

Calendar No. 674117TH CONGRESS
2^D SESSION**S. 2993****[Report No. 117-275]**

To amend the Homeland Security Act of 2002 to establish in the Cybersecurity and Infrastructure Security Agency the National Cyber Exercise Program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 19, 2021

Ms. ROSEN (for herself, Mr. SASSE, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

DECEMBER 19, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend the Homeland Security Act of 2002 to establish in the Cybersecurity and Infrastructure Security Agency the National Cyber Exercise Program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “CISA Cyber Exercise
3 Act”.

4 **SEC. 2. NATIONAL CYBER EXERCISE PROGRAM.**

5 (a) **IN GENERAL.**—Subtitle A of title XXII of the
6 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.)
7 is amended by adding at the end the following new section:

8 **“SEC. 2220A. NATIONAL CYBER EXERCISE PROGRAM.**

9 **“(a) ESTABLISHMENT OF PROGRAM.—**

10 **“(1) IN GENERAL.**—There is established in the
11 Agency the National Cyber Exercise Program (re-
12 ferred to in this section as the ‘Exercise Program’)
13 to evaluate the National Cyber Incident Response
14 Plan, and other related plans and strategies.

15 **“(2) REQUIREMENTS.—**

16 **“(A) IN GENERAL.**—The Exercise Program
17 shall be—

18 **“(i)** based on current risk assess-
19 ments, including credible threats,
20 vulnerabilities, and consequences;

21 **“(ii)** designed, to the extent prac-
22 ticable, to simulate the partial or complete
23 incapacitation of a government or critical
24 infrastructure network resulting from a
25 cyber incident;

1 “(iii) designed to provide for the sys-
2 tematic evaluation of cyber readiness and
3 enhance operational understanding of the
4 cyber incident response system and rel-
5 evant information sharing agreements; and

6 “(iv) designed to promptly develop
7 after-action reports and plans that can
8 quickly incorporate lessons learned into fu-
9 ture operations.

10 “(B) MODEL EXERCISE SELECTION.—The
11 Exercise Program shall—

12 “(i) include a selection of model exer-
13 cises that government and private entities
14 can readily adapt for use; and

15 “(ii) aid such governments and pri-
16 vate entities with the design, implementa-
17 tion, and evaluation of exercises that—

18 “(I) conform to the requirements
19 described in subparagraph (A);

20 “(II) are consistent with any ap-
21 plicable national, State, local, or Trib-
22 al strategy or plan; and

23 “(III) provide for systematic
24 evaluation of readiness.

1 “(3) CONSULTATION.—In carrying out the Ex-
 2 ercise Program, the Director may consult with ap-
 3 propriate representatives from Sector Risk Manage-
 4 ment Agencies, the Office of the National Cyber Di-
 5 rector, cybersecurity research stakeholders, and Sec-
 6 tor Coordinating Councils.

7 “(b) DEFINITIONS.—In this section:

8 “(1) STATE.—The term ‘State’ means any
 9 State of the United States, the District of Columbia,
 10 the Commonwealth of Puerto Rico, the Northern
 11 Mariana Islands, the United States Virgin Islands,
 12 Guam, American Samoa, and any other territory or
 13 possession of the United States.

14 “(2) PRIVATE ENTITY.—The term ‘private enti-
 15 ty’ has the meaning given such term in section 102
 16 of the Cybersecurity Information Sharing Act of
 17 2015 (6 U.S.C. 1501).”.

18 (b) TECHNICAL AMENDMENTS.—

19 (1) HOMELAND SECURITY ACT OF 2002.—Sub-
 20 title A of title XXII of the Homeland Security Act
 21 of 2002 (6 U.S.C. 651 et seq.) is amended—

22 (A) in the first section 2215 (6 U.S.C.
 23 665; relating to the duties and authorities relat-
 24 ing to .gov internet domain), by amending the

1 section enumerator and heading to read as fol-
2 lows:

3 **“SEC. 2215. DUTIES AND AUTHORITIES RELATING TO .GOV**
4 **INTERNET DOMAIN.”;**

5 (B) in the second section 2215 (6 U.S.C.
6 665b; relating to the joint cyber planning of-
7 fice); by amending the section enumerator and
8 heading to read as follows:

9 **“SEC. 2216. JOINT CYBER PLANNING OFFICE.”;**

10 (C) in the third section 2215 (6 U.S.C.
11 665e; relating to the Cybersecurity State Coor-
12 dinator); by amending the section enumerator
13 and heading to read as follows:

14 **“SEC. 2217. CYBERSECURITY STATE COORDINATOR.”;**

15 (D) in the fourth section 2215 (6 U.S.C.
16 665d; relating to Sector Risk Management
17 Agencies); by amending the section enumerator
18 and heading to read as follows:

19 **“SEC. 2218. SECTOR RISK MANAGEMENT AGENCIES.”;**

20 (E) in section 2216 (6 U.S.C. 665e; relat-
21 ing to the Cybersecurity Advisory Committee);
22 by amending the section enumerator and head-
23 ing to read as follows:

24 **“SEC. 2219. CYBERSECURITY ADVISORY COMMITTEE.”;**

25 and

1 (F) in section 2217 (6 U.S.C. 665f, relat-
 2 ing to Cybersecurity Education and Training
 3 Programs); by amending the section enu-
 4 merator and heading to read as follows:

5 **“SEC. 2220. CYBERSECURITY EDUCATION AND TRAINING**
 6 **PROGRAMS.”.**

7 (2) CONSOLIDATED APPROPRIATIONS ACT,
 8 2021.—Paragraph (1) of section 904(b) of division U
 9 of the Consolidated Appropriations Act, 2021 (Pub-
 10 lic Law 116–260) is amended; in the matter pre-
 11 ceding subparagraph (A), by inserting “of 2002”
 12 after “Homeland Security Act”.

13 (c) CLERICAL AMENDMENT.—The table of contents
 14 in section 1(b) of the Homeland Security Act of 2002 is
 15 amended by striking the items relating to sections 2214
 16 through 2217 and inserting the following new items:

“Sec. 2214. National Asset Database.
 “Sec. 2215. Duties and authorities relating to .gov internet domain.
 “Sec. 2216. Joint cyber planning office.
 “Sec. 2217. Cybersecurity State Coordinator.
 “Sec. 2218. Sector Risk Management Agencies.
 “Sec. 2219. Cybersecurity Advisory Committee.
 “Sec. 2220. Cybersecurity Education and Training Programs.
 “Sec. 2220A. National Cyber Exercise Program.”.

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “CISA Cyber Exercise*
 19 *Act”.*

1 **SEC. 2. NATIONAL CYBER EXERCISE PROGRAM.**

2 (a) *IN GENERAL.*—Subtitle A of title XXII of the
3 Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is
4 amended by adding at the end the following new section:

5 **“SEC. 2220A. NATIONAL CYBER EXERCISE PROGRAM.**

6 “(a) *ESTABLISHMENT OF PROGRAM.*—

7 “(1) *IN GENERAL.*—There is established in the
8 Agency the National Cyber Exercise Program (re-
9 ferred to in this section as the ‘Exercise Program’) to
10 evaluate the National Cyber Incident Response Plan,
11 and other related plans and strategies.

12 “(2) *REQUIREMENTS.*—

13 “(A) *IN GENERAL.*—The Exercise Program
14 shall be—

15 “(i) based on current risk assessments,
16 including credible threats, vulnerabilities,
17 and consequences;

18 “(ii) designed, to the extent prac-
19 ticable, to simulate the partial or complete
20 incapacitation of a government or critical
21 infrastructure network resulting from a
22 cyber incident;

23 “(iii) designed to provide for the sys-
24 tematic evaluation of cyber readiness and
25 enhance operational understanding of the

1 *cyber incident response system and relevant*
2 *information sharing agreements; and*

3 “(iv) *designed to promptly develop*
4 *after-action reports and plans that can*
5 *quickly incorporate lessons learned into fu-*
6 *ture operations.*

7 “(B) *MODEL EXERCISE SELECTION.—The*
8 *Exercise Program shall—*

9 “(i) *include a selection of model exer-*
10 *cises that government and private entities*
11 *can readily adapt for use; and*

12 “(ii) *aid such governments and private*
13 *entities with the design, implementation,*
14 *and evaluation of exercises that—*

15 “(I) *conform to the requirements*
16 *described in subparagraph (A);*

17 “(II) *are consistent with any ap-*
18 *licable national, State, local, or Trib-*
19 *al strategy or plan; and*

20 “(III) *provide for systematic eval-*
21 *uation of readiness.*

22 “(3) *CONSULTATION.—In carrying out the Exer-*
23 *cise Program, the Director may consult with appro-*
24 *priate representatives from Sector Risk Management*
25 *Agencies, the Office of the National Cyber Director,*

1 *cybersecurity research stakeholders, and Sector Co-*
2 *ordinating Councils.*

3 “(b) *DEFINITIONS.*—*In this section:*

4 “(1) *STATE.*—*The term ‘State’ means any State*
5 *of the United States, the District of Columbia, the*
6 *Commonwealth of Puerto Rico, the Northern Mariana*
7 *Islands, the United States Virgin Islands, Guam,*
8 *American Samoa, and any other territory or posses-*
9 *sion of the United States.*

10 “(2) *PRIVATE ENTITY.*—*The term ‘private entity’*
11 *has the meaning given such term in section 102 of the*
12 *Cybersecurity Information Sharing Act of 2015 (6*
13 *U.S.C. 1501).*

14 “(c) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*
15 *tion shall be construed to affect the authority or responsibil-*
16 *ities of the Administrator of the Federal Emergency Man-*
17 *agement Agency pursuant to section 648 of the Post-*
18 *Katrina Emergency Management Reform Act of 2006 (6*
19 *U.S.C. 748).”.*

20 “(b) *CLERICAL AMENDMENT.*—*The table of contents in*
21 *section 1(b) of the Homeland Security Act of 2002 is*
22 *amended by inserting after the item relating to section 2217*
23 *the following:*

 “*Sec. 2220A. National Cyber Exercise Program.*”.

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