

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2009 Session of 2019

INTRODUCED BY KENYATTA, OCTOBER 30, 2019

REFERRED TO COMMITTEE ON COMMERCE, OCTOBER 30, 2019

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
 2 "An act providing for and reorganizing the conduct of the
 3 executive and administrative work of the Commonwealth by the
 4 Executive Department thereof and the administrative
 5 departments, boards, commissions, and officers thereof,
 6 including the boards of trustees of State Normal Schools, or
 7 Teachers Colleges; abolishing, creating, reorganizing or
 8 authorizing the reorganization of certain administrative
 9 departments, boards, and commissions; defining the powers and
 10 duties of the Governor and other executive and administrative
 11 officers, and of the several administrative departments,
 12 boards, commissions, and officers; fixing the salaries of the
 13 Governor, Lieutenant Governor, and certain other executive
 14 and administrative officers; providing for the appointment of
 15 certain administrative officers, and of all deputies and
 16 other assistants and employes in certain departments, boards,
 17 and commissions; providing for judicial administration; and
 18 prescribing the manner in which the number and compensation
 19 of the deputies and all other assistants and employes of
 20 certain departments, boards and commissions shall be
 21 determined," in organization of departmental administrative
 22 boards and commissions and of advisory boards and
 23 commissions, providing for Cybersecurity Coordination Board.

24 The General Assembly of the Commonwealth of Pennsylvania

25 hereby enacts as follows:

26 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
 27 as The Administrative Code of 1929, is amended by adding a
 28 section to read:

29 Section 480. Cybersecurity Coordination Board.--(a) There

1 is hereby established the Cybersecurity Coordination Board
2 within the Office of Administration. The Cybersecurity
3 Coordination Board shall collect, study and share information
4 about data privacy and cybersecurity issues and initiatives and
5 provide advice to the Governor with respect to developing
6 uniform cybersecurity techniques, standards, policies,
7 procedures and best practices. The Cybersecurity Coordination
8 Board shall coordinate efforts with Federal, State and local
9 government agencies, academic institutions and the private
10 sector to promote effective cybersecurity measures for the
11 benefit of the residents, businesses, government entities and
12 other entities within this Commonwealth.

13 (b) The Cybersecurity Coordination Board shall consist of
14 the following members:

15 (1) One member of the Senate to be appointed by the
16 President pro tempore.

17 (2) One member of the Senate to be appointed by the Minority
18 Leader of the Senate.

19 (3) One member of the House of Representatives to be
20 appointed by the Speaker of the House of Representatives.

21 (4) One member of the House of Representatives to be
22 appointed by the Minority Leader of the House of
23 Representatives.

24 (5) The Secretary of Community and Economic Development or a
25 cybersecurity subject matter expert designated by the secretary.

26 (6) The Secretary of Labor and Industry or a cybersecurity
27 subject matter expert designated by the secretary.

28 (7) The Director of the Pennsylvania Emergency Management
29 Agency or a cybersecurity subject matter expert designated by
30 the director.

- 1 (8) The Secretary of Banking and Securities or a
2 cybersecurity subject matter expert designated by the secretary.
- 3 (9) The Commonwealth's Chief Information Security Officer
4 under the Office of Administration.
- 5 (10) The Commonwealth's Chief Privacy Officer.
- 6 (11) The Secretary of Corrections or a cybersecurity subject
7 matter expert designated by the secretary.
- 8 (12) The Secretary of Transportation or a cybersecurity
9 subject matter expert designated by the secretary.
- 10 (13) The Secretary of Revenue or a cybersecurity subject
11 matter expert designated by the secretary.
- 12 (14) The Secretary of Administration or a cybersecurity
13 subject matter expert designated by the secretary.
- 14 (15) The Secretary of Human Services or a cybersecurity
15 subject matter expert designated by the secretary.
- 16 (16) The Secretary of Education or a cybersecurity subject
17 matter expert designated by the secretary.
- 18 (17) The Secretary of State or a cybersecurity subject
19 matter expert designated by the secretary.
- 20 (18) The Secretary of Health or a cybersecurity subject
21 matter expert designated by the secretary.
- 22 (19) The Commissioner of the Pennsylvania State Police or a
23 cybersecurity subject matter expert designated by the
24 commissioner.
- 25 (20) The Adjutant General of the Department of Military and
26 Veterans Affairs or a cybersecurity subject matter expert
27 designated by the Adjutant General.
- 28 (21) The Director of the Governor's Office of Homeland
29 Security or cybersecurity subject matter expert designated by
30 the director.

1 (22) The Executive Director of the County Commissioners
2 Association of Pennsylvania or a cybersecurity subject matter
3 expert designated by the executive director.

4 (23) The Executive Director for the Pennsylvania Municipal
5 League or a cybersecurity subject matter expert designated by
6 the executive director.

7 (24) The Executive Director for the Pennsylvania State
8 Association of Township Supervisors or a cybersecurity subject
9 matter expert designated by the executive director.

10 (25) The Executive Director for the Pennsylvania State
11 Association of Boroughs or a cybersecurity subject matter expert
12 designated by the executive director.

13 (26) The Executive Director for the Pennsylvania State
14 Association of Township Commissioners or a cybersecurity subject
15 matter expert designated by the executive director.

16 (27) The President of the Pennsylvania Association of
17 Intermediate Units or a cybersecurity subject matter expert
18 designated by the president.

19 (28) The Chancellor of the State System of Higher Education
20 or a cybersecurity subject matter expert designated by the
21 chancellor.

22 (c) The Cybersecurity Coordination Board shall also include
23 three cybersecurity subject matter experts from private sector
24 industries that shall be nominated by the Cybersecurity
25 Coordinator and appointed by and serve at the pleasure of the
26 Governor.

27 (d) The Governor shall invite the following representatives
28 of Federal agencies to serve as advisory members to the
29 Cybersecurity Coordination Board:

30 (1) The United States Secretary of Defense or the

1 secretary's designee.

2 (2) The United States Secretary of Homeland Security or the
3 secretary's designee.

4 (3) The director of the National Institute of Standards and
5 Technology or a designee.

6 (4) The Director of the Defense Information Systems Agency
7 or the director's designee.

8 (5) The Director of the Intelligence Advanced Research
9 Projects Activity or the director's designee.

10 (6) The Director of the Federal Bureau of Investigation or
11 the director's designee.

12 (e) The Office of Administration shall acquire staff, office
13 space, office equipment and supplies and obtain the services of
14 cybersecurity subject matter experts to assist the Cybersecurity
15 Coordination Board in fulfilling its duties under this section.

16 (f) The Chief Information Security Officer of the Office of
17 Administration shall serve as Cybersecurity Coordinator to the
18 Cybersecurity Coordination Board. The Cybersecurity Coordinator
19 shall serve as the director and secretary of the Cybersecurity
20 Coordination Board and shall be responsible for carrying out the
21 duties of the Cybersecurity Coordination Board. The
22 Cybersecurity Coordinator shall make the final determination as
23 to any action or inaction the Cybersecurity Coordination Board
24 shall take, including any advice or information to be given to
25 the Governor. The Cybersecurity Coordinator shall rely on
26 support from the Office of Administration's designated staff and
27 the Office of Administration's Office of Chief Counsel in the
28 furtherance of the Cybersecurity Coordination Board fulfilling
29 its duties under this section.

30 (g) (1) The Cybersecurity Coordination Board shall meet no

1 less than four times a year to review and assess cybersecurity
2 and privacy topics, including risks, protective measures, laws,
3 regulations, governances, technologies, standards and best
4 practices that affect the Federal, State, county and local
5 governments, international government, businesses and other
6 entities. Additional meetings shall be at the discretion of the
7 Cybersecurity Coordinator.

8 (2) The Cybersecurity Coordination Board may establish
9 committees, as needed, to formulate recommended positions or
10 actions.

11 (3) The Cybersecurity Coordination Board shall provide the
12 Governor an annual report summarizing the Cybersecurity
13 Coordination Board's findings and assessments. The report shall
14 include an overview of the privacy and cybersecurity landscape,
15 changes since the prior report, issues and risks affecting the
16 protection of information, recommendations to resolve and
17 mitigate the issues and risks and any other relevant information
18 deemed appropriate by the Cybersecurity Coordination Board with
19 respect to privacy and cybersecurity. The report shall be
20 confidential and exempt from disclosure as provided under
21 paragraph (4).

22 (4) Deliberations, documentation, records and all work of
23 the Cybersecurity Coordination Board and its committees,
24 including any actions or reports of the Cybersecurity
25 Coordination Board, shall be confidential and shall be exempt
26 from the requirements of the following:

27 (i) 65 Pa.C.S. Ch. 7 (relating to open meetings).

28 (ii) The act of February 14, 2008 (P.L.6, No.3), known as
29 the "Right-to-Know Law."

30 (h) Members shall serve without compensation except for

1 payment of necessary and actual expenses incurred in attending
2 meetings and in performing their duties and responsibilities as
3 members.

4 (i) Cybersecurity Coordination Board or committee members,
5 including advisory members, shall not use their position to sell
6 products or services to the Commonwealth or benefit financially
7 or enable their immediate family members or employers to benefit
8 financially, whether directly or indirectly, from Commonwealth
9 initiatives that result from recommendations or advice provided
10 by the Cybersecurity Coordination Board under this section.

11 Section 2. This act shall take effect in 60 days.