

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.

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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

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## 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 FACCA.—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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