

participation, including on whether the duties of the individual under the Program relate primarily to intelligence or to cybersecurity.

(D) The number of individuals who accepted an offer of employment under the Program and an identification of the element within the Department to which each individual was appointed.

(Pub. L. 107–296, title XIII, §1333, as added Pub. L. 116–260, div. W, title IV, §404(a), Dec. 27, 2020, 134 Stat. 2378.)

Editorial Notes

CODIFICATION

Section was enacted as part of title XIII of Pub. L. 107–296, and not as part of title XXII of 107–296 which comprises this subchapter.

§ 665b. Joint cyber planning office

(a) Establishment of Office

There is established in the Agency an office for joint cyber planning (in this section referred to as the “Office”) to develop, for public and private sector entities, plans for cyber defense operations, including the development of a set of coordinated actions to protect, detect, respond to, and recover from cybersecurity risks or incidents or limit, mitigate, or defend against coordinated, malicious cyber operations that pose a potential risk to critical infrastructure or national interests. The Office shall be headed by a senior official of the Agency selected by the Director.

(b) Planning and execution

In leading the development of plans for cyber defense operations pursuant to subsection (a), the head of the Office shall—

- (1) coordinate with relevant Federal departments and agencies to establish processes and procedures necessary to develop and maintain ongoing coordinated plans for cyber defense operations;
- (2) leverage cyber capabilities and authorities of participating Federal departments and agencies, as appropriate, in furtherance of plans for cyber defense operations;
- (3) ensure that plans for cyber defense operations are, to the greatest extent practicable, developed in collaboration with relevant private sector entities, particularly in areas in which such entities have comparative advantages in limiting, mitigating, or defending against a cybersecurity risk or incident or coordinated, malicious cyber operation;
- (4) ensure that plans for cyber defense operations, as appropriate, are responsive to potential adversary activity conducted in response to United States offensive cyber operations;
- (5) facilitate the exercise of plans for cyber defense operations, including by developing and modeling scenarios based on an understanding of adversary threats to, vulnerability of, and potential consequences of disruption or compromise of critical infrastructure;
- (6) coordinate with and, as necessary, support relevant Federal departments and agencies in the establishment of procedures, devel-

opment of additional plans, including for offensive and intelligence activities in support of cyber defense operations, and creation of agreements necessary for the rapid execution of plans for cyber defense operations when a cybersecurity risk or incident or malicious cyber operation has been identified; and

(7) support public and private sector entities, as appropriate, in the execution of plans developed pursuant to this section.

(c) Composition

The Office shall be composed of—

- (1) a central planning staff; and
- (2) appropriate representatives of Federal departments and agencies, including—
 - (A) the Department;
 - (B) United States Cyber Command;
 - (C) the National Security Agency;
 - (D) the Federal Bureau of Investigation;
 - (E) the Department of Justice; and
 - (F) the Office of the Director of National Intelligence.

(d) Consultation

In carrying out its responsibilities described in subsection (b), the Office shall regularly consult with appropriate representatives of non-Federal entities, such as—

- (1) State, local, federally-recognized Tribal, and territorial governments;
- (2) Information Sharing and Analysis Organizations, including information sharing and analysis centers;
- (3) owners and operators of critical information systems;
- (4) private entities; and
- (5) other appropriate representatives or entities, as determined by the Secretary.

(e) Interagency agreements

The Secretary and the head of a Federal department or agency referred to in subsection (c) may enter into agreements for the purpose of detailing personnel on a reimbursable or non-reimbursable basis.

(f) Definitions

In this section, the term “cyber defense operation” means the defensive activities performed for a cybersecurity purpose.

(Pub. L. 107–296, title XXII, §2216, formerly §2215, as added Pub. L. 116–283, div. A, title XVII, §1715(a), Jan. 1, 2021, 134 Stat. 4092; renumbered §2216 and amended Pub. L. 117–81, div. A, title XV, §1547(b)(1)(A)(iii), Dec. 27, 2021, 135 Stat. 2061; Pub. L. 117–263, div. G, title LXXI, §7143(b)(2)(I), Dec. 23, 2022, 136 Stat. 3660.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2216 of Pub. L. 107–296 was renumbered section 2219 and is classified to section 665e of this title.

AMENDMENTS

2022—Subsec. (d)(2). Pub. L. 117–263, §7143(b)(2)(I)(i), substituted “Information Sharing and Analysis Organizations” for “information sharing and analysis organizations”.

Subsec. (f). Pub. L. 117–263, §7143(b)(2)(I)(ii), substituted “section, the term ‘cyber defense operation’ means the defensive activities performed for a

cybersecurity purpose.” for “section;” and struck out pars. (1) to (4) which defined cyber defense operation, cybersecurity purpose, cybersecurity risk, incident, and information sharing and analysis organization.

2021—Pub. L. 117-81 reenacted section catchline.

§ 665c. Cybersecurity State Coordinator

(a) Appointment

The Director shall appoint an employee of the Agency in each State, with the appropriate cybersecurity qualifications and expertise, who shall serve as the Cybersecurity State Coordinator.

(b) Duties

The duties of a Cybersecurity State Coordinator appointed under subsection (a) shall include—

(1) building strategic public and, on a voluntary basis, private sector relationships, including by advising on establishing governance structures to facilitate the development and maintenance of secure and resilient infrastructure;

(2) serving as the Federal cybersecurity risk advisor and supporting preparation, response, and remediation efforts relating to cybersecurity risks and incidents;

(3) facilitating the sharing of cyber threat information to improve understanding of cybersecurity risks and situational awareness of cybersecurity incidents;

(4) raising awareness of the financial, technical, and operational resources available from the Federal Government to non-Federal entities to increase resilience against cyber threats;

(5) supporting training, exercises, and planning for continuity of operations to expedite recovery from cybersecurity incidents, including ransomware;

(6) serving as a principal point of contact for non-Federal entities to engage, on a voluntary basis, with the Federal Government on preparing, managing, and responding to cybersecurity incidents;

(7) assisting non-Federal entities in developing and coordinating vulnerability disclosure programs consistent with Federal and information security industry standards;

(8) assisting State, local, Tribal, and territorial governments, on a voluntary basis, in the development of State cybersecurity plans;

(9) coordinating with appropriate officials within the Agency; and

(10) performing such other duties as determined necessary by the Director to achieve the goal of managing cybersecurity risks in the United States and reducing the impact of cyber threats to non-Federal entities.

(c) Feedback

The Director shall consult with relevant State, local, Tribal, and territorial officials regarding the appointment, and State, local, Tribal, and territorial officials and other non-Federal entities regarding the performance, of the Cybersecurity State Coordinator of a State.

(Pub. L. 107-296, title XXII, § 2217, formerly § 2215, as added Pub. L. 116-283, div. A, title XVII, § 1717(a)(1)(B), Jan. 1, 2021, 134 Stat. 4099; renum-

bered § 2217 and amended Pub. L. 117-81, div. A, title XV, § 1547(b)(1)(A)(iv), Dec. 27, 2021, 135 Stat. 2061.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2217 of Pub. L. 107-296 was renumbered section 2220 and is classified to section 665f of this title.

AMENDMENTS

2021—Pub. L. 117-81 reenacted section catchline.

Statutory Notes and Related Subsidiaries

RULE OF CONSTRUCTION

Pub. L. 116-283, div. A, title XVII, § 1717(a)(4), Jan. 1, 2021, 134 Stat. 4100, provided that: “Nothing in this subsection [enacting this section, amending section 652 of this title, and enacting provisions set out as a note below] or the amendments made by this subsection may be construed to affect or otherwise modify the authority of Federal law enforcement agencies with respect to investigations relating to cybersecurity incidents.”

COORDINATION PLAN

Pub. L. 116-283, div. A, title XVII, § 1717(a)(2), Jan. 1, 2021, 134 Stat. 4100, provided that: “Not later than 60 days after the date of the enactment of this Act [Jan. 1, 2021], the Director of the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security shall establish and submit to the Committee on Homeland Security and Governmental Affairs in the Senate and the Committee on Homeland Security in the House of Representatives a plan describing the reporting structure and coordination processes and procedures of Cybersecurity State Coordinators within the Cybersecurity and Infrastructure Security Agency under section 2215 of the Homeland Security Act of 2002 [Pub. L. 107-296], as added by paragraph (1)(B) [6 U.S.C. 665c].”

§ 665d. Sector Risk Management Agencies

(a) In general

Consistent with applicable law, Presidential directives, Federal regulations, and strategic guidance from the Secretary, each Sector Risk Management Agency, in coordination with the Director, shall—

(1) provide specialized sector-specific expertise to critical infrastructure owners and operators within its designated critical infrastructure sector or subsector of such sector; and

(2) support programs and associated activities of such sector or subsector of such sector.

(b) Implementation

In carrying out this section, Sector Risk Management Agencies shall—

(1) coordinate with the Department and, as appropriate, other relevant Federal departments and agencies;

(2) collaborate with critical infrastructure owners and operators within the designated critical infrastructure sector or subsector of such sector; and

(3) coordinate with independent regulatory agencies, and State, local, Tribal, and territorial entities, as appropriate.

(c) Responsibilities

Consistent with applicable law, Presidential directives, Federal regulations, and strategic