



Committee on
HOMELAND SECURITY
Chairman Peter T. King

**SECTION BY SECTION ANALYSIS FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE FOR THE PROMOTING AND ENHANCING
CYBERSECURITY AND INFORMATION SHARING EFFECTIVENESS ACT
(PRECISE ACT)**

The Amendment in the Nature of a Substitute is expected to be offered by Rep. Dan Lungren (R-CA) to H.R. 3674.

Section 1 Short title

The bill may be cited as the “Promoting and Enhancing Cybersecurity and Information Sharing Effectiveness Act of 2011” or PRECISE Act.

Section 2(a) Department of Homeland Security Cybersecurity Activities

The Homeland Security Act of 2002 is amended by adding the following:

Section 226 Department of Homeland Security Cybersecurity Activities

This section provides authority for the Secretary of Homeland Security to perform necessary activities to facilitate the protection of Federal systems and assist private sector critical infrastructure owners and operators in protecting their systems upon request.

The Department of Homeland Security will, at the direction of the Office of Management and Budget, operate consolidated cybersecurity technology on behalf of other governmental agencies. In carrying out its cybersecurity activities, the Secretary shall coordinate with relevant entities, designate a lead cybersecurity official to coordinate activities within the Department and develop a strategy that guides the Department’s cybersecurity activities.

Section 227 Personnel Authorities Related to the Office of Cybersecurity and Communication

This section authorizes the Secretary of Homeland Security to designate Federal cybersecurity employees as members of the excepted service, and fix competitive compensation and retention bonuses for these positions.

Section 2(b) Clerical Amendments

Section 2(c) Plan for Execution of Authorities

This section requires the Secretary to submit a report on how the Department will implement the new authorities granted to it in this section.

Section 3 Department of Homeland Security Information Sharing

The Homeland Security Act of 2002 is amended by adding the following:

Section 241 Information Sharing

This section directs the Secretary to ensure that all cyber threat information received by the Department is shared with appropriate critical information infrastructure owners and operators on a timely basis, consistent with statutory and other appropriate restrictions on the dissemination of such information.

Section 242 Establishment of National Cybersecurity and Communications Integration Center

This section authorizes the National Cybersecurity and Communications Integration Center, an already existing entity, within the Department to facilitate information sharing between the private sector and the Federal Government. The Secretary is directed to share cyber threat information, best practices, support and advice.

Section 244 Board of Advisors

This section establishes a board of advisors to the Secretary on the efficient operation of the NCCIC. The board would be composed of representatives from 13 members of the private sector. Those 13 members would be made up of 10 different critical infrastructure owners and operators, privacy and civil liberty experts, and the chair of the National Council of Information Sharing and Analysis Centers (ISACs). The Board would provide an annual report on the activities of the NCCIC to both the Secretary and Congress.

Section 245 Charter

This section directs the Secretary to develop a charter to govern the operations and administration of the NCCIC which shall address the following:

- (1) the organizational structure of the NCCIC;
- (2) the mission statement of the NCCIC;
- (3) a plan to promote participation in the NCCIC;
- (4) procedures for making appropriate information available to outside research groups.

Section 246 Participation

This section authorizes the Secretary to identify organizations that may participate and collocate with NCCIC, including appropriate Federal, State, and local government entities, as well as the private sector.

Section 247 Annual Report

This section requires the NCCIC board of advisors to submit to the Secretary and appropriate committees an annual report on the status of NCCIC and its performance. Each report shall address the following:

- (1) amount of information shared;
- (2) number of violations of information sharing procedures;
- (3) any changes to Center's charter;

(4) proposed ways of improving information sharing.

Section 248 Authority to Issue Warnings

This section allows the Secretary to issue advisories and warnings to any public or private entity or to the general public regarding threats to information networks. The government may not disclose the source of the submitted information or any proprietary or generally private information.

Section 249 Definitions

This section defines ‘cyber security purpose’, ‘cyber threat information’, and ‘cybersecurity threat’.

Section 250 Savings Clause

This section ensures that nothing in this subtitle limits the authorities of any other Federal agency or impacts existing relationships or authorities of the Department of Homeland Security or other agencies.

Section 3(a)(2) Clerical Amendments

Section 3(b) Authorization of Appropriations for the National Cybersecurity and Communications Integration Center

This section authorizes \$4,000,000 for the NCCIC, which is consistent with the fiscal year 2013 budget request.

Section 4 Cybersecurity Research and Development

This section requires the Under Secretary for Science and Technology to support research and development designed to protect against acts of terrorism and cyber threats, including work to improve and create technologies for detecting and containing attacks and preventing future attacks. The Under Secretary shall coordinate activities with the Under Secretary for National Protection and Programs, the Assistant Secretary for Cybersecurity and Communications, and the Assistant Secretary for Infrastructure Protection, the heads of other relevant Federal departments, and foreign partners.

Section 5 Report on Support for Regional Cybersecurity Cooperatives

This section requires the Secretary to submit to Congress a report on a plan to provide support to regional, State, and local grassroots cybersecurity cooperatives.

Section 6 Report on Cybersecurity Training for Fusion Centers

This section requires the Secretary to develop a report on the feasibility, costs and benefits of providing cybersecurity training to State and local law enforcement personnel through national fusion centers.