

116TH CONGRESS
2D SESSION

S. 4024

To establish in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security a Cybersecurity Advisory Committee.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2020

Mr. PERDUE (for himself and Ms. SINEMA) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security a Cybersecurity Advisory Committee.

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 “Cybersecurity Advisory
5 Committee Authorization Act of 2020”.

6 **SEC. 2. CYBERSECURITY ADVISORY COMMITTEE.**

7 (a) IN GENERAL.—Subtitle A of title XXII of the
8 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
9 is amended by adding at the end the following:

1 **“SEC. 2215. CYBERSECURITY ADVISORY COMMITTEE.**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish within the Agency a Cybersecurity Advisory Com-
4 mittee (referred to in this section as the ‘Advisory Com-
5 mittee’).

6 “(b) DUTIES.—

7 “(1) IN GENERAL.—The Advisory Committee
8 may advise, consult with, report to, and make rec-
9 ommendations to the Director, as appropriate, on
10 the development, refinement, and implementation of
11 policies, programs, planning, and training pertaining
12 to the cybersecurity mission of the Agency.

13 “(2) RECOMMENDATIONS.—

14 “(A) IN GENERAL.—The Advisory Com-
15 mittee shall develop, at the request of the Di-
16 rector, recommendations for improvements to
17 advance the cybersecurity mission of the Agency
18 and strengthen the cybersecurity of the United
19 States.

20 “(B) RECOMMENDATIONS OF SUBCOMMIT-
21 TEES.—Recommendations agreed upon by sub-
22 committees established under subsection (d) for
23 any year shall be approved by the Advisory
24 Committee before the Advisory Committee sub-
25 mits to the Director the annual report under
26 paragraph (4) for that year.

1 “(3) PERIODIC REPORTS.—The Advisory Com-
2 mittee shall periodically submit to the Director—

3 “(A) reports on matters identified by the
4 Director; and

5 “(B) reports on other matters identified by
6 a majority of the members of the Advisory
7 Committee.

8 “(4) ANNUAL REPORT.—

9 “(A) IN GENERAL.—The Advisory Com-
10 mittee shall submit to the Director an annual
11 report providing information on the activities,
12 findings, and recommendations of the Advisory
13 Committee, including its subcommittees, for the
14 preceding year.

15 “(B) PUBLICATION.—Not later than 180
16 days after the date on which the Director re-
17 ceives an annual report for a year under sub-
18 paragraph (A), the Director shall publish a
19 public version of the report describing the ac-
20 tivities of the Advisory Committee and such re-
21 lated matters as would be informative to the
22 public during that year, consistent with section
23 552(b) of title 5, United States Code.

24 “(5) FEEDBACK.—Not later than 90 days after
25 receiving any recommendation submitted by the Ad-

1 visory Committee under paragraph (2), (3), or (4),
2 the Director shall respond in writing to the Advisory
3 Committee with feedback on the recommendation.

4 Such a response shall include—

5 “(A) with respect to any recommendation
6 with which the Director concurs, an action plan
7 to implement the recommendation; and

8 “(B) with respect to any recommendation
9 with which the Director does not concur, a jus-
10 tification for why the Director does not plan to
11 implement the recommendation.

12 “(6) CONGRESSIONAL NOTIFICATION.—Not less
13 frequently than once per year after the date of en-
14 actment of this section, the Director shall provide to
15 the Committee on Homeland Security and Govern-
16 mental Affairs and the Committee on Appropriations
17 of the Senate and the Committee on Homeland Se-
18 curity and the Committee on Appropriations of the
19 House of Representatives a briefing on feedback
20 from the Advisory Committee.

21 “(c) MEMBERSHIP.—

22 “(1) APPOINTMENT.—

23 “(A) IN GENERAL.—Not later than 180
24 days after the date of enactment of the Cyber-
25 security Advisory Committee Authorization Act

1 of 2020, the Director shall appoint the mem-
2 bers of the Advisory Committee.

3 “(B) COMPOSITION.—The membership of
4 the Advisory Committee shall consist of not
5 more than 35 individuals.

6 “(C) REPRESENTATION.—

7 “(i) IN GENERAL.—The membership
8 of the Advisory Committee shall be geo-
9 graphically balanced and shall include rep-
10 resentatives of State and local governments
11 and of a broad range of industries, which
12 may include the following:

13 “(I) Defense.

14 “(II) Education.

15 “(III) Financial services and in-
16 surance.

17 “(IV) Healthcare.

18 “(V) Manufacturing.

19 “(VI) Media and entertainment.

20 “(VII) Chemicals.

21 “(VIII) Retail.

22 “(IX) Transportation.

23 “(X) Energy.

24 “(XI) Information Technology.

25 “(XII) Communications.

1 “(XIII) Other relevant fields
2 identified by the Director.

3 “(ii) PROHIBITION.—Not more than 3
4 members may represent any 1 category
5 under clause (i).

6 “(2) TERM OF OFFICE.—

7 “(A) TERMS.—The term of each member
8 of the Advisory Committee shall be 2 years, ex-
9 cept that a member may continue to serve until
10 a successor is appointed.

11 “(B) REMOVAL.—The Director may review
12 the participation of a member of the Advisory
13 Committee and remove such member any time
14 at the discretion of the Director.

15 “(C) REAPPOINTMENT.—A member of the
16 Advisory Committee may be reappointed for an
17 unlimited number of terms.

18 “(3) PROHIBITION ON COMPENSATION.—The
19 members of the Advisory Committee may not receive
20 pay or benefits from the United States Government
21 by reason of their service on the Advisory Com-
22 mittee.

23 “(4) MEETINGS.—

24 “(A) IN GENERAL.—The Director shall re-
25 quire the Advisory Committee to meet not less

1 frequently than semiannually, and may convene
2 additional meetings as necessary.

3 “(B) PUBLIC MEETINGS.—At least one of
4 the meetings referred to in subparagraph (A)
5 shall be open to the public.

6 “(C) ATTENDANCE.—The Advisory Com-
7 mittee shall maintain a record of the persons
8 present at each meeting.

9 “(5) MEMBER ACCESS TO CLASSIFIED INFOR-
10 MATION.—

11 “(A) IN GENERAL.—Not later than 60
12 days after the date on which a member is first
13 appointed to the Advisory Committee and be-
14 fore the member is granted access to any classi-
15 fied information, the Director shall determine if
16 the member should be restricted from review-
17 ing, discussing, or possessing classified informa-
18 tion.

19 “(B) ACCESS.—Access to classified mate-
20 rials shall be managed in accordance with Exec-
21 utive Order No. 13526 of December 29, 2009
22 (75 Fed. Reg 707), or any subsequent cor-
23 responding Executive Order.

24 “(C) PROTECTIONS.—A member of the
25 Advisory Committee shall protect all classified

1 information in accordance with the applicable
2 requirements for the particular level of classi-
3 fication of such information.

4 “(6) CHAIRPERSON.—The Advisory Committee
5 shall select, from among the members of the Advi-
6 sory Committee—

7 “(A) a member to serve as chairperson of
8 the Advisory Committee; and

9 “(B) a member to serve as chairperson of
10 each subcommittee of the Advisory Committee
11 established under subsection (d).

12 “(d) SUBCOMMITTEES.—

13 “(1) IN GENERAL.—The Director shall establish
14 subcommittees within the Advisory Committee to ad-
15 dress cybersecurity issues, which may include the
16 following:

17 “(A) Information exchange.

18 “(B) Critical infrastructure.

19 “(C) Risk management.

20 “(D) Public and private partnerships.

21 “(2) MEETINGS AND REPORTING.—Each sub-
22 committee shall meet not less frequently than semi-
23 annually, and submit to the Advisory Committee for
24 inclusion in the annual report required under sub-
25 section (b)(4) information, including activities, find-

1 ings, and recommendations, regarding subject mat-
2 ter considered by the subcommittee.

3 “(3) SUBJECT MATTER EXPERTS.—The chair of
4 the Advisory Committee shall appoint members to
5 subcommittees and shall ensure that each member
6 appointed to a subcommittee has subject matter ex-
7 pertise relevant to the subject matter of the sub-
8 committee.

9 “(e) NONAPPLICABILITY OF FACA.—The Federal
10 Advisory Committee Act (5 U.S.C. App.) shall not apply
11 to the Advisory Committee and its subcommittees.”.

12 (b) CLERICAL AMENDMENT.—The table of contents
13 in section 1(b) of the Homeland Security Act of 2002
14 (Public Law 107–296; 116 Stat. 2135) is amended by in-
15 serting after the item relating to section 2214 the fol-
16 lowing:

“2215. Cybersecurity Advisory Committee.”.

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