ment's Guide to Data Standards which is aligned with the National Initiative for Cybersecurity Education's National Cybersecurity Workforce Framework report, in accordance with paragraph (2).

''(2) EMPLOYMENT CODES.—

''(A) PROCEDURES.—Not later than 90 days after the date of the enactment of this Act [Dec. 18, 2014], the Secretary shall establish procedures—

''(i) to identify open positions that include cybersecurity functions (as defined in the OPM Guide to Data Standards); and

''(ii) to assign the appropriate employment code to each such position, using agreed standards and definitions.

''(B) CODE ASSIGNMENTS.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall assign the appropriate employment code to—

''(i) each employee within the Department who carries out cybersecurity functions; and

''(ii) each open position within the Department that have been identified as having cybersecurity functions.

''(3) PROGRESS REPORT.—Not later than 1 year after the date of the enactment of this Act, the Director shall submit a progress report on the implementation of this subsection to the appropriate congressional committees.

''(d) IDENTIFICATION OF CYBERSECURITY SPECIALTY AREAS OF CRITICAL NEED.—

''(1) IN GENERAL.—Beginning not later than 1 year after the date on which the employment codes are assigned to employees pursuant to subsection (c)(2)(B), and annually through 2021, the Secretary, in consultation with the Director, shall—

''(A) identify Cybersecurity Work Categories and Specialty Areas of critical need in the Department's cybersecurity workforce; and

''(B) submit a report to the Director that—

''(i) describes the Cybersecurity Work Categories and Specialty Areas identified under subparagraph (A); and

''(ii) substantiates the critical need designations.

''(2) GUIDANCE.—The Director shall provide the Secretary with timely guidance for identifying Cybersecurity Work Categories and Specialty Areas of critical need, including—

''(A) current Cybersecurity Work Categories and Specialty Areas with acute skill shortages; and

''(B) Cybersecurity Work Categories and Specialty Areas with emerging skill shortages.

''(3) CYBERSECURITY CRITICAL NEEDS REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary, in consultation with the Director, shall—

''(A) identify Specialty Areas of critical need for cybersecurity workforce across the Department; and

''(B) submit a progress report on the implementation of this subsection to the appropriate congressional committees.

''(e) GOVERNMENT ACCOUNTABILITY OFFICE STATUS REPORTS.—The Comptroller General of the United States shall—

''(1) analyze and monitor the implementation of subsections (c) and (d); and

''(2) not later than 3 years after the date of the enactment of this Act, submit a report to the appropriate congressional committees that describes the status of such implementation.''

DEFINITIONS

Pub. L. 113–246, §2, Dec. 18, 2014, 128 Stat. 2880, provided that: ''In this Act [enacting this section and provisions set out as a note under section 101 of this title]—

''(1) the term 'Cybersecurity Category' means a position's or incumbent's primary work function involving cybersecurity, which is further defined by Specialty Area;

''(2) the term 'Department' means the Department of Homeland Security;

''(3) the term 'Secretary' means the Secretary of Homeland Security; and

''(4) the term 'Specialty Area' means any of the common types of cybersecurity work as recognized by the National Initiative for Cybersecurity Education's National Cybersecurity Workforce Framework report.''

§ 147. Cybersecurity recruitment and retention

(a) Definitions

In this section:

(1) Appropriate committees of Congress

The term ''appropriate committees of Congress'' means the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Homeland Security and the Committee on Appropriations of the House of Representatives.

(2) Collective bargaining agreement

The term ''collective bargaining agreement'' has the meaning given that term in section 7103(a)(8) of title 5.

(3) Excepted service

The term ''excepted service'' has the meaning given that term in section 2103 of title 5.

(4) Preference eligible

The term ''preference eligible'' has the meaning given that term in section 2108 of title 5.

(5) Qualified position

The term ''qualified position'' means a position, designated by the Secretary for the purpose of this section, in which the incumbent performs, manages, or supervises functions that execute the responsibilities of the Department relating to cybersecurity.

(6) Senior Executive Service

The term ''Senior Executive Service'' has the meaning given that term in section 2101a of title 5.

(b) General authority

(1) Establish positions, appoint personnel, and fix rates of pay

(A) General authority

The Secretary may—

(i) establish, as positions in the excepted service, such qualified positions in the Department as the Secretary determines necessary to carry out the responsibilities of the Department relating to cybersecurity, including positions formerly identified as—

(I) senior level positions designated under section 5376 of title 5; and

(II) positions in the Senior Executive Service;

(ii) appoint an individual to a qualified position (after taking into consideration the availability of preference eligibles for appointment to the position); and

(iii) subject to the requirements of paragraphs (2) and (3), fix the compensation of an individual for service in a qualified position.

(B) Construction with other laws

The authority of the Secretary under this subsection applies without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees.

(2) Basic pay

(A) Authority to fix rates of basic pay

In accordance with this section, the Secretary shall fix the rates of basic pay for any qualified position established under paragraph (1) in relation to the rates of pay provided for employees in comparable positions in the Department of Defense and subject to the same limitations on maximum rates of pay established for such employees by law or regulation.

(B) Prevailing rate systems

The Secretary may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to qualified positions for employees in or under which the Department may employ individuals described by section 5342(a)(2)(A) of that title.

(3) Additional compensation, incentives, and allowances

(A) Additional compensation based on title 5 authorities

The Secretary may provide employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5.

(B) Allowances in nonforeign areas

An employee in a qualified position whose rate of basic pay is fixed under paragraph (2)(A) shall be eligible for an allowance under section 5941 of title 5, on the same basis and to the same extent as if the employee was an employee covered by such section 5941, including eligibility conditions, allowance rates, and all other terms and conditions in law or regulation.

(4) Plan for execution of authorities

Not later than 120 days after December 18, 2014, the Secretary shall submit a report to the appropriate committees of Congress with a plan for the use of the authorities provided under this subsection.

(5) Collective bargaining agreements

Nothing in paragraph (1) may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an office, component, subcomponent, or equivalent of the Department that is a successor to an office, component, subcomponent, or equivalent of the Department covered by the agreement before the succession.

(6) Required regulations

The Secretary, in coordination with the Director of the Office of Personnel Management, shall prescribe regulations for the administration of this section.

(c) Annual report

Not later than 1 year after December 18, 2014, and every year thereafter for 4 years, the Secretary shall submit to the appropriate committees of Congress a detailed report that—

(1) discusses the process used by the Secretary in accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by an individual for a qualified position;

(2) describes—

(A) how the Secretary plans to fulfill the critical need of the Department to recruit and retain employees in qualified positions;

(B) the measures that will be used to measure progress; and

(C) any actions taken during the reporting period to fulfill such critical need;

(3) discusses how the planning and actions taken under paragraph (2) are integrated into the strategic workforce planning of the Department;

(4) provides metrics on actions occurring during the reporting period, including—

(A) the number of employees in qualified positions hired by occupation and grade and level or pay band;

(B) the placement of employees in qualified positions by directorate and office within the Department;

(C) the total number of veterans hired;

(D) the number of separations of employees in qualified positions by occupation and grade and level or pay band;

(E) the number of retirements of employees in qualified positions by occupation and grade and level or pay band; and

(F) the number and amounts of recruitment, relocation, and retention incentives paid to employees in qualified positions by occupation and grade and level or pay band; and

(5) describes the training provided to supervisors of employees in qualified positions at the Department on the use of the new authorities.

(d) Three-year probationary period

The probationary period for all employees hired under the authority established in this section shall be 3 years.

(e) Incumbents of existing competitive service positions

(1) In general

An individual serving in a position on December 18, 2014, that is selected to be converted to a position in the excepted service under this section shall have the right to refuse such conversion.

(2) Subsequent conversion

After the date on which an individual who refuses a conversion under paragraph (1) stops serving in the position selected to be converted, the position may be converted to a position in the excepted service.

(f) Study and report

Not later than 120 days after December 18, 2014, the National Protection and Programs Di-

rectorate shall submit a report regarding the availability of, and benefits (including cost savings and security) of using, cybersecurity personnel and facilities outside of the National Capital Region (as defined in section 2674 of title 10) to serve the Federal and national need to—

(1) the Subcommittee on Homeland Security of the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Subcommittee on Homeland Security of the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives.

(Pub. L. 107–296, title II, § 226, as added Pub. L. 113–277, § 3(a), Dec. 18, 2014, 128 Stat. 3005.)

CODIFICATION

Another section 226 of Pub. L. 107–296 is classified to section 148 of this title.

§ 148. National cybersecurity and communications integration center

(a) Definitions

In this section—

(1) the term ''cybersecurity risk'' means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of information or information systems, including such related consequences caused by an act of terrorism;

(2) the term ''incident'' means an occurrence that—

(A) actually or imminently jeopardizes, without lawful authority, the integrity, confidentiality, or availability of information on an information system; or

(B) constitutes a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies;

(3) the term ''information sharing and analysis organization'' has the meaning given that term in section 131(5) of this title; and

(4) the term ''information system'' has the meaning given that term in section 3502(8) of title 44.

(b) Center

There is in the Department a national cybersecurity and communications integration center (referred to in this section as the ''Center'') to carry out certain responsibilities of the Under Secretary appointed under section 113(a)(1)(H) of this title.

(c) Functions

The cybersecurity functions of the Center shall include—

(1) being a Federal civilian interface for the multi-directional and cross-sector sharing of information related to cybersecurity risks, incidents, analysis, and warnings for Federal and non-Federal entities;

(2) providing shared situational awareness to enable real-time, integrated, and operational actions across the Federal Government and non-Federal entities to address cybersecurity risks and incidents to Federal and non-Federal entities;

(3) coordinating the sharing of information related to cybersecurity risks and incidents across the Federal Government;

(4) facilitating cross-sector coordination to address cybersecurity risks and incidents, including cybersecurity risks and incidents that may be related or could have consequential impacts across multiple sectors;

(5)(A) conducting integration and analysis, including cross-sector integration and analysis, of cybersecurity risks and incidents; and

(B) sharing the analysis conducted under subparagraph (A) with Federal and non-Federal entities;

(6) upon request, providing timely technical assistance, risk management support, and incident response capabilities to Federal and non-Federal entities with respect to cybersecurity risks and incidents, which may include attribution, mitigation, and remediation; and

(7) providing information and recommendations on security and resilience measures to Federal and non-Federal entities, including information and recommendations to—

(A) facilitate information security; and

(B) strengthen information systems against cybersecurity risks and incidents.

(d) Composition

(1) In general

The Center shall be composed of—

(A) appropriate representatives of Federal entities, such as—

(i) sector-specific agencies;

(ii) civilian and law enforcement agencies; and

(iii) elements of the intelligence community, as that term is defined under section 3003(4) of title 50;

(B) appropriate representatives of non-Federal entities, such as—

(i) State and local governments;

(ii) information sharing and analysis organizations; and

(iii) owners and operators of critical information systems;

(C) components within the Center that carry out cybersecurity and communications activities;

(D) a designated Federal official for operational coordination with and across each sector; and

(E) other appropriate representatives or entities, as determined by the Secretary.

(2) Incidents

In the event of an incident, during exigent circumstances the Secretary may grant a Federal or non-Federal entity immediate temporary access to the Center.

(e) Principles

In carrying out the functions under subsection (c), the Center shall ensure—

(1) to the extent practicable, that—

(A) timely, actionable, and relevant information related to cybersecurity risks, incidents, and analysis is shared;