

In the Senate of the United States,

October 3 (legislative day, September 28), 2018.

Resolved, That the bill from the House of Representatives (H.R. 3359) entitled “An Act 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.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Cybersecurity and Infra-*
3 *structure Security Agency Act of 2018”.*

4 ***SEC. 2. CYBERSECURITY AND INFRASTRUCTURE SECURITY***

5 ***AGENCY.***

6 *(a) IN GENERAL.—The Homeland Security Act of*
7 *2002 (6 U.S.C. 101 et seq.) is amended by adding at the*
8 *end the following:*

1 **“TITLE XXII—CYBERSECURITY**
 2 **AND INFRASTRUCTURE SECU-**
 3 **RITY AGENCY**

4 **“Subtitle A—Cybersecurity and**
 5 **Infrastructure Security**

6 **“SEC. 2201. DEFINITIONS.**

7 *“In this subtitle:*

8 *“(1) CRITICAL INFRASTRUCTURE INFORMA-*
 9 *TION.—The term ‘critical infrastructure information’*
 10 *has the meaning given the term in section 2222.*

11 *“(2) CYBERSECURITY RISK.—The term ‘cyberse-*
 12 *curity risk’ has the meaning given the term in section*
 13 *2209.*

14 *“(3) CYBERSECURITY THREAT.—The term ‘cy-*
 15 *bersecurity threat’ has the meaning given the term in*
 16 *section 102(5) of the Cybersecurity Act of 2015 (con-*
 17 *tained in division N of the Consolidated Appropria-*
 18 *tions Act, 2016 (Public Law 114–113; 6 U.S.C.*
 19 *1501)).*

20 *“(4) NATIONAL CYBERSECURITY ASSET RE-*
 21 *SPONSE ACTIVITIES.—The term ‘national cybersecu-*
 22 *rity asset response activities’ means—*

23 *“(A) furnishing cybersecurity technical as-*
 24 *sistance to entities affected by cybersecurity risks*

1 *to protect assets, mitigate vulnerabilities, and re-*
2 *duce impacts of cyber incidents;*

3 *“(B) identifying other entities that may be*
4 *at risk of an incident and assessing risk to the*
5 *same or similar vulnerabilities;*

6 *“(C) assessing potential cybersecurity risks*
7 *to a sector or region, including potential cas-*
8 *cading effects, and developing courses of action to*
9 *mitigate such risks;*

10 *“(D) facilitating information sharing and*
11 *operational coordination with threat response;*
12 *and*

13 *“(E) providing guidance on how best to uti-*
14 *lize Federal resources and capabilities in a time-*
15 *ly, effective manner to speed recovery from cyber-*
16 *security risks.*

17 *“(5) SECTOR-SPECIFIC AGENCY.—The term ‘Sec-*
18 *tor-Specific Agency’ means a Federal department or*
19 *agency, designated by law or presidential directive,*
20 *with responsibility for providing institutional knowl-*
21 *edge and specialized expertise of a sector, as well as*
22 *leading, facilitating, or supporting programs and as-*
23 *sociated activities of its designated critical infrastruc-*
24 *ture sector in the all hazards environment in coordi-*
25 *nation with the Department.*

1 “(6) *SHARING*.—The term ‘sharing’ has the
2 meaning given the term in section 2209.

3 **“SEC. 2202. CYBERSECURITY AND INFRASTRUCTURE SECU-**
4 **RITY AGENCY.**

5 “(a) *REDESIGNATION*.—

6 “(1) *IN GENERAL*.—The National Protection and
7 Programs Directorate of the Department shall, on and
8 after the date of the enactment of this subtitle, be
9 known as the ‘Cybersecurity and Infrastructure Secu-
10 rity Agency’ (in this subtitle referred to as the ‘Agen-
11 cy’).

12 “(2) *REFERENCES*.—Any reference to the Na-
13 tional Protection and Programs Directorate of the De-
14 partment in any law, regulation, map, document,
15 record, or other paper of the United States shall be
16 deemed to be a reference to the Cybersecurity and In-
17 frastructure Security Agency of the Department.

18 “(b) *DIRECTOR*.—

19 “(1) *IN GENERAL*.—The Agency shall be headed
20 by a Director of Cybersecurity and Infrastructure Se-
21 curity (in this subtitle referred to as the ‘Director’),
22 who shall report to the Secretary.

23 “(2) *REFERENCE*.—Any reference to an Under
24 Secretary responsible for overseeing critical infra-
25 structure protection, cybersecurity, and any other re-

1 *lated program of the Department as described in sec-*
2 *tion 103(a)(1)(H) as in effect on the day before the*
3 *date of enactment of this subtitle in any law, regula-*
4 *tion, map, document, record, or other paper of the*
5 *United States shall be deemed to be a reference to the*
6 *Director of Cybersecurity and Infrastructure Security*
7 *of the Department.*

8 *“(c) RESPONSIBILITIES.—The Director shall—*

9 *“(1) lead cybersecurity and critical infrastruc-*
10 *ture security programs, operations, and associated*
11 *policy for the Agency, including national cybersecu-*
12 *rity asset response activities;*

13 *“(2) coordinate with Federal entities, including*
14 *Sector-Specific Agencies, and non-Federal entities, in-*
15 *cluding international entities, to carry out the cyber-*
16 *security and critical infrastructure activities of the*
17 *Agency, as appropriate;*

18 *“(3) carry out the responsibilities of the Sec-*
19 *retary to secure Federal information and information*
20 *systems consistent with law, including subchapter II*
21 *of chapter 35 of title 44, United States Code, and the*
22 *Cybersecurity Act of 2015 (contained in division N of*
23 *the Consolidated Appropriations Act, 2016 (Public*
24 *Law 114–113));*

1 “(4) coordinate a national effort to secure and
2 protect against critical infrastructure risks, consistent
3 with subsection (e)(1)(E);

4 “(5) upon request, provide analyses, expertise,
5 and other technical assistance to critical infrastruc-
6 ture owners and operators and, where appropriate,
7 provide those analyses, expertise, and other technical
8 assistance in coordination with Sector-Specific Agen-
9 cies and other Federal departments and agencies;

10 “(6) develop and utilize mechanisms for active
11 and frequent collaboration between the Agency and
12 Sector-Specific Agencies to ensure appropriate coordi-
13 nation, situational awareness, and communications
14 with Sector-Specific Agencies;

15 “(7) maintain and utilize mechanisms for the
16 regular and ongoing consultation and collaboration
17 among the Divisions of the Agency to further oper-
18 ational coordination, integrated situational aware-
19 ness, and improved integration across the Agency in
20 accordance with this Act;

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

22 “(A) comprehensive strategic plans for the
23 activities of the Agency; and

24 “(B) risk assessments by and for the Agen-
25 cy;

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

3 “(10) carry out cybersecurity, infrastructure se-
4 curity, and emergency communications stakeholder
5 outreach and engagement and coordinate that out-
6 reach and engagement with critical infrastructure
7 Sector-Specific Agencies, as appropriate; and

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

10 “(d) DEPUTY DIRECTOR.—There shall be in the Agen-
11 cy a Deputy Director of Cybersecurity and Infrastructure
12 Security who shall—

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

15 “(2) report to the Director.

16 “(e) CYBERSECURITY AND INFRASTRUCTURE SECU-
17 RITY AUTHORITIES OF THE SECRETARY.—

18 “(1) IN GENERAL.—The responsibilities of the
19 Secretary relating to cybersecurity and infrastructure
20 security shall include the following:

21 “(A) To access, receive, and analyze law en-
22 forcement information, intelligence information,
23 and other information from Federal Government
24 agencies, State, local, tribal, and territorial gov-
25 ernment agencies, including law enforcement

1 *agencies, and private sector entities, and to inte-*
2 *grate that information, in support of the mission*
3 *responsibilities of the Department, in order to—*

4 *“(i) identify and assess the nature and*
5 *scope of terrorist threats to the homeland;*

6 *“(ii) detect and identify threats of ter-*
7 *rorism against the United States; and*

8 *“(iii) understand those threats in light*
9 *of actual and potential vulnerabilities of the*
10 *homeland.*

11 *“(B) To carry out comprehensive assess-*
12 *ments of the vulnerabilities of the key resources*
13 *and critical infrastructure of the United States,*
14 *including the performance of risk assessments to*
15 *determine the risks posed by particular types of*
16 *terrorist attacks within the United States, in-*
17 *cluding an assessment of the probability of suc-*
18 *cess of those attacks and the feasibility and po-*
19 *tential efficacy of various countermeasures to*
20 *those attacks. At the discretion of the Secretary,*
21 *such assessments may be carried out in coordina-*
22 *tion with Sector-Specific Agencies.*

23 *“(C) To integrate relevant information,*
24 *analysis, and vulnerability assessments, regard-*
25 *less of whether the information, analysis, or as-*

1 *sessments are provided or produced by the De-*
2 *partment, in order to make recommendations,*
3 *including prioritization, for protective and sup-*
4 *port measures by the Department, other Federal*
5 *Government agencies, State, local, tribal, and*
6 *territorial government agencies and authorities,*
7 *the private sector, and other entities regarding*
8 *terrorist and other threats to homeland security.*

9 *“(D) To ensure, pursuant to section 202, the*
10 *timely and efficient access by the Department to*
11 *all information necessary to discharge the re-*
12 *sponsibilities under this title, including obtain-*
13 *ing that information from other Federal Govern-*
14 *ment agencies.*

15 *“(E) To develop, in coordination with the*
16 *Sector-Specific Agencies with available expertise,*
17 *a comprehensive national plan for securing the*
18 *key resources and critical infrastructure of the*
19 *United States, including power production, gen-*
20 *eration, and distribution systems, information*
21 *technology and telecommunications systems (in-*
22 *cluding satellites), electronic financial and prop-*
23 *erty record storage and transmission systems,*
24 *emergency communications systems, and the*

1 *physical and technological assets that support*
2 *those systems.*

3 “(F) *To recommend measures necessary to*
4 *protect the key resources and critical infrastruc-*
5 *ture of the United States in coordination with*
6 *other Federal Government agencies, including*
7 *Sector-Specific Agencies, and in cooperation*
8 *with State, local, tribal, and territorial govern-*
9 *ment agencies and authorities, the private sector,*
10 *and other entities.*

11 “(G) *To review, analyze, and make rec-*
12 *ommendations for improvements to the policies*
13 *and procedures governing the sharing of infor-*
14 *mation relating to homeland security within the*
15 *Federal Government and between Federal Gov-*
16 *ernment agencies and State, local, tribal, and*
17 *territorial government agencies and authorities.*

18 “(H) *To disseminate, as appropriate, infor-*
19 *mation analyzed by the Department within the*
20 *Department to other Federal Government agen-*
21 *cies with responsibilities relating to homeland se-*
22 *curity and to State, local, tribal, and territorial*
23 *government agencies and private sector entities*
24 *with those responsibilities in order to assist in*
25 *the deterrence, prevention, or preemption of, or*

1 *response to, terrorist attacks against the United*
2 *States.*

3 *“(I) To consult with State, local, tribal, and*
4 *territorial government agencies and private sec-*
5 *tor entities to ensure appropriate exchanges of*
6 *information, including law enforcement-related*
7 *information, relating to threats of terrorism*
8 *against the United States.*

9 *“(J) To ensure that any material received*
10 *pursuant to this Act is protected from unauthor-*
11 *ized disclosure and handled and used only for*
12 *the performance of official duties.*

13 *“(K) To request additional information*
14 *from other Federal Government agencies, State,*
15 *local, tribal, and territorial government agencies,*
16 *and the private sector relating to threats of ter-*
17 *rorism in the United States, or relating to other*
18 *areas of responsibility assigned by the Secretary,*
19 *including the entry into cooperative agreements*
20 *through the Secretary to obtain such informa-*
21 *tion.*

22 *“(L) To establish and utilize, in conjunc-*
23 *tion with the Chief Information Officer of the*
24 *Department, a secure communications and infor-*
25 *mation technology infrastructure, including*

1 *data-mining and other advanced analytical*
2 *tools, in order to access, receive, and analyze*
3 *data and information in furtherance of the re-*
4 *sponsibilities under this section, and to dissemi-*
5 *nate information acquired and analyzed by the*
6 *Department, as appropriate.*

7 *“(M) To coordinate training and other sup-*
8 *port to the elements and personnel of the Depart-*
9 *ment, other Federal Government agencies, and*
10 *State, local, tribal, and territorial government*
11 *agencies that provide information to the Depart-*
12 *ment, or are consumers of information provided*
13 *by the Department, in order to facilitate the*
14 *identification and sharing of information re-*
15 *vealed in their ordinary duties and the optimal*
16 *utilization of information received from the De-*
17 *partment.*

18 *“(N) To coordinate with Federal, State,*
19 *local, tribal, and territorial law enforcement*
20 *agencies, and the private sector, as appropriate.*

21 *“(O) To exercise the authorities and over-*
22 *sight of the functions, personnel, assets, and li-*
23 *abilities of those components transferred to the*
24 *Department pursuant to section 201(g).*

1 “(P) To carry out the functions of the na-
2 tional cybersecurity and communications inte-
3 gration center under section 2209.

4 “(Q) To carry out the requirements of the
5 Chemical Facility Anti-Terrorism Standards
6 Program established under title XXI and the se-
7 cure handling of ammonium nitrate program es-
8 tablished under subtitle J of title VIII, or any
9 successor programs.

10 “(2) *REALLOCATION*.—The Secretary may reallo-
11 cate within the Agency the functions specified in sec-
12 tions 2203(b) and 2204(b), consistent with the respon-
13 sibilities provided in paragraph (1), upon certifying
14 to and briefing the appropriate congressional commit-
15 tees, and making available to the public, at least 60
16 days prior to the reallocation that the reallocation is
17 necessary for carrying out the activities of the Agency.

18 “(3) *STAFF*.—

19 “(A) *IN GENERAL*.—The Secretary shall
20 provide the Agency with a staff of analysts hav-
21 ing appropriate expertise and experience to as-
22 sist the Agency in discharging the responsibil-
23 ities of the Agency under this section.

1 “(B) *PRIVATE SECTOR ANALYSTS.*—*Anal-*
 2 *ysts under this subsection may include analysts*
 3 *from the private sector.*

4 “(C) *SECURITY CLEARANCES.*—*Analysts*
 5 *under this subsection shall possess security clear-*
 6 *ances appropriate for their work under this sec-*
 7 *tion.*

8 “(4) *DETAIL OF PERSONNEL.*—

9 “(A) *IN GENERAL.*—*In order to assist the*
 10 *Agency in discharging the responsibilities of the*
 11 *Agency under this section, personnel of the Fed-*
 12 *eral agencies described in subparagraph (B) may*
 13 *be detailed to the Agency for the performance of*
 14 *analytic functions and related duties.*

15 “(B) *AGENCIES.*—*The Federal agencies de-*
 16 *scribed in this subparagraph are—*

17 “(i) *the Department of State;*

18 “(ii) *the Central Intelligence Agency;*

19 “(iii) *the Federal Bureau of Investiga-*
 20 *tion;*

21 “(iv) *the National Security Agency;*

22 “(v) *the National Geospatial-Intel-*
 23 *ligence Agency;*

24 “(vi) *the Defense Intelligence Agency;*

25 “(vii) *Sector-Specific Agencies; and*

1 “(viii) any other agency of the Federal
2 Government that the President considers
3 appropriate.

4 “(C) INTERAGENCY AGREEMENTS.—The
5 Secretary and the head of a Federal agency de-
6 scribed in subparagraph (B) may enter into
7 agreements for the purpose of detailing personnel
8 under this paragraph.

9 “(D) BASIS.—The detail of personnel under
10 this paragraph may be on a reimbursable or
11 non-reimbursable basis.

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

14 “(1) The Cybersecurity Division, headed by an
15 Assistant Director.

16 “(2) The Infrastructure Security Division, head-
17 ed by an Assistant Director.

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

20 “(g) CO-LOCATION.—

21 “(1) IN GENERAL.—To the maximum extent
22 practicable, the Director shall examine the establish-
23 ment of central locations in geographical regions with
24 a significant Agency presence.

1 “(2) *COORDINATION.*—When establishing the cen-
2 tral locations described in paragraph (1), the Director
3 shall coordinate with component heads and the Under
4 Secretary for Management to co-locate or partner on
5 any new real property leases, renewing any occu-
6 pancy agreements for existing leases, or agreeing to
7 extend or newly occupy any Federal space or new
8 construction.

9 “(h) *PRIVACY.*—

10 “(1) *IN GENERAL.*—There shall be a Privacy Of-
11 ficer of the Agency with primary responsibility for
12 privacy policy and compliance for the Agency.

13 “(2) *RESPONSIBILITIES.*—The responsibilities of
14 the Privacy Officer of the Agency shall include—

15 “(A) assuring that the use of technologies by
16 the Agency sustain, and do not erode, privacy
17 protections relating to the use, collection, and
18 disclosure of personal information;

19 “(B) assuring that personal information
20 contained in systems of records of the Agency is
21 handled in full compliance as specified in section
22 552a of title 5, United States Code (commonly
23 known as the ‘Privacy Act of 1974’);

1 “(C) *evaluating legislative and regulatory*
 2 *proposals involving collection, use, and disclosure*
 3 *of personal information by the Agency; and*

4 “(D) *conducting a privacy impact assess-*
 5 *ment of proposed rules of the Agency on the pri-*
 6 *vacuity of personal information, including the type*
 7 *of personal information collected and the number*
 8 *of people affected.*

9 “(i) SAVINGS.—*Nothing in this title may be construed*
 10 *as affecting in any manner the authority, existing on the*
 11 *day before the date of enactment of this title, of any other*
 12 *component of the Department or any other Federal depart-*
 13 *ment or agency, including the authority provided to the*
 14 *Sector-Specific Agency specified in section 61003(c) of divi-*
 15 *sion F of the Fixing America’s Surface Transportation Act*
 16 *(6 U.S.C. 121 note; Public Law 114–94).*

17 **“SEC. 2203. CYBERSECURITY DIVISION.**

18 “(a) ESTABLISHMENT.—

19 “(1) IN GENERAL.—*There is established in the*
 20 *Agency a Cybersecurity Division.*

21 “(2) ASSISTANT DIRECTOR.—*The Cybersecurity*
 22 *Division shall be headed by an Assistant Director for*
 23 *Cybersecurity (in this section referred to as the ‘As-*
 24 *stant Director’), who shall—*

1 “(A) be at the level of Assistant Secretary
2 within the Department;

3 “(B) be appointed by the President without
4 the advice and consent of the Senate; and

5 “(C) report to the Director.

6 “(3) *REFERENCE*.—Any reference to the Assist-
7 ant Secretary for Cybersecurity and Communications
8 in any law, regulation, map, document, record, or
9 other paper of the United States shall be deemed to
10 be a reference to the Assistant Director for Cybersecu-
11 rity.

12 “(b) *FUNCTIONS*.—The Assistant Director shall—

13 “(1) direct the cybersecurity efforts of the Agen-
14 cy;

15 “(2) carry out activities, at the direction of the
16 Director, related to the security of Federal informa-
17 tion and Federal information systems consistent with
18 law, including subchapter II of chapter 35 of title 44,
19 United States Code, and the Cybersecurity Act of
20 2015 (contained in division N of the Consolidated Ap-
21 propriations Act, 2016 (Public Law 114–113));

22 “(3) fully participate in the mechanisms re-
23 quired under section 2202(c)(7); and

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

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

2 “(a) *ESTABLISHMENT.*—

3 “(1) *IN GENERAL.*—*There is established in the*
4 *Agency an Infrastructure Security Division.*

5 “(2) *ASSISTANT DIRECTOR.*—*The Infrastructure*
6 *Security Division shall be headed by an Assistant Di-*
7 *rector for Infrastructure Security (in this section re-*
8 *ferred to as the ‘Assistant Director’), who shall—*

9 “(A) *be at the level of Assistant Secretary*
10 *within the Department;*

11 “(B) *be appointed by the President without*
12 *the advice and consent of the Senate; and*

13 “(C) *report to the Director.*

14 “(3) *REFERENCE.*—*Any reference to the Assist-*
15 *ant Secretary for Infrastructure Protection in any*
16 *law, regulation, map, document, record, or other*
17 *paper of the United States shall be deemed to be a ref-*
18 *erence to the Assistant Director for Infrastructure Se-*
19 *curity.*

20 “(b) *FUNCTIONS.*—*The Assistant Director shall—*

21 “(1) *direct the critical infrastructure security ef-*
22 *forts of the Agency;*

23 “(2) *carry out, at the direction of the Director,*
24 *the Chemical Facilities Anti-Terrorism Standards*
25 *Program established under title XXI and the secure*
26 *handling of ammonium nitrate program established*

1 *under subtitle J of title VIII, or any successor pro-*
 2 *grams;*

3 *“(3) fully participate in the mechanisms re-*
 4 *quired under section 2202(c)(7); and*

5 *“(4) carry out such other duties and powers as*
 6 *prescribed by the Director.”.*

7 ***(b) TREATMENT OF CERTAIN POSITIONS.—***

8 ***(1) UNDER SECRETARY.—****The individual serving*
 9 *as the Under Secretary appointed pursuant to section*
 10 *103(a)(1)(H) of the Homeland Security Act of 2002*
 11 *(6 U.S.C. 113(a)(1)(H)) of the Department of Home-*
 12 *land Security on the day before the date of enactment*
 13 *of this Act may continue to serve as the Director of*
 14 *Cybersecurity and Infrastructure Security of the De-*
 15 *partment on and after such date.*

16 ***(2) DIRECTOR FOR EMERGENCY COMMUNICA-***
 17 ***TIONS.—****The individual serving as the Director for*
 18 *Emergency Communications of the Department of*
 19 *Homeland Security on the day before the date of en-*
 20 *actment of this Act may continue to serve as the As-*
 21 *stant Director for Emergency Communications of*
 22 *the Department on and after such date.*

23 ***(3) ASSISTANT SECRETARY FOR CYBERSECURITY***
 24 ***AND COMMUNICATIONS.—****The individual serving as*
 25 *the Assistant Secretary for Cybersecurity and Com-*

1 *munications on the day before the date of enactment*
2 *of this Act may continue to serve as the Assistant Di-*
3 *rector for Cybersecurity on and after such date.*

4 (4) *ASSISTANT SECRETARY FOR INFRASTRUC-*
5 *TURE PROTECTION.—The individual serving as the*
6 *Assistant Secretary for Infrastructure Protection on*
7 *the day before the date of enactment of this Act may*
8 *continue to serve as the Assistant Director for Infra-*
9 *structure Security on and after such date.*

10 (c) *REFERENCE.—Any reference to—*

11 (1) *the Office of Emergency Communications in*
12 *any law, regulation, map, document, record, or other*
13 *paper of the United States shall be deemed to be a ref-*
14 *erence to the Emergency Communications Division;*
15 *and*

16 (2) *the Director for Emergency Communications*
17 *in any law, regulation, map, document, record, or*
18 *other paper of the United States shall be deemed to*
19 *be a reference to the Assistant Director for Emergency*
20 *Communications.*

21 (d) *OVERSIGHT.—The Director of Cybersecurity and*
22 *Infrastructure Security of the Department of Homeland Se-*
23 *curity shall provide to Congress, in accordance with the*
24 *deadlines specified in paragraphs (1) through (6), informa-*
25 *tion on the following:*

1 (1) *Not later than 60 days after the date of en-*
2 *actment of this Act, a briefing on the activities of the*
3 *Agency relating to the development and use of the*
4 *mechanisms required pursuant to section 2202(c)(6)*
5 *of the Homeland Security Act of 2002 (as added by*
6 *subsection (a)).*

7 (2) *Not later than 1 year after the date of the*
8 *enactment of this Act, a briefing on the activities of*
9 *the Agency relating to the use and improvement by*
10 *the Agency of the mechanisms required pursuant to*
11 *section 2202(c)(6) of the Homeland Security Act of*
12 *2002 and how such activities have impacted coordina-*
13 *tion, situational awareness, and communications*
14 *with Sector-Specific Agencies.*

15 (3) *Not later than 90 days after the date of the*
16 *enactment of this Act, information on the mechanisms*
17 *of the Agency for regular and ongoing consultation*
18 *and collaboration, as required pursuant to section*
19 *2202(c)(7) of the Homeland Security Act of 2002 (as*
20 *added by subsection (a)).*

21 (4) *Not later than 1 year after the date of the*
22 *enactment of this Act, information on the activities of*
23 *the consultation and collaboration mechanisms of the*
24 *Agency as required pursuant to section 2202(c)(7) of*
25 *the Homeland Security Act of 2002, and how such*

1 *mechanisms have impacted operational coordination,*
2 *situational awareness, and integration across the*
3 *Agency.*

4 *(5) Not later than 180 days after the date of en-*
5 *actment of this Act, information, which shall be made*
6 *publicly available and updated as appropriate, on the*
7 *mechanisms and structures of the Agency responsible*
8 *for stakeholder outreach and engagement, as required*
9 *under section 2202(c)(10) of the Homeland Security*
10 *Act of 2002 (as added by subsection (a)).*

11 *(e) CYBER WORKFORCE.—Not later than 90 days after*
12 *the date of enactment of this Act, the Director of the Cyber-*
13 *security and Infrastructure Security Agency of the Depart-*
14 *ment of Homeland Security, in coordination with the Di-*
15 *rector of the Office of Personnel Management, shall submit*
16 *to Congress a report detailing how the Agency is meeting*
17 *legislative requirements under the Cybersecurity Workforce*
18 *Assessment Act (Public Law 113–246; 128 Stat. 2880) and*
19 *the Homeland Security Cybersecurity Workforce Assessment*
20 *Act (enacted as section 4 of the Border Patrol Agent Pay*
21 *Reform Act of 2014; Public Law 113–277) to address cyber*
22 *workforce needs.*

23 *(f) FACILITY.—Not later than 180 days after the date*
24 *of enactment of this Act, the Director of the Cybersecurity*
25 *and Infrastructure Security Agency of the Department of*

1 *Homeland Security shall report to Congress on the most*
 2 *efficient and effective methods of consolidating Agency fa-*
 3 *cilities, personnel, and programs to most effectively carry*
 4 *out the Agency’s mission.*

5 *(g) TECHNICAL AND CONFORMING AMENDMENTS TO*
 6 *THE HOMELAND SECURITY ACT OF 2002.—The Homeland*
 7 *Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—*

8 *(1) by amending section 103(a)(1)(H) (6 U.S.C.*
 9 *113(a)(1)(H)) to read as follows:*

10 *“(H) A Director of the Cybersecurity and*
 11 *Infrastructure Security Agency.”;*

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

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

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

17 *(C) in section 201 (6 U.S.C. 121)—*

18 *(i) in the section heading, by striking*

19 *“AND INFRASTRUCTURE PROTEC-*
 20 ***TION**”;*

21 *(ii) in subsection (a)—*

22 *(I) in the subsection heading, by*
 23 *striking “AND INFRASTRUCTURE PRO-*
 24 *TECTION”; and*

1 (II) by striking “and an Office of
2 Infrastructure Protection”;

3 (iii) in subsection (b)—

4 (I) in the subsection heading, by
5 striking “AND ASSISTANT SECRETARY
6 FOR INFRASTRUCTURE PROTECTION”;
7 and

8 (II) by striking paragraph (3);

9 (iv) in subsection (c)—

10 (I) by striking “and infrastruc-
11 ture protection”; and

12 (II) by striking “or the Assistant
13 Secretary for Infrastructure Protection,
14 as appropriate”;

15 (v) in subsection (d)—

16 (I) in the subsection heading, by
17 striking “AND INFRASTRUCTURE PRO-
18 TECTION”;

19 (II) in the matter preceding para-
20 graph (1), by striking “and infrastruc-
21 ture protection”;

22 (III) by striking paragraphs (5),
23 (6), and (25);

1 (IV) by redesignating paragraphs
2 (7) through (24) as paragraphs (5)
3 through (22), respectively;

4 (V) by redesignating paragraph
5 (26) as paragraph (23); and

6 (VI) in paragraph (23)(B)(i), as
7 so redesignated, by striking “section
8 319” and inserting “section 320”;

9 (vi) in subsection (e)(1), by striking
10 “and the Office of Infrastructure Protec-
11 tion”; and

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

15 (D) in section 202 (6 U.S.C. 122)—

16 (i) in subsection (c), in the matter pre-
17 ceding paragraph (1), by striking “Director
18 of Central Intelligence” and inserting “Di-
19 rector of National Intelligence”; and

20 (ii) in subsection (d)(2), by striking
21 “Director of Central Intelligence” and in-
22 serting “Director of National Intelligence”;
23 (E) in section 204 (6 U.S.C. 124a)—

24 (i) in subsection (c)(1), in the matter
25 preceding subparagraph (A), by striking

1 *“Assistant Secretary for Infrastructure Pro-*
 2 *tection” and inserting “Director of the Cy-*
 3 *bersecurity and Infrastructure Security*
 4 *Agency”;* and

5 (ii) in subsection (d)(1), in the matter
 6 preceding subparagraph (A), by striking
 7 *“Assistant Secretary for Infrastructure Pro-*
 8 *tection” and inserting “Director of the Cy-*
 9 *bersecurity and Infrastructure Security*
 10 *Agency”;*

11 (F) in section 210A(c)(2)(B) (6 U.S.C.
 12 124h(c)(2)(B)), by striking *“Office of Infrastruc-*
 13 *ture Protection” and inserting “Cybersecurity*
 14 *and Infrastructure Security Agency”;*

15 (G) by redesignating section 210E (6 U.S.C.
 16 124l) as section 2214 and transferring such sec-
 17 tion to appear after section 2213 (as redesign-
 18 ated by subparagraph (I));

19 (H) in subtitle B, by redesignating sections
 20 211 through 215 (6 U.S.C. 101 note, and 131
 21 through 134) as sections 2221 through 2225, re-
 22 spectively, and transferring such subtitle, includ-
 23 ing the enumerator and heading of subtitle B
 24 and such sections, to appear after section 2214
 25 (as redesignated by subparagraph (G));

1 (I) by redesignating sections 223 through
 2 230 (6 U.S.C. 143 through 151) as sections 2205
 3 through 2213, respectively, and transferring such
 4 sections to appear after section 2204, as added
 5 by this Act;

6 (J) by redesignating section 210F as section
 7 210E; and

8 (K) by redesignating subtitles C and D as
 9 subtitles B and C, respectively;

10 (3) in title III (6 U.S.C. 181 et seq.)—

11 (A) in section 302 (6 U.S.C. 182)—

12 (i) by striking “biological,,” each place
 13 that term appears and inserting “biologi-
 14 cal,”; and

15 (ii) in paragraph (3), by striking “As-
 16 sistant Secretary for Infrastructure Protec-
 17 tion” and inserting “Director of the Cyber-
 18 security and Infrastructure Security Agen-
 19 cy”;

20 (B) by redesignating the second section 319
 21 (6 U.S.C. 195f) (relating to EMP and GMD
 22 mitigation research and development) as section
 23 320; and

(C) in section 320(c)(1), as so redesignated,
by striking “Section 214” and inserting “Section
2224”;

(4) in title V (6 U.S.C. 311 et seq.)—

(A) in section 508(d)(2)(D) (6 U.S.C.
318(d)(2)(D)), by striking “The Director of the
Office of Emergency Communications of the De-
partment of Homeland Security” and inserting
“The Assistant Director for Emergency Commu-
nications”;

(B) in section 514 (6 U.S.C. 321c)—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as
subsection (b); and

(C) in section 523 (6 U.S.C. 321l)—

(i) in subsection (a), in the matter pre-
ceding paragraph (1), by striking “Assist-
ant Secretary for Infrastructure Protection”
and inserting “Director of Cybersecurity
and Infrastructure Security”; and

(ii) in subsection (c), by striking “As-
sistant Secretary for Infrastructure Protec-
tion” and inserting “Director of Cybersecu-
rity and Infrastructure Security”;

(5) in title VIII (6 U.S.C. 361 et seq.)—

(A) in section 884(d)(4)(A)(ii) (6 U.S.C. 464(d)(4)(A)(ii)), by striking “Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(B) in section 899B(a) (6 U.S.C. 488a(a)), by adding at the end the following: “Such regulations shall be carried out by the Cybersecurity and Infrastructure Security Agency.”;

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

(A) in section 1801 (6 U.S.C. 571)—

(i) in the section heading, by striking “**OFFICE OF EMERGENCY COMMUNICATIONS**” and inserting “**EMERGENCY COMMUNICATIONS DIVISION**”;

(ii) in subsection (a)—

(I) by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”; and

(II) by adding at the end the following: “The Division shall be located

1 *in the Cybersecurity and Infrastruc-*
 2 *ture Security Agency.”;*

3 *(iii) by amending subsection (b) to*
 4 *read as follows:*

5 “(b) *ASSISTANT DIRECTOR.*—*The head of the Division*
 6 *shall be the Assistant Director for Emergency Communica-*
 7 *tions. The Assistant Director shall report to the Director*
 8 *of Cybersecurity and Infrastructure Security. All decisions*
 9 *of the Assistant Director that entail the exercise of signifi-*
 10 *cant authority shall be subject to the approval of the Direc-*
 11 *tor of Cybersecurity and Infrastructure Security.”;*

12 *(iv) in subsection (c)—*

13 *(I) in the matter preceding para-*
 14 *graph (1), by inserting “Assistant” be-*
 15 *fore “Director”;*

16 *(II) in paragraph (14), by strik-*
 17 *ing “and” at the end;*

18 *(III) in paragraph (15), by strik-*
 19 *ing the period at the end and inserting*
 20 *“; and”; and*

21 *(IV) by inserting after paragraph*
 22 *(15) the following:*

23 “(16) *fully participate in the mechanisms re-*
 24 *quired under section 2202(c)(7).”;*

1 (v) in subsection (d), in the matter
2 preceding paragraph (1), by inserting “As-
3 sistant” before “Director”; and

4 (vi) in subsection (e), in the matter
5 preceding paragraph (1), by inserting “As-
6 sistant” before “Director”;

7 (B) in sections 1802 through 1805 (6 U.S.C.
8 572 through 575), by striking “Director for
9 Emergency Communications” each place that
10 term appears and inserting “Assistant Director
11 for Emergency Communications”;

12 (C) in section 1809 (6 U.S.C. 579)—

13 (i) by striking “Director of Emergency
14 Communications” each place that term ap-
15 pears and inserting “Assistant Director for
16 Emergency Communications”;

17 (ii) in subsection (b)—

18 (I) by striking “Director for
19 Emergency Communications” and in-
20 serting “Assistant Director for Emer-
21 gency Communications”; and

22 (II) by striking “Office of Emer-
23 gency Communications” and inserting
24 “Emergency Communications Divi-
25 sion”;

(iii) in subsection (e)(3), by striking “the Director” and inserting “the Assistant Director”; and

(iv) in subsection (m)(1)—

(I) by striking “The Director” and inserting “The Assistant Director”;

(II) by striking “the Director determines” and inserting “the Assistant Director determines”; and

(III) by striking “Office of Emergency Communications” and inserting “Cybersecurity and Infrastructure Security Agency”;

(D) in section 1810 (6 U.S.C. 580)—

(i) in subsection (a)(1), by striking “Director of the Office of Emergency Communications (referred to in this section as the ‘Director’)” and inserting “Assistant Director for Emergency Communications (referred to in this section as the ‘Assistant Director’)”;

(ii) in subsection (c), by striking “Office of Emergency Communications” and

1 inserting “*Emergency Communications Di-*
2 *vision*”; and

3 (iii) by striking “*Director*” each place
4 that term appears and inserting “*Assistant*
5 *Director*”;

6 (7) in title XX (6 U.S.C. 601 et seq.)—

7 (A) in paragraph (4)(A)(iii)(II) of section
8 2001 (6 U.S.C. 601), by striking “section
9 210E(a)(2)” and inserting “section 2214(a)(2)”;

10 (B) in section 2008(a)(3) (6 U.S.C.
11 609(a)(3)), by striking “section 210E(a)(2)” and
12 inserting “section 2214(a)(2)”;

13 (C) in section 2021 (6 U.S.C. 611)—

14 (i) by striking subsection (c); and

15 (ii) by redesignating subsection (d) as
16 subsection (c);

17 (8) in title XXI (6 U.S.C. 621 et seq.)—

18 (A) in section 2102(a)(1) (6 U.S.C.
19 622(a)(1)), by inserting “, which shall be located
20 in the *Cybersecurity and Infrastructure Security*
21 *Agency*” before the period at the end; and

22 (B) in section 2104(c)(2) (6 U.S.C.
23 624(c)(2)), by striking “*Under Secretary respon-*
24 *sible for overseeing critical infrastructure protec-*
25 *tion, cybersecurity, and other related programs*

of the Department appointed under section 103(a)(1)(H)” and inserting “Director of Cybersecurity and Infrastructure Security”; and (9) in title XXII, as added by this Act—

(A) in subtitle A—

(i) in section 2205, as so redesignated—

(I) in the matter preceding paragraph (1)—

(aa) by striking “section 201” and inserting “section 2202”; and

(bb) by striking “Under Secretary appointed under section 103(a)(1)(H)” and inserting “Director of Cybersecurity and Infrastructure Security”; and

(II) in paragraph (1)(B), by striking “and” at the end;

(ii) in section 2206, as so redesignated, by striking “Assistant Secretary for Infrastructure Protection” and inserting “Director of Cybersecurity and Infrastructure Security”;

(iii) in section 2209, as so redesignated—

(I) by striking “Under Secretary appointed under section 103(a)(1)(H)” each place that term appears and inserting “Director”;

(II) in subsection (a)(4), by striking “section 212(5)” and inserting “section 2222(5)”;

(III) in subsection (b), by adding at the end the following: “The Center shall be located in the Cybersecurity and Infrastructure Security Agency. The head of the Center shall report to the Assistant Director for Cybersecurity.”; and

(IV) in subsection (c)(11), by striking “Office of Emergency Communications” and inserting “Emergency Communications Division”;

(iv) in section 2210, as so redesignated—

(I) by striking “section 227” each place that term appears and inserting “section 2209”; and

1 (II) in subsection (c)—

2 (aa) by striking “Under Sec-
3 retary appointed under section
4 103(a)(1)(H)” and inserting “Di-
5 rector of Cybersecurity and Infra-
6 structure Security”; and

7 (bb) by striking “section
8 212(5)” and inserting “section
9 2222(5)”;

10 (v) in section 2211(b)(2)(A), as so re-
11 designated, by striking “the section 227”
12 and inserting “section 2209”;

13 (vi) in section 2212, as so redesignated,
14 by striking “section 212(5)” and inserting
15 “section 2222(5)”;

16 (vii) in section 2213(a), as so redesign-
17 ated—

18 (I) in paragraph (3), by striking
19 “section 228” and inserting “section
20 2210”; and

21 (II) in paragraph (4), by striking
22 “section 227” and inserting “section
23 2209”; and

24 (viii) in section 2214, as so redesign-
25 ated—

1 (I) by striking subsection (e); and

2 (II) by redesignating subsection

3 (f) as subsection (e); and

4 (B) in subtitle B—

5 (i) in section 2222(8), as so redesign-

6 nated, by striking “section 227” and insert-

7 ing “section 2209”; and

8 (ii) in section 2224(h), as so redesign-

9 nated, by striking “section 213” and insert-

10 ing “section 2223”;

11 (h) *TECHNICAL AND CONFORMING AMENDMENTS TO*

12 *OTHER LAWS.*—

13 (1) *CYBERSECURITY ACT OF 2015.*—*The Cyberse-*

14 *curity Act of 2015 (6 U.S.C. 1501 et seq.) is amend-*

15 *ed—*

16 (A) in section 202(2) (6 U.S.C. 131 note)—

17 (i) by striking “section 227” and in-

18 serting “section 2209”; and

19 (ii) by striking “, as so redesignated by

20 section 223(a)(3) of this division”;

21 (B) in section 207(2) (Public Law 114–113;

22 129 Stat. 2962)—

23 (i) by striking “section 227” and in-

24 serting “section 2209”; and

1 (ii) by striking “, as redesignated by
2 section 223(a) of this division,”;

3 (C) in section 208 (Public Law 114–113;
4 129 Stat. 2962), by striking “Under Secretary
5 appointed under section 103(a)(1)(H) of the
6 Homeland Security Act of 2002 (6 U.S.C.
7 113(a)(1)(H))” and inserting “Director of Cy-
8 bersecurity and Infrastructure Security of the
9 Department”;

10 (D) in section 222 (6 U.S.C. 1521)—

11 (i) in paragraph (2)—

12 (I) by striking “section 228” and
13 inserting “section 2210”; and

14 (II) by striking “, as added by
15 section 223(a)(4) of this division”; and

16 (ii) in paragraph (4)—

17 (I) by striking “section 227” and
18 inserting “section 2209”; and

19 (II) by striking “, as so redesign-
20 ated by section 223(a)(3) of this divi-
21 sion”;

22 (E) in section 223(b) (6 U.S.C. 151 note)—

23 (i) by striking “section 230(b)(1) of the
24 Homeland Security Act of 2002, as added
25 by subsection (a)” each place that term ap-

1 *pears and inserting “section 2213(b)(1) of*
 2 *the Homeland Security Act of 2002”; and*

3 *(ii) in paragraph (1)(B), by striking*
 4 *“section 230(b)(2) of the Homeland Secu-*
 5 *rity Act of 2002, as added by subsection*
 6 *(a)” and inserting “section 2213(b)(2) of*
 7 *the Homeland Security Act of 2002”;*

8 *(F) in section 226 (6 U.S.C. 1524)—*

9 *(i) in subsection (a)—*

10 *(I) in paragraph (1)—*

11 *(aa) by striking “section*
 12 *230” and inserting “section*
 13 *2213”; and*

14 *(bb) by striking “, as added*
 15 *by section 223(a)(6) of this divi-*
 16 *sion”;*

17 *(II) in paragraph (4)—*

18 *(aa) by striking “section*
 19 *228(b)(1)” and inserting “section*
 20 *2210(b)(1)”;* and

21 *(bb) by striking “, as added*
 22 *by section 223(a)(4) of this divi-*
 23 *sion”; and*

24 *(III) in paragraph (5)—*

1 (aa) by striking “section
2 230(b)” and inserting “section
3 2213(b)”; and

4 (bb) by striking “, as added
5 by section 223(a)(6) of this divi-
6 sion”; and

7 (ii) in subsection (c)(1)(A)(vi)—

8 (I) by striking “section 230(c)(5)”
9 and inserting “section 2213(c)(5)”;
10 and

11 (II) by striking “, as added by
12 section 223(a)(6) of this division”;

13 (G) in section 227 (6 U.S.C. 1525)—

14 (i) in subsection (a)—

15 (I) by striking “section 230” and
16 inserting “section 2213”; and

17 (II) by striking “, as added by
18 section 223(a)(6) of this division,”;
19 and

20 (ii) in subsection (b)—

21 (I) by striking “section 230(d)(2)”
22 and inserting “section 2213(d)(2)”;
23 and

1 (II) by striking “, as added by
2 section 223(a)(6) of this division,”;
3 and

4 (H) in section 404 (6 U.S.C. 1532)—

5 (i) by striking “Director for Emer-
6 gency Communications” each place that
7 term appears and inserting “Assistant Di-
8 rector for Emergency Communications”;
9 and

10 (ii) in subsection (a)—

11 (I) by striking “section 227” and
12 inserting “section 2209”; and

13 (II) by striking “, as redesignated
14 by section 223(a)(3) of this division,”.

15 (2) *SMALL BUSINESS ACT*.—Section 21(a)(8)(B)
16 of the *Small Business Act* (15 U.S.C. 648(a)(8)(B)) is
17 amended by striking “section 227(a) of the *Homeland*
18 *Security Act of 2002* (6 U.S.C. 148(a))” and insert-
19 ing “section 2209(a) of the *Homeland Security Act of*
20 2002”.

21 (3) *TITLE 5*.—Subchapter II of chapter 53 of
22 title 5, *United States Code*, is amended—

23 (A) in section 5314, by inserting after
24 “Under Secretaries, Department of Homeland
25 Security.” the following:

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

3 *(B) in section 5315, by inserting after “As-*
 4 *stant Secretaries, Department of Homeland Se-*
 5 *curity.” the following:*

6 *“Assistant Director for Cybersecurity, Cybersecu-*
 7 *ity and Infrastructure Security Agency.*

8 *“Assistant Director for Infrastructure Security,*
 9 *Cybersecurity and Infrastructure Security Agency.”.*

10 *(i) TABLE OF CONTENTS AMENDMENTS.—The table of*
 11 *contents in section 1(b) of the Homeland Security Act of*
 12 *2002 (Public Law 107–296; 116 Stat. 2135) is amended—*

13 *(1) by striking the item relating to title II and*
 14 *inserting the following:*

“TITLE II—INFORMATION ANALYSIS”;

15 *(2) by striking the item relating to subtitle A of*
 16 *title II and inserting the following:*

“Subtitle A—Information and Analysis; Access to Information”;

17 *(3) by striking the item relating to section 201*
 18 *and inserting the following:*

“Sec. 201. Information and analysis.”;

19 *(4) by striking the items relating to sections*
 20 *210E and 210F and inserting the following:*

“Sec. 210E. Classified Information Advisory Officer.”;

21 *(5) by striking the items relating to subtitle B of*
 22 *title II and sections 211 through 215;*

1 (6) by striking the items relating to section 223
2 through section 230;

3 (7) by striking the item relating to subtitle C
4 and inserting the following:

“Subtitle B—Information Security”;

5 (8) by striking the item relating to subtitle D
6 and inserting the following:

“Subtitle C—Office of Science and Technology”;

7 (9) by striking the items relating to sections 317,
8 319, 318, and 319 and inserting the following:

“Sec. 317. Promoting antiterrorism through international cooperation program.

“Sec. 318. Social media working group.

“Sec. 319. Transparency in research and development.

“Sec. 320. EMP and GMD mitigation research and development.”;

9 (10) by striking the item relating to section 1801
10 and inserting the following:

“Sec. 1801. Emergency Communications Division.”; and

11 (11) by adding at the end the following:

“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. Cyber Security 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 MANAGEMENT.—**

3 *The Office of Biometric Identity Management of the Depart-*
4 *ment of Homeland Security located in the National Protec-*
5 *tion and Programs Directorate of the Department of Home-*
6 *land Security on the day before the date of enactment of*
7 *this Act is hereby transferred to the Management Direc-*
8 *torate of the Department.*

9 (b) FEDERAL PROTECTIVE SERVICE.—

10 *(1) IN GENERAL.—Not later than 90 days after*
11 *the completion of the Government Accountability Of-*
12 *fice review of the organizational placement of the Fed-*
13 *eral Protective Service (authorized under section 1315*
14 *of title 40, United States Code), the Secretary of*
15 *Homeland Security shall determine the appropriate*
16 *placement of the Service within the Department of*
17 *Homeland Security and commence the transfer of the*
18 *Service to such component, directorate, or other office*
19 *of the Department that the Secretary so determines*
20 *appropriate.*

21 *(2) EXCEPTION.—If the Secretary of Homeland*
22 *Security determines pursuant to paragraph (1) that*

1 *no component, directorate, or other office of the De-*
2 *partment of Homeland Security is an appropriate*
3 *placement for the Federal Protective Service, the Sec-*
4 *retary shall—*

5 *(A) provide to the Committee on Homeland*
6 *Security and the Committee on Transportation*
7 *and Infrastructure of the House of Representa-*
8 *tives and the Committee on Homeland Security*
9 *and Governmental Affairs of the Senate and the*
10 *Office of Management and Budget a detailed ex-*
11 *planation, in writing, of the reason for such de-*
12 *termination that includes—*

13 *(i) information on how the Department*
14 *considered the Government Accountability*
15 *Office review described in such paragraph;*

16 *(ii) a list of the components, direc-*
17 *torates, or other offices of the Department*
18 *that were considered for such placement;*
19 *and*

20 *(iii) information on why each such*
21 *component, directorate, or other office of the*
22 *Department was determined to not be an*
23 *appropriate placement for the Service;*

24 *(B) not later than 120 days after the com-*
25 *pletion of the Government Accountability Office*

1 *review described in such paragraph, develop and*
2 *submit to the committees specified in subpara-*
3 *graph (A) and the Office of Management and*
4 *Budget a plan to coordinate with other appro-*
5 *priate Federal agencies, including the General*
6 *Services Administration, to determine a more*
7 *appropriate placement for the Service; and*

8 *(C) not later than 180 days after the com-*
9 *pletion of such Government Accountability Office*
10 *review, submit to such committees and the Office*
11 *of Management and Budget a recommendation*
12 *regarding the appropriate placement of the Serv-*
13 *ice within the executive branch of the Federal*
14 *Government.*

15 **SEC. 4. DHS REPORT ON CLOUD-BASED CYBERSECURITY.**

16 (a) *DEFINITION.*—*In this section, the term “Depart-*
17 *ment” means the Department of Homeland Security.*

18 (b) *REPORT.*—*Not later than 120 days after the date*
19 *of enactment of this Act, the Secretary of Homeland Secu-*
20 *ritty, in coordination with the Director of the Office of Man-*
21 *agement and Budget and the Administrator of General*
22 *Services, shall submit to the Committee on Homeland Secu-*
23 *rity and Governmental Affairs of the Senate and the Com-*
24 *mittee on Oversight and Government Reform and the Com-*
25 *mittee on Homeland Security of the House of Representa-*

1 *tives a report on the leadership role of the Department in*
2 *cloud-based cybersecurity deployments for civilian Federal*
3 *departments and agencies, which shall include—*

4 *(1) information on the plan of the Department*
5 *for ensuring access to a security operations center as*
6 *a service capability in accordance with the December*
7 *19, 2017 Report to the President on Federal IT Mod-*
8 *ernization issued by the American Technology Coun-*
9 *cil;*

10 *(2) information on what service capabilities*
11 *under paragraph (1) the Department will prioritize,*
12 *including—*

13 *(A) criteria the Department will use to*
14 *evaluate capabilities offered by the private sector;*
15 *and*

16 *(B) how Federal government- and private*
17 *sector-provided capabilities will be integrated to*
18 *enable visibility and consistency of such capa-*
19 *bilities across all cloud and on premise environ-*
20 *ments, as called for in the report described in*
21 *paragraph (1); and*

22 *(3) information on how the Department will*
23 *adapt the current capabilities of, and future enhance-*
24 *ments to, the intrusion detection and prevention sys-*
25 *tem of the Department and the Continuous*

1 *Diagnostics and Mitigation Program of the Depart-*
2 *ment to secure civilian Federal government networks*
3 *in a cloud environment.*

4 **SEC. 5. RULE OF CONSTRUCTION.**

5 *Nothing in this Act or an amendment made by this*
6 *Act may be construed as—*

7 (1) *conferring new authorities to the Secretary of*
8 *Homeland Security, including programmatic, regu-*
9 *latory, or enforcement authorities, outside of the au-*
10 *thorities in existence on the day before the date of en-*
11 *actment of this Act;*

12 (2) *reducing or limiting the programmatic, regu-*
13 *latory, or enforcement authority vested in any other*
14 *Federal agency by statute; or*

15 (3) *affecting in any manner the authority, exist-*
16 *ing on the day before the date of enactment of this*
17 *Act, of any other Federal agency or component of the*
18 *Department of Homeland Security.*

19 **SEC. 6. PROHIBITION ON ADDITIONAL FUNDING.**

20 *No additional funds are authorized to be appropriated*
21 *to carry out this Act or the amendments made by this Act.*

- 1 *This Act and the amendments made by this Act shall be*
- 2 *carried out using amounts otherwise authorized.*

Attest:

Secretary.

115TH CONGRESS
2^D Session

H.R. 3359

AMENDMENT