

HB 3127-5
(LC 3810)
3/16/23 (CPA/ps)

Requested by Representative BOWMAN

**PROPOSED AMENDMENTS TO
HOUSE BILL 3127**

1 On page 1 of the printed bill, delete lines 4 through 27 and delete page
2 2 and insert:

3 **“SECTION 1. As used in sections 1 to 3 of this 2023 Act:**

4 **“(1) ‘Covered product’ means any form of hardware, software or**
5 **service provided by a covered vendor.**

6 **“(2) ‘Covered vendor’ means any of the following corporate entities,**
7 **or any parent, subsidiary, affiliate or successor entity of the following**
8 **corporate entities:**

9 **“(a) Ant Group Co., Limited.**

10 **“(b) ByteDance Limited.**

11 **“(c) Huawei Technologies Company Limited.**

12 **“(d) Kaspersky Lab.**

13 **“(e) Tencent Holdings Limited.**

14 **“(f) ZTE Corporation.**

15 **“(g) Any other corporate entity designated a covered vendor by the**
16 **State Chief Information Officer under section 3 of this 2023 Act.**

17 **“(3) ‘State agency’ means any board, commission, department, di-**
18 **vision, office or other entity of state government, as defined in ORS**
19 **174.111, except that state government does not include the Secretary**
20 **of State or State Treasurer.**

21 **“(4) ‘State information technology asset’ means any form of hard-**

1 ware, software or service for data processing, office automation or
2 telecommunications used directly by a state agency or used to a sig-
3 nificant extent by a contractor in the performance of a contract with
4 a state agency.

5 **“SECTION 2. (1) A covered product may not be:**

6 **“(a) Installed or downloaded onto a state information technology**
7 **asset; or**

8 **“(b) Used or accessed by a state information technology asset.**

9 **“(2) A state agency shall:**

10 **“(a) Remove any covered product that is installed or downloaded**
11 **onto a state information technology asset that is under the manage-**
12 **ment or control of the state agency; and**

13 **“(b) Implement all measures necessary to prevent the:**

14 **“(A) Installation or download of a covered product onto a state in-**
15 **formation technology asset that is under the management or control**
16 **of the state agency; or**

17 **“(B) Use or access of a covered product by a state information**
18 **technology asset that is under the management or control of the state**
19 **agency.**

20 **“(3)(a) Notwithstanding subsections (1) and (2) of this section, a**
21 **state agency may, for investigatory, regulatory or law enforcement**
22 **purposes, permit the:**

23 **“(A) Installation or download of a covered product onto a state in-**
24 **formation technology asset; or**

25 **“(B) Use or access of a covered product by a state information**
26 **technology asset.**

27 **“(b) A state agency that permits the installation, download, use or**
28 **access of a covered product under this subsection shall adopt risk**
29 **mitigation standards and procedures related to the installation,**
30 **download, use or access of the covered product.**

1 “(4) The State Chief Information Officer shall coordinate with and
2 oversee state agencies to implement the provisions of this section in
3 accordance with the policies and standards adopted under section 3 (3)
4 this 2023 Act.

5 “SECTION 3. (1) The State Chief Information Officer shall adopt:

6 “(a) Rules pertaining to the designation of a corporate entity as a
7 covered vendor under section 1 (2)(g) of this 2023 Act; and

8 “(b) Policies and standards for state agencies to implement the
9 provisions of section 2 of this 2023 Act.

10 “(2) The rules adopted under this section must include:

11 “(a) The definition of ‘national security threat’ for purposes of
12 protecting state information technology assets;

13 “(b) Criteria and a process for determining when a corporate entity
14 poses a national security threat; and

15 “(c) Criteria and a process for determining when a corporate entity
16 no longer poses a national security threat.

17 “(3) The policies and standards adopted under this section must in-
18 clude:

19 “(a) The procedures for providing state agencies, the Secretary of
20 State and the State Treasurer notice that a corporate entity is desig-
21 nated or no longer designated a covered vendor under section 1 (2)(g)
22 of this 2023 Act;

23 “(b) The time schedules for implementing the requirements under
24 section 2 of this 2023 Act with regard to a corporate entity that is
25 designated a covered vendor by the State Chief Information Officer;
26 and

27 “(c) The time schedules for incorporating the requirements under
28 section 2 of this 2023 Act into a state agency’s information security
29 plans, standards or measures.

30 “SECTION 4. (1) As used in this section:

1 “(a) ‘Covered product’ means any form of hardware, software or
2 service provided by a covered vendor.

3 “(b) ‘Covered vendor’ means any of the following corporate entities,
4 or any parent, subsidiary, affiliate or successor entity of the following
5 corporate entities:

6 “(A) Ant Group Co., Limited.

7 “(B) ByteDance Limited.

8 “(C) Huawei Technologies Company Limited.

9 “(D) Kaspersky Lab.

10 “(E) Tencent Holdings Limited.

11 “(F) ZTE Corporation.

12 “(c) ‘State information technology asset’ means any form of hard-
13 ware, software or service for data processing, office automation or
14 telecommunications used directly by the office of the Secretary of
15 State or used to a significant extent by a contractor in the perform-
16 ance of a contract with the office of the Secretary of State.

17 “(2) Except as provided in subsection (4) of this section, the Secre-
18 tary of State shall:

19 “(a) Prohibit a covered product from being:

20 “(A) Installed or downloaded onto a state information technology
21 asset; or

22 “(B) Used or accessed by a state information technology asset;

23 “(b) Remove any covered product that is installed or downloaded
24 onto a state information technology asset; and

25 “(c) Implement all measures necessary to prevent the:

26 “(A) Installation or download of a covered product onto a state in-
27 formation technology asset; or

28 “(B) Use or access of a covered product by a state information
29 technology asset.

30 “(3) For any corporate entity that the State Chief Information Of-

1 **ficer designates as a covered vendor under section 3 of this 2023 Act,**
2 **the secretary may:**

3 **“(a) Prohibit a covered product from being:**

4 **“(A) Installed or downloaded onto a state information technology**
5 **asset; or**

6 **“(B) Used or accessed by a state information technology asset;**

7 **“(b) Remove any covered product that is installed or downloaded**
8 **onto a state information technology asset; and**

9 **“(c) Implement all measures necessary to prevent the:**

10 **“(A) Installation or download of a covered product onto a state in-**
11 **formation technology asset; or**

12 **“(B) Use or access of a covered product by a state information**
13 **technology asset.**

14 **“(4) If the secretary adopts risk mitigation standards and proce-**
15 **dures related to the installation, download, use or access of a covered**
16 **product, the secretary may, for investigatory, regulatory or law**
17 **enforcement purposes, permit the:**

18 **“(a) Installation or download of the covered product onto a state**
19 **information technology asset; or**

20 **“(b) Use or access of the covered product by a state information**
21 **technology asset.**

22 **“SECTION 5. (1) As used in this section:**

23 **“(a) ‘Covered product’ means any form of hardware, software or**
24 **service provided by a covered vendor.**

25 **“(b) ‘Covered vendor’ means any of the following corporate entities,**
26 **or any parent, subsidiary, affiliate or successor entity of the following**
27 **corporate entities:**

28 **“(A) Ant Group Co., Limited.**

29 **“(B) ByteDance Limited.**

30 **“(C) Huawei Technologies Company Limited.**

1 **“(D) Kaspersky Lab.**

2 **“(E) Tencent Holdings Limited.**

3 **“(F) ZTE Corporation.**

4 **“(c) ‘State information technology asset’ means any form of hard-**
5 **ware, software or service for data processing, office automation or**
6 **telecommunications used directly by the office of the State Treasurer**
7 **or used to a significant extent by a contractor in the performance of**
8 **a contract with the office of the State Treasurer.**

9 **“(2) Except as provided in subsection (4) of this section, the State**
10 **Treasurer shall:**

11 **“(a) Prohibit a covered product from being:**

12 **“(A) Installed or downloaded onto a state information technology**
13 **asset; or**

14 **“(B) Used or accessed by a state information technology asset;**

15 **“(b) Remove any covered product that is installed or downloaded**
16 **onto a state information technology asset; and**

17 **“(c) Implement all measures necessary to prevent the:**

18 **“(A) Installation or download of a covered product onto a state in-**
19 **formation technology asset; or**

20 **“(B) Use or access of a covered product by a state information**
21 **technology asset.**

22 **“(3) For any corporate entity that the State Chief Information Of-**
23 **ficer designates as a covered vendor under section 3 of this 2023 Act,**
24 **the State Treasurer may:**

25 **“(a) Prohibit a covered product from being:**

26 **“(A) Installed or downloaded onto a state information technology**
27 **asset; or**

28 **“(B) Used or accessed by a state information technology asset;**

29 **“(b) Remove any covered product that is installed or downloaded**
30 **onto a state information technology asset; and**

