



Jan. 15, 2019

## Data Privacy and Security Legislation to Watch






On Dec. 21, President Donald Trump signed the SECURE Technology Act, which pulled together several cybersecurity bills, including the Federal Acquisition Supply Chain Security Act of 2018 introduced by former Sen. Claire McCaskill (D-Mo.), the Public-Private Cybersecurity Cooperation Act of 2018 introduced by Rep. Kevin McCarthy (R-Calif.) and the Hack DHS Act of 2017 introduced by Rep. Ted Lieu (D-Calif.). The new law requires DHS to establish a bug bounty program that incentivizes researchers outside of the agency to identify and report cybersecurity vulnerabilities in federal computer systems, and creates a new Federal Acquisition Security Council to develop a strategic plan to address supply chain risks.

Some data privacy and security measures that died when the 115th congressional session ended Jan. 3, 2019 may be among legislative proposals the 116th Congress reviews if the expired bills are reintroduced. New legislation presented so far may indicate what privacy legislation may look like in 2019. Both parties are expected to formally roll out major proposals to establish a federal data privacy framework in the coming year.

### BILLS INTRODUCED IN 116TH CONGRESS

LEGISLATION	WHO SUPPORTED IT	POLICY PROPOSAL	LATEST ACTION	
			IN HOUSE	IN SENATE
<b>Federal CIO Authorization Act</b> (H.R.247)  <i>Previously introduced in the 115th as H.R.6901</i>	<b>Reintroduced Jan. 4, 2019 by Rep. Will Hurd (R-Texas)</b>  <b>Co-sponsored by:</b> Rep. Gerald Connolly (D-Va.) Rep. Robin Kelly (D-Ill.) Rep. Mark Meadows (R-N.C.)	Would codify the federal government's IT oversight program, clarifying that the federal chief information officer at OMB is in charge of data security across the government.  Would require federal agencies to submit IT spending plans to federal CIO's office.  Directs federal CIO to send Congress an IT consolidation plan boosting use of shared services.	 Referred to Committee on Oversight and Reform	
<b>A bill to establish the Office of Critical Technologies and Security</b> (S.29)	<b>Introduced Jan. 4, 2019 by Sen. Mark Warner (D-Va.)</b>  <b>Co-sponsored by</b> Sen. Marco Rubio (R-Fla.)	Would establish an Office of Critical Technologies & Security at the White House to coordinate efforts across federal agencies and develop a national strategy to combat state-sponsored technology theft and eliminate risks to supply chains.  One of its core missions: to better coordinate information-sharing about threats with international allies like Canada.		 Referred to Committee on Homeland Security and Government Affairs

### SELECT BILLS INTRODUCED IN 115TH CONGRESS

<div><div><div></div> Plans to reintroduce the bill to the 116th, according to member's spokesperson, but did not say when</div><div><div></div> Timeline given</div></div>			FINAL ACTION IN THE 115TH	
<b>Secure Elections Act of 2018</b> (S.2593)	<div><div></div> <b>Introduced March 22, 2018 by Sen. James Lankford (R-Okla.)</b>  <b>Co-sponsored by:</b><div><div>Richard Burr (R-N.C.)</div><div>Sen. Susan Collins (R-Maine)</div><div>Dianne Feinstein (D-Calif.)</div><div>Lindsey Graham (R-S.C.)</div><div>Kamala Harris (D-Calif.)</div><div>Orrin Hatch (R-Utah)</div><div>Martin Heinrich (D-N.M.)</div></div><div><div>Angus King Jr. (I-Maine)</div><div>Amy Klobuchar (D-Minn.)</div><div>Jerry Moran (R-Kan.)</div><div>Bill Nelson (D-Fla.)</div><div>Mike Rounds (R-S.D.)</div><div>Mark Warner (D-Va.)</div></div></div>	Would give DHS primary responsibility for sharing information about election cybersecurity incidents, threats and issues with federal entities and state and local election agencies.  Would require the DHS secretary to establish a template that states could use when establishing state election cybersecurity incident response and communication plan and assess the structure and functioning of the Elections Infrastructure Information Sharing and Analysis Center and other inter-state information sharing on election security.		 Senate Rules Committee postponed markup
<b>Consumer Information Notification Requirement Act of 2018</b> (H.R.6743)	<div><div></div> <b>Introduced Sept. 7, 2018 by Rep. Blaine Luetkemeyer (R-Mo.)</b></div>	Would amend the Gramm-Leach-Bliley Act to require federal financial regulators to set rules requiring financial institutions, banks, and specified others to notify customers of breaches likely to result in identity theft, fraud, or economic loss.  Requires state insurance authorities to establish and enforce similar standards for insurers.	 Placed on the legislative calendar	
<b>Internet of Things Federal Cybersecurity Improvement Act of 2018</b> (H.R.7283)	<div><div></div> <b>Introduced Dec. 12, 2018 by Rep. Robin Kelly (D-Ill.)</b>  <b>Co-sponsored by:</b> Rep. Ted Lieu (D-Calif.)</div>	Would provide cybersecurity operational standards for internet-connected devices purchased by federal agencies and bar the federal government from purchasing any internet of things devices that fail to meet minimum security standards.	 Referred to Oversight and Gov't. Reform; and Science, Space and Technology	
<b>Data Care Act of 2018</b> (S.3744)	<div><div></div> <b>Introduced Dec. 12, 2018 by Sen. Brian Schatz (D-Hawaii)</b>  <b>Co-sponsored by:</b><div><div>Tammy Baldwin (D-Wis.)</div><div>Michael Bennet (D-Colo.)</div><div>Cory Booker (D-N.J.)</div><div>Sherrod Brown (D- Ohio)</div><div>Catherine Cortez Masto (D-Nev.)</div><div>Tammy Duckworth (D-Ill.)</div><div>Dick Durbin (D-Ill.)</div></div><div><div>Margaret Wood Hassan (D-N.H.)</div><div>Martin Heinrich (D-N.M.)</div><div>Doug Jones (D-Ala.)</div><div>Amy Klobuchar (D-Minn.)</div><div>Joe Manchin III (D-W.V.)</div><div>Edward Markey (D-Mass.)</div><div>Patty Murray (D-Wash.)</div></div></div>	Would require websites and apps to "reasonably secure" personal data, "promptly" inform users of breaches, bar the use of data that causes "harm" to users; and take the same precautions around data shared with advertisers and other third parties, according to a news release.  Would also give the Federal Trade Commission new rulemaking authority and enhanced ability to fine offenders.		 Referred to Commerce, Science and Transportation committee
<b>Consumer Data Protection Act of 2018</b> (Discussion draft)	<div><div></div> <b>Circulated Nov. 2, 2018 by Sen. Ron Wyden (D-Ore.)</b> According to a spokesperson with Wyden's office, the senator <b>plans to formally introduce the bill to the 116th Congress in early 2019.</b></div>	Would strengthen FTC's power to police tech companies' privacy practices and subject senior executives to criminal penalties for breaking the rules.  Would also direct the FTC to establish cybersecurity and privacy standards for tech companies to follow.		 Draft proposal, no actions taken

Sources: POLITICO staff reports by Legislative Compass, Ashley Gold, Martin Matishak, Tim Starks and Cristiano Lima; the offices of Reps. Luetkemeyer and Kelly, and senators Lankford, Schatz and Wyden

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