

116TH CONGRESS
1ST SESSION

S. 429

To require the establishment of exchange programs relating to cybersecurity positions between the private sector and certain Federal agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2019

Ms. KLOBUCHAR (for herself and Mr. THUNE) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the establishment of exchange programs relating to cybersecurity positions between the private sector and certain Federal agencies, 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 “Cyber Security Ex-
5 change Act”.

6 **SEC. 2. CYBERSECURITY PROFESSIONAL EXCHANGE PRO-**
7 **GRAMS.**

8 (a) ESTABLISHMENT OF PROGRAMS.—

9 (1) REPORTS TO CONGRESS.—

1 (A) IN GENERAL.—Not later than 180
2 days after the date of enactment of this Act,
3 the Director of National Intelligence, the Sec-
4 retary of Defense, the Secretary of Homeland
5 Security, the Secretary of Energy, and the At-
6 torney General shall each submit to the appro-
7 priate committees of Congress with respect to
8 that agency head a report that contains—

9 (i) a plan and timeline for imple-
10 menting the program described in para-
11 graph (2) at the agency (or, in the case of
12 the Director of National Intelligence, at an
13 element of the intelligence community);
14 and

15 (ii) an evaluation of the benefits to
16 the agency (or, in the case of the Director
17 of National Intelligence, to an element of
18 the intelligence community) from the es-
19 tablishment of the program described in
20 paragraph (2).

21 (B) INABILITY TO ESTABLISH PROGRAM.—

22 If an agency head described in subparagraph
23 (A) determines that the agency head is unable
24 to establish the program required under para-
25 graph (2) at the agency (or, in the case of the

1 Director of National Intelligence, at an element
2 of the intelligence community), the agency head
3 shall submit to Congress a notification that de-
4 scribes—

5 (i) the legal basis for that inability;

6 and

7 (ii) any other specific factor that pre-
8 vents the establishment of the program.

9 (2) ESTABLISHMENT.—Except in the case of a
10 determination made under paragraph (1)(B), not
11 later than 180 days after the date on which each
12 agency head described in paragraph (1)(A) submits
13 the report required under that paragraph, the agen-
14 cy head shall, after consultation with the Director of
15 the Office of Personnel Management, establish a vol-
16 untary exchange program between the applicable
17 agency (or, with respect to the Director of National
18 Intelligence, an element of the intelligence commu-
19 nity) and private sector institutions, under which—

20 (A) a covered individual who is an em-
21 ployee of the agency, or of an element of the in-
22 telligence community, as applicable—

23 (i) may elect to be temporarily de-
24 tailed to a private sector institution that

1 has elected to receive the covered indi-
2 vidual; and

3 (ii) during the period of detail de-
4 scribed in clause (i), shall be considered to
5 be on detail to a regular work assignment
6 in that agency or element for all purposes;
7 and

8 (B) a covered individual who is an em-
9 ployee of a private sector institution—

10 (i) may elect to be temporarily de-
11 tailed to the agency or element—

12 (I) if the agency or element has
13 elected to receive the covered indi-
14 vidual; and

15 (II) for a period of not shorter
16 than 90 days and not longer than 2
17 years; and

18 (ii) during the period of detail de-
19 scribed in clause (i)(II), shall—

20 (I) receive from the private sector
21 institution financial compensation,
22 benefits, and any other type of com-
23 pensation or support otherwise pro-
24 vided by or through the private sector
25 institution during the course of the

1 employment of the covered individual
2 with the private sector institution; and
3 (II) be considered to be an em-
4 ployee of the private sector institution,
5 and not of the agency or element, for
6 all purposes.

7 (b) RULES OF CONSTRUCTION.—Nothing in this Act
8 may be construed to—

9 (1) modify or otherwise affect any program that
10 is in effect on the day before the date of enactment
11 of this Act; or

12 (2) prevent a covered individual who is detailed
13 under subsection (a)(2)(B) from serving as an in-
14 structor at an institution of higher education or a
15 research institution during that period of detail.

16 (c) DEFINITIONS.—In this section—

17 (1) the term “appropriate committees of Con-
18 gress” means—

19 (A) with respect to the Director of Na-
20 tional Intelligence—

21 (i) the Select Committee on Intel-
22 ligence of the Senate; and

23 (ii) the Permanent Select Committee
24 on Intelligence of the House of Represent-
25 atives;

1 (B) with respect to the Secretary of De-
2 fense—

3 (i) the Committee on Armed Services
4 of the Senate; and

5 (ii) the Committee on Armed Services
6 of the House of Representatives;

7 (C) with respect to the Secretary of Home-
8 land Security—

9 (i) the Committee on Homeland Secu-
10 rity and Governmental Affairs of the Sen-
11 ate; and

12 (ii) the Committee on Oversight and
13 Reform of the House of Representatives;

14 (D) with respect to the Secretary of En-
15 ergy—

16 (i) the Committee on Armed Services
17 of the Senate;

18 (ii) the Committee on Energy and
19 Natural Resources of the Senate;

20 (iii) the Committee on Armed Services
21 of the House of Representatives; and

22 (iv) the Committee on Energy and
23 Commerce of the House of Representa-
24 tives; and

25 (E) with respect to the Attorney General—

1 (i) the Committee on the Judiciary of
2 the Senate; and

3 (ii) the Committee on the Judiciary of
4 the House of Representatives;

5 (2) the term “covered individual” means an in-
6 dividual who has demonstrated expertise and work
7 experience in cybersecurity or a related discipline;

8 (3) the term “cybersecurity or a related dis-
9 cipline”—

10 (A) means a discipline relating to cyberse-
11 curity; and

12 (B) includes—

13 (i) a field or discipline relating to—

14 (I) intrusion detection;

15 (II) secure software development;

16 (III) attack mitigation;

17 (IV) system administration;

18 (V) network services;

19 (VI) operating systems;

20 (VII) software application;

21 (VIII) enterprise architecture;

22 (IX) internet services;

23 (X) data management;

24 (XI) system analysis; or

25 (XII) malware analysis; and

1 (ii) any other field or discipline that
2 the Director of National Intelligence, the
3 Secretary of Defense, the Secretary of
4 Homeland Security, the Secretary of En-
5 ergy, or the Attorney General determines
6 appropriate for the purposes of the appli-
7 cable program established by that agency
8 head under subsection (a)(2);

9 (4) the term “institution of higher education”
10 has the meaning given the term in section 101 of the
11 Higher Education Act of 1965 (20 U.S.C. 1001);

12 (5) the term “intelligence community” has the
13 meaning given the term in section 3 of the National
14 Security Act of 1947 (50 U.S.C. 3003); and

15 (6) the term “private sector institution” in-
16 cludes—

17 (A) a nonpublic or commercial person or
18 business;

19 (B) a research institution;

20 (C) an institution of higher education; and

21 (D) any other institution that the Director
22 of National Intelligence, the Secretary of De-
23 fense, the Secretary of Homeland Security, the
24 Secretary of Energy, or the Attorney General
25 determines appropriate for the purposes of the

- 1 applicable program established by that agency
- 2 head under subsection (a)(2).

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