

115TH CONGRESS  
2D SESSION

# H. R. 5822

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Mr. LANGEVIN (for himself, Mr. TED LIEU of California, Mrs. DINGELL, Mr. KHANNA, Ms. CLARKE of New York, Mr. RICHMOND, Mr. HECK, Ms. JAYAPAL, Ms. NORTON, Ms. VELÁZQUEZ, Mr. RUSH, and Mr. RUPPERSBERGER) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To establish a National Office for Cyberspace, 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       Coordination Act of 2018”.

6       **SEC. 2. NATIONAL OFFICE FOR CYBERSPACE.**

7       (a) COORDINATION OF FEDERAL INFORMATION POL-  
8       ICY.—Subchapter II of chapter 35 of title 44, United  
9       States Code, is amended—

1 (1) in section 3552(b), by adding at the end the  
2 following new paragraphs:

3 “(8) The term ‘Director’ means the Director of  
4 the National Office for Cyberspace.

5 “(9) The term ‘information infrastructure’  
6 means the underlying framework that information  
7 systems and assets rely on in processing, storing, or  
8 transmitting information electronically.”;

9 (2) in section 3553(a)—

10 (A) in paragraph (5), by striking “; and”  
11 and inserting a semicolon;

12 (B) in paragraph (6), by striking the pe-  
13 riod at the end and inserting a semicolon; and

14 (C) by inserting after paragraph (6) the  
15 following new paragraphs:

16 “(7) reviewing at least annually, and approving  
17 or disapproving, agency information security pro-  
18 grams required under section 3554(b);

19 “(8) coordinating the defense of information in-  
20 frastructure operated by agencies in the case of a  
21 large-scale attack on information infrastructure, as  
22 determined by the Director;

23 “(9) coordinating information security training  
24 for Federal employees with the Director of the Of-  
25 fice of Personnel Management;

1 “(10) ensuring the adequacy of protections for  
2 privacy and civil liberties in carrying out the respon-  
3 sibilities of the Director under this subchapter;

4 “(11) making recommendations that the Direc-  
5 tor determines are necessary to ensure risk-based se-  
6 curity of the Federal information infrastructure and  
7 information infrastructure that is owned, operated,  
8 controlled, or licensed for use by, or on behalf of, the  
9 Department of Defense, a military department, or  
10 another element of the intelligence community to—

11 “(A) the Director of the Office of Manage-  
12 ment and Budget;

13 “(B) the head of an agency; or

14 “(C) to Congress with regard to the re-  
15 programming of funds;

16 “(12) ensuring, in consultation with the Admin-  
17 istrator of the Office of Information and Regulatory  
18 Affairs, that the efforts of agencies relating to the  
19 development of regulations, rules, requirements, or  
20 other actions applicable to the national information  
21 infrastructure are complementary;

22 “(13) when directed by the President, carrying  
23 out the responsibilities for national security and  
24 emergency preparedness communications described  
25 in section 706 of the Communications Act of 1934

1 (47 U.S.C. 606) to ensure integration and coordina-  
2 tion; and

3 “(14) as assigned by the President, other duties  
4 relating to the security and resiliency of cyber-  
5 space.”;

6 (3) by adding at the end of section 3554, the  
7 following new subsection:

8 “(f) BUDGET ASSESSMENT AND REPORTING.—

9 “(1) AGENCY SUBMISSION.—The head of each  
10 agency shall submit to the Director a budget each  
11 year for the following fiscal year relating to the pro-  
12 tection of information infrastructure for such agen-  
13 cy, by a date determined by the Director that is be-  
14 fore July 1 of each year. Such budget shall in-  
15 clude—

16 “(A) a review of any threats to information  
17 technology for such agency;

18 “(B) a plan to secure the information in-  
19 frastructure for such agency based on threats  
20 to information technology, using the National  
21 Institute of Standards and Technology guide-  
22 lines and recommendations;

23 “(C) a review of compliance by such agen-  
24 cy with any previous year plan described in sub-  
25 paragraph (B); and

1           “(D) a report on the development of the  
2           credentialing process to enable secure authen-  
3           tication of identity and authorization for access  
4           to the information infrastructure of such agen-  
5           cy.

6           “(2) ASSESSMENT AND CERTIFICATION.—The  
7           Director shall assess and certify the adequacy of  
8           each budget submitted under paragraph (1).

9           “(3) AGENCY RECOMMENDATIONS.—Not later  
10          than July 1 of each year, the Director shall submit  
11          to the head of each agency budget recommendations,  
12          including requests for specific initiatives that are  
13          consistent with the priorities of the President relat-  
14          ing to the protection of information infrastructure.  
15          Such budget recommendations shall—

16                 “(A) apply to the next budget year sched-  
17                 uled for formulation under chapter 11 of title  
18                 31, and each of the 4 subsequent fiscal years;  
19                 and

20                 “(B) address funding priorities developed  
21                 in the National Office for Cyberspace.

22           “(4) RECOMMENDATIONS TO THE PRESI-  
23          DENT.—The Director shall make recommendations  
24          to the President that the Director determines are  
25          appropriate regarding changes in the organization,

1 management, and budget of each agency relating to  
2 the protection of information infrastructure in each  
3 such agency, and changes in the allocation of per-  
4 sonnel to and within such agency, including mone-  
5 tary penalties or incentives necessary to encourage  
6 and maintain accountability of any agency, or senior  
7 agency official, for efforts to secure the information  
8 infrastructure of such agency.”; and

9 (4) by adding at the end the following new sec-  
10 tion:

11 **“§ 3560. National Office for Cyberspace**

12 “(a) ESTABLISHMENT.—There is established within  
13 the Executive Office of the President an office to be known  
14 as the National Office for Cyberspace.

15 “(b) DIRECTOR.—

16 “(1) IN GENERAL.—There shall be at the head  
17 of the National Office for Cyberspace a Director,  
18 who shall be appointed by the President by and with  
19 the advice and consent of the Senate. The Director  
20 of the National Office for Cyberspace shall admin-  
21 ister all functions designated to such Director under  
22 sections 3553 and 3555 and collaborate to the ex-  
23 tent practicable with the heads of appropriate agen-  
24 cies, the private sector, and international partners.  
25 The Office shall serve as the principal office for co-

1       ordinating issues relating to cyberspace, including  
2       achieving an assured, reliable, secure, and survivable  
3       information infrastructure and related capabilities  
4       for the Federal Government, while promoting na-  
5       tional economic interests, security, and civil liberties.

6               “(2) BASIC PAY.—The Director of the National  
7       Office for Cyberspace shall be paid at the rate of  
8       basic pay for level III of the Executive Schedule.

9               “(c) STAFF.—The Director of the National Office for  
10      Cyberspace may appoint and fix the pay of additional per-  
11      sonnel as the Director considers appropriate.

12              “(d) EXPERTS AND CONSULTANTS.—The Director of  
13      the National Office for Cyberspace may procure temporary  
14      and intermittent services under section 3109(b) of title  
15      5.”.

16              (b) TECHNICAL AND CONFORMING AMENDMENTS.—  
17      The table of sections for subchapter II of chapter 35 of  
18      title 44, United States Code, is amended by adding at the  
19      end the following:

                    “3560. National Office for Cyberspace.”.

20              (c) NATIONAL STRATEGY REQUIRED.—Not later  
21      than one year after the date of the enactment of this Act,  
22      the Director of the National Office for Cyberspace shall  
23      establish a national strategy for improving agency infor-  
24      mation security.

1       (d) EFFECTIVE DATE.—This section, and the amend-  
2   ments made by this section, shall take effect 180 days  
3   after the date of the enactment of this Act.

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