

## CODIFICATION

Section was enacted as part of the Intelligence Reform and Terrorism Prevention Act of 2004, and also as part of the 9/11 Commission Implementation Act of 2004, and not as part of the Homeland Security Act of 2002 which comprises this chapter.

## AMENDMENTS

2007—Pub. L. 110-53 reenacted section catchline without change and amended text generally, substituting provisions relating to establishment of a program to oversee the implementation of the Secretary's responsibilities with respect to terrorist travel not later than 90 days after Aug. 3, 2007, and relating to the head of the program, such official's duties, and report on implementation for provisions relating to establishment of a program to oversee the implementation of the Department's responsibilities with respect to terrorist travel.

**§ 124. Homeland Security Advisory System****(a) Requirement**

The Secretary shall administer the Homeland Security Advisory System in accordance with this section to provide advisories or warnings regarding the threat or risk that acts of terrorism will be committed on the homeland to Federal, State, local, and tribal government authorities and to the people of the United States, as appropriate. The Secretary shall exercise primary responsibility for providing such advisories or warnings.

**(b) Required elements**

In administering the Homeland Security Advisory System, the Secretary shall—

- (1) establish criteria for the issuance and revocation of such advisories or warnings;
- (2) develop a methodology, relying on the criteria established under paragraph (1), for the issuance and revocation of such advisories or warnings;
- (3) provide, in each such advisory or warning, specific information and advice regarding appropriate protective measures and countermeasures that may be taken in response to the threat or risk, at the maximum level of detail practicable to enable individuals, government entities, emergency response providers, and the private sector to act appropriately;
- (4) whenever possible, limit the scope of each such advisory or warning to a specific region, locality, or economic sector believed to be under threat or at risk; and
- (5) not, in issuing any advisory or warning, use color designations as the exclusive means of specifying homeland security threat conditions that are the subject of the advisory or warning.

(Pub. L. 107-296, title II, § 203, as added Pub. L. 110-53, title V, § 501(a)(1), Aug. 3, 2007, 121 Stat. 306.)

**§ 124a. Homeland security information sharing****(a) Information sharing**

Consistent with section 485 of this title, the Secretary, acting through the Under Secretary for Intelligence and Analysis, shall integrate the information and standardize the format of the products of the intelligence components of the Department containing homeland security information, terrorism information, weapons of mass

destruction information, or national intelligence (as defined in section 3003(5) of title 50) except for any internal security protocols or personnel information of such intelligence components, or other administrative processes that are administered by any chief security officer of the Department.

**(b) Information sharing and knowledge management officers**

For each intelligence component of the Department, the Secretary shall designate an information sharing and knowledge management officer who shall report to the Under Secretary for Intelligence and Analysis regarding coordinating the different systems used in the Department to gather and disseminate homeland security information or national intelligence (as defined in section 3003(5) of title 50).

**(c) State, local, and private-sector sources of information****(1) Establishment of business processes**

The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall—

- (A) establish Department-wide procedures for the review and analysis of information provided by State, local, and tribal governments and the private sector;
- (B) as appropriate, integrate such information into the information gathered by the Department and other departments and agencies of the Federal Government; and
- (C) make available such information, as appropriate, within the Department and to other departments and agencies of the Federal Government.

**(2) Feedback**

The Secretary shall develop mechanisms to provide feedback regarding the analysis and utility of information provided by any entity of State, local, or tribal government or the private sector that provides such information to the Department.

**(d) Training and evaluation of employees****(1) Training**

The Secretary, acting through the Under Secretary for Intelligence and Analysis or the Assistant Secretary for Infrastructure Protection, as appropriate, shall provide to employees of the Department opportunities for training and education to develop an understanding of—

- (A) the definitions of homeland security information and national intelligence (as defined in section 3003(5) of title 50); and
- (B) how information available to such employees as part of their duties—
  - (i) might qualify as homeland security information or national intelligence; and
  - (ii) might be relevant to the Office of Intelligence and Analysis and the intelligence components of the Department.

**(2) Evaluations**

The Under Secretary for Intelligence and Analysis shall—

- (A) on an ongoing basis, evaluate how employees of the Office of Intelligence and

Analysis and the intelligence components of the Department are utilizing homeland security information or national intelligence, sharing information within the Department, as described in this subchapter, and participating in the information sharing environment established under section 485 of this title; and

(B) provide to the appropriate component heads regular reports regarding the evaluations under subparagraph (A).

(Pub. L. 107–296, title II, §204, as added Pub. L. 110–53, title V, §501(a)(1), Aug. 3, 2007, 121 Stat. 307.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (d)(2)(A), was in the original “this title”, meaning title II of Pub. L. 107–296, Nov. 25, 2002, 116 Stat. 2145, which enacted this subchapter, amended sections 1030, 2511, 2512, 2520, 2701 to 2703, and 3125 of Title 18, Crimes and Criminal Procedure, sections 3712 and 3722 of Title 42, The Public Health and Welfare, and section 401a of Title 50, War and National Defense, and enacted provisions set out as a note under section 101 of this title and listed in a Provisions for Review, Promulgation, or Amendment of Federal Sentencing Guidelines Relating to Specific Offenses table set out under section 994 of Title 28, Judiciary and Judicial Procedure. For complete classification of title II to the Code, see Tables.

#### RECEIPT OF INFORMATION FROM UNITED STATES SECRET SERVICE

Pub. L. 110–53, title V, §502(b), Aug. 3, 2007, 121 Stat. 311, provided that:

“(1) IN GENERAL.—The Under Secretary for Intelligence and Analysis shall receive from the United States Secret Service homeland security information, terrorism information, weapons of mass destruction information (as these terms are defined in Section [sic] 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485)), or national intelligence, as defined in Section [sic] 3(5) of the National Security Act of 1947 (50 U.S.C. 401a(5)) [now 50 U.S.C. 3003(5)], as well as suspect information obtained in criminal investigations. The United States Secret Service shall cooperate with the Under Secretary for Intelligence and Analysis with respect to activities under sections 204 and 205 of the Homeland Security Act of 2002 [6 U.S.C. 124a, 124b].

“(2) SAVINGS CLAUSE.—Nothing in this Act [see Tables for classification] shall interfere with the operation of Section [sic] 3056(g) of Title 18, United States Code, or with the authority of the Secretary of Homeland Security or the Director of the United States Secret Service regarding the budget of the United States Secret Service.”

#### § 124b. Comprehensive information technology network architecture

##### (a) Establishment

The Secretary, acting through the Under Secretary for Intelligence and Analysis, shall establish, consistent with the policies and procedures developed under section 485 of this title, and consistent with the enterprise architecture of the Department, a comprehensive information technology network architecture for the Office of Intelligence and Analysis that connects the various databases and related information technology assets of the Office of Intelligence and Analysis and the intelligence components of the Department in order to promote internal information sharing among the intelligence and other personnel of the Department.

##### (b) Comprehensive information technology network architecture defined

The term “comprehensive information technology network architecture” means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the strategic management and information resources management goals of the Office of Intelligence and Analysis.

(Pub. L. 107–296, title II, §205, as added Pub. L. 110–53, title V, §501(a)(1), Aug. 3, 2007, 121 Stat. 308.)

#### § 124c. Coordination with information sharing environment

##### (a) Guidance

All activities to comply with sections 124, 124a, and 124b of this title shall be—

(1) consistent with any policies, guidelines, procedures, instructions, or standards established under section 485 of this title;

(2) implemented in coordination with, as appropriate, the program manager for the information sharing environment established under that section;

(3) consistent with any applicable guidance issued by the Director of National Intelligence; and

(4) consistent with any applicable guidance issued by the Secretary relating to the protection of law enforcement information or proprietary information.

##### (b) Consultation

In carrying out the duties and responsibilities under this part, the Under Secretary for Intelligence and Analysis shall take into account the views of the heads of the intelligence components of the Department.

(Pub. L. 107–296, title II, §206, as added Pub. L. 110–53, title V, §501(a)(1), Aug. 3, 2007, 121 Stat. 309.)

#### § 124d. Intelligence components

Subject to the direction and control of the Secretary, and consistent with any applicable guidance issued by the Director of National Intelligence, the responsibilities of the head of each intelligence component of the Department are as follows:

(1) To ensure that the collection, processing, analysis, and dissemination of information within the scope of the information sharing environment, including homeland security information, terrorism information, weapons of mass destruction information, and national intelligence (as defined in section 3003(5) of title 50), are carried out effectively and efficiently in support of the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.

(2) To otherwise support and implement the intelligence mission of the Department, as led by the Under Secretary for Intelligence and Analysis.

(3) To incorporate the input of the Under Secretary for Intelligence and Analysis with respect to performance appraisals, bonus or