

111TH CONGRESS  
2D SESSION

# H. R. 6351

To establish the Executive Cyber Director in the Executive Office of the President, to clarify the authority of the Secretary of Homeland Security and the Executive Cyber Director with respect to critical information infrastructure policy creation, verification, and enforcement measures, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2010

Mr. LANGEVIN (for himself, Mr. RUPPERSBERGER, and Mr. BARTLETT) introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish the Executive Cyber Director in the Executive Office of the President, to clarify the authority of the Secretary of Homeland Security and the Executive Cyber Director with respect to critical information infrastructure policy creation, verification, and enforcement measures, 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 “Strengthening Cyber-  
3 security for Critical Infrastructure Act”.

4 **SEC. 2. DEFINITIONS.**

5       In this Act—

6           (1) the term “critical information infrastruc-  
7 ture” means the electronic information and commu-  
8 nications systems, software, and assets that control,  
9 protect, process, transmit, receive, program, or store  
10 information in any form, including data, voice, and  
11 video, relied upon by critical infrastructure, indus-  
12 trial control systems such as, but not limited to, su-  
13 pervisory control and data acquisition systems, and  
14 programmable logic controllers. This shall also in-  
15 clude such systems of the Federal Government;

16           (2) the term “critical infrastructure” has the  
17 meaning given that term in section 2 of the Home-  
18 land Security Act of 2002 (6 U.S.C. 101); and

19           (3) the term “Secretary” means the Secretary  
20 of Homeland Security.

21 **SEC. 3. AUTHORITY OF SECRETARY.**

22       (a) IN GENERAL.—The Secretary shall have primary  
23 authority in the executive branch of the Federal Govern-  
24 ment in creation, verification, and enforcement of meas-  
25 ures with respect to the protection of critical information  
26 infrastructure, including promulgating risk-informed in-

1 formation security practices and standards applicable to  
2 critical information infrastructures that are not owned by  
3 or under the direct control of the Federal Government.  
4 These efforts shall be carried out with the consultation  
5 of appropriate private sector bodies, including private  
6 owners and operators of the infrastructure affected by  
7 these measures.

8 (b) OTHER FEDERAL AGENCIES.—In establishing  
9 measures with respect to the protection of critical informa-  
10 tion infrastructure the Secretary shall—

11 (1) consult with the Secretary of Commerce, the  
12 Secretary of Defense, the National Institute of  
13 Standards and Technology, and other sector specific  
14 Federal regulatory agencies in exercising the author-  
15 ity referred to in subsection (a); and

16 (2) coordinate, through the Executive Office of  
17 the President, with sector specific Federal regulatory  
18 agencies, including the Federal Energy Regulatory  
19 Commission, in establishing enforcement mecha-  
20 nisms under the authority referred to in subsection  
21 (a).

22 (c) AUDITING AUTHORITY.—The Secretary may—

23 (1) conduct such audits as are necessary to en-  
24 sure that appropriate measures are taken to secure  
25 critical information infrastructure;

1           (2) issue such subpoenas as are necessary to  
2       determine compliance with Federal regulatory re-  
3       quirements for securing critical information infra-  
4       structure; and

5           (3) authorize sector specific Federal regulatory  
6       agencies to undertake such audits.

7       **SEC. 4. ESTABLISHMENT AND AUTHORITY OF EXECUTIVE**  
8                               **CYBER DIRECTOR.**

9       (a) ESTABLISHMENT.—There is established within  
10   the Executive Office of the President an office to be known  
11   as the National Office for Cyberspace. There shall be at  
12   the head of the Office the Executive Cyber Director, who  
13   shall be appointed by the President by and with the advice  
14   and consent of the Senate.

15       (b) AUTHORITY.—The Executive Cyber Director  
16   shall have primary authority in the executive branch of  
17   the Federal Government in leading interagency coordina-  
18   tion on security policies relating to the creation,  
19   verification, and enforcement of measures to protect crit-  
20   ical information infrastructure.

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