AMENDMENT TO RULES COMMITTEE

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OFFERED BY MR. RUPPERSBERGER OF MARYLAND

At the end of title VII, add the following new section:

SEC. 7. SECURING ENERGY INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(2) COVERED ENTITY.—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12,
2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) EXPLOIT.—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) INDUSTRIAL CONTROL SYSTEM.—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions, and includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(5) NATIONAL LABORATORY.—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) PROGRAM.—The term “Program” means the pilot program established under subsection (b).

(7) SECRETARY.—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Energy.
(8) Security vulnerability.—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(b) Pilot Program for Securing Energy Infrastructure.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a 2-year control systems implementation pilot program within the National Laboratories for the purposes of—

(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that voluntarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and

(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

(A) analog and nondigital control systems;

(B) purpose-built control systems; and

(C) physical controls.

(e) Working Group to Evaluate Program Standards and Develop Strategy.—
(1) **E STABLISHMENT.**—The Secretary shall es-
   tablish a working group—

   (A) to evaluate the technology and stand-
   ards used in the Program under subsection
   (b)(2); and

   (B) to develop a national cyber-informed
   engineering strategy to isolate and defend cov-
   ered entities from security vulnerabilities and
   exploits in the most critical systems of the cov-
   ered entities.

(2) **M EMBERSHIP.**—The working group estab-
   lished under paragraph (1) shall be composed of not
   fewer than 10 members, to be appointed by the Sec-
   retary, at least 1 member of which shall represent
   each of the following:

   (A) The Department of Energy.

   (B) The energy industry, including electric
   utilities and manufacturers recommended by
   the Energy Sector coordinating councils.

   (C)(i) The Department of Homeland Secu-
   rity; or

   (ii) the Industrial Control Systems Cyber
   Emergency Response Team.

   (D) The North American Electric Reli-
   ability Corporation.
(E) The Nuclear Regulatory Commission.

(F)(i) The Office of the Director of Na-
tional Intelligence; or

(ii) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(G)(i) The Department of Defense; or

(ii) the Assistant Secretary of Defense for Homeland Security and America’s Security Af-
fairs.

(H) A State or regional energy agency.

(I) A national research body or academic institution.

(J) The National Laboratories.

(d) Reports on the Program.—

(1) Interim Report.—Not later than 180 days after the date on which funds are first dis-
bursed under the Program, the Secretary shall sub-
mit to the appropriate congressional committees an interim report that—

(A) describes the results of the Program;

(B) includes an analysis of the feasibility of each method studied under the Program; and
(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(2) Final report.—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees a final report that—

(A) describes the results of the Program;

(B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(e) Exemption from disclosure.—Information shared by or with the Federal Government or a State, Tribal, or local government under this section—

(1) shall be deemed to be voluntarily shared information;

(2) shall be exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law
requiring the disclosure of information or records;

and

(3) shall be withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, and any provision of any State, Tribal, or local law requiring the disclosure of information or records.

(f) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under subsection (b)—

(A) shall not lie or be maintained in any court; and

(B) shall be promptly dismissed by the applicable court.

(2) VOLUNTARY ACTIVITIES.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

(g) NO NEW REGULATORY AUTHORITY FOR FEDERAL AGENCIES.—Nothing in this section authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

(h) AUTHORIZATION OF APPROPRIATIONS.—
(1) **PILOT PROGRAM.**—There is authorized to be appropriated $10,000,000 to carry out subsection (b).

(2) **WORKING GROUP AND REPORT.**—There is authorized to be appropriated $1,500,000 to carry out subsections (c) and (d).

(3) **AVAILABILITY.**—Amounts made available under paragraphs (1) and (2) shall remain available until expended.