116TH CONGRESS
1ST SESSION

H. R. 3710

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2019

Received; read twice and referred to the Committee on Homeland Security and Governmental Affairs

AN ACT

To amend the Homeland Security Act of 2002 to provide for the remediation of cybersecurity vulnerabilities, and for other purposes.

1   *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cybersecurity Vulnerability Remediation Act".

SEC. 2. CYBERSECURITY VULNERABILITIES.

Section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) is amended—

> (1) in subsection (a)—
>> (A) in paragraph (5), by striking "and" after the semicolon at the end;
>> (B) by redesignating paragraph (6) as paragraph (7); and
>> (C) by inserting after paragraph (5) the following new paragraph:
> "(6) the term 'cybersecurity vulnerability' has the meaning given the term 'security vulnerability' in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501); and".
> (2) in subsection (c)—
>> (A) in paragraph (5)—
>>> (i) in subparagraph (A), by striking "and" after the semicolon at the end;
>>> (ii) by redesignating subparagraph (B) as subparagraph (C);
>>> (iii) by inserting after subparagraph (A) the following new subparagraph:

1   ''(B) sharing mitigation protocols to counter cy-

2 bersecurity vulnerabilities pursuant to subsection

3 (n); and''; and

4   (iv) in subparagraph (C), as so redes-

5 ignated, by inserting ''and mitigation pro-

6 tocols to counter cybersecurity

7 vulnerabilities in accordance with subpara-

8 graph (B)'' before ''with Federal'';

9   (B) in paragraph (7)(C), by striking

10 ''sharing'' and inserting ''share''; and

11   (C) in paragraph (9), by inserting ''mitiga-

12 tion protocols to counter cybersecurity

13 vulnerabilities,'' after ''measures,'';

14   (3) in subsection (e)(1)(G), by striking the

15 semicolon after ''and'' at the end; and

16   (4) by adding at the end the following new sub-

17 section:

18 ''(n) PROTOCOLS TO COUNTER CYBERSECURITY

19 VULNERABILITIES.—The Director may, as appropriate,

20 identify, develop, and disseminate actionable protocols to

21 mitigate cybersecurity vulnerabilities, including in cir-

22 cumstances in which such vulnerabilities exist because

23 software or hardware is no longer supported by a ven-

24 dor.''.

1 **SEC. 3. REPORT ON CYBERSECURITY VULNERABILITIES.**

2   (a) REPORT.—Not later than 1 year after the date

3 of the enactment of this Act, the Director of the Cyberse-

4 curity and Infrastructure Security Agency of the Depart-

5 ment of Homeland Security shall submit to the Committee

6 on Homeland Security of the House of Representatives

7 and the Committee on Homeland Security and Govern-

8 mental Affairs of the Senate a report on how the Agency

9 carries out subsection (m) of section 2209 of the Home-

10 land Security Act of 2002 to coordinate vulnerability dis-

11 closures, including disclosures of cybersecurity

12 vulnerabilities (as such term is defined in such section),

13 and subsection (n) of such section (as added by section

14 2) to disseminate actionable protocols to mitigate cyberse-

15 curity vulnerabilities, that includes the following:

16   (1) A description of the policies and procedures

17   relating to the coordination of vulnerability disclo-

18   sures.

19   (2) A description of the levels of activity in fur-

20   therance of such subsections (m) and (n) of such

21   section 2209.

22   (3) Any plans to make further improvements to

23   how information provided pursuant to such sub-

24   sections can be shared (as such term is defined in

25   such section 2209) between the Department and in-

26   dustry and other stakeholders.

1   (4) Any available information on the degree to
2   which such information was acted upon by industry
3   and other stakeholders.

4   (5) A description of how privacy and civil lib-
5   erties are preserved in the collection, retention, use,
6   and sharing of vulnerability disclosures.

7   (b) FORM.—The report required under subsection (b)
8 shall be submitted in unclassified form but may contain
9 a classified annex.

SEC. 4. COMPETITION RELATING TO CYBERSECURITY VULNERABILITIES.

12   The Under Secretary for Science and Technology of
13 the Department of Homeland Security, in consultation
14 with the Director of the Cybersecurity and Infrastructure
15 Security Agency of the Department, may establish an in-
16 centive-based program that allows industry, individuals,
17 academia, and others to compete in providing remediation
18 solutions for cybersecurity vulnerabilities (as such term is
19 defined in section 2209 of the Homeland Security Act of
20 2002, as amended by section 2).

Passed the House of Representatives September 26, 2019.

Attest: CHERYL L. JOHNSON,
                                         Clerk.