

The Secretary shall make available the process of application for security clearances under Executive Order 13549 (75 Fed. Reg. 162;¹ relating to a classified national security information program) or any successor Executive Order to appropriate representatives of sector coordinating councils, sector Information Sharing and Analysis Organizations, owners and operators of critical infrastructure, and any other person that the Secretary determines appropriate.

(Pub. L. 107–296, title XXII, § 2212, formerly title II, § 229, formerly § 228, as added Pub. L. 113–282, § 7(a), Dec. 18, 2014, 128 Stat. 3070; renumbered

§ 229, Pub. L. 114–113, div. N, title II, § 223(a)(1), Dec. 18, 2015, 129 Stat. 2963; renumbered title XXII, § 2212, and amended Pub. L. 115–278, § 2(g)(2)(I), (9)(A)(vi), Nov. 16, 2018, 132 Stat. 4178, 4181; Pub. L. 117–263, div. G, title LXXI, § 7143(b)(2)(G), Dec. 23, 2022, 136 Stat. 3660.)

Editorial Notes

REFERENCES IN TEXT

Executive Order 13549, referred to in text, is Ex. Ord. No. 13549, Aug. 18, 2010, 75 F.R. 51609, which is set out as a note under section 3161 of Title 50, War and National Defense.

CODIFICATION

Section was formerly classified to section 150 of this title prior to renumbering by Pub. L. 115–278.

AMENDMENTS

2022—Pub. L. 117–263 substituted “Information Sharing and Analysis Organizations” for “information sharing and analysis organizations (as defined in section 671(5) of this title)”.

2018—Pub. L. 115–278, § 2(g)(9)(A)(vi), substituted “section 671(5) of this title” for “section 131(5) of this title”.

§ 663. Federal intrusion detection and prevention system

(a) Definitions

In this section—

- (1) the term “agency” has the meaning given the term in section 3502 of title 44;
- (2) the term “agency information” means information collected or maintained by or on behalf of an agency;
- (3) the term “agency information system” has the meaning given the term in section 660 of this title; and

(b) Requirement

(1) In general

Not later than 1 year after December 18, 2015, the Secretary shall deploy, operate, and maintain, to make available for use by any agency, with or without reimbursement—

- (A) a capability to detect cybersecurity risks in network traffic transiting or traveling to or from an agency information system; and
- (B) a capability to prevent network traffic associated with such cybersecurity risks from transiting or traveling to or from an agency information system or modify such network traffic to remove the cybersecurity risk.

(2) Regular improvement

The Secretary shall regularly deploy new technologies and modify existing technologies to the intrusion detection and prevention capabilities described in paragraph (1) as appropriate to improve the intrusion detection and prevention capabilities.

(c) Activities

In carrying out subsection (b), the Secretary—

- (1) may access, and the head of an agency may disclose to the Secretary or a private entity providing assistance to the Secretary under paragraph (2), information transiting or traveling to or from an agency information

¹ So in original. Probably should be “51609”.