

factors to make the strategy operationally viable, including the assumption that—

- (1) multiple levels of critical infrastructure have been taken offline or destroyed by catastrophic incidents or the effects of catastrophic incidents;
- (2) impacted sectors may include—
 - (A) the transportation sector;
 - (B) the communication sector;
 - (C) the energy sector;
 - (D) the healthcare and public health sector; and
 - (E) the water and wastewater sector;

(3) State, local, Indian Tribal, and territorial governments have been equally affected or made largely inoperable by catastrophic incidents or the effects of catastrophic incidents;

(4) the emergency has exceeded the response capabilities of State, local, and Indian Tribal governments under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and other relevant disaster response laws; and

(5) the United States military is sufficiently engaged in armed or cyber conflict with State or non-State adversaries, or is otherwise unable to augment domestic response capabilities in a significant manner due to a catastrophic incident.

(Pub. L. 117–263, div. G, title LXXIII, § 7305, Dec. 23, 2022, 136 Stat. 3687.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (c)(4), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) 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 5121 of Title 42 and Tables.

Statutory Notes and Related Subsidiaries

VALIDATION OF STRATEGY; RECOMMENDATIONS; REPORT

Pub. L. 117–263, div. G, title LXXIII, §§ 7306–7308, Dec. 23, 2022, 136 Stat. 3688, provided that:

“SEC. 7306. VALIDATION OF THE STRATEGY THROUGH AN EXERCISE.

“Not later than 1 year after the addition of the annex required under section 7305 [6 U.S.C. 824], the Administrator shall lead an exercise as part of the national exercise program to test and enhance the operationalization of the strategy required under section 7305.

“SEC. 7307. RECOMMENDATIONS.

“(a) IN GENERAL.—The Secretary, in coordination with the Administrator and the Federal partners listed in section 7303(b) of this title [6 U.S.C. 822(b)], shall provide recommendations to Congress for—

“(1) actions that should be taken to prepare the United States to implement the strategy required under section 7305, increase readiness, and address preparedness gaps for responding to the impacts of catastrophic incidents on citizens of the United States; and

“(2) additional authorities that should be considered for Federal agencies to more effectively implement the strategy required under section 7305.

“(b) INCLUSION IN REPORTS.—The Secretary may include the recommendations required under subsection (a) in a report submitted under section 7308.

“SEC. 7308. REPORTING REQUIREMENTS.

“Not later than 1 year after the date on which the Administrator leads the exercise under section 7306, the Secretary, in coordination with the Administrator, shall submit to Congress a report that includes—

“(1) a description of the efforts of the Secretary and the Administrator to develop and update the strategy required under section 7305; and

“(2) an after-action report following the conduct of the exercise described in section 7306.”

§ 825. Rules of construction

(a) Administrator

Nothing in this part shall be construed to supersede the civilian emergency management authority of the Administrator under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or the Post Katrina Emergency Management Reform Act¹ (6 U.S.C. 701 et seq.).

(b) Secretary

Nothing in this part shall be construed as providing new authority to the Secretary, except to coordinate and facilitate the development of the assessments and reports required pursuant to this part.

(Pub. L. 117–263, div. G, title LXXIII, § 7309, Dec. 23, 2022, 136 Stat. 3689.)

Editorial Notes

REFERENCES IN TEXT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (a), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, which is classified principally to chapter 68 (§5121 et seq.) 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 5121 of Title 42 and Tables.

The Post Katrina Emergency Management Reform Act, referred to in subsec. (a), probably means the Post-Katrina Emergency Management Reform Act of 2006, which is title VI of Pub. L. 109–295, Oct. 4, 2006, 120 Stat. 1394, which enacted this chapter and enacted and amended numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 701 of this title and Tables.

CHAPTER 3—SECURITY AND ACCOUNTABILITY FOR EVERY PORT

Sec.

901. Definitions.

SUBCHAPTER I—SECURITY OF UNITED STATES SEAPORTS

PART A—PORT SECURITY GRANTS; TRAINING AND EXERCISE PROGRAMS

911. Repealed.
912. Port Security Exercise Program.
913. Facility exercise requirements.

PART B—PORT OPERATIONS

921. Domestic radiation detection and imaging.
921a. Integration of detection equipment and technologies.
922. Repealed.
923. Random searches of containers.
924. Threat assessment screening of port truck drivers.
925. Border Patrol unit for United States Virgin Islands.

¹ See References in Text note below.