

116TH CONGRESS
1ST SESSION

H. R. 1975

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2019

Mr. KATKO (for himself, Mr. NEWHOUSE, Mr. FITZPATRICK, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, and Oversight and Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish in the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security a Chief Information Security Officer 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 2019”.

1 **SEC. 2. CYBERSECURITY ADVISORY COMMITTEE.**

2 (a) IN GENERAL.—Subtitle A of title XXII of the
3 Homeland Security Act of 2002 is amended by adding at
4 the end the following new section:

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

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish within the Cybersecurity and Infrastructure Security
8 Agency a Cybersecurity Advisory Committee.

9 “(b) DUTIES.—

10 “(1) IN GENERAL.—The Advisory Committee
11 may advise, consult with, report to, and make rec-
12 ommendations to the Director of Cybersecurity and
13 Infrastructure Security on the development, refine-
14 ment, and implementation of policies, programs,
15 rulemakings, planning, training, and security direc-
16 tives pertaining to the mission of the Cybersecurity
17 and Infrastructure Security Agency.

18 “(2) RECOMMENDATIONS.—

19 “(A) IN GENERAL.—The Advisory Com-
20 mittee shall develop, at the request of the Di-
21 rector, recommendations for improvements to
22 the cybersecurity mission of the Cybersecurity
23 and Infrastructure Security Agency.

24 “(B) RECOMMENDATIONS OF SUBCOMMIT-
25 TEES.—Recommendations agreed upon by the
26 subcommittees established under subsection (d)

1 for any year shall be approved by the Advisory
2 Committee before the Advisory Committee sub-
3 mits to the Director the annual report under
4 paragraph (4) for that year.

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

7 “(A) reports on matters identified by the
8 Director; and

9 “(B) reports on other matters identified by
10 a majority of the members of the Advisory
11 Committee.

12 “(4) ANNUAL REPORT.—The Advisory Com-
13 mittee shall submit to the Director an annual report
14 providing information on the activities, findings, and
15 recommendations of the Advisory Committee, includ-
16 ing its subcommittees, for the preceding year. Not
17 later than six months after the date that the Direc-
18 tor receives an annual report for a year, the Director
19 shall publish a public version of the report describ-
20 ing the activities of the Advisory Committee and
21 such related 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.—For
13 each fiscal quarter beginning after the date of the
14 enactment of this section, the Director shall provide
15 to the Committee on Homeland Security and Gov-
16 ernmental Affairs and the Committee on Appropria-
17 tions of the Senate and the Committee on Homeland
18 Security and the Committee on Appropriations of
19 the 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 the enactment of this

1 Act, the Director shall appoint the members of
2 the Advisory Committee.

3 “(B) COMPOSITION.—The membership of
4 the Advisory Committee shall consist of not
5 more than 35 individuals, each of whom rep-
6 resent a category referred to in subparagraph
7 (C)(i).

8 “(C) REPRESENTATION.—

9 “(i) IN GENERAL.—The membership
10 of the Advisory Committee shall include
11 representatives of State and local govern-
12 ments and of a broad range of industries,
13 including the following:

14 “(I) Defense.

15 “(II) Education.

16 “(III) Financial services.

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
4 three members may represent any one cat-
5 egory under clause (i).

6 “(2) TERM OF OFFICE.—

7 “(A) TERMS.—The term of each member
8 of the Advisory Committee shall be two years,
9 but a member may continue to serve until a
10 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 for cause
14 at any time.

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

18 “(3) DELEGATION OF RESPONSIBILITIES.—A
19 member of the Advisory Committee may delegate
20 that member’s responsibilities under this section to
21 another individual, with the exception of access to
22 protected information and classified information
23 under paragraph (6).

24 “(4) PROHIBITION ON COMPENSATION.—The
25 members of the Advisory Committee may not receive

1 pay or benefits from the United States Government
2 by reason of their service on the Advisory Com-
3 mittee.

4 “(5) MEETINGS.—

5 “(A) IN GENERAL.—The Director shall re-
6 quire the Advisory Committee to meet at least
7 quarterly, and may convene additional meetings
8 as necessary.

9 “(B) PUBLIC MEETINGS.—At least one of
10 the meetings referred to in subparagraph (A)
11 shall be open to the public.

12 “(C) ATTENDANCE.—The Advisory Com-
13 mittee shall maintain a record of the persons
14 present at each meeting.

15 “(6) MEMBER ACCESS TO CLASSIFIED AND
16 PROTECTED INFORMATION.—

17 “(A) IN GENERAL.—Not later than 60
18 days after the date on which a member is first
19 appointed to the Advisory Committee and be-
20 fore the member is granted access to any classi-
21 fied information or protected information, the
22 Director shall determine if there is cause for
23 such member to be restricted from reviewing,
24 discussing, or possessing such information.

25 “(B) ACCESS.—

1 “(i) PROTECTED INFORMATION.—If
2 the Director does not restrict a member
3 from reviewing, discussing, or possessing
4 sensitive information under subparagraph
5 (A) and the member voluntarily signs a
6 nondisclosure agreement with respect to
7 protected information, the member may be
8 granted access to protected information
9 that the Director determines is relevant to
10 such member’s service on the Advisory
11 Committee.

12 “(ii) CLASSIFIED INFORMATION.—Ac-
13 cess to classified materials shall be man-
14 aged in accordance with Executive Order
15 No. 13526 of December 29, 2009 (75 Fed.
16 Reg 707), or any subsequent corresponding
17 Executive Order.

18 “(C) PROTECTIONS.—A member of the
19 Advisory Committee shall agree, as a condition
20 of such membership, to protect all classified in-
21 formation in accordance with the applicable re-
22 quirements for the particular level of classifica-
23 tion of such information and to protect all pro-
24 tected information appropriately.

1 “(D) PROTECTED INFORMATION DE-
2 FINED.—In this section, the term ‘protected in-
3 formation’ means—

4 “(i) information specifically exempted
5 from disclosure by statute or regulation;

6 “(ii) trade secrets and commercial or
7 financial information obtained from a per-
8 son and privileged or confidential;

9 “(iii) deliberative process privileged
10 information;

11 “(iv) personally identifiable informa-
12 tion, the disclosure of which would con-
13 stitute an invasion of personal privacy;

14 “(v) records containing law enforce-
15 ment sensitive information; and

16 “(vi) other categories of information,
17 as determined by the Director.

18 “(7) CHAIRPERSON.—The Advisory Committee
19 shall select, from among the members of the Advi-
20 sory Committee—

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

23 “(B) a member to serve as chairperson of
24 each subcommittee of the Advisory Committee
25 established under subsection (d).

1 “(d) SUBCOMMITTEES.—

2 “(1) IN GENERAL.—The Director and the Advi-
3 sory Committee shall establish subcommittees within
4 the Advisory Committee to address cybersecurity
5 issues, including relating to the following:

6 “(A) Information exchange.

7 “(B) Critical infrastructure.

8 “(C) Risk management.

9 “(D) Public and private partnerships.

10 “(2) ADDITIONAL SUBCOMMITTEES.—In addi-
11 tion to the subcommittees established pursuant to
12 paragraph (1), the Advisory Committee chairperson,
13 in coordination with the Director, may establish
14 within the Advisory Committee additional sub-
15 committees that the Director and Advisory Com-
16 mittee determine to be necessary.

17 “(3) MEETINGS AND REPORTING.—Each sub-
18 committee shall meet at least bimonthly, and submit
19 to the Advisory Committee for inclusion in the an-
20 nual report required under subsection (b)(4) infor-
21 mation, including activities, findings, and rec-
22 ommendations, regarding subject matter considered
23 by the subcommittee.

24 “(4) SUBJECT MATTER EXPERTS.—The chair of
25 the Advisory Committee shall appoint members to

1 subcommittees and shall ensure that each member
2 appointed to a subcommittee has subject matter ex-
3 pertise relevant to the subject matter of the sub-
4 committee.

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

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of such Act is amended by inserting after
10 the item relating to section 2214 the following new item:

“2215. Cybersecurity Advisory Committee.”.

