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.


- 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. Rppersberger – 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
    • 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