



June 11, 2015

The Honorable Richard Burr
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Dianne Feinstein
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Chairman Burr and Vice Chairman Feinstein:

Our organizations, on behalf of the nation's drinking water and wastewater utilities, appreciate your efforts to enhance the nation's cybersecurity posture through the new information sharing programs proposed in the "Cybersecurity Information Sharing Act of 2015" (S. 754). However, we recommend an important revision to clarify that local government agencies performing public utility services – such as municipal water and wastewater systems – will enjoy the same cybersecurity incentives and protections as their private-sector counterparts.

As approved by the Select Committee on Intelligence, S. 754 would authorize "private entities" to monitor their networks or those of their consenting customers for cybersecurity purposes, and to share cyber threat indicators and effective defensive measures with each other or the government. Liability protections would be offered to protect the lawful exercise of these activities.

Our concern is that as drafted these incentives and protections would only extend to private-sector network operators and "State, tribal, or local government[s] performing electric utility services." State, tribal, or local government agencies that oversee networks operating other key lifeline sectors – such as drinking water and wastewater service – would be omitted from the legislation.

Similar language that limited these benefits to private network operators and public electric utilities was originally part of cybersecurity legislation considered by the House of Representatives earlier this year (H.R. 1560, the "Protecting Cyber Networks Act"). However, the final House-approved version of this bill redefined the term "private entity" to include "a component of a State, tribal, or local government performing utility services." This broader language ensures water, wastewater, and other lifeline sectors are adequately covered by the legislation, and we hope this same revision can be incorporated into the final version of S. 754.

As you know, a successful cyber attack against a water system could disrupt local water service while undermining the public's confidence in one of the nation's most critical infrastructure services. That is why we appreciate your efforts to strengthen cyber defenses, and look forward to participating in the information sharing programs authorized by this legislation.

Sincerely,
American Water Works Association
Association of Metropolitan Water Agencies
National Association of Clean Water Agencies
National Association of Water Companies
National Rural Water Association
Water Environment Federation