

116TH CONGRESS  
1ST SESSION

# S. 890

To authorize the Sergeant at Arms to protect the personal technology devices and accounts of Senators and covered employees from cyber attacks and hostile information collection activities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 27, 2019

Mr. WYDEN (for himself and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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## A BILL

To authorize the Sergeant at Arms to protect the personal technology devices and accounts of Senators and covered employees from cyber attacks and hostile information collection activities, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Senate Cybersecurity  
5 Protection Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

1           (1) the term “covered employing office”  
2 means—

3                   (A) the personal office of a Senator;

4                   (B) the office of a committee of the Sen-  
5 ate;

6                   (C) any other office of the Senate not de-  
7 scribed in subparagraph (A) or (B); or

8                   (D) the office of a joint committee or joint  
9 commission;

10          (2) the term “covered employee” means an indi-  
11 vidual—

12                   (A) who is employed or serving in a posi-  
13 tion as—

14                           (i) an officer or employee of a covered  
15 employing office;

16                           (ii) a detailee in a covered employing  
17 office, without regard to whether the serv-  
18 ice is on a reimbursable basis; or

19                           (iii) a fellow in a covered employing  
20 office, without regard to whether the posi-  
21 tion is compensated or the source of the  
22 compensation;

23                   (B) who is not a Senate authorizer; and

24                   (C) whom the covered employing office has  
25 determined is highly vulnerable to cyber attacks

1           and hostile information collection activities be-  
2           cause of the position of the individual;

3           (3) the term “personal account” means an ac-  
4           count for online or telecommunications services (in-  
5           cluding telephone, residential internet access, email,  
6           text and multimedia messaging, cloud computing, so-  
7           cial media, health care, and financial services)—

8                   (A) used by a Senate authorizer or covered  
9           employee;

10                   (B) that is not administered or operated  
11           by the Sergeant at Arms; and

12                   (C) with respect to which the parties sign-  
13           ing the security memorandum of understanding  
14           as described in paragraph (6)(A) jointly agree  
15           that the Sergeant at Arms will provide security,  
16           in accordance with this Act;

17           (4) the term “personal technology device”—

18                   (A) means a handheld communications de-  
19           vice, laptop computer, desktop computer, or  
20           other internet-connected device—

21                           (i) used by a Senate authorizer or cov-  
22           ered employee;

23                           (ii) that is not provided to the Senate  
24           authorizer or covered employee, or admin-  
25           istered, by the Sergeant at Arms; and

1 (iii) with respect to which the parties  
2 signing the security memorandum of un-  
3 derstanding as described in paragraph  
4 (6)(A) jointly agree that the Sergeant at  
5 Arms will provide security, in accordance  
6 with this Act; and

7 (B) may, if agreed to by the parties pursu-  
8 ant to the security memorandum of under-  
9 standing, include any computer network to  
10 which a computer or device described in sub-  
11 paragraph (A) connects;

12 (5) the term “provide security” means to pro-  
13 vide training, advice, support, technical assistance,  
14 and other services to prevent, detect, and recover  
15 from cyber attacks and hostile information collection  
16 activities;

17 (6) the term “security memorandum of under-  
18 standing” means a written memorandum of under-  
19 standing that—

20 (A) is signed by—

21 (i) the Sergeant at Arms;

22 (ii) the Senate authorizer or covered  
23 employee for whom the security will be  
24 provided pursuant to the memorandum;  
25 and

1 (iii) if the security is being provided  
2 for a covered employee, the applicable Sen-  
3 ate authorizer for the covered employee;

4 (B) specifies the personal accounts or per-  
5 sonal technology devices, or categories of per-  
6 sonal accounts or personal technology devices,  
7 for which the Sergeant at Arms will provide se-  
8 curity;

9 (C) describes the rights and responsibilities  
10 of each signing party relating to the provision  
11 of security and with respect to privacy; and

12 (D) shall be effective for a period of not  
13 more than 1 year;

14 (7) the term “Senate authorizer”—

15 (A) means a Senator or the head of a Sen-  
16 ate office described in paragraph (1)(C);

17 (B) when used with respect to a covered  
18 employee not described in subparagraph (C),  
19 means the Senator or the head of a Senate of-  
20 fice who has final authority to appoint, hire,  
21 discharge, and set the terms, conditions, or  
22 privileges of the employment of the covered em-  
23 ployee; and

24 (C) when used with respect to a covered  
25 employee of a joint committee or joint commis-

sion, the Senator from the majority party of the Senate who—

(i) is a member of, or has authority over, the committee or commission; and

(ii) serves in the highest leadership role for a Senator in the committee or commission or, if there is no such leadership role, is the most senior Senator from the majority party of the committee or commission; and

(8) the term “Sergeant at Arms” means the Sergeant at Arms and Doorkeeper of the Senate.

**SEC. 3. CYBERSECURITY ASSISTANCE FOR PERSONAL TECHNOLOGY DEVICES AND ACCOUNTS.**

(a) AUTHORIZATION.—

(1) IN GENERAL.—Upon request by a Senate authorizer and upon the signing of a security memorandum of understanding by the parties described in section 2(6)(A), the Sergeant at Arms may use funds provided for official purposes in order to provide security for personal accounts and personal technology devices of the Senate authorizer or a covered employee of the Senate authorizer.

(2) ANNUAL RENEWAL.—A Senate authorizer or covered employee for whom the Sergeant at Arms

1 is providing security for personal accounts and per-  
2 sonal technology devices under a security memo-  
3 randum of understanding may continue to receive  
4 such security services under this Act if the applica-  
5 ble signing parties described in section 2(6)(A) enter  
6 into a security memorandum of understanding each  
7 year.

8 (b) AGGREGATE REPORTING.—By the date that is 2  
9 years after the date of enactment of this Act, and annually  
10 thereafter, the Sergeant at Arms shall prepare and submit  
11 to the Committee on Rules and Administration and the  
12 Select Committee on Intelligence of the Senate a report  
13 that includes aggregate statistics for the preceding fiscal  
14 year of the number of Senate authorizers and covered em-  
15 ployees who entered into a security memorandum of un-  
16 derstanding with the Sergeant at Arms and received secu-  
17 rity assistance for their personal accounts and personal  
18 technology devices.

19 (c) RULE OF CONSTRUCTION.—Nothing in this Act  
20 shall be construed to encourage any Senator or covered  
21 employee to conduct official Government business using  
22 a personal technology device.

23 **SEC. 4. ANNUAL GAO REPORTS ON CYBERSECURITY AND**  
24 **SURVEILLANCE THREATS.**

25 (a) ANNUAL REPORTS.—

1           (1) IN GENERAL.—Beginning 180 days after  
2           the date of enactment of this Act, and annually  
3           thereafter, the Comptroller General of the United  
4           States shall prepare and submit, to the Committee  
5           on Rules and Administration and the Select Com-  
6           mittee on Intelligence of the Senate, a report regard-  
7           ing cybersecurity and surveillance threats to the leg-  
8           islative branch.

9           (2) STATISTICS.—Each report required under  
10          paragraph (1) shall include statistics on cyber at-  
11          tacks, and other incidents of espionage or surveil-  
12          lance targeted against Senators or the immediate  
13          families or staff of the Senators, in which the non-  
14          public communications and other private information  
15          of such targeted individuals were lost, stolen, or oth-  
16          erwise subject to unauthorized access by criminals or  
17          a foreign government.

18          (b) CONSULTATION.—In preparing the report re-  
19          quired under subsection (a), the Comptroller General shall  
20          consult with the Director of National Intelligence and the  
21          Sergeant at Arms.

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