

118TH CONGRESS
1ST SESSION

S. _____

To establish a food and agriculture cybersecurity clearinghouse in the National Telecommunications and Information Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. ROUNDS (for himself and Ms. CORTEZ MASTO) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To establish a food and agriculture cybersecurity clearinghouse in the National Telecommunications and Information Administration, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Food and Agriculture
5 Industry Cybersecurity Support Act”.

6 **SEC. 2. NTIA FOOD AND AGRICULTURE CYBERSECURITY**
7 **CLEARINGHOUSE.**

8 (a) DEFINITIONS.—In this section:

1 (1) ASSISTANT SECRETARY.—The term “Assist-
2 ant Secretary” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (2) CYBERSECURITY RISK.—The term “cyberse-
5 curity risk” has the meaning given the term in sec-
6 tion 2200 of the Homeland Security Act of 2002 (6
7 U.S.C. 650).

8 (3) CYBERSECURITY THREAT.—The term “cy-
9 bersecurity threat” has the meaning given the term
10 in section 2200 of the Homeland Security Act of
11 2002 (6 U.S.C. 650).

12 (4) FOOD AND AGRICULTURE INDUSTRY.—The
13 term “food and agriculture industry” means—

14 (A) equipment and systems utilized in the
15 food and agriculture supply chain, such as com-
16 puter vision algorithms for precision agri-
17 culture, grain silos, and related food and agri-
18 culture storage infrastructure;

19 (B) food and agriculture goods processors,
20 growers, and distributors; and

21 (C) information technology systems of
22 businesses engaged in farming, ranching, plant-
23 ing, harvesting, food and agriculture product
24 storage, food or animal genetic modification,
25 the design or production of agrochemicals, or

1 the design or production of food and agriculture
2 tools.

3 (5) INCIDENT.—The term “incident” has the
4 meaning given the term in section 2200 of the
5 Homeland Security Act of 2002 (6 U.S.C. 650).

6 (6) NTIA.—The term “NTIA” means the Na-
7 tional Telecommunications and Information Admin-
8 istration.

9 (7) SECTOR RISK MANAGEMENT AGENCY.—The
10 term “Sector Risk Management Agency” has the
11 meaning given the term in section 2200 of the
12 Homeland Security Act of 2002 (6 U.S.C. 650).

13 (8) SECURITY VULNERABILITY.—The term “se-
14 curity vulnerability” has the meaning given the term
15 in section 2200 of the Homeland Security Act of
16 2002 (6 U.S.C. 650).

17 (9) SMALL BUSINESS CONCERN.—The term
18 “small business concern” has the meaning given the
19 term in section 3 of the Small Business Act (15
20 U.S.C. 632).

21 (10) SOFTWARE BILL OF MATERIALS.—The
22 term “software bill of materials” has the meaning
23 given the term in section 10 of Executive Order
24 14028 (86 Fed. Reg. 26633; relating to improving
25 the nation’s cybersecurity).

1 (b) NTIA FOOD AND AGRICULTURE CYBERSECURITY
2 CLEARINGHOUSE.—

3 (1) ESTABLISHMENT.—

4 (A) IN GENERAL.—Not later than 180
5 days after the date of enactment of this Act,
6 the Assistant Secretary shall establish in the
7 NTIA a food and agriculture cybersecurity
8 clearinghouse (in this section referred to as the
9 “clearinghouse”).

10 (B) REQUIREMENTS.—The clearinghouse
11 shall—

12 (i) be publicly available online;

13 (ii) contain current, relevant, and
14 publicly available cybersecurity resources
15 focused on the food and agriculture indus-
16 try, including the recommendations de-
17 scribed in paragraph (2), and any other
18 appropriate materials for reference by enti-
19 ties that develop products with potential
20 security vulnerabilities for the food and ag-
21 riculture industry;

22 (iii) contain a mechanism for individ-
23 uals or entities in the food and agriculture
24 industry to request in-person or virtual

1 support from the NTIA for cybersecurity
2 related issues;

3 (iv) contain a section, updated not
4 less frequently than annually, with answers
5 to the top 20 most frequently asked ques-
6 tions relevant to the cybersecurity of the
7 food and agriculture industry; and

8 (v) include materials specifically
9 aimed at assisting small business concerns
10 and non-technical users in the food and ag-
11 riculture industry with critical cybersecu-
12 rity protections related to the food and ag-
13 riculture industry, including recommenda-
14 tions on how to respond to a ransomware
15 attack and resources for additional infor-
16 mation, including the “Stop Ransomware”
17 website hosted by the Cybersecurity and
18 Infrastructure Security Agency of the De-
19 partment of Homeland Security.

20 (C) EXISTING PLATFORM OR WEBSITE.—

21 The Assistant Secretary may establish the
22 clearinghouse on an online platform or a
23 website that is in existence as of the date of en-
24 actment of this Act.

1 (2) CONSOLIDATION OF FOOD AND AGRI-
2 CULTURE INDUSTRY CYBERSECURITY RECOMMENDA-
3 TIONS.—

4 (A) IN GENERAL.—The Assistant Sec-
5 retary, in consultation with the Administrator
6 of the Farm Service Agency of the Department
7 of Agriculture and relevant Sector Risk Man-
8 agement Agencies, shall consolidate public and
9 private sector best practices to produce a set of
10 voluntary cybersecurity recommendations relat-
11 ing to the development, maintenance, and oper-
12 ation of the food and agriculture industry.

13 (B) REQUIREMENTS.—The recommenda-
14 tions consolidated under subparagraph (A) shall
15 include, to the greatest extent practicable, ma-
16 terials addressing the following:

17 (i) Risk-based, cybersecurity-informed
18 engineering, including continuous moni-
19 toring and resiliency.

20 (ii) Planning for retention or recovery
21 of positive control of systems in the food
22 and agriculture industry in the event of a
23 cybersecurity incident.

1 (iii) Protection against unauthorized
2 access to critical functions of the food and
3 agriculture industry.

4 (iv) Cybersecurity against threats to
5 products of the food and agriculture indus-
6 try throughout the lifetimes of those prod-
7 ucts.

8 (v) How businesses in the food and
9 agriculture industry should respond to
10 ransomware attacks, including details on
11 the legal obligations of those businesses in
12 the event of such an attack, including re-
13 porting requirements and Federal re-
14 sources for support.

15 (vi) Any other recommendations to
16 ensure the confidentiality, availability, and
17 integrity of data residing on or in transit
18 through systems in the food and agri-
19 culture industry.

20 (3) IMPLEMENTATION.—In implementing this
21 subsection, the Assistant Secretary shall—

22 (A) to the extent practicable, consult with
23 the private sector;

24 (B) consult with non-Federal entities de-
25 veloping equipment and systems utilized in the

1 food and agriculture industry, including private,
2 consensus organizations that develop relevant
3 standards;

4 (C) consult with the Director of the Cyber-
5 security and Infrastructure Security Agency of
6 the Department of Homeland Security;

7 (D) consult with food and agriculture in-
8 dustry trade groups;

9 (E) consult with relevant Sector Risk Man-
10 agement Agencies;

11 (F) consult with civil society organizations;

12 (G) consult with the Administrator of the
13 Small Business Administration; and

14 (H) consider the development of an advi-
15 sory board to advise the Assistant Secretary on
16 implementing this subsection, including the col-
17 lection of data through the clearinghouse and
18 the disclosure of that data.

19 (c) STUDY.—

20 (1) IN GENERAL.—The Comptroller General of
21 the United States shall conduct a study on the ac-
22 tions the Federal Government has taken or may
23 take to improve the cybersecurity of the food and
24 agriculture industry.

1 (2) REPORT.—Not later than 90 days after the
2 date of enactment of this Act, the Comptroller Gen-
3 eral shall submit to Congress a report on the study
4 conducted under paragraph (1), which shall include
5 information on the following:

6 (A) The effectiveness of efforts of the Fed-
7 eral Government to improve the cybersecurity of
8 the food and agriculture industry.

9 (B) The resources made available to the
10 public, as of the date of the submission, by
11 Federal agencies to improve the cybersecurity
12 of the food and agriculture industry, including
13 to address cybersecurity risks and cybersecurity
14 threats to the food and agriculture industry.

15 (C) The extent to which Federal agencies
16 coordinate or duplicate authorities and take
17 other actions for the improvement of the cyber-
18 security of the food and agriculture industry.

19 (D) Whether an appropriate plan is in
20 place to prevent or adequately mitigate the
21 risks of a coordinated attack on the food and
22 agriculture industry.

23 (E) The benefits of the Food and Agri-
24 culture - Information Sharing and Analysis
25 Center (commonly known as the “Food and Ag-

1 ISAC”) established by the Information Tech-
2 nology-Information Sharing and Analysis Cen-
3 ter and any additional needs of the Food and
4 Ag-ISAC, including—

5 (i) required actions by, and expected
6 costs to, the Federal Government to en-
7 hance the Food and Ag-ISAC; and

8 (ii) identification of industry and civil
9 society partners that could assist the Food
10 and Ag-ISAC.

11 (F) The advantages and disadvantages of
12 the creation by the Assistant Secretary of a
13 database containing a software bill of materials
14 for the most common internet-connected hard-
15 ware and software applications used in the food
16 and agriculture industry and recommendations
17 for how the Assistant Secretary can maintain
18 and update such database.

19 (3) COORDINATION.—In carrying out para-
20 graphs (1) and (2), the Comptroller General shall
21 coordinate with appropriate Federal agencies, in-
22 cluding the following:

23 (A) The Department of Health and
24 Human Services.

25 (B) The Department of Commerce.

1 (C) The Department of Agriculture.

2 (D) The Federal Communications Commis-
3 sion.

4 (E) The Department of Energy.

5 (F) The Small Business Administration.

6 (4) PROCESS FOR STUDYING THE FOOD AND
7 AGRICULTURE - INFORMATION SHARING AND ANAL-
8 YSIS CENTER.—In studying the Food and Ag-ISAC
9 for purposes of including in the report required by
10 paragraph (2) the information required by subpara-
11 graph (E) of that paragraph, the Comptroller Gen-
12 eral shall convene stakeholders that include civil so-
13 ciety organizations, individual food and agriculture
14 producers, and the Federal agencies described in
15 paragraph (3).

16 (5) BRIEFING.—Not later than 90 days after
17 the date on which the Comptroller General submits
18 the report under paragraph (2), the Comptroller
19 General shall provide to Congress a briefing regard-
20 ing the report.

21 (6) CLASSIFICATION.—The report under para-
22 graph (2) shall be unclassified but may include a
23 classified annex.

1 (d) SUNSET.—This section shall have no force or ef-
2 fect after the date that is 7 years after the date of enact-
3 ment of this Act.