

as part of the Consolidated Appropriations Act, 2022, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 117-103, div. Y, §102, Mar. 15, 2022, 136 Stat. 1038, provided that: “In this division [see Short Title of 2022 Amendment note set out under section 101 of this title]:

“(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT; INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms ‘covered cyber incident’, ‘covered entity’, ‘cyber incident’, ‘information system’, ‘ransom payment’, ‘ransomware attack’, and ‘security vulnerability’ have the meanings given those terms in section 2240 of the Homeland Security Act of 2002 [6 U.S.C. 681], as added by section 103 of this division [see also 6 U.S.C. 650].

“(2) DIRECTOR.—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.”

§ 665k. Federal Clearinghouse on School Safety Evidence-based Practices

(a) Establishment

(1) In general

The Secretary, in coordination with the Secretary of Education, the Attorney General, and the Secretary of Health and Human Services, shall establish a Federal Clearinghouse on School Safety Evidence-based Practices (in this section referred to as the “Clearinghouse”) within the Department.

(2) Purpose

The Clearinghouse shall serve as a Federal resource to identify and publish online through SchoolSafety.gov, or any successor website, evidence-based practices and recommendations to improve school safety for use by State and local educational agencies, institutions of higher education, State and local law enforcement agencies, health professionals, and the general public.

(3) Personnel

(A) Assignments

The Clearinghouse shall be assigned such personnel and resources as the Secretary considers appropriate to carry out this section.

(B) Detailees

The Secretary of Education, the Attorney General, and the Secretary of Health and Human Services may detail personnel to the Clearinghouse.

(4) Exemptions

(A) Paperwork Reduction Act

Chapter 35 of title 44 (commonly known as the “Paperwork Reduction Act”), shall not apply to any rulemaking or information collection required under this section.

(B) Federal Advisory Committee Act

The Federal Advisory Committee Act (5 U.S.C. App.)¹ shall not apply for the purposes of carrying out this section.

¹ See References in Text note below.

(b) Clearinghouse contents

(1) Consultation

In identifying the evidence-based practices and recommendations for the Clearinghouse, the Secretary shall—

(A) consult with appropriate Federal, State, local, Tribal, private sector, and non-governmental organizations, including civil rights and disability rights organizations; and

(B) consult with the Secretary of Education to ensure that evidence-based practices published by the Clearinghouse are aligned with evidence-based practices to support a positive and safe learning environment for all students.

(2) Criteria for evidence-based practices and recommendations

The evidence-based practices and recommendations of the Clearinghouse shall—

(A) include comprehensive evidence-based school safety measures;

(B) include the evidence or research rationale supporting the determination of the Clearinghouse that the evidence-based practice or recommendation under subparagraph (A) has been shown to have a significant effect on improving the health, safety, and welfare of persons in school settings, including—

(i) relevant research that is evidence-based, as defined in section 7801 of title 20, supporting the evidence-based practice or recommendation;

(ii) findings and data from previous Federal or State commissions recommending improvements to the safety posture of a school; or

(iii) other supportive evidence or findings relied upon by the Clearinghouse in determining evidence-based practices and recommendations, as determined in consultation with the officers described in subsection (a)(3)(B);

(C) include information on Federal programs for which implementation of each evidence-based practice or recommendation is an eligible use for the program;

(D) be consistent with Federal civil rights laws, including title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.), the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); and

(E) include options for developmentally appropriate recommendations for use in educational settings with respect to children’s ages and physical, social, sensory, and emotionally developmental statuses.

(3) Past commission recommendations

The Clearinghouse shall present, as determined in consultation with the officers described in subsection (a)(3)(B), Federal, State, local, Tribal, private sector, and nongovernmental organization issued best practices and recommendations and identify any best practice or recommendation of the Clearinghouse that was previously issued by any such organization or commission.

(c) Assistance and training

The Secretary may produce and publish materials on the Clearinghouse to assist and train educational agencies and law enforcement agencies on the implementation of the evidence-based practices and recommendations.

(d) Continuous improvement

The Secretary shall—

(1) collect for the purpose of continuous improvement of the Clearinghouse—

(A) Clearinghouse data analytics;

(B) user feedback on the implementation of resources, evidence-based practices, and recommendations identified by the Clearinghouse; and

(C) any evaluations conducted on implementation of the evidence-based practices and recommendations of the Clearinghouse; and

(2) in coordination with the Secretary of Education, the Secretary of Health and Human Services, and the Attorney General—

(A) regularly assess and identify Clearinghouse evidence-based practices and recommendations for which there are no resources available through Federal Government programs for implementation; and

(B) establish an external advisory board, which shall be comprised of appropriate State, local, Tribal, private sector, and non-governmental organizations, including organizations representing parents of elementary and secondary school students, representative² from civil rights organizations, representatives of disability rights organizations, representatives of educators, representatives of law enforcement, and non-profit school safety and security organizations, to—

(i) provide feedback on the implementation of evidence-based practices and recommendations of the Clearinghouse; and

(ii) propose additional recommendations for evidence-based practices for inclusion in the Clearinghouse that meet the requirements described in subsection (b)(2)(B).

(e) Parental assistance

The Clearinghouse shall produce materials in accessible formats to assist parents and legal guardians of students with identifying relevant Clearinghouse resources related to supporting the implementation of Clearinghouse evidence-based practices and recommendations.

(Pub. L. 107–296, title XXII, §2220D, as added Pub. L. 117–159, div. A, title III, §13302(a), June 25, 2022, 136 Stat. 1334.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (a)(4)(B), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially 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.

The Americans with Disabilities Act of 1990, referred to in subsec. (b)(2)(D), is Pub. L. 101–336, July 26, 1990, 104 Stat. 327. Title II of the Act is classified generally to subchapter II (§12131 et seq.) of chapter 126 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 12101 of Title 42 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(2)(D), is Pub. L. 93–112, Sept. 26, 1973, 87 Stat. 355, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(2)(D), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241. Title VI of the Act is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

LUKE AND ALEX SCHOOL SAFETY ACT OF 2022

Pub. L. 117–159, div. A, title III, subtitle C, June 25, 2022, 136 Stat. 1334, provided that:

“SEC. 13301. SHORT TITLE.

“This subtitle may be cited as the ‘Luke and Alex School Safety Act of 2022’.

“SEC. 13302. FEDERAL CLEARINGHOUSE ON SCHOOL SAFETY EVIDENCE-BASED PRACTICES.

“(a) IN GENERAL.—[Enacted this section.]

“(b) TECHNICAL AMENDMENTS.—[Amended table of contents of the Homeland Security Act of 2002.]

“SEC. 13303. NOTIFICATION OF CLEARINGHOUSE.

“(a) NOTIFICATION BY THE SECRETARY OF EDUCATION.—The Secretary of Education shall provide written notification of the publication of the Federal Clearinghouse on School Safety Evidence-based Practices (referred to in this section and section 13304 as the ‘Clearinghouse’), as required to be established under section 2220D of the Homeland Security Act of 2002 [6 U.S.C. 665k], as added by section 13302 of this Act, to—

“(1) every State and local educational agency; and

“(2) other Department of Education partners in the implementation of the evidence-based practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Education.

“(b) NOTIFICATION BY THE SECRETARY OF HOMELAND SECURITY.—The Secretary of Homeland Security shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2220D of the Homeland Security Act of 2002 [6 U.S.C. 665k], as added by section 13302 of this Act, to—

“(1) every State homeland security advisor;

“(2) every State department of homeland security; and

“(3) other Department of Homeland Security partners in the implementation of the evidence-based practices and recommendations of the Clearinghouse, as determined appropriate by the Secretary of Homeland Security.

“(c) NOTIFICATION BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2220D of the Homeland Security Act of 2002 [6 U.S.C. 665k], as added by section 13302 of this Act, to—

“(1) every State department of public health; and

“(2) other Department of Health and Human Services partners in the implementation of the evidence-based practices and recommendations of the Clear-

² So in original. Probably should be “representatives”.

inghouse, as determined appropriate by the Secretary of Health and Human Services.

“(d) NOTIFICATION BY THE ATTORNEY GENERAL.—The Attorney General shall provide written notification of the publication of the Clearinghouse, as required to be established under section 2220D of the Homeland Security Act of 2002 [6 U.S.C. 665k], as added by section 13302 of this Act, to—

“(1) every State department of justice; and

“(2) other Department of Justice partners in the implementation of the evidence-based practices and recommendations of the Clearinghouse, as determined appropriate by the Attorney General.

“SEC. 13304. GRANT PROGRAM REVIEW.

“(a) FEDERAL GRANTS AND RESOURCES.—Not later than 1 year after the date of enactment of this Act [June 25, 2022], the Clearinghouse or the external advisory board established under section 2220D of the Homeland Security Act of 2002 [6 U.S.C. 665k], as added by this subtitle, shall—

“(1) review grant programs and identify any grant program that may be used to implement evidence-based practices and recommendations of the Clearinghouse;

“(2) identify any evidence-based practices and recommendations of the Clearinghouse for which there is not a Federal grant program that may be used for the purposes of implementing the evidence-based practice or recommendation as applicable to the agency; and

“(3) periodically report any findings under paragraph (2) to the appropriate committees of Congress.

“(b) STATE GRANTS AND RESOURCES.—The Clearinghouse shall, to the extent practicable, identify, for each State—

“(1) each agency responsible for school safety in the State, or any State that does not have such an agency designated;

“(2) any grant program that may be used for the purposes of implementing evidence-based practices and recommendations of the Clearinghouse; and

“(3) any resources other than grant programs that may be used to assist in implementation of evidence-based practices and recommendations of the Clearinghouse.

“SEC. 13305. RULES OF CONSTRUCTION.

“(a) WAIVER OF REQUIREMENTS.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to create, satisfy, or waive any requirement under—

“(1) title II of the Americans With [sic] Disabilities Act of 1990 (42 U.S.C. 12131 et seq.);

“(2) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

“(3) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.);

“(4) title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); or

“(5) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

“(b) PROHIBITION ON FEDERALLY DEVELOPED, MANDATED, OR ENDORSED CURRICULUM.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to authorize any officer or employee of the Federal Government to engage in an activity otherwise prohibited under section 103(b) of the Department of Education Organization Act (20 U.S.C. 3403(b)).”

§ 665I. School and daycare protection

(a) In general

Not later than 180 days after December 23, 2022, and annually thereafter, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the following:

(1) The Department of Homeland Security’s activities, policies, and plans to enhance the security of early childhood education programs, elementary schools, and secondary schools during the preceding year that includes information on the Department’s activities through the Federal School Safety Clearinghouse.

(2) Information on all structures or efforts within the Department intended to bolster coordination among departmental components and offices involved in carrying out paragraph (1) and, with respect to each structure or effort, specificity on which components and offices are involved and which component or office leads such structure or effort.

(3) A detailed description of the measures used to ensure privacy rights, civil rights, and civil liberties protections in carrying out these activities.

(b) Briefing

Not later than 30 days after the submission of each report required under subsection (a), the Secretary of Homeland Security shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a briefing regarding such report and the status of efforts to carry out plans included in such report for the preceding year.

(c) Definitions

In this section, the terms “early childhood education program”, “elementary school”, and “secondary school” have the meanings given such terms in section 7801 of title 20.

(Pub. L. 117–263, div. G, title LXXI, §7103, Dec. 23, 2022, 136 Stat. 3621.)

Editorial Notes

CODIFICATION

Section was enacted as part of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

§ 665m. President’s Cup Cybersecurity Competition

(a) In general

The Director of the Cybersecurity and Infrastructure Security Agency (in this section referred to as the “Director”) of the Department of Homeland Security is authorized to hold an annual cybersecurity competition to be known as the “Department of Homeland Security Cybersecurity and Infrastructure Security Agency’s President’s Cup Cybersecurity Competition” (in this section referred to as the “competition”) for the purpose of identifying, challenging, and competitively awarding prizes, including cash prizes, to the United States Government’s best cybersecurity practitioners and teams across offensive and defensive cybersecurity disciplines.

(b) Eligibility

To be eligible to participate in the competition, an individual shall be a Federal civilian employee or member of the uniformed services