

Union Calendar No.

114TH CONGRESS
2^D SESSION

H. R. 5388

[Report No. 114-]

To amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2016

Mr. RATCLIFFE (for himself and Mr. McCAUL) introduced the following bill;
which was referred to the Committee on Homeland Security

JUNE --, 2016

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

A BILL

To amend the Homeland Security Act of 2002 to provide for innovative research and development, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Support for Rapid In-
5 novation Act of 2016”.

6 **SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT**
7 **PROJECTS.**

8 (a) CYBERSECURITY RESEARCH AND DEVELOP-
9 MENT.—

10 (1) IN GENERAL.—Title III of the Homeland
11 Security Act of 2002 (6 U.S.C. 181 et seq.) is
12 amended by adding at the end the following new sec-
13 tion:

14 **“SEC. 319. CYBERSECURITY RESEARCH AND DEVELOP-**
15 **MENT.**

16 “(a) IN GENERAL.—The Under Secretary for Science
17 and Technology shall support the research, development,
18 testing, evaluation, and transition of cybersecurity tech-
19 nologies, including fundamental research to improve the
20 sharing of information, analytics, and methodologies re-
21 lated to cybersecurity risks and incidents, consistent with
22 current law.

23 “(b) ACTIVITIES.—The research and development
24 supported under subsection (a) shall serve the components
25 of the Department and shall—

1 “(1) advance the development and accelerate
2 the deployment of more secure information systems;

3 “(2) improve and create technologies for detect-
4 ing attacks or intrusions, including real-time contin-
5 uous diagnostics and real-time analytic technologies;

6 “(3) improve and create mitigation and recov-
7 ery methodologies, including techniques and policies
8 for real-time containment of attacks, and develop-
9 ment of resilient networks and information systems;

10 “(4) support, in coordination with non-Federal
11 entities, the review of source code that underpins
12 critical infrastructure information systems;

13 “(5) develop and support infrastructure and
14 tools to support cybersecurity research and develop-
15 ment efforts, including modeling, testbeds, and data
16 sets for assessment of new cybersecurity tech-
17 nologies;

18 “(6) assist the development and support of
19 technologies to reduce vulnerabilities in industrial
20 control systems; and

21 “(7) develop and support cyber forensics and
22 attack attribution capabilities.

23 “(c) COORDINATION.—In carrying out this section,
24 the Under Secretary for Science and Technology shall co-
25 ordinate activities with—

1 “(1) the Under Secretary appointed pursuant to
2 section 103(a)(1)(H);

3 “(2) the heads of other relevant Federal depart-
4 ments and agencies, as appropriate; and

5 “(3) industry and academia.

6 “(d) **TRANSITION TO PRACTICE.**—The Under Sec-
7 retary for Science and Technology shall support projects
8 carried out under this title through the full life cycle of
9 such projects, including research, development, testing,
10 evaluation, pilots, and transitions. The Under Secretary
11 shall identify mature technologies that address existing or
12 imminent cybersecurity gaps in public or private informa-
13 tion systems and networks of information systems, iden-
14 tify and support necessary improvements identified during
15 pilot programs and testing and evaluation activities, and
16 introduce new cybersecurity technologies throughout the
17 homeland security enterprise through partnerships and
18 commercialization. The Under Secretary shall target fed-
19 erally funded cybersecurity research that demonstrates a
20 high probability of successful transition to the commercial
21 market within two years and that is expected to have a
22 notable impact on the public or private information sys-
23 tems and networks of information systems.

24 “(e) **DEFINITIONS.**—In this section:

1 “(1) CYBERSECURITY RISK.—The term ‘cyber-
2 security risk’ has the meaning given such term in
3 section 227.

4 “(2) HOMELAND SECURITY ENTERPRISE.—The
5 term ‘homeland security enterprise’ means relevant
6 governmental and nongovernmental entities involved
7 in homeland security, including Federal, State, local,
8 and tribal government officials, private sector rep-
9 resentatives, academics, and other policy experts.

10 “(3) INCIDENT.—The term ‘incident’ has the
11 meaning given such term in section 227.

12 “(4) INFORMATION SYSTEM.—The term ‘infor-
13 mation system’ has the meaning given such term in
14 section 3502(8) of title 44, United States Code.”.

15 (2) CLERICAL AMENDMENT.—The table of con-
16 tents in section 1(b) of the Homeland Security Act
17 of 2002 is amended by inserting after the item relat-
18 ing to section 318 the following new item:

“Sec. 319. Cybersecurity research and development.”.

19 (b) RESEARCH AND DEVELOPMENT PROJECTS.—
20 Section 831 of the Homeland Security Act of 2002 (6
21 U.S.C. 391) is amended—

22 (1) in subsection (a)—

23 (A) in the matter preceding paragraph (1),
24 by striking “2016” and inserting “2020”;

1 (B) in paragraph (1), by striking the last
2 sentence; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(3) PRIOR APPROVAL.—In any case in which
6 the head of a component or office of the Department
7 seeks to utilize the authority under this section, such
8 head shall first receive prior approval from the Sec-
9 retary by providing to the Secretary a proposal that
10 includes the rationale for the utilization of such au-
11 thority, the funds to be spent on the use of such au-
12 thority, and the expected outcome for each project
13 that is the subject of the use of such authority. In
14 such a case, the authority for evaluating the pro-
15 posal may not be delegated by the Secretary to any-
16 one other than the Under Secretary for Manage-
17 ment.”;

18 (2) in subsection (c)—

19 (A) in paragraph (1), in the matter pre-
20 ceeding subparagraph (A), by striking “2016”
21 and inserting “2020”; and

22 (B) by amending paragraph (2) to read as
23 follows:

24 “(2) REPORT.—The Secretary shall annually
25 submit to the Committee on Homeland Security and

1 the Committee on Science, Space, and Technology of
2 the House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate a report detailing the projects for which the
5 authority granted by subsection (a) was utilized, the
6 rationale for such utilizations, the funds spent uti-
7 lizing such authority, the extent of cost-sharing for
8 such projects among Federal and non-Federal
9 sources, the extent to which utilization of such au-
10 thority has addressed a homeland security capability
11 gap or threat to the homeland identified by the De-
12 partment, the total amount of payments, if any, that
13 were received by the Federal Government as a result
14 of the utilization of such authority during the period
15 covered by each such report, the outcome of each
16 project for which such authority was utilized, and
17 the results of any audits of such projects.”; and

18 (3) by adding at the end the following new sub-
19 section:

20 “(e) TRAINING.—The Secretary shall develop a train-
21 ing program for acquisitions staff on the utilization of the
22 authority provided under subsection (a).”.

23 (c) PROHIBITION ON ADDITIONAL FUNDING.—No
24 additional funds are authorized to be appropriated to
25 carry out this Act and the amendments made by this Act.