

# **CYBERSECURITY FEDERAL UPDATE**

NCSL Executive Committee Task Force on Cybersecurity

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# FEDERAL CYBERSECURITY LEGISLATION

## H.R. 4528, the “Encrypt Act”

- Sen. Reed of RI
- preempts state attempts to enact their own anti-encryption laws and calls upon the federal government to develop a uniform national policy.

## H.R. 2205 the “Data Security Act of 2015”

- Rep. Neugebauer – TX
- preempts state law and calls for uniform national data security and breach notification standards to be enforced by the FTC.

## S. 1158, the “Consumer Privacy Protection Act of 2015,”

- Leahy – VT
- preempt federal or state laws that are less strict than the bill’s requirements. Does not preempt state fraud, tort, trespass, contract laws. Bill creates a criminal offense for concealment of a computerized data breach of sensitive personally identifiable information. Requires businesses to report certain breaches to consumer reporting agencies and to the FTC.



# FEDERAL CYBERSECURITY LEGISLATION

## S. 1027, the Data Breach Notification and Punishing Cyber Criminals Act of 2015,”

- Sen. Kirk - IL
- preempts any state law relating to data security and breach notification. Creates a breach notification protocol and requires initial notification of breach to various federal agencies within 30 days of discovery and creates only a civil penalty for failure to report a breach carries a fine of up to \$1 million.

## H.R. 1770 – “The Data Security and Breach Notification Act of 2015,”

- Rep. Blackburn - TN
- preempt most state data breach notification and data security laws, but would allow states to enforce against violations of this Act and does not preempt any common law actions.

## S. 456, the Cyber Threat Sharing Act of 2015,”

- Sen. Carper – DE
- preempt a state law that restricts or regulates the use of a cyber threat indicator (info designed to ID a cyber threat) by a private entity.

# FEDERAL CYBERSECURITY LEGISLATION

## S. 177, the “Data Security Breach Notification Act of 2015,”

- Sen. Nelson - FL
- preempts state law that deal with breach notification and directs the FTC to promulgate notification requirements.

## H.R. 234, the “Cyber Intelligence Sharing and Protection Act,”

- Rep. Rappersberger – MD
- preempt state law that impede cyber threat sharing, coordination, etc... Would require fed. gov.

## S. \_\_\_\_\_, the “Cyber Act of War Act of 2016”

- Sen. King – ME, Sen. Rounds (SD)
- requires the administration to develop a policy to determine when a cyberattack rises to the level of warfare.



# FEDERAL CYBERSECURITY ENACTMENT

- “Cybersecurity Information Sharing Act of 2015,” or CISA.
  - Calls for the development of procedures to share cybersecurity threat information with private entities, nonfederal government agencies, state, tribal, and local governments, the public, and entities under threats.
  - DOJ/DHS has issued guidance on implementation in several areas – sharing of threat indicators for federal and nonfederal entities and privacy and civil liberties. (For links to guidance documents, visit <http://www.ncsl.org/ncsl-in-dc/task-forces/task-force-on-cybersecurity.aspx>)

# FEDERAL CYBERSECURITY ACTIVITIES

- U.S. House of Representatives Cybersecurity Caucus
  - Rep. McCaul – TX and Rep. Langevin – RI are Co-Chairs.
  - Priorities
    - Workforce development and federal resources to states.
- Stop, Think, Connect Campaign
  - Cybersecurity awareness month is in November.
- National Governor's Association Cyber Policy Academy
  - 5 states – CT, IL, NV, OR, LA
  - First meeting is in June
  - Opportunities for NCSL/NGA collaboration