

112TH CONGRESS  
1ST SESSION

# S. 21

To secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mr. REID (for himself, Mrs. FEINSTEIN, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. ROCKEFELLER, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To secure the United States against cyber attack, to enhance American competitiveness and create jobs in the information technology industry, and to protect the identities and sensitive information of American citizens and businesses.

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 “Cyber Security and  
5 American Cyber Competitiveness Act of 2011”.

1 **SEC. 2. FINDINGS.**

2 Congress makes the following findings:

3 (1) Malicious state, terrorist, and criminal ac-  
4 tors exploiting vulnerabilities in information and  
5 communications networks and gaps in cyber security  
6 pose one of the most serious and rapidly growing  
7 threats to both the national security and economy of  
8 the United States.

9 (2) With information technology now the back-  
10 bone of the United States economy, a critical ele-  
11 ment of United States national security infrastruc-  
12 ture and defense systems, the primary foundation of  
13 global communications, and a key enabler of most  
14 critical infrastructure, nearly every single American  
15 citizen is touched by cyberspace and is threatened by  
16 cyber attacks.

17 (3) Malicious actors in cyberspace have already  
18 caused significant damage to the United States Gov-  
19 ernment, the United States economy, and United  
20 States citizens: United States Government computer  
21 networks are probed millions of times each day; ap-  
22 proximately 9,000,000 Americans have their identi-  
23 ties stolen each year; cyber crime costs American  
24 businesses with 500 or more employees an average  
25 of \$3,800,000 per year; and intellectual property

1       worth over \$1,000,000,000,000 has already been  
2       stolen from American businesses.

3           (4) In its 2009 Cyberspace Policy Review, the  
4       White House concluded, “Ensuring that cyberspace  
5       is sufficiently resilient and trustworthy to support  
6       United States goals of economic growth, civil lib-  
7       erties and privacy protections, national security, and  
8       the continued advancement of democratic institu-  
9       tions requires making cybersecurity a national pri-  
10      ority.”

11          (5) An effective solution to the tremendous  
12      challenges of cyber security demands cooperation  
13      and integration of effort across jurisdictions of mul-  
14      tiple Federal, State, local, and tribal government  
15      agencies, between the government and the private  
16      sector, and with international allies, as well as in-  
17      creased public awareness and preparedness among  
18      the American people.

19   **SEC. 3. SENSE OF CONGRESS.**

20       It is the sense of Congress that Congress should  
21      enact, and the President should sign, bipartisan legislation  
22      to secure the United States against cyber attack, to en-  
23      hance American competitiveness and create jobs in the in-  
24      formation technology industry, and to protect the identi-

1 ties and sensitive information of American citizens and  
2 businesses by—

3           (1) enhancing the security and resiliency of  
4           United States Government communications and in-  
5           formation networks against cyber attack by nation-  
6           states, terrorists, and cyber criminals;

7           (2) incentivizing the private sector to quantify,  
8           assess, and mitigate cyber risks to their communica-  
9           tions and information networks;

10           (3) promoting investments in the American in-  
11           formation technology sector that create and main-  
12           tain good, well-paying jobs in the United States and  
13           help to enhance American economic competitiveness;

14           (4) improving the capability of the United  
15           States Government to assess cyber risks and pre-  
16           vent, detect, and robustly respond to cyber attacks  
17           against the government and the military;

18           (5) improving the capability of the United  
19           States Government and the private sector to assess  
20           cyber risk and prevent, detect, and robustly respond  
21           to cyber attacks against United States critical infra-  
22           structure;

23           (6) preventing and mitigating identity theft and  
24           guarding against abuses or breaches of personally  
25           identifiable information;

1           (7) enhancing United States diplomatic capac-  
2           ity and international cooperation to respond to  
3           emerging cyber threats, including promoting security  
4           and freedom of access for communications and infor-  
5           mation networks around the world and battling glob-  
6           al cyber crime through focused diplomacy;

7           (8) protecting and increasing the resiliency of  
8           United States' critical infrastructure and assets, in-  
9           cluding the electric grid, military assets, the finan-  
10          cial sector, and telecommunications networks against  
11          cyber attacks and other threats and vulnerabilities;

12          (9) expanding tools and resources for inves-  
13          tigating and prosecuting cyber crimes in a manner  
14          that respects privacy rights and civil liberties and  
15          promotes American innovation; and

16          (10) maintaining robust protections of the pri-  
17          vacy of American citizens and their on-line activities  
18          and communications.

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