



OFFICE OF THE
SECRETARY
2021 JAN 14 PM 3:23

MURIEL BOWSER
MAYOR

JAN 14 2020

The Honorable Phil Mendelson, Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue N.W., Suite 504
Washington, D.C. 20004

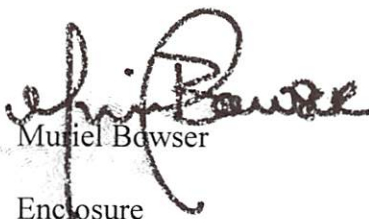
Dear Chairman Mendelson:


The Office of the Chief Technology Officer (OCTO) is pleased to submit to the Council of the District of Columbia the "Secure, Managed, Responsive, and Trusted Technology (SMART Tech) Amendment Act of 2020". This bill would allow OCTO to obtain and expend District, federal, and private grants, and to award grant funds to stimulate, support, and promote the development of innovative technologies and technology-enabled solutions in the District.

This legislation also grants OCTO specific authority to protect the District's information technology and telecommunications systems from a range of cybersecurity threats. In this regard, it would expand OCTO's jurisdiction to include the monitoring of the information technology and telecommunications systems of the Council, the District of Columbia Auditor and the Office of the Attorney General, but only to the extent that these bodies' systems actually use or interact with OCTO's systems, and only to the degree necessary to protect and defend OCTO's information technology and telecommunications systems.

Please feel free to contact the Chief Technology Officer, Lindsey V. Parker, at (202) 727-2088 to discuss any questions you may have regarding this bill.

Sincerely,


Muriel Bowser
Enclosure


Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Office of the Chief Technology Officer Establishment Act of 1998 to strengthen the District government's cybersecurity posture; and to amend the Technology Services Support Act of 2007 to rename the DC-NET Services Support Fund and modify the purposes for which money in that fund may be expended to respond to the demand within the District government for innovative technologies.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Secure, Managed, Responsive, and Trusted Technology (SMART Tech) Amendment Act of 2020".

Sec. 2. The Office of the Chief Technology Officer Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 1-1401 *et seq.*), is amended as follows:

(a) Section 1813 (D.C. Official Code § 1-1402) is amended by striking the phrase "investments in" and inserting the phrase "investments in and security of" in its place.

(b) Section 1814 (D.C. Official Code § 1-1403) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase "and management" and inserting the phrase "management, and security" in its place.

(2) New paragraphs (7A) and (7B) are added to read as follows:

"(7A) Protect the confidentiality, integrity, and availability of the District

government's information technology systems and assets, and the information on them,
from cyberattacks, theft, damage, disruption, and misdirection;

“(7B) Protect the District government's information technology systems
and assets against the risk of cyberattacks and breaches, and detect, mitigate, defend,
remediate, and respond to cybersecurity threats and security vulnerabilities in those
information technology systems and assets;”.

(3) Paragraph (11) is amended by striking the phrase “; and” and inserting
a semicolon in its place.

(4) Paragraph (12)(E) is amended by striking the period at the end and
inserting the phrase “; and” in its place.

(5) A new paragraph (13) is added to read as follows:

“(13) Stimulate, support, and promote the development of innovative
technologies and technology-enabled solutions within the District, including through the
issuance of grants.”.

(c) Section 1816 (D.C. Official Code § 1-1405) is amended as follows:

(1) The lead-in language to subsection (a) is amended by striking the
number “3” and inserting the number “4” in its place.

(2) Paragraph (2) is amended by striking the phrase “; and” and inserting a
semicolon in its place.

(3) Paragraph (3) is amended by striking the period and inserting the
phrase “; and” in its place.

(4) A new paragraph (4) is added to read as follows:

57 “(4) Security Services, which shall be headed by a Chief Information
58 Security Officer, appointed by the Chief Technology Officer, and which shall be
59 responsible for:

60 “(A) Leading the District government’s cybersecurity efforts,
61 including managing the risk of cyber-attacks and breaches, and detecting, mitigating,
62 defending, and responding to cybersecurity threats and security vulnerabilities in the
63 District government’s network and systems; and

64 “(B) Establishing an information technology risk management and
65 compliance program throughout the District government that may include governance,
66 development, implementation, and management of a formal process for systems
67 authorization that includes a risk assessment, categorization of information and systems,
68 selection and implementation of controls, assessment of controls, authorization to
69 operate, and continuous monitoring.”.

70 (d) Section 1816a (D.C. Official Code § 1-1406) is amended to read as follows:

71 “Sec. 1816a. Jurisdiction.

72 “(a) Except as provided in subsection (b) of this section, the authority of the
73 Office shall apply to all District government agencies, including independent agencies.

74 “(b)(1) The authority of the Office under sections 1813 and 1814 shall not apply
75 to the Council, the Office of the District of Columbia Auditor, or the Office of the
76 Attorney General.

77 “(2) Notwithstanding paragraph (1) of this subsection, the Office may
78 monitor the information technology and telecommunications systems and resources of the

Council, the Office of the District of Columbia Auditor, or the Office of the Attorney General to the extent that:

“(A) These information technology and telecommunications systems and resources are contained within or interact with the information technology and telecommunications systems and resources regulated under sections 1813 and 1814; and

“(B) The Office determines that such monitoring is necessary to protect and defend the information technology and telecommunications systems and resources regulated under sections 1813 and 1814 from any security-related threat, vulnerability, or risk.

“(3) Notwithstanding paragraphs (1) and (2) of this subsection, the Council, the Office of the District of Columbia Auditor, and the Office of the Attorney General each may enter into written agreements with the Office to manage, assist, or coordinate the operations of their information and communications technologies and carry out any responsibility for the Council, the Office of the District of Columbia Auditor, or the Office of the Attorney General that the Office may carry out for other District government agencies.

“(4) The authority provided in paragraph (2) of this subsection shall supersede the prohibition in section 2a of the Council of the District of Columbia Independence Act of 1982, effective March 3, 2010 (D.C. Law 18-111; D.C. Official Code § 1-301.44a), to the extent of any conflict.”.

Sec. 3. The Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1431 *et seq.*), is amended as follows:

(a) Section 1002 (D.C. Official Code § 1-1431) is amended by inserting a new paragraph (7) to read as follows:

“(7) “Smart DC initiatives” means initiatives and actions to incorporate emerging information and communication technologies into the operations of District government agencies to enhance agency operations and the quality of life for District residents, businesses, and visitors through smart technology, including the internet of things, public WiFi, connected devices, and sensors, innovation competitions, and data analytics.”.

(b) Section 1003 (D.C. Official Code § 1-1432) is amended to read as follows:

“Sec. 1003. DC-NET Services and Innovation Fund.

“(a) There is established as a special fund the DC-NET Services and Innovation Fund (“Fund”), which shall be administered by the Office of the Chief Technology Officer (“Office”) in accordance with subsection (c) of this section.

“(b) There shall be deposited into the Fund all payments for telecommunications services furnished by the DC-NET program of the Office of the Chief Technology Officer from: independent District government agencies; agencies of the federal government; agencies of state or local governments; nonprofit entities providing services in the District of Columbia; entities outside the District government that may engage the DC-Net program to provide telecommunications services to the District of Columbia Public Schools, District of Columbia public charter schools, or the District of Columbia Public Library; and entities designated by the Mayor as necessary to support economic development initiatives of the District government.”

“(c) Money in the Fund shall be used for the following purposes:

125 “(1) Network enhancement, maintenance, and expansion;
126 “(2) District government information technology innovation and Smart
127 DC initiatives; and

128 “(3) To pay for operational and administrative costs of the DC-NET
129 program.

130 “(d)(1) The money deposited into the Fund shall not revert to the unrestricted
131 fund balance of the General Fund of the District of Columbia at the end of a fiscal year,
132 or at any other time.

133 “(2) Subject to authorization in an approved budget and financial plan, any
134 funds appropriated in the Fund shall be continually available without regard to fiscal year
135 limitation.”.

136 Sec. 4. Fiscal impact statement.

137 The Council adopts the fiscal impact statement in the committee report as the
138 fiscal impact statement required by section 4a of the General Legislative Procedures Act
139 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

140 Sec. 4. Effective date.

141 This act shall take effect following approval by the Mayor (or in the event of veto
142 by the Mayor, action by the Council to override the veto), a 30-day period of
143 Congressional review as provided in section 602(c)(1) of the District of Columbia Home
144 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
145 206.02(c)(1)), and publication in the District of Columbia Register.

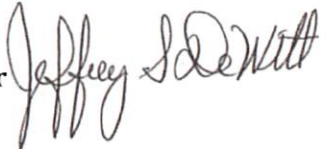
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 11, 2019

SUBJECT: Fiscal Impact Statement – Secure, Managed, Responsive, and Trusted Technology (SMART Tech) Amendment Act of 2019

REFERENCE: Draft Bill as shared with the Office of Revenue Analysis on September 6, 2019

Conclusion

Funds are sufficient in the fiscal year 2019 budget and the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill.

Background

The bill updates¹ the duties of the Office of the Chief Technology Officer (OCTO) to include protecting the District government's information technology (IT) systems and assets against the risk of cyberattacks and responding to cybersecurity threats and security vulnerabilities in the District government's IT systems and assets. The bill also establishes the position of the Chief Information Security Officer.

The bill changes² the name of the DC-NET Services Support Fund to the DC-NET Services and Innovation Fund and clarifies that money in the Fund can only be used for the following:

- Network enhancement, maintenance, and expansion;
- District government IT innovation and Smart DC initiatives; and

¹ By amending The Office of the Chief Technology Officer Establishment Act of 1998, effective July 13, 1998 (D.C. Law 12-175; D.C. Official Code § 1-1401 et seq.).

² By amending The Technology Services Support Act of 2007, effective September 18, 2007 (D.C. Law 17-20; D.C. Official Code § 1-1431 et seq.).

The Honorable Phil Mendelson

FIS: "Secure, Managed, Responsive, and Trusted Technology (SMART Tech) Amendment Act of 2019," Draft Bill as shared with the Office of Revenue Analysis on September 6, 2019

- To pay for operational and administrative costs of the DC-NET program.

Financial Plan Impact

Funds are sufficient in the fiscal year 2019 budget and the fiscal year 2020 through fiscal year 2023 budget and financial plan to implement the bill. OCTO already protects the District government's IT systems and assets against the risk of cyberattacks. The Chief Technology Officer has already appointed a Chief Information Security Officer and the position's salary and benefits are fully funded. There is no cost to renaming the DC-NET Services Support Fund and the Fund uses specified in the bill mirror existing practice.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office of Policy and Legislative Affairs

FROM: Brian K. Flowers
Deputy Attorney General
Legal Counsel Division

DATE: September 20, 2019

SUBJECT: Legal Sufficiency Review – Draft “Secure, Managed, Responsive, and
Trusted Technology (SMART Tech) Amendment Act of 2019”
(AE-19-583)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.

A handwritten signature in black ink, reading "BKF/flowers", is positioned above a horizontal line.

Brian K. Flowers