

Calendar No. 526

113TH CONGRESS
2^D SESSION**S. 2519****[Report No. 113-240]**

To codify an existing operations center for cybersecurity.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2014

Mr. CARPER (for himself and Mr. COBURN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JULY 31, 2014

Reported by Mr. CARPER, with an amendment

[Insert the part printed in italic]

A BILL

To codify an existing operations center for cybersecurity.

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 “National Cybersecurity
5 and Communications Integration Center Act of 2014”.

1 **SEC. 2. NATIONAL CYBERSECURITY AND COMMUNICA-**
2 **TIONS INTEGRATION CENTER.**

3 (a) IN GENERAL.—Subtitle A of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
5 ed by adding at the end the following:

6 **“SEC. 210G. OPERATIONS CENTER.**

7 “(a) FUNCTIONS.—There is in the Department an
8 operations center, which may carry out the responsibilities
9 of the Under Secretary appointed under section
10 103(a)(1)(H) with respect to security and resilience, in-
11 cluding by—

12 “(1) serving as a Federal civilian information
13 sharing interface for cybersecurity;

14 “(2) providing shared situational awareness to
15 enable real-time, integrated, and operational actions
16 across the Federal Government;

17 “(3) sharing cybersecurity threat, vulnerability,
18 impact, and incident information and analysis by
19 and among Federal, State, and local government en-
20 tities and private sector entities;

21 “(4) coordinating cybersecurity information
22 sharing throughout the Federal Government;

23 “(5) conducting analysis of cybersecurity risks
24 and incidents;

25 “(6) upon request, providing timely technical
26 assistance to Federal and non-Federal entities with

1 respect to cybersecurity threats and attribution, vul-
2 nerability mitigation, and incident response and re-
3 mediation; and

4 “(7) providing recommendations on security
5 and resilience measures to Federal and non-Federal
6 entities.

7 “(b) COMPOSITION.—The operations center shall be
8 composed of—

9 “(1) personnel or other representatives of Fed-
10 eral agencies, including civilian and law enforcement
11 agencies and elements of the intelligence community,
12 as such term is defined under section 3(4) of the
13 National Security Act of 1947 (50 U.S.C. 3003(4));
14 and

15 “(2) representatives from State and local gov-
16 ernments and other non-Federal entities, includ-
17 ing—

18 “(A) representatives from information
19 sharing and analysis organizations; and

20 “(B) private sector owners and operators
21 of critical information systems.

22 “(c) ANNUAL REPORT.—Not later than 1 year after
23 the date of enactment of the National Cybersecurity and
24 Communications Integration Center Act of 2014, and
25 every year thereafter for 3 years, the Secretary shall sub-

1 mit to the Committee on Homeland Security and Govern-
2 mental Affairs of the Senate and the Committee on Home-
3 land Security of the House of Representatives a report on
4 the operations center, which shall include—

5 “(1) an analysis of the performance of the oper-
6 ations center in carrying out the functions under
7 subsection (a);

8 “(2) information on the composition of the cen-
9 ter, including—

10 “(A) the number of representatives from
11 non-Federal entities that are participating in
12 the operations center, including the number of
13 representatives from States, nonprofit organiza-
14 tions, and private sector entities, respectively;
15 and

16 “(B) the number of requests from non-
17 Federal entities to participate in the operations
18 center and the response to such requests, in-
19 cluding—

20 “(i) the average length of time to ful-
21 fill such identified requests by the Federal
22 agency responsible for fulfilling such re-
23 quests; and

24 “(ii) a description of any obstacles or
25 challenges to fulfilling such requests; and

1 “(3) the policies and procedures established by
2 the operations center to safeguard privacy and civil
3 liberties.

4 “(d) GAO REPORT.—Not later than 1 year after the
5 date of enactment of the National Cybersecurity and Com-
6 munications Integration Center Act of 2014, the Comp-
7 troller General of the United States shall submit to the
8 Committee on Homeland Security and Governmental Af-
9 fairs of the Senate and the Committee on Homeland Secu-
10 rity of the House of Representatives a report on the effec-
11 tiveness of the operations center.

12 “(e) NO RIGHT OR BENEFIT.—The provision of as-
13 sistance or information to, and inclusion in the operations
14 center of, governmental or private entities under this sec-
15 tion shall be at the discretion of the Under Secretary ap-
16 pointed under section 103(a)(1)(H). The provision of cer-
17 tain assistance or information to, or inclusion in the oper-
18 ations center of, one governmental or private entity pursu-
19 ant to this section shall not create a right or benefit, sub-
20 stantive or procedural, to similar assistance or information
21 for any other governmental or private entity.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of contents in section 1(b) of the Homeland Se-
24 curity Act of 2002 (6 U.S.C. 101 note) is amended by

1 inserting after the item relating to section 210F the fol-
2 lowing:

“Sec. 210G. Operations center.”.

3 **SEC. 3. RULE OF CONSTRUCTION.**

4 (a) *DEFINITION.*—*In this section, the term “critical*
5 *infrastructure” has the meaning given that term under sec-*
6 *tion 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).*

7 (b) *RULE OF CONSTRUCTION.*—*Nothing in this Act*
8 *shall be construed to grant the Secretary of Homeland Secu-*
9 *riety any authority to promulgate regulations or set stand-*
10 *ards relating to the cybersecurity of private sector critical*
11 *infrastructure that was not in effect on the day before the*
12 *date of enactment of this Act.*

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