

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 4024**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. JOHNSON (for himself and Ms.  
SINEMA)

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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 shall 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             “(7) GOVERNANCE RULES.—The Director shall  
22             establish rules for the structure and governance of  
23             the Advisory Committee and all subcommittees es-  
24             tablished under subsection (d).

25             “(c) MEMBERSHIP.—

1 “(1) APPOINTMENT.—

2 “(A) IN GENERAL.—Not later than 180  
3 days after the date of enactment of the Cyber-  
4 security Advisory Committee Authorization Act  
5 of 2020, the Director shall appoint the mem-  
6 bers of the Advisory Committee.

7 “(B) COMPOSITION.—The membership of  
8 the Advisory Committee shall consist of not  
9 more than 35 individuals.

10 “(C) REPRESENTATION.—

11 “(i) IN GENERAL.—The membership  
12 of the Advisory Committee shall—

13 “(I) consist of subject matter ex-  
14 perts;

15 “(II) be geographically balanced;  
16 and

17 “(III) include representatives of  
18 State, local, and Tribal governments  
19 and of a broad range of industries,  
20 which may include the following:

21 “(aa) Defense.

22 “(bb) Education.

23 “(cc) Financial services and  
24 insurance.

25 “(dd) Healthcare.

1 “(ee) Manufacturing.

2 “(ff) Media and entertain-  
3 ment.

4 “(gg) Chemicals.

5 “(hh) Retail.

6 “(ii) Transportation.

7 “(jj) Energy.

8 “(kk) Information Tech-  
9 nology.

10 “(ll) Communications.

11 “(mm) Other relevant fields  
12 identified by the Director.

13 “(ii) PROHIBITION.—Not less than 1  
14 member nor more than 3 members may  
15 represent any 1 category under clause  
16 (i)(III).

17 “(iii) PUBLICATION OF MEMBERSHIP  
18 LIST.—The Advisory Committee shall pub-  
19 lish its membership list on a publicly avail-  
20 able website not less than once per fiscal  
21 year and shall update the membership list  
22 as changes occur.

23 “(2) TERM OF OFFICE.—

24 “(A) TERMS.—The term of each member  
25 of the Advisory Committee shall be 2 years, ex-

1           cept that a member may continue to serve until  
2           a successor is appointed.

3           “(B) REMOVAL.—The Director may review  
4           the participation of a member of the Advisory  
5           Committee and remove such member any time  
6           at the discretion of the Director.

7           “(C) REAPPOINTMENT.—A member of the  
8           Advisory Committee may be reappointed for an  
9           unlimited number of terms.

10          “(3) PROHIBITION ON COMPENSATION.—The  
11          members of the Advisory Committee may not receive  
12          pay or benefits from the United States Government  
13          by reason of their service on the Advisory Com-  
14          mittee.

15          “(4) MEETINGS.—

16                 “(A) IN GENERAL.—The Director shall re-  
17                 quire the Advisory Committee to meet not less  
18                 frequently than semiannually, and may convene  
19                 additional meetings as necessary.

20                 “(B) PUBLIC MEETINGS.—At least one of  
21                 the meetings referred to in subparagraph (A)  
22                 shall be open to the public.

23                 “(C) ATTENDANCE.—The Advisory Com-  
24                 mittee shall maintain a record of the persons  
25                 present at each meeting.

1           “(5) MEMBER ACCESS TO CLASSIFIED INFOR-  
2           MATION.—

3           “(A) IN GENERAL.—Not later than 60  
4           days after the date on which a member is first  
5           appointed to the Advisory Committee and be-  
6           fore the member is granted access to any classi-  
7           fied information, the Director shall determine,  
8           for the purposes of the Advisory Committee, if  
9           the member should be restricted from review-  
10          ing, discussing, or possessing classified informa-  
11          tion.

12          “(B) ACCESS.—Access to classified mate-  
13          rials shall be managed in accordance with Exec-  
14          utive Order No. 13526 of December 29, 2009  
15          (75 Fed. Reg. 707), or any subsequent cor-  
16          responding Executive Order.

17          “(C) PROTECTIONS.—A member of the  
18          Advisory Committee shall protect all classified  
19          information in accordance with the applicable  
20          requirements for the particular level of classi-  
21          fication of such information.

22          “(D) RULE OF CONSTRUCTION.—Nothing  
23          in this paragraph shall be construed to affect  
24          the security clearance of a member of the Advi-  
25          sory Committee or the authority of a Federal



1           agency to provide a member of the Advisory  
2           Committee access to classified information.

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

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

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

11          “(d) SUBCOMMITTEES.—

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

16                          “(A) Information exchange.

17                          “(B) Critical infrastructure.

18                          “(C) Risk management.

19                          “(D) Public and private partnerships.

20                  “(2) MEETINGS AND REPORTING.—Each sub-  
21                  committee shall meet not less frequently than semi-  
22                  annually, and submit to the Advisory Committee for  
23                  inclusion in the annual report required under sub-  
24                  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        (b) CLERICAL AMENDMENT.—The table of contents  
10       in section 1(b) of the Homeland Security Act of 2002  
11       (Public Law 107–296; 116 Stat. 2135) is amended by in-  
12       serting after the item relating to section 2214 the fol-  
13       lowing:

      “Sec. 2215. Cybersecurity Advisory Committee.”.