

110TH CONGRESS
2D SESSION

H. R. 7007

To establish the American Cybersecurity Commission to investigate the current threats to the cybersecurity of American business and infrastructure from foreign entities.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2008

Mr. ACKERMAN (for himself, Mr. MCCOTTER, Mr. KANJORSKI, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Science and Technology, 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

A BILL

To establish the American Cybersecurity Commission to investigate the current threats to the cybersecurity of American business and infrastructure from foreign entities.

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. SHORT TITLE.**

4 This Act may be cited as the “National Commission
5 on American Cybersecurity Act of 2008”.

1 **SEC. 2. ESTABLISHMENT OF THE COMMISSION.**

2 There is established a commission to be known as the
3 “National Commission on American Cybersecurity” (here-
4 inafter in this Act referred to as the “Commission”).

5 **SEC. 3. DUTIES OF THE COMMISSION.**

6 The duties of the Commission shall be—

7 (1) to analyze the cybersecurity of American
8 business, national infrastructure, and United States
9 Government non-military and non-national security
10 related computer systems against compromise from
11 foreign entities, both governmental and private;

12 (2) to assess the current effectiveness of those
13 American institutions and National infrastructure in
14 remaining secure against foreign interference; and

15 (3) to recommend a comprehensive cyber-
16 security strategy for American business, national in-
17 frastructure, and United States Government non-
18 military and non-national security related computer
19 systems.

20 **SEC. 4. MEMBERSHIP.**

21 (a) NUMBER AND APPOINTMENT.—The Commission
22 shall be composed of 13 members as follows:

23 (1) 1 member, who shall serve as the chairman
24 of the Commission, appointed by the Speaker of the
25 House of Representatives.

1 (2) 2 members appointed by the majority leader
2 of the House of Representatives.

3 (3) 2 members appointed by the minority leader
4 of the House of Representatives.

5 (4) 2 members appointed by the majority leader
6 of the Senate.

7 (5) 2 members appointed by the minority leader
8 of the Senate.

9 (6) 4 members appointed by the President.

10 (b) QUALIFICATIONS.—

11 (1) EXPERTISE.—Each member of the Commis-
12 sion shall be appointed on the basis of recognized ex-
13 pertise, experience, or familiarity with computers,
14 the internet, or the security issues specified in sec-
15 tion 3.

16 (2) NON-GOVERNMENT SECTOR.—Members of
17 the Commission may not be officers, employees, or
18 elected officials of any government while serving as
19 members of the Commission.

20 (c) POLITICAL PARTY AFFILIATION.—Not more than
21 7 members of the Commission shall be from the same po-
22 litical party.

23 (d) CONTINUATION OF MEMBERSHIP.—If a member
24 was appointed to the Commission because the member was
25 not an officer, employee, or elected official of any govern-

1 ment and later becomes such an officer, employee, or offi-
2 cial, that member may continue as a member of the Com-
3 mission for not longer than the 60-day period beginning
4 on the date that member becomes such an officer, em-
5 ployee, or official, as the case may be.

6 (e) TERMS.—Each member shall be appointed for the
7 life of the Commission.

8 (f) BASIC PAY.—To the extent or in the amounts pro-
9 vided in advance in appropriation Acts, each member of
10 the Commission may be compensated at a level not to ex-
11 ceed the daily equivalent of the annual rate of basic pay
12 in effect for a position at level IV of the Executive Sched-
13 ule under section 5315 of title 5, United States Code, for
14 each day during which that member is engaged in the ac-
15 tual performance of the duties of the Commission.

16 (g) TRAVEL EXPENSES.—Each member shall receive
17 travel expenses, including per diem in lieu of subsistence,
18 in accordance with applicable provisions under subchapter
19 I of chapter 57 of title 5, United States Code.

20 (h) QUORUM.—7 members of the Commission shall
21 constitute a quorum, but a lesser number may hold hear-
22 ings.

23 (i) MEETINGS.—The Commission shall meet upon the
24 call of the chairman or a majority of its members.

1 **SEC. 5. STAFF OF COMMISSION.**

2 (1) **DIRECTOR.**—The Chairman of the Commis-
3 sion, in accordance with the rules agreed upon by
4 the Commission, may appoint a Director. The Direc-
5 tor shall be paid at a rate not to exceed the equiva-
6 lent of that payable for a position at level V of the
7 Executive Schedule under section 5316 of title 5,
8 United States Code.

9 (2) **STAFF.**—The Chairman of the Commission,
10 in accordance with rules agreed upon by the Com-
11 mission, may appoint and fix the compensation of
12 additional personnel as may be necessary to enable
13 the Commission to carry out its functions, without
14 regard to the provisions of title 5, United States
15 Code, governing appointments in the competitive
16 service, and without regard to the provisions of
17 chapter 51 and subchapter III of chapter 53 of such
18 title relating to classification and general schedules
19 pay rates; except that no rate of pay fixed under this
20 paragraph may exceed the equivalent of that payable
21 for a position at level V of the Executive Schedule
22 under section 5316 of title 5, United States Code.

23 (3) **EXPERTS AND CONSULTANTS.**—Subject to
24 rules prescribed by the Commission, the Commission
25 may procure temporary and intermittent services
26 under section 3109(b) or title 5, United States

1 Code, but at rates for individuals not to exceed the
2 daily rate paid to a person occupying a position at
3 level IV of the Executive Schedule under section
4 5315 of title 5, United States Code.

5 (4) STAFF OF FEDERAL AGENCIES.—Upon re-
6 quest of the Commission, the head of any Federal
7 department or agency may detail, on a reimbursable
8 basis, any of the personnel of that department or
9 agency to the Commission to assist it in carrying out
10 its duties under this Act.

11 **SEC. 6. POWERS OF COMMISSION.**

12 (a) HEARINGS AND SESSIONS.—The Commission
13 may, for the purpose of carrying out this Act, hold hear-
14 ings, sit and act at times and places, take testimony, and
15 receive evidence as the Commission considers appropriate.

16 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
17 ber or agent of the Commission may, if authorized by the
18 Commission, take any action which the Commission is au-
19 thorized to take by this section.

20 (c) OBTAINING OFFICIAL DATA.—The Commission
21 may secure directly from any department or agency of the
22 United States information necessary to enable it to carry
23 out this Act. Upon the request of the Chairperson, the
24 head of that department or agency shall furnish that infor-
25 mation to the Commission.

1 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon
2 the request of the Commission, the Administrator of Gen-
3 eral Services shall provide to the Commission, on a reim-
4 bursable basis, the administrative support services nec-
5 essary for the Commission to carry out its responsibilities
6 under this Act.

7 (e) SUBPOENA POWER.—

8 (1) IN GENERAL.—The Commission may issue
9 subpoenas requiring the attendance and testimony of
10 witnesses and the production of any evidence relat-
11 ing to any matter which the Commission is empow-
12 ered to investigate. The attendance of witnesses and
13 the production of evidence may be required from any
14 place within the United States at any designated
15 place of hearing within the United States.

16 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
17 son refuses to obey a subpoena issued under para-
18 graph (1) of this subsection, the Commission may
19 apply to a United States district court for an order
20 requiring that person to appear before the Commis-
21 sion to give testimony, produce evidence, or both, re-
22 lating to the matter under investigation. The appli-
23 cation may be made within the judicial district
24 where the hearing is conducted or where that person
25 is found, resides, or transacts business. Any failure

1 to obey the order of the court may be punished by
2 the court as civil contempt.

3 (3) SERVICE OF SUBPOENAS.—The subpoenas
4 of the Commission shall be served in the manner
5 provided for by a United States District court under
6 the Federal Rules of Civil Procedure for the United
7 States district courts.

8 (4) SERVICE OF PROCESS.—All process of any
9 court to which application is made under paragraph
10 (2) of this subsection may be served in the judicial
11 district in which the person required to be served re-
12 sides or may be found.

13 (f) IMMUNITY.—The Commission is an agency of the
14 United States for the purpose of part V of title 18, United
15 States Code. A person may not be excused from testifying
16 or from producing evidence pursuant to a subpoena on the
17 ground that the testimony or evidence required by the sub-
18 poena may tend to incriminate or subject that person to
19 criminal prosecution. A person, after having claimed the
20 privilege against self-incrimination, may not be criminally
21 prosecuted by reason of any transaction, matter, or thing
22 which that person is compelled to testify about or produce
23 evidence relating to, except that the person may be pros-
24 ecuted for perjury committed during the testimony or
25 made in the evidence.

1 **SEC. 7. REPORTS.**

2 (a) INTERIM REPORTS.—The Commission may sub-
3 mit to the President and the Congress interim reports as
4 the Commission considers appropriate.

5 (b) FINAL REPORTS.—The Commission shall trans-
6 mit a final report to the President and the Congress not
7 later than 24 months after the Commission's first meet-
8 ing. The final report shall contain a detailed statement
9 of the findings and conclusions of the Commission, to-
10 gether with its recommendations.

11 (c) REPORTS AVAILABLE TO THE PUBLIC.—All find-
12 ings and reports issued by the Commission shall be made
13 available to the public.

14 **SEC. 8. TERMINATION.**

15 The Commission, and all the authorities of this Act,
16 shall terminate 30 days after the date on which the final
17 report is submitted under section 7(b).

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