

115TH CONGRESS
1ST SESSION

H. R. 3359

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cybersecurity and In-
3 frastructure Security Agency Act of 2017”.

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

6 (a) IN GENERAL.—The Homeland Security Act of
7 2002 is amended by adding at the end the following new
8 title:

9 **“TITLE XXII—CYBERSECURITY**
10 **AND INFRASTRUCTURE SECU-**
11 **RITY AGENCY**

12 **“Subtitle A—Cybersecurity and**
13 **Infrastructure Security**

14 **“SEC. 2201. DEFINITIONS.**

15 “In this subtitle:

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

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

22 “(3) CYBERSECURITY THREAT.—The term ‘cy-
23 bersecurity threat’ has the meaning given such term
24 in paragraph (5) of section 102 of the Cybersecurity
25 Act of 2015 (contained in division N of the Consoli-

1 dated Appropriations Act, 2016 (Public Law 114–
2 113; 6 U.S.C. 1501)).

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

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

15 “(6) SECTOR-SPECIFIC AGENCY.—The term
16 ‘Sector-Specific Agency’ means a Federal depart-
17 ment or agency, designated by law or presidential di-
18 rective, with responsibility for providing institutional
19 knowledge and specialized expertise of a sector, as
20 well as leading, facilitating, or supporting programs
21 and associated activities of its designated critical in-
22 frastructure sector in the all hazards environment in
23 coordination with the Department.

24 “(7) SHARING.—The term ‘sharing’ has the
25 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 cybersecurity technical as-
5 sistance to entities affected by cybersecurity
6 risks to protect assets, mitigate vulnerabilities,
7 and reduce impacts 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, including
9 Sector-Specific Agencies, and non-Federal entities,
10 including international entities, to carry out the cy-
11 bersecurity and critical infrastructure activities of
12 the Agency, as appropriate;

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

20 “(4) coordinate a national effort to secure and
21 protect against critical infrastructure risks, con-
22 sistent with subsection (e)(1)(E);

23 “(5) upon request provide analyses, expertise,
24 and other technical assistance to critical infrastruc-
25 ture owners and operators and, where appropriate,

1 provide such analyses, expertise, and other technical
2 assistance in coordination with Sector-Specific Agen-
3 cies and other Federal departments and agencies;

4 “(6) develop and utilize mechanisms for active
5 and frequent collaboration between the Agency and
6 Sector-Specific Agencies to ensure appropriate co-
7 ordination, situational awareness, and communica-
8 tions with Sector-Specific Agencies;

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

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

16 “(A) comprehensive strategic plans for the
17 activities of the Agency; and

18 “(B) risk assessments by and for the
19 Agency;

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

22 “(10) carry out cybersecurity, infrastructure se-
23 curity, and emergency communications stakeholder
24 outreach and engagement and coordinate such out-

1 reach and engagement with critical infrastructure
2 Sector-Specific Agencies, as appropriate; and

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

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

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

10 “(2) report to the Director.

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

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

16 “(A) To access, receive, and analyze law
17 enforcement information, intelligence informa-
18 tion, and other information from Federal Gov-
19 ernment agencies, State, local, tribal, and terri-
20 torial government agencies (including law en-
21 forcement agencies), and private sector entities,
22 and to integrate such information, in support of
23 the mission responsibilities of the Department,
24 in order to—

1 “(i) identify and assess the nature
2 and scope of terrorist threats to the home-
3 land;

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

6 “(iii) understand such threats in light
7 of actual and potential vulnerabilities of
8 the homeland.

9 “(B) To carry out comprehensive assess-
10 ments of the vulnerabilities of the key resources
11 and critical infrastructure of the United States,
12 including the performance of risk assessments
13 to determine the risks posed by particular types
14 of terrorist attacks within the United States
15 (including an assessment of the probability of
16 success of such attacks and the feasibility and
17 potential efficacy of various countermeasures to
18 such attacks). At the discretion of the Sec-
19 retary, such assessments may be carried out in
20 coordination with Sector-Specific Agencies.

21 “(C) To integrate relevant information,
22 analysis, and vulnerability assessments (regard-
23 less of whether such information, analysis, or
24 assessments are provided or produced by the
25 Department) in order to make recommenda-

1 tions, including prioritization, for protective and
2 support measures by the Department, other
3 Federal Government agencies, State, local, trib-
4 al, and territorial government agencies and au-
5 thorities, the private sector, and other entities
6 regarding terrorist and other threats to home-
7 land security.

8 “(D) To ensure, pursuant to section 202,
9 the timely and efficient access by the Depart-
10 ment to all information necessary to discharge
11 the responsibilities under this title, including
12 obtaining such information from other Federal
13 Government agencies.

14 “(E) To develop, in coordination with the
15 Sector-Specific Agencies with available exper-
16 tise, a comprehensive national plan for securing
17 the key resources and critical infrastructure of
18 the United States, including power production,
19 generation, and distribution systems, informa-
20 tion technology and telecommunications systems
21 (including satellites), electronic financial and
22 property record storage and transmission sys-
23 tems, emergency communications systems, and
24 the physical and technological assets that sup-
25 port such systems.

1 “(F) To recommend measures necessary to
2 protect the key resources and critical infra-
3 structure of the United States in coordination
4 with other Federal Government agencies, in-
5 cluding Sector-Specific Agencies, and in co-
6 operation with State, local, tribal, and terri-
7 torial government agencies and authorities, the
8 private sector, and other entities.

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

16 “(H) To disseminate, as appropriate, infor-
17 mation analyzed by the Department within the
18 Department, to other Federal Government
19 agencies with responsibilities relating to home-
20 land security, and to State, local, tribal, and
21 territorial government agencies and private sec-
22 tor entities with such responsibilities in order to
23 assist in the deterrence, prevention, preemption
24 of, or response to, terrorist attacks against the
25 United States.

1 “(I) To consult with State, local, tribal,
2 and territorial government agencies and private
3 sector entities to ensure appropriate exchanges
4 of information, including law enforcement-re-
5 lated information, relating to threats of ter-
6 rorism against the United States.

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

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

20 “(L) To establish and utilize, in conjunc-
21 tion with the chief information officer of the
22 Department, a secure communications and in-
23 formation technology infrastructure, including
24 data-mining and other advanced analytical
25 tools, in order to access, receive, and analyze

1 data and information in furtherance of the re-
2 sponsibilities under this section, and to dissemi-
3 nate information acquired and analyzed by the
4 Department, as appropriate.

5 “(M) To coordinate training and other
6 support to the elements and personnel of the
7 Department, other Federal Government agen-
8 cies, and State, local, tribal, and territorial gov-
9 ernment agencies that provide information to
10 the Department, or are consumers of informa-
11 tion provided by the Department, in order to
12 facilitate the identification and sharing of infor-
13 mation revealed in their ordinary duties and the
14 optimal utilization of information received from
15 the Department.

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

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

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

1 “(Q) 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) REALLOCATION.—The Secretary may re-
7 allocate within the Agency the functions specified in
8 sections 2203(b) and 2204(b), consistent with the
9 responsibilities provided in paragraph (1) of this
10 subsection, upon certifying to and briefing the ap-
11 propriate congressional committees, and making
12 available to the public, at least 60 days prior to any
13 such reallocation that such reallocation is necessary
14 for carrying out the activities of the Agency.

15 “(3) STAFF.—

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

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

24 “(C) SECURITY CLEARANCES.—Analysts
25 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) Sector-Specific Agencies.

23 “(viii) Any other agency of the Fed-
24 eral Government that the President con-
25 siders 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 occupancy
24 agreements for existing leases, or agreeing to extend or
25 newly occupy any Federal 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;

16 “(B) be appointed by the President with-
17 out the advice and consent of the Senate; and

18 “(C) report to the Director.

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

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

1 “(1) direct the cybersecurity efforts of the
2 Agency;

3 “(2) carry out activities, at the direction of the
4 Director, related to the security of Federal informa-
5 tion and Federal information systems consistent
6 with law, including subchapter II of chapter 35 of
7 title 44, United States Code, and the Cybersecurity
8 Act of 2015 (contained in division N of the Consoli-
9 dated Appropriations Act, 2016 (Public Law 114–
10 113));

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

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

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

16 “(a) ESTABLISHMENT.—

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

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

24 “(A) be at the level of Assistant Secretary
25 within the Department;

1 “(B) be appointed by the President with-
2 out the advice and consent of the Senate; and

3 “(C) report to the Director.

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

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

11 “(1) direct the critical infrastructure security
12 efforts of the Agency;

13 “(2) carry, at the direction of the Director, the
14 Chemical Facilities Anti-Terrorism Standards Pro-
15 gram established under title XXI and the secure
16 handling of ammonium nitrate established under
17 subtitle J of title VIII or successor program;

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

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

22 (b) TREATMENT OF CERTAIN POSITIONS.—

23 (1) UNDER SECRETARY.—The individual serv-
24 ing as the Under Secretary appointed pursuant to
25 section 103(a)(1)(H) of the Homeland Security Act

1 of 2002 (6 U.S.C. 113(a)(1)) of the Department of
2 Homeland Security on the day before the date of the
3 enactment of this Act may continue to serve as the
4 Director of the Cybersecurity and Infrastructure Se-
5 curity Agency of the Department on and after such
6 date.

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

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

21 (4) ASSISTANT SECRETARY FOR INFRASTRUC-
22 TURE SECURITY.—The individual serving as the As-
23 sistant Secretary for Infrastructure Protection on
24 the day before the date of the enactment of this Act

1 may continue to serve as the Assistant Director for
2 Infrastructure Security on and after such date.

3 (c) REFERENCE.—Any reference to—

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

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

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

19 (1) Not later than 60 days after the date of the
20 enactment of this Act, a briefing on the activities of
21 the Agency relating to the development and use of
22 the mechanisms required pursuant to section
23 2202(c)(6) of the Homeland Security Act of 2002
24 (as added by subsection (a) of this section).

1 (2) Not later than 1 year after the date of the
2 enactment of this Act, a briefing on the activities of
3 the Agency relating to its use and improvement of
4 the mechanisms required pursuant to section
5 2202(c)(6) of the Homeland Security Act of 2002
6 and how such activities have impacted coordination,
7 situational awareness, and communications with Sec-
8 tor-Specific Agencies.

9 (3) Not later than 90 days after the date of the
10 enactment of this Act, information on the Agency's
11 mechanisms for regular and ongoing consultation
12 and collaboration, as required pursuant to section
13 2202(c)(7) of the Homeland Security Act of 2002
14 (as added by subsection (a) of this section).

15 (4) Not later than 1 year after the date of the
16 enactment of this Act, the activities of the Agency's
17 consultation and collaboration mechanisms as re-
18 quired pursuant to section 2202(c)(7) of the Home-
19 land Security Act of 2002, and how such mecha-
20 nisms have impacted operational coordination, situa-
21 tional awareness, and integration across the Agency.

22 (e) CYBER WORKFORCE.—Not later than 90 days
23 after the date of the enactment of this subtitle, the Direc-
24 tor of the Cybersecurity and Infrastructure Security Agen-
25 cy of the Department of Homeland Security shall submit

1 to Congress a report detailing how the Agency is meeting
2 legislative requirements under the Cybersecurity Work-
3 force Assessment Act (Public Law 113–246) and the
4 Homeland Security Cybersecurity Workforce Assessment
5 Act (enacted as section 4 of the Border Patrol Agent Pay
6 Reform Act of 2014; Public Law 113–277) to address
7 cyber workforce needs.

8 (f) FACILITY.—Not later than 180 days after the
9 date of the enactment of this Act, the Director of the Cy-
10 bersecurity and Infrastructure Security Agency of the De-
11 partment of Homeland Security shall report to Congress
12 on the most efficient and effective methods of consoli-
13 dating Agency facilities, personnel, and programs to most
14 effectively carry out the Agency’s mission.

15 (g) CONFORMING AMENDMENTS TO THE HOMELAND
16 SECURITY ACT OF 2002.—The Homeland Security Act of
17 2002 is amended—

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

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

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

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

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

3 (C) in section 201 (6 U.S.C. 121)—

4 (i) in the section heading, by striking
5 **“AND INFRASTRUCTURE PROTEC-**
6 **TION”**;

7 (ii) in subsection (a)—

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

11 (II) by striking **“and an Office of**
12 **Infrastructure Protection”**;

13 (iii) in subsection (b)—

14 (I) in the heading, by striking
15 **“AND ASSISTANT SECRETARY FOR IN-**
16 **FRASTRUCTURE PROTECTION”**; and

17 (II) by striking paragraph (3);

18 (iv) in subsection (c)—

19 (I) by striking **“and infrastruc-**
20 **ture protection”**; and

21 (II) by striking **“or the Assistant**
22 **Secretary for Infrastructure Protec-**
23 **tion, as appropriate”**;

24 (v) in subsection (d)—

1 (I) in the heading, by striking
2 “AND INFRASTRUCTURE PROTEC-
3 TION”;

4 (II) in the matter preceding
5 paragraph (1), by striking “and infra-
6 structure protection”;

7 (III) by striking paragraphs (5)
8 and (6) and redesignating paragraphs
9 (7) through (26) as paragraphs (5)
10 through (24), respectively;

11 (IV) by striking paragraph (23),
12 as so redesignated; and

13 (V) by redesignating paragraph
14 (24), as so redesignated, as paragraph
15 (23);

16 (vi) in subsection (e)(1), by striking
17 “and the Office of Infrastructure Protec-
18 tion”; and

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

22 (D) in section 204 (6 U.S.C. 124a)—

23 (i) in subsection (c)(1), in the matter
24 preceding subparagraph (A), by striking
25 “Assistant Secretary for Infrastructure

1 Protection” and inserting “Director of the
2 Cybersecurity and Infrastructure Security
3 Agency”; and

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

10 (E) in subparagraph (B) of section
11 210A(c)(2) (6 U.S.C. 124h(c)(2)), by striking
12 “Office of Infrastructure Protection” and in-
13 serting “Cybersecurity and Infrastructure Secu-
14 rity Agency”;

15 (F) by transferring section 210E (6 U.S.C.
16 124) to appear after section 2213 (as redesign-
17 dated by subparagraph (H) of this paragraph)
18 and redesignating such section 210E as section
19 2214;

20 (G) in subtitle B, by redesignating sections
21 211 through 215 (6 U.S.C. 101 note through
22 134) as sections 2221 through 2225, respec-
23 tively, and inserting such redesignated sections,
24 including the enumerator and heading of sub-
25 title B (containing such redesignated sections),

1 after section 2214, as redesignated by subpara-
2 graph (F) of this paragraph; and

3 (H) by redesignating sections 223 through
4 230 (6 U.S.C. 143 through 151) as sections
5 2205 through 2213, respectively, and inserting
6 such redesignated sections after section 2204,
7 as added by this Act;

8 (3) in title III, in paragraph (3) of section 302
9 (6 U.S.C. 182), by striking “Assistant Secretary for
10 Infrastructure Protection” and inserting “Director
11 of the Cybersecurity and Infrastructure Security
12 Agency”;

13 (4) in title V—

14 (A) in section 514 (6 U.S.C. 321c), by—

15 (i) striking subsection (b); and

16 (ii) redesignating subsection (c) as
17 subsection (b);

18 (B) in section 523 (6 U.S.C. 321l)—

19 (i) in subsection (a), in the matter
20 preceding paragraph (1), by striking “As-
21 sistant Secretary for Infrastructure Protec-
22 tion” and inserting “Director of the Cyber-
23 security and Infrastructure Security Agen-
24 cy”; and

1 (ii) in subsection (c), by striking “As-
 2 sistant Secretary for Infrastructure Protec-
 3 tion” and inserting “Director of the Cyber-
 4 security and Infrastructure Security Agen-
 5 cy”; and

6 (C) in section 524(a)(2)(B) (6 U.S.C.
 7 321m(a)(2)(B)), in the matter preceding clause
 8 (i)—

9 (i) by striking “Assistant Secretary
 10 for Infrastructure Protection” and insert-
 11 ing “Director of the Cybersecurity and In-
 12 frastructure Security Agency”; and

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

15 (5) in title VIII, in section 899B(a) (6 U.S.C.
 16 488a(a)), by inserting at the end the following new
 17 sentence: “Such regulations shall be carried out by
 18 the Cybersecurity and Infrastructure Security Agen-
 19 cy.”;

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

21 (A) in section 1801 (6 U.S.C. 571)—

22 (i) in the section heading, by striking
 23 “**OFFICE OF EMERGENCY COMMU-**
 24 **NICATIONS**” and inserting “**EMERGENCY**
 25 **COMMUNICATIONS DIVISION**”;

1 (ii) in subsection (a)—

2 (I) by striking “Office of Emer-
3 gency Communications” and inserting
4 “Emergency Communications Divi-
5 sion”; and

6 (II) by adding at the end the fol-
7 lowing new sentence: “The Division
8 shall be located in the Cybersecurity
9 and Infrastructure Security Agency.”;
10 (iii) by amending subsection (b) to
11 read as follows:

12 “(b) ASSISTANT DIRECTOR.—The head of the office
13 shall be the Assistant Director for Emergency Commu-
14 nications. The Assistant Director shall report to the Direc-
15 tor of the Cybersecurity and Infrastructure Security Agen-
16 cy. All decisions of the Assistant Director that entail the
17 exercise of significant authority shall be subject to the ap-
18 proval of the Director.”;

19 (iv) in subsection (c)—

20 (I) in the matter preceding para-
21 graph (1), by inserting “Assistant”
22 before “Director”;

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

1 (III) by redesignating paragraph
2 (15) as paragraph (16); and

3 (IV) by inserting after paragraph
4 (14) the following new paragraph:

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

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

10 (vi) in subsection (e), in the matter
11 preceding paragraph (1), by inserting “As-
12 sistant” before “Director”;

13 (B) in sections 1802 through 1805 (6
14 U.S.C. 575), by striking “Director for Emer-
15 gency Communications” each place it appears
16 and inserting “Assistant Director for Emer-
17 gency Communications”;

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

19 (i) by striking “Director for Emer-
20 gency Communications” and inserting “As-
21 sistant Director for Emergency Commu-
22 nications”; and

23 (ii) by striking “Office of Emergency
24 Communications” each place it appears

1 and inserting “Emergency Communica-
2 tions Division”; and

3 (D) in section 1810 (6 U.S.C. 580)—

4 (i) in subsection (a)(1), by striking
5 “Director of the Office of Emergency Com-
6 munications (referred to in this section as
7 the ‘Director’)” and inserting “Assistant
8 Director for the Emergency Communica-
9 tions Division (referred to in this section
10 as the ‘Assistant Director’)”;

11 (ii) in subsection (c), by striking “Of-
12 fice of Emergency Communications” and
13 inserting “Emergency Communications Di-
14 vision”; and

15 (iii) by striking “Director” each place
16 it appears and inserting “Assistant Direc-
17 tor”;

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

19 (A) in section 2101 (6 U.S.C. 621)—

20 (i) by redesignating paragraphs (4)
21 through (14) as paragraphs (5) through
22 (15), respectively; and

23 (ii) by inserting after paragraph (3)
24 the following new paragraph:

1 “(4) the term ‘Director’ means the Director of
2 the Cybersecurity and Infrastructure Security Agen-
3 cy;”;

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

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

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

18 (A) in section 2205, as so redesignated, in
19 the matter preceding paragraph (1), by striking
20 “Under Secretary appointed under section
21 103(a)(1)(H)” and inserting “Director of the
22 Cybersecurity and Infrastructure Security
23 Agency”;

24 (B) in section 2206, as so redesignated, by
25 striking “Assistant Secretary for Infrastructure

1 Protection” and inserting “Director of the Cy-
2 bersecurity and Infrastructure Security Agen-
3 cy”;

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

5 (i) by striking “Under Secretary ap-
6 pointed under section 103(a)(1)(H)” each
7 place it appears and inserting “Director of
8 the Cybersecurity and Infrastructure Secu-
9 rity Agency”;

10 (ii) in subsection (b), by adding at the
11 end the following new sentences: “The
12 Center shall be located in the Cybersecu-
13 rity and Infrastructure Security Agency.
14 The head of the Center shall report to the
15 Assistant Director for Cybersecurity.”; and

16 (iii) in subsection (c)(11), by striking
17 “Office of Emergency Communications”
18 and inserting “Emergency Communica-
19 tions Division”;

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

21 (i) by striking “section 227” each
22 place it appears and inserting “section
23 2209”; and

24 (ii) in subsection (c)—

1 (I) by striking “Under Secretary
2 appointed under section
3 103(a)(1)(H)” and inserting “Direc-
4 tor of the Cybersecurity and Infra-
5 structure Security Agency”; and

6 (II) by striking “section 212(5)”
7 and inserting “section 2225(5)”;

8 (E) in subsection (b)(2)(A) of section
9 2211, as so redesignated, by striking “section
10 227” and inserting “section 2209”;

11 (F) in section 2212, as so redesignated, by
12 striking “section 212(5)” and inserting “section
13 2225(5)”;

14 (G) in section 2213, as so redesignated, in
15 subsection (a)—

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

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

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

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

13 (C) in the item relating to section 201, by
14 striking “and Infrastructure Protection”;

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

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

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

21 (2) in title XVIII, by amending the item relat-
22 ing to section 1801 to read as follows:

“Sec. 1801. Emergency Communications Division.”;

23 and

24 (3) by adding at the end the following new
25 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. 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 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-

1 torate, or other office of the Department of Homeland Se-
2 curity that the Secretary determines appropriate.

3 **SEC. 4. RULE OF CONSTRUCTION.**

4 Nothing in this Act may be construed as—

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

10 (2) reducing or limiting the programmatic, reg-
11 ulatory, or enforcement authority vested in any
12 other Federal agency by statute; or

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

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

18 No additional funds are authorized to be appro-
19 priated to carry out this Act or the amendments made

1 by this Act. This Act and such amendments shall be car-
2 ried out using amounts otherwise authorized.

Passed the House of Representatives December 11,
2017.

Attest:

Clerk.

115TH CONGRESS
1ST SESSION

H. R. 3359

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.