

structure information protected from disclosure by this part coming to him in the course of this employment or official duties or by reason of any examination or investigation made by, or return, report, or record made to or filed with, such department or agency or officer or employee thereof, shall be fined under title 18, imprisoned not more than 1 year, or both, and shall be removed from office or employment.

(g) Authority to issue warnings

The Federal Government may provide advisories, alerts, and warnings to relevant companies, targeted sectors, other governmental entities, or the general public regarding potential threats to critical infrastructure as appropriate. In issuing a warning, the Federal Government shall take appropriate actions to protect from disclosure—

(1) the source of any voluntarily submitted critical infrastructure information that forms the basis for the warning; or

(2) information that is proprietary, business sensitive, relates specifically to the submitting person or entity, or is otherwise not appropriately in the public domain.

(h) Authority to delegate

The President may delegate authority to a critical infrastructure protection program, designated under section 672 of this title, to enter into a voluntary agreement to promote critical infrastructure security, including with any Information Sharing and Analysis Organization, or a plan of action as otherwise defined in section 4558 of title 50.

(Pub. L. 107–296, title XXII, §2224, formerly title II, §214, Nov. 25, 2002, 116 Stat. 2152; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 112–199, title I, §111, Nov. 27, 2012, 126 Stat. 1472; renumbered title XXII, §2224, and amended Pub. L. 115–278, §2(g)(2)(H), (9)(B)(ii), Nov. 16, 2018, 132 Stat. 4178, 4181; Pub. L. 117–286, §4(a)(18), Dec. 27, 2022, 136 Stat. 4307.)

Editorial Notes

REFERENCES IN TEXT

The Critical Infrastructure Information Act of 2002, referred to in subsec. (a)(2)(A), is subtitle B (§2221 et seq.) of title XXII of Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2150, which is classified generally to this part. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 133 of this title prior to renumbering by Pub. L. 115–278.

AMENDMENTS

2022—Subsec. (b). Pub. L. 117–286 substituted “chapter 10 of title 5.” for “the Federal Advisory Committee Act.”

2018—Subsec. (h). Pub. L. 115–278, §2(g)(9)(B)(ii), substituted “section 672 of this title” for “section 132 of this title”.

2012—Subsec. (c). Pub. L. 112–199 inserted at end “For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5.”

2004—Subsec. (a)(1)(D)(ii)(II). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–199 effective 30 days after Nov. 27, 2012, see section 202 of Pub. L. 112–199, set out as a note under section 1204 of Title 5, Government Organization and Employees.

§ 674. No private right of action

Nothing in this part may be construed to create a private right of action for enforcement of any provision of this chapter.

(Pub. L. 107–296, title XXII, §2225, formerly title II, §215, Nov. 25, 2002, 116 Stat. 2155; renumbered title XXII, §2225, Pub. L. 115–278, §2(g)(2)(H), Nov. 16, 2018, 132 Stat. 4178.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2135, known as the Homeland Security Act of 2002, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 101 of this title and Tables.

CODIFICATION

Section was formerly classified to section 134 of this title prior to renumbering by Pub. L. 115–278.

PART C—DECLARATION OF A SIGNIFICANT INCIDENT

§ 677. Sense of Congress

It is the sense of Congress that—

(1) the purpose of this part is to authorize the Secretary to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and

(2) the authorities established under this part are intended to enable the Secretary to provide voluntary assistance to non-Federal entities impacted by a significant incident.

(Pub. L. 107–296, title XXII, §2231, as added Pub. L. 117–58, div. G, title VI, §70602(a), Nov. 15, 2021, 135 Stat. 1267.)

§ 677a. Definitions

For the purposes of this part:

(1) Asset response activity

The term “asset response activity” means an activity to support an entity impacted by an incident with the response to, remediation of, or recovery from, the incident, including—

(A) furnishing technical and advisory assistance to the entity to protect the assets of the entity, mitigate vulnerabilities, and reduce the related impacts;

(B) assessing potential risks to the critical infrastructure sector or geographic region impacted by the incident, including potential cascading effects of the incident on other critical infrastructure sectors or geographic regions;

(C) developing courses of action to mitigate the risks assessed under subparagraph (B);