COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

March 16, 2010

Purpose: To modify the bill as introduced.

IN THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION—111TH Cong., 2D Sess.

S. 773, 111TH Congress, 2D Session

MARCH ——, 2010

INTENDED to be proposed by Mr. ROCKEFELLER

Viz: Strike out all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Cybersecurity Act of 2010''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) As a fundamental principle, cyberspace is a vital asset for the nation and the United States should protect it using all instruments of national power, in order to ensure national security, public safety, economic prosperity, and the delivery of critical services to the American public.

(2) President Obama has rightfully determined that ''our digital infrastructure-the networks and computers we depend on every day will be treated . . . as a strategic national asset''.

(3) According to the Obama Administration Cyberspace Policy Review, ''the architecture of the Nation's digital infrastructure is not secure or resilient. Without major advances in the security of these systems or significant change in how they are con-

structed or operated, it is doubtful that the United States can protect itself from the growing threat of cybercrime and state-sponsored intrusions and operations.''.

(4) With more than 85 percent of the Nation's critical infrastructure owned and operated by the private sector, it is vital that the public and private sectors cooperate to protect this strategic national asset.

(5) According to the 2010 Annual Threat Assessment, that ''sensitive information is stolen daily from both government and private sector networks'' and that ''we cannot protect cyberspace without a coordinated and collaborative effort that incorporates both the US private sector and our international partners.''.

(6) The Director of National Intelligence testified before the Congress on February 2, 2010, that the recent intrusions reported by Google should serve as ''a wake-up call to those who have not taken this problem seriously.''.

(7) The National Cybersecurity Coordinator, Howard Schmidt, stated on March 2, 2010, ''we will not defeat our cyber adversaries because they are weakening, we will defeat them by becoming collec-

tively stronger, through stronger technology, a stronger cadre of security professionals, and stronger partnerships.''.

(8) According to the National Journal, Mike McConnell, the former Director of National Intelligence, told President Bush in May 2007 that if the 9/11 attackers had chosen computers instead of airplanes as their weapons and had waged a massive assault on a United States bank, the economic consequences would have been ''an order of magnitude greater'' than those cased by the physical attack on the World Trade Center. Mike McConnell has subsequently referred to cybersecurity as the ''soft underbelly of this country''.

(9) Paul Kurtz, a Partner and chief operating officer of Good Harbor Consulting as well as a senior advisor to the Obama Transition Team for cybersecurity, has stated that the United States is unprepared to respond to a ''cyber-Katrina'' and that ''a massive cyber disruption could have a cascading, long-term impact without adequate co-ordination between government and the private sector''.

(10) According to the February 2003 National Strategy to Secure Cyberspace, ''our nation's critical infrastructures are composed of public and private

institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking finance, chemicals and hazardous materials, and postal and shipping. Cyberspace is their nervous system the control system of our country'' and that ''the cornerstone of America's cyberspace security strategy is and will remain a public-private partnership''.

(11) The Center for Strategic and International Studies report on Cybersecurity for the 44th Presidency concluded that (A) cybersecurity is now a major national security problem for the United States, (B) decisions and actions must respect privacy and civil liberties, and (C) only a comprehensive national security strategy that embraces both the domestic and international aspects of cybersecurity will make us more secure. The report continued, stating that the United States faces ''a long-term challenge in cyberspace from foreign intelligence agencies and militaries, criminals, and others, and that losing this struggle will wreak serious damage on the economic health and national security of the United States''.

(12) James Lewis, Director and Senior Fellow, Technology and Public Policy Program, Center for Strategic and International Studies, testified on behalf of the Center for Strategic and International Studies that ''the United States is not organized for, and lacks a coherent national strategy for addressing, cybersecurity''.

(13) The Cyber Strategic Inquiry 2008, sponsored by Business Executives for National Security and executed by Booz Allen Hamilton, recommended to ''establish a single voice for cybersecurity within government'' concluding that the ''unique nature of cybersecurity requires a new leadership paradigm''.

(14) Alan Paller, the Director of Research at the SANS Institute, testified before the Congress that ''Congress can reduce the threat of damage from these new cyber attacks both against government and against the critical infrastructure by shifting the government's cyber security emphasis from report writing to automated, real-time defenses'' and that ''only active White House leadership will get the job done''.

(15) A 2009 Partnership for Public Service study and analysis by the nonprofit Partnership for Public Service reports concluded that ''the Federal

government will be unable to combat cyber threats without a more coordinated, sustained effort to increase cybersecurity expertise in the federal workforce'' and that ''the President's success in combating these threats . . . must include building a vibrant, highly trained and dedicated cybersecurity workforce in this country''.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVISORY PANEL.—The term ''Advisory Panel'' means the Cybersecurity Advisory Panel established or designated under section 401.

(2) CYBERSECURITY.—The term ''cybersecurity'' means information security (as defined in section 3532(b)(1) of title 44, United States Code.

(3) CYBERSECURITY PROFESSIONAL.—The term ''cybersecurity professional'' means a person who maintains a certification under section 101 of this Act.

(4) INFORMATION SYSTEM.—The term ''information system'' has the meaning given that term by section 3532(b)(4) of title 44, United States Code.

(5) INTERNET.—The term ''Internet'' has the meaning given that term by section 4(4) of the

High-Performance Computing Act of 1991 (15 U.S.C. 5503(4)).

(6) UNITED STATES CRITICAL INFRASTRUCTURE INFORMATION SYSTEM.—The term ''United States critical infrastructure information system'' means an information system designated under section 4 of this Act.

SEC. 4. PROCEDURE FOR DESIGNATION OF CRITICAL INFRASTRUCTURE INFORMATION SYSTEMS.

(a) ESTABLISHMENT OF DESIGNATION PROCEDURE.—Within 90 days after the date of enactment of this Act or as soon thereafter as may be practicable, the President, in consultation with sector coordinating councils, relevant government agencies, and regulatory entities, shall initiate a rulemaking in accordance with the requirements of chapter 5 of title 5, United States Code, to establish a procedure for the designation of any information system the infiltration, incapacitation, or disruption of which would threaten a strategic national interests as a critical infrastructure information system under this Act.

(b) THRESHOLD REQUIREMENTS.—The final rule, at a minimum, shall—

(1) set forth objective criteria that meet the standard in section (a) for such designations generally;

(2) provide for emergency and temporary designations when necessary and in the public interest;

(3) ensure the protection of confidential and proprietary information associated with nongovernmental systems from disclosure;

(4) ensure the protection of classified and sensitive security information; and

(5) establish a procedure, in accordance with chapter 7 of title 5, United States Code, by which the owner or operator of an information system may appeal, or request modification of, the designation of that system or network as a critical infrastructure information system under this Act.

TITLE I—WORKFORCE DEVELOPMENT

SEC. 101. CERTIFICATION AND TRAINING OF CYBERSECURITY PROFESSIONALS.

(a) STUDY.—

(1) IN GENERAL.—The President shall enter into an agreement with the National Academies to conduct a comprehensive study of government, academic, and private-sector accreditation, training, and certification programs for personnel working in cybersecurity. The agreement shall require that the National Academies consult with sector coordinating

councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations in the course of the study.

(2) SCOPE.—The study shall include—

(A) an evaluation of the body of knowledge and various skills that specific categories of personnel working in cybersecurity should possess in order to secure information systems;

(B) an assessment of whether existing government, academic, and private-sector accreditation, training, and certification programs provide the body of knowledge and skills described in subparagraph (A); and

(C) any other factors that should be considered for any accreditation, training, and certification programs.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the National Academies shall submit to the President and the Congress a report on the results of the study required by this subsection. The report shall include—

(A) findings regarding the state of cybersecurity accreditation, training, and certification programs, including specific areas of deficiency and demonstrable progress; and

(B) recommendations for the improvement of cybersecurity accreditation, training, and certification programs.

(b) FEDERAL INFORMATION SYSTEMS.—Beginning no later than 6 months after receiving the report under subsection (a)(3), the President, in close and regular consultation with sector coordinating councils and relevant governmental agencies, regulatory entities, industry sectors, and nongovernmental organizations, shall—

(1) develop and annually review and update—

(A) guidance for the identification and categorization of positions for personnel conducting cybersecurity functions within the Federal government; and

(B) requirements for certification of personnel for categories identified under subparagraph (A); and

(2) annually evaluate compliance with the requirements in paragraph (1)(B).

(c) UNITED STATES CRITICAL INFRASTRUCTURE INFORMATION SYSTEMS.—

(1) IDENTIFICATION, CATEGORIZATION, AND CERTIFICATION OF POSITIONS.—Not later than 6 months after receiving the report under section (a)(3), the President, in close and regular consulta-

tion with sector coordinating councils and relevant governmental agencies, regulatory entities, and non-governmental organizations, shall require owners and operators of United States critical infrastructure information systems to develop and annually review and update—

(A) guidance for the identification and categorization of positions for personnel conducting cybersecurity functions within their respective information systems; and

(B) requirements for certification of personnel for categories identified under subparagraph (A).

(2) ACCREDITATION, TRAINING, AND CERTIFICATION PROGRAMS.—Not later than 6 months after receiving the certification requirements submitted under paragraph (1)(B), the President, in consultation with sector coordinating councils, relevant governmental agencies, regulatory entities, and non-governmental organizations, shall convene sector specific working groups to establish auditable private-sector developed accreditation, training, and certification programs for critical infrastructure information system personnel working in cybersecurity.

(3) POSITIVE RECOGNITION.—Beginning no later than 1 year after the President first convenes sector specific working groups under paragraph (2), the President shall—

(A) recognize and promote auditable private-sector developed accreditation, training, and certification programs established in paragraph (b); and

(B) on an ongoing basis, but not less frequently than annually, review and reconsider recognitions under subparagraph (A) in order to account for advances in accreditation, training, and certification programs for personnel working in cybersecurity.

(4) UNITED STATES CRITICAL INFRASTRUCTURE INFORMATION SYSTEMS COMPLIANCE.—

(A) IN GENERAL.—Beginning no later than 1 year after the President first recognizes a program under paragraph (3)(A), and on a semi-annual basis thereafter, the President shall require each owner or operator of a United States critical infrastructure information system to report the results of independent audits that evaluate compliance with the accred-

itation, training, and certification programs recognized under paragraph (3).

(B) POSITIVE RECOGNITION.—The President, in consultation with sector coordinating councils, relevant governmental agencies, and regulatory entities, and with the consent of individual companies, may publicly recognize those owners and operators of United States critical infrastructure information systems whose independent audits demonstrate compliance with the accreditation, training, and certification programs recognized under paragraph (3).

(C) COLLABORATIVE REMEDIATION.—The President shall require owners or operators of United States critical infrastructure information systems that fail to demonstrate substantial compliance with the accreditation, training, and certification programs recognized under paragraph (3) through 2 consecutive independent audits, in consultation with sector coordinating councils, relevant governmental agencies, and regulatory entities, to collaboratively develop and implement a remediation plan.

(d) REFERENCE LIST FOR CONSUMERS.—The President, in close and regular consultation with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations, shall annually—

(1) evaluate the cybersecurity accreditation, training, and certification programs identified in subsection (a);

(2) identify those cybersecurity accreditation, training, and certification programs whose rigor and effectiveness are beneficial to cybersecurity; and

(3) publish a noncompulsory reference list of those programs identified under paragraph (2).

SEC. 102. FEDERAL CYBER SCHOLARSHIP-FOR-SERVICE PROGRAM.

(a) IN GENERAL.—The Director of the National Science Foundation shall establish a Federal Cyber Scholarship-for-Service program to recruit and train the next generation of information technology professionals and security managers for Federal, State, local, and tribal governments.

(b) PROGRAM DESCRIPTION AND COMPONENTS.—The program shall—

(1) provide scholarships that provide full tuition, fees, and a stipend, for up to 1,000 students

per year in their pursuit of undergraduate or graduate degrees in the cybersecurity field;

(2) require scholarship recipients, as a condition of receiving a scholarship under the program, to agree to serve in a Federal, State, local, or tribal information technology workforce for a period equal to the length of the scholarship following graduation if offered employment in that field by a Federal, State, local, or tribal agency;

(3) provide a procedure by which the Foundation or a Federal agency may, consistent with regulations of the Office of Personnel Management, request and fund security clearances for scholarship recipients;

(4) provide opportunities for students to receive temporary appointments for meaningful employment in the Federal information technology workforce during school vacation periods and for internships;

(5) provide a procedure for identifying promising K–12 students for participation in summer work and internship programs that would lead to certification of Federal information technology workforce standards and possible future employment; and

(6) examine and develop, if appropriate, programs to promote computer security awareness in secondary and high school classrooms.

(c) HIRING AUTHORITY.—For purposes of any law or regulation governing the appointment of individuals in the Federal civil service, upon the successful completion of their studies, students receiving a scholarship under the program shall be hired under the authority provided for in section 213.3102(r) of title 5, Code of Federal Regulations, and be exempt from competitive service. Upon fulfillment of the service term, such individuals may be converted to a competitive service position without competition if the individual meets the requirements for that position.

(d) ELIGIBILITY.—To be eligible to receive a scholarship under this section, an individual shall—

(1) be a citizen of the United States; and

(2) demonstrate a commitment to a career in improving the Nation's cyber defenses.

(e) EVALUATION AND REPORT.—The Director shall evaluate and report periodically to the Congress on the success of recruiting individuals for the scholarships and on hiring and retaining those individuals in the public sector workforce.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) $50,000,000 for fiscal year 2010;

(2) $55,000,000 for fiscal year 2011;

(3) $60,000,000 for fiscal year 2012;

(4) $65,000,000 for fiscal year 2013; and

(5) $70,000,000 for fiscal year 2014.

SEC. 103. CYBERSECURITY COMPETITION AND CHALLENGE.

(a) IN GENERAL.—The Director of the National Institute of Standards and Technology, directly or through appropriate Federal entities, shall establish cybersecurity competitions and challenges with cash prizes, and promulgate rules for participation in such competitions and challenges, in order to—

(1) attract, identify, evaluate, and recruit talented individuals for the Federal information technology workforce; and

(2) stimulate innovation in basic and applied cybersecurity research, technology development, and prototype demonstration that has the potential for application to the information technology activities of the Federal Government.

(b) TYPES OF COMPETITIONS AND CHALLENGES.—The Director shall establish different competitions and challenges targeting the following groups:

(1) Middle school students.

(2) High school students.

(3) Undergraduate students.

(4) Graduate students.

(5) Academic and research institutions.

(c) TOPICS.—In selecting topics for prize competitions, the Director shall consult widely both within and outside the Federal Government, and may empanel advisory committees.

(d) ADVERTISING.—The Director shall widely advertise prize competitions, in coordination with the awareness campaign under section 301, to encourage participation.

(e) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Director shall publish a notice in the Federal Register announcing the subject of the competition, the rules for being eligible to participate in the competition, the amount of the prize, and the basis on which a winner will be selected.

(f) ELIGIBILITY.—To be eligible to win a prize under this section, an individual or entity—

(1) shall have registered to participate in the competition pursuant to any rules promulgated by the Director under subsection (a);

(2) shall have complied with all the requirements under this section;

(3) in the case of a public or private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States; and

(4) shall not be a Federal entity or Federal employee acting within the scope of his or her employment.

(g) JUDGES.—For each competition, the Director, either directly or through an agreement under subsection (h), shall assemble a panel of qualified judges to select the winner or winners of the prize competition. Judges for each competition shall include individuals from the private sector. A judge may not—

(1) have personal or financial interests in, or be an employee, officer, director, or agent of any entity that is a registered participant in a competition; or

(2) have a familial or financial relationship with an individual who is a registered participant.

(h) ADMINISTERING THE COMPETITION.—The Director may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this section.

(i) FUNDING.—

(1) PRIZES.—Prizes under this section may consist of Federal appropriated funds and funds provided by the private sector for such cash prizes. The Director may accept funds from other Federal agencies for such cash prizes. The Director may not give special consideration to any private sector entity in return for a donation.

(2) USE OF UNEXPENDED FUNDS.—Notwithstanding any other provision of law, funds appropriated for prize awards under this section shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this section permits obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

(3) FUNDING REQUIRED BEFORE PRIZE ANNOUNCED.—No prize may be announced until all the funds needed to pay out the announced amount of

the prize have been appropriated or committed in writing by a private source. The Director may increase the amount of a prize after an initial announcement is made under subsection (d) if—

(A) notice of the increase is provided in the same manner as the initial notice of the prize; and

(B) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by a private source.

(4) NOTICE REQUIRED FOR LARGE AWARDS.—No prize competition under this section may offer a prize in an amount greater than $5,000,000 unless 30 days have elapsed after written notice has been transmitted to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology.

(5) DIRECTOR'S APPROVAL REQUIRED FOR CERTAIN AWARDS.—No prize competition under this section may result in the award of more than $1,000,000 in cash prizes without the approval of the Director.

(j) USE OF FEDERAL INSIGNIA.—A registered participant in a competition under this section may use any

Federal agency's name, initials, or insignia only after prior review and written approval by the Director.

(k) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this section, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and nonproliferation laws and related regulations.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this section $15,000,000 for each of fiscal years 2010 through 2014.

SEC. 104. CYBERSECURITY WORKFORCE PLAN.

(a) DEVELOPMENT OF PLAN.—Not later than 180 days after the date of enactment of this Act and in every subsequent year, the head of each Federal agency, based on guidance from the President, the Office of Personnel Management, the Chief Human Capital Officers Council, and the Chief Information Officers Council, shall develop a strategic cybersecurity workforce plan as part of the agency performance plan required under section 1115 of title 31, United States Code. The plan shall include—

(1) cybersecurity hiring projections, including occupation and grade level, over a 2-year period;

(2) long-term and short-term strategic planning to address critical skills deficiencies, including analysis of the numbers of and reasons for cybersecurity employee attrition;

(3) recruitment strategies, including the use of student internships, to attract highly qualified candidates from diverse backgrounds;

(4) an assessment of the sources and availability of talent with needed expertise;

(5) streamlining the hiring process;

(6) a specific analysis of the capacity of the agency workforce to manage contractors who are performing cybersecurity work on behalf of the Federal government;

(7) an analysis of the barriers to recruiting and hiring cybersecurity talent, including compensation, classification, hiring flexibilities, and the hiring process, and recommendations to overcome those barriers; and,

(8) a cybersecurity-related training and development plan to enhance or keep current the knowledge level of employees.

(b) HIRING PROJECTIONS.—Each Federal agency shall make hiring projections made under its strategic cy-

bersecurity workforce plan available to the public, including on its website.

(c) CLASSIFICATION.—Based on the agency analyses and recommendations made under subsection (a)(7) of this section and other relevant information, the President or the President's designee, in consultation with affected Federal agencies and councils, shall coordinate the establishment of new job classifications for cybersecurity functions in government and certification requirements for each job category.

SEC. 105. MEASURES OF CYBERSECURITY HIRING EFFECTIVENESS.

(a) IN GENERAL.—Each agency shall measure and collect information on cybersecurity hiring effectiveness with respect to the following:

(1) RECRUITING AND HIRING.—

(A) Ability to reach and recruit well-qualified talent from diverse talent pools.

(B) Use and impact of special hiring authorities and flexibilities to recruit most qualified applicants, including the use of student internship and scholarship programs as a talent pool for permanent hires.

(C) Use and impact of special hiring authorities and flexibilities to recruit diverse can-

didates, including veteran, minority, and disabled candidates.

(D) The age, educational level, and source of applicants.

(2) HIRING MANAGER ASSESSMENT.—

(A) Manager satisfaction with the quality of the applicants interviewed and new hires.

(B) Manager satisfaction with the match between the skills of newly hired individuals and the needs of the agency.

(C) Manager satisfaction with the hiring process and hiring outcomes.

(D) Mission-critical deficiencies closed by new hires and the connection between mission-critical deficiencies and annual agency performance.

(E) Manager satisfaction with the length of time to fill a position.

(3) APPLICANT ASSESSMENT.—Applicant satisfaction with the hiring process (including clarity of job announcement, reasons for withdrawal of application should that apply, user-friendliness of the application process, communication regarding status of application, and timeliness of job offer).

(4) NEW HIRE ASSESSMENT.—

(A) New hire satisfaction with the hiring process (including clarity of job announcement, user-friendliness of the application process, communication regarding status of application, and timeliness of hiring decision).

(B) Satisfaction with the onboarding experience (including timeliness of onboarding after the hiring decision, welcoming and orientation processes, and being provided with timely and useful new employee information and assistance).

(C) New hire attrition, including by performance level and occupation.

(D) Investment in training and development for employees during their first year of employment.

(E) Exit interview results.

(F) Other indicators and measures as required by the Office of Personnel Management.

(b) REPORTS.—

(1) IN GENERAL.—Each agency shall submit the information collected under subsection (a) to the Office of Personnel Management annually in accordance with the regulations prescribed under subsection (c).

(2) AVAILABILITY OF RECRUITING AND HIRING INFORMATION.—Each year the Office of Personnel Management shall provide the information received under paragraph (1) in a consistent format to allow for a comparison of hiring effectiveness and experience across demographic groups and agencies to—

(A) the Congress before that information is made publicly available; and

(B) the public on the website of the Office within 90 days after receipt of the information under subsection (b)(1).

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall prescribe regulations establishing the methodology, timing, and reporting of the data described in subsection (a).

TITLE II—PLANS AND AUTHORITY

SEC. 201. CYBERSECURITY RESPONSIBILITIES AND AUTHORITIES.

(a) IN GENERAL.—The President shall—

(1) within 180 days after the date of enactment of this Act, after notice and opportunity for public comment, develop and implement a comprehensive

national cybersecurity strategy, which shall include—

(A) a long-term vision of the Nation's cybersecurity future; and

(B) a plan that addresses all aspects of national security, as it relates to cybersecurity, including the proactive engagement of, and collaboration between, the Federal government and the private sector;

(2) in consultation with sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations, review critical functions impacted by a cyber attack and develop a strategy for the acquisition, storage, and periodic replacement of assets to support those functions;

(3) through the Office of Science and Technology Policy, direct an annual review of all Federal cyber technology research and development investments; and

(4) through the Office of Personnel Management, promulgate rules for Federal professional responsibilities regarding cybersecurity, and provide to the Congress an annual report on Federal agency compliance with those rules.

(b) COLLABORATIVE EMERGENCY RESPONSE AND RESTORATION.—The President—

(1) shall, in collaboration with owners and operators of United States critical infrastructure information systems, sector coordinating councils and relevant governmental agencies, regulatory entities, and nongovernmental organizations, develop and rehearse detailed response and restoration plans that clarify specific roles, responsibilities, and authorities of government and private sector actors during cybersecurity emergencies;

(2) may, in the event of an immediate threat to strategic national interests involving compromised Federal Government or United States critical infrastructure information systems—

(A) declare a cybersecurity emergency; and

(B) implement the collaborative emergency response and restoration plans developed under paragraph (1);

(3) shall, in the event of a declaration of a cybersecurity emergency—

(A) within 48 hours submit to Congress a report in writing setting forth—

(i) the circumstances necessitating the emergency declaration; and

(ii) the estimated scope and duration of the emergency; and

(B) so long as the cybersecurity emergency declaration remains in effect, report to the Congress periodically, but in no event less frequently than once every 30 days, on the status of emergency as well as on the scope and duration of the emergency.

(c) RULE OF CONSTRUCTION.—This section does not authorize, and shall not be construed to authorize, an expansion of existing Presidential authorities.

SEC. 202. BIENNIAL CYBER REVIEW.

(a) IN GENERAL.—Beginning with 2010 and in every second year thereafter, the President, or the President's designee, shall complete a review of the cyber posture of the United States, including an unclassified summary of roles, missions, accomplishments, plans, and programs. The review shall include a comprehensive examination of the cyber strategy, force structure, personnel, modernization plans, infrastructure, budget plan, the Nation's ability to recover from a cyber emergency, and other elements of the cyber program and policies with a view toward determining and expressing the cyber strategy of the United States and establishing a revised cyber program for the next 2 years.

(b) INVOLVEMENT OF CYBERSECURITY ADVISORY PANEL.—

(1) The President, or the President's designee, shall apprise the Cybersecurity Advisory Panel established or designated under section 401, on an ongoing basis, of the work undertaken in the conduct of the review.

(2) Not later than 1 year before the completion date for the review, the Chairman of the Advisory Panel shall submit to the President, or the President's designee, the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) ASSESSMENT OF REVIEW.—Upon completion of the review, the Chairman of the Advisory Panel, on behalf of the Panel, shall prepare and submit to the President, or the President's designee, an assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) REPORT.—Not later than September 30, 2010, and every 2 years thereafter, the President, or the President's designee, shall submit to the relevant congressional

Committees a comprehensive report on the review. The report shall include—

(1) the results of the review, including a comprehensive discussion of the cyber strategy of the United States and the collaboration between the public and private sectors best suited to implement that strategy;

(2) the threats examined for purposes of the review and the scenarios developed in the examination of such threats;

(3) the assumptions used in the review, including assumptions relating to the cooperation of other countries and levels of acceptable risk; and

(4) the Advisory Panel's assessment.

SEC. 203. CYBERSECURITY DASHBOARD PILOT PROJECT.

The Secretary of Commerce shall—

(1) in consultation with the Office of Management and Budget, develop a plan within 90 days after the date of enactment of this Act to implement a system to provide dynamic, comprehensive, real-time cybersecurity status and vulnerability information of all Federal Government information systems managed by the Department of Commerce, including an inventory of such, vulnerabilities of such systems, and corrective action plans for those vulnerabilities;

(2) implement the plan within 1 year after the date of enactment of this Act; and

(3) submit a report to the Congress on the implementation of the plan.

SEC. 204. NIST CYBERSECURITY GUIDANCE.

(a) IN GENERAL.—Beginning no later than 1 year after the date of enactment of this Act, the National Institute of Standards and Technology, in close and regular consultation with sector coordinating councils and relevant governmental agencies, regulatory entities, and non-governmental organizations, shall—

(1) recognize and promote auditable, private sector developed cybersecurity risk measurement techniques, risk management measures and best practices for all Federal Government and United States critical infrastructure information systems; and

(2) on an ongoing basis, but not less frequently than semi-annually, review and reconsider its recognitions under paragraph (1) in order to account for advances in cybersecurity risk measurement techniques, risk management measures, and best practices.

(b) FEDERAL INFORMATION SYSTEMS.—Within 1 year after the date of enactment of this Act, the President

shall require all Federal departments and agencies to measure their risk in each operating unit using the techniques recognized under subsection (a) and to comply with or exceed the cybersecurity risk management measures and best practices recognized under subsection (a).

(c) UNITED STATES CRITICAL INFRASTRUCTURE INFORMATION SYSTEMS.—

(1) IN GENERAL.—Beginning no later than 1 year after the President first recognizes the cybersecurity risk measurement techniques, risk management measures and best practices under subsection (a), and on a semi-annual basis thereafter, the President shall require each owner or operator of a United States critical infrastructure information system to report the results of independent audits that evaluate compliance with cybersecurity risk measurement techniques, risk management measures, and best practices recognized under subsection (a).

(2) POSITIVE RECOGNITION.—The President, in consultation with sector coordinating councils, relevant governmental agencies, and regulatory entities, and with the consent of individual companies, may publicly recognize those owners and operators of United States critical infrastructure information systems whose independent audits demonstrate compli-

ance with cybersecurity risk measurement techniques, risk management measures, and best practices recognized under subsection (a);

(3) COLLABORATIVE REMEDIATION.—The President shall require owners or operators of United States critical infrastructure information systems that fail to demonstrate substantial compliance with cybersecurity risk measurement techniques, risk management measures, and best practices recognized under subsection (a) through 2 consecutive independent audits, in consultation with sector coordinating councils, relevant governmental agencies, and regulatory entities, to collaboratively develop and implement a remediation plan.

(d) INTERNATIONAL STANDARDS DEVELOPMENT.—Within 1 year after the date of enactment of this Act, the Director, in coordination with the Department of State and other relevant governmental agencies and regulatory entities, and in consultation with sector coordinating councils and relevant nongovernmental organizations, shall—

(1) direct United States cybersecurity efforts before all international standards development bodies related to cybersecurity;

(2) develop and implement a strategy to engage international standards bodies with respect to the

development of technical standards related to cybersecurity; and

(3) submit the strategy to the Congress.

(e) CRITERIA FOR FEDERAL INFORMATION SYSTEMS.—Notwithstanding any other provision of law (including any Executive Order), rule, regulation, or guideline pertaining to the distinction between national security systems and civilian agency systems, the Institute shall adopt a risk-based approach in the development of Federal cybersecurity guidance for Federal information systems.

(f) FCC BROADBAND CYBERSECURITY REVIEW.—The Federal Communications Commission shall report on effective and efficient means to ensure the cybersecurity of commercial broadband networks, including consideration of consumer education and outreach programs.

(g) ELIMINATION OF DUPLICATIVE REQUIREMENTS.—The President shall direct the National Institute of Standards and Technology and other appropriate Federal agencies to identify private sector entities already required to report their compliance with cybersecurity laws, directives, and regulations to streamline compliance with duplicative reporting requirements.

SEC. 205. LEGAL FRAMEWORK REVIEW AND REPORT.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Comptroller General shall com-

plete a comprehensive review of the Federal statutory and legal framework applicable to cybersecurity-related activities in the United States, including—

(1) the Privacy Protection Act of 1980 (42 U.S.C. 2000aa);

(2) the Electronic Communications Privacy Act of 1986 (18 U.S.C. 2510 note);

(3) the Computer Security Act of 1987 (15 U.S.C. 271 et seq.; 40 U.S.C. 759);

(4) the Federal Information Security Management Act of 2002 (44 U.S.C. 3531 et seq.);

(5) the E-Government Act of 2002 (44 U.S.C. 9501 et seq.);

(6) the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.);

(7) section 552 of title 5, United States Code;

(8) the Federal Advisory Committee Act (5 U.S.C. App.);

(9) any other Federal law bearing upon cybersecurity-related activities; and

(10) any applicable Executive Order or agency rule, regulation, or guideline.

(b) REPORT.—Upon completion of the review the Comptroller General shall submit a report to the Congress containing the Comptroller General's, findings, conclu-

sions, and recommendations regarding changes needed to advance cybersecurity and protect civil liberties in light of new cybersecurity measures.

SEC. 206. JOINT INTELLIGENCE THREAT AND VULNERABILITY ASSESSMENT.

The Director of National Intelligence, the Secretary of Commerce, the Secretary of Homeland Security, the Attorney General, the Secretary of Defense, and the Secretary of State shall submit to the Congress a joint assessment of, and report on, cybersecurity threats to and vulnerabilities of Federal information systems and United States critical infrastructure information systems.

SEC. 207. INTERNATIONAL NORMS AND CYBERSECURITY DETERRANCE MEASURES.

The President shall—

(1) work with representatives of foreign governments, private sector entities, and nongovernmental organizations—

(A) to develop norms, organizations, and other cooperative activities for international engagement to improve cybersecurity; and

(B) to encourage international cooperation in improving cybersecurity on a global basis; and

(2) provide an annual report to the Congress on the progress of international initiatives undertaken pursuant to subparagraph (A).

SEC. 208. FEDERAL SECURE PRODUCTS AND SERVICES ACQUISITIONS.

(a) ACQUISITION REQUIREMENTS.—The Administrator of the General Services Administration, in cooperation with the Office of Management and Budget and other appropriate Federal agencies, shall require that requests for information and requests for proposals for Federal information systems products and services include cybersecurity risk measurement techniques, risk management measures, and best practices recognized under section 204 and the cybersecurity professional certifications recognized under section 101 of this Act.

(b) ACQUISITION COMPLIANCE.—After the publication of the requirements established by the Administrator under subsection (a), a Federal agency may not issue a request for proposals for Federal information systems products and services that does not comply with the requirements.

SEC. 209. PRIVATE SECTOR ACCESS TO CLASSIFIED INFORMATION.

(a) EVALUATION.—The President shall conduct an annual evaluation of the sufficiency of present access to

classified information among owners and operators of United States critical infrastructure information systems and submit a report to the Congress on the evaluation.

(b) SECURITY CLEARANCES.—To the extent determined by the President to be necessary to enhance public-private information sharing and cybersecurity collaboration, the President may—

(1) grant additional security clearances to owners and operators of United States critical infrastructure information systems; and

(2) delegate original classification authority to appropriate Federal officials on matters related to cybersecurity.

SEC. 210. AUTHENTICATION AND CIVIL LIBERTIES REPORT.

Within 1 year after the date of enactment of this Act, the President, or the President's designee, in consultation with sector coordinating councils, relevant governmental agencies, regulatory entities, and nongovernmental organizations, shall review, and report to Congress, on the feasibility of an identity management and authentication program, with the appropriate civil liberties and privacy protections, for Federal government and United States critical infrastructure information systems.

TITLE III—CYBERSECURITY KNOWLEDGE DEVELOPMENT

SEC. 301. PROMOTING CYBERSECURITY AWARENESS AND EDUCATION.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with sector coordinating councils, relevant governmental agencies, regulatory entities, and non-governmental organizations, shall develop and implement a national cybersecurity awareness campaign that—

(1) calls a new generation of Americans to service in the field of cybersecurity;

(2) heightens public awareness of cybersecurity issues and concerns;

(3) communicates the Federal Government's role in securing the Internet and protecting privacy and civil liberties with respect to Internet-related activities; and

(4) utilizes public and private sector means of providing information to the public, including public service announcements.

(b) EDUCATIONAL BASELINES.—The Secretary of Education, in consultation with State school superintendents, relevant Federal agencies, industry sectors, and non-governmental organizations, shall establish baseline K-12

curriculum guidelines to address cyber safety, cybersecurity, and cyber ethics.

SEC. 302. FEDERAL CYBERSECURITY RESEARCH AND DEVELOPMENT.

(a) FUNDAMENTAL CYBERSECURITY RESEARCH.—The Director of the National Science Foundation, in coordination with the Office of Science and Technology Policy, and drawing on the recommendations of the Office of Science and Technology Policy's annual review of all Federal cyber technology research and development investments required by section 201(a)(3), shall develop a national cybersecurity research and development plan. The plan shall encourage computer and information science and engineering research to meet the following challenges in cybersecurity:

(1) How to design and build complex software-intensive systems that are secure and reliable when first deployed.

(2) How to test and verify that software, whether developed locally or obtained from a third party, is free of significant known security flaws.

(3) How to test and verify that software obtained from a third party correctly implements stated functionality, and only that functionality.

(4) How to guarantee the privacy of an individual's identity, information, or lawful transactions when stored in distributed systems or transmitted over networks.

(5) How to build new protocols to enable the Internet to have robust security as one of its key capabilities.

(6) How to determine the origin of a message transmitted over the Internet.

(7) How to support privacy in conjunction with improved security.

(8) How to address the growing problem of insider threat.

(b) SECURE CODING RESEARCH.—The Director shall support research that evaluates selected secure coding education and improvement programs. The Director shall also support research on new methods of integrating secure coding improvement into the core curriculum of computer science programs and of other programs where graduates have a substantial probability of developing software after graduation.

(c) ASSESSMENT OF SECURE CODING EDUCATION IN COLLEGES AND UNIVERSITIES.—Within 1 year after the date of enactment of this Act, the Director shall submit to the Senate Committee on Commerce, Science, and

Transportation and the House of Representatives Committee on Science and Technology a report on the state of secure coding education in America's colleges and universities for each school that received National Science Foundation funding in excess of $1,000,000 during fiscal year 2008. The report shall include—

(1) the number of students who earned undergraduate degrees in computer science or in each other program where graduates have a substantial probability of being engaged in software design or development after graduation;

(2) the percentage of those students who completed substantive secure coding education or improvement programs during their undergraduate experience; and

(3) descriptions of the length and content of the education and improvement programs and an evaluation of the effectiveness of those programs based on the students' scores on standard tests of secure coding and design skills.

(d) CYBERSECURITY MODELING AND TESTBEDS.—Within 1 year after the date of enactment of this Act, the Director shall conduct a review of existing cybersecurity testbeds. Based on the results of that review, the Director shall establish a program to award grants to institutions

of higher education to establish cybersecurity testbeds capable of realistic modeling of real-time cyber attacks and defenses. The purpose of this program is to support the rapid development of new cybersecurity defenses, techniques, and processes by improving understanding and assessing the latest technologies in a real-world environment. The testbeds shall be sufficiently large in order to model the scale and complexity of real world networks and environments.

(e) NSF COMPUTER AND NETWORK SECURITY RESEARCH GRANT AREAS.—Section 4(a)(1) of the Cybersecurity Research and Development Act (15 U.S.C. 7403(a)(1)) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (H);

(2) by striking ''property.'' in subparagraph (I) and inserting ''property;''; and

(3) by adding at the end the following:

''(J) secure fundamental protocols that are at the heart of inter-network communications and data exchange;

''(K) secure software engineering and software assurance, including—

''(i) programming languages and systems that include fundamental security features;

''(ii) portable or reusable code that remains secure when deployed in various environments;

''(iii) verification and validation technologies to ensure that requirements and specifications have been implemented; and

''(iv) models for comparison and metrics to assure that required standards have been met;

''(L) holistic system security that—

''(i) addresses the building of secure systems from trusted and untrusted components;

''(ii) proactively reduces vulnerabilities;

''(iii) addresses insider threats; and

''(iv) supports privacy in conjunction with improved security;

''(M) monitoring and detection; and

''(N) mitigation and rapid recovery methods.''.

(f) NSF COMPUTER AND NETWORK SECURITY GRANTS.—Section 4(a)(3) of the Cybersecurity Research and Development Act (15 U.S.C. 7403(a)(3)) is amended—

(1) by striking ''and'' in subparagraph (D);

(2) by striking ''2007'' in subparagraph (E) and inserting ''2007;''; and

(3) by adding at the end of the following:

"(F) $150,000,000 for fiscal year 2010;

"(G) $155,000,000 for fiscal year 2011;

"(H) $160,000,000 for fiscal year 2012;

"(I) $165,000,000 for fiscal year 2013; and

"(J) $170,000,000 for fiscal year 2014.".

(g) COMPUTER AND NETWORK SECURITY CENTERS.—Section 4(b)(7) of such Act (15 U.S.C. 7403(b)(7)) is amended—

(1) by striking "and" in subparagraph (D);

(2) by striking "2007" in subparagraph (E) and inserting "2007;"; and

(3) by adding at the end of the following:

"(F) $50,000,000 for fiscal year 2010;

"(G) $52,000,000 for fiscal year 2011;

"(H) $54,000,000 for fiscal year 2012;

"(I) $56,000,000 for fiscal year 2013; and

"(J) $58,000,000 for fiscal year 2014.".

(h) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—Section 5(a)(6) of such Act (15 U.S.C. 7404(a)(6)) is amended—

(1) by striking "and" in subparagraph (D);

(2) by striking "2007" in subparagraph (E) and inserting "2007;"; and

(3) by adding at the end of the following:

''(F) $40,000,000 for fiscal year 2010;

''(G) $42,000,000 for fiscal year 2011;

''(H) $44,000,000 for fiscal year 2012;

''(I) $46,000,000 for fiscal year 2013; and

''(J) $48,000,000 for fiscal year 2014.''.

(i) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT GRANTS.—Section 5(b)(2) of such Act (15 U.S.C. 7404(b)(2)) is amended—

(1) by striking ''and'' in subparagraph (D);

(2) by striking ''2007'' in subparagraph (E) and inserting ''2007;''; and

(3) by adding at the end of the following:

''(F) $5,000,000 for fiscal year 2010;

''(G) $6,000,000 for fiscal year 2011;

''(H) $7,000,000 for fiscal year 2012;

''(I) $8,000,000 for fiscal year 2013; and

''(J) $9,000,000 for fiscal year 2014.''.

(j) GRADUATE TRAINEESHIPS IN COMPUTER AND NETWORK SECURITY RESEARCH.—Section 5(c)(7) of such Act (15 U.S.C. 7404(c)(7)) is amended—

(1) by striking ''and'' in subparagraph (D);

(2) by striking ''2007'' in subparagraph (E) and inserting ''2007;''; and

(3) by adding at the end of the following:

''(F) $20,000,000 for fiscal year 2010;

"(G) $22,000,000 for fiscal year 2011;

"(H) $24,000,000 for fiscal year 2012;

"(I) $26,000,000 for fiscal year 2013; and

"(J) $28,000,000 for fiscal year 2014.".

(k) CYBERSECURITY FACULTY DEVELOPMENT TRAINEESHIP PROGRAM.—Section 5(e)(9) of such Act (15 U.S.C. 7404(e)(9)) is amended by striking "2007." and inserting "2007 and for each of fiscal years 2010 through 2014.".

(l) NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.—Section 204(a)(1) of the High-Performance Computing Act of 1991 (15 U.S.C. 5524(a)(1)) is amended—

(1) by striking "and" after the semicolon in subparagraph (B); and

(2) by inserting after subparagraph (C) the following:

"(D) develop and propose standards and guidelines, and develop measurement techniques and test methods, for enhanced cybersecurity for computer networks and common user interfaces to systems; and".

TITLE IV—PUBLIC-PRIVATE COLLABORATION

SEC. 401. CYBERSECURITY ADVISORY PANEL.

(a) IN GENERAL.—The President shall establish or designate a Cybersecurity Advisory Panel.

(b) QUALIFICATIONS.—The President—

(1) shall appoint as members of the panel representatives of industry, academic, non-profit organizations, interest groups and advocacy organizations, and State and local governments who are qualified to provide advice and information on cybersecurity research, development, demonstrations, education, personnel, technology transfer, commercial application, or societal and civil liberty concerns; and

(2) may seek and give consideration to recommendations from the Congress, industry, the cybersecurity community, the defense community, State and local governments, and other appropriate organizations.

(c) DUTIES.—The panel shall advise the President on matters relating to the national cybersecurity program and strategy and shall assess—

(1) trends and developments in cybersecurity science research and development;

(2) progress made in implementing the strategy;

(3) the need to revise the strategy;

(4) the readiness and capacity of the Federal and national workforces to implement the national cybersecurity program and strategy, and the steps necessary to improve workforce readiness and capacity;

(5) the balance among the components of the national strategy, including funding for program components;

(6) whether the strategy, priorities, and goals are helping to maintain United States leadership and defense in cybersecurity;

(7) the management, coordination, implementation, and activities of the strategy; and

(8) whether societal and civil liberty concerns are adequately addressed.

(d) REPORTS.—The panel shall report, not less frequently than once every 2 years, to the President on its assessments under subsection (c) and its recommendations for ways to improve the strategy.

(e) TRAVEL EXPENSES OF NON-FEDERAL MEMBERS.—Non-Federal members of the panel, while attending meetings of the panel or while otherwise serving at

the request of the head of the panel while away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the government serving without pay. Nothing in this subsection shall be construed to prohibit members of the panel who are officers or employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with law.

(f) EXEMPTION FROM FACA SUNSET.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Panel.

SEC. 402. STATE AND REGIONAL CYBERSECURITY ENHANCEMENT PROGRAM.

(a) CREATION AND SUPPORT OF CYBERSECURITY CENTERS.—The Secretary of Commerce shall provide assistance for the creation and support of Regional Cybersecurity Centers for the promotion of private sector developed cybersecurity risk measurement techniques, risk management measures, and best practices. Each Center shall be affiliated with a United States-based nonprofit institution or organization, or consortium thereof, that applies for and is awarded financial assistance under this section.

(b) PURPOSE.—The purpose of the Centers is to enhance the cybersecurity of small and medium sized businesses in the United States through—

(1) the promotion of private sector developed cybersecurity risk measurement techniques, risk management measures, and best practices to small- and medium-sized companies throughout the United States;

(2) the voluntary participation of individuals from industry, universities, State governments, other Federal agencies, and, when appropriate, the Institute in cooperative technology transfer activities in accordance with existing technology transfer rules and intellectual property protection measures;

(3) efforts to make new cybersecurity technology, standards, and processes usable by United States-based small- and medium-sized companies;

(4) the active dissemination of scientific, engineering, technical, and management information about cybersecurity to industrial firms, including small- and medium-sized companies; and

(5) the utilization, when appropriate, of the expertise and capability that exists in Federal laboratories other than the Institute.

(c) ACTIVITIES.—The Centers shall—

(1) disseminate cybersecurity technologies, standard, and processes based on research by the Institute for the purpose of demonstrations and technology transfer;

(2) actively transfer and disseminate private sector developed cybersecurity risk measurement techniques, risk management measures, and best practices to protect against and mitigate the risk of cyber attacks to a wide range of companies and enterprises, particularly small- and medium-sized businesses; and

(3) make loans, on a selective, short-term basis, of items of advanced protective cybersecurity measures to small businesses with less than 100 employees.

(c) DURATION AND AMOUNT OF SUPPORT; PROGRAM DESCRIPTIONS; APPLICATIONS; MERIT REVIEW; EVALUATIONS OF ASSISTANCE.—

(1) FINANCIAL SUPPORT.—The Secretary may provide financial support, not to exceed 50 percent of the Center's annual operating and maintenance costs, to any Center for a period not to exceed 6 years (except as provided in paragraph (5)(D)).

(2) PROGRAM DESCRIPTION.—Within 90 days after the date of enactment of this Act, the Sec-

retary shall publish in the Federal Register a draft description of a program for establishing Centers and, after a 30-day comment period, shall publish a final description of the program. The description shall include—

(A) a description of the program;

(B) procedures to be followed by applicants;

(C) criteria for determining qualified applicants;

(D) criteria, including those described in paragraph (4), for choosing recipients of financial assistance under this section from among the qualified applicants; and

(E) maximum support levels expected to be available to Centers under the program in the fourth through sixth years of assistance under this section.

(3) APPLICATIONS; SUPPORT COMMITMENT.—Any nonprofit institution, or consortia of nonprofit institutions, may submit to the Secretary an application for financial support under this section, in accordance with the procedures established by the Secretary. In order to receive assistance under this section, an applicant shall provide adequate assurances

that it will contribute 50 percent or more of the proposed Center's annual operating and maintenance costs for the first 3 years and an increasing share for each of the next 3 years.

(4) AWARD CRITERIA.—Awards shall be made on a competitive, merit-based review. In making a decision whether to approve an application and provide financial support under this section, the Secretary shall consider, at a minimum—

(A) the merits of the application, particularly those portions of the application regarding technology transfer, training and education, and adaptation of cybersecurity technologies to the needs of particular industrial sectors;

(B) the quality of service to be provided;

(C) geographical diversity and extent of service area; and

(D) the percentage of funding and amount of in-kind commitment from other sources.

(5) THIRD YEAR EVALUATION.—

(A) IN GENERAL.—Each Center which receives financial assistance under this section shall be evaluated during its third year of operation by an evaluation panel appointed by the Secretary.

(B) EVALUATION PANEL.—Each evaluation panel shall be composed of private experts and Federal officials, none of whom shall be connected with the involved Center. Each evaluation panel shall measure the Center's performance against the objectives specified in this section.

(C) POSITIVE EVALUATION REQUIRED FOR CONTINUED FUNDING.—The Secretary may not provide funding for the fourth through the sixth years of a Center's operation unless the evaluation by the evaluation panel is positive. If the evaluation is positive, the Secretary may provide continued funding through the sixth year at declining levels.

(D) FUNDING AFTER SIXTH YEAR.—After the sixth year, the Secretary may provide additional financial support to a Center if it has received a positive evaluation through an independent review, under procedures established by the Institute. An additional independent review shall be required at least every 2 years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation may not exceed one third of

the annual operating and maintenance costs of the Center.

(6) PATENT RIGHTS TO INVENTIONS.—The provisions of chapter 18 of title 35, United States Code, shall (to the extent not inconsistent with this section) apply to the promotion of technology from research by Centers under this section except for contracts for such specific technology extension or transfer services as may be specified by statute or by the President, or the President's designee.

(d) ACCEPTANCE OF FUNDS FROM OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In addition to such sums as may be authorized and appropriated to the Secretary and President, or the President's designee, to operate the Centers program, the Secretary and the President, or the President's designee, also may accept funds from other Federal departments and agencies for the purpose of providing Federal funds to support Centers. Any Center which is supported with funds which originally came from other Federal departments and agencies shall be selected and operated according to the provisions of this section.

SEC. 403. PUBLIC–PRIVATE CLEARINGHOUSE.

(a) SURVEY OF EXISTING MODELS OF INTERAGENCY AND PUBLIC-PRIVATE INFORMATION SHARING.—Within 180 days after the date of enactment of this Act, the

President, or the President's designee, in consultation with sector coordinating councils, relevant governmental agencies and regulatory entities, and nongovernmental organizations, shall conduct a review and assessment of existing information sharing models used by Federal agencies.

(b) DESIGNATION.—Pursuant to the results of the review and assessment required by subsection (a), the President shall establish or designate a facility to serve as the central cybersecurity threat and vulnerability information clearinghouse for the Federal Government and United States critical infrastructure information systems. The facility shall incorporate the best practices and concepts of operations of existing information sharing models in order to effectively promote the sharing of public-private cybersecurity threat and vulnerability information.

(c) INFORMATION SHARING RULES AND PROCEDURES.—The President, or the President's designee, in consultation with sector coordinating councils, relevant governmental agencies and regulatory entities, and nongovernmental organizations, shall promulgate rules and procedures regarding cybersecurity threat and vulnerability information sharing, that—

(1) expand the Federal Government's sharing of cybersecurity threat and vulnerability information

with owners and operators of United States critical infrastructure information systems;

(2) ensure confidentiality and privacy protections for individuals and personally identifiable information;

(3) ensure confidentiality and privacy protections for private sector-owned intellectual property and proprietary information;

(4) establish criteria under which owners or operators of United States critical infrastructure information systems share actionable cybersecurity threat and vulnerability information and relevant data with the Federal Government;

(5) protect against, or mitigate, civil and criminal liability implicated by information shared; and

(6) otherwise will enhance the sharing of cybersecurity threat and vulnerability information between owners or operators of United States critical infrastructure information systems and the Federal Government

SEC. 404. CYBERSECURITY RISK MANAGEMENT REPORT.

Within 1 year after the date of enactment of this Act, the President, or the President's designee, shall report to

the Congress on the feasibility of creating a market for cybersecurity risk management.

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