

and any State, tribal, or local provision of law requiring disclosure of information or records.

(4) Ex parte communications

The provision of a cyber threat indicator or defensive measure to the Federal Government under this subchapter shall not be subject to a rule of any Federal agency or department or any judicial doctrine regarding ex parte communications with a decision-making official.

(5) Disclosure, retention, and use

(A) Authorized activities

Cyber threat indicators and defensive measures provided to the Federal Government under this subchapter may be disclosed to, retained by, and used by, consistent with otherwise applicable provisions of Federal law, any Federal agency or department, component, officer, employee, or agent of the Federal Government solely for—

- (i) a cybersecurity purpose;
- (ii) the purpose of identifying—
 - (I) a cybersecurity threat, including the source of such cybersecurity threat; or
 - (II) a security vulnerability;
- (iii) the purpose of responding to, or otherwise preventing or mitigating, a specific threat of death, a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or a use of a weapon of mass destruction;
- (iv) the purpose of responding to, investigating, prosecuting, or otherwise preventing or mitigating, a serious threat to a minor, including sexual exploitation and threats to physical safety; or
- (v) the purpose of preventing, investigating, disrupting, or prosecuting an offense arising out of a threat described in clause (iii) or any of the offenses listed in—

(I) sections 1028 through 1030 of title 18 (relating to fraud and identity theft);

(II) chapter 37 of such title (relating to espionage and censorship); and

(III) chapter 90 of such title (relating to protection of trade secrets).

(B) Prohibited activities

Cyber threat indicators and defensive measures provided to the Federal Government under this subchapter shall not be disclosed to, retained by, or used by any Federal agency or department for any use not permitted under subparagraph (A).

(C) Privacy and civil liberties

Cyber threat indicators and defensive measures provided to the Federal Government under this subchapter shall be retained, used, and disseminated by the Federal Government—

- (i) in accordance with the policies, procedures, and guidelines required by subsections (a) and (b);
- (ii) in a manner that protects from unauthorized use or disclosure any cyber threat indicators that may contain—
 - (I) personal information of a specific individual; or

(II) information that identifies a specific individual; and

(iii) in a manner that protects the confidentiality of cyber threat indicators containing—

- (I) personal information of a specific individual; or
- (II) information that identifies a specific individual.

(D) Federal regulatory authority

(i) In general

Except as provided in clause (ii), cyber threat indicators and defensive measures provided to the Federal Government under this subchapter shall not be used by any Federal, State, tribal, or local government to regulate, including an enforcement action, the lawful activities of any non-Federal entity or any activities taken by a non-Federal entity pursuant to mandatory standards, including activities relating to monitoring, operating defensive measures, or sharing cyber threat indicators.

(ii) Exceptions

(I) Regulatory authority specifically relating to prevention or mitigation of cybersecurity threats

Cyber threat indicators and defensive measures provided to the Federal Government under this subchapter may, consistent with Federal or State regulatory authority specifically relating to the prevention or mitigation of cybersecurity threats to information systems, inform the development or implementation of regulations relating to such information systems.

(II) Procedures developed and implemented under this subchapter

Clause (i) shall not apply to procedures developed and implemented under this subchapter.

(Pub. L. 114–113, div. N, title I, § 105, Dec. 18, 2015, 129 Stat. 2943.)

§ 1505. Protection from liability

(a) Monitoring of information systems

No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the monitoring of an information system and information under section 1503(a) of this title that is conducted in accordance with this subchapter.

(b) Sharing or receipt of cyber threat indicators

No cause of action shall lie or be maintained in any court against any private entity, and such action shall be promptly dismissed, for the sharing or receipt of a cyber threat indicator or defensive measure under section 1503(c) of this title if—

- (1) such sharing or receipt is conducted in accordance with this subchapter; and
- (2) in a case in which a cyber threat indicator or defensive measure is shared with the Federal Government, the cyber threat indicator or defensive measure is shared in a man-

ner that is consistent with section 1504(c)(1)(B) of this title and the sharing or receipt, as the case may be, occurs after the earlier of—

(A) the date on which the interim policies and procedures are submitted to Congress under section 1504(a)(1) of this title and guidelines are submitted to Congress under section 1504(b)(1) of this title; or

(B) the date that is 60 days after December 18, 2015.

(c) Construction

Nothing in this subchapter shall be construed—

(1) to create—

(A) a duty to share a cyber threat indicator or defensive measure; or

(B) a duty to warn or act based on the receipt of a cyber threat indicator or defensive measure; or

(2) to undermine or limit the availability of otherwise applicable common law or statutory defenses.

(Pub. L. 114–113, div. N, title I, § 106, Dec. 18, 2015, 129 Stat. 2950.)

§ 1506. Oversight of government activities

(a) Report on implementation

(1) In general

Not later than 1 year after December 18, 2015, the heads of the appropriate Federal entities shall jointly submit to Congress a detailed report concerning the implementation of this subchapter.

(2) Contents

The report required by paragraph (1) may include such recommendations as the heads of the appropriate Federal entities may have for improvements or modifications to the authorities, policies, procedures, and guidelines under this subchapter and shall include the following:

(A) An evaluation of the effectiveness of real-time information sharing through the capability and process developed under section 1504(c) of this title, including any impediments to such real-time sharing.

(B) An assessment of whether cyber threat indicators or defensive measures have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purpose of sharing cyber threat indicators or defensive measures with the private sector.

(C) The number of cyber threat indicators or defensive measures received through the capability and process developed under section 1504(c) of this title.

(D) A list of Federal entities that have received cyber threat indicators or defensive measures under this subchapter.

(b) Biennial report on compliance

(1) In general

Not later than 2 years after December 18, 2015 and not less frequently than once every 2 years thereafter, the inspectors general of the appropriate Federal entities, in consultation with the Inspector General of the Intelligence

Community and the Council of Inspectors General on Financial Oversight, shall jointly submit to Congress an interagency report on the actions of the executive branch of the Federal Government to carry out this subchapter during the most recent 2-year period.

(2) Contents

Each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

(A) An assessment of the sufficiency of the policies, procedures, and guidelines relating to the sharing of cyber threat indicators within the Federal Government, including those policies, procedures, and guidelines relating to the removal of information not directly related to a cybersecurity threat that is personal information of a specific individual or information that identifies a specific individual.

(B) An assessment of whether cyber threat indicators or defensive measures have been properly classified and an accounting of the number of security clearances authorized by the Federal Government for the purpose of sharing cyber threat indicators or defensive measures with the private sector.

(C) A review of the actions taken by the Federal Government based on cyber threat indicators or defensive measures shared with the Federal Government under this subchapter, including a review of the following:

(i) The appropriateness of subsequent uses and disseminations of cyber threat indicators or defensive measures.

(ii) Whether cyber threat indicators or defensive measures were shared in a timely and adequate manner with appropriate entities, or, if appropriate, were made publicly available.

(D) An assessment of the cyber threat indicators or defensive measures shared with the appropriate Federal entities under this subchapter, including the following:

(i) The number of cyber threat indicators or defensive measures shared through the capability and process developed under section 1504(c) of this title.

(ii) An assessment of any information not directly related to a cybersecurity threat that is personal information of a specific individual or information identifying a specific individual and was shared by a non-Federal government¹ entity with the Federal government¹ in contravention of this subchapter, or was shared within the Federal Government in contravention of the guidelines required by this subchapter, including a description of any significant violation of this subchapter.

(iii) The number of times, according to the Attorney General, that information shared under this subchapter was used by a Federal entity to prosecute an offense listed in section 1504(d)(5)(A) of this title.

(iv) A quantitative and qualitative assessment of the effect of the sharing of cyber threat indicators or defensive meas-

¹ So in original. Probably should be capitalized.