

Suspend the Rules and Pass the Bill, H. R. 239, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
1ST SESSION

H. R. 239

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2017

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

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 2017”.

1 **SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT**
2 **PROJECTS.**

3 (a) CYBERSECURITY RESEARCH AND DEVELOP-
4 MENT.—

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

9 **“SEC. 321. CYBERSECURITY RESEARCH AND DEVELOP-**
10 **MENT.**

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

18 “(b) ACTIVITIES.—The research and development
19 supported under subsection (a) shall serve the components
20 of the Department and shall—

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

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

1 “(3) improve and create mitigation and recovery
2 methodologies, including techniques and policies
3 for real-time containment of attacks, and develop-
4 ment of resilient networks and information systems;

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

8 “(5) develop and support infrastructure and
9 tools to support cybersecurity research and develop-
10 ment efforts, including modeling, testbeds, and data
11 sets for assessment of new cybersecurity tech-
12 nologies;

13 “(6) assist the development and support of
14 technologies to reduce vulnerabilities in industrial
15 control systems; and

16 “(7) develop and support cyber forensics and
17 attack attribution capabilities.

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

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

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

25 “(3) industry and academia.

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

19 “(e) DEFINITIONS.—In this section:

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

23 “(2) HOMELAND SECURITY ENTERPRISE.—The
24 term ‘homeland security enterprise’ means relevant
25 governmental and nongovernmental entities involved

1 in homeland security, including Federal, State, local,
2 and tribal government officials, private sector rep-
3 resentatives, academics, and other policy experts.

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

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

9 (2) CLERICAL AMENDMENT.—The table of con-
10 tents in section 1(b) of the Homeland Security Act
11 of 2002 is amended by inserting after the item relat-
12 ing to second section 319 the following new item:

“Sec. 321. Cybersecurity research and development.”.

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

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
18 by striking “2016” and inserting “2021”;

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

21 (C) by adding at the end the following new
22 paragraph:

23 “(3) PRIOR APPROVAL.—In any case in which
24 the head of a component or office of the Department
25 seeks to utilize the authority under this section, such

1 head shall first receive prior approval from the Sec-
2 retary by providing to the Secretary a proposal that
3 includes the rationale for the utilization of such au-
4 thority, the funds to be spent on the use of such au-
5 thority, and the expected outcome for each project
6 that is the subject of the use of such authority. In
7 such a case, the authority for evaluating the pro-
8 posal may not be delegated by the Secretary to any-
9 one other than the Under Secretary for Manage-
10 ment.”;

11 (2) in subsection (c)—

12 (A) in paragraph (1), in the matter pre-
13 ceding subparagraph (A), by striking “2016”
14 and inserting “2021”; and

15 (B) by amending paragraph (2) to read as
16 follows:

17 “(2) REPORT.—The Secretary shall annually
18 submit to the Committee on Homeland Security and
19 the Committee on Science, Space, and Technology of
20 the House of Representatives and the Committee on
21 Homeland Security and Governmental Affairs of the
22 Senate a report detailing the projects for which the
23 authority granted by subsection (a) was utilized, the
24 rationale for such utilizations, the funds spent uti-
25 lizing such authority, the extent of cost-sharing for

1 such projects among Federal and non-Federal
2 sources, the extent to which utilization of such au-
3 thority has addressed a homeland security capability
4 gap or threat to the homeland identified by the De-
5 partment, the total amount of payments, if any, that
6 were received by the Federal Government as a result
7 of the utilization of such authority during the period
8 covered by each such report, the outcome of each
9 project for which such authority was utilized, and
10 the results of any audits of such projects.”; and

11 (3) by adding at the end the following new sub-
12 section:

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

16 (c) NO ADDITIONAL FUNDS AUTHORIZED.—No addi-
17 tional funds are authorized to carry out the requirements
18 of this Act and the amendments made by this Act. Such
19 requirements shall be carried out using amounts otherwise
20 authorized.