(b) Protections for reporting entities and information

Reports describing covered cyber incidents or ransom payments submitted to the Agency by entities in accordance with section 681b of this title, as well as voluntarily-submitted cyber incident reports submitted to the Agency pursuant to section 681c of this title, shall—

(1) be considered the commercial, financial, and proprietary information of the covered entity when so designated by the covered entity;

(2) be exempt from disclosure under section 552(b)(3) of title 5 (commonly known as the ''Freedom of Information Act''), as well as any provision of State, Tribal, or local freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring disclosure of information or records;

(3) be considered not to constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection; and

(4) 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.

(c) Liability protections

(1) In general

No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 681b(a) of this title that is submitted in conformance with this part and the rule promulgated under section 681b(b) of this title, except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 681d(c)(2) of this title.

(2) Scope

The liability protections provided in this subsection shall only apply to or affect litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Agency.

(3) Restrictions

Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this part or any communication, document, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this part shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

(d) Sharing with non-Federal entities

The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 681b of this title available to critical infrastructure owners and operators and the general public.

(e) Stored Communications Act

Nothing in this part shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18 (commonly known as the ''Stored Communications Act'').

(Pub. L. 107–296, title XXII, § 2245, as added Pub. L. 117–103, div. Y, § 103(a)(2), Mar. 15, 2022, 136 Stat. 1051.)

§ 681f. Cyber Incident Reporting Council

(a) Responsibility of the Secretary

The Secretary shall lead an intergovernmental Cyber Incident Reporting Council, in consultation with the Director of the Office of Management and Budget, the Attorney General, the National Cyber Director, Sector Risk Management Agencies, and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations.

(b) Rule of construction

Nothing in subsection (a) shall be construed to provide any additional regulatory authority to any Federal entity.

(Pub. L. 107–296, title XXII, § 2246, as added Pub. L. 117–103, div. Y, § 103(a)(2), Mar. 15, 2022, 136 Stat. 1054.)

§ 681g. Federal sharing of incident reports

(a) Cyber incident reporting sharing

(1) In general

Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5), that receives a report from an entity of a cyber incident, including a ransomware attack, shall provide the report to the Agency as soon as possible, but not later than 24 hours after receiving the report, unless a shorter period is required by an agreement made between the Department of Homeland Security (including the Cybersecurity and Infrastructure Security Agency) and the recipient Federal agency. The Director shall share and coordinate each report pursuant to section 681a(b) of this title, as added by section 103 of this division.

(2) Rule of construction

The requirements described in paragraph (1) and section 681e(d) of this title, as added by section 103 of this division, may not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure or provision of information within the executive branch.

(3) Protection of information

The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection re-