amounts available in the Fund, and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purpose.

(Pub. L. 107–296, title XXII, § 2233, as added Pub. L. 117–58, div. G, title VI, § 70602(a), Nov. 15, 2021, 135 Stat. 1268.)

§ 677c. Cyber Response and Recovery Fund

(a) In general

There is established a Cyber Response and Recovery Fund, which shall be available for—

(1) the coordination of activities described in section 677b(b) of this title;

(2) response and recovery support for the specific significant incident associated with a declaration to Federal, State, local, and Tribal, entities and public and private entities on a reimbursable or non-reimbursable basis, including through asset response activities and technical assistance, such as—

(A) vulnerability assessments and mitigation;

(B) technical incident mitigation;

(C) malware analysis;

(D) analytic support;

(E) threat detection and hunting; and

(F) network protections;

(3) as the Director determines appropriate, grants for, or cooperative agreements with, Federal, State, local, and Tribal public and private entities to respond to, and recover from, the specific significant incident associated with a declaration, such as—

(A) hardware or software to replace, update, improve, harden, or enhance the functionality of existing hardware, software, or systems; and

(B) technical contract personnel support; and

(4) advance actions taken by the Secretary under section 677b(f)(1)(B) of this title.

(b) Deposits and expenditures

(1) In general

Amounts shall be deposited into the Fund from—

(A) appropriations to the Fund for activities of the Fund; and

(B) reimbursement from Federal agencies for the activities described in paragraphs (1), (2), and (4) of subsection (a), which shall only be from amounts made available in advance in appropriations Acts for such reimbursement.

(2) Expenditures

Any expenditure from the Fund for the purposes of this part shall be made from amounts available in the Fund from a deposit described in paragraph (1), and amounts available in the Fund shall be in addition to any other appropriations available to the Cybersecurity and Infrastructure Security Agency for such purposes.

(c) Supplement not supplant

Amounts in the Fund shall be used to supplement, not supplant, other Federal, State, local, or Tribal funding for activities in response to a declaration.

(d) Reporting

The Secretary shall require an entity that receives amounts from the Fund to submit a report to the Secretary that details the specific use of the amounts.

(Pub. L. 107–296, title XXII, § 2234, as added Pub. L. 117–58, div. G, title VI, § 70602(a), Nov. 15, 2021, 135 Stat. 1270.)

§ 677d. Notification and reporting

(a) Notification

Upon a declaration or renewal, the Secretary shall immediately notify the National Cyber Director and appropriate congressional committees and include in the notification—

(1) an estimation of the planned duration of the declaration;

(2) with respect to a notification of a declaration, the reason for the declaration, including information relating to the specific significant incident or imminent specific significant incident, including—

(A) the operational or mission impact or anticipated impact of the specific significant incident on Federal and non-Federal entities;

(B) if known, the perpetrator of the specific significant incident; and

(C) the scope of the Federal and non-Federal entities impacted or anticipated to be impacted by the specific significant incident;

(3) with respect to a notification of a renewal, the reason for the renewal;

(4) justification as to why available resources, other than the Fund, are insufficient to respond to or mitigate the specific significant incident; and

(5) a description of the coordination activities described in section 677b(b) of this title that the Secretary anticipates the Director to perform.

(b) Report to Congress

Not later than 180 days after the date of a declaration or renewal, the Secretary shall submit to the appropriate congressional committees a report that includes—

(1) the reason for the declaration or renewal, including information and intelligence relating to the specific significant incident that led to the declaration or renewal;

(2) the use of any funds from the Fund for the purpose of responding to the incident or threat described in paragraph (1);

(3) a description of the actions, initiatives, and projects undertaken by the Department and State and local governments and public and private entities in responding to and recovering from the specific significant incident described in paragraph (1);

(4) an accounting of the specific obligations and outlays of the Fund; and

(5) an analysis of—

(A) the impact of the specific significant incident described in paragraph (1) on Federal and non-Federal entities;

(B) the impact of the declaration or renewal on the response to, and recovery from, the specific significant incident described in paragraph (1); and

(C) the impact of the funds made available from the Fund as a result of the declaration or renewal on the recovery from, and response to, the specific significant incident described in paragraph (1).

(c) Classification

Each notification made under subsection (a) and each report submitted under subsection (b)—

(1) shall be in an unclassified form with appropriate markings to indicate information that is exempt from disclosure under section 552 of title 5 (commonly known as the ''Freedom of Information Act''); and

(2) may include a classified annex.

(d) Consolidated report

The Secretary shall not be required to submit multiple reports under subsection (b) for multiple declarations or renewals if the Secretary determines that the declarations or renewals substantively relate to the same specific significant incident.

(e) Exemption

The requirements of subchapter I of chapter 35 of title 44 (commonly known as the ''Paperwork Reduction Act'') shall not apply to the voluntary collection of information by the Department during an investigation of, a response to, or an immediate post-response review of, the specific significant incident leading to a declaration or renewal.

(Pub. L. 107–296, title XXII, § 2235, as added Pub. L. 117–58, div. G, title VI, § 70602(a), Nov. 15, 2021, 135 Stat. 1270.)

§ 677e. Rule of construction

Nothing in this part shall be construed to impair or limit the ability of the Director to carry out the authorized activities of the Cybersecurity and Infrastructure Security Agency.

(Pub. L. 107–296, title XXII, § 2236, as added Pub. L. 117–58, div. G, title VI, § 70602(a), Nov. 15, 2021, 135 Stat. 1272.)

§ 677f. Authorization of appropriations

There are authorized to be appropriated to the Fund $20,000,000 for fiscal year 2022 and each fiscal year thereafter until September 30, 2028, which shall remain available until September 30, 2028.

(Pub. L. 107–296, title XXII, § 2237, as added Pub. L. 117–58, div. G, title VI, § 70602(a), Nov. 15, 2021, 135 Stat. 1272.)

§ 677g. Sunset

The authorities granted to the Secretary or the Director under this part shall expire on the date that is 7 years after November 15, 2021.

(Pub. L. 107–296, title XXII, § 2238, as added Pub. L. 117–58, div. G, title VI, § 70602(a), Nov. 15, 2021, 135 Stat. 1272.)

PART D—CYBER INCIDENT REPORTING

§ 681. Definitions

In this part:

(1) Center

The term ''Center'' means the center established under section 659 of this title.

(2) Council

The term ''Council'' means the Cyber Incident Reporting Council described in section 681f of this title.

(3) Covered cyber incident

The term ''covered cyber incident'' means a substantial cyber incident experienced by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 681b(b) of this title.

(4) Covered entity

The term ''covered entity'' means an entity in a critical infrastructure sector, as defined in Presidential Policy Directive 21, that satisfies the definition established by the Director in the final rule issued pursuant to section 681b(b) of this title.

(5) Cyber incident

The term ''cyber incident''—

(A) has the meaning given the term ''incident'' in section 659[1] of this title; and

(B) does not include an occurrence that imminently, but not actually, jeopardizes—

(i) information on information systems; or

(ii) information systems.

(6) Cyber threat

The term ''cyber threat'' has the meaning given the term ''cybersecurity threat'' in section 650 of this title.

(7) Federal entity

The term ''Federal entity'' has the meaning given the term in section 1501 of this title.

(8) Ransom payment

The term ''ransom payment'' means the transmission of any money or other property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

(9) Significant cyber incident

The term ''significant cyber incident'' means a cyber incident, or a group of related cyber incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

(10) Virtual currency

The term ''virtual currency'' means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

[1] See References in Text note below.