



Recent Federal Policies Affecting the Cybersecurity and Resiliency Landscape

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Outline

Setting the Stage

- What policy developments took place in February 2013?
- Why are these developments important?

Some Historical Background Relevant to Cybersecurity & Resilience

- Source of Federal Regulations
- Existing Federal Regulations
- Congressional Activities
- Presidential Executive Orders
- Presidential Policy Directive

Description of the February 2013 Developments

- Executive Order No. 13636
- Presidential Policy Directive (PPD) 21
- NIST Initiating Development of a Cybersecurity Framework



Closing Thoughts

Setting the Stage

- What policy developments took place in February 2013?
- Why are these developments important?



Developments During the Week of Feb. 12, 2013

President's State of the Union Address

Executive Order

(Improving Critical Infrastructure Cybersecurity)

Presidential Policy Directive – PPD 21

(Critical Infrastructure Security and Resilience)

NIST's Plans for Developing a
Cybersecurity Framework

Why are these developments important?

*“...85 percent of our nation’s
critical infrastructure is
controlled not by government
but by the private sector...”*

—The 9/11 Commission Report

Critical Infrastructure

“... Systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters ...”

—Title 42, Code of Laws of the United States of America

Why are these developments important?

“... the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from disruptions.

Resilience includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents...”

*—Presidential Policy Directive – PPD 21
(February 12, 2013)*

Critical Infrastructure Sectors

- Chemical
- Commercial Facilities
- Communications
- Critical Manufacturing
- Dams
- Defense Industrial Base
- Emergency Services
- Energy
- Financial Services
- Food and Agriculture
- Government Facilities
- Health Care and Public Health
- Information Technology
- Nuclear Reactors, Materials, and Waste
- Transportation Systems
- Water and Wastewater Systems



Kinetic Disruptions to Critical Infrastructure



Cybersecurity Disruptions to Critical Infrastructure

The Washington Post | Politics | Opinions | Local | Sports | National | World | Business | Tech

More companies reporting cybersecurity incidents

By Ellen Nakashima and Danielle Douglas, Published: March 1

At least 19 financial institutions have disclosed that their computers were targets of malicious cyberattacks. Among corporations about the breadth of cyberattacks in the sector.

In their annual financial reports, such as Bank of America, financial institutions, have reported significant intrusions.

Gartner
WHY GARTNER | ANALYSIS

Are the clouds just the clouds?

by Avivah Litan |

That's a viable hypothesis they had staged. Tuesday the total bandwidth against a single bank at 110 gigabits.

Interestingly, the attackers could have easily done even more damage but they chose not to. 9200 bots were identified as attack-capable but the total number of bots actually involved in sending the DDoS traffic to the banks numbered only about 3200. The other 6000 bots sat there doing nothing.

THE WALL STREET JOURNAL
U.S. EDITION | Saturday, March 16, 2013 As of 4:17 PM EDT | New York 38° | 28°

Business | Tech | Markets | Market Data | Opinion

U.S. Banks: Worst Yet to Come?

Against U.S. banks last fall vulnerabilities, whereas the intent of the attack has been to simply cause disruption.

U.S. banks

A third of the bandwidth was used on Tuesday. Reportedly, on Tuesday, with the largest attack against a single bank at 110 gigabits.

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Why are these developments important?

In the past, there have been executive orders, presidential policy directives, and legislative actions with major effects on

- disaster planning
- crisis management
- identity management
- emergency communications
- critical infrastructure protection
- application of DR/BC/InfoSec national & international standards

Conditions are ripe for recent policy developments to significantly affect cybersecurity and resiliency landscapes.

Historical Background

- Source of Federal Regulations
- Existing Federal Regulations
- Congressional Activities
- Presidential Executive Orders
- Presidential Policy Directive



Sources of Federal Regulations

In the United States, cybersecurity and resiliency **regulation** comprises

*Legislation
from Congress*



*Directives
from the Executive Branch*



Existing Federal Regulations

There are few cybersecurity and resiliency regulations.

The ones that exist focus on specific industries.

The three main existing cybersecurity regulations are

1996 Health Insurance Portability and Accountability Act	Health Care Organizations
1999 Gramm–Leach–Bliley Act	Financial Institutions
2002 Homeland Security Act, which included the Federal Information Security Management Act (FISMA)	Federal Agencies

Congressional Cybersecurity Activities

Congress has been holding hearings related to cybersecurity every year since 2001.

Most recently:

Number of bills and resolutions introduced with provisions related to cybersecurity	
111 th Congress <i>(January 2009 – January 2011)</i>	60+
112 th Congress <i>(January 2011 – January 2013)</i>	40+
113 th Congress <i>(as of May 22, 2013)</i>	17

Cybersecurity Legislation

The Obama Administration sent Congress a package of legislative proposals in May 2011

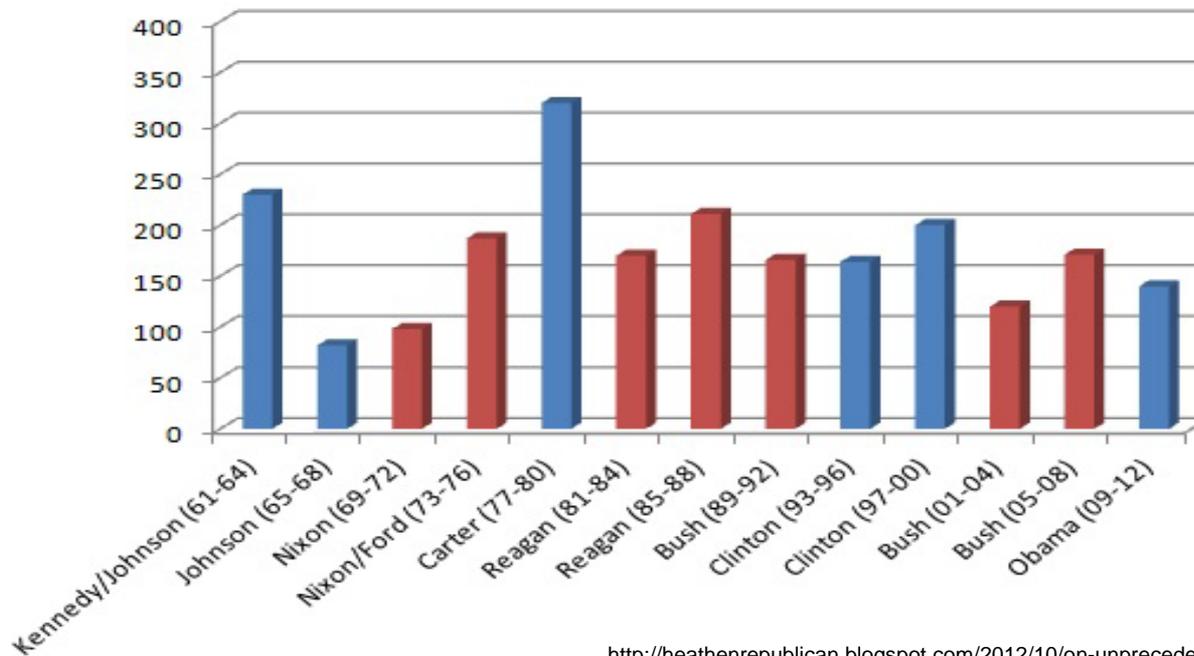
- to give the federal government new authority to ensure that corporations that own the assets most critical to the nation's security and economic prosperity are adequately addressing the risks posed by cybersecurity threats.

No comprehensive cybersecurity legislation
has been enacted since 2002.

What Are Presidential Executive Orders?

U.S. presidents issue **executive orders** to help officers and agencies of the executive branch manage the operations within the federal government.

Executive Orders, by 4-Year Administration



<http://heathenrepublican.blogspot.com/2012/10/on-unprecedented-use-of-executive-orders.html>

What Are Presidential Executive Orders?

Executive orders have the full force of law.

Typically made in pursuance of certain acts of Congress, some of which specifically delegate to the president some degree of discretionary power

Or are believed to take authority from power granted directly to the executive by the Constitution



What Are Presidential Directives?

A form of an executive order issued by the president of the United States

- with the advice and consent of the National Security Council

Articulate the executive's national security policy.

They carry the full force and effect of law.

Since many presidential directives pertain to the national security of the United States, many are classified.

Presidential Memorandum, August 21, 1963

President Kennedy established the **National Communications System (NCS)**

After the Cuban missile crisis

The NCS mandate included linking, improving, and extending the communications facilities and components of various federal agencies, focusing on interconnectivity and survivability.

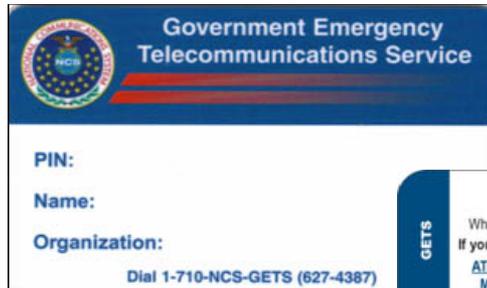


E.O. 12472 - April 3, 1984

Assignment of National Security and Emergency Preparedness Telecommunications Functions

Superseded President Kennedy's original 1963 memorandum

Broadened the NCS



GETS

Dial 1-710-NCS-GETS (627-4387)
At the tone, enter your PIN
When prompted, dial your destination number (area code + number)
If you cannot complete a call, use a different long distance carrier:

AT&T: 1010 + 288	-or- 1-888-288-4387
MCI: 1010 + 222	-or- 1-800-900-4387
Sprint: 1010 + 333	-or- 1-800-257-8373

WPS

Wireless Priority Service is an optional cellular companion to GETS
Dial #272 + destination number for priority on a WPS cell phone

Assistance: For help or to report trouble, dial 1-800-818-GETS (4387) or 703-818-GETS (4387)

Familiarization Calls: Make periodic GETS calls using 703-818-3924 as the destination number

www.ncs.gov

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National Communications System

Home
About the NCS
Communications Sector
President's NSTRC
National Coordinating Center
Priority Services
- GETS
- TSP
- WPS
- SHARES
Library
Contact Us
Site Map

Welcome to the National Communications System !

Our Mission

Assist the President, the National Security Staff, the Director of the Office of Science and Technology Policy and the Director of the Office of Management and Budget in: (1) the exercise of the telecommunications functions and responsibilities, and (2) the coordination of the planning for and provision of national security and emergency preparedness communications for the Federal government under all circumstances, including crisis or emergency, attack & recovery and reconstitution.

WPS Wireless Priority Service
GETS Government Emergency Telecommunications Service
SHARES Shared REsources High Frequency Radio Program
TSP Telecommunications Service Priority

PPD-63 - May 22, 1998

Critical Infrastructure Protection

Set national goal:

- The ability to protect the nation's critical infrastructure from intentional attacks
- Any interruptions in the ability of these infrastructures to provide their goods and services must be "brief, infrequent, manageable, geographically isolated, and minimally detrimental to the welfare of the United States."



Homeland Security Act of 2002

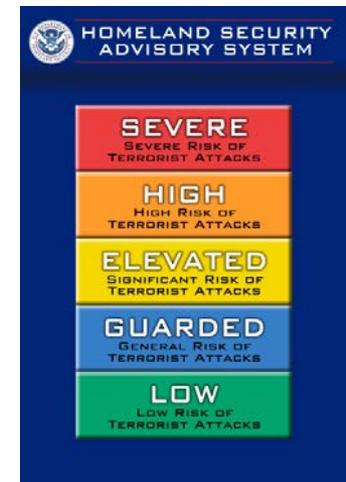
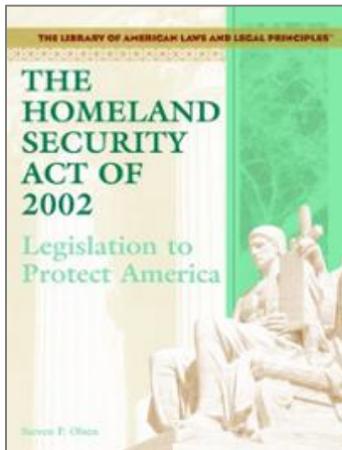
Was introduced in the aftermath of

- September 11 attacks
- mailings of anthrax spores



Established the

- **Department of Homeland Security (DHS)**
- **cabinet-level position of secretary of homeland security**



HSPD-7 – December 7, 2003

Critical Infrastructure Identification,
Prioritization, and Protection

Replaced PPD-63

Aimed to unify protection efforts for
critical infrastructure and key resources
(CIKRs) across the country

Focus of HSPD-7

Terrorist attacks

Physical systems



**National Infrastructure
Protection Plan**

Partnering to enhance protection and resiliency

2009

E.O. 13407 - June 26, 2006

Public Alert and Warning System

Following Hurricane Katrina

Ordered DHS to establish a new program to integrate and modernize the nation's existing population warning systems, such as

- Emergency Alert System (EAS)
- National Warning System (NAWAS)
- Commercial Mobile Alert System (CMAS)
- NOAA Weather Radio All Hazards

Subsequently termed the Integrated Public Alert and Warning System (IPAWS)



Description of February 2013 Policy Developments

- Executive Order No. 13636
- Presidential Policy Directive (PPD) 21
- NIST Initiated Development of a Cybersecurity Framework



Executive Order

Executive Order No.

- 13636

Issuance Date

- Tuesday, February 12, 2013

Title

- Improving Critical Infrastructure Cybersecurity

Overall Objective

- **To enhance the security and resilience of the nation's critical infrastructure**

Classification

- Unclassified



Presidential Policy Directive

Presidential Policy Directive No.

- PPD-21

Issuance Date

- Tuesday, February 12, 2013

Title

- **Critical Infrastructure Security and Resilience**

Classification

- Unclassified



the WHITE HOUSE PRESIDENT BARACK OBAMA

BLOG PHOTOS & VIDEO BRIEFING ROOM ISSUES

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Office of the Press Secretary

For Immediate Release February 12, 2013

Presidential Policy Directive -- Critical Infrastructure Security and Resilience

[PRESIDENTIAL POLICY DIRECTIVE/PPD-21](#)

SUBJECT: Critical Infrastructure Security and Resilience

The Presidential Policy Directive (PPD) on Critical Infrastructure Security and Resilience advances a national unity of effort to strengthen and maintain secure, functioning, and resilient critical infrastructure.

Introduction

The Nation's critical infrastructure provides the essential services that underpin American society. Proactive and coordinated efforts are necessary to strengthen and maintain secure, functioning, and resilient critical infrastructure – including assets, networks, and systems – that are vital to public confidence and the Nation's safety, prosperity, and well-being.

The Nation's critical infrastructure is diverse and complex. It includes distributed networks, varied organizational structures and operating models (including multinational ownership), interdependent functions and systems in both the physical space and cyberspace, and governance constructs that involve multi-level authorities, responsibilities, and regulations. Critical infrastructure owners and operators are uniquely positioned to manage risks to their individual operations and assets, and to determine effective strategies to make them more secure and resilient.

Critical infrastructure must be secure and able to withstand and rapidly recover from all hazards. Achieving this will require integration with the national preparedness system across prevention, protection, mitigation, response, and recovery.

Messages of Executive Order & PPD

*“...Our **country’s reliance on cyber systems** to run everything from power plants to pipelines and hospitals to highways has increased dramatically, and our infrastructure is more **physically and digitally interconnected than ever...**”*

*“...The **cyber threat to critical infrastructure** continues to grow and represents **one of the most serious national security challenges** we must confront...”*

*“...Steps must be taken to enhance existing efforts to **increase the protection and resilience of critical infrastructure**, while maintaining a cyber environment that encourages efficiency, innovation, and economic prosperity, **while protecting privacy and civil liberties...**”*

Overall Objectives of EO and PPD

*To strengthen the **security and resilience** of critical infrastructure against **evolving threats** through an updated and overarching national framework that acknowledges the increased **role of cybersecurity** in securing physical assets.*

*Together, the EO and PPD create an opportunity to reinforce the need for holistic thinking about security **risk management** and drive action toward a whole of community approach to security and resilience.*

Sections of the Executive Order

- Policy
- Critical Infrastructure
- Policy Coordination
- Cybersecurity Information Sharing
- Privacy and Civil Liberties
- Consultative Process
- Baseline Framework
- Voluntary Critical
- Identification of C
- Adoption of Fram

It is the policy of the United States to enhance the security and resilience of the nation's critical infrastructure and to maintain a cyber environment that encourages efficiency, innovation, and economic prosperity while promoting safety, security, business confidentiality, privacy, and civil liberties.

Sections of the Executive Order

- Policy
- Critical Infrastructure
- Policy Coordination
- Cybersecurity Information Sharing
- Privacy and Civil Liberties Protections
- Consultative Process
- Baseline Framework to Reduce Risks to Critical Infrastructure
- Voluntary Critical Infrastructure
- Identification of Critical Infrastructure
- Adoption of Framework

DHS to establish a new information sharing program to provide both classified and unclassified threat and attack information to U.S. companies

Sections of the Executive Order

- Policy
- Critical Infrastructure
- Policy Coordination
- Cybersecurity Information Sharing
- Privacy and Civil Liberties Protections
- Consultative Process
- Baseline Framework to Reduce Risk to Critical Infrastructure
- Voluntary Critical Infrastructure Cybersecurity
- Identification of Critical Infrastructure
- Adoption of Framework

Agencies are required to incorporate privacy and civil liberties safeguards in their cybersecurity activities.

Sections of the Executive Order

- Policy
- Critical Infrastructure
- Policy Coordination
- Cybersecurity Information Sharing
- Privacy and Civil Liberties Protections
- Consultative Process
- **Baseline Framework to Reduce Risk to Critical Infrastructure**
- Voluntary Critical Infrastructure Cybersecurity Program
- Identification of Critical Infrastructure at Greatest Risk
- Adoption of Framework

NIST to lead the development of a Cybersecurity Framework to reduce risk to critical infrastructure

Sections of Presidential Policy Directive

Introduction

Policy

Roles and Responsibilities

Three Strategic Imperatives

Innovation and Research and

Implementation of the Directive

Designated Critical Infrastructure
and Sector-Specific Agencies

Definitions

Critical infrastructure must be secure and able to withstand and rapidly recover from all hazards.

This directive establishes national policy on critical infrastructure security and resilience.

Sections of Presidential Policy Directive

Introduction

Policy

Roles and Responsibilities

Three Strategic Imperatives

Innovation and Research and Development

Implementation of the Directive

Designated Critical Infrastructure
and Sector-Specific Agencies

Definitions

Address the security and resilience of critical infrastructure in an integrated, holistic manner to reflect this infrastructure's interconnectedness and interdependency.

Sections of Presidential Policy Directive

Introduction

Policy

Roles and Responsibilities

Three Strategic Imperatives

Innovation and Research and Development

Implementation of the Directive

Designated Critical Infrastructure Sectors
and Sector-Specific Agencies

Definitions

Calls for a comprehensive R&D plan for critical infrastructure to guide the government's effort to enhance and encourage market-based innovation

Sections of Presidential

Introduction

Policy

Roles and Responsibilities

Three Strategic Imperatives

Innovation and Research

Implementation of the Executive

Designated Critical Infrastructure Sectors
and Sector-Specific Agencies

Definitions

1. *Chemical*
2. *Commercial Facilities*
3. *Communications*
4. *Critical Manufacturing*
5. *Dams*
6. *Defense Industrial Base*
7. *Emergency Services*
8. *Energy*
9. *Financial Services*
10. *Food and Agriculture*
11. *Government Facilities*
12. *Health Care and Public Health*
13. *Information Technology*
14. *Nuclear Reactors, Materials, & Waste*
15. *Transportation Systems*
16. *Water and Wastewater Systems*

Policy Directive

RESILIENCE ... the ability to prepare for and adapt to changing conditions and withstand and recover rapidly from disruptions. Resilience includes the ability to withstand and recover from deliberate attacks, accidents, or naturally occurring threats or incidents.

Three Strategic Imperatives

Innovation and Research and Development

Implementation of the Directive

Designated Critical Infrastructure
and Sector-Specific Agencies

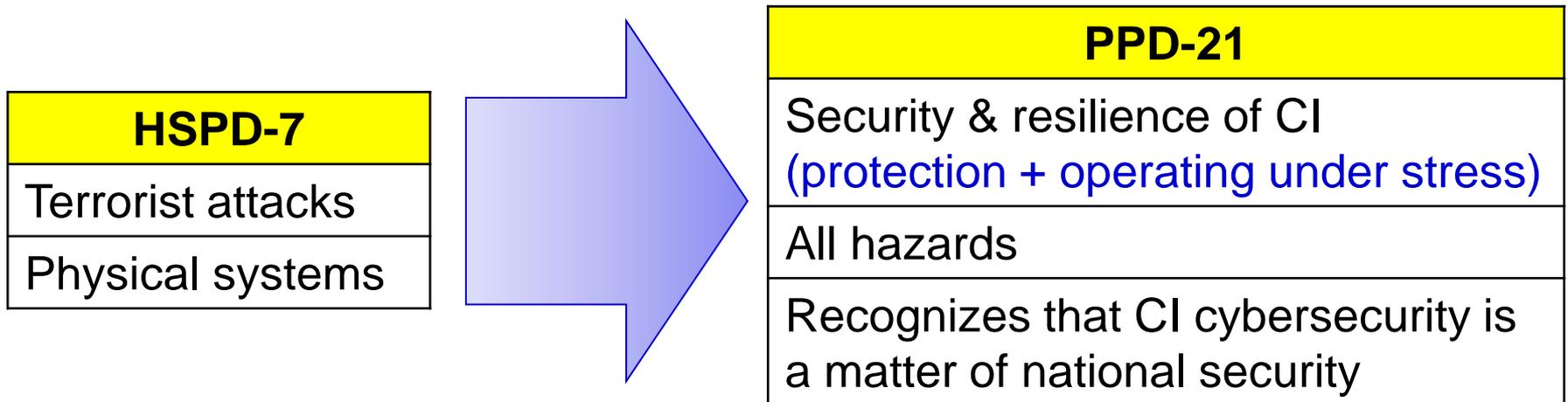
Definitions

ALL HAZARDS ... natural disasters, cyber incidents, industrial accidents, pandemics, acts of terrorism, sabotage, and destructive criminal activity targeting critical infrastructure.

PPD-21 Replaces HSPD-7 of 2003

To account for

- new risk environment
- key lessons learned
- drive toward enhanced capabilities



Aspects of OE/PPD Related to Framework

NIST shall

- develop a cybersecurity framework (CSF)

DHS shall

- establish a voluntary program to promote the adoption of the CSF

Regulatory agencies shall

- review the framework and determine if current regulations are sufficient
- develop new regulations if current ones are insufficient

NIST Framework Development Process

Engage the Framework Stakeholders

Collect, Categorize, & Post RFI Responses

Analyze RFI Responses

Select Framework Components

Prepare & Publish Preliminary Framework

Release Official Framework

- February 2013 – NIST Issues RFI
- April 3, 2013 – 1st Framework Workshop
- April 8, 2013 – Post RFI Responses
- May 15, 2013 – Identify Common Practices/Themes
- May 29-31, 2013 – 2nd Framework Workshop
- June 2013 – Draft Initial Framework
- July 2013 – 3rd Framework Workshop
- September 2013 – 4th Framework Workshop
- October 2013 – Publish Preliminary Framework
- November 2013 – 5th Framework Workshop
- December 2013 – Public Comment Period
- February 2014 – Release Official Framework

Closing Thoughts



Observation:

Taking actions “before” & “after” major national disruptive events

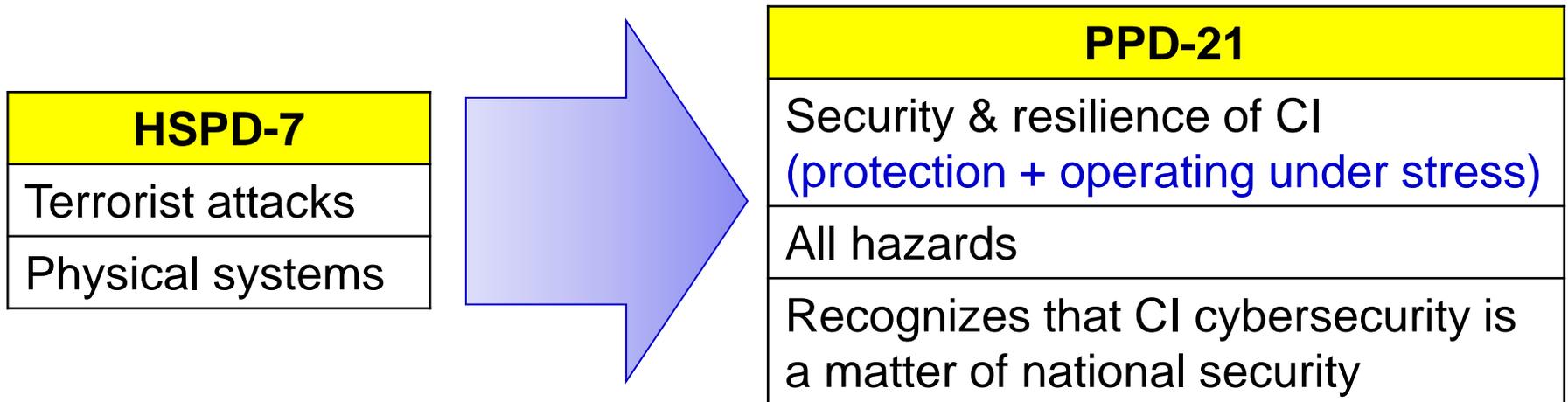
- After Cuban Missile Crisis
 - Presidential Memorandum of August 21, 1963 (NCS)
- After September 11
 - HSPD 1, 5, 7, 8, 12, 20, 21
 - Homeland Security Act of 2002
 - PS-PREP
- After Mailings of Anthrax Spores
 - Homeland Security Act of 2002 (DHS)
- After Hurricane Katrina
 - EO-13407 (IPAWS)

- PPD-63 (CIP)
- EO-13636 and PPD-21 (CI Security and Resilience)

Observation:

PPD-21 accounts for

- new risk environment
- key lessons learned
- drive toward enhanced capabilities



Observation (& Question to Be Considered)

Policies and doctrines around kinetic attacks on U.S. interests are mature, but they fail to provide needed clarity when applied to cyber-based attacks, especially those of foreign state actors.

For example...

Question: Enable Active Defenses?

An active shooter in a bank lobby would likely meet deadly force in response.

Should organizations be legally allowed to fight back when under cyber attack?

Do we need policies and regulations governing such active cyber defenses?



July 12, 2013

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ASIA NEWS | Updated July 12, 2013, 12:57 a.m. ET

U.S., Firms Draw a Bead on Chinese Cyberspies

By DANNY YADRON and SIOBHAN GORMAN

The U.S. government gave American Internet providers addresses linked to suspected Chinese hackers earlier this year as part of a previously undisclosed effort aimed at blocking cyberspying, current and former U.S. officials said.



The push reflects a significant shift in levels of cooperation between the government and Internet companies amid rising concerns over hacking. It

The efforts represent a rare glimpse into what NSA Director Gen. Keith Alexander and other officials call "active defense," which they characterize as exercising self-defense in cyberspace. How such activities are executed remains largely cloaked in mystery.

Question: National Defenses

If a foreign state fired a missile at a U.S. bank HQ, it would meet immediate military defense.

Should military-grade cyber defenses be deployed to protect U.S. businesses that are under attack by foreign states?

Do we need another exception to the Posse Comitatus Act to enable military cyber response to large-scale cyber attacks on U.S. critical infrastructure?



Role of Federal Government?

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Nader's Journal ▾ **Live**

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JOURNAL REPORTS | Updated May 10, 2013, 4:32 p.m. ET

Should Companies Be Required to Meet Certain Minimum Cybersecurity Protections?

By SIOBHAN GORMAN

U.S. companies appear to have lots of not-so-secret secrets.

Intelligence reports, for instance, say China and Russia have been pilfering vast quantities of secrets from U.S. companies, while U.S. officials say Iranian-backed hackers have mounted a relentless campaign against U.S. banks.

President [Barack Obama](#) in February

Role of Federal Government?

THE WALL STREET JOURNAL.
U.S. EDITION Friday, June 14, 2013 As of 7:51 PM EDT

Home World U.S. New York Business Tech Markets Market Data Opinion

MARKETS | June 14, 2013, 7:51 p.m. ET

A Call to Arms for Banks

Regulators Intensify Push for Firms to Better Protect Against Cyberattacks

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By MICHAEL R. CRITTENDEN

WASHINGTON—U.S. regulators are stepping up calls for banks to better-arm themselves against the growing online threat hackers and criminal organizations pose to individual institutions and the financial system as a whole.

The push comes as government officials grow increasingly concerned about the ability of a cyber attack to cause significant disruptions to the financial system. Banks such as J.P. Morgan Chase & Co., [Bank of America Corp.](#) **BAC +0.73%** and [Capital One Financial Corp.](#) **COF +0.70%** have been targeted by cyber assaults in recent years, including potent "denial-of-service" strikes that took down some bank websites of for days, restricting customers. Banks have spent millions of dollars

Thank you for your attention...



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Specific to the Executive Order

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