AMENDMENT TO RULES COMM. PRINT 116–57
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

Add at the end of subtitle C the following:

SEC. 16. CYBER STATE OF DISTRESS DECLARATION AND CYBER RESPONSE AND RECOVERY FUND ASSESSMENT.

(a) In General.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall conduct an assessment of the feasibility and advisability of establishing a cyber state of distress and Cyber Response and Recovery Fund.

(b) Elements.—The assessment required under subsection (a) shall include—

(1) a review of relevant recommendations developed by the Cyberspace Solarium Commission pursuant to section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 2146); and

(2) the development of additional recommendations relating to—

(A) qualifying incidents or events, including the scope and magnitude of the incident or
event, supporting declaration of a cyber state of distress;

(B) mechanisms for declaration of a cyber state of distress, including the responsible official or officials, Federal interagency coordination, and required notifications;

(C) the duration of the declaration of a cyber state of distress, including options for renewing the declaration;

(D) activities in connection with the declaration of a cyber state of distress;

(E) qualifying events, declarations, including a cyber state of distress declaration, or other incidents triggering distribution from the Cyber Response and Recovery Fund;

(F) the administration of a Cyber Response and Recovery Fund, including—

(i) distribution of funds;

(ii) coordination, interaction, and deconfliction of funding from the Cyber Response and Recovery Fund and other applicable existing Federal funding programs; and

(iii) eligible expenses and activities;
(G) existing authorities supporting the development and operation of the Cyber Response and Recovery Fund and cyber state of distress, as well as limitations and anticipated resource and authority requirements; and

(H) other aspects determined relevant by the Secretary of Homeland Security.

(c) BRIEFING.—Not later than 90 days after the completion of the assessment, the Secretary of Homeland Security shall brief the congressional defense committees and the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the recommendations of the assessment.