

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 2993

To amend the Homeland Security Act of 2002 to establish in the Cybersecurity and Infrastructure Security Agency the National Cyber Exercise Program, and for other purposes.

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 Ms. ROSEN

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 “CISA Cyber Exercise
5 Act”.

6 **SEC. 2. NATIONAL CYBER EXERCISE PROGRAM.**

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 new section:

10 **“SEC. 2220A. NATIONAL CYBER EXERCISE PROGRAM.**

11 “(a) ESTABLISHMENT OF PROGRAM.—

1 “(1) IN GENERAL.—There is established in the
2 Agency the National Cyber Exercise Program (re-
3 ferred to in this section as the ‘Exercise Program’)
4 to evaluate the National Cyber Incident Response
5 Plan, and other related plans and strategies.

6 “(2) REQUIREMENTS.—

7 “(A) IN GENERAL.—The Exercise Program
8 shall be—

9 “(i) based on current risk assess-
10 ments, including credible threats,
11 vulnerabilities, and consequences;

12 “(ii) designed, to the extent prac-
13 ticable, to simulate the partial or complete
14 incapacitation of a government or critical
15 infrastructure network resulting from a
16 cyber incident;

17 “(iii) designed to provide for the sys-
18 tematic evaluation of cyber readiness and
19 enhance operational understanding of the
20 cyber incident response system and rel-
21 evant information sharing agreements; and

22 “(iv) designed to promptly develop
23 after-action reports and plans that can
24 quickly incorporate lessons learned into fu-
25 ture operations.

1 “(B) MODEL EXERCISE SELECTION.—The
2 Exercise Program shall—

3 “(i) include a selection of model exer-
4 cises that government and private entities
5 can readily adapt for use; and

6 “(ii) aid such governments and pri-
7 vate entities with the design, implementa-
8 tion, and evaluation of exercises that—

9 “(I) conform to the requirements
10 described in subparagraph (A);

11 “(II) are consistent with any ap-
12 plicable national, State, local, or Trib-
13 al strategy or plan; and

14 “(III) provide for systematic
15 evaluation of readiness.

16 “(3) CONSULTATION.—In carrying out the Ex-
17 ercise Program, the Director may consult with ap-
18 propriate representatives from Sector Risk Manage-
19 ment Agencies, the Office of the National Cyber Di-
20 rector, cybersecurity research stakeholders, and Sec-
21 tor Coordinating Councils.

22 “(b) DEFINITIONS.—In this section:

23 “(1) STATE.—The term ‘State’ means any
24 State of the United States, the District of Columbia,
25 the Commonwealth of Puerto Rico, the Northern

1 Mariana Islands, the United States Virgin Islands,
2 Guam, American Samoa, and any other territory or
3 possession of the United States.

4 “(2) PRIVATE ENTITY.—The term ‘private enti-
5 ty’ has the meaning given such term in section 102
6 of the Cybersecurity Information Sharing Act of
7 2015 (6 U.S.C. 1501).

8 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to affect the authority or respon-
10 sibilities of the Administrator of the Federal Emergency
11 Management Agency pursuant to section 648 of the Post-
12 Katrina Emergency Management Reform Act of 2006 (6
13 U.S.C. 748).”.

14 (b) CLERICAL AMENDMENT.—The table of contents
15 in section 1(b) of the Homeland Security Act of 2002 is
16 amended by inserting after the item relating to section
17 2217 the following:

18

“Sec. 2220A. National Cyber Exercise Program.”.