

1 formation and operational technology assets,
2 vulnerabilities, threats, and mitigations.

3 **SEC. 1634. CYBERSPACE SOLARIUM COMMISSION.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—There is established a com-
6 mission to develop a consensus on a strategic ap-
7 proach to protecting the crucial advantages of the
8 United States in cyberspace against the attempts of
9 adversaries to erode such advantages.

10 (2) DESIGNATION.—The commission estab-
11 lished under paragraph (1) shall be known as the
12 “Cyberspace Solarium Commission” (in this section
13 the “Commission”).

14 (b) MEMBERSHIP.—

15 (1) COMPOSITION.—(A) Subject to subpara-
16 graph (B), the Commission shall be composed of 13
17 members, as follows:

18 (i) The Principal Deputy Director of Na-
19 tional Intelligence.

20 (ii) The Deputy Secretary of Homeland
21 Security.

22 (iii) The Deputy Secretary of Defense.

23 (iv) Three members appointed by the ma-
24 jority leader of the Senate, in consultation with
25 the Chairman of the Committee on Armed

1 Services of the Senate, one of whom shall be a
2 member of the Senate and two of whom shall
3 not be.

4 (v) Two members appointed by the minor-
5 ity leader of the Senate, in consultation with
6 the Ranking Member of the Committee on
7 Armed Services of the Senate, one of whom
8 shall be a member of the Senate and one of
9 whom shall not be.

10 (vi) Three members appointed by the
11 Speaker of the House of Representatives, in
12 consultation with the Chairman of the Com-
13 mittee on Armed Services of the House of Rep-
14 resentatives, one of whom shall be a member of
15 the House of Representatives and two of whom
16 shall not be.

17 (vii) Two members appointed by the mi-
18 nority leader of the House of Representatives,
19 in consultation with the Ranking Member of the
20 Committee on Armed Services of the House of
21 Representatives, one of whom shall be a mem-
22 ber of the House of Representatives and one of
23 whom shall not be.

24 (B)(i) The members of the Commission who are
25 not members of Congress and who are appointed

1 under clauses (iv) through (vii) of subparagraph (A)
2 shall be individuals who are nationally recognized for
3 expertise, knowledge, or experience in—

4 (I) cyber strategy or national-level strate-
5 gies to combat long-term adversaries;

6 (II) cyber technology and innovation;

7 (III) use of intelligence information by na-
8 tional policymakers and military leaders; or

9 (IV) the implementation, funding, or over-
10 sight of the national security policies of the
11 United States.

12 (ii) An official who appoints members of the
13 Commission may not appoint an individual as a
14 member of the Commission if, in the judgment of
15 the official, such individual possesses any personal
16 or financial interest in the discharge of any of the
17 duties of the Commission.

18 (iii) All members of the Commission described
19 in clause (i) shall possess an appropriate security
20 clearance in accordance with applicable provisions of
21 law concerning the handling of classified informa-
22 tion.

23 (2) CO-CHAIRS.—(A) The Commission shall
24 have two co-chairs, selected from among the mem-
25 bers of the Commission.

1 (B) One co-chair of the Commission shall be a
2 member of the Democratic Party, and one co-chair
3 shall be a member of the Republican Party.

4 (C) The individuals who serve as the co-chairs
5 of the Commission shall be jointly agreed upon by
6 the President, the majority leader of the Senate, the
7 minority leader of the Senate, the Speaker of the
8 House of Representatives, and the minority leader of
9 the House of Representatives.

10 (c) APPOINTMENT; INITIAL MEETING.—

11 (1) APPOINTMENT.—Members of the Commis-
12 sion shall be appointed not later than 45 days after
13 the date of the enactment of this Act.

14 (2) INITIAL MEETING.—The Commission shall
15 hold its initial meeting on or before the date that is
16 60 days after the date of the enactment of this Act.

17 (d) MEETINGS; QUORUM; VACANCIES.—

18 (1) IN GENERAL.—After its initial meeting, the
19 Commission shall meet upon the call of the co-chairs
20 of the Commission.

21 (2) QUORUM.—Seven members of the Commis-
22 sion shall constitute a quorum for purposes of con-
23 ducting business, except that two members of the
24 Commission shall constitute a quorum for purposes
25 of receiving testimony.

1 (3) VACANCIES.—Any vacancy in the Commis-
2 sion shall not affect its powers, but shall be filled in
3 the same manner in which the original appointment
4 was made.

5 (4) QUORUM WITH VACANCIES.—If vacancies in
6 the Commission occur on any day after 45 days
7 after the date of the enactment of this Act, a
8 quorum shall consist of a majority of the members
9 of the Commission as of such day.

10 (e) ACTIONS OF COMMISSION.—

11 (1) IN GENERAL.—The Commission shall act by
12 resolution agreed to by a majority of the members
13 of the Commission voting and present.

14 (2) PANELS.—The Commission may establish
15 panels composed of less than the full membership of
16 the Commission for purposes of carrying out the du-
17 ties of the Commission under this title. The actions
18 of any such panel shall be subject to the review and
19 control of the Commission. Any findings and deter-
20 minations made by such a panel shall not be consid-
21 ered the findings and determinations of the Commis-
22 sion unless approved by the Commission.

23 (3) DELEGATION.—Any member, agent, or staff
24 of the Commission may, if authorized by the co-
25 chairs of the Commission, take any action which the

1 Commission is authorized to take pursuant to this
2 title.

3 (f) DUTIES.—The duties of the Commission are as
4 follows:

5 (1) To weigh the costs and benefits of various
6 strategic options to reach the goal of protecting the
7 advantages described in subsection (a)(1), including
8 the political system of the United States, the na-
9 tional security industrial sector of the United States,
10 and the innovation base of the United States. The
11 options to be assessed should include deterrence,
12 norms-based regimes, and cyber persistence.

13 (2) To review adversarial strategies and inten-
14 tions, current programs for the protection of advan-
15 tages described in subsection (a)(1), and the capa-
16 bilities of the Federal Government to understand if
17 and how adversaries are currently being deterred or
18 thwarted in their aims and ambitions.

19 (3) To evaluate the current allocation of re-
20 sources for understanding adversarial strategies and
21 intentions and protecting the advantages described
22 in subsection (a)(1).

23 (4) In weighing the options for protecting ad-
24 vantages as described in subsection (a)(1), to con-
25 sider possible structures and authorities that need to

1 be established, revised, or augmented within the
2 Federal Government.

3 (g) POWERS OF COMMISSION.—

4 (1) IN GENERAL.—(A) The Commission or, on
5 the authorization of the Commission, any sub-
6 committee or member thereof, may, for the purpose
7 of carrying out the provisions of this section—

8 (i) hold such hearings and sit and act at
9 such times and places, take such testimony, re-
10 ceive such evidence, and administer such oaths;
11 and

12 (ii) require, by subpoena or otherwise, the
13 attendance and testimony of such witnesses and
14 the production of such books, records, cor-
15 respondence, memoranda, papers, and docu-
16 ments, as the Commission or such designated
17 subcommittee or designated member considers
18 necessary.

19 (B) Subpoenas may be issued under subpara-
20 graph (A)(ii) under the signature of the co-chairs of
21 the Commission, and may be served by any person
22 designated by such co-chairs.

23 (C) The provisions of sections 102 through 104
24 of the Revised Statutes of the United States (2
25 U.S.C. 192–194) shall apply in the case of any fail-

1 ure of a witness to comply with any subpoena or to
2 testify when summoned under authority of this sec-
3 tion.

4 (2) CONTRACTING.—The Commission may, to
5 such extent and in such amounts as are provided in
6 advance in appropriation Acts, enter into contracts
7 to enable the Commission to discharge its duties
8 under this title.

9 (3) INFORMATION FROM FEDERAL AGENCIES.—

10 (A) The Commission may secure directly from any
11 executive department, agency, bureau, board, com-
12 mission, office, independent establishment, or instru-
13 mentality of the Government information, sugges-
14 tions, estimates, and statistics for the purposes of
15 this title.

16 (B) Each such department, agency, bureau,
17 board, commission, office, establishment, or instru-
18 mentality shall, to the extent authorized by law, fur-
19 nish such information, suggestions, estimates, and
20 statistics directly to the Commission, upon request
21 of the co-chairs of the Commission.

22 (C) The Commission shall handle and protect
23 all classified information provided to it under this
24 section in accordance with applicable statutes and
25 regulations.

1 (4) ASSISTANCE FROM FEDERAL AGENCIES.—

2 (A) The Secretary of Defense shall provide to the
3 Commission, on a nonreimbursable basis, such ad-
4 ministrative services, funds, staff, facilities, and
5 other support services as are necessary for the per-
6 formance of the Commission's duties under this title.

7 (B) The Director of National Intelligence may
8 provide the Commission, on a nonreimbursable basis,
9 with such administrative services, staff, and other
10 support services as the Commission may request.

11 (C) In addition to the assistance set forth in
12 paragraphs (1) and (2), other departments and
13 agencies of the United States may provide the Com-
14 mission such services, funds, facilities, staff, and
15 other support as such departments and agencies
16 consider advisable and as may be authorized by law.

17 (D) The Commission shall receive the full and
18 timely cooperation of any official, department, or
19 agency of the United States Government whose as-
20 sistance is necessary for the fulfillment of the duties
21 of the Commission under this title, including the
22 provision of full and current briefings and analyses.

23 (5) PROHIBITION ON WITHHOLDING INFORMA-
24 TION.—No department or agency of the Government
25 may withhold information from the Commission on

1 the grounds that providing the information to the
2 Commission would constitute the unauthorized dis-
3 closure of classified information or information relat-
4 ing to intelligence sources or methods.

5 (6) POSTAL SERVICES.—The Commission may
6 use the United States postal services in the same
7 manner and under the same conditions as the de-
8 partments and agencies of the United States.

9 (7) GIFTS.—The Commission may accept, use,
10 and dispose of gifts or donations of services or prop-
11 erty in carrying out its duties under this title.

12 (h) STAFF OF COMMISSION.—

13 (1) IN GENERAL.—(A) The co-chairs of the
14 Commission, in accordance with rules agreed upon
15 by the Commission, shall appoint and fix the com-
16 pensation of a staff director and such other per-
17 sonnel as may be necessary to enable the Commis-
18 sion to carry out its duties, without regard to the
19 provisions of title 5, United States Code, governing
20 appointments in the competitive service, and without
21 regard to the provisions of chapter 51 and sub-
22 chapter III of chapter 53 of such title relating to
23 classification and General Schedule pay rates, except
24 that no rate of pay fixed under this subsection may
25 exceed the equivalent of that payable to a person oc-

1 cupying a position at level V of the Executive Sched-
2 ule under section 5316 of such title.

3 (B) Any Federal Government employee may be
4 detailed to the Commission without reimbursement
5 from the Commission, and such detailee shall retain
6 the rights, status, and privileges of his or her reg-
7 ular employment without interruption.

8 (C) All staff of the Commission shall possess a
9 security clearance in accordance with applicable laws
10 and regulations concerning the handling of classified
11 information.

12 (2) CONSULTANT SERVICES.—(A) The Commis-
13 sion may procure the services of experts and consult-
14 ants in accordance with section 3109 of title 5,
15 United States Code, but at rates not to exceed the
16 daily rate paid a person occupying a position at level
17 IV of the Executive Schedule under section 5315 of
18 such title.

19 (B) All experts and consultants employed by
20 the Commission shall possess a security clearance in
21 accordance with applicable laws and regulations con-
22 cerning the handling of classified information.

23 (i) COMPENSATION AND TRAVEL EXPENSES.—

24 (1) COMPENSATION.—(A) Except as provided
25 in paragraph (2), each member of the Commission

1 may be compensated at not to exceed the daily
2 equivalent of the annual rate of basic pay in effect
3 for a position at level IV of the Executive Schedule
4 under section 5315 of title 5, United States Code,
5 for each day during which that member is engaged
6 in the actual performance of the duties of the Com-
7 mission under this title.

8 (B) Members of the Commission who are offi-
9 cers or employees of the United States or Members
10 of Congress shall receive no additional pay by reason
11 of their service on the Commission.

12 (2) TRAVEL EXPENSES.—While away from
13 their homes or regular places of business in the per-
14 formance of services for the Commission, members
15 of the Commission may be allowed travel expenses,
16 including per diem in lieu of subsistence, in the
17 same manner as persons employed intermittently in
18 the Government service are allowed expenses under
19 section 5703 of title 5, United States Code.

20 (j) TREATMENT OF INFORMATION RELATING TO NA-
21 TIONAL SECURITY.—

22 (1) IN GENERAL.—(A) The Director of Na-
23 tional Intelligence shall assume responsibility for the
24 handling and disposition of any information related
25 to the national security of the United States that is

1 received, considered, or used by the Commission
2 under this title.

3 (B) Any information related to the national se-
4 curity of the United States that is provided to the
5 Commission by a congressional intelligence commit-
6 tees or the congressional armed services committees
7 may not be further provided or released without the
8 approval of the chairman of such committees.

9 (2) ACCESS AFTER TERMINATION OF COMMIS-
10 SION.—Notwithstanding any other provision of law,
11 after the termination of the Commission under sub-
12 section (k)(2), only the members and designated
13 staff of the congressional intelligence committees,
14 the Director of National Intelligence (and the des-
15 ignees of the Director), and such other officials of
16 the executive branch as the President may designate
17 shall have access to information related to the na-
18 tional security of the United States that is received,
19 considered, or used by the Commission.

20 (k) FINAL REPORT; TERMINATION.—

21 (1) FINAL REPORT.—Not later than September
22 1, 2019, the Commission shall submit to the con-
23 gressional defense committees, the congressional in-
24 telligence committees, the Director of National Intel-
25 ligence, and the Secretary of Defense, and the Sec-

1 retary of Homeland Security a final report on the
2 findings of the Commission.

3 (2) TERMINATION.—(A) The Commission, and
4 all the authorities of this section, shall terminate at
5 the end of the 120-day period beginning on the date
6 on which the final report under paragraph (1) is
7 submitted to the congressional defense and intel-
8 ligence committees.

9 (B) The Commission may use the 120-day pe-
10 riod referred to in paragraph (1) for the purposes of
11 concluding its activities, including providing testi-
12 mony to Congress concerning the final report re-
13 ferred to in that paragraph and disseminating the
14 report.

15 (1) ASSESSMENTS OF FINAL REPORT.—Not later
16 than 60 days after receipt of the final report under sub-
17 section (k)(1), the Director of National Intelligence and
18 the Secretary of Defense shall each submit to the congres-
19 sional intelligence committees and the congressional de-
20 fense committees an assessment by the Director or the
21 Secretary, as the case may be, of the final report. Each
22 assessment shall include such comments on the findings
23 and recommendations contained in the final report as the
24 Director or Secretary, as the case may be, considers ap-
25 propriate.

1 (m) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE
2 PROVISIONS.—

3 (1) FEDERAL ADVISORY COMMITTEE ACT.—The
4 provisions of the Federal Advisory Committee Act (5
5 U.S.C. App.) shall not apply to the activities of the
6 Commission under this section.

7 (2) FREEDOM OF INFORMATION ACT.—The pro-
8 visions of section 552 of title 5, United States Code
9 (commonly referred to as the Freedom of Informa-
10 tion Act), shall not apply to the activities, records,
11 and proceedings of the Commission under this sec-
12 tion.

13 (n) FUNDING.—

14 (1) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated \$4,000,000
16 to carry out this section.

17 (2) AVAILABILITY IN GENERAL.—Subject to
18 paragraph (1), the Secretary of Defense shall make
19 available to the Commission such amounts as the
20 Commission may require for purposes of the activi-
21 ties of the Commission under this section.

22 (3) DURATION OF AVAILABILITY.—Amounts
23 made available to the Commission under paragraph
24 (2) shall remain available until expended.

1 (o) CONGRESSIONAL INTELLIGENCE COMMITTEES
2 DEFINED.—In this section, the term “congressional intel-
3 ligence committees” means—

4 (1) the Select Committee on Intelligence of the
5 Senate; and

6 (2) the Permanent Select Committee on Intel-
7 ligence of the House of Representatives.

8 **SEC. 1635. PROGRAM TO ESTABLISH CYBER INSTITUTES AT**
9 **INSTITUTIONS OF HIGHER LEARNING.**

10 (a) PROGRAM AUTHORIZED.—The Secretary of De-
11 fense may carry out a program to establish a Cyber Insti-
12 tute at institutions of higher learning selected under sub-
13 section (b) for purposes of accelerating and focusing the
14 development of foundational expertise in critical cyber
15 operational skills for future military and civilian leaders
16 of the Armed Forces and the Department of Defense, in-
17 cluding such leaders of the reserve components.

18 (b) SELECTED INSTITUTIONS OF HIGHER LEARN-
19 ING.—

20 (1) IN GENERAL.—The Secretary of Defense
21 shall select institutions of higher learning for pur-
22 poses of the program established under subsection
23 (a) from among institutions of higher learning that
24 have a Reserve Officers’ Training Corps program.