

[STAFF WORKING DRAFT]

MARCH 31, 2009

111TH CONGRESS
1ST SESSION

S. _____

To establish, within the Executive Office of the President, the Office of
the National Cybersecurity Advisor.

IN THE SENATE OF THE UNITED STATES

MARCH _____, 2009

Mr. ROCKEFELLER (for himself and Ms. SNOWE) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To establish, within the Executive Office of the President,
the Office of the National Cybersecurity Advisor.

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

3 **SECTION 1. OFFICE OF THE NATIONAL CYBERSECURITY**
4 **ADVISOR.**

5 (a) ESTABLISHMENT.—There is established, within
6 the Executive Office of the President, the Office of the

1 National Cybersecurity Advisor. The Advisor shall be ap-
2 pointed by the President, by and with the advice and con-
3 sent of the Senate. The Advisor shall be directly respon-
4 sible to the President and be designated as an Assistant
5 to the President.

6 (b) FUNCTIONS AND AUTHORITY.—The Advisor—

7 (1) shall furnish timely and appropriate rec-
8 ommendations, information, and advice to the Presi-
9 dent in connection with the administration and exe-
10 cution of laws of the United States relating to cyber-
11 security and otherwise assist the President in the
12 administration of such laws;

13 (2) shall serve as the principal advisor to the
14 President for all cybersecurity-related matters;

15 (3) shall, notwithstanding any provision of law,
16 regulation, rule, or policy to the contrary, have full
17 access to all Federal cyber-compartmented or special
18 access programs;

19 (4) shall review and approve all cybersecurity-
20 related budget requests submitted to the Office of
21 Management and Budget;

22 (5) may, notwithstanding any other provision of
23 law, regulation, rule, or policy of the United States,
24 direct the sponsorship of the security clearances for
25 Federal officers and employees (including experts

1 and consultants employed pursuant to section 3109
2 of title 5, United States Code) whose responsibilities
3 involve critical infrastructure in the interest of na-
4 tional security; and

5 (6) may employ experts and consultants, under
6 section 3109 of title 5, United States Code, for cy-
7 bersecurity-related work;

8 (7) may consult with Federal departments,
9 agencies, and other entities, and draw upon their re-
10 sources in connection with the performance of the
11 Advisor's functions, and assign to the head of any
12 such department, agency, or entity the performance
13 of duties incidental to the administration of laws of
14 the United States relating to cybersecurity to the ex-
15 tent not inconsistent with the performance of their
16 official duties.

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