

Calendar No. 679

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-280 }

PRESIDENT'S CUP CYBERSECURITY
COMPETITION ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

H.R. 6824

TO AUTHORIZE THE CYBERSECURITY AND INFRASTRUCTURE
SECURITY AGENCY OF THE DEPARTMENT OF HOMELAND
SECURITY TO HOLD AN ANNUAL CYBERSECURITY COMPETITION
RELATING TO OFFENSIVE AND DEFENSIVE CYBERSECURITY
DISCIPLINES, AND FOR OTHER PURPOSES



DECEMBER 19, 2022.—Ordered to be printed

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PRESIDENT’S CUP CYBERSECURITY COMPETITION ACT

DECEMBER 19, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany H.R. 6824]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (H.R. 6824) to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security to hold an annual cybersecurity competition relating to offensive and defensive cybersecurity disciplines, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

H.R. 6824, the *President’s Cup Cybersecurity Competition Act*, authorizes the Cybersecurity and Infrastructure Security Agency (CISA) to carry out an annual cybersecurity competition for Federal civilian employees and members of the armed forces. This competition was created by Executive Order No. 13870 in 2019, and the President’s Cup Cybersecurity Competition (President’s Cup), with the goal to “identify, challenge, and reward the United States Government’s best cybersecurity practitioners and teams across offen-

sive and defensive cybersecurity disciplines.”¹ This bill grants CISA the necessary authorities to fully implement the competition, including by authorizing CISA to make specified expenditures to run the competition, and to directly provide cash prizes to the winning individuals and teams regardless of where they work in the Federal Government.

II. BACKGROUND AND NEED FOR THE LEGISLATION

CISA launched the first President’s Cup in 2019 as part of its effort to “identify, challenge, and reward the best cybersecurity talent” in the Federal workforce.² The three-round competition involves both individual and team challenges focusing on areas across the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework.³ The 2021 competition was broken down into three categories: (a) incident response and forensic analysis (team); (b) incident response and forensic analysis (individual); and (c) exploitation analysis and vulnerability assessment (individual).⁴ Members of both the military and civilian federal workforce are eligible to participate in the competition.⁵

Enthusiasm for the President’s Cup has grown since the competition was first launched. Over 1,000 individuals and 200 teams participated in the first year of the competition in 2019. Participation grew to over 1,400 individuals and nearly 250 teams in 2020, and, in 2021, nearly 2,000 federal employees competed.⁶ Despite this enthusiasm, lack of a formal authorization has prevented the program from achieving a critical objective rewarding the best cyber talent within the Federal Government. Notably, under current law and the program’s establishment in Executive Order No. 13870, the Department of Homeland Security (DHS) lacks the authority to provide cash prizes or an award ceremony to Federal workers who are employed outside of the Department. As such, CISA, as a component agency within DHS, can only encourage other Federal departments and agencies to provide rewards, or otherwise recognize, their employees who participate in and place in the competition.

H.R. 6824 will specifically authorize the President’s Cup Cybersecurity Competition in law in a manner that provides CISA with needed authority to award cash prizes and host ceremonies for the winners, rewarding their demonstrated cybersecurity skills, which in turn can serve as an important retention tool.

III. LEGISLATIVE HISTORY

Representative Luria (D–VA–2) introduced H.R. 6824, *the President’s Cup Cybersecurity Competition Act*, on February 25, 2022,

¹ President Donald Trump, Executive Order 13870: America’s Cybersecurity Workforce (May 2, 2019) (<https://www.federalregister.gov/documents/2019/05/09/2019-09750/americas-cybersecurity-workforce>).

² Cybersecurity and Infrastructure Security Agency, CISA *President’s Cup 2020* (accessed Nov. 4, 2022) (<https://www.cisa.gov/publication/cisa-presidents-cup-2020>).

³ Cybersecurity and Infrastructure Security Agency, *President’s Cup Cybersecurity Competition* (accessed Nov. 4, 2022) (<https://www.cisa.gov/presidentscup>); National Institute of Standards and Technology, *Workforce Framework for Cybersecurity (NICE Framework)* (NIST Special Publication 800–181, Revision 1) (Nov. 2020) (<https://doi.org/10.6028/NIST.SP.800-181r1>).

⁴ Cybersecurity and Infrastructure Security Agency, *CISA to Host Third Annual President’s Cup Cybersecurity Competition* (Aug. 30, 2021) (<https://www.cisa.gov/news/2021/08/30/cisa-host-third-annual-presidents-cup-cybersecurity-competition>).

⁵ Cybersecurity and Infrastructure Security Agency, *President’s Cup Cybersecurity Competition* (accessed Nov. 4, 2022) (<https://www.cisa.gov/presidentscup>).

⁶ *Id.*

with Representative Connolly (D–VA–11). The bill was referred to the House Committee on Homeland Security. Representative Garbarino (R–NY–2) joined the bill as a cosponsor on March 1, 2022. On March 2, 2022, the bill was marked up by the House Committee on Homeland Security favorably by a recorded vote of 33–0. On May 16, 2022, the House of Representatives passed the bill under a suspension of the rules by a vote of 386 to 31. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered H.R. 6824 at a business meeting on September 28, 2022. During the business meeting, Senators Portman (R–OH) and Peters (D–MI) offered a modified substitute amendment that struck a provision pertaining to consultation on the design of the competition. The substitute amendment also clarified provisions regarding how funds for the competition are allowed to be spent, including an overall yearly award limit of \$100,000. The Portman-Peters substitute amendment, as modified, was adopted by voice vote *en bloc* with Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Paul, Lankford, Romney, Scott, and Hawley present for the vote. The Committee ordered the bill, as amended, to be favorably reported by voice vote *en bloc*. Senators present for the vote were: Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Paul, Lankford, Romney, Scott, and Hawley.

Consistent with Committee Rule 3(G), the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section. 1. Short title

This section states that the Act may be cited as the “President’s Cup Cybersecurity Competition Act”.

Section. 2. President’s Cup cybersecurity competition

Subsection (a) directs CISA to hold an annual cybersecurity competition of cybersecurity practitioners from across the Federal Government.

Subsection (b) establishes that an individual must be a Federal civilian employee or member of the uniformed services to be eligible for the competition.

Subsection (c) authorizes CISA to enter into a grant, contract, cooperative agreement, or other agreement to administer the competition.

Subsection (d) directs that the competition shall include cybersecurity skills outlined in the National Initiative for Cybersecurity Education Framework, individual or team events, categories demonstrating offensive and defensive cyber operations, and other related elements identified by CISA.

Subsection (e) authorizes CISA to use appropriated funds or funds provided by other Federal agencies for specified expenses in order to carry out the competition. Specified expenses include advertising, marketing, and promoting the competition; meals for participants and organizers; promotional items; necessary expenses for

honorary recognition of competition participants; and monetary and nonmonetary awards for participants.

Subsection (f) authorizes CISA to provide awards up to \$10,000 in value per award and DHS to provide awards up to \$25,000 in value per award. It additionally establishes that any monetary award shall be in addition to the regular pay of the recipient and establishes an annual limit of \$100,000 for the total value of awards provided by the competition.

Subsection (g) directs CISA to provide an annual report to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Homeland Security that provides a description of funds used for each competition, a description of expenditures of awards for each competition, information relating to participation of each competition, and information relating to lessons learned from each competition.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 17, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 6824, the President's Cup Cybersecurity Competition Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Aldo Prosperi.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 6824, President's Cup Cybersecurity Competition Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on September 28, 2022			
By Fiscal Year, Millions of Dollars	2023	2023-2027	2023-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 6824 would authorize the Cybersecurity and Infrastructure Security Agency (CISA) to conduct an awards competition for the federal cybersecurity workforce. Under the bill, CISA would award financial prizes to federal employees who apply technical skills to solve real-world cybersecurity scenarios. The bill also would require CISA to report to the Congress on the effectiveness of the competition.

CISA is already operating the President's Cup Cybersecurity Competition that would be required by H.R. 6824; thus, the bill would not impose any new requirements on the agency. CBO estimates that preparing and delivering the reports required by H.R. 6824 would cost less than \$500,000 over the 2023–2027 period; such spending would be subject to the availability of appropriated funds.

On April 27, 2022, CBO transmitted a cost estimate for H.R. 6824, the President's Cup Cybersecurity Competition Act, as ordered reported by the House Committee on Homeland Security on March 2, 2022. The two bills are similar, and CBO's estimates of their costs are the same.

The CBO staff contact for this estimate is Aldo Prosperi. The estimate was reviewed by Leo Lex, Deputy Director of Budget.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.