

Union Calendar No. 175

117TH CONGRESS
2^D SESSION

H. R. 5658

[Report No. 117-245]

To require the Secretary of Homeland Security to submit a report on the cybersecurity roles and responsibilities of the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2021

Mr. BACON (for himself, Mr. TORRES of New York, Mr. KATKO, and Mr. GARBARINO) introduced the following bill; which was referred to the Committee on Homeland Security

FEBRUARY 11, 2022

Additional sponsors: Mr. DELGADO, Ms. SPANBERGER, and Ms. SLOTKIN

FEBRUARY 11, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on October 21, 2021]

A BILL

To require the Secretary of Homeland Security to submit a report on the cybersecurity roles and responsibilities of the Federal Government, 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 “DHS Roles and Respon-*
5 *sibilities in Cyber Space Act”.*

6 **SEC. 2. FINDINGS.**

7 *Congress finds the following:*

8 (1) *The Department of Homeland Security,*
9 *through the Cybersecurity and Infrastructure Security*
10 *Agency, is the lead Federal coordinator for securing*
11 *critical infrastructure across all 16 sectors, in coordi-*
12 *nation with designated Sector Risk Management*
13 *Agencies.*

14 (2) *Cyber incidents require technical resources*
15 *and are only sometimes sector specific.*

16 (3) *The Cybersecurity and Infrastructure Secu-*
17 *rity Agency is the central agency that can quickly*
18 *analyze and coordinate mitigations when a malicious*
19 *cyber campaign spans multiple sectors.*

20 (4) *Section 2209 of the Homeland Security Act*
21 *of 2002 authorizes the Cybersecurity and Infrastruc-*
22 *ture Security Agency as the Federal civilian interface*
23 *for multi-directional and cross-sector sharing of infor-*
24 *mation related to cyber threat indicators with and be-*
25 *tween the government and the private sector.*

1 (5) *Section 2209 of the Homeland Security Act*
2 *of 2002 authorizes the Cybersecurity and Infrastruc-*
3 *ture Security Agency to facilitate cross-sector coordi-*
4 *nation to address cybersecurity risks and incidents,*
5 *including cybersecurity risks and incidents that may*
6 *be related or could have consequential impacts across*
7 *multiple sectors.*

8 (6) *Presidential Policy Directive-41 directs the*
9 *Department of Homeland Security, via the national*
10 *cybersecurity and communications integration center,*
11 *to be the lead Federal agency for asset response dur-*
12 *ing a significant cyber incident.*

13 (7) *The functions of the national cybersecurity*
14 *and communications integration center are carried*
15 *about by the Cybersecurity and Infrastructure Secu-*
16 *riety Agency's Cybersecurity Division.*

17 (8) *Presidential Policy Directive-21 directs the*
18 *Department of Homeland Security to lead the coordi-*
19 *nation of critical infrastructure protection among the*
20 *Sector Risk Management Agencies.*

21 (9) *Section 9002 of the William M. (Mac) Thorn-*
22 *berry National Defense Authorization Act for Fiscal*
23 *Year 2021 codified the duties of Sector Risk Manage-*
24 *ment Agencies for critical infrastructure sectors, lay-*
25 *ing out the roles and responsibilities they have in co-*

1 *ordinating with the Cybersecurity and Infrastructure*
2 *Security Agency to secure the nation’s critical infra-*
3 *structure.*

4 *(10) Enhancing the security and resilience of our*
5 *critical infrastructure is a priority for Congress and*
6 *for the Nation.*

7 *(11) The Department of Homeland Security*
8 *maintains and continues to build partnerships across*
9 *all infrastructure sectors to enhance control systems*
10 *cybersecurity.*

11 *(12) Section 1731 of the William M. (Mac)*
12 *Thornberry National Defense Authorization Act for*
13 *Fiscal Year 2021 directed the Secretary of Homeland*
14 *Security to submit a report on the potential for better*
15 *coordination of Federal cybersecurity efforts at an in-*
16 *tegrated cybersecurity center within the Cybersecurity*
17 *and Infrastructure Security Agency.*

18 **SEC. 3. REPORT ON CYBERSECURITY ROLES AND RESPON-**
19 **SIBILITIES OF THE DEPARTMENT OF HOME-**
20 **LAND SECURITY.**

21 *(a) IN GENERAL.—Not later than one year after the*
22 *date of the enactment of this Act, the Secretary of Homeland*
23 *Security, in coordination with the Director of the Cyberse-*
24 *curity and Infrastructure Security Agency of the Depart-*
25 *ment of Homeland Security, shall submit to the Committee*

1 *on Homeland Security of the House of Representatives and*
2 *the Committee on Homeland Security and Governmental*
3 *Affairs of the Senate a report on the roles and responsibil-*
4 *ities of the Department and its components relating to cyber*
5 *incident response.*

6 (b) *CONTENTS.—The report required under subsection*
7 *(a) shall include the following:*

8 (1) *A review of how the cyber incident response*
9 *plans under section 2210(c) of the Homeland Security*
10 *Act of 2002 (6 U.S.C. 660(c)) are utilized in the Fed-*
11 *eral Government’s response to a cyber incident.*

12 (2) *An explanation of the roles and responsibil-*
13 *ities of the Department of Homeland Security and its*
14 *components with responsibility for, or in support of,*
15 *the Federal Government’s response to a cyber inci-*
16 *dent, including primary responsibility for working*
17 *with impacted private sector entities.*

18 (3) *An explanation of which and how authorities*
19 *of the Department and its components are utilized in*
20 *the Federal Government’s response to a cyber inci-*
21 *dent.*

22 (4) *Recommendations to provide further clarity*
23 *for roles and responsibilities of the Department and*
24 *its components relating to cyber incident response.*

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