

tially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

CODIFICATION

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2020, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 321p. National planning and education

The Secretary shall, to the extent practicable—

- (1) include in national planning frameworks the threat of an EMP or GMD event; and
- (2) conduct outreach to educate owners and operators of critical infrastructure, emergency planners, and emergency response providers at all levels of government regarding threats of EMP and GMD.

(Pub. L. 107-296, title V, §527, as added Pub. L. 114-328, div. A, title XIX, §1913(a)(4), Dec. 23, 2016, 130 Stat. 2686.)

§ 321q. Coordination of Department of Homeland Security efforts related to food, agriculture, and veterinary defense against terrorism

(a) Program required

The Secretary, acting through the Assistant Secretary for the Countering Weapons of Mass Destruction Office, shall carry out a program to coordinate the Department's efforts related to defending the food, agriculture, and veterinary systems of the United States against terrorism and other high-consequence events that pose a high risk to homeland security.

(b) Program elements

The coordination program required by subsection (a) shall include, at a minimum, the following:

- (1) Providing oversight and management of the Department's responsibilities pursuant to Homeland Security Presidential Directive 9—Defense of United States Agriculture and Food.
- (2) Providing oversight and integration of the Department's activities related to veterinary public health, food defense, and agricultural security.
- (3) Leading the Department's policy initiatives relating to food, animal, and agricultural incidents, and the impact of such incidents on animal and public health.
- (4) Leading the Department's policy initiatives relating to overall domestic preparedness for and collective response to agricultural terrorism.
- (5) Coordinating with other Department components, including U.S. Customs and Border Protection, as appropriate, on activities related to food and agriculture security and screening procedures for domestic and imported products.
- (6) Coordinating with appropriate Federal departments and agencies.
- (7) Other activities as determined necessary by the Secretary.

(c) Rule of construction

Nothing in this section may be construed as altering or superseding the authority of the Sec-

retary of Agriculture or the Secretary of Health and Human Services.

(Pub. L. 107-296, title V, §528, as added Pub. L. 115-43, §2(a), June 30, 2017, 131 Stat. 884; amended Pub. L. 115-387, §2(f)(5), Dec. 21, 2018, 132 Stat. 5168.)

Editorial Notes

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-387 substituted “the Countering Weapons of Mass Destruction Office,” for “Health Affairs.”.

§ 321r. Transfer of equipment during a public health emergency

(a) Authorization of transfer of equipment

During a public health emergency declared by the Secretary of Health and Human Services under section 247d(a) of title 42, the Secretary, at the request of the Secretary of Health and Human Services, may transfer to the Department of Health and Human Services, on a reimbursable basis, excess personal protective equipment or medically necessary equipment in the possession of the Department.

(b) Determination by Secretaries

(1) In general

In carrying out this section—

(A) before requesting a transfer under subsection (a), the Secretary of Health and Human Services shall determine whether the personal protective equipment or medically necessary equipment is otherwise available; and

(B) before initiating a transfer under subsection (a), the Secretary, in consultation with the heads of each component within the Department, shall—

(i) determine whether the personal protective equipment or medically necessary equipment requested to be transferred under subsection (a) is excess equipment; and

(ii) certify that the transfer of the personal protective equipment or medically necessary equipment will not adversely impact the health or safety of officers, employees, or contractors of the Department.

(2) Notification

The Secretary of Health and Human Services and the Secretary shall each submit to Congress a notification explaining the determination made under subparagraphs (A) and (B), respectively, of paragraph (1).

(3) Required inventory

(A) In general

The Secretary shall—

(i) acting through the Chief Medical Officer of the Department, maintain an inventory of all personal protective equipment and medically necessary equipment in the possession of the Department; and

(ii) make the inventory required under clause (i) available, on a continual basis, to—

(I) the Secretary of Health and Human Services; and

(II) the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

(B) Form

Each inventory required to be made available under subparagraph (A) shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 107–296, title V, §529, as added Pub. L. 117–58, div. G, title IX, §70953(f)(2)(A), Nov. 15, 2021, 135 Stat. 1315.)

§ 322. Continuity of the economy plan

(a) Requirement

(1) In general

The President shall develop and maintain a plan to maintain and restore the economy of the United States in response to a significant event.

(2) Principles

The plan required under paragraph (1) shall—

- (A) be consistent with—
 - (i) a free market economy; and
 - (ii) the rule of law; and

(B) respect private property rights.

(3) Contents

The plan required under paragraph (1) shall—

(A) examine the distribution of goods and services across the United States necessary for the reliable functioning of the United States during a significant event;

(B) identify the economic functions of relevant actors, the disruption, corruption, or dysfunction of which would have a debilitating effect in the United States on—

- (i) security;
- (ii) economic security;
- (iii) defense readiness; or
- (iv) public health or safety;

(C) identify the critical distribution mechanisms for each economic sector that should be prioritized for operation during a significant event, including—

- (i) bulk power and electric transmission systems;
- (ii) national and international financial systems, including wholesale payments, stocks, and currency exchanges;
- (iii) national and international communications networks, data-hosting services, and cloud services;
- (iv) interstate oil and natural gas pipelines; and
- (v) mechanisms for the interstate and international trade and distribution of materials, food, and medical supplies, including road, rail, air, and maritime shipping;

(D) identify economic functions of relevant actors, the disruption, corruption, or dysfunction of which would cause—

- (i) catastrophic economic loss;
- (ii) the loss of public confidence; or
- (iii) the widespread imperilment of human life;

(E) identify the economic functions of relevant actors that are so vital to the economy of the United States that the disruption, corruption, or dysfunction of those economic functions would undermine response, recovery, or mobilization efforts during a significant event;

(F) incorporate, to the greatest extent practicable, the principles and practices contained within Federal plans for the continuity of Government and continuity of operations;

(G) identify—

(i) industrial control networks for which a loss of internet connectivity, a loss of network integrity or availability, an exploitation of a system connected to the network, or another failure, disruption, corruption, or dysfunction would have a debilitating effect in the United States on—

- (I) security;
- (II) economic security;
- (III) defense readiness; or
- (IV) public health or safety; and

(ii) for each industrial control network identified under clause (i), risk mitigation measures, including—

- (I) the installation of parallel services;
- (II) the use of stand-alone analog services; or
- (III) the significant hardening of the industrial control network against failure, disruption, corruption, or dysfunction;

(H) identify critical economic sectors for which the preservation of data in a protected, verified, and uncorrupted status would be required for the quick recovery of the economy of the United States in the face of a significant disruption following a significant event;

(I) include a list of raw materials, industrial goods, and other items, the absence of which would significantly undermine the ability of the United States to sustain the functions described in subparagraphs (B), (D), and (E);

(J) provide an analysis of supply chain diversification for the items described in subparagraph (I) in the event of a disruption caused by a significant event;

(K) include—

(i) a recommendation as to whether the United States should maintain a strategic reserve of 1 or more of the items described in subparagraph (I); and

(ii) for each item described in subparagraph (I) for which the President recommends maintaining a strategic reserve under clause (i), an identification of mechanisms for tracking inventory and availability of the item in the strategic reserve;

(L) identify mechanisms in existence on January 1, 2021 and mechanisms that can be