
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 883 Session of
2023

INTRODUCED BY GROVE, GREINER AND MOUL, APRIL 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2023

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, providing for
3 information technology; establishing the Office of
4 Information Technology and the Information Technology Fund;
5 providing for administrative and procurement procedures and
6 for the Joint Cybersecurity Oversight Committee; imposing
7 duties on the Office of Information Technology; providing for
8 administration of Pennsylvania Statewide Radio Network; and
9 imposing penalties.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Part V of Title 71 of the Pennsylvania
13 Consolidated Statutes is amended by adding a chapter to read:

14 CHAPTER 43

15 INFORMATION TECHNOLOGY

16 Subchapter

17 A. General Provisions

18 B. Office of Information Technology

19 C. Business Operations

20 D. Procurement of Information Technology

21 E. Security

22 F. Enforcement and Penalties

1 G. Pennsylvania Statewide Radio Network

2 SUBCHAPTER A

3 GENERAL PROVISIONS

4 Sec.

5 4301. Scope of chapter.

6 4302. Findings and declarations.

7 4303. Definitions.

8 § 4301. Scope of chapter.

9 This chapter relates to administrative procedures and
10 procurement regarding information technology.

11 § 4302. Findings and declarations.

12 The General Assembly finds and declares the following:

13 (1) The Commonwealth has struggled to keep information
14 technology costs under control, including failing to include
15 as part of overall costs, time spent by Commonwealth staff
16 for development, implementation and use of information
17 technology.

18 (2) Many of the Commonwealth's information technology
19 contracts extend well beyond their anticipated date of
20 completion.

21 (3) The Commonwealth can begin to reduce information
22 technology costs by the consolidation of information
23 technology functions and resources within the executive
24 branch.

25 (4) Consolidation of information technology services
26 will not only reduce costs but create more efficient
27 information technology operations.

28 (5) By reforming the Commonwealth's outdated approach to
29 information technology, the Commonwealth can improve data and
30 analytic capabilities and improve cybersecurity.

1 (6) The improvement of operations will enhance taxpayer
2 satisfaction and make it easier for residents to navigate.

3 (7) Consolidation of information technology services
4 must be designed to improve accountability and transparency
5 to taxpayers and enhance the Commonwealth's data and
6 analytics capabilities.

7 (8) The Commonwealth shall, as part of its information
8 technology and cybersecurity efforts:

9 (i) Reduce redundancy and align information
10 technology spending in a manner that reduces costs and
11 measurably improves Commonwealth agency mission
12 effectiveness.

13 (ii) Improve quality, transparency and
14 accountability in the procurement and use of information
15 technology.

16 (iii) Achieve five-year budget limits, within
17 limited variance, for all administrative agencies for
18 projects above a de minimis threshold.

19 (iv) Achieve measurable protection for Commonwealth
20 data, including identifying and mitigating risks for
21 personal identifiable information and other valuable,
22 nonpublic mission critical data.

23 § 4303. Definitions.

24 The following words and phrases when used in this chapter
25 shall have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Architecture." The overall design of a computing system and
28 the logical and physical interrelationships between its
29 components.

30 "Authorization to operate." A formal declaration by the head

1 of the State agency that:

2 (1) authorizes operation of a product and explicitly
3 accepts the risk to agency operations; and

4 (2) is signed after the system has met and passed all
5 requirements to become operational.

6 "Business case." A statement specifying the needs of the
7 State agency for information technology, services and related
8 resources, including expected improvements to programmatic or
9 business operations, and the requirements for State resources
10 and funding, together with an evaluation of those requirements
11 by the chief information officer assigned to the State agency
12 which takes into consideration:

13 (1) The State's current technology.

14 (2) The opportunities for technology sharing.

15 (3) Any other factors relevant to the analysis by the
16 director.

17 "Director." The administrative head of the office and chief
18 information officer of the Commonwealth.

19 "Distributed information technology assets." Hardware,
20 software and communications equipment not classified as
21 traditional mainframe-based items, including, but not limited
22 to, personal computers, local area networks, servers, mobile
23 computers, peripheral equipment and other related hardware and
24 software items.

25 "Electronic bidding." The electronic solicitation and
26 receipt of offers to contract.

27 "Fund." The Information Technology Fund established under
28 section 4316 (relating to Information Technology Fund).

29 "Independent agency." As follows:

30 (1) A board, commission, authority or other agency of

1 the Commonwealth that is not subject to the policy
2 supervision and control of the Governor.

3 (2) The term does not include:

4 (i) A court or agency of the unified judicial
5 system.

6 (ii) The General Assembly or an agency of the
7 General Assembly.

8 "Independent department." Any of the following:

9 (1) The Department of the Auditor General.

10 (2) The Treasury Department.

11 (3) The Office of Attorney General.

12 (4) A board or commission of an entity under paragraph
13 (1), (2) or (3).

14 "Information technology." Hardware, software and
15 telecommunications equipment, including, but not limited to, the
16 following:

17 (1) Personal computers.

18 (2) Servers.

19 (3) Mainframes.

20 (4) Wired or wireless wide and local area networks.

21 (5) Broadband.

22 (6) Mobile or portable computers.

23 (7) Peripheral equipment.

24 (8) Telephones.

25 (9) Wireless communications.

26 (10) Handheld devices.

27 (11) Facsimile machines.

28 (12) Technology facilities, including, but not limited
29 to, data centers, dedicated training facilities or switching
30 facilities.

1 (13) Electronic payment processing services.

2 (14) Other relevant hardware and software items or
3 personnel tasked with the planning, implementation or support
4 of technology, including hosting or vendor-managed service
5 solutions.

6 "Information technology budget." As follows:

7 (1) All information technology expenditures listed by
8 project and amount of expenditure for planning, development,
9 modernization, operations and maintenance.

10 (2) The term includes all software, hardware,
11 Commonwealth and vendor staff and service costs.

12 "Information technology security incident." A computer-based
13 activity, network-based activity or paper-based activity that
14 results directly or indirectly in misuse, damage, denial of
15 service, compromise of integrity or loss of confidentiality of a
16 network, computer, application or data.

17 "Office." The Office of Information Technology established
18 under Subchapter B (relating to Office of Information
19 Technology).

20 "Open data." Government data sets and documents that are
21 considered publicly available under the act of February 14, 2008
22 (P.L.6, No.3), known as the Right-to-Know Law, or other
23 Commonwealth transparency initiatives to use and republish
24 without restriction from copyright, patents or other
25 restrictions on control.

26 "Portal." A publicly accessible Internet website.

27 "Reverse auction." A real-time purchasing process in which
28 vendors compete to provide goods or services at the lowest
29 selling price in an open and interactive electronic environment.

30 "Secretary." The Secretary of Administration of the

1 Commonwealth.

2 "State agency." Any of the following:

3 (1) The Governor's Office.

4 (2) A department, board, commission, authority or other
5 agency of the Commonwealth that is subject to the policy
6 supervision and control of the Governor.

7 (3) The office of Lieutenant Governor.

8 (4) An independent agency.

9 SUBCHAPTER B

10 OFFICE OF INFORMATION TECHNOLOGY

11 Sec.

12 4311. Establishment of office.

13 4312. Duties of office.

14 4313. Director.

15 4314. Transfer of additional duties and personnel.

16 4315. Planning and financing information technology resources.

17 4316. Information Technology Fund.

18 4317. Financial accountability and information technology.

19 4318. Commonwealth portal.

20 4319. Statewide information technology transparency portal.

21 4320. State agency requests for information technology and
22 services.

23 4321. Status of information technology projects and corrective
24 action plans.

25 § 4311. Establishment of office.

26 The Office of Information Technology is established within
27 the Governor's Office of Administration to oversee and achieve
28 information technology consolidation and other findings of this
29 chapter.

30 § 4312. Duties of office.

1 (a) Duties generally.--The office shall:

2 (1) Consolidate information technology functions,
3 powers, duties, obligations, infrastructure and support
4 services vested in State agencies.

5 (2) Provide, operate and manage the information
6 technology services for each State agency under the
7 Governor's jurisdiction, including, but not limited to, the
8 following:

9 (i) The development of priorities and strategic
10 plans.

11 (ii) The management of information technology
12 investments, procurement and policy.

13 (iii) Compliance with the provisions of this chapter
14 through consultation and engagement with the secretary of
15 each agency.

16 (3) Notwithstanding any other provisions of law, procure
17 all information technology and information technology as a
18 service for State agencies utilizing the processes under 62
19 Pa.C.S. Ch. 5 (relating to source selection and contract
20 formation). The office shall integrate technological review,
21 cost analysis and procurement for all information technology
22 needs of State agencies to make procurement and
23 implementation of technology more responsive, efficient and
24 cost effective.

25 (4) Determine any changes to staffing or operations
26 regarding information technology.

27 (5) Provide documentation and training to achieve
28 development in the functional responsibilities that shall
29 include:

30 (i) Defining an information technology strategy

- 1 plan.
- 2 (ii) Defining enterprise architecture.
- 3 (iii) Determining technological direction.
- 4 (iv) Defining information technology organization
5 and relationships.
- 6 (v) Managing information technology investment.
- 7 (vi) Communicating management aims and direction.
- 8 (vii) Managing information technology human
9 resources.
- 10 (viii) Managing quality.
- 11 (ix) Assessing risks.
- 12 (x) Managing projects.
- 13 (xi) Identifying automated solutions.
- 14 (xii) Acquiring and maintaining application
15 software.
- 16 (xiii) Acquiring and maintaining technology
17 infrastructure.
- 18 (xiv) Enabling operation and use.
- 19 (xv) Procuring information technology resources.
- 20 (xvi) Managing changes.
- 21 (xvii) Installing and accrediting solutions and
22 changes.
- 23 (xviii) Defining and managing service levels.
- 24 (xix) Managing third-party services.
- 25 (xx) Managing performance and capacity.
- 26 (xxi) Ensuring continuous service.
- 27 (xxii) Ensuring system security.
- 28 (xxiii) Identifying and allocating costs.
- 29 (xxiv) Educating and training users.
- 30 (xxv) Managing service desk and incidents.

1 (xxvi) Managing the configuration.

2 (xxvii) Managing problems.

3 (xxviii) Managing data.

4 (xxix) Managing physical environment.

5 (xxx) Managing operations.

6 (xxxi) Monitoring and evaluating information
7 technology performance.

8 (xxxii) Monitoring and evaluating internal controls.

9 (xxxiii) Ensuring compliance with external
10 requirements.

11 (xxxiv) Providing improved information technology
12 governance.

13 (b) Specific duties.--As part of the general duties under
14 subsection (a), the office shall:

15 (1) Develop and administer a comprehensive long-range
16 plan to ensure the proper management of the information
17 technology resources of the Commonwealth.

18 (2) Set technical standards for information technology
19 and review and approve information technology projects and
20 budgets.

21 (3) Establish information technology security standards.

22 (4) Provide for the procurement of information
23 technology resources.

24 (5) Develop a schedule for the replacement or
25 modification of information technology systems.

26 (6) Prescribe the manner in which information technology
27 assets, systems and personnel shall be provided and
28 distributed among State agencies.

29 (7) Prescribe the manner of inspecting or testing
30 information technology assets, systems or personnel to

1 determine compliance with information technology plans,
2 specifications and requirements.

3 (8) Develop an annual information technology strategic
4 plan that aligns information technology expenditures with
5 each State agency's strategic initiatives and ongoing mission
6 needs, including priorities resource use and expenditures,
7 performance review measures, procurement and other governance
8 and planning measures.

9 (9) Provide guidance, review and approve the information
10 technology plans for each State agency.

11 (10) Obtain guidance and consult with the Office of the
12 Budget on budgetary matters regarding information technology
13 spending and procurement plans.

14 (11) Obtain advice on matters involving overall
15 technology and data governance from academia, private sector
16 and other leading government institutions.

17 (12) Establish and maintain an information technology
18 portfolio management process to prepare and manage the
19 information technology budget, including overall monitoring
20 of information technology program objectives and alignment
21 with administrative priorities, budgets and expenditures.

22 (13) Identify common information technology business
23 functions within each State agency.

24 (14) Make recommendations for consolidation, integration
25 and investment.

26 (15) Facilitate the use of common technology, as
27 appropriate.

28 (16) Ensure the proper use of project management
29 methodologies and principles on information technology
30 projects, including measures to review project delivery and

1 quality.

2 (17) Ensure compliance by each State agency with
3 required business process reviews.

4 (18) Audit the information technology assets of each
5 State agency no later than 547 days after the effective date
6 of this paragraph.

7 (19) Serve as a liaison between State agencies and
8 contracted information technology vendors.

9 (20) Align the appropriate technology and procurement
10 methods with the service strategy.

11 (21) Establish and maintain an information technology
12 architecture that ensures a modern operating environment for
13 agencies and aligns all information technology investments to
14 the information technology strategic plan. This architecture
15 shall include the following, as appropriate:

16 (i) The development of standards, policies,
17 processes and strategic technology roadmaps.

18 (ii) The performance of technical reviews and
19 capability assessments of services, technologies and
20 State agency systems.

21 (iii) The evaluation of requests for information
22 technology policy exceptions.

23 (iv) The ability to incorporate emerging
24 technologies in a cost-effective and timely manner.

25 (22) Develop and implement efforts to standardize data
26 elements and determine data ownership assignments.

27 (23) Establish and operate centers of expertise for
28 specific information technologies and services to serve two
29 or more State agencies on a cost-sharing basis, if the
30 director, after consultation with the Office of the Budget,

1 decides it is advisable from the standpoint of the
2 information technology strategic plan, efficiency and economy
3 to establish these centers and services.

4 (24) Require a State agency served to transfer to the
5 office ownership, custody or control of information
6 processing equipment, supplies and positions required to
7 implement the information technology strategic plan.

8 (25) Develop and promote training programs to
9 efficiently implement, use and manage information technology
10 resources throughout State government.

11 (26) Develop and maintain a comprehensive information
12 technology inventory.

13 (27) Monitor compliance with information technology
14 policy and standards through investment, budgeting and
15 architectural review processes.

16 (28) Maintain and strengthen the Commonwealth's
17 cybersecurity posture through security governance.

18 (29) Develop security solutions, services and programs
19 to protect data and infrastructure.

20 (30) Identify and remediate security risks and maintain
21 citizen trust in securing computerized personal information.

22 (31) Implement programs, processes and solutions to
23 maintain cybersecurity situational awareness and effectively
24 respond to cybersecurity attacks and information technology
25 security incidents.

26 (32) Create a process identifying risks to the success
27 of information technology programs and projects, developing
28 mitigations, incorporating mitigating actions in budgeting
29 and investment and review processes.

30 (33) Conduct evaluations and compliance audits of State

1 agency security infrastructure.

2 (34) Develop and produce cost, risk and quality
3 initiatives that consolidate State agency information
4 technology services, including, but not limited to,
5 infrastructure, personnel, investments, operations and
6 support services necessary to achieve the findings of this
7 chapter.

8 (35) Establish and facilitate a process for the
9 identification, evaluation and optimization of information
10 technology shared services.

11 (36) Establish a process for the following:

12 (i) Developing and implementing telecommunications
13 policies, services and infrastructure.

14 (ii) Reviewing and authorizing State agency requests
15 for enhanced services.

16 (37) Identify opportunities for convergence and
17 leveraging existing assets to reduce or eliminate duplicative
18 telecommunication networks.

19 (38) Establish, maintain and continuously optimize cost
20 and performance of an information technology service
21 management process library and services catalog to govern the
22 services provided to each State agency.

23 (39) Establish a formal operational testing environment
24 to enable the rapid evaluation and introduction of new
25 information technology services and the retiring of existing
26 information technology services.

27 (40) Establish metrics to monitor the health of the
28 services provided and make appropriate corrections as
29 necessary.

30 (41) Establish information technology data management

1 and development policy frameworks throughout each State
2 agency that include policies, processes and standards that
3 adhere to commonly accepted principles for, among other
4 things, data governance, data development and the quality,
5 sourcing, use, accessibility, content, ownership and
6 licensing of open data.

7 (42) Create and maintain a comprehensive open data
8 portal for public accessibility.

9 (43) Provide guidance regarding the procurement of
10 supplies and services related to the subject matter of this
11 chapter.

12 (44) Facilitate communication with the public by
13 publishing open data plans and policies and by soliciting or
14 allowing for public input on the subject matter of this
15 chapter.

16 (45) Ensure the internal examination of Commonwealth
17 data sets for business, confidentiality, privacy and security
18 issues and the reasonable mitigation of those issues, prior
19 to the data's release for open data purposes.

20 (46) Develop and facilitate the engagement with private
21 and other public stakeholders, including, but not limited to,
22 arranging for and expediting data-sharing agreements and
23 encouraging and facilitating cooperation and substantive and
24 administrative efficiencies.

25 (47) Develop and facilitate data sharing and data
26 analytics to minimize redundancy and align information
27 technology spending in a manner that reduces costs and
28 measurably improves Commonwealth agency mission
29 effectiveness.

30 (48) Oversee the information technology contracts of

1 each State agency. The following shall apply:

2 (i) The office shall obtain, review and maintain, on
3 an ongoing basis, records of the appropriations,
4 allotments, expenditures and revenues of each State
5 agency for information technology.

6 (ii) The office shall identify opportunities for
7 consolidation of redundant expenditures that could be
8 more cost effectively provided through multiagency shared
9 services.

10 (iii) The office shall conduct annual reviews of
11 agency programs and contract cost estimates to ensure
12 accuracy and quality in budgetary estimates.

13 (c) Discretionary duties.--Notwithstanding any other
14 provision of law, the office may provide information technology
15 services on a cost-sharing basis to the following:

16 (1) An independent department as requested by the head
17 of the independent department.

18 (2) The General Assembly and its agencies as requested
19 by the President pro tempore of the Senate and the Speaker of
20 the House of Representatives.

21 (3) The judicial branch as requested by the Chief
22 Justice of Pennsylvania.

23 § 4313. Director.

24 (a) Appointment and salary.--The secretary shall appoint the
25 director and set the starting salary of the director.

26 (b) Qualifications.--The director must be qualified by
27 experience for the office and have at least five years of
28 experience dealing with public sector information systems in a
29 State government agency or an equivalent entity. The
30 qualifications shall include, but are not limited to, verifying

1 that an individual has the proper industry certifications
2 necessary to perform the duties under this chapter.

3 (c) Duties.--In addition to other duties specified under
4 this chapter, the director shall:

5 (1) Manage the operations of the office in a manner
6 conducive to achieving the findings of this chapter.

7 (2) Review and approve reports by each State agency
8 concerning information technology assets, systems, personnel
9 and projects and prescribe the form of the reports.

10 (3) Hire personnel as necessary to perform the functions
11 of the office.

12 (4) Provide written determination to the Secretary of
13 the Budget of findings, remediation plan and restructuring
14 actions for programs designated as the color red in
15 accordance with section 4319 (relating to Statewide
16 information technology transparency portal).

17 (5) Notify the Treasury Department in order to suspend
18 funding for a program that has been designated as the color
19 red in accordance with section 4321 (relating to status of
20 information technology projects and corrective action plans).

21 (d) Oversight.--The director shall oversee the manner and
22 means by which information technology business and disaster
23 recovery plans for State agencies are created, reviewed and
24 updated.

25 (e) Disaster recovery plan.--

26 (1) The director shall ensure that each State agency
27 establish a disaster recovery planning team and work with the
28 office to develop a disaster recovery plan and administer and
29 implement the plan.

30 (2) In developing a disaster recovery plan, all of the

1 following shall be completed:

2 (i) Consideration of the organizational, managerial
3 and technical environments in which the plan must be
4 implemented.

5 (ii) An assessment of the types and likely
6 parameters of disasters most likely to occur and the
7 resultant impacts on the State agency's ability to
8 perform its mission.

9 (iii) The listing of the protective measures to be
10 implemented in anticipation of a natural or manmade
11 disaster.

12 (iv) A determination whether the plan is adequate to
13 address information technology security incidents.

14 (3) Each State agency shall submit its disaster recovery
15 plan to the director on an annual basis and as otherwise
16 requested by the director.

17 § 4314. Transfer of additional duties and personnel.

18 Upon the effective date of this section, information
19 technology functions, powers, duties, obligations and services
20 shall be transferred to and organized to the maximum extent
21 practicable into centers that provide shared services to State
22 agencies. The following shall apply:

23 (1) The chief information officer of each State agency
24 or shared service center shall:

25 (i) Report directly to the director.

26 (ii) Work within the chief information officer's
27 respective State agency or shared service center on
28 behalf of the office as an employee of the office.

29 (2) An employee of a State agency who handles or
30 otherwise has responsibility for the State agency's

1 information technology services shall be transferred to the
2 office and operate in the physical location of the State
3 agency or the shared services center supporting that agency,
4 but the employee shall report matters to the office and be
5 supervised by the chief information officer of the State
6 agency or head of the shared services center.

7 (3) The chief information officer of each agency or
8 shared service center shall be responsible for identifying
9 and implementing actions and milestones as required to
10 fulfill the remediation plan determined by the director under
11 section 4313(c)(4) (relating to director).

12 (4) Each State agency shall provide personnel if
13 necessary to participate in project management,
14 implementation, testing, shared services and other activities
15 for an information technology project.

16 § 4315. Planning and financing information technology
17 resources.

18 (a) Development of policies.--The director shall issue
19 necessary policies for State agency information technology
20 planning and financing consistent with the findings under
21 section 4302 (relating to findings and declarations).

22 (b) Development of plan.--

23 (1) The director shall analyze the needs for information
24 and information technology systems and develop a plan to
25 ascertain the needs, costs and time frame required for State
26 agencies to efficiently use information technology systems,
27 resources, security and data management to achieve the
28 purposes of this chapter. The following shall apply:

29 (i) The plan may include current applications and
30 infrastructure, migration from current environments and

1 other information necessary for fiscal or technology
2 planning.

3 (ii) The plan shall include a budget for all
4 information technology expenditures.

5 (2) In consultation with the Secretary of the Budget,
6 the office shall develop and implement a plan to manage all
7 information technology funding, including Commonwealth and
8 other receipts, as soon as practicable. As part of the
9 development and implementation, the following shall apply:

10 (i) Funding for information technology resources,
11 projects and contracts shall be allocated to each
12 Commonwealth agency by the office based on approved
13 business case submissions.

14 (ii) Information technology budget codes and fund
15 codes shall be created as required.

16 (3) The director shall develop strategic plans for
17 information technology as necessary.

18 (c) Consultation and cooperation.--

19 (1) In determining whether a strategic plan is necessary
20 for a State agency, the director shall consider the State
21 agency's operational needs, functions and performance
22 capabilities.

23 (2) The director shall consult with and assist State
24 agencies in the preparation of plans under this subsection.

25 (3) Each State agency shall actively participate in
26 preparing, testing and implementing an information technology
27 plan as determined by the director. A State agency shall
28 provide all financial information to the director necessary
29 to determine full costs and expenditures for information
30 technology assets, including resources provided by the State

1 agency or through contracts or grants.

2 (4) Each State agency shall prepare and submit plans as
3 required by the director.

4 (5) A plan by a State agency shall be submitted to the
5 director no later than October 1 of each even-numbered year.

6 (d) Biennial plan.--

7 (1) The director shall develop a biennial State
8 Information Technology Plan, which shall be transmitted to
9 the General Assembly in conjunction with the Governor's
10 budget submission that year.

11 (2) The biennial plan shall include:

12 (i) An inventory of current information technology
13 assets and major projects.

14 (ii) An inventory of significant unmet needs for
15 information technology resources over a five-year time
16 period, along with a ranking of the unmet needs in
17 priority order according to their urgency.

18 (iii) A statement of the financial requirements,
19 together with a recommended funding schedule for major
20 projects in progress or anticipated for approval during
21 the upcoming fiscal biennium.

22 (iv) An analysis of opportunities for Statewide
23 initiatives that would yield significant efficiencies or
24 improve effectiveness in State programs.

25 (3) As used in this subsection, the term "major project"
26 includes a project costing more than \$500,000 to implement.
27 § 4316. Information Technology Fund.

28 (a) Establishment.--An account is established in the General
29 Fund to be known as the Information Technology Fund.

30 (b) Receipt of money.--The fund shall receive money for the

1 operations of the office and to fulfill the duties of the office
2 under this chapter by the following methods:

3 (1) The transfer of encumbered funds from each State
4 agency which were designated for information technology
5 purposes prior to the effective date of this section.

6 (2) Transfers as authorized by the General Assembly that
7 are not already provided for under this section.

8 (3) The transfer of a portion of a State agency's funds
9 regarding general government operations for information
10 technology employees.

11 (c) Use of fund money.--

12 (1) Subject to paragraph (2), the director shall approve
13 the disbursement of money from the fund, which shall be used
14 for the following purposes and other legitimate purposes:

15 (i) Project management.

16 (ii) Security.

17 (iii) Email operations for State agencies under the
18 policy supervision and jurisdiction of the Governor.

19 (iv) State portal operations.

20 (v) State agencies' annual information technology
21 budget.

22 (vi) Operations of the office, including salaries
23 and expenses of all State agency information technology
24 personnel.

25 (2) Expenditures for the operations of the office made
26 from the fund that involve money appropriated from the
27 General Fund shall be approved by the director.

28 § 4317. Financial accountability and information technology.

29 (a) Development of processes.--Subject to subsection (b),
30 the office, along with the Secretary of the Budget and the State

1 Treasurer, shall develop processes for budgeting and accounting
2 of expenditures for information technology operations, including
3 all Commonwealth personnel, services, projects, infrastructure
4 and assets across all State agencies.

5 (b) Included information.--The budgeting and accounting
6 processes under subsection (a) shall include, but not be limited
7 to, information regarding the following:

8 (1) Hardware.

9 (2) Software.

10 (3) Personnel.

11 (4) Training.

12 (5) Contractual services, including cloud service
13 providers.

14 (6) Other items relevant to information technology.

15 (c) Significant resources.--State agency requests for
16 significant resources shall provide the information required in
17 section 4320 (relating to State agency requests for information
18 technology and services).

19 (d) Reports generally.--Subject to subsections (e) and (f),
20 by February 1 of each year, the director shall report to the
21 General Assembly the following information:

22 (1) Services currently provided and associated
23 transaction volumes or other relevant indicators of
24 utilization by user type.

25 (2) New services added during the previous year.

26 (3) The total appropriation for each service.

27 (4) The total amount remitted to the vendor for each
28 service.

29 (5) Any other use of State data by the vendor and the
30 total amount of revenue collected per use and in total.

1 (6) User satisfaction with each service.

2 (7) Any other issues associated with the provision of
3 each service.

4 (e) Financial information.--The director shall, at a
5 minimum, include in the report under subsection (d) the
6 following financial information:

7 (1) Current budgetary balances for the fund and each
8 information technology project.

9 (2) Line-item details on expenditures.

10 (3) Anticipated expenditures for the next four years.

11 (4) Cybersecurity expenditures for the previous and next
12 four years by each agency.

13 (5) The financial activities of the fund, including fund
14 expenditures, during the immediately prior fiscal year.

15 (f) Issuance.--In addition to the General Assembly, a report
16 under subsection (c) shall be submitted to the following:

17 (1) The Secretary of the Budget.

18 (2) The Independent Fiscal Office.

19 § 4318. Commonwealth portal.

20 The office shall establish a single point of service
21 accessible electronically by means in use by residents of this
22 Commonwealth. The following shall apply:

23 (1) Each State agency shall functionally link its
24 Internet or electronic services to a centralized web portal
25 system established under this chapter.

26 (2) The office shall ensure the portal facilitates
27 Commonwealth residents' ease in conducting online
28 transactions with and obtaining information from State
29 government.

30 (3) The portal shall be designed to facilitate and

1 improve public interactions along with communications between
2 State agencies.

3 § 4319. Statewide information technology transparency portal.

4 (a) Implementation.--Within one year of the effective date
5 of this chapter, the office shall develop, operate and update
6 regularly a web-based portal detailing the status of each of the
7 Commonwealth's information technology projects, to increase the
8 transparency and convenience for the public in obtaining
9 information regarding State information technology activity as
10 contained in section 4317 (relating to financial accountability
11 and information technology).

12 (b) Contents.--The portal shall include the following:

13 (1) A brief summary of each information technology
14 project.

15 (2) The approved budget of each project.

16 (3) The total and percent of the project's approved
17 budget that has been expended by the agency based on the end
18 balance from the prior business day along with a color
19 designation as follows:

20 (i) If an information technology project is under
21 the project's approved budget, the project shall be
22 designated as the color green.

23 (ii) If an information technology project is over
24 the project's approved budget, the project shall be
25 designated as the color red.

26 (4) The completion date in the original contract along
27 with the total percent of work for the project that has been
28 completed, along with a color designation as follows:

29 (i) If an information technology project has not
30 exceeded the completion date in the original contract,

1 the project shall be designated as the color green.

2 (ii) If an information technology project has
3 exceeded the completion date in the original contract,
4 the project shall be designated as the color red.

5 (5) A summary of the scope of work along with a color
6 designation as follows:

7 (i) If an information technology project is meeting
8 the scope of work in the original contract, the project
9 shall be designated as the color green.

10 (ii) If an information technology project is not
11 meeting the scope of work in the original contract, the
12 project shall be designated as the color red.

13 (6) A summary of the performance requirements of the
14 contract, along with a color designation as follows:

15 (i) If an information technology project is meeting
16 the performance requirements in the original contract,
17 the project shall be designated as the color green.

18 (ii) If an information technology project is not
19 meeting the performance measures in the original
20 contract, the project shall be designated as the color
21 red.

22 (c) Posting.--Posting of draft and final policy documents
23 shall be made within 90 days of the effective date of this
24 section.

25 (1) The office shall make available all proposed and
26 existing information technology related policies and laws by
27 an intranet accessible to all State employees.

28 (2) The policy intranet documents shall be made
29 available via the web-based portal when deployed.

30 § 4320. State agency requests for information technology and

1 services.

2 A State agency shall submit a business case to the office,
3 requesting significant resources as defined by the director, for
4 the purpose of acquiring, operating or maintaining information
5 technology or services for the State agency. The office shall
6 supply sufficient staff support for agency business case
7 development. The following shall apply regarding the business
8 case:

9 (1) A review and evaluation shall be made of the
10 business case that is prepared by the chief information
11 officer assigned to the State agency that includes an
12 assessment of risk and ensures that the cost and schedule
13 estimates incorporate the risk assessment.

14 (2) In cases of an acquisition, there shall be an
15 explanation of the method by which the acquisition is to be
16 financed.

17 (3) A statement shall be made by the chief information
18 officer assigned to the State agency that specifies viable
19 alternatives, if any, for meeting the State agency needs in
20 an economical and efficient manner. The statement shall
21 include an analysis of alternatives that identifies the best
22 approach for achieving mission improvement or program results
23 within available funding and that takes into consideration
24 the following:

25 (i) Organization, process and technology options.

26 (ii) At least three alternatives, including the
27 status quo, a shared service or external service option
28 and any other alternatives consistent with the
29 architecture and strategy developed by the office.

30 (4) An assessment of and plan for ensuring cybersecurity

1 and privacy issues shall be incorporated and funded in the
2 request for resources.

3 § 4321. Status of information technology projects and
4 corrective action plans.

5 (a) Designation.--With respect to a business case under
6 section 4320 (relating to State agency requests for information
7 technology and services), the office shall designate as red, as
8 specified under section 4319 (relating to Statewide information
9 technology transparency portal), and identify a remediation
10 plan, including contract and program restructuring, for programs
11 experiencing cost or schedule overruns or performance shortfall
12 exceeding the business case as funded. The following shall
13 apply:

14 (1) The remediation plan and restructuring actions shall
15 address root causes of the program and contract cost,
16 performance or schedule overruns.

17 (2) The office shall ensure the business case is updated
18 to establish a new baseline of cost, schedule and performance
19 objectives that reflect the remediation plan and
20 restructuring action.

21 (3) Upon determining that an information technology
22 project has been designated red, the office shall notify the
23 Governor's Office, the Auditor General and the General
24 Assembly.

25 (4) The remediation plan and restructuring action shall
26 be finalized within 60 days from notification.

27 (b) Transmittal.--The finalized corrective action plan shall
28 be sent to the General Assembly and the Auditor General.

29 (c) Additional requirements.--The director shall notify the
30 State Treasurer to suspend future expenditure of funds for any

1 technology project that is designated as red under this section
2 and that fails to adopt a remediation plan within the time
3 outlined under this section. The following shall apply:

4 (1) If a State agency adopts within the time allowed
5 under this section a remediation plan, but the project's
6 designation remains red following implementation of the plan,
7 the director shall require the agency to adopt a new
8 remediation plan or may, at the director's discretion,
9 suspend or terminate the project.

10 (2) To implement this section, the director and each
11 State agency shall include as part of contract provisions
12 necessary to suspend payment for the failure of a contractor
13 or vendor to complete the requirements of the contract on
14 time or on budget.

15 SUBCHAPTER C

16 BUSINESS OPERATIONS

17 Sec.

18 4331. Reporting requirements regarding procurement.

19 4332. Communications services.

20 4333. Project approval standards.

21 4334. Project management standards.

22 4335. Dispute resolution.

23 4336. Purchase of certain equipment prohibited.

24 4337. Refurbished computer equipment purchasing program.

25 4338. Data on reliability and other matters.

26 § 4331. Reporting requirements regarding procurement.

27 (a) Bids.--A vendor submitting a bid or proposal shall
28 disclose in a statement, provided contemporaneously with the bid
29 or proposal, where services will be performed under the contract
30 sought, including any subcontracts, and whether any services

1 under that contract, including any subcontracts, are anticipated
2 to be performed outside the United States.

3 (b) Retention and reports.--The director shall:

4 (1) Retain the statements required by this section
5 regardless of the State agency that awards the contract.

6 (2) Report annually to the secretary on the number of
7 contracts.

8 (c) Records of purchases.--Each State agency that makes a
9 purchase of information technology through the office shall
10 report directly to the director, who shall keep annual records
11 of information technology purchases.

12 (d) Effect of section.--Nothing in this section is intended
13 to contravene any existing treaty, law, agreement or regulation
14 of the United States.

15 § 4332. Communications services.

16 Except as otherwise provided under Subchapter G (relating to
17 Pennsylvania Statewide Radio Network), the director shall
18 exercise authority for telecommunications and other
19 communications included in information technology relating to
20 the internal management and operations of a State agency. In
21 discharging this responsibility, the director shall:

22 (1) Ensure that no data of a confidential nature shall
23 be entered into or processed through an information
24 technology system or network established under this chapter
25 until appropriate safeguards and other security measures are
26 approved by the director and installed and fully operational.

27 (2) Provide for the establishment, management and
28 operation, through State ownership, by contract or through
29 commercial leasing, of the following systems and services as
30 they affect the internal management and operation of State

1 agencies:

2 (i) Central telephone systems and telephone
3 networks, including Voice over Internet Protocol and
4 commercial mobile radio systems.

5 (ii) Satellite services.

6 (iii) Closed-circuit television systems.

7 (iv) Two-way radio systems.

8 (v) Microwave systems.

9 (vi) Related systems based on telecommunication
10 technologies.

11 (vii) Broadband.

12 (3) Coordinate the development of cost-sharing systems
13 for respective State agencies for their proportionate parts
14 of the cost of maintenance and operation of the systems and
15 services listed in this section.

16 (4) Assist in the development of coordinated
17 telecommunications services or systems within and among all
18 State agencies and recommend, where appropriate, cooperative
19 utilization of telecommunication facilities by aggregating
20 users.

21 (5) Perform traffic analysis and engineering for all
22 telecommunications services and systems listed in this
23 section.

24 (6) Establish telecommunications specifications and
25 designs so as to promote and support compatibility of the
26 systems within State agencies.

27 (7) Provide every three years an inventory of
28 telecommunications costs, facilities, systems and personnel
29 within State agencies.

30 (8) Promote, coordinate and assist in the design and

1 engineering of emergency telecommunications systems,
2 including, but not limited to, the 911 emergency telephone
3 number program, emergency medical services and other
4 emergency telecommunications services.

5 (9) Perform frequency coordination and management for
6 State agencies and municipalities, in accordance with the
7 rules and regulations of the Federal Communications
8 Commission or any successor Federal agency.

9 (10) Advise all State agencies on telecommunications
10 management planning and related matters and provide
11 opportunities for training to users within State agencies in
12 telecommunications technology and systems.

13 (11) Assist and coordinate the development of policies
14 and long-range plans, consistent with the protection of
15 residents' rights to privacy and access to information, for
16 the acquisition and use of telecommunications systems. All
17 policies and plans shall be based on current information
18 about the Commonwealth's telecommunications activities in
19 relation to the full range of emerging technologies.

20 § 4333. Project approval standards.

21 (a) Review and approval.--The director shall review all
22 proposed information technology projects for each State agency
23 and make a determination of approval or disapproval within 15
24 business days of receipt. Project approval may be granted upon
25 the director's determination that:

26 (1) the project conforms to project management
27 procedures and policies and to procurement rules and
28 policies; and

29 (2) sufficient funds are available for implementation.

30 (b) Implementation.--Unless expressly exempt within this

1 chapter, a State agency may not proceed with an information
2 technology project until the director approves the project.

3 (c) Disapproval.--If a project is not approved, the director
4 shall specify in writing the grounds for the disapproval after
5 making the determination. The director shall provide notice of
6 the disapproval, along with the grounds for the disapproval, to
7 all of the following:

- 8 (1) The State agency.
- 9 (2) The Secretary of the Budget.
- 10 (3) The State Treasurer.
- 11 (4) The Auditor General.
- 12 (5) The General Assembly.

13 (d) Suspension.--

14 (1) The director may suspend an information technology
15 project if the project:

- 16 (i) fails to meet the applicable quality assurance
17 standards;
- 18 (ii) has exceeded its projected costs; or
- 19 (iii) has failed to meet its projected completion
20 date.

21 (2) If the director suspends a project for a reason
22 under paragraph (1), the director shall specify in writing
23 the grounds for suspending the project no later than five
24 business days after making the determination. The director
25 shall provide notice of the suspension, along with the
26 grounds for suspension, to all of the following:

- 27 (i) The State agency.
- 28 (ii) The Secretary of the Budget.
- 29 (iii) The State Treasurer.
- 30 (iv) The Auditor General.

1 (v) The General Assembly.

2 (vi) A vendor or organization contracted by the
3 respective State agency for work on the suspended
4 project.

5 (3) After a project has been suspended, the State
6 Treasurer may not allow the transfer of money from the State
7 agency to support additional work under the project unless
8 the director approves an amended version of the plan for the
9 project.

10 (4) If a State agency attempts to continue to implement
11 a project that is no longer approved by the director and
12 expend additional money for the project, the State Treasurer
13 shall prevent the transfer of funds and remit the intended
14 expenditures into the fund. After remitting the unauthorized
15 expenditure, the State Treasurer shall immediately notify the
16 following:

17 (i) The director.

18 (ii) The Governor.

19 (iii) The Secretary of the Budget.

20 (iv) The General Assembly.

21 § 4334. Project management standards.

22 (a) Personnel.--Each State agency shall provide personnel if
23 necessary to participate in project management, implementation,
24 testing and other activities for an information technology
25 project.

26 (b) Policies.--The director shall develop office policies
27 for implementing an approved project, whether the project is
28 undertaken in single or multiple phases or components.

29 (c) Project management assistant.--

30 (1) The director may designate a project management

1 assistant to implement an information technology project of a
2 State agency.

3 (2) A project management assistant for a State agency
4 shall:

5 (i) Advise the State agency regarding the initial
6 planning of an information technology project, the
7 content and design of a request for proposals, contract
8 development, procurement and architectural and other
9 technical reviews.

10 (ii) Monitor progress in the development and
11 implementation of an information technology project.

12 (iii) Provide status reports to the State agency and
13 the director, including recommendations regarding
14 continued approval of an information technology project.

15 (3) Personnel of the State agency to which a project
16 management assistant is designated shall provide periodic
17 reports to the project management assistant regarding an
18 information technology project. Each report shall include
19 information regarding the following:

20 (i) The State agency's business requirements.

21 (ii) Applicable laws and regulations.

22 (iii) Project costs.

23 (iv) Issues related to hardware, software or
24 training.

25 (v) Projected and actual completion dates for the
26 project.

27 (vi) Any other information related to the
28 implementation of the project.

29 § 4335. Dispute resolution.

30 (a) Right to request for review.--If the director has

1 disapproved or suspended an information technology project or
2 has disapproved a State agency's request for an amended version
3 of the plan for the project, the affected State agency may
4 request the director to revisit the determination about the
5 project. The request for review shall be submitted in writing to
6 the director within 15 business days following the State
7 agency's receipt of the disapproval or suspension.

8 (b) Contents of request for review.--A request for review
9 under subsection (a) shall specify the grounds for the State
10 agency's disagreement with the director's determination. The
11 State agency shall include with its request a plan to modify the
12 project to meet the director's concerns.

13 (c) Notification.--

14 (1) Within 30 days after initial receipt of a State
15 agency's request for review, the director shall notify the
16 State agency whether or not the project, as modified, may be
17 implemented.

18 (2) If the director approves the implementation of a
19 modified project by a State agency, the director shall notify
20 the State Treasurer and the Secretary of the Budget
21 immediately. The State agency shall notify all contracted
22 third parties of any changes or modifications to the project.

23 § 4336. Purchase of certain equipment prohibited.

24 (a) Determination.--A State agency may not purchase
25 information technology equipment or televisions, or enter into a
26 contract with a manufacturer, unless the director determines
27 that the purchase or contract is in compliance with the
28 requirements under this chapter and existing State law regarding
29 the procurement of information technology equipment and
30 televisions.

1 (b) Findings.--If the director determines that a purchase or
2 contract is not in compliance with the requirements under this
3 chapter or existing State law regarding the procurement of
4 information technology equipment and televisions, the director
5 shall issue written findings regarding the noncompliance to the
6 State agency.

7 § 4337. Refurbished computer equipment purchasing program.

8 (a) Option.--The office shall offer a State agency the
9 option of purchasing, leasing or using refurbished computer
10 equipment from registered computer equipment refurbishers
11 whenever most appropriate to meet the respective needs of the
12 State agency.

13 (b) Savings.--A State agency shall document any savings
14 resulting from the purchase of refurbished computer equipment,
15 including, but not limited to, the initial acquisition cost and
16 operations and maintenance costs. The savings shall be reported
17 annually to:

18 (1) The director.

19 (2) The General Assembly.

20 (c) Requirements.--Participating computer equipment
21 refurbishers shall meet all existing procurement requirements
22 established by the office.

23 § 4338. Data on reliability and other matters.

24 (a) Maintenance of data.--The office shall maintain data on
25 equipment reliability, potential cost savings and matters
26 associated with the refurbished computer equipment purchasing
27 program.

28 (b) Report.--The office shall transmit a report regarding
29 the matters under subsection (a) by February 1, 2024, and
30 quarterly thereafter to:

1 technology goods and services needed and required by State
2 agencies.

3 (6) Ensure, to the maximum extent practicable, that
4 projects utilize Statements of Objectives when issuing
5 solicitations for information technology projects that are
6 for noncommodity hardware. The following shall apply:

7 (i) As used in this paragraph, the term "Statement
8 of Objective" means an office-prepared or State-agency-
9 prepared document incorporated into the solicitation that
10 states the overall performance objectives or outcomes of
11 the project.

12 (ii) A Statement of Objective shall be used in
13 solicitations when the office or State agency intends to
14 provide the maximum flexibility to each offeror to
15 propose an innovative approach.

16 (iii) A Statement of Objective may be used in lieu
17 of a detailed statement of work that dictates detailed
18 requirements that stifle flexible, innovation solutions.

19 (b) Specific duties of State agencies.--Subject to the
20 provisions of this chapter and consistent with the processes
21 enacted under 62 Pa.C.S. Ch. 5, each State agency shall have the
22 authority and responsibility to issue purchase orders under
23 contracts entered by the office.

24 § 4346. Confidentiality.

25 (a) Contract information.--Subject to subsection (b),
26 contract information compiled by the office shall be made a
27 matter of public record after the award of contract.

28 (b) Proprietary information.--Trade secrets, test data and
29 similar proprietary information and security information
30 protected from disclosure under Federal or State law shall

1 remain confidential.

2 § 4347. Methods of procurement.

3 (a) Electronic procurement.--

4 (1) The office may authorize the use of an electronic
5 procurement system to conduct a reverse auction and
6 electronic bidding on existing multiple-award contracts.

7 (2) The following shall apply regarding reverse
8 auctions:

9 (i) The vendor's price may be revealed during the
10 reverse auction.

11 (ii) The office may contract with a third-party
12 vendor to conduct the reverse auction.

13 (iii) Offers or bids may be accepted and contracts
14 may be entered by use of electronic bidding.

15 (iv) All requirements relating to formal and
16 competitive bids, including advertisement, seal and
17 signature, are satisfied when a procurement is conducted
18 or a contract is entered in compliance with the reverse
19 auction or electronic bidding requirements established by
20 the office.

21 (v) The office shall limit the use of reverse
22 auctions in procurement of information technology to the
23 acquisition of information technology hardware.

24 (vi) The office shall not use reverse auctions for
25 the procurement of information technology services,
26 hardware software or solutions that incorporate both
27 information technology hardware and services, including,
28 but not limited to, cloud-based information technology
29 solutions.

30 (3) As used in this subsection, "existing multiple-award

1 contracts" means one or more contracts where the same or
2 similar goods are being procured by State agencies.

3 (b) Bulk purchasing.--

4 (1) The director shall establish procedures for the
5 procurement of information technology through bulk purchases.

6 The procedures may include the following:

7 (i) The aggregation of hardware purchases.

8 (ii) The use of formal bid procedures.

9 (iii) Restrictions on supplemental staffing.

10 (iv) Enterprise software licensing, hosting and
11 multiyear maintenance agreements.

12 (v) Information technology as a service.

13 (2) The director may require State agencies to submit
14 information technology procurement requests to the department
15 on October 1, January 1 and June 1, or another regularly
16 occurring schedule, of each fiscal year in order to allow for
17 bulk purchasing.

18 (c) Most advantageous offer.--All bids or offers to
19 contract, whether through competitive sealed bidding or other
20 procurement method under 62 Pa.C.S. Ch. 5 (relating to source
21 selection and contract formation), shall be subject to
22 evaluation and selection by acceptance of the most advantageous
23 offer to the Commonwealth.

24 (d) Considerations.--Evaluation of an information technology
25 purchase shall take into consideration the following factors:

26 (1) The best value of the purchase.

27 (2) Compliance with information technology project
28 management policies.

29 (3) Compliance with information technology security
30 standards and policies.

1 (1) The director shall establish a Statewide set of
2 standards for information technology security to maximize the
3 functionality, security and interoperability of the
4 Commonwealth's distributed information technology assets,
5 including:

6 (i) Data classification.

7 (ii) Management.

8 (iii) Communications.

9 (iv) Encryption technologies.

10 (2) The standards under this subsection shall conform to
11 the industry's best practices and standards regarding
12 information technology security.

13 (b) Review and revision.--The director shall review and
14 revise the security standards annually as necessary. As part of
15 this function, the director shall review periodically existing
16 security standards and practices in place among the various
17 State agencies to determine whether those standards and
18 practices meet Statewide security and encryption requirements.

19 (c) Assumption of responsibilities.--The director may assume
20 the direct responsibility of providing for the information
21 technology security of a State agency that fails to adhere to
22 security standards adopted under this chapter.

23 § 4352. Security standards and risk assessments.

24 (a) Authorization to operate.--Notwithstanding any other
25 provision of law and except as otherwise provided by this
26 chapter, all information technology security goods, software or
27 services purchased using taxpayer money, or for use by a State
28 agency or in a public facility, shall require an authorization
29 to operate by the head of the State agency in accordance with
30 security standards under this chapter. No information technology

1 system or service may be operated by, or in support of, a State
2 agency without an authorization to operate.

3 (b) Standards.--The director shall define a risk-based set
4 of control standards that identify specific security and privacy
5 protections for all information technology and information
6 technology services in line with the specific threats and risks
7 to the residents of this Commonwealth and State agency
8 operations.

9 (c) Assessments.--The director shall conduct risk
10 assessments to identify compliance and operational and strategic
11 risks to the information technology network and agency
12 operations. The following shall apply:

13 (1) The assessments may include methods such as
14 penetration testing, social engineered security threats or
15 similar assessment methodologies.

16 (2) The director may contract with another party to
17 perform the assessments.

18 (3) The following assessment reviews shall be performed
19 prior to the information security audit under subsection (e)
20 and the assessment shall be performed consistent with the
21 Federal information processing standards:

22 (i) Identity management.

23 (ii) Security incident management.

24 (iii) Network perimeter security.

25 (iv) Systems development.

26 (v) Project management.

27 (vi) Information technology risk management.

28 (vii) Data management.

29 (viii) Vulnerability management.

30 (4) Detailed reports of the risk and security issues

1 identified in the assessments shall be reported to the
2 director and shall be kept confidential.

3 (5) The agency head, in consultation with the office,
4 shall identify corrective or mitigating actions as needed.

5 (d) Interim authority to operate.--If the agency head
6 determines that the information technology system or service is
7 needed, the agency head may seek authorization from the director
8 for a period not longer than 180 days to implement the
9 corrective or mitigating actions.

10 (e) Security audit.--

11 (1) The director shall contract with an independent
12 certified information security auditor or entity to perform
13 an information security audit of State agencies.

14 (2) The director shall determine a schedule for
15 continuous State agency information security audits.

16 (f) Notification and audits.--The following shall apply:

17 (1) The party conducting the assessment or audit shall
18 provide the director and head of the reviewed State agency
19 with a detailed report of the security issues identified,
20 which shall not be publicly disclosed.

21 (2) The State agency, in cooperation with the office,
22 shall provide the director with a corrective action plan that
23 remediates issues identified in the detailed report under
24 paragraph (1), which shall not be publicly disclosed.

25 (3) The director shall issue a public report on the
26 general results of the assessment that shall be accessible on
27 the portal under section 4319 (relating to Statewide
28 information technology transparency portal).

29 (g) Effect of section.--Nothing in this section shall be
30 construed to preclude the Auditor General or the General

1 Assembly from assessing the security practices of State
2 information technology systems as part of its statutory duties
3 and responsibilities.

4 § 4353. Assessment of compliance with security standards.

5 (a) Frequency.--The director shall biannually assess the
6 ability of each State agency's contracted vendors to comply with
7 the current security standards established under this chapter.

8 (b) Contents.--The director shall establish a quantifiable
9 objective metric that measures the degree of compliance with
10 current security standards. The assessment under this section
11 shall, at a minimum:

12 (1) Quantify the degree of compliance with the current
13 security standards using the metric.

14 (2) Include security organization, security practices,
15 security information standards, network security
16 architecture, systems development and lifecycle management
17 and current expenditures of State funds for information
18 security.

19 (3) Include an estimate of the cost to implement the
20 security measures needed for State agencies to fully comply
21 with the established standards.

22 (c) Submittal of information.--Each State agency shall
23 submit information required by the director for the assessments
24 under this section.

25 § 4354. Joint Cybersecurity Oversight Committee.

26 (a) Establishment and membership.--The Joint Cybersecurity
27 Oversight Committee is established and shall consist of the
28 following members:

29 (1) The director.

30 (2) The following individuals appointed by the President

1 pro tempore of the Senate:

2 (i) Two members of the Senate.

3 (ii) A representative from the Information
4 Technology Office of the majority caucus of the Senate.

5 (3) The following individuals appointed by the Minority
6 Leader of the Senate:

7 (i) One member of the Senate.

8 (ii) A representative from the Information
9 Technology Office of the minority caucus of the Senate.

10 (4) The following individuals appointed by the Speaker
11 of the House of Representatives:

12 (i) Two members of the House of Representatives.

13 (ii) A representative from the Information
14 Technology Office of the majority caucus of the House of
15 Representatives.

16 (5) The following individuals appointed by the Minority
17 Leader of the House of Representatives:

18 (i) One member of the House of Representatives.

19 (ii) A representative from the Information
20 Technology Office of the minority caucus of the House of
21 Representatives.

22 (6) The Attorney General or a designee of the Attorney
23 General.

24 (7) The chief information officer of:

25 (i) The Department of the Auditor General.

26 (ii) The Treasury Department.

27 (iii) The Office of Attorney General.

28 (iv) The Administrative Office of Pennsylvania
29 Courts.

30 (v) The Pennsylvania Public Utility Commission.

1 (8) Four private citizens appointed by the Governor with
2 professional cybersecurity experience.

3 (9) The Commissioner of the Pennsylvania State Police or
4 a designee of the commissioner.

5 (10) A member of the National Guard experienced in
6 cybersecurity, as appointed by the Adjutant General.

7 (b) Chairperson and vice chairperson.--The chairperson of
8 the committee shall be appointed by the Governor, and the vice
9 chairperson of the committee shall be appointed by the
10 chairperson.

11 (c) Staffing.--

12 (1) The committee shall be staffed by the office, which
13 shall support and assist the committee.

14 (2) Costs incurred for mileage for a member shall be
15 reimbursed by the individual or entity appointing the member.

16 (d) Service of members.--Each member of the committee shall
17 serve at the pleasure of the individual who appointed the
18 member.

19 (e) Vacancies.--A vacancy in the membership of the committee
20 shall be filled by the appointing authority in the same manner
21 as the original appointment.

22 (f) Meetings.--

23 (1) The committee shall meet at least on a quarterly
24 basis and no later than the first Thursday of each quarter.

25 (2) The chairperson of the committee, with the consent
26 of the vice chairperson of the committee, may schedule
27 additional meetings of the committee.

28 (3) The chairperson of the committee shall provide the
29 members of the committee with notice of the time and location
30 of each meeting of the committee no later than one week prior

1 to the meeting. Notice shall also be provided to the
2 Governor, the President pro tempore of the Senate and the
3 Speaker of the House of Representatives.

4 (4) Notice of the meetings of the committee shall be
5 provided by regular mail and email.

6 (5) A member of the committee may participate in a
7 meeting of the committee in person, by teleconference, by
8 video conference or by other means as agreed to by the
9 chairperson and vice chairperson of the committee.

10 (6) A meeting of the committee shall not be subject to
11 65 Pa.C.S. Ch. 7 (relating to open meetings).

12 (7) A meeting held by the Committee in which the
13 committee accepts testimony shall comply with 65 Pa.C.S. Ch.
14 7.

15 (g) Duties.--

16 (1) The committee shall review and coordinate
17 cybersecurity policies and discuss emerging cybersecurity
18 threats, recommended policy changes and assess current
19 cybersecurity within this Commonwealth.

20 (2) The committee shall prepare a report of its
21 activities, which shall be transmitted to the following:

22 (i) The Governor.

23 (ii) The President pro tempore of the Senate.

24 (iii) The Speaker of the House of Representatives.

25 (iv) The Majority Leader and the Minority Leader of
26 the Senate.

27 (v) The Majority Leader and the Minority Leader of
28 the House of Representatives.

29 (vi) The Court Administrator of Pennsylvania.

30 (h) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Committee." The Joint Cybersecurity Oversight Committee
4 established under this section.

5 SUBCHAPTER F

6 ENFORCEMENT AND PENALTIES

7 Sec.

8 4361. Administrative and judicial review.

9 4362. Unauthorized use for private benefit prohibited.

10 4363. Financial interests.

11 4364. Certification of submittal without collusion.

12 § 4361. Administrative and judicial review.

13 Actions taken by the director under this chapter shall be
14 subject to review in accordance with 2 Pa.C.S. Chs. 5 (relating
15 to practice and procedure) and 7 (relating to judicial review).

16 § 4362. Unauthorized use for private benefit prohibited.

17 (a) Offense.--It is unlawful for any person, by the use of
18 the powers, policies or procedures, to purchase, attempt to
19 purchase, procure or attempt to procure any property or services
20 for private use or benefit.

21 (b) Criminal penalties and fines.--A person that violates
22 subsection (a) commits a misdemeanor of the first degree. Upon
23 conviction, the person shall be liable to the Commonwealth to
24 repay any amount expended in violation of this chapter, together
25 with any court costs.

26 § 4363. Financial interests.

27 (a) Offense.--

28 (1) The director, any other policymaking employee of the
29 office and any employee of a State agency involved in
30 management or oversight, including contract administration,

1 of the information technology project may not have a
2 financial interest or personal beneficial interest, either
3 directly or indirectly, in the purchase of or contract for
4 information technology. The financial interest or personal
5 interest shall extend to a corporation, partnership, company,
6 trust, association or other entity furnishing information
7 technology to the Commonwealth or any of its State agencies.

8 (2) An official covered in paragraph (1) may not accept
9 or receive, directly or indirectly, any of the following:

10 (i) Anything of monetary or other value, whether by
11 rebate, gift or otherwise.

12 (ii) A promise, obligation or contract for future
13 reward, employment or compensation, regardless of the
14 business or nonbusiness nature of the promise, obligation
15 or contract.

16 (b) Criminal penalties.--A person that violates subsection
17 (a) commits a felony of the third degree. Upon conviction, the
18 person shall be removed from office or State employment.

19 § 4364. Certification of submittal without collusion.

20 (a) Duty.--The director shall require bidders under this
21 chapter to certify that each bid on information technology
22 contracts overseen by the office is submitted competitively and
23 without collusion.

24 (b) Grading.--A person that provides a false certification
25 under this section commits a misdemeanor of the first degree.

26 SUBCHAPTER G

27 PENNSYLVANIA STATEWIDE RADIO NETWORK

28 Sec.

29 4371. Definitions.

30 4372. Administration of PA-STARNet.

1 4373. PA-STARNet Committee.

2 § 4371. Definitions.

3 The following words and phrases when used in this subchapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Business partner." An organization that has entered into an
7 agreement with the Commonwealth under which it offers some form
8 of nonmonetary consideration, such as frequency licenses or
9 sites for system infrastructure, in return for permission to use
10 PA-STARNet for radio communications.

11 "Committee." The PA-STARNet Committee established under
12 section 4373 (relating to PA-STARNet Committee).

13 "Emergency communications." The means and methods for
14 exchanging communications and information necessary for
15 successful incident management.

16 "First responder." An individual who in the early stages of
17 an incident is responsible for the protection and preservation
18 of life, property, evidence and the environment, including
19 emergency response providers as that term is defined in 6 U.S.C.
20 § 101 (relating to definitions).

21 "Participating agency." A government agency, public safety
22 organization, first responder organization, business partner or
23 other organization.

24 "Pennsylvania Statewide Radio Network" or "PA-STARNet." A
25 Statewide radio network comprising a communication and
26 information infrastructure connected by a digital microwave
27 system for transmission of voice and data, including all
28 frequency bands and other system extensions owned and operated
29 by the Commonwealth and connected to the core digital trunked
30 radio network operating in the 800 megahertz (MHz) public safety

1 frequency band and in other public safety frequency bands
2 licensed by the Federal Communications Commission (FCC), or to
3 the microwave backbone network.

4 "Public safety communications." The means and methods for
5 transmitting and receiving information necessary for the conduct
6 of services rendered by or through Federal, State or local
7 government entities in support of the protection and
8 preservation of life, property and natural resources, as
9 prescribed by law.

10 "State police." The Pennsylvania State Police.
11 § 4372. Administration of PA-STARNet.

12 (a) Authority.--The State police, through a PA-STARNet
13 division, shall develop, operate, regulate, manage, maintain and
14 monitor PA-STARNet, including PA-STARNet infrastructure,
15 equipment, software, services and licenses.

16 (b) Purposes.--The State police shall administer PA-STARNet
17 for:

- 18 (1) the benefit of the participating agencies;
19 (2) the support of effective communications at critical
20 public events; and
21 (3) the interoperable communication needs of Federal,
22 State and local first responders during emergencies.

23 (c) Policies and procedures.--The State police shall
24 establish policies and procedures for the specification,
25 procurement, development, testing, configuration, operations,
26 use, replacement and maintenance of PA-STARNet resources.

27 § 4373. PA-STARNet Committee.

28 The PA-STARNet Committee is established in the State police
29 to provide a standing forum for participating agencies to ensure
30 coordination and cooperation among participating State agencies

1 and county and local agencies in the development and use of PA-
2 STARNet and its application to public safety communications and
3 emergency communications.

4 Section 2. This act shall take effect immediately.