

able, provides unauthorized access to, or substantially harms an information system or information stored on, processed by, or transiting such information system not owned by—

- (i) the private entity operating the measure; or
- (ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(8) Federal entity

The term “Federal entity” means a department or agency of the United States or any component of such department or agency.

(9) Information system

The term “information system”—

- (A) has the meaning given the term in section 3502 of title 44; and
- (B) includes industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers.

(10) Local government

The term “local government” means any borough, city, county, parish, town, township, village, or other political subdivision of a State.

(11) Malicious cyber command and control

The term “malicious cyber command and control” means a method for unauthorized remote identification of, access to, or use of, an information system or information that is stored on, processed by, or transiting an information system.

(12) Malicious reconnaissance

The term “malicious reconnaissance” means a method for actively probing or passively monitoring an information system for the purpose of discerning security vulnerabilities of the information system, if such method is associated with a known or suspected cybersecurity threat.

(13) Monitor

The term “monitor” means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transiting an information system.

(14) Non-Federal entity

(A) In general

Except as otherwise provided in this paragraph, the term “non-Federal entity” means any private entity, non-Federal government agency or department, or State, tribal, or local government (including a political subdivision, department, or component thereof).

(B) Inclusions

The term “non-Federal entity” includes a government agency or department of the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other territory or possession of the United States.

(C) Exclusion

The term “non-Federal entity” does not include a foreign power as defined in section 1801 of title 50.

(15) Private entity

(A) In general

Except as otherwise provided in this paragraph, the term “private entity” means any person or private group, organization, proprietorship, partnership, trust, cooperative, corporation, or other commercial or non-profit entity, including an officer, employee, or agent thereof.

(B) Inclusion

The term “private entity” includes a State, tribal, or local government performing utility services, such as electric, natural gas, or water services.

(C) Exclusion

The term “private entity” does not include a foreign power as defined in section 1801 of title 50.

(16) Security control

The term “security control” means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

(17) 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.

(18) Tribal

The term “tribal” has the meaning given the term “Indian tribe” in section 5304 of title 25.

(Pub. L. 114–113, div. N, title I, § 102, Dec. 18, 2015, 129 Stat. 2936.)

SHORT TITLE

Pub. L. 114–113, div. N, § 1(a), Dec. 18, 2015, 129 Stat. 2935, provided that: “This division [enacting this chapter and sections 149 and 151 of this title, amending sections 131, 148, 149, and 150 of this title, section 1029 of Title 18, Crimes and Criminal Procedure, and sections 3553 and 3554 of Title 44, Public Printing and Documents, enacting provisions set out as notes under this section and sections 101, 131, and 151 of this title and section 301 of Title 5, Government Organization and Employees] may be cited as the ‘Cybersecurity Act of 2015.’”

Pub. L. 114–113, div. N, title I, § 101, Dec. 18, 2015, 129 Stat. 2936, provided that: “This title [enacting this subchapter] may be cited as the ‘Cybersecurity Information Sharing Act of 2015.’”

Pub. L. 114–113, div. N, title II, § 221, Dec. 18, 2015, 129 Stat. 2963, provided that: “This subtitle [subtitle B (§§ 221–229) of title II of div. N of Pub. L. 114–113, enacting subchapter II of this chapter and sections 149 and 151 of this title, amending sections 148, 149, and 150 of this title and sections 3553 and 3554 of Title 44, Public Printing and Documents, and enacting provisions set out as a note under section 151 of this title] may be cited as the ‘Federal Cybersecurity Enhancement Act of 2015.’”

§ 1502. Sharing of information by the Federal Government

(a) In general

Consistent with the protection of classified information, intelligence sources and methods, and privacy and civil liberties, the Director of

National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General, in consultation with the heads of the appropriate Federal entities, shall jointly develop and issue procedures to facilitate and promote—

(1) the timely sharing of classified cyber threat indicators and defensive measures in the possession of the Federal Government with representatives of relevant Federal entities and non-Federal entities that have appropriate security clearances;

(2) the timely sharing with relevant Federal entities and non-Federal entities of cyber threat indicators, defensive measures, and information relating to cybersecurity threats or authorized uses under this subchapter, in the possession of the Federal Government that may be declassified and shared at an unclassified level;

(3) the timely sharing with relevant Federal entities and non-Federal entities, or the public if appropriate, of unclassified, including controlled unclassified, cyber threat indicators and defensive measures in the possession of the Federal Government;

(4) the timely sharing with Federal entities and non-Federal entities, if appropriate, of information relating to cybersecurity threats or authorized uses under this subchapter, in the possession of the Federal Government about cybersecurity threats to such entities to prevent or mitigate adverse effects from such cybersecurity threats; and

(5) the periodic sharing, through publication and targeted outreach, of cybersecurity best practices that are developed based on ongoing analyses of cyber threat indicators, defensive measures, and information relating to cybersecurity threats or authorized uses under this subchapter, in the possession of the Federal Government, with attention to accessibility and implementation challenges faced by small business concerns (as defined in section 632 of title 15).

(b) Development of procedures

(1) In general

The procedures developed under subsection (a) shall—

(A) ensure the Federal Government has and maintains the capability to share cyber threat indicators and defensive measures in real time consistent with the protection of classified information;

(B) incorporate, to the greatest extent practicable, existing processes and existing roles and responsibilities of Federal entities and non-Federal entities for information sharing by the Federal Government, including sector specific information sharing and analysis centers;

(C) include procedures for notifying, in a timely manner, Federal entities and non-Federal entities that have received a cyber threat indicator or defensive measure from a Federal entity under this subchapter that is known or determined to be in error or in contravention of the requirements of this subchapter or another provision of Federal law or policy of such error or contravention;

(D) include requirements for Federal entities sharing cyber threat indicators or defensive measures to implement and utilize security controls to protect against unauthorized access to or acquisition of such cyber threat indicators or defensive measures;

(E) include procedures that require a Federal entity, prior to the sharing of a cyber threat indicator—

(i) to review such cyber threat indicator to assess whether such cyber threat indicator contains any information not directly related to a cybersecurity threat that such Federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual and remove such information; or

(ii) to implement and utilize a technical capability configured to remove any information not directly related to a cybersecurity threat that the Federal entity knows at the time of sharing to be personal information of a specific individual or information that identifies a specific individual; and

(F) include procedures for notifying, in a timely manner, any United States person whose personal information is known or determined to have been shared by a Federal entity in violation of this subchapter.

(2) Consultation

In developing the procedures required under this section, the Director of National Intelligence, the Secretary of Homeland Security, the Secretary of Defense, and the Attorney General shall consult with appropriate Federal entities, including the Small Business Administration and the National Laboratories (as defined in section 15801 of title 42), to ensure that effective protocols are implemented that will facilitate and promote the sharing of cyber threat indicators by the Federal Government in a timely manner.

(c) Submittal to Congress

Not later than 60 days after December 18, 2015, the Director of National Intelligence, in consultation with the heads of the appropriate Federal entities, shall submit to Congress the procedures required by subsection (a).

(Pub. L. 114–113, div. N, title I, § 103, Dec. 18, 2015, 129 Stat. 2939.)

§ 1503. Authorizations for preventing, detecting, analyzing, and mitigating cybersecurity threats

(a) Authorization for monitoring

(1) In general

Notwithstanding any other provision of law, a private entity may, for cybersecurity purposes, monitor—

(A) an information system of such private entity;

(B) an information system of another non-Federal entity, upon the authorization and written consent of such other entity;

(C) an information system of a Federal entity, upon the authorization and written