

§ 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.

(f) Prohibition on additional funds

No additional funds are authorized to carry out this section.

(Pub. L. 107-296, title II, §210F, as added Pub. L. 116-260, div. U, title VI, §602(a), Dec. 27, 2020, 134 Stat. 2294.)

Editorial Notes

PRIOR PROVISIONS

A prior section 210F of Pub. L. 107-296 was renumbered section 210E and is classified to section 124m of this title.

Statutory Notes and Related Subsidiaries

NOTICE REGARDING MECHANISMS TO COORDINATE THREATS

Pub. L. 116-260, div. U, title VI, §602(d), Dec. 27, 2020, 134 Stat. 2295, provided that: “The Secretary of Homeland Security shall provide written notification to and brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on any changes to or introductions of new mechanisms to coordinate threats across the Department of Homeland Security.”

§ 124n. Protection of certain facilities and assets from unmanned aircraft

(a) Authority

Notwithstanding section 46502 of title 49 or sections 32, 1030, 1367 and chapters 119 and 206 of title 18, the Secretary and the Attorney General may, for their respective Departments, take, and may authorize personnel with assigned duties that include the security or protection of people, facilities, or assets, to take such actions as are described in subsection (b)(1) that are necessary to mitigate a credible threat (as defined by the Secretary or the Attorney General, in consultation with the Secretary of Transportation) that an unmanned aircraft system or un-

manned aircraft poses to the safety or security of a covered facility or asset.

(b) Actions described

(1) In general

The actions authorized in subsection (a) are the following:

(A) During the operation of the unmanned aircraft system, detect, identify, monitor, and track the unmanned aircraft system or unmanned aircraft, without prior consent, including by means of intercept or other access of a wire communication, an oral communication, or an electronic communication used to control the unmanned aircraft system or unmanned aircraft.

(B) Warn the operator of the unmanned aircraft system or unmanned aircraft, including by passive or active, and direct or indirect physical, electronic, radio, and electromagnetic means.

(C) Disrupt control of the unmanned aircraft system or unmanned aircraft, without prior consent, including by disabling the unmanned aircraft system or unmanned aircraft by intercepting, interfering, or causing interference with wire, oral, electronic, or radio communications used to control the unmanned aircraft system or unmanned aircraft.

(D) Seize or exercise control of the unmanned aircraft system or unmanned aircraft.

(E) Seize or otherwise confiscate the unmanned aircraft system or unmanned aircraft.

(F) Use reasonable force, if necessary, to disable, damage, or destroy the unmanned aircraft system or unmanned aircraft.

(2) Required coordination

The Secretary and the Attorney General shall develop for their respective Departments the actions described in paragraph (1) in coordination with the Secretary of Transportation.

(3) Research, testing, training, and evaluation

The Secretary and the Attorney General shall conduct research, testing, training on, and evaluation of any equipment, including any electronic equipment, to determine its capability and utility prior to the use of any such technology for any action described in subsection (b)(1).

(4) Coordination

The Secretary and the Attorney General shall coordinate with the Administrator of the Federal Aviation Administration when any action authorized by this section might affect aviation safety, civilian aviation and aerospace operations, aircraft airworthiness, or the use of the airspace.

(c) Forfeiture

Any unmanned aircraft system or unmanned aircraft described in subsection (a) that is seized by the Secretary or the Attorney General is subject to forfeiture to the United States.

(d) Regulations and guidance

(1) In general

The Secretary, the Attorney General, and the Secretary of Transportation may prescribe