An Analysis of Cybersecurity Legislation: Congress, the States, Maryland

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Cybersecurity bills in 116th Congress

01

Cybersecurity-related legislation increased by 40% since the 115th Congress and remained bipartisan, with over 50% of all legislation having bipartisan cosponsors.

02

14 bills signed into law, with 45 cyber bills attached to larger packages. The National Defense Authorization Acts included 32 of these bills.

03

Only 36 of the 316 bills introduced in the 116th Congress, and just three of the 14 provisions signed into law, focused on imposing consequences on the human actors behind cyberattacks

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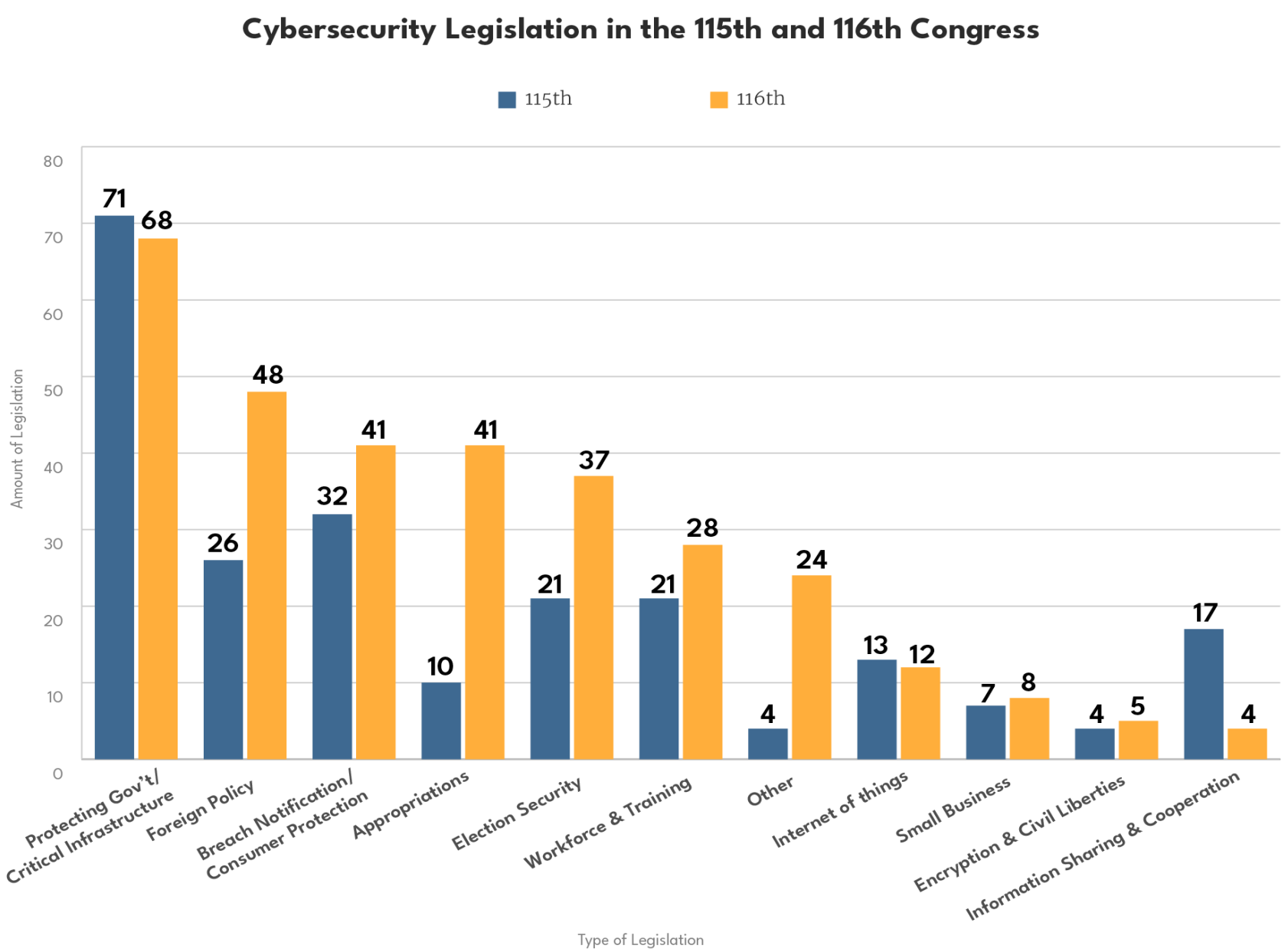

Source: Based on Third Way Research

Federal Grants that could be used for cybercrime enforcement

Grants*	FY 2020	FY 2019	FY 2018	FY 2017
DHS State Homeland Security Program [22]	$415,000,000	$415,000,000	$402,000,000	$402,000,000
DHS Urban Area Security Initiative [23]	$615,000,000	$590,000,000	$580,000,000	$580,000,000
DHS Tribal Homeland Security Grant Program [24]	$15,000,000	$10,000,000	$10,000,000	$10,000,000
DOJ Edward Byrne Memorial Justice Assistance Grant [25]	$547,200,000	$423,500,000	$415,500,000	$403,00,000
DOJ Community Oriented Policing Services	$303,500,000 [26]	$304,000,000 [27]	$276,000,000 [28]	$222,000,000 [29]
DOJ Paul Coverdell Forensic Science Improvement Grants Program [30]	$30,000,000	$30,000,000	$30,000,000	$13,500,000
Economic, High-Technology, White Collar, and Internet Crime Prevention National Training and Technical Assistance Program [31]	$8,250,000	$8,570,000	$10,400,000	$8,681,000
DOJ Program for Statistical Analysis Centers	$5,000,000 [32]	$4,594,000 [33]	$5,500,000 [34]	$4,650,000 [35]
DOJ Intellectual Property Enforcement Program	$2,400,000 [36]	$2,400,000 [37]	$2,400,000 [38]	$2,400,000 [39]
Student Computer and Digital Forensics Educational Opportunities Program	$0	$1,800,000 [40]	$0	$0
Total	**$1,941,350,000**	**$1,789,864,000**	**$1,731,800,000**	**$1,243,231,000**

*VOCA grants were excluded in this table, but one-off VOCA grants for cybercrime are detailed below. Figures in table rounded up.

01

DHS and DOJ are the primary agencies that provided at least 11 grants in FY 2019 totaling $1.8 billion—not including Victims of Crime Act (VOCA) grants—that SLTT or nonprofits assisting SLTTs *could* use to mitigate cybercrime

02

Only three DOJ grant programs in FY 2019 were solely dedicated to cyber enforcement purposes, such as buying digital forensic tools or hiring personnel, with a total budget of $12.7 million

03

DOJ does not prioritize cybercrime as a key funding initiative within its largest grants. Only 2% of all DHS preparedness grant programs were used for *all* cybersecurity needs in FY 2019.

2020 Cybersecurity Legislation: An Overview of the 50 States, Puerto Rico, and DC

Dr. Greg von Lehmen

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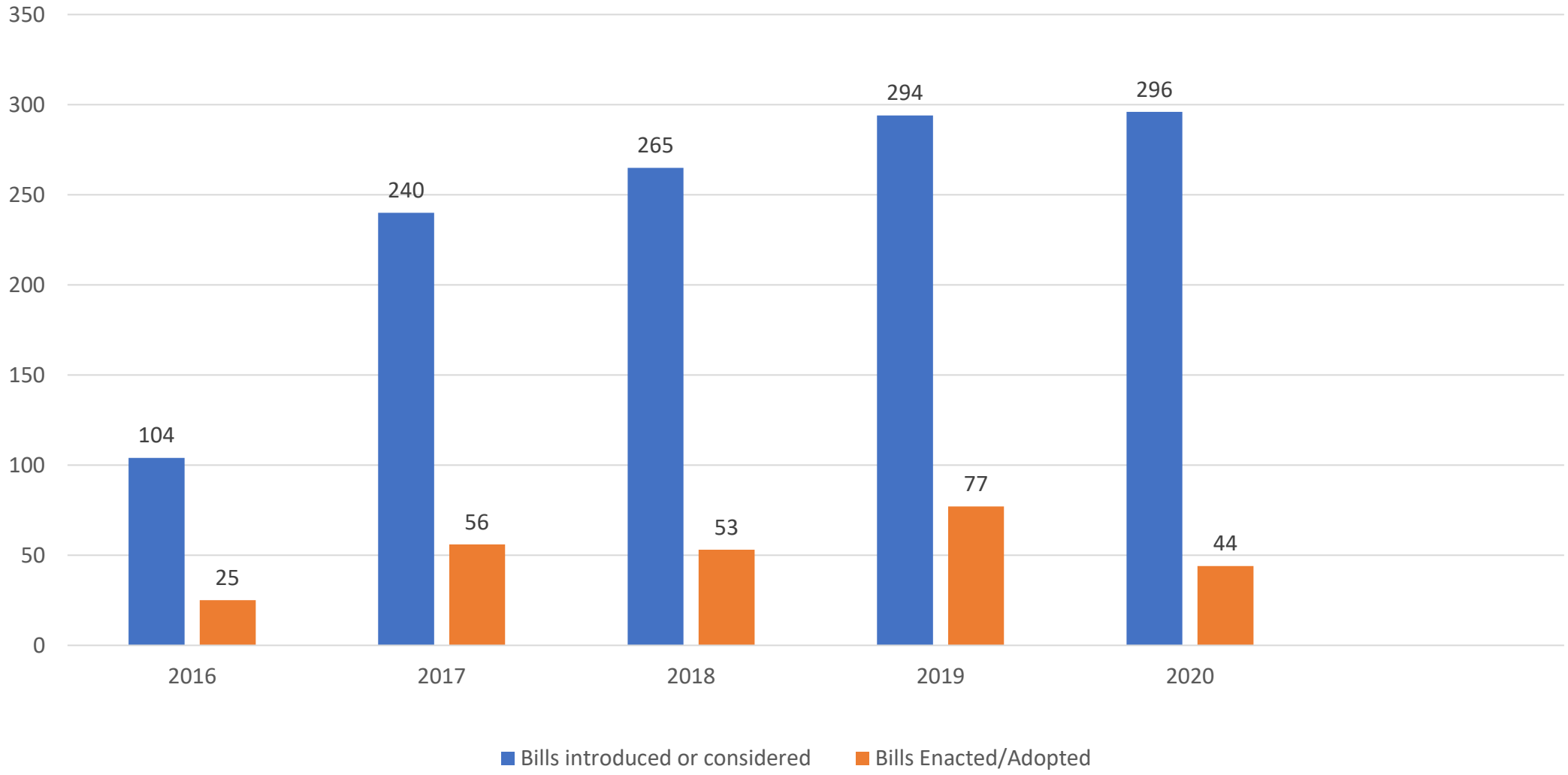
“There will be greater recognition of SLTT governments’ role in the nation’s cybersecurity efforts.”

2018 SLTT Government Outlook (MS-ISAC)

States, Puerto Rico, DC (2016 – 2020)



Data source: National Conference of State Legislatures

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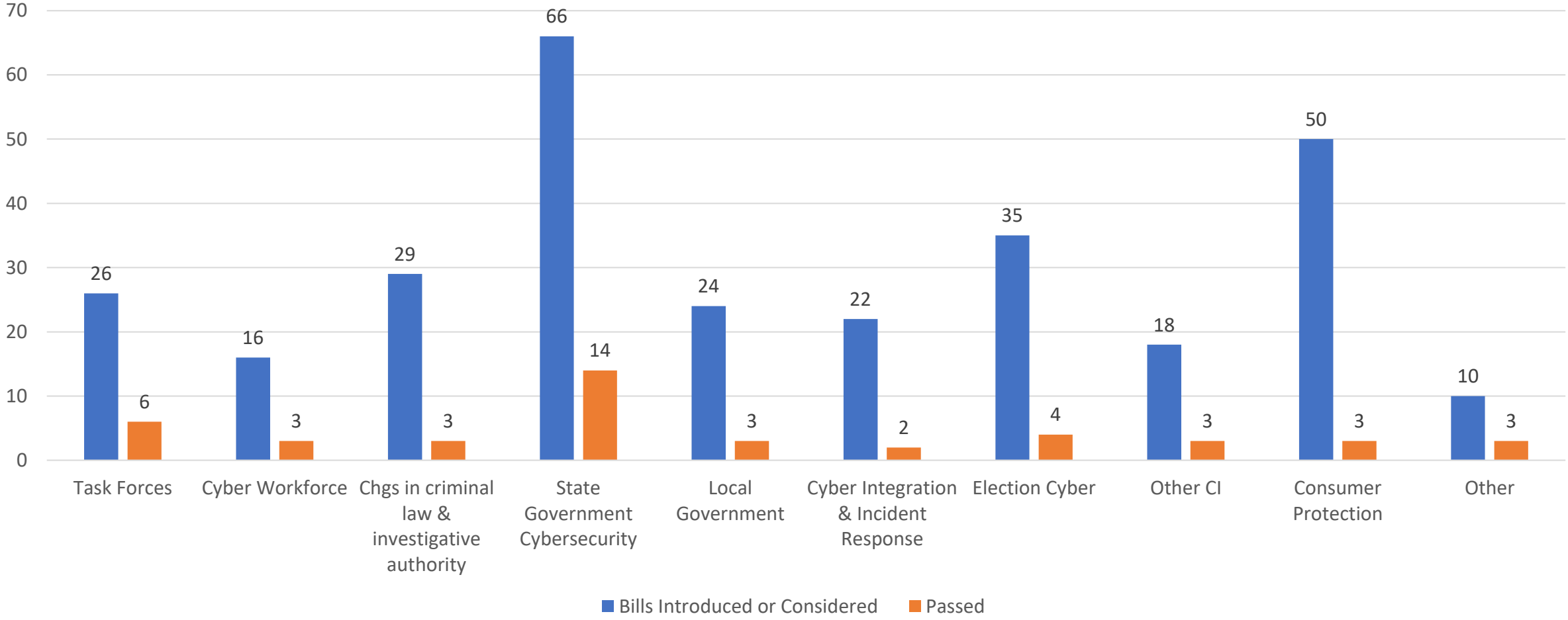
States, Puerto Rico, DC - 2020



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High-level View

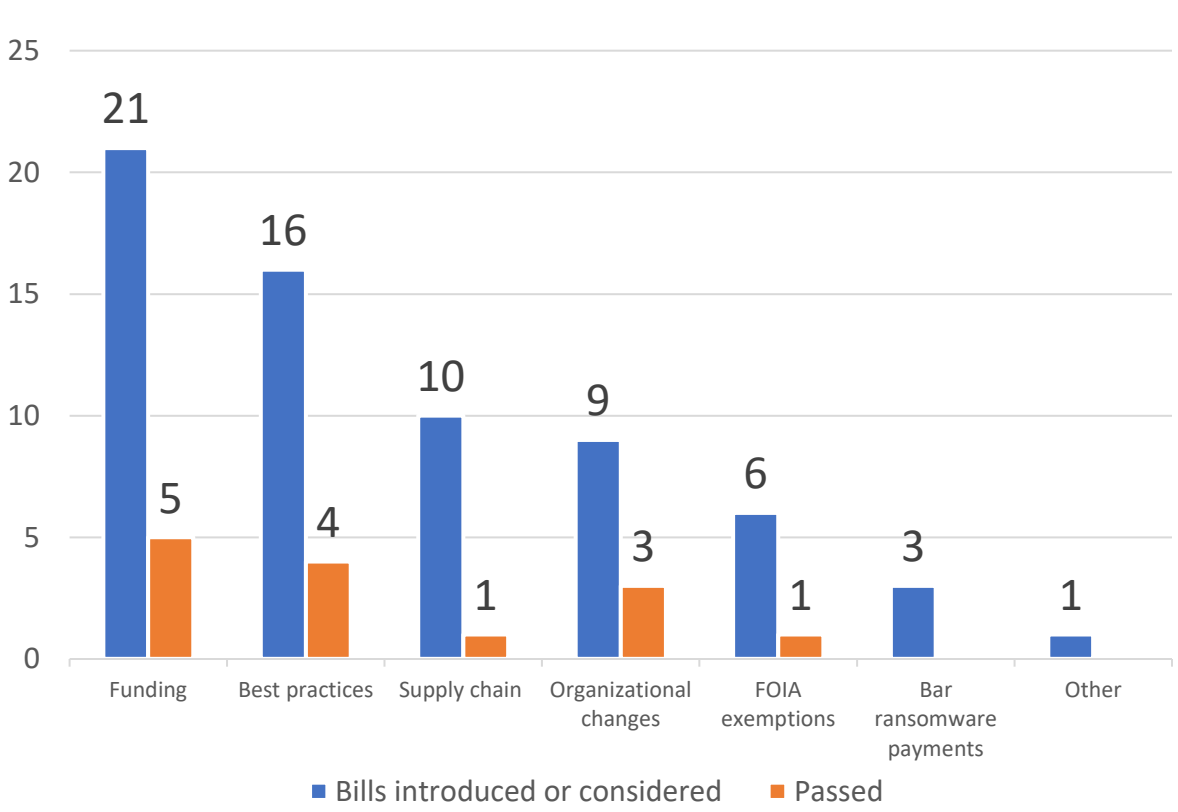
- Government: protect, recover, prosecute (176 bills [59%])
  - Bills concerning:
    - State government
    - Local government
    - Election security
    - Cyber integration and incident response
    - Changes in the criminal law & investigative authority
- Consumer protection (50 bills [17%])
  - Security of data held by private firms
  - Manufacturer requirements
  - Breach notification
- Security of energy and water infrastructure (18 bills [6%])

244 bills or 82%

States, Puerto Rico, DC

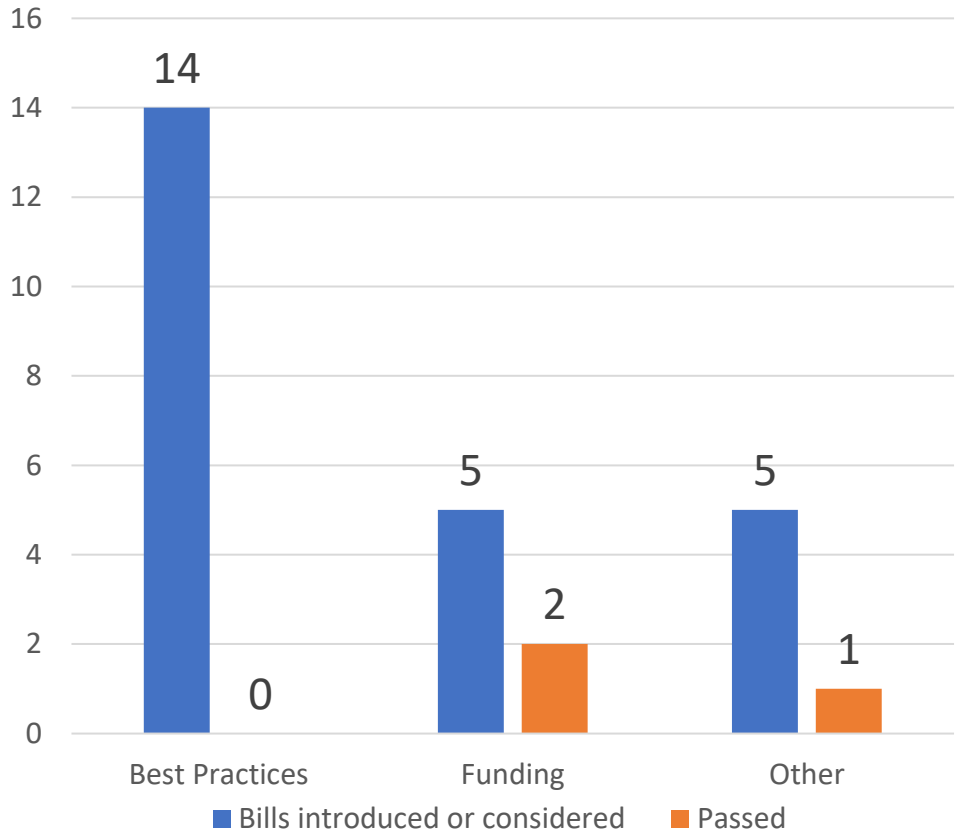
Bills concerning State-level Government

Bills Introduced or Considered (66)/Bills Passed (14)



Bills Concerning Local Governments Including DC

Bills Introduced or Considered (24)/Bills Passed (3)



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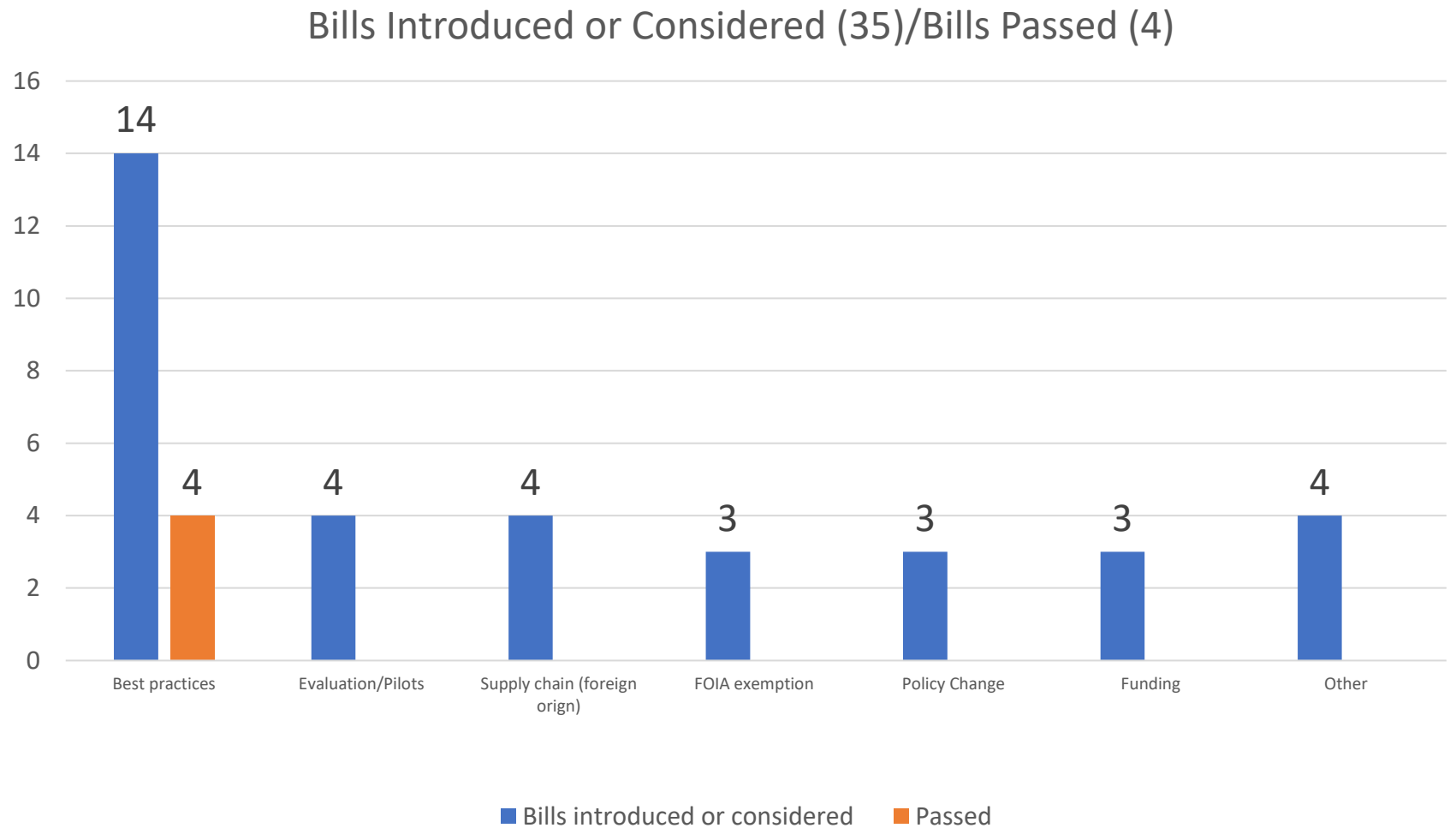
Election Security



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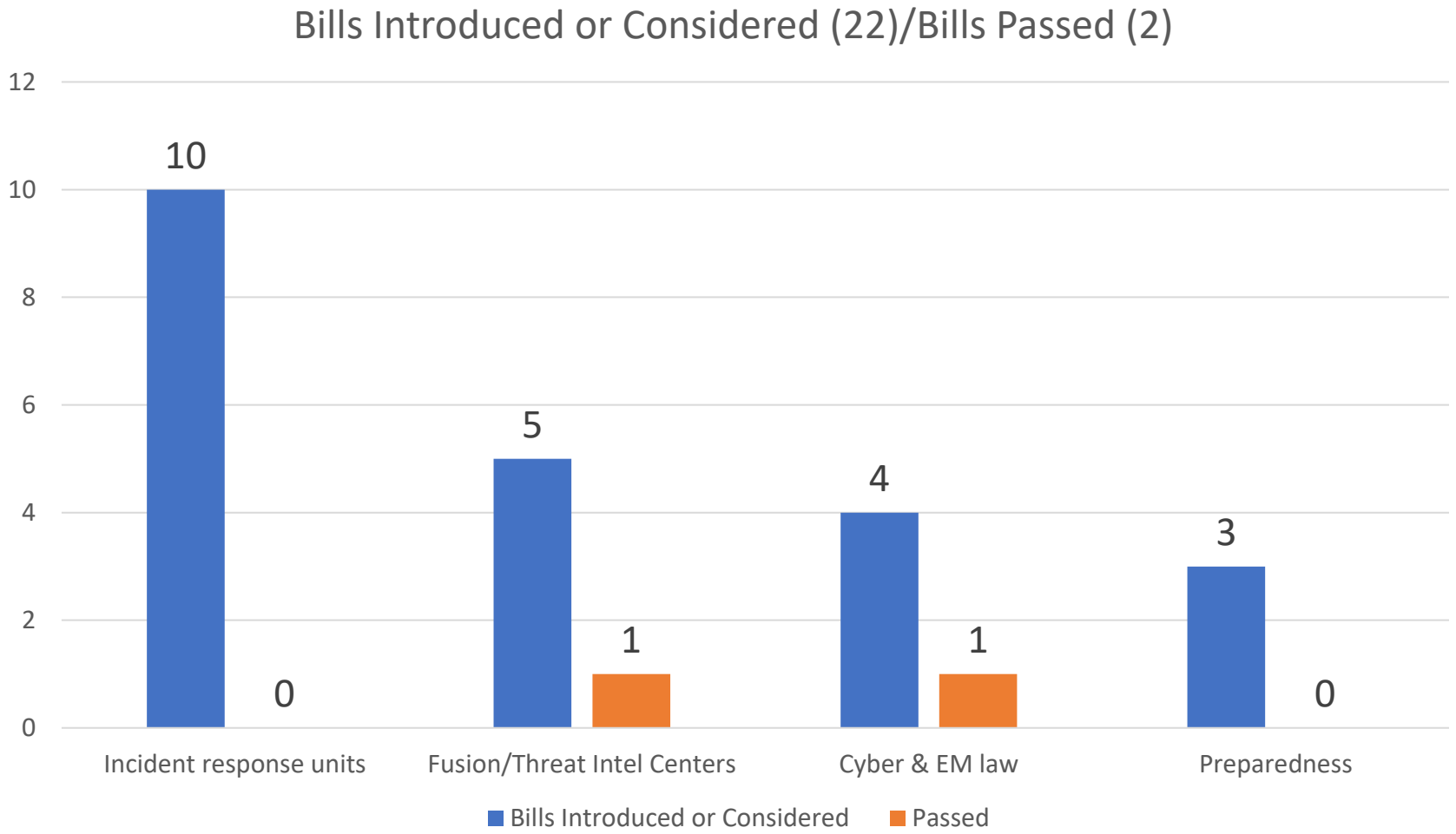
Cyber Integration & Incident Response



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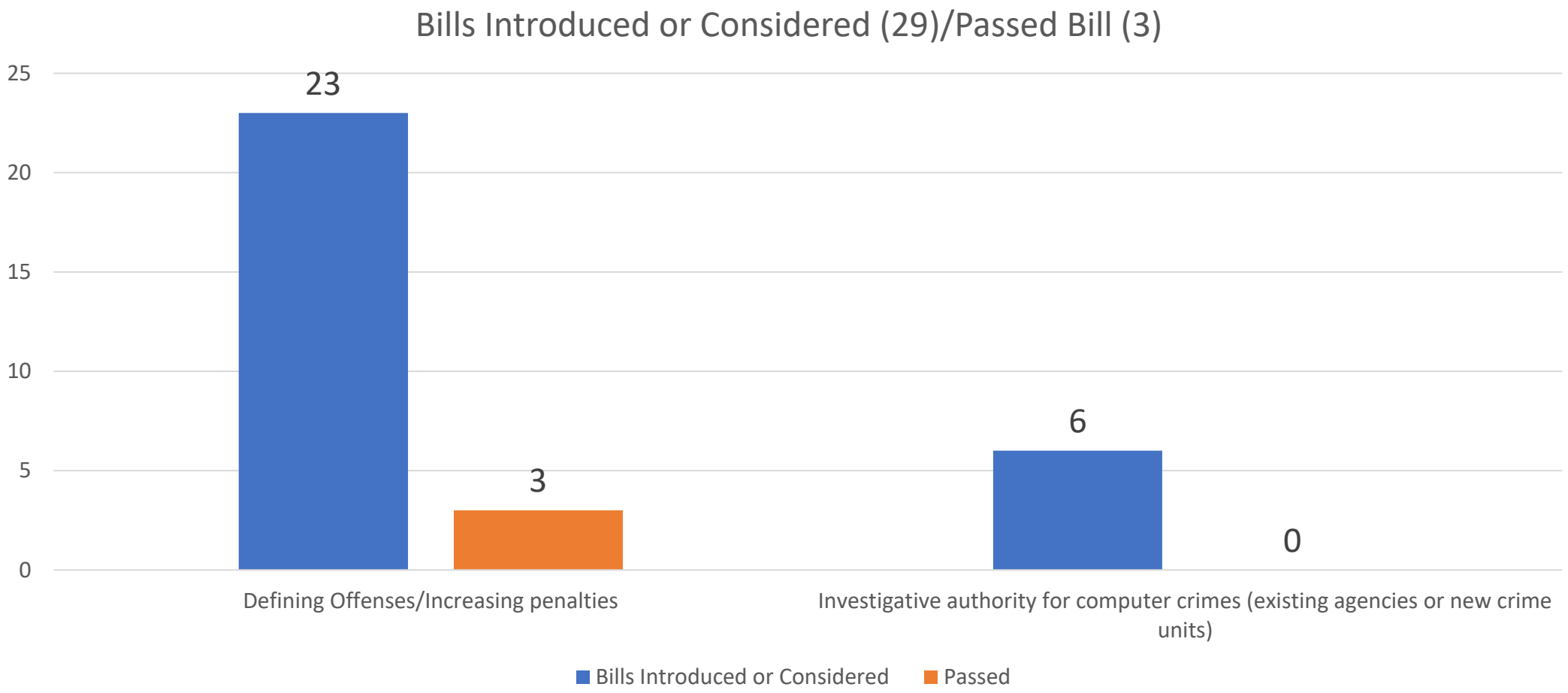
Changes in Criminal Law & Investigative Authority



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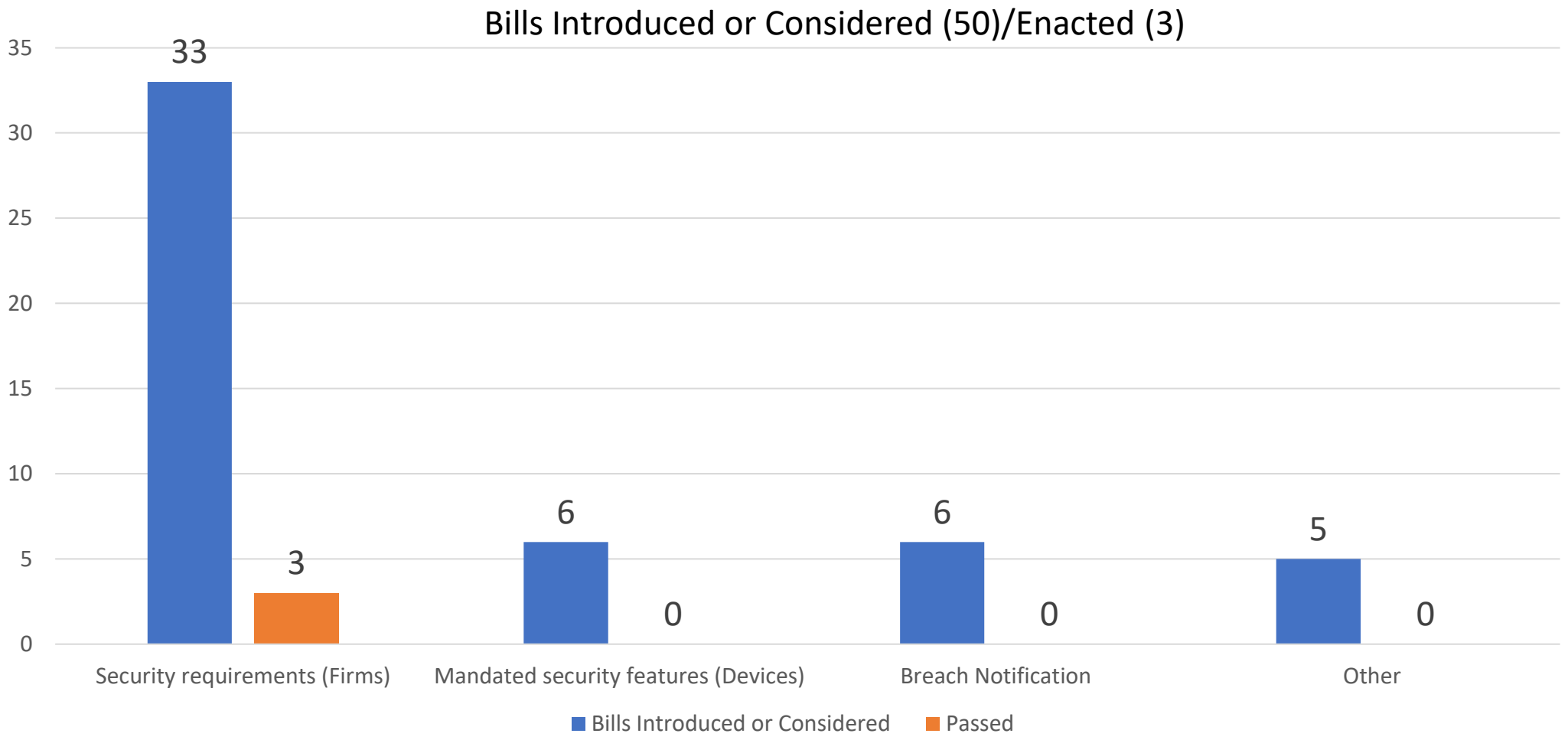
Consumer Protection



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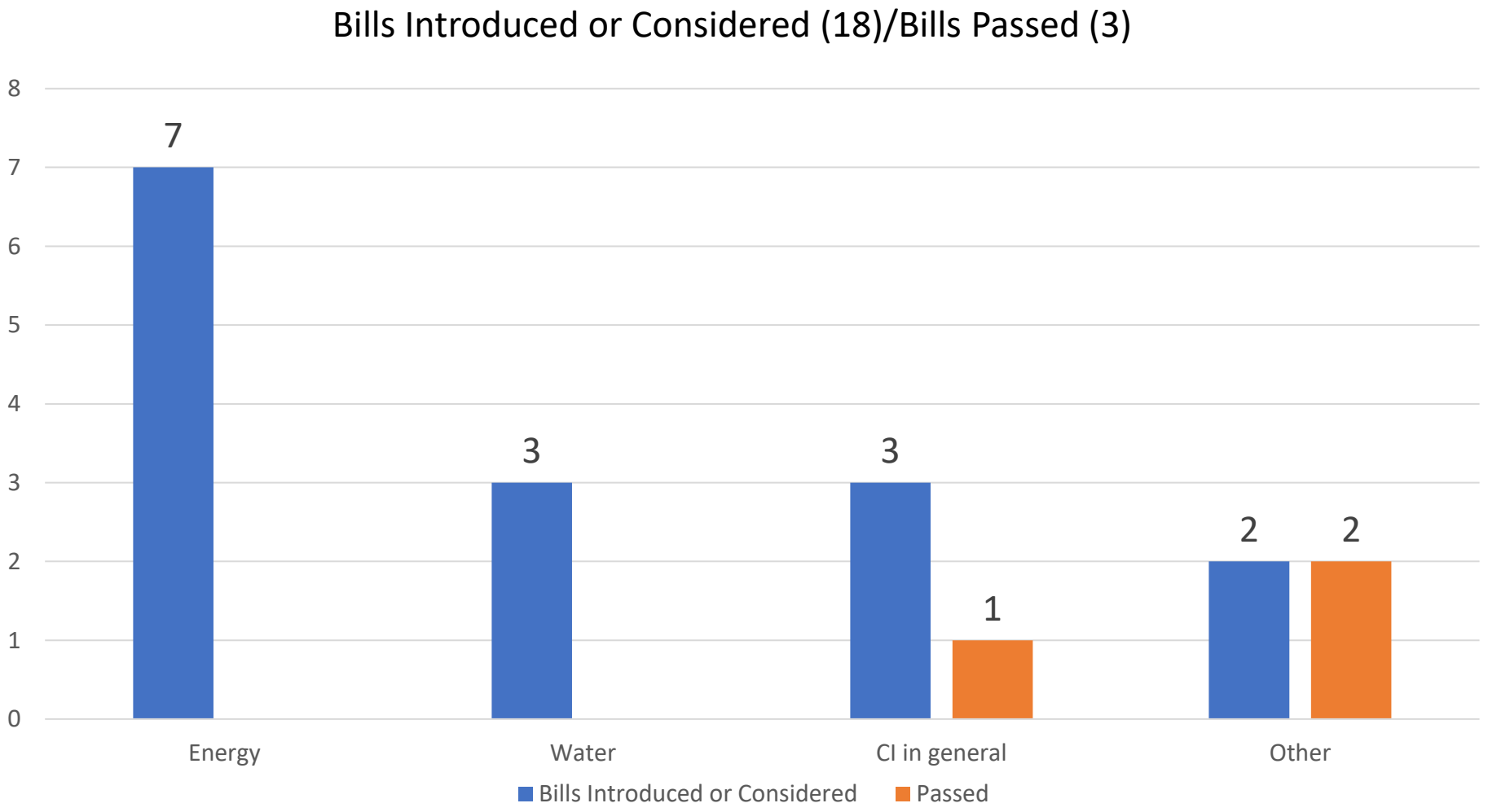
Energy & Water Critical Infrastructure



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Proposed Cyber Legislation in Maryland

Markus Rauschecker
UMD CHHS
Cybersecurity Program Director

Cyber Maryland Conference
March 24, 2021

CHHS
University of Maryland
Center for Health & Homeland Security

18 Cyber-Related Bills

Criminal Law

Consumer Protection

Cyber Preparedness & Incident Response

Executive Branch Cybersecurity and Governance

Cyber Education and Workforce Development

Voting Security

CHHS University of Maryland Center for Health & Homeland Security

3 Highlights

- HB 425/SB 623
  - Criminal Law – Crimes Involving Computers (Ransomware Bill)
- HB 879/SB 69
  - Cybersecurity Coordination and Operations – Establishment and Reporting
- SB 930
  - Online Consumer Protection

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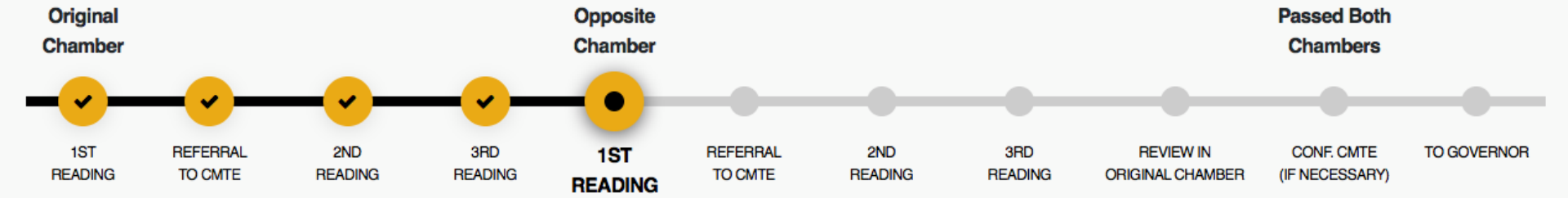
Criminal Law - Crimes Involving Computers
SB 623/HB 425



- Prohibits a person from knowingly possessing "ransomware" malware with the intent to use it
- Increases penalties for committing a ransomware offense against a health care facility or a public school.

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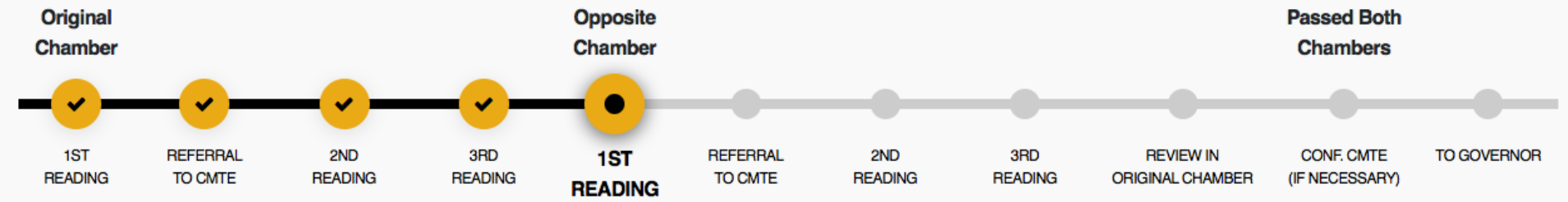
Cybersecurity Coordination and Operations – Establishment and Reporting
SB 69/HB 879



- Establishes:
  - Office of Security Management within MD DoIT
  - Maryland Cybersecurity Coordinating Council

- Requires:
  - Legislative and Judicial branches to certify cybersecurity compliance
  - Executive agencies to report cybersecurity incidents
  - The Office to develop and maintain IT policy, standards, and guidance
  - The Office to review and certify local cybersecurity preparedness and response plans; provide assistance for developing these plans
  - Conduct cybersecurity preparedness assessments
  - Conduct regional exercises

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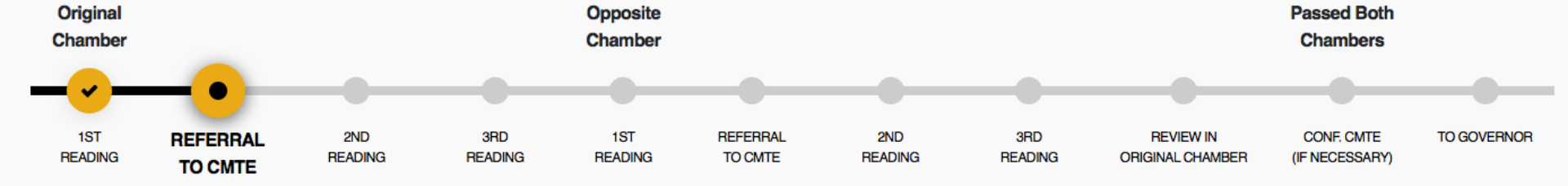
Online Consumer Protection
SB 930



- Requires a business to provide clear and conspicuous notice to MD consumers
  - before it collects personal information
  - about what information it intends to collect and its purpose
  - about any third-party sharing

- Consumers have right to:
  - receive a copy of personal information collected
  - request deletion of personal information
  - opt-out of third-party sharing

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Questions?

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Lightning Round

Will Congress pre-empt state legislation in the cyber policy area?

Thank you!