

Calendar No. 631

117TH CONGRESS
2^D SESSION

S. 2439

[Report No. 117-247]

To amend the Homeland Security Act of 2002 to provide for the responsibility of the Cybersecurity and Infrastructure Security Agency to maintain capabilities to identify threats to industrial control systems, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. PETERS (for himself, Mr. PORTMAN, Mr. RUBIO, Mr. WARNER, and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 13, 2022

Reported by Mr. PETERS, with an amendment

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend the Homeland Security Act of 2002 to provide for the responsibility of the Cybersecurity and Infrastructure Security Agency to maintain capabilities to identify threats to industrial control systems, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “DHS Industrial Con-
3 trol Systems Capabilities Enhancement Act of 2021”.

4 **SEC. 2. CAPABILITIES OF THE CYBERSECURITY AND INFRA-
5 STRUCTURE SECURITY AGENCY TO IDENTIFY
6 THREATS TO INDUSTRIAL CONTROL SYS-
7 TEMS.**

8 (a) IN GENERAL.—Section 2209 of the Homeland
9 Security Act of 2002 (6 U.S.C. 659) is amended—

10 (1) in subsection (e)(1)—

11 (A) in subparagraph (G), by striking
12 “and;” after the semicolon;

13 (B) in subparagraph (H), by inserting
14 “and” after the semicolon; and

15 (C) by adding at the end the following new
16 subparagraph:

17 “(I) activities of the Center address the se-
18 curity of both information technology and oper-
19 ational technology, including industrial control
20 systems;”; and

21 (2) by adding at the end the following new sub-
22 section:

23 “(p) INDUSTRIAL CONTROL SYSTEMS.—The Director
24 shall maintain capabilities to identify and address threats
25 and vulnerabilities to products and technologies intended
26 for use in the automated control of critical infrastructure

1 processes. In carrying out this subsection, the Director
2 shall—

3 “(1) lead Federal Government efforts, in con-
4 sultation with Sector Risk Management Agencies, as
5 appropriate, to identify and mitigate cybersecurity
6 threats to industrial control systems, including su-
7 pervisory control and data acquisition systems;

8 “(2) maintain threat hunting and incident re-
9 sponse capabilities to respond to industrial control
10 system cybersecurity risks and incidents;

11 “(3) provide cybersecurity technical assistance
12 to industry end-users, product manufacturers, Sector
13 Risk Management Agencies, other Federal agencies,
14 and other industrial control system stakeholders to
15 identify, evaluate, assess, and mitigate
16 vulnerabilities;

17 “(4) collect, coordinate, and provide vulner-
18 ability information to the industrial control systems
19 community by, as appropriate, working closely with
20 security researchers, industry end-users, product
21 manufacturers, Sector Risk Management Agencies,
22 other Federal agencies, and other industrial control
23 systems stakeholders; and

24 “(5) conduct such other efforts and assistance
25 as the Secretary determines appropriate.”.

1 (b) REPORT TO CONGRESS.—Not later than 180 days
2 after the date of the enactment of this Act and every 6
3 months thereafter during the subsequent 4-year period,
4 the Director of the Cybersecurity and Infrastructure Secu-
5 rity Agency of the Department of Homeland Security shall
6 provide to the Committee on Homeland Security and Gov-
7 ernmental Affairs of the Senate and the Committee on
8 Homeland Security of the House of Representatives a
9 briefing on the industrial control systems capabilities of
10 the Agency under section 2209 of the Homeland Security
11 Act of 2002 (6 U.S.C. 659), as amended by subsection
12 (a).

13 (c) GAO REVIEW.—Not later than two years after
14 the date of the enactment of this Act, the Comptroller
15 General of the United States shall review implementation
16 of the requirements of subsections (e)(1)(I) and (p) of sec-
17 tion 2209 of the Homeland Security Act of 2002 (6 U.S.C.
18 659), as amended by subsection (a), and submit to the
19 Committee on Homeland Security and ~~Government~~ Gov-
20 *ernmental* Affairs of the Senate and the Committee on
21 Homeland Security of the House of Representatives a re-
22 port containing findings and recommendations relating to
23 such implementation. Such report shall include informa-
24 tion on the following:

1 (1) Any interagency coordination challenges to
2 the ability of the Director of the Cybersecurity and
3 Infrastructure Agency of the Department of Home-
4 land Security to lead Federal efforts to identify and
5 mitigate cybersecurity threats to industrial control
6 systems pursuant to subsection (p)(1) of such sec-
7 tion 2209.

8 (2) The degree to which the Agency has ade-
9 quate capacity, expertise, and resources to carry out
10 threat hunting and incident response capabilities to
11 mitigate cybersecurity threats to industrial control
12 systems pursuant to subsection (p)(2) of such sec-
13 tion 2209, as well as additional resources that would
14 be needed to close any operational gaps in such ca-
15 pabilities.

16 (3) The extent to which industrial control sys-
17 tem stakeholders sought cybersecurity technical as-
18 sistance from the Agency pursuant to subsection
19 (p)(3) of such section 2209, and the utility and ef-
20 fectiveness of such technical assistance.

21 (4) The degree to which the Agency works with
22 security researchers and other industrial control sys-
23 tems stakeholders, pursuant to subsection (p)(4) of
24 such section 2209, to provide vulnerability informa-
25 tion to the industrial control systems community.

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