

115TH CONGRESS  
1ST SESSION

# S. RES. 23

Establishing the Select Committee on Cybersecurity.

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IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2017

Mr. GARDNER (for himself and Mr. COONS) submitted the following resolution; which was referred to the Committee on Rules and Administration

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## RESOLUTION

Establishing the Select Committee on Cybersecurity.

1       *Resolved,*

2       **SECTION 1. SELECT COMMITTEE ON CYBERSECURITY.**

3       (a) DEFINITIONS.—In this section—

4               (1) the term “cybersecurity” means the protec-  
5       tion or defense of cyberspace from cyberattacks;

6               (2) the term “cybersecurity breach” means an  
7       attack via cyberspace, targeting an enterprise’s use  
8       of cyberspace for the purpose of—

9               (A) disrupting, disabling, destroying, or  
10       maliciously controlling a computing environ-  
11       ment or infrastructure; or

1 (B) destroying the integrity of data or  
2 stealing controlled information; and

3 (3) the term “cyberspace” means the global do-  
4 main within the information environment consisting  
5 of the interdependent network of information sys-  
6 tems infrastructures (including the Internet, tele-  
7 communications networks, computer systems, and  
8 embedded processors and controllers).

9 (b) ESTABLISHMENT.—There is established a select  
10 committee of the Senate to be known as the Select Com-  
11 mittee on Cybersecurity (in this resolution referred to as  
12 the “select committee”)—

13 (1) to oversee and make continuing studies of  
14 and recommendations regarding cybersecurity  
15 threats to the United States; and

16 (2) which may report by bill or otherwise on  
17 matters within its jurisdiction.

18 (c) MEMBERSHIP.—

19 (1) IN GENERAL.—The select committee shall  
20 be composed of 21 members as follows:

21 (A) The Chairman and Ranking Member  
22 of the Committee on Appropriations.

23 (B) The Chairman and Ranking Member  
24 of the Committee on Armed Services.

1 (C) The Chairman and Ranking Member  
2 of the Committee on Banking, Housing, and  
3 Urban Affairs.

4 (D) The Chairman and Ranking Member  
5 of the Committee on Commerce, Science, and  
6 Transportation.

7 (E) The Chairman and Ranking Member  
8 of the Committee on Foreign Relations.

9 (F) The Chairman and Ranking Member  
10 of the Committee on Homeland Security and  
11 Governmental Affairs.

12 (G) The Chairman and Vice Chairman of  
13 the Select Committee on Intelligence.

14 (H) The Chairman and Ranking Member  
15 of the Committee on the Judiciary.

16 (I) Five members who shall be appointed  
17 from the Senate at large.

18 (2) MEMBERS FROM OTHER COMMITTEES.—If  
19 the Chairman or Ranking Member of a committee  
20 named in subparagraphs (A) through (H) of para-  
21 graph (1) chooses not to serve on the select com-  
22 mittee, the Chairman or Ranking Member of such  
23 committee, respectively, shall appoint 1 member of  
24 such committee to the select committee.

1           (3) APPOINTMENT OF OTHER MEMBERS.—The  
 2       Majority Leader shall appoint 3 of the members  
 3       under paragraph (1)(I) and the Minority Leader  
 4       shall appoint 2 of the members under paragraph  
 5       (1)(I).

6           (4) EX OFFICIO MEMBERS.—The Majority  
 7       Leader and Minority Leader shall serve as ex officio,  
 8       nonvoting members of the select committee.

9           (5) CHAIRPERSON AND VICE CHAIRPERSON.—  
 10      At the beginning of each Congress, the Majority  
 11      Leader shall select a chairperson of the select com-  
 12      mittee and the Minority Leader shall select a vice  
 13      chairperson for the select committee.

14      (d) SUBCOMMITTEES AUTHORIZED.—The select com-  
 15      mittee may be organized into subcommittees. Each sub-  
 16      committee shall have a chairperson and a vice chairperson  
 17      who are selected by the chairperson and vice chairperson  
 18      of the select committee, respectively.

19      (e) JURISDICTION.—There shall be referred to the se-  
 20      lect committee all proposed legislation, messages, peti-  
 21      tions, memorials, and other matters relating to the fol-  
 22      lowing:

23           (1) Domestic and foreign cybersecurity risks  
 24           (including state-sponsored threats) to the United  
 25           States, including to—

1 (A) the computer systems of the United  
2 States;

3 (B) the infrastructure of the United  
4 States;

5 (C) citizens of the United States;

6 (D) corporations and other businesses in  
7 the United States; and

8 (E) the commerce of the United States.

9 (2) The activities of any department or agency  
10 relating to preventing, protecting against, or re-  
11 sponding to cybersecurity threats to the United  
12 States, and relevant incidents or actions.

13 (3) The organization or reorganization of any  
14 department or agency to the extent that the organi-  
15 zation or reorganization relates to a function or ac-  
16 tivity involving preventing, protecting against, or re-  
17 sponding to cybersecurity threats to the United  
18 States, and relevant incidents or actions.

19 (4) Authorizations for appropriations, both di-  
20 rect and indirect, for preventing, protecting against,  
21 or responding to cybersecurity threats to the United  
22 States, and relevant incidents or actions.

23 (f) AUTHORITIES.—

1           (1) IN GENERAL.—For the purposes of this res-  
2           olution, the select committee is authorized in its dis-  
3           cretion—

4                   (A) to make investigations into any matter  
5           within its jurisdiction;

6                   (B) to make expenditures from the contin-  
7           gent fund of the Senate;

8                   (C) to employ personnel;

9                   (D) to hold hearings;

10                  (E) to sit and act at any time or place dur-  
11           ing the sessions, recesses, and adjourned peri-  
12           ods of the Senate;

13                  (F) to require, by subpoena or otherwise,  
14           the attendance of witnesses and the production  
15           of correspondence, books, papers, and docu-  
16           ments;

17                  (G) to take depositions and other testi-  
18           mony and authorize employees of the select  
19           committee to take depositions and other testi-  
20           mony;

21                  (H) to procure the services of individual  
22           consultants, or organizations thereof, in accord-  
23           ance with section 202(i) of the Legislative Re-  
24           organization Act of 1946 (2 U.S.C. 4301(i));

1 (I) with the prior consent of the govern-  
 2 ment department or agency concerned and the  
 3 Committee on Rules and Administration, to use  
 4 on a reimbursable basis the services of per-  
 5 sonnel of any such department or agency;

6 (J) to make recommendations and report  
 7 legislation on matters within its jurisdiction;  
 8 and

9 (K) permit any personal representative of  
 10 the President, designated by the President to  
 11 serve as a liaison to the select committee, to at-  
 12 tend any closed meeting of the select com-  
 13 mittee.

14 (2) OATHS.—The chairperson of the select com-  
 15 mittee or any member thereof may administer oaths  
 16 to witnesses.

17 (3) SUBPOENAS.—

18 (A) AUTHORIZATION OF SUBPOENAS.—The  
 19 issuance of a subpoena may only be authorized  
 20 by the select committee upon an affirmative  
 21 vote of a majority of the members of the select  
 22 committee, which vote may not be held before  
 23 the time that is 48 hours after notice of the re-  
 24 quest to authorize the issuance of the subpoena

1 is provided to each member of the select com-  
2 mittee, absent unanimous consent.

3 (B) ISSUANCE.—A subpoena authorized by  
4 the select committee—

5 (i) may be issued under the signature  
6 of the chairperson, the vice chairperson, or  
7 any member of the select committee des-  
8 ignated by the chairperson; and

9 (ii) may be served by any person des-  
10 ignated by the chairperson, the vice chair-  
11 person, or other member signing the sub-  
12 poena.

13 (g) OBTAINING INFORMATION.—

14 (1) IN GENERAL.—The select committee shall  
15 obtain from the President and the heads of depart-  
16 ments and agencies the information relevant to cy-  
17 bersecurity risks and threats required to ensure that  
18 the members of the select committee have complete  
19 and current information relating to cybersecurity ac-  
20 tivities and threats, which may include obtaining  
21 written reports reviewing—

22 (A) the activities carried out by the depart-  
23 ment or agency concerned to prevent, protect  
24 against, or respond to cybersecurity threats;



1 (B) the cybersecurity threats from within  
 2 the United States and from foreign countries  
 3 that are directed at the United States or its in-  
 4 terests;

5 (C) previously conducted or anticipated  
 6 covert actions relating to cybersecurity; and

7 (D) any significant cybersecurity breaches  
 8 that could—

9 (i) affect the diplomatic, political, eco-  
 10 nomic, or military relations of the United  
 11 States with other countries or groups; or

12 (ii) impose a major financial cost on  
 13 the Federal Government, citizens of the  
 14 United States, corporations or other busi-  
 15 nesses in the United States, or the com-  
 16 merce of the United States.

17 (2) ACCESS OF MEMBERS TO INFORMATION.—

18 Each member of the select committee shall have  
 19 equal and unimpeded access to information collected  
 20 or otherwise obtained by the select committee.

21 (3) CLASSIFIED INFORMATION.—

22 (A) IN GENERAL.—No employee of the se-  
 23 lect committee or any person engaged by con-  
 24 tract or otherwise to perform services for or at  
 25 the request of the select committee shall be

1 given access to any classified information by the  
2 select committee unless the employee or person  
3 has—

4 (i) agreed in writing and under oath  
5 to be bound by the rules of the Senate (in-  
6 cluding the jurisdiction of the Select Com-  
7 mittee on Ethics) and of the select com-  
8 mittee as to the security of such informa-  
9 tion during and after the period of the em-  
10 ployment or contractual agreement with  
11 the select committee; and

12 (ii) received an appropriate security  
13 clearance, as determined by the select com-  
14 mittee, in consultation with the Director of  
15 National Intelligence.

16 (B) TYPE OF CLEARANCE.—The type of  
17 security clearance to be required in the case of  
18 any employee or person described in subpara-  
19 graph (A) shall, within the determination of the  
20 select committee, in consultation with the Di-  
21 rector of National Intelligence, be commensu-  
22 rate with the sensitivity of the classified infor-  
23 mation to which the employee or person will be  
24 given access by the select committee.

1 (4) PROVISION OF INFORMATION BY DEPART-  
2 MENTS AND AGENCIES.—

3 (A) IN GENERAL.—The head of each de-  
4 partment and agency shall keep the select com-  
5 mittee fully and currently informed with respect  
6 to cybersecurity activities and threats, including  
7 activities to prevent, protect against, or respond  
8 to cybersecurity threats and any significant an-  
9 ticipated activities relating to cybersecurity  
10 which are the responsibility of or engaged in by  
11 the department or agency.

12 (B) INFORMATION AND DOCUMENTS.—The  
13 head of any department or agency involved in  
14 any cybersecurity activities shall furnish any in-  
15 formation or document in the possession, cus-  
16 tody, or control of the department or agency, or  
17 person paid by the department or agency, when-  
18 ever requested by the select committee with re-  
19 spect to any matter within the jurisdiction of  
20 the select committee.

21 (C) ANNUAL REPORTS TO SELECT COM-  
22 MITTEE.—The Director of National Intel-  
23 ligence, the Director of the Central Intelligence  
24 Agency, the Secretary of Defense, the Secretary  
25 of State, the Director of the Federal Bureau of

1 Investigation, and the Secretary of Commerce  
2 shall each submit to the select committee an an-  
3 nual report on cyber threats.

4 (h) PERSONNEL PROVISIONS.—

5 (1) IN GENERAL.—In addition to other com-  
6 mittee staff selected by the select committee, the se-  
7 lect committee shall hire or appoint 1 employee for  
8 each member of the select committee to serve as the  
9 designated representative of the member on the se-  
10 lect committee. The select committee shall only hire  
11 or appoint an employee chosen by a member of the  
12 select committee for whom the employee will serve as  
13 the designated representative on the select com-  
14 mittee.

15 (2) SUPPLEMENT TO BUDGET.—The select  
16 committee shall be afforded a supplement to its  
17 budget, to be determined by the Committee on Rules  
18 and Administration, to allow for the hire of each em-  
19 ployee who fills the position of designated represent-  
20 ative to the select committee. The designated rep-  
21 resentative shall have office space and appropriate  
22 office equipment in the select committee spaces.  
23 Designated personal representatives shall have the  
24 same access to committee staff, information, records,

1 and databases as select committee staff, as deter-  
 2 mined by the chairperson and vice chairperson.

3 (3) REQUIREMENTS FOR DESIGNATED EMPLOY-  
 4 EES.—Each designated employee shall meet all the  
 5 requirements of relevant statutes, Senate rules, and  
 6 committee security clearance requirements for em-  
 7 ployment by the select committee.

8 (4) DIVISION OF FUNDS.—Of the amounts  
 9 made available to the select committee for per-  
 10 sonnel—

11 (A) not more than 60 percent shall be  
 12 under the control of the chairperson; and

13 (B) not less than 40 percent shall be under  
 14 the control of the vice chairperson.

15 (i) COMMITTEE RULES.—

16 (1) IN GENERAL.—The select committee shall  
 17 adopt rules (not inconsistent with the rules of the  
 18 Senate and in accordance with rule XXVI of the  
 19 Standing Rules of the Senate) governing the proce-  
 20 dure of the select committee, which shall include ad-  
 21 dressing how often the select committee shall meet,  
 22 meeting times and location, type of notifications, no-  
 23 tices of hearings, duration of the select committee,  
 24 and records of the select committee after committee  
 25 activities are complete.

1           (2) UNANIMOUS VOTE REQUIRED.—The select  
2       committee may only adopt rules under paragraph  
3       (1) by a unanimous vote of the voting members of  
4       the select committee.

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