AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 4435
OFFERED BY MR. LANGEVIN OF RHODE ISLAND

At the end of subtitle G of title X, add the following new section:

SEC. 111. NATIONAL OFFICE FOR CYBERSPACE.

(a) COORDINATION OF FEDERAL INFORMATION POLICY.—Chapter 35 of title 44, United States Code, is amended—

(1) by striking subchapter II;

(2) in section 3542(b)—

(A) by adding at the end the following new paragraph:

“(4) INFORMATION INFRASTRUCTURE.—The term ‘information infrastructure’ means the underlying framework that information systems and assets rely on in processing, storing, or transmitting information electronically.”; and

(B) by reordering paragraphs (1) through (3) and the paragraph added by subparagraph (A) of this paragraph in alphabetical order based on the headings of such paragraphs and
renumbering such paragraphs as so reordered;

and

(3) by adding at the end the following new sections:

“§ 3550. National Office for Cyberspace

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

“(b) Director.—

“(1) In General.—There shall be at the head
of the National Office for Cyberspace a Director,
who shall be appointed by the President by and with
the advice and consent of the Senate. The Director
of the National Office for Cyberspace shall admin-
ister all functions designated to such Director under
section 3551 and collaborate to the extent prac-
ticable with the heads of appropriate agencies, the
private sector, and international partners. The Of-

fice shall serve as the principal office for coordi-

nating issues relating to cyberspace, including
achieving an assured, reliable, secure, and survivable
information infrastructure and related capabilities
for the Federal Government, while promoting na-
tional economic interests, security, and civil liberties.
“(2) BASIC PAY.—The Director of the National Office for Cyberspace shall be paid at the rate of basic pay for level III of the Executive Schedule.

“(c) STAFF.—The Director of the National Office for Cyberspace may appoint and fix the pay of additional personnel as the Director considers appropriate.

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

“§ 3551. Authority and functions of the Director of the National Office for Cyberspace

“(a) IN GENERAL.—The Director of the National Office for Cyberspace shall oversee agency information security policies and practices, including—

“(1) developing and overseeing the implementation of policies, principles, standards, and guidelines on information security, including through ensuring timely agency adoption of and compliance with standards promulgated under section 3543;

“(2) requiring agencies, consistent with the standards promulgated under section 3543 and other requirements of this subchapter, to identify and provide information security protections commensurate with the risk and magnitude of the harm
resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of—

“(A) information collected or maintained by or on behalf of an agency; or

“(B) information infrastructure used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency;

“(3) coordinating the development of standards and guidelines under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) with agencies and offices operating or exercising control of national security systems (including the National Security Agency) to assure, to the maximum extent feasible, that such standards and guidelines are complementary with standards and guidelines developed for national security systems;

“(4) overseeing agency compliance with the requirements of this subchapter, including through any authorized action under section 11303 of title 40, to enforce accountability for compliance with such requirements;

“(5) reviewing at least annually, and approving or disapproving, agency information security programs required under section 3544(b);
“(6) coordinating information security policies and procedures of the Federal Government with related information resources management policies and procedures on the security and resiliency of cyberspace;

“(7) overseeing the operation of the Federal information security incident center required under section 3546;

“(8) reporting to Congress no later than March 1 of each year on agency compliance with the requirements of this subchapter, including—

“(A) a summary of the findings of evaluations required by section 3545;

“(B) an assessment of the development, promulgation, and adoption of, and compliance with, standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3) and promulgated under section 3543;

“(C) significant deficiencies in agency information security practices;

“(D) planned remedial action to address such deficiencies; and

“(E) a summary of, and the views of the Director of the National Office for Cyberspace
on, the report prepared by the National Institute of Standards and Technology under section 20(d)(10) of the National Institute of Standards and Technology Act (15 U.S.C. 278g–3);

“(9) coordinating the defense of information infrastructure operated by agencies in the case of a large-scale attack on information infrastructure, as determined by the Director;

“(10) establishing a national strategy not later than 120 days after the date of the enactment of this section;

“(11) coordinating information security training for Federal employees with the Office of Personnel Management;

“(12) ensuring the adequacy of protections for privacy and civil liberties in carrying out the responsibilities of the Director under this subchapter;

“(13) making recommendations that the Director determines are necessary to ensure risk-based security of the Federal information infrastructure and information infrastructure that is owned, operated, controlled, or licensed for use by, or on behalf of, the Department of Defense, a military department, or another element of the intelligence community to—
“(A) the Director of the Office of Management and Budget;

“(B) the head of an agency; or

“(C) to Congress with regard to the reprogramming of funds;

“(14) ensuring, in consultation with the Administrator of the Office of Information and Regulatory Affairs, that the efforts of agencies relating to the development of regulations, rules, requirements, or other actions applicable to the national information infrastructure are complementary;

“(15) when directed by the President, carrying out the responsibilities for national security and emergency preparedness communications described in section 706 of the Communications Act of 1934 (47 U.S.C. 606) to ensure integration and coordination; and

“(16) as assigned by the President, other duties relating to the security and resiliency of cyberspace.

“(b) RECRUITMENT PROGRAM.—Not later than 1 year after appointment, the Director of the National Office for Cyberspace shall establish a national program to conduct competitions and challenges that instruct United States students in cybersecurity education and computer literacy.
“(c) Budget Assessment and Reporting.—

“(1) Agency Submission.—The head of each agency shall submit to the Director of the National Office for Cyberspace a budget each year for the following fiscal year relating to the protection of information infrastructure for such agency, by a date determined by the Director that is before July 1 of each year. Such budget shall include—

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

“(B) a plan to secure the information infrastructure for such agency based on threats to information technology, using the National Institute of Standards and Technology guidelines and recommendations;

“(C) a review of compliance by such agency with any previous year plan described in subparagraph (B); and

“(D) a report on the development of the credentialing process to enable secure authentication of identity and authorization for access to the information infrastructure of such agency.
“(2) **Assessment and Certification.**—The Director shall assess and certify the adequacy of each budget submitted under paragraph (1).

“(3) **Agency Recommendations.**—Not later than July 1 of each year, the Director shall submit to the head of each agency budget recommendations, including requests for specific initiatives that are consistent with the priorities of the President relating to the protection of information infrastructure. Such budget recommendations shall—

“(A) apply to the next budget year scheduled for formulation under chapter 11 of title 31, and each of the 4 subsequent fiscal years; and

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

“(4) **Recommendations to the President.**—The Director shall make recommendations to the President that the Director determines are appropriate regarding changes in the organization, management, and budget of each agency relating to the protection of information infrastructure in each such agency, and changes in the allocation of personnel to and within such agency, including monetary penalties or incentives necessary to encourage
and maintain accountability of any agency, or senior agency official, for efforts to secure the information infrastructure of such agency.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the matter relating to subchapter II and adding at the end the following:

    "3551. Authority and functions of the Director of the National Office for Cyberspace.”.

(c) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect 180 days after the date of the enactment of this Act.