

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5247

To establish a National Cyberspace Office, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2010

Mr. LANGEVIN (for himself, Mr. McCAUL, Mr. RODRIGUEZ, Mr. RUPPERSBERGER, Ms. CLARKE, Ms. LORETTA SANCHEZ of California, Ms. MARKEY of Colorado, and Mr. SMITH of Washington) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on Armed Services and Select Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

---

## A BILL

To establish a National Cyberspace Office, 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 “Executive Cyberspace  
5 Authorities Act of 2010”.

1 **SEC. 2. NATIONAL CYBERSPACE OFFICE.**

2 (a) ESTABLISHMENT.—There is established within  
3 the Executive Office of the President an office to be known  
4 as the National Cyberspace Office.

5 (b) DIRECTOR.—There shall be at the head of the  
6 National Cyberspace Office a Director, who shall be ap-  
7 pointed by the President by and with the advice and con-  
8 sent of the Senate. The Director of the National Cyber-  
9 space Office shall administer all functions under this sec-  
10 tion and collaborate to the extent practicable with the  
11 heads of appropriate agencies, the private sector, and  
12 international partners. The National Cyberspace Office  
13 shall serve as the principal office for coordinating issues  
14 relating to achieving an assured, reliable, secure, and sur-  
15 vivable information infrastructure and related capabilities  
16 for the Federal Government.

17 (c) AUTHORITY AND FUNCTIONS OF THE DIRECTOR  
18 OF THE NATIONAL CYBERSPACE OFFICE.—

19 (1) DUTIES OF THE DIRECTOR.—The Director  
20 of the National Cyberspace Office shall—

21 (A) oversee agency information security  
22 policies and practices, including—

23 (i) developing and overseeing the im-  
24 plementation of policies, principles, stand-  
25 ards, and guidelines on information secu-  
26 rity, including through ensuring timely

1 agency adoption of and compliance with  
2 such policies, principles, standards, and  
3 guidelines;

4 (ii) reviewing at least annually, and  
5 approving or disapproving, each agency  
6 budget relating to the protection of infor-  
7 mation technology submitted pursuant to  
8 subsection (d);

9 (iii) coordinating the development of  
10 standards and guidelines under section 20  
11 of the National Institute of Standards and  
12 Technology Act (15 U.S.C. 278g-3) with  
13 agencies and offices operating or exercising  
14 control of national security systems (in-  
15 cluding the National Security Agency) to  
16 assure, to the maximum extent feasible,  
17 that such standards and guidelines are  
18 complementary with standards and guide-  
19 lines developed for national security sys-  
20 tems;

21 (iv) coordinating information security  
22 policies and procedures with related infor-  
23 mation resources management policies and  
24 procedures;

1 (v) overseeing the operation of the  
2 Federal information security incident cen-  
3 ter required under section 3546 of title 44,  
4 United States Code; and

5 (vi) reporting to Congress not later  
6 than March 1 of each year on agency com-  
7 pliance with the requirements of this Act,  
8 including—

9 (I) a summary of the findings of  
10 the independent evaluation required  
11 by section 3545 of title 44, United  
12 States Code;

13 (II) an assessment of the devel-  
14 opment, promulgation, and adoption  
15 of, and compliance with, standards de-  
16 veloped under section 20 of the Na-  
17 tional Institute of Standards and  
18 Technology Act (15 U.S.C. 278g-3);

19 (III) significant deficiencies in  
20 agency information security practices;

21 (IV) planned remedial action to  
22 address such deficiencies; and

23 (V) a summary of, and the views  
24 of the Director on, the report pre-  
25 pared by the National Institute of

1 Standards and Technology under sec-  
2 tion 20(d)(10) of the National Insti-  
3 tute of Standards and Technology Act  
4 (15 U.S.C. 278g-3);

5 (B) encourage public-private working  
6 groups with representatives from relevant agen-  
7 cies and industry partners to increase informa-  
8 tion sharing and policy coordination efforts in  
9 order to reduce vulnerabilities in the national  
10 information infrastructure;

11 (C) coordinate the defense of information  
12 infrastructure operated by agencies in the case  
13 of a large-scale attack on information tech-  
14 nology, as determined by the Director;

15 (D) establish a national strategy, in con-  
16 sultation with the Department of State, the  
17 United States Trade Representative, and the  
18 National Institute of Standards and Tech-  
19 nology, to engage with the international com-  
20 munity to set the policies, principles, standards,  
21 or guidelines for information security; and

22 (E) coordinate information security train-  
23 ing for Federal employees with the Office of  
24 Personnel Management.

1           (2) CONSULTATION.—The head of each agency  
2 shall consult with the Director regarding information  
3 security policies and practices.

4           (3) EXPERTS AND CONSULTANTS.—The Direc-  
5 tor may procure temporary and intermittent services  
6 under section 3109(b) of title 5, United States Code.

7           (4) MEMBERSHIP ON THE NATIONAL SECURITY  
8 COUNCIL.—Section 101(a) of the National Security  
9 Act of 1947 (50 U.S.C. 402(a)) is amended—

10                   (A) by redesignating paragraphs (7) and  
11                   (8) as paragraphs (8) and (9), respectively; and

12                   (B) by inserting after paragraph (6) the  
13 following:

14                   “(7) the Director of the National Cyberspace  
15 Office;”.

16           (d) BUDGET APPROVAL.—

17           (1) SUBMISSION OF BUDGET.—The head of  
18 each agency shall submit to the Director of the Na-  
19 tional Cyberspace Office a budget each year for the  
20 following fiscal year relating to the protection of in-  
21 formation technology for such agency, by a date de-  
22 termined by the Director that is before the submis-  
23 sion of such budget by the head of the agency to the  
24 Office of Management and Budget.

1           (2) BUDGET APPROVAL.—The Director shall re-  
2 view and approve or disapprove the budget before  
3 the submission of such budget by the head of the  
4 agency to the Office of Management and Budget.

5           (3) BUDGET DISAPPROVAL.—If the Director  
6 disapproves a budget under paragraph (2), the Di-  
7 rector shall transmit recommendations to the head  
8 of the agency for such budget.

9           (4) BUDGET SUBMISSION REQUIREMENTS.—  
10 Each budget submitted by the head of an agency  
11 pursuant to paragraph (1) shall include—

12                   (A) a review of any threats to information  
13 technology for such agency;

14                   (B) a plan to secure the information infra-  
15 structure for such agency based on threats to  
16 information technology, using the National In-  
17 stitute of Standards and Technology guidelines  
18 and recommendations;

19                   (C) a review of compliance by such agency  
20 with any previous year plan described in sub-  
21 paragraph (B); and

22                   (D) a report on the development of the  
23 credentialing process to enable secure authen-  
24 tication of identity and authorization for access

1 to the information infrastructure of such agen-  
2 cy.

3 (5) CYBER SECURITY PERFORMANCE.—The Na-  
4 tional Cyberspace Office may recommend to the  
5 President that awards and bonuses be withheld for  
6 any agency that failed to make adequate efforts to  
7 secure the information infrastructure of such agen-  
8 cy.

9 (e) NATIONAL SECURITY SYSTEMS.—Except for the  
10 authority described in clauses (iii) and (vi) of subsection  
11 (c)(1)(A), the authorities of the Director of the National  
12 Cyberspace Office under this section shall not apply to na-  
13 tional security systems.

14 (f) DEPARTMENT OF DEFENSE AND CENTRAL IN-  
15 TELLIGENCE AGENCY SYSTEMS.—

16 (1) DELEGATION OF AUTHORITY.—The author-  
17 ity of the Director of the National Cyberspace Office  
18 described in subparagraphs (A)(i) and (C) of sub-  
19 section (c)(1) shall be delegated to the Secretary of  
20 Defense in the case of systems described in para-  
21 graph (2) and to the Director of Central Intelligence  
22 in the case of systems described in paragraph (3).

23 (2) DEPARTMENT OF DEFENSE.—The systems  
24 described in this paragraph are systems that are op-  
25 erated by the Department of Defense, a contractor



1 of the Department of Defense, or another entity on  
2 behalf of the Department of Defense that processes  
3 any information the unauthorized access, use, disclo-  
4 sure, disruption, modification, or destruction of  
5 which would have a debilitating impact on the mis-  
6 sion of the Department of Defense.

7 (3) CENTRAL INTELLIGENCE AGENCY.—The  
8 systems described in this paragraph are systems  
9 that are operated by the Central Intelligence Agen-  
10 cy, a contractor of the Central Intelligence Agency,  
11 or another entity on behalf of the Central Intel-  
12 ligence Agency that processes any information the  
13 unauthorized access, use, disclosure, disruption,  
14 modification, or destruction of which would have a  
15 debilitating impact on the mission of the Central In-  
16 telligence Agency.

17 (g) CONFORMING AMENDMENTS.—Title 44, United  
18 States Code, is amended—

19 (1) in section 3546(a), by striking “Director”  
20 and inserting “Director of the National Cyberspace  
21 Office”; and

22 (2) in section 3545(e)—

23 (A) in paragraph (1), by inserting “and  
24 the Director of the National Cyberspace Office”  
25 after “submit to the Director”; and

1 (B) in paragraph (2), by inserting “and  
2 the Director of the National Cyberspace Office”  
3 after “the Director”.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) AGENCY.—The term “agency” has the  
7 meaning given that term in section 3502 of title 44,  
8 United States Code.

9 (2) INFORMATION INFRASTRUCTURE.—The  
10 term “information infrastructure” means the under-  
11 lying framework that information systems and assets  
12 rely on in processing, storing, or transmitting infor-  
13 mation electronically.

14 (3) INFORMATION RESOURCES MANAGEMENT.—  
15 The term “information resources management” has  
16 the meaning given that term in section 3502 of title  
17 44, United States Code.

18 (4) INFORMATION SECURITY.—The term “infor-  
19 mation security” has the meaning given that term in  
20 section 3542 of title 44, United States Code.

21 (5) INFORMATION TECHNOLOGY.—The term  
22 “information technology” has the meaning given  
23 that term in section 11101 of title 40, United States  
24 Code.

1           (6) NATIONAL SECURITY SYSTEM.—The term  
2           “national security system” has the meaning given  
3           that term in section 3542 of title 44, United States  
4           Code.

○