

CISA releases new cyber incident reporting rules, launches listening sessions

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On September 12 the Cybersecurity and Information Security Agency (CISA) released a Request for Information (<https://track.amwa.net/y.z?l=https%3A/www.govinfo.gov/content/pkg/FR-2022-09-12/pdf/2022-19551.pdf&j=353184983&e=59&p=1&t=h>) (RFI) to inform the agency's development of new critical infrastructure cyber incident reporting rules enacted (<https://track.amwa.net/y.z?l=https%3A/www.amwa.net/article/congress-approves-cyber-incident-reporting-legislation&j=353184983&e=59&p=1&t=h>) by Congress earlier this year.

Congress approved (<https://track.amwa.net/y.z?l=https%3A/www.amwa.net/article/congress-approves-cyber-incident-reporting-legislation&j=353184983&e=59&p=2&t=h>) the Cyber Incident Reporting for Critical Infrastructure Act in March. The law directs CISA to develop rules requiring covered critical infrastructure owners and operators to report to CISA within 72 hours of a reasonable belief that they have experienced a cyberattack, or within 24 hours of making a cyber ransom payment. Water systems are not explicitly mentioned in the statute but could be subject to the reporting requirements based on how CISA decides to define covered entities.

The new RFI specifically seeks stakeholder input to develop definitions for terms such as:

- Covered entity
- Covered cyber incident
- Substantial cyber incident
- Ransom payment
- Supply chain compromise

The RFI further seeks input on what constitutes a "reasonable belief" that a covered cyber incident has occurred, how reports on covered cyber incidents and ransom payments should be transmitted to CISA, how the 24-hour post-ransom payment timeframe should be measured, and how third-party entities can be engaged to submit required reports on behalf of covered entities, among other topics.

AMWA members who are interested in shaping the association's draft comments should contact Dan Hartnett (<mailto:%20hartnett@amwa.net>).

Meanwhile, CISA will host a series of listening sessions at locations across the country for interested stakeholders to weigh in on the reporting regime. The listening sessions will help CISA receive public input as the agency develops proposed regulations. Scheduling information is available in the Federal Register notice

(<https://www.federalregister.gov/documents/2022/09/12/2022-19550/cyber-incident-reporting-for-critical-infrastructure-act-of-2022-listening-sessions>).

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