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115TH CONGRESS
2^D SESSION

H. R. 6735

[Report No. 115-]

To direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2018

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

SEPTEMBER --, 2018

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on September 7, 2018]

A BILL

To direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, 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 “Public-Private Cyberse-*
5 *curity Cooperation Act”.*

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY DISCLO-**
7 **SURE OF SECURITY VULNERABILITIES.**

8 *(a) VULNERABILITY DISCLOSURE POLICY.—The Sec-*
9 *retary of Homeland Security shall establish a policy appli-*
10 *able to individuals, organizations, and companies that re-*
11 *port security vulnerabilities on appropriate information*
12 *systems of Department of Homeland Security. Such policy*
13 *shall include each of the following:*

14 *(1) The appropriate information systems of the*
15 *Department that individuals, organizations, and com-*
16 *panies may use to discover and report security*
17 *vulnerabilities on appropriate information systems.*

18 *(2) The conditions and criteria under which in-*
19 *dividuals, organizations, and companies may operate*
20 *to discover and report security vulnerabilities.*

21 *(3) How individuals, organizations, and compa-*
22 *nies may disclose to the Department security*
23 *vulnerabilities discovered on appropriate information*
24 *systems of the Department.*

1 (4) *The ways in which the Department may*
2 *communicate with individuals, organizations, and*
3 *companies that report security vulnerabilities.*

4 (5) *The process the Department shall use for*
5 *public disclosure of reported security vulnerabilities.*

6 (b) *REMEDATION PROCESS.*—*The Secretary of Home-*
7 *land Security shall develop a process for the Department*
8 *of Homeland Security to address the mitigation or remedi-*
9 *ation of the security vulnerabilities reported through the*
10 *policy developed in subsection (a).*

11 (c) *CONSULTATION.*—*In developing the security vul-*
12 *nerability disclosure policy under subsection (a), the Sec-*
13 *retary of Homeland Security shall consult with each of the*
14 *following:*

15 (1) *The Attorney General regarding how to en-*
16 *sure that individuals, organizations, and companies*
17 *that comply with the requirements of the policy devel-*
18 *oped under subsection (a) are protected from prosecu-*
19 *tion under section 1030 of title 18, United States*
20 *Code, civil lawsuits, and similar provisions of law*
21 *with respect to specific activities authorized under the*
22 *policy.*

23 (2) *The Secretary of Defense and the Adminis-*
24 *trator of General Services regarding lessons that may*

1 *be applied from existing vulnerability disclosure poli-*
2 *cies.*

3 *(3) Non-governmental security researchers.*

4 *(d) PUBLIC AVAILABILITY.—The Secretary of Home-*
5 *land Security shall make the policy developed under sub-*
6 *section (a) publicly available.*

7 *(e) SUBMISSION TO CONGRESS.—*

8 *(1) DISCLOSURE POLICY AND REMEDIATION*
9 *PROCESS.—Not later than 90 days after the date of*
10 *the enactment of this Act, the Secretary of Homeland*
11 *Security shall submit to Congress a copy of the policy*
12 *required under subsection (a) and the remediation*
13 *process required under subsection (b).*

14 *(2) REPORT AND BRIEFING.—*

15 *(A) REPORT.—Not later than one year after*
16 *establishing the policy required under subsection*
17 *(a), the Secretary of Homeland Security shall*
18 *submit to Congress a report on such policy and*
19 *the remediation process required under sub-*
20 *section (b).*

21 *(B) ANNUAL BRIEFINGS.—One year after*
22 *the date of the submission of the report under*
23 *subparagraph (A), and annually thereafter for*
24 *each of the next three years, the Secretary of*
25 *Homeland Security shall provide to Congress a*

1 *briefing on the policy required under subsection*
2 *(a) and the process required under subsection*
3 *(b).*

4 (C) *MATTERS FOR INCLUSION.*—*The report*
5 *required under subparagraph (A) and the brief-*
6 *ings required under subparagraph (B) shall in-*
7 *clude each of the following with respect to the*
8 *policy required under subsection (a) and the*
9 *process required under subsection (b) for the pe-*
10 *riod covered by the report or briefing, as the case*
11 *may be:*

12 (i) *The number of unique security*
13 *vulnerabilities reported.*

14 (ii) *The number of previously unknown*
15 *security vulnerabilities mitigated or remedi-*
16 *ated.*

17 (iii) *The number of unique individ-*
18 *uals, organizations, and companies that re-*
19 *ported security vulnerabilities.*

20 (iv) *The average length of time between*
21 *the reporting of security vulnerabilities and*
22 *mitigation or remediation of such*
23 *vulnerabilities.*

24 (f) *DEFINITIONS.*—*In this section:*

1 (1) *The term “security vulnerability” has the*
2 *meaning given that term in section 102(17) of the Cy-*
3 *bersecurity Information Sharing Act of 2015 (6*
4 *U.S.C. 1501(17)), in information technology.*

5 (2) *The term “information system” has the*
6 *meaning given that term by section 3502(12) of title*
7 *44, United States Code.*

8 (3) *The term “appropriate information system”*
9 *means an information system that the Secretary of*
10 *Homeland Security selects for inclusion under the*
11 *vulnerability disclosure policy required by subsection*
12 *(a).*