

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

S. 3207

To require the Director of the Cybersecurity and Infrastructure Security Agency to establish a Cybersecurity State Coordinator in each State, 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. HASSAN

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 State
5 Coordinator Act of 2020”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) cyber threats, such as ransomware, against
9 State, local, Tribal, and territorial entities have
10 grown at an alarming rate;

1 (2) State, local, Tribal, and territorial entities
2 face a growing threat from advanced persistent
3 threat actors, hostile nation states, criminal groups,
4 and other malicious cyber actors;

5 (3) there is an urgent need for greater engage-
6 ment and expertise from the Federal Government to
7 help these entities build their resilience and defenses;
8 and

9 (4) coordination within Federal entities and be-
10 tween Federal and non-Federal entities, including
11 State, local, Tribal, and territorial governments, In-
12 formation Sharing and Analysis Centers, election of-
13 ficials, State adjutants general, and other non-Fed-
14 eral entities, is critical to anticipating, preventing,
15 managing, and recovering from cyberattacks.

16 **SEC. 3. CYBERSECURITY STATE COORDINATOR.**

17 (a) IN GENERAL.—Subtitle A of title XXII of the
18 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
19 is amended—

20 (1) in section 2202(c) (6 U.S.C. 652(c))—

21 (A) in paragraph (10), by striking “and”
22 at the end;

23 (B) by redesignating paragraph (11) as
24 paragraph (12); and

1 (C) by inserting after paragraph (10) the
2 following:

3 “(11) appoint a Cybersecurity State Coordi-
4 nator in each State, as described in section 2215;
5 and”; and

6 (2) by adding at the end the following:

7 **“SEC. 2215. CYBERSECURITY STATE COORDINATOR.**

8 “(a) APPOINTMENT.—The Director shall appoint an
9 employee of the Agency in each State, with the appro-
10 priate cybersecurity qualifications and expertise, who shall
11 serve as the Cybersecurity State Coordinator.

12 “(b) DUTIES.—The duties of a Cybersecurity State
13 Coordinator appointed under subsection (a) shall in-
14 clude—

15 “(1) building strategic relationships across Fed-
16 eral and, on a voluntary basis, non-Federal entities
17 by advising on establishing governance structures to
18 facilitate the development and maintenance of secure
19 and resilient infrastructure;

20 “(2) serving as a Federal cybersecurity risk ad-
21 visor and coordinating between Federal and, on a
22 voluntary basis, non-Federal entities to support
23 preparation, response, and remediation efforts relat-
24 ing to cybersecurity risks and incidents;

1 “(3) facilitating the sharing of cyber threat in-
2 formation between Federal and, on a voluntary
3 basis, non-Federal entities to improve understanding
4 of cybersecurity risks and situational awareness of
5 cybersecurity incidents;

6 “(4) raising awareness of the financial, tech-
7 nical, and operational resources available from the
8 Federal Government to non-Federal entities to in-
9 crease resilience against cyber threats;

10 “(5) supporting training, exercises, and plan-
11 ning for continuity of operations to expedite recovery
12 from cybersecurity incidents, including ransomware;

13 “(6) serving as a principal point of contact for
14 non-Federal entities to engage, on a voluntary basis,
15 with the Federal Government on preparing, man-
16 aging, and responding to cybersecurity incidents;

17 “(7) assisting non-Federal entities in developing
18 and coordinating vulnerability disclosure programs
19 consistent with Federal and information security in-
20 dustry standards; and

21 “(8) performing such other duties as deter-
22 mined necessary by the Director to achieve the goal
23 of managing cybersecurity risks in the United States
24 and reducing the impact of cyber threats to non-
25 Federal entities.

1 “(c) FEEDBACK.—The Director shall consult with
2 relevant State and local officials regarding the appoint-
3 ment, and State and local officials and other non-Federal
4 entities regarding the performance, of the Cybersecurity
5 State Coordinator of a State.”.

6 (b) OVERSIGHT.—The Director of the Cybersecurity
7 and Infrastructure Security Agency shall provide to the
8 Committee on Homeland Security and Governmental Af-
9 fairs of the Senate and the Committee on Homeland Secu-
10 rity of the House of Representatives a briefing on the
11 placement and efficacy of the Cybersecurity State Coordi-
12 nators appointed under section 2215 of the Homeland Se-
13 curity Act of 2002, as added by subsection (a)—

14 (1) not later than 1 year after the date of en-
15 actment of this Act; and

16 (2) not later than 2 years after providing the
17 first briefing under this subsection.

18 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
19 tion or the amendments made by this section shall be con-
20 strued to affect or otherwise modify the authority of Fed-
21 eral law enforcement agencies with respect to investiga-
22 tions relating to cybersecurity incidents.

23 (d) TECHNICAL AND CONFORMING AMENDMENT.—
24 The table of contents in section 1(b) of the Homeland Se-
25 curity Act of 2002 (Public Law 107–296; 116 Stat. 2135)

6

- 1 is amended by inserting after the item relating to section
- 2 2214 the following:

“Sec. 2215. Cybersecurity State Coordinator.”.