

(I) does not include information or statements contained in any documents or materials filed with the Securities and Exchange Commission, or with Federal banking regulators, pursuant to section 78(i) of title 15; and

(II) with respect to the submittal of critical infrastructure information, does not include any disclosure or writing that when made accompanied the solicitation of an offer or a sale of securities; and

(ii) does not include information or statements submitted or relied upon as a basis for making licensing or permitting determinations, or during regulatory proceedings.

(8) Cybersecurity risk; incident

The terms “cybersecurity risk” and “incident” have the meanings given those terms in section 659 of this title.

(Pub. L. 107–296, title XXII, § 2222, formerly title II, § 212, Nov. 25, 2002, 116 Stat. 2150; Pub. L. 114–113, div. N, title II, § 204, Dec. 18, 2015, 129 Stat. 2961; renumbered title XXII, § 2222, and amended Pub. L. 115–278, § 2(g)(2)(H), (9)(B)(i), Nov. 16, 2018, 132 Stat. 4178, 4181.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 131 of this title prior to renumbering by Pub. L. 115–278.

AMENDMENTS

2018—Par. (8). Pub. L. 115–278, § 2(g)(9)(B)(i), substituted “section 659 of this title” for “section 148 of this title”.

2015—Par. (5)(A). Pub. L. 114–113, § 204(1)(A), inserted “, including information related to cybersecurity risks and incidents,” after “critical infrastructure information” and “, including cybersecurity risks and incidents,” after “related to critical infrastructure”.

Par. (5)(B). Pub. L. 114–113, § 204(1)(B), inserted “, including cybersecurity risks and incidents,” after “critical infrastructure information” and “, including cybersecurity risks and incidents,” after “related to critical infrastructure”.

Par. (5)(C). Pub. L. 114–113, § 204(1)(C), inserted “, including cybersecurity risks and incidents,” after “critical infrastructure information”.

Par. (8). Pub. L. 114–113, § 204(2), added par. (8).

Statutory Notes and Related Subsidiaries

SHORT TITLE

For short title of this part as the “Critical Infrastructure Information Act of 2002”, see section 2221 of Pub. L. 107–296, set out as a note under section 101 of this title.

PROHIBITION ON NEW REGULATORY AUTHORITY

Pub. L. 114–113, div. N, title II, § 210, Dec. 18, 2015, 129 Stat. 2962, provided that: “Nothing in this subtitle [subtitle A (§§ 201–211) of title II of div. N of Pub. L. 114–113, see Short Title of 2015 Amendment note set out under section 101 of this title] or the amendments made by this subtitle may be construed to grant the Secretary any authority to promulgate regulations or set standards relating to the cybersecurity of non-Federal entities, not including State, local, and tribal governments, that was not in effect on the day before the date of enactment of this Act [Dec. 18, 2015].”

DEFINITIONS

Pub. L. 114–113, div. N, title II, § 202, Dec. 18, 2015, 129 Stat. 2956, as amended by Pub. L. 115–278, § 2(h)(1)(A), Nov. 16, 2018, 132 Stat. 4181, provided that: “In this subtitle [subtitle A (§§ 201–211) of title II of div. N of Pub. L. 114–113, see Short Title of 2015 Amendment note set out under section 101 of this title]:

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

“(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

“(B) the Committee on Homeland Security of the House of Representatives.

“(2) CYBERSECURITY RISK; INCIDENT.—The terms ‘cybersecurity risk’ and ‘incident’ have the meanings given those terms in section 2209 of the Homeland Security Act of 2002 [6 U.S.C. 659].

“(3) CYBER THREAT INDICATOR; DEFENSIVE MEASURE.—The terms ‘cyber threat indicator’ and ‘defensive measure’ have the meanings given those terms in section 102 [6 U.S.C. 1501].

“(4) DEPARTMENT.—The term ‘Department’ means the Department of Homeland Security.

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Homeland Security.”

§ 672. Designation of critical infrastructure protection program

A critical infrastructure protection program may be designated as such by one of the following:

(1) The President.

(2) The Secretary of Homeland Security.

(Pub. L. 107–296, title XXII, § 2223, formerly title II, § 213, Nov. 25, 2002, 116 Stat. 2152; renumbered title XXII, § 2223, Pub. L. 115–278, § 2(g)(2)(H), Nov. 16, 2018, 132 Stat. 4178.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 132 of this title prior to renumbering by Pub. L. 115–278.

§ 673. Protection of voluntarily shared critical infrastructure information

(a) Protection

(1) In general

Notwithstanding any other provision of law, critical infrastructure information (including the identity of the submitting person or entity) that is voluntarily submitted to a covered Federal agency for use by that agency regarding the security of critical infrastructure and protected systems, analysis, warning, interdependency study, recovery, reconstitution, or other informational purpose, when accompanied by an express statement specified in paragraph (2)—

(A) shall be exempt from disclosure under section 552 of title 5 (commonly referred to as the Freedom of Information Act);

(B) shall not be subject to any agency rules or judicial doctrine regarding ex parte communications with a decision making official;

(C) shall not, without the written consent of the person or entity submitting such information, be used directly by such agency, any other Federal, State, or local authority, or any third party, in any civil action arising under Federal or State law if such information is submitted in good faith;