

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:

1 **SEC. 7_____ . SECURING ENERGY INFRASTRUCTURE.**

2 (a) DEFINITIONS.—In this section:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the congressional intelligence commit-
7 tees;

8 (B) the Committee on Homeland Security
9 and Governmental Affairs and the Committee
10 on Energy and Natural Resources of the Sen-
11 ate; and

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

15 (2) COVERED ENTITY.—The term “covered en-
16 tity” means an entity identified pursuant to section
17 9(a) of Executive Order 13636 of February 12,

1 2013 (78 Fed. Reg. 11742), relating to identifica-
2 tion of critical infrastructure where a cybersecurity
3 incident could reasonably result in catastrophic re-
4 gional or national effects on public health or safety,
5 economic security, or national security.

6 (3) EXPLOIT.—The term “exploit” means a
7 software tool designed to take advantage of a secu-
8 rity vulnerability.

9 (4) INDUSTRIAL CONTROL SYSTEM.—The term
10 “industrial control system” means an operational
11 technology used to measure, control, or manage in-
12 dustrial functions, and includes supervisory control
13 and data acquisition systems, distributed control
14 systems, and programmable logic or embedded con-
15 trollers.

16 (5) NATIONAL LABORATORY.—The term “Na-
17 tional Laboratory” has the meaning given the term
18 in section 2 of the Energy Policy Act of 2005 (42
19 U.S.C. 15801).

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

22 (7) SECRETARY.—Except as otherwise specifi-
23 cally provided, the term “Secretary” means the Sec-
24 retary of Energy.

1 (8) SECURITY VULNERABILITY.—The term “se-
2 curity vulnerability” means any attribute of hard-
3 ware, software, process, or procedure that could en-
4 able or facilitate the defeat of a security control.

5 (b) PILOT PROGRAM FOR SECURING ENERGY INFRA-
6 STRUCTURE.—Not later than 180 days after the date of
7 the enactment of this Act, the Secretary shall establish
8 a 2-year control systems implementation pilot program
9 within the National Laboratories for the purposes of—

10 (1) partnering with covered entities in the en-
11 ergy sector (including critical component manufac-
12 turers in the supply chain) that voluntarily partici-
13 pate in the Program to identify new classes of secu-
14 rity vulnerabilities of the covered entities; and

15 (2) evaluating technology and standards, in
16 partnership with covered entities, to isolate and de-
17 fend industrial control systems of covered entities
18 from security vulnerabilities and exploits in the most
19 critical systems of the covered entities, including—

20 (A) analog and nondigital control systems;

21 (B) purpose-built control systems; and

22 (C) physical controls.

23 (c) WORKING GROUP TO EVALUATE PROGRAM
24 STANDARDS AND DEVELOP STRATEGY.—

1 (1) ESTABLISHMENT.—The Secretary shall es-
2 tablish a working group—

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

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

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

16 (A) The Department of Energy.

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

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

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

24 (D) The North American Electric Reli-
25 ability Corporation.

1 (E) The Nuclear Regulatory Commission.

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

4 (ii) the intelligence community (as defined
5 in section 3 of the National Security Act of
6 1947 (50 U.S.C. 3003)).

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

8 (ii) the Assistant Secretary of Defense for
9 Homeland Security and America's Security Af-
10 fairs.

11 (H) A State or regional energy agency.

12 (I) A national research body or academic
13 institution.

14 (J) The National Laboratories.

15 (d) REPORTS ON THE PROGRAM.—

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

21 (A) describes the results of the Program;

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

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

4 (2) FINAL REPORT.—Not later than 2 years
5 after the date on which funds are first disbursed
6 under the Program, the Secretary shall submit to
7 the appropriate congressional committees a final re-
8 port that—

9 (A) describes the results of the Program;

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

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

15 (e) EXEMPTION FROM DISCLOSURE.—Information
16 shared by or with the Federal Government or a State,
17 Tribal, or local government under this section—

18 (1) shall be deemed to be voluntarily shared in-
19 formation;

20 (2) shall be exempt from disclosure under sec-
21 tion 552 of title 5, United States Code, or any provi-
22 sion of any State, Tribal, or local freedom of infor-
23 mation law, open government law, open meetings
24 law, open records law, sunshine law, or similar law

1 requiring the disclosure of information or records;
2 and

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

8 (f) PROTECTION FROM LIABILITY.—

9 (1) IN GENERAL.—A cause of action against a
10 covered entity for engaging in the voluntary activi-
11 ties authorized under subsection (b)—

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

14 (B) shall be promptly dismissed by the ap-
15 plicable court.

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

20 (g) NO NEW REGULATORY AUTHORITY FOR FED-
21 ERAL AGENCIES.—Nothing in this section authorizes the
22 Secretary or the head of any other department or agency
23 of the Federal Government to issue new regulations.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) PILOT PROGRAM.—There is authorized to
2 be appropriated \$10,000,000 to carry out subsection
3 (b).

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

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

