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115TH CONGRESS
1ST SESSION

H. R. 3359

[Report No. 115–454, Part I]

To amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2017

Mr. McCAUL (for himself, Mr. THOMPSON of Mississippi, Mr. RATCLIFFE, Mr. RICHMOND, Mr. KATKO, Mr. HURD, Mr. DONOVAN, Mr. GALLAGHER, Mr. HIGGINS of Louisiana, Mr. GARRETT, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committees on Energy and Commerce, Oversight and Government Reform, and Transportation and Infrastructure, 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

DECEMBER 11, 2017

Additional sponsor: Mr. KING of New York

DECEMBER 11, 2017

Reported from the Committee on Homeland Security

DECEMBER 11, 2017

The Committees on Energy and Commerce, Oversight and Government Reform, and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, 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 “Cybersecurity and In-
5 frastructure Security Agency Act of 2017”.

6 **SEC. 2. CYBERSECURITY AND INFRASTRUCTURE SECURITY**
7 **AGENCY.**

8 (a) IN GENERAL.—The Homeland Security Act of
9 2002 is amended by adding at the end the following new
10 title:

11 **“TITLE XXII—CYBERSECURITY**
12 **AND INFRASTRUCTURE SECU-**
13 **RITY AGENCY**

14 **“Subtitle A—Cybersecurity and**
15 **Infrastructure Security**

16 **“SEC. 2201. DEFINITIONS.**

17 “In this subtitle:

18 “(1) CRITICAL INFRASTRUCTURE INFORMA-
19 TION.—The term ‘critical infrastructure information’
20 has the meaning given such term in section 2215.

21 “(2) CRITICAL INFRASTRUCTURE RISK.—The
22 term ‘critical infrastructure risk’ means threats to
23 and vulnerabilities of critical infrastructure and any
24 related consequences, including consequences caused
25 by or resulting from an act of terrorism.

1 “(3) CYBERSECURITY RISK.—The term ‘cyber-
2 security risk’ has the meaning given such term in
3 section 2209.

4 “(4) CYBERSECURITY THREAT.—The term ‘cy-
5 bersecurity threat’ has the meaning given such term
6 in paragraph (5) of section 102 of the Cybersecurity
7 Act of 2015 (contained in division N of the Consoli-
8 dated Appropriations Act, 2016 (Public Law 114–
9 113; 6 U.S.C. 1501)).

10 “(5) FEDERAL ENTITY.—The term ‘Federal en-
11 tity’ has the meaning given such term in paragraph
12 (8) of section 102 of the Cybersecurity Act of 2015
13 (contained in division N of the Consolidated Appro-
14 priations Act, 2016 (Public Law 114–113; 6 U.S.C.
15 1501)).

16 “(6) NON-FEDERAL ENTITY.—The term ‘non-
17 Federal entity’ has the meaning given such term in
18 paragraph (14) of section 102 of the Cybersecurity
19 Act of 2015 (contained in division N of the Consoli-
20 dated Appropriations Act, 2016 (Public Law 114–
21 113; 6 U.S.C. 1501)).

22 “(7) SHARING.—The term ‘sharing’ has the
23 meaning given such term in section 2209.

1 “(8) NATIONAL CYBERSECURITY ASSET RE-
2 SPONSE ACTIVITIES.—The term ‘national cybersecu-
3 rity asset response activities’ means—

4 “(A) furnishing technical assistance to en-
5 tities affected by cybersecurity risks to protect
6 assets, mitigate vulnerabilities, and reduce im-
7 pacts of cyber incidents;

8 “(B) identifying other entities that may be
9 at risk of an incident and assessing risk to the
10 same or similar vulnerabilities;

11 “(C) assessing potential cybersecurity risks
12 to a sector or region, including potential cas-
13 cading effects, and developing courses of action
14 to mitigate such risks;

15 “(D) facilitating information sharing and
16 operational coordination with threat response;
17 and

18 “(E) providing guidance on how best to
19 utilize Federal resources and capabilities in a
20 timely, effective manner to speed recovery from
21 cybersecurity risks.

22 **“SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECU-
23 RITY AGENCY.**

24 “(a) REDESIGNATION.—

1 “(1) IN GENERAL.—The National Protection
2 and Programs Directorate of the Department shall,
3 on and after the date of the enactment of this sub-
4 title, be known as the ‘Cybersecurity and Infrastruc-
5 ture Security Agency’ (in this subtitle referred to as
6 the ‘Agency’).

7 “(2) REFERENCES.—Any reference to the Na-
8 tional Protection and Programs Directorate of the
9 Department in any law, regulation, map, document,
10 record, or other paper of the United States shall be
11 deemed to be a reference to the Cybersecurity and
12 Infrastructure Security Agency of the Department.

13 “(b) DIRECTOR.—

14 “(1) IN GENERAL.—The Agency shall be head-
15 ed by a Director of Cybersecurity and Infrastructure
16 Security (in this subtitle referred to as the ‘Direc-
17 tor’), who shall report to the Secretary.

18 “(2) REFERENCE.—Any reference to an Under
19 Secretary responsible for overseeing critical infra-
20 structure protection, cybersecurity, and any other re-
21 lated program of the Department as described in
22 section 103(a)(1)(H) as in effect on the day before
23 the date of the enactment of this subtitle in any law,
24 regulation, map, document, record, or other paper of
25 the United States shall be deemed to be a reference

1 to the Director of Cybersecurity and Infrastructure
2 Security of the Department.

3 “(c) RESPONSIBILITIES.—The Director shall—

4 “(1) lead cybersecurity and critical infrastruc-
5 ture security programs, operations, and associated
6 policy for the Agency, including national cybersecu-
7 rity asset response activities;

8 “(2) coordinate with Federal entities and non-
9 Federal entities, including international entities, to
10 carry out the cybersecurity and critical infrastruc-
11 ture activities of the Agency, as appropriate;

12 “(3) carry out the Secretary’s responsibilities to
13 secure Federal information and information systems
14 consistent with law, including subchapter II of chap-
15 ter 35 of title 44, United States Code, and the Cy-
16 bersecurity Act of 2015 (contained in division N of
17 the Consolidated Appropriations Act, 2016 (Public
18 Law 114–113));

19 “(4) coordinate a national effort to secure and
20 protect against critical infrastructure risks;

21 “(5) upon request provide analyses, expertise,
22 and other technical assistance to critical infrastruc-
23 ture owners and operators and, where appropriate,
24 provide such analyses, expertise, and other technical
25 assistance in coordination with critical infrastructure

1 sector specific agencies and other Federal depart-
2 ments and agencies;

3 “(6) to the extent required by law, exercise du-
4 ties in coordination with sector-specific agencies;

5 “(7) maintain and utilize mechanisms for the
6 regular and ongoing consultation and collaboration
7 among the Agency’s Divisions to further operational
8 coordination, integrated situational awareness, and
9 improved integration across the Agency in accord-
10 ance with this Act;

11 “(8) develop, coordinate, and implement—

12 “(A) comprehensive strategic plans for the
13 activities of the Agency; and

14 “(B) risk assessments;

15 “(9) carry out emergency communications re-
16 sponsibilities, in accordance with title XVIII;

17 “(10) carry out cybersecurity, infrastructure se-
18 curity, and emergency communications stakeholder
19 outreach and engagement; and

20 “(11) carry out such other duties and powers
21 prescribed by law or delegated by the Secretary.

22 “(d) DEPUTY DIRECTOR.—There shall be in the
23 Agency a Deputy Director of Cybersecurity and Infra-
24 structure Security who shall—

1 “(1) assist the Director in the management of
2 the Agency; and

3 “(2) report to the Director.

4 “(e) CYBERSECURITY AND INFRASTRUCTURE SECUR-
5 RITY AUTHORITIES OF THE SECRETARY.—

6 “(1) IN GENERAL.—The responsibilities of the
7 Secretary relating to cybersecurity and infrastruc-
8 ture security shall include the following:

9 “(A) To access, receive, and analyze law
10 enforcement information, intelligence informa-
11 tion, and other information from Federal Gov-
12 ernment agencies, State, local, tribal, and terri-
13 torial government agencies (including law en-
14 forcement agencies), and private sector entities,
15 and to integrate such information, in support of
16 the mission responsibilities of the Department,
17 in order to—

18 “(i) identify and assess the nature
19 and scope of terrorist threats to the home-
20 land;

21 “(ii) detect and identify threats of ter-
22 rorism against the United States; and

23 “(iii) understand such threats in light
24 of actual and potential vulnerabilities of
25 the homeland.

1 “(B) To carry out comprehensive assess-
2 ments of the vulnerabilities of the key resources
3 and critical infrastructure of the United States,
4 including the performance of risk assessments
5 to determine the risks posed by particular types
6 of terrorist attacks within the United States
7 (including an assessment of the probability of
8 success of such attacks and the feasibility and
9 potential efficacy of various countermeasures to
10 such attacks).

11 “(C) To integrate relevant information,
12 analysis, and vulnerability assessments (regard-
13 less of whether such information, analysis, or
14 assessments are provided or produced by the
15 Department) in order to identify priorities for
16 protective and support measures by the Depart-
17 ment, other Federal Government agencies,
18 State, local, tribal, and territorial government
19 agencies and authorities, the private sector, and
20 other entities regarding terrorist and other
21 threats to homeland security.

22 “(D) To ensure, pursuant to section 202,
23 the timely and efficient access by the Depart-
24 ment to all information necessary to discharge
25 the responsibilities under this title, including

1 obtaining such information from other Federal
2 Government agencies.

3 “(E) To develop a comprehensive national
4 plan for securing the key resources and critical
5 infrastructure of the United States, including
6 power production, generation, and distribution
7 systems, information technology and tele-
8 communications systems (including satellites),
9 electronic financial and property record storage
10 and transmission systems, emergency prepared-
11 ness communications systems, and the physical
12 and technological assets that support such sys-
13 tems.

14 “(F) To recommend measures necessary to
15 protect the key resources and critical infra-
16 structure of the United States in coordination
17 with other Federal Government agencies and in
18 cooperation with State, local, tribal, and terri-
19 torial government agencies and authorities, the
20 private sector, and other entities.

21 “(G) To review, analyze, and make rec-
22 ommendations for improvements to the policies
23 and procedures governing the sharing of law en-
24 forcement information, and other information
25 relating to homeland security within the Fed-

1 eral Government and between Federal Govern-
2 ment agencies and State, local, tribal, and terri-
3 torial government agencies and authorities.

4 “(H) To disseminate, as appropriate, infor-
5 mation analyzed by the Department within the
6 Department, to other Federal Government
7 agencies with responsibilities relating to home-
8 land security, and to State, local, tribal, and
9 territorial government agencies and private sec-
10 tor entities with such responsibilities in order to
11 assist in the deterrence, prevention, preemption
12 of, or response to, terrorist attacks against the
13 United States.

14 “(I) To consult with State, local, tribal,
15 and territorial government agencies and private
16 sector entities to ensure appropriate exchanges
17 of information, including law enforcement-re-
18 lated information, relating to threats of ter-
19 rorism against the United States.

20 “(J) To ensure that any material received
21 pursuant to this Act is protected from unau-
22 thorized disclosure and handled and used only
23 for the performance of official duties.

24 “(K) To request additional information
25 from other Federal Government agencies, State,

1 local, tribal, and territorial government agen-
2 cies, and the private sector relating to threats
3 of terrorism in the United States, or relating to
4 other areas of responsibility assigned by the
5 Secretary, including the entry into cooperative
6 agreements through the Secretary to obtain
7 such information.

8 “(L) To establish and utilize, in conjunc-
9 tion with the chief information officer of the
10 Department, a secure communications and in-
11 formation technology infrastructure, including
12 data-mining and other advanced analytical
13 tools, in order to access, receive, and analyze
14 data and information in furtherance of the re-
15 sponsibilities under this section, and to dissemi-
16 nate information acquired and analyzed by the
17 Department, as appropriate.

18 “(M) To ensure, in conjunction with the
19 chief information officer of the Department,
20 that any information databases and analytical
21 tools developed or utilized by the Department—

22 “(i) are compatible with one another
23 and with relevant information databases of
24 other Federal Government agencies; and

1 “(ii) treat information in such data-
2 bases in a manner that complies with ap-
3 plicable Federal law on privacy.

4 “(N) To coordinate training and other sup-
5 port to the elements and personnel of the De-
6 partment, other Federal Government agencies,
7 and State, local, tribal, and territorial govern-
8 ment agencies that provide information to the
9 Department, or are consumers of information
10 provided by the Department, in order to facili-
11 tate the identification and sharing of informa-
12 tion revealed in their ordinary duties and the
13 optimal utilization of information received from
14 the Department.

15 “(O) To coordinate with Federal, State,
16 local, tribal, and territorial law enforcement
17 agencies, and the private sector, as appropriate.

18 “(P) To exercise the authorities and over-
19 sight of the functions, personnel, assets, and li-
20 abilities of those components transferred to the
21 Department pursuant to section 201(g).

22 “(Q) To carry out the functions of the na-
23 tional cybersecurity and communications inte-
24 gration center under section 2209.

1 “(R) To carry out requirements of the
2 Chemical Facilities Anti-Terrorism Standards
3 Program established under title XXI and the
4 secure handling of ammonium nitrate estab-
5 lished under subtitle J of title VIII.

6 “(2) MODIFICATION.—The Secretary may mod-
7 ify the functions specified in sections 2203(b) and
8 2204(b) upon certifying to the Committee on Home-
9 land Security of the House of Representatives and
10 the Committee on Homeland Security and Govern-
11 mental Affairs of the Senate 60 days prior to any
12 such modification that such modification is nec-
13 essary for carrying out the activities of the Agency.

14 “(3) STAFF.—

15 “(A) IN GENERAL.—The Secretary shall
16 provide the Agency with a staff of analysts hav-
17 ing appropriate expertise and experience to as-
18 sist the Agency in discharging its responsibil-
19 ities under this section.

20 “(B) PRIVATE SECTOR ANALYSTS.—Ana-
21 lysts under this subsection may include analysts
22 from the private sector.

23 “(C) SECURITY CLEARANCES.—Analysts
24 under this subsection shall possess security

1 clearances appropriate for their work under this
2 section.

3 “(4) DETAIL OF PERSONNEL.—

4 “(A) IN GENERAL.—In order to assist the
5 Agency in discharging its responsibilities under
6 this section, personnel of the Federal agencies
7 referred to in subparagraph (B) may be de-
8 tailed to the Agency for the performance of
9 analytic functions and related duties.

10 “(B) AGENCIES SPECIFIED.—The Federal
11 agencies referred to in subparagraph (A) are
12 the following:

13 “(i) The Department of State.

14 “(ii) The Central Intelligence Agency.

15 “(iii) The Federal Bureau of Inves-
16 tigation.

17 “(iv) The National Security Agency.

18 “(v) The National Geospatial-Intel-
19 ligence Agency.

20 “(vi) The Defense Intelligence Agen-
21 cy.

22 “(vii) Any other agency of the Federal
23 Government that the President considers
24 appropriate.

1 “(C) INTERAGENCY AGREEMENTS.—The
2 Secretary and the head of an agency specified
3 in subparagraph (B) may enter into agreements
4 for the purpose of detailing personnel under
5 this paragraph.

6 “(D) BASIS.—The detail of personnel
7 under this paragraph may be on a reimbursable
8 or non-reimbursable basis.

9 “(f) COMPOSITION.—The Agency shall be composed
10 of the following divisions:

11 “(1) The Cybersecurity Division, headed by an
12 Assistant Director.

13 “(2) The Infrastructure Security Division,
14 headed by an Assistant Director.

15 “(3) The Emergency Communications Division
16 under title XVIII, headed by an Assistant Director.

17 “(g) CO-LOCATION.—To the maximum extent prac-
18 ticable, the Director shall examine the establishment of
19 central locations in geographical regions with a significant
20 Agency presence. When establishing such locations, the
21 Director shall coordinate with component heads and the
22 Under Secretary for Management to co-locate or partner
23 on any new real property leases, renewing any existing
24 leases, or agreeing to extend or newly occupy any Federal
25 space or new construction.

1 “(h) PRIVACY.—

2 “(1) IN GENERAL.—There shall be a Privacy
3 Officer of the Agency with primary responsibility for
4 privacy policy and compliance for the Agency.

5 “(2) RESPONSIBILITIES.—The responsibilities
6 of the Privacy Officer of the Agency shall include—

7 “(A) assuring that the use of technologies
8 by the Agency sustain, and do not erode, pri-
9 vacy protections relating to the use, collection,
10 and disclosure of personal information;

11 “(B) assuring that personal information
12 contained in Privacy Act systems of records of
13 the Agency is handled in full compliance with
14 fair information practices as specified in the
15 Privacy Act of 1974;

16 “(C) evaluating legislative and regulatory
17 proposals involving collection, use, and disclo-
18 sure of personal information by the Agency;
19 and

20 “(D) conducting a privacy impact assess-
21 ment of proposed rules of the Agency on the
22 privacy of personal information, including the
23 type of personal information collected and the
24 number of people affected.

1 “(i) SAVINGS.—Nothing in this title may be con-
2 strued as affecting in any manner the authority, existing
3 on the day before the date of the enactment of this title,
4 of any other component of the Department or any other
5 Federal department or agency.

6 **“SEC. 2203. CYBERSECURITY DIVISION.**

7 “(a) ESTABLISHMENT.—

8 “(1) IN GENERAL.—There is established in the
9 Agency a Cybersecurity Division.

10 “(2) ASSISTANT DIRECTOR.—The Cybersecurity
11 Division shall be headed by an Assistant Director for
12 Cybersecurity (in this subtitle referred to as the ‘As-
13 sistant Director’), who shall—

14 “(A) be at the level of Assistant Secretary
15 within the Department; and

16 “(B) report to the Director.

17 “(3) REFERENCE.—Any reference to the Assist-
18 ant Secretary for Cybersecurity and Communica-
19 tions in any law, regulation, map, document, record,
20 or other paper of the United States shall be deemed
21 to be a reference to the Assistant Director for Cy-
22 bersecurity.

23 “(b) FUNCTIONS.—The Assistant Director shall—

24 “(1) direct the cybersecurity efforts of the
25 Agency;

1 “(2) carry out activities, at the direction of the
2 Director, related to the security of information and
3 information systems for Federal entities consistent
4 with law, including subchapter II of chapter 35 of
5 title 44, United States Code, and the Cybersecurity
6 Act of 2015 (contained in division N of the Consoli-
7 dated Appropriations Act, 2016 (Public Law 114–
8 113));

9 “(3) fully participate in the mechanisms re-
10 quired under subsection (c)(7) of section 2202; and

11 “(4) carry out such other duties and powers as
12 prescribed by the Director.

13 **“SEC. 2204. INFRASTRUCTURE SECURITY DIVISION.**

14 “(a) ESTABLISHMENT.—

15 “(1) IN GENERAL.—There is established in the
16 Agency an Infrastructure Security Division.

17 “(2) ASSISTANT DIRECTOR.—The Infrastruc-
18 ture Security Division shall be headed by an Assist-
19 ant Director of Infrastructure Security (in this sec-
20 tion referred to as the ‘Assistant Director’), who
21 shall—

22 “(A) be at the level of Assistant Secretary
23 within the Department; and

24 “(B) report to the Director.

1 “(3) REFERENCE.—Any reference to the Assist-
2 ant Secretary for Infrastructure Protection in any
3 law, regulation, map, document, record, or other
4 paper of the United States shall be deemed to be a
5 reference to the Assistant Director for Infrastruc-
6 ture Security.

7 “(b) FUNCTIONS.—The Assistant Director shall—

8 “(1) direct the critical infrastructure security
9 efforts of the Agency;

10 “(2) carry out efforts, at the direction of the
11 Director, to secure the United States high-risk
12 chemicals and chemical facilities consistent with law,
13 including the Chemical Facilities Anti-Terrorism
14 Standards Program established under title XXI and
15 the secure handling of ammonium nitrate established
16 under subtitle J of title VIII;

17 “(3) fully participate in the mechanisms re-
18 quired under subsection (c)(7) of section 2202; and

19 “(4) carry out such other duties and powers as
20 prescribed by the Director.”.

21 (b) TREATMENT OF CERTAIN POSITIONS.—

22 (1) UNDER SECRETARY.—The individual serv-
23 ing as the Under Secretary appointed pursuant to
24 section 103(a)(1)(H) of the Homeland Security Act
25 of 2002 (6 U.S.C. 113(a)(1)) of the Department of

1 Homeland Security on the day before the date of the
2 enactment of this Act may continue to serve as the
3 Director of the Cybersecurity and Infrastructure Se-
4 curity Agency of the Department on and after such
5 date.

6 (2) DIRECTOR FOR EMERGENCY COMMUNICA-
7 TIONS.—The individual serving as the Director for
8 Emergency Communications of the Department of
9 Homeland Security on the day before the date of the
10 enactment of this Act may continue to serve as the
11 Assistant Director for Emergency Communications
12 of the Department on and after such date.

13 (3) ASSISTANT SECRETARY FOR CYBERSECUR-
14 RITY AND COMMUNICATIONS.—The individual serv-
15 ing as the Assistant Secretary for Cybersecurity and
16 Communications on the day before the date of the
17 enactment of this Act may continue to serve as the
18 Assistant Director for Cybersecurity on and after
19 such date.

20 (4) ASSISTANT SECRETARY FOR INFRASTRUC-
21 TURE SECURITY.—The individual serving as the As-
22 sistant Secretary for Infrastructure Protection on
23 the day before the date of the enactment of this Act
24 may continue to serve as the Assistant Director for
25 Infrastructure Security on and after such date.

1 (c) REFERENCE.—Any reference to—

2 (1) the Office of Emergency Communications in
3 any law, regulation, map, document, record, or other
4 paper of the United States shall be deemed to be a
5 reference to the Emergency Communications Divi-
6 sion; and

7 (2) the Director for Emergency Communica-
8 tions in any law, regulation, map, document, record,
9 or other paper of the United States shall be deemed
10 to be a reference to the Assistant Director for Emer-
11 gency Communications.

12 (d) OVERSIGHT.—The Director of the Cybersecurity
13 and Infrastructure Security Agency of the Department of
14 Homeland Security shall provide to Congress, in accord-
15 ance with the deadlines specified in paragraphs (1) and
16 (2), information on the following:

17 (1) Not later than 90 days after the date of the
18 enactment of this Act, information on the Agency’s
19 mechanisms for regular and ongoing consultation
20 and collaboration, as required pursuant to section
21 2202(c)(7) of the Homeland Security Act of 2002
22 (as added by this Act).

23 (2) Not later than one year after the date of
24 the enactment of this Act, the activities of the Agen-
25 cy’s consultation and collaboration mechanisms and

1 how such mechanisms have impacted operational co-
2 ordination, situational awareness, and integration
3 across the Agency.

4 (e) CYBER WORKFORCE.—Not later than 90 days
5 after the date of the enactment of this subtitle, the Direc-
6 tor of the Cybersecurity and Infrastructure Security Agen-
7 cy of the Department of Homeland Security shall submit
8 to Congress a report detailing how the Agency is meeting
9 legislative requirements under the Cybersecurity Work-
10 force Assessment Act (Public Law 113–246) and the
11 Homeland Security Cybersecurity Workforce Assessment
12 Act (enacted as section 4 of the Border Patrol Agent Pay
13 Reform Act of 2014; Public Law 113–277) to address
14 cyber workforce needs.

15 (f) FACILITY.—Not later than 180 days after the
16 date of the enactment of this Act, the Director of the Cy-
17 bersecurity and Infrastructure Security Agency of the De-
18 partment of Homeland Security shall report to Congress
19 on the most efficient and effective methods of consoli-
20 dating Agency facilities, personnel, and programs to most
21 effectively carry out the Agency’s mission.

22 (g) CONFORMING AMENDMENTS TO THE HOMELAND
23 SECURITY ACT OF 2002.—The Homeland Security Act of
24 2002 is amended—

1 (1) in title I, by amending subparagraph (H) of
2 section 103(a)(1) (6 U.S.C. 113(a)(1)) to read as
3 follows:

4 “(H) A Director of the Cybersecurity and
5 Infrastructure Security Agency.”;

6 (2) in title II (6 U.S.C. 121 et seq.)—

7 (A) in the title heading, by striking “**AND**
8 **INFRASTRUCTURE PROTECTION**”;

9 (B) in the subtitle A heading, by striking
10 “**and Infrastructure Protection**”;

11 (C) in section 201 (6 U.S.C. 121)—

12 (i) in the section heading, by striking
13 “**AND INFRASTRUCTURE PROTEC-**
14 **TION**”;

15 (ii) in subsection (a)—

16 (I) in the heading, by striking
17 “**AND INFRASTRUCTURE PROTEC-**
18 **TION**”; and

19 (II) by striking “and an Office of
20 Infrastructure Protection”;

21 (iii) in subsection (b)—

22 (I) in the heading, by striking
23 “**AND ASSISTANT SECRETARY FOR IN-**
24 **FRAS**TRUCTURE PROTECTION”; and

25 (II) by striking paragraph (3);

1 (iv) in subsection (c)—

2 (I) by striking “and infrastruc-
3 ture protection”; and

4 (II) by striking “or the Assistant
5 Secretary for Infrastructure Protec-
6 tion, as appropriate”;

7 (v) in subsection (d)—

8 (I) in the heading, by striking
9 “AND INFRASTRUCTURE PROTEC-
10 TION”;

11 (II) in the matter preceding
12 paragraph (1), by striking “and infra-
13 structure protection”;

14 (III) by striking paragraphs (5)
15 and (6) and redesignating paragraphs
16 (7) through (26) as paragraphs (5)
17 through (24), respectively;

18 (IV) by striking paragraph (23),
19 as so redesignated; and

20 (V) by redesignating paragraph
21 (24), as so redesignated, as paragraph
22 (23);

23 (vi) in subsection (e)(1), by striking
24 “and the Office of Infrastructure Protec-
25 tion”; and

1 (vii) in subsection (f)(1), by striking
2 “and the Office of Infrastructure Protec-
3 tion”;

4 (D) in section 204 (6 U.S.C. 124a)—

5 (i) in subsection (c)(1), in the matter
6 preceding subparagraph (A), by striking
7 “Assistant Secretary for Infrastructure
8 Protection” and inserting “Director of the
9 Cybersecurity and Infrastructure Security
10 Agency”; and

11 (ii) in subsection (d)(1), in the matter
12 preceding subparagraph (A), by striking
13 “Assistant Secretary for Infrastructure
14 Protection” and inserting “Director of the
15 Cybersecurity and Infrastructure Security
16 Agency”;

17 (E) in subparagraph (B) of section
18 210A(c)(2) (6 U.S.C. 124h(c)(2)), by striking
19 “Office of Infrastructure Protection” and in-
20 serting “Cybersecurity and Infrastructure Secu-
21 rity Agency”;

22 (F) by transferring section 210E (6 U.S.C.
23 124) to appear after section 2212 (as redesign-
24 nated by subparagraph (G) of this paragraph)

1 and redesignating such section 210E as section
2 2214;

3 (G) in subtitle B, by redesignating sections
4 211 through 215 (6 U.S.C. 101 note through
5 134) as sections 2221 through 2225, respec-
6 tively, and inserting such redesignated sections,
7 including the enumerator and heading of sub-
8 title B (containing such redesignated sections),
9 after section 2213, as redesignated by subpara-
10 graph (E) of this paragraph; and

11 (H) by redesignating sections 223 through
12 230 (6 U.S.C. 143 through 151) as sections
13 2205 through 2213, respectively, and inserting
14 such redesignated sections after section 2204,
15 as added by this Act;

16 (3) in title III, in paragraph (3) of section 302
17 (6 U.S.C. 182), by striking “Assistant Secretary for
18 Infrastructure Protection” and inserting “Director
19 of the Cybersecurity and Infrastructure Security
20 Agency”;

21 (4) in title V—

22 (A) in section 514 (6 U.S.C. 321(e)), by—

23 (i) striking subsection (b); and

24 (ii) redesignating subsection (c) as
25 subsection (b);

1 (B) in section 523 (6 U.S.C. 321I)—

2 (i) in subsection (a), in the matter
3 preceding paragraph (1), by striking “As-
4 sistant Secretary for Infrastructure Protec-
5 tion” and inserting “Director of the Cyber-
6 security and Infrastructure Security Agen-
7 cy”; and

8 (ii) in subsection (c), by striking “As-
9 sistant Secretary for Infrastructure Protec-
10 tion” and inserting “Director of the Cyber-
11 security and Infrastructure Security Agen-
12 cy”; and

13 (C) in section 524(a)(2)(B) (6 U.S.C.
14 321m(a)(2)(B)), in the matter preceding clause

15 (i)—

16 (i) by striking “Assistant Secretary
17 for Infrastructure Protection” and insert-
18 ing “Director of the Cybersecurity and In-
19 frastructure Security Agency”; and

20 (ii) by striking “of the Assistant Sec-
21 retary” and inserting “of the Director”;

22 (5) in title VIII, in section 899B(a) (6 U.S.C.
23 488a(a)), by inserting at the end the following new
24 sentence: “Such regulations shall be carried out by

1 the Cybersecurity and Infrastructure Security Agen-
2 cy.”;

3 (6) in title XVIII (6 U.S.C. 571 et seq.)—

4 (A) in section 1801 (6 U.S.C. 571)—

5 (i) in the section heading, by striking

6 **“OFFICE OF EMERGENCY COMMU-
7 NICATIONS”** and inserting **“EMERGENCY
8 COMMUNICATIONS DIVISION”**;

9 (ii) in subsection (a)—

10 (I) by striking “Office of Emer-
11 gency Communications” and inserting
12 “Emergency Communications Divi-
13 sion”; and

14 (II) by adding at the end the fol-
15 lowing new sentence: “The Division
16 shall be located in the Cybersecurity
17 and Infrastructure Security Agency.”;

18 (iii) in subsection (b)—

19 (I) in the first sentence, by in-
20 serting “Assistant” before “Director”;
21 and

22 (II) in the second sentence, by
23 striking “Assistant Secretary for Cy-
24 bersecurity and Communications” and
25 inserting “Director of the Cybersecu-

1 rity and Infrastructure Security Agen-
2 cy”;

3 (iv) in subsection (c)—

4 (I) in the matter preceding para-
5 graph (1), by inserting “Assistant”
6 before “Director”;

7 (II) in paragraph (14), by strik-
8 ing “and” at the end;

9 (III) by redesignating paragraph
10 (15) as paragraph (16); and

11 (IV) by inserting after paragraph
12 (14) the following new paragraph:

13 “(15) fully participate in the mechanisms re-
14 quired under subsection (c)(7) of section 2202;
15 and”;

16 (v) in subsection (d), by inserting
17 “Assistant” before “Director”; and

18 (vi) in subsection (e), in the matter
19 preceding paragraph (1), by inserting “As-
20 sistant” before “Director”;

21 (B) in sections 1802 through 1805 (6
22 U.S.C. 575), by striking “Director for Emer-
23 gency Communications” each place it appears
24 and inserting “Assistant Director for Emer-
25 gency Communications”;

1 (C) in section 1809 (6 U.S.C. 579)—

2 (i) by striking “Director for Emer-
3 gency Communications” and inserting “As-
4 sistant Director for Emergency Commu-
5 nications”; and

6 (ii) by striking “Office of Emergency
7 Communications” each place it appears
8 and inserting “Emergency Communica-
9 tions Division”; and

10 (D) in section 1810 (6 U.S.C. 580)—

11 (i) in subsection (a)(1), by striking
12 “Director of the Office of Emergency Com-
13 munications (referred to in this section as
14 the ‘Director’)” and inserting “Assistant
15 Director for the Emergency Communica-
16 tions Division (referred to in this section
17 as the ‘Assistant Director’)”;

18 (ii) in subsection (c), by striking “Of-
19 fice of Emergency Communications” and
20 inserting “Emergency Communications Di-
21 vision”; and

22 (iii) by striking “Director” each place
23 it appears and inserting “Assistant Direc-
24 tor”;

25 (7) in title XXI (6 U.S.C. 621 et seq.)—

1 (A) in section 2101 (6 U.S.C. 621)—

2 (i) by redesignating paragraphs (4)
3 through (14) as paragraphs (5) through
4 (15), respectively; and

5 (ii) by inserting after paragraph (3)
6 the following new paragraph:

7 “(4) the term ‘Director’ means the Director of
8 the Cybersecurity and Infrastructure Security Agen-
9 cy;”;

10 (B) in paragraph (1) of section 2102(a) (6
11 U.S.C. 622(a)), by inserting at the end the fol-
12 lowing new sentence: “Such Program shall be
13 located in the Cybersecurity and Infrastructure
14 Security Agency.”; and

15 (C) in paragraph (2) of section 2104(c) (6
16 U.S.C. 624(c)), by striking “Under Secretary
17 responsible for overseeing critical infrastructure
18 protection, cybersecurity, and other related pro-
19 grams of the Department appointed under sec-
20 tion 103(a)(1)(H)” and inserting “Director of
21 the Cybersecurity and Infrastructure Security
22 Agency”; and

23 (8) in title XXII, as added by this Act—

24 (A) in section 2205, as so redesignated, in
25 the matter preceding paragraph (1), by striking

1 “Under Secretary appointed under section
2 103(a)(1)(H)” and inserting “Director of the
3 Cybersecurity and Infrastructure Security
4 Agency”;

5 (B) in section 2206, as so redesignated, by
6 striking “Assistant Secretary for Infrastructure
7 Protection” and inserting “Director of the Cy-
8 bersecurity and Infrastructure Security Agen-
9 cy”;

10 (C) in section 2209, as so redesignated—

11 (i) by striking “Under Secretary ap-
12 pointed under section 103(a)(1)(H)” each
13 place it appears and inserting “Director of
14 the Cybersecurity and Infrastructure Secu-
15 rity Agency”;

16 (ii) in subsection (b), by adding at the
17 end the following new sentences: “The
18 Center shall be located in the Cybersecu-
19 rity and Infrastructure Security Agency.
20 The head of the Center shall report to the
21 Assistant Director for Cybersecurity.”; and

22 (iii) in subsection (c)(11), by striking
23 “Office of Emergency Communications”
24 and inserting “Emergency Communica-
25 tions Division”;

1 (D) in section 2210, as so redesignated—

2 (i) by striking “section 227” each
3 place it appears and inserting “section
4 2209”; and

5 (ii) in subsection (c), by striking
6 “Under Secretary appointed under section
7 103(a)(1)(H)” and inserting “Director of
8 the Cybersecurity and Infrastructure Secu-
9 rity Agency”;

10 (E) in section 2211, as so redesignated, by
11 striking “section 212(5)” and inserting “section
12 2215(5)”; and

13 (F) in section 2212, as so redesignated, in
14 subsection (a)—

15 (i) in paragraph (3), by striking “sec-
16 tion 228” and inserting “section 2210”;
17 and

18 (ii) in paragraph (4), by striking “sec-
19 tion 227” and inserting “section 2209”.

20 (h) CONFORMING AMENDMENT TO TITLE 5, UNITED
21 STATES CODE.—Section 5314 of title 5, United States
22 Code, is amended by inserting after “Under Secretaries,
23 Department of Homeland Security.” the following new
24 item:

1 “Director, Cybersecurity and Infrastructure Se-
2 curity Agency.”.

3 (i) CLERICAL AMENDMENTS.—The table of contents
4 in section 1(b) of the Homeland Security Act of 2002 is
5 amended—

6 (1) in title II—

7 (A) in the item relating to the title head-
8 ing, by striking “**AND INFRASTRUC-**
9 **TURE PROTECTION**”;

10 (B) in the item relating to the heading of
11 subtitle A, by striking “**and Infrastructure**
12 **Protection**”;

13 (C) in the item relating to section 201, by
14 striking “**AND INFRASTRUCTURE PROTEC-**
15 **TION**”;

16 (D) by striking the item relating to section
17 210E;

18 (E) by striking the items relating to sub-
19 title B of title II; and

20 (F) by striking the items relating to sec-
21 tion 223 through section 230; and

22 (2) by adding at the end the following new
23 items:

“TITLE XXII—CYBERSECURITY AND INFRASTRUCTURE SECURITY
AGENCY

“Subtitle A—Cybersecurity and Infrastructure Security

“Sec. 2201. Definitions.

“Sec. 2202. Cybersecurity and Infrastructure Security Agency.
 “Sec. 2203. Cybersecurity Division.
 “Sec. 2204. Infrastructure Security Division.
 “Sec. 2205. Enhancement of Federal and non-Federal cybersecurity.
 “Sec. 2206. Net guard.
 “Sec. 2207. Cybersecurity Enhancement Act of 2002.
 “Sec. 2208. Cybersecurity recruitment and retention.
 “Sec. 2209. National cybersecurity and communications integration center.
 “Sec. 2210. Cybersecurity plans.
 “Sec. 2211. Cybersecurity strategy.
 “Sec. 2212. Clearances.
 “Sec. 2213. Federal intrusion detection and prevention system.
 “Sec. 2214. National Asset Database.

“Subtitle B—Critical Infrastructure Information

“Sec. 2221. Short title.
 “Sec. 2222. Definitions.
 “Sec. 2223. Designation of critical infrastructure protection program.
 “Sec. 2224. Protection of voluntarily shared critical infrastructure information.
 “Sec. 2225. No private right of action.”.

1 SEC. 3. TRANSFER OF OTHER ENTITIES.

2 (a) OFFICE OF BIOMETRIC IDENTITY MANAGE-
 3 MENT.—The Office of Biometric Identity Management of
 4 the Department of Homeland Security located in the Na-
 5 tional Protection and Programs Directorate of the Depart-
 6 ment of Homeland Security on the day before the date
 7 of the enactment of this Act is hereby transferred to the
 8 Management Directorate of the Department.

9 (b) FEDERAL PROTECTIVE SERVICE.—The Secretary
 10 of Homeland Security is authorized to transfer the Fed-
 11 eral Protective Service, as authorized under section 1315
 12 of title 40, United States Code, to any component, direc-
 13 torate, or other office of the Department of Homeland Se-
 14 curity that the Secretary determines appropriate.

15 SEC. 4. RULE OF CONSTRUCTION.

16 Nothing in this Act may be construed as—

1 (1) conferring new authorities to the Secretary
2 of Homeland Security, including programmatic, reg-
3 ulatory, or enforcement authorities, outside of the
4 authorities in existence on the day before the date
5 of the enactment of this Act;

6 (2) reducing or limiting the programmatic, reg-
7 ulatory, or enforcement authority vested in any
8 other Federal agency by statute; or

9 (3) affecting in any manner the authority, exist-
10 ing on the day before the date of the enactment of
11 this Act, of any other Federal agency or component
12 of the Department of Homeland Security.

13 **SEC. 5. PROHIBITION ON ADDITIONAL FUNDING.**

14 No additional funds are authorized to be appro-
15 priated to carry out this Act or the amendments made
16 by this Act. This Act and such amendments shall be car-
17 ried out using amounts otherwise authorized.

Union Calendar No. 336

115TH CONGRESS
1ST Session

H. R. 3359

[Report No. 115-454, Part I]

A BILL

To amend the Homeland Security Act of 2002 to authorize the Cybersecurity and Infrastructure Security Agency of the Department of Homeland Security, and for other purposes.

DECEMBER 11, 2017

Reported from the Committee on Homeland Security

DECEMBER 11, 2017

The Committees on Energy and Commerce, Oversight and Government Reform, and Transportation and Infrastructure discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed