

113TH CONGRESS
2^D SESSION

H. R. 3107

IN THE SENATE OF THE UNITED STATES

JULY 29, 2014

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To require the Secretary of Homeland Security to establish cybersecurity occupation classifications, assess the cybersecurity workforce, develop a strategy to address identified gaps in the cybersecurity workforce, 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. HOMELAND SECURITY CYBERSECURITY WORK-**
2 **FORCE.**

3 (a) IN GENERAL.—Subtitle C of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-
5 ed by adding at the end the following new section:

6 **“SEC. 226. CYBERSECURITY OCCUPATION CATEGORIES,**
7 **WORKFORCE ASSESSMENT, AND STRATEGY.**

8 “(a) SHORT TITLE.—This section may be cited as the
9 ‘Homeland Security Cybersecurity Boots-on-the-Ground
10 Act’.

11 “(b) CYBERSECURITY OCCUPATION CATEGORIES.—

12 “(1) IN GENERAL.—Not later than 90 days
13 after the date of the enactment of this section, the
14 Secretary shall develop and issue comprehensive oc-
15 cupation categories for individuals performing activi-
16 ties in furtherance of the cybersecurity mission of
17 the Department.

18 “(2) APPLICABILITY.—The Secretary shall en-
19 sure that the comprehensive occupation categories
20 issued under paragraph (1) are used throughout the
21 Department and are made available to other Federal
22 agencies.

23 “(c) CYBERSECURITY WORKFORCE ASSESSMENT.—

24 “(1) IN GENERAL.—Not later than 180 days
25 after the date of the enactment of this section and
26 annually thereafter, the Secretary shall assess the

1 readiness and capacity of the workforce of the De-
2 partment to meet its cybersecurity mission.

3 “(2) CONTENTS.—The assessment required
4 under paragraph (1) shall, at a minimum, include
5 the following:

6 “(A) Information where cybersecurity posi-
7 tions are located within the Department, speci-
8 fied in accordance with the cybersecurity occu-
9 pation categories issued under subsection (b).

10 “(B) Information on which cybersecurity
11 positions are—

12 “(i) performed by—

13 “(I) permanent full time depart-
14 mental employees, together with de-
15 mographic information about such
16 employees’ race, ethnicity, gender, dis-
17 ability status, and veterans status;

18 “(II) individuals employed by
19 independent contractors; and

20 “(III) individuals employed by
21 other Federal agencies, including the
22 National Security Agency; and

23 “(ii) vacant.

24 “(C) The number of individuals hired by
25 the Department pursuant to the authority

1 granted to the Secretary in 2009 to permit the
2 Secretary to fill 1,000 cybersecurity positions
3 across the Department over a three year period,
4 and information on what challenges, if any,
5 were encountered with respect to the implemen-
6 tation of such authority.

7 “(D) Information on vacancies within the
8 Department’s cybersecurity supervisory work-
9 force, from first line supervisory positions
10 through senior departmental cybersecurity posi-
11 tions.

12 “(E) Information on the percentage of in-
13 dividuals within each cybersecurity occupation
14 category who received essential training to per-
15 form their jobs, and in cases in which such
16 training is not received, information on what
17 challenges, if any, were encountered with re-
18 spect to the provision of such training.

19 “(F) Information on recruiting costs in-
20 curred with respect to efforts to fill cybersecu-
21 rity positions across the Department in a man-
22 ner that allows for tracking of overall recruiting
23 and identifying areas for better coordination
24 and leveraging of resources within the Depart-
25 ment.

1 “(d) WORKFORCE STRATEGY.—

2 “(1) IN GENERAL.—Not later than 180 days
3 after the date of the enactment of this section, the
4 Secretary shall develop, maintain, and, as necessary,
5 update, a comprehensive workforce strategy that en-
6 hances the readiness, capacity, training, recruitment,
7 and retention of the cybersecurity workforce of the
8 Department.

9 “(2) CONTENTS.—The comprehensive work-
10 force strategy developed under paragraph (1) shall
11 include—

12 “(A) a multiphased recruitment plan, in-
13 cluding relating to experienced professionals,
14 members of disadvantaged or underserved com-
15 munities, the unemployed, and veterans;

16 “(B) a 5-year implementation plan;

17 “(C) a 10-year projection of the Depart-
18 ment’s cybersecurity workforce needs; and

19 “(D) obstacles impeding the hiring and de-
20 velopment of a cybersecurity workforce at the
21 Department.

22 “(e) INFORMATION SECURITY TRAINING.—Not later
23 than 270 days after the date of the enactment of this sec-
24 tion, the Secretary shall establish and maintain a process
25 to verify on an ongoing basis that individuals employed

1 by independent contractors who serve in cybersecurity po-
2 sitions at the Department receive initial and recurrent in-
3 formation security training comprised of general security
4 awareness training necessary to perform their job func-
5 tions, and role-based security training that is commensu-
6 rate with assigned responsibilities. The Secretary shall
7 maintain documentation to ensure that training provided
8 to an individual under this subsection meets or exceeds
9 requirements for such individual’s job function.

10 “(f) UPDATES.—The Secretary shall submit to the
11 appropriate congressional committees annual updates re-
12 garding the cybersecurity workforce assessment required
13 under subsection (c), information on the progress of car-
14 rying out the comprehensive workforce strategy developed
15 under subsection (d), and information on the status of the
16 implementation of the information security training re-
17 quired under subsection (e).

18 “(g) GAO STUDY.—The Secretary shall provide the
19 Comptroller General of the United States with information
20 on the cybersecurity workforce assessment required under
21 subsection (c) and progress on carrying out the com-
22 prehensive workforce strategy developed under subsection
23 (d). The Comptroller General shall submit to the Sec-
24 retary and the appropriate congressional committees a
25 study on such assessment and strategy.

1 “(h) CYBERSECURITY FELLOWSHIP PROGRAM.—Not
2 later than 120 days after the date of the enactment of
3 this section, the Secretary shall submit to the appropriate
4 congressional committees a report on the feasibility of es-
5 tablishing a Cybersecurity Fellowship Program to offer a
6 tuition payment plan for undergraduate and doctoral can-
7 didates who agree to work for the Department for an
8 agreed-upon period of time.”.

9 (b) CLERICAL AMENDMENT.—The table of contents
10 in section 1(b) of such Act is amended by adding after
11 the item relating to section 225 the following new item:

“Sec. 226. Cybersecurity occupation categories, workforce assessment, and
strategy.”.

12 **SEC. 2. PERSONNEL AUTHORITIES.**

13 (a) IN GENERAL.—Subtitle C of title II of the Home-
14 land Security Act of 2002, as amended by section 1 of
15 this Act, is further amended by adding at the end the fol-
16 lowing new section:

17 **“SEC. 227. PERSONNEL AUTHORITIES.**

18 “(a) IN GENERAL.—

19 “(1) PERSONNEL AUTHORITIES.—The Sec-
20 retary may exercise with respect to qualified employ-
21 ees of the Department the same authority that the
22 Secretary of Defense has with respect to civilian in-
23 telligence personnel and the scholarship program
24 under sections 1601, 1602, 1603, and 2200a of title

1 10, United States Code, to establish as positions in
2 the excepted service, appoint individuals to such po-
3 sitions, fix pay, and pay a retention bonus to any
4 employee appointed under this section if the Sec-
5 retary determines that such is needed to retain es-
6 sential personnel. Before announcing the payment of
7 a bonus under this paragraph, the Secretary shall
8 submit to the Committee on Homeland Security of
9 the House of Representatives and the Committee on
10 Homeland Security and Governmental Affairs of the
11 Senate a written explanation of such determination.
12 Such authority shall be exercised—

13 “(A) to the same extent and subject to the
14 same conditions and limitations that the Sec-
15 retary of Defense may exercise such authority
16 with respect to civilian intelligence personnel of
17 the Department of Defense; and

18 “(B) in a manner consistent with the merit
19 system principles set forth in section 2301 of
20 title 5, United States Code.

21 “(2) CIVIL SERVICE PROTECTIONS.—Sections
22 1221 and 2302, and chapter 75 of title 5, United
23 States Code, shall apply to the positions established
24 pursuant to the authorities provided under para-
25 graph (1).

1 “(3) PLAN FOR EXECUTION OF AUTHORI-
2 TIES.—Not later than 120 days after the date of the
3 enactment of this section, the Secretary shall submit
4 to the Committee on Homeland Security of the
5 House of Representatives and the Committee on
6 Homeland Security and Governmental Affairs of the
7 Senate a report that contains a plan for the use of
8 the authorities provided under this subsection.

9 “(b) ANNUAL REPORT.—Not later than one year
10 after the date of the enactment of this section and annu-
11 ally thereafter for four years, the Secretary shall submit
12 to the Committee on Homeland Security of the House of
13 Representatives and the Committee on Homeland Security
14 and Governmental Affairs of the Senate a detailed report
15 (including appropriate metrics on actions occurring during
16 the reporting period) that discusses the processes used by
17 the Secretary in implementing this section and accepting
18 applications, assessing candidates, ensuring adherence to
19 veterans’ preference, and selecting applicants for vacancies
20 to be filled by a qualified employee.

21 “(c) DEFINITION OF QUALIFIED EMPLOYEE.—In
22 this section, the term ‘qualified employee’ means an em-
23 ployee who performs functions relating to the security of
24 Federal civilian information systems, critical infrastruc-

1 ture information systems, or networks of either of such
2 systems.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 1(b) of such Act is amended by adding after
5 the item relating to section 226 (as added by section 1
6 of this Act) the following new item:

“Sec. 227. Personnel authorities.”.

7 **SEC. 3. CLARIFICATION REGARDING AUTHORIZATION OF**
8 **APPROPRIATIONS.**

9 No additional amounts are authorized to be appro-
10 priated by reason of this Act or the amendments made
11 by this Act.

Passed the House of Representatives July 28, 2014.

Attest: KAREN L. HAAS,
Clerk.