



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

April 14, 2015

**COMMITTEE ACTION**

The Committee on Homeland Security met, pursuant to notice, in open markup session, a quorum being present, on Tuesday, April 14, 2015, in 311 Cannon House Office Building to consider the following measure:

H.R. 1731. (Mr. McCaul), To amend the Homeland Security Act of 2002 to enhance multi-directional sharing of information related to cybersecurity risks and strengthen privacy and civil liberties, and for other purposes. The “National Cybersecurity Protection Advancement Act of 2015”.

The Committee took the following actions:

H.R. 1731. (Mr. McCaul), To amend the Homeland Security Act of 2002 to enhance multi-directional sharing of information related to cybersecurity risks and strengthen privacy and civil liberties, and for other purposes; was ordered to be reported to the House of Representatives with a favorable recommendation, as amended, by voice vote.

The Committee adopted H.R. 1731, as amended by voice vote.

The following amendments were offered:

An amendment offered by Mr. Rogers of Alabama (#1); In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(3), add at the end a new Subparagraph entitled “(E) Coordinated Vulnerability Disclosure.”; was AGREED TO by voice vote.

An amendment offered by Mr. Thompson of Mississippi (#2); to Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Assessment.”; was AGREED TO by voice vote.

An amendment offered by Mr. Thompson of Mississippi (#3); to Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Sunset.”; was NOT AGREED TO by a recorded vote of 10 yeas and 15 nays (Roll Call Vote No. 12). The vote was as follows:

<b>Roll No. 12</b>	
<b>Yeas</b>	<b>Nays</b>
Mr. Thompson of Mississippi Ms. Jackson Lee Mr. Langevin Mr. Higgins Mr. Richmond Mr. Payne Mr. Vela Mrs. Watson Coleman Miss Rice of New York Mrs. Torres	Mr. McCaul Mr. King of New York Mr. Rogers of Alabama Mrs. Miller of Michigan Mr. Meehan Mr. Barletta Mr. Perry Mr. Clawson of Florida Mr. Katko Mr. Hurd of Texas Mr. Carter of Georgia Mr. Walker Mr. Loudermilk Ms. McSally Mr. Ratcliffe
<b>Total</b>	<b>10</b>
	<b>15</b>

An amendment offered by Mr. Richmond (#4); In section 3 of the bill, in the proposed subsection (i) of the second section 226 of the Homeland Security Act of 2002, insert a new paragraph entitled “(8) Liability Exemptions.”; was NOT AGREED TO by a recorded vote of 11 yeas and 16 nays (Roll Call Vote No. 13). The vote was as follows:

<b>Roll No. 13</b>	
<b>Yeas</b>	<b>Nays</b>
Mr. Thompson of Mississippi Ms. Jackson Lee Mr. Langevin Mr. Higgins Mr. Richmond Mr. Keating Mr. Payne Mr. Vela Mrs. Watson Coleman Miss Rice of New York Mrs. Torres	Mr. McCaul Mr. Smith of Texas Mr. King of New York Mr. Rogers of Alabama Mrs. Miller of Michigan Mr. Meehan Mr. Barletta Mr. Perry Mr. Clawson of Florida Mr. Katko Mr. Hurd of Texas Mr. Carter of Georgia Mr. Walker

		Mr. Loudermilk Ms. McSally Mr. Ratcliffe
<b>Total</b>	<b>11</b>	<b>16</b>

An amendment offered by Mr. Richmond (#5); In section 3 of the bill, in the proposed subsection (i)(8) of the second section 226 of the Homeland Security Act of 2002, strike “or in good faith fails to act based on such sharing,”.

In section 3 of the bill, in the proposed subsection (i)(8) of the second section 226 of the Homeland Security Act of 2002, add at the end the a new subparagraph entitled “(E) Rule of Construction.”; was NOT AGREED TO by a recorded vote of 12 yeas and 17 nays (Roll Call Vote No. 14). The vote was as follows:

<b>Roll No. 14</b>		
<b>Yeas</b>		<b>Nays</b>
Mr. Thompson of Mississippi		Mr. McCaul
Ms. Loretta Sanchez of California		Mr. Smith of Texas
Ms. Jackson Lee		Mr. King of New York
Mr. Langevin		Mr. Rogers of Alabama
Mr. Higgins		Mrs. Miller of Michigan
Mr. Richmond		Mr. Marino
Mr. Keating		Mr. Meehan
Mr. Payne		Mr. Barletta
Mr. Vela		Mr. Perry
Mrs. Watson Coleman		Mr. Clawson of Florida
Miss Rice of New York		Mr. Katko
Mrs. Torres		Mr. Hurd of Texas
		Mr. Carter of Georgia
		Mr. Walker
		Mr. Loudermilk
		Ms. McSally
		Mr. Ratcliffe
<b>Total</b>	<b>12</b>	<b>17</b>

An amendment offered by Mr. Richmond (#6); Page 11, line 19, strike “and”.

Page 11, line 20, strike “(iv)” and insert “(v)”.

Page 11, beginning line 20, insert the following:

(iv) in subparagraph (F), by striking “and” at the end;

Page 11, line 23, insert “and” after the semicolon.

Page 11, beginning line 24, insert the following:

(vi) by adding at the end the following:

“(H) the Center ensures that it shares information relating to cybersecurity risks and incidents with small and medium-sized businesses, as appropriate;”.; was AGREED TO by voice vote.

An amendment offered by Mr. Richmond (#7); In section 3 of the bill, in the proposed Subsection (i)(9)(C) of the second section 226 of the Homeland Security Act of 2002, insert “the discovery of” before “the date of the violation”.; was NOT AGREED TO by a recorded vote of 12 yeas and 17 nays (Roll Call Vote No. 15). The vote was as follows:

<b>Roll No. 15</b>	
<b>Yeas</b>	<b>Nays</b>
Mr. Thompson of Mississippi	Mr. McCaul
Ms. Loretta Sanchez of California	Mr. Smith of Texas
Ms. Jackson Lee	Mr. King of New York
Mr. Langevin	Mr. Rogers of Alabama
Mr. Higgins	Mrs. Miller of Michigan
Mr. Richmond	Mr. Marino
Mr. Keating	Mr. Meehan
Mr. Payne	Mr. Barletta
Mr. Vela	Mr. Perry
Mrs. Watson Coleman	Mr. Clawson of Florida
Miss Rice of New York	Mr. Katko
Mrs. Torres	Mr. Hurd of Texas
	Mr. Carter of Georgia
	Mr. Walker
	Mr. Loudermilk
	Ms. McSally
	Mr. Ratchliffe
<b>Total</b>	<b>12</b>
	<b>17</b>

An amendment offered by Mr. Perry (#8); In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, add at the end a new clause entitled “(j) Direct Reporting.”; was AGREED TO by voice vote.

An amendment offered by Mr. Katko (#9); In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, add at the end a new clause entitled “(j) Additional Responsibilities.”; was AGREED TO by voice vote.

An en bloc amendment offered by Mr. Keating (#10); consisting of the following amendments:

An amendment : Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Technical Assistance.”;

An amendment : In section 3(4) of the bill, amending the second section 226 of the Homeland Security Act of 2002, add at the end a new clause entitled “(j) Reports on International Cooperation.; was AGREED TO by voice vote.

A unanimous consent request by Mr. Keating to consider his amendments en bloc, was not objected to.

An en bloc amendment offered by Ms. McSally (#11); consisting of the following amendments:

An amendment: In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in subsection (c), in the proposed paragraph (9), insert "and with State and major urban area fusion centers, as appropriate" before the semicolon at the end.

In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in subsection (c), in the proposed paragraph (10), strike "and" at the end.

In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in subsection (c), in the proposed paragraph (11), strike the period at the end and insert a semicolon.

In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in subsection (c), add at the end the following:

“(12) participating, as appropriate, in exercises run by the Department's National Exercise Program; and

“(13) assessing and evaluating consequence, vulnerability, and threat information regarding cyber incidents in coordination with the Office of Emergency Communications of the Department to help facilitate continuous improvements to the security and resiliency of public safety communications.”

An amendment: Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Cyber Incident Response Plans.”; was AGREED TO by voice vote.

A unanimous consent request by Ms. McSally to consider her amendments en bloc, was not objected to.

An amendment offered by Mrs. Watson Coleman (#12); Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Cybersecurity Awareness Campaign.”; was AGREED TO by voice vote.

An en bloc amendment offered by Ms. Jackson Lee (#13); consisting of the following amendments:

An amendment: Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Consultation.”

An amendment: Page 10, line 16, after “defensive measures: insert “, analysis”.

An amendment: In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(6)(A), add at the end a new clause entitled “(iv) Consultation.”

An amendment: Page 11, line 19, insert “, and by striking ‘and’ at the end” before the semicolon.

Page 11, line 23, insert “, by inserting ‘and’ after the semicolon at the end” before the semicolon.

Page 11, beginning line 24, insert the following:

(V) by adding at the end the following new subparagraph: “(H) an agency contact for nongovernment entities;”; was AGREED TO by voice vote.

A unanimous consent request by Ms. Jackson Lee to consider her amendments en bloc, was not objected to.

An amendment offered by Mr. Ratcliffe (#14); In section 3 of the bill, amending the second section of 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(8)(A), strike “in good faith”.

In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(8)(B), strike “in good faith” each place it appears.; was AGREED TO by voice vote.

An amendment offered by Mr. Ratcliffe (#15); In section 2 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(7)(B)(i), in subclause (III), strike “and” at the end.

In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(7)(B)(i), in subclause (IV) strike the period at the end and insert “: and”.

In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(7)(B)(i), add at the end the following: “(V) may not be used to engage in surveillance or other collection activities for the purpose of tracking an individual’s personally identifiable information.”.; was AGREED TO by voice vote.

An amendment offered by Mr. Ratcliffe (#16); to Redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Critical Infrastructure Protection Research and Development.”; was AGREED TO by voice vote.

An amendment offered by Mr. Payne (#17); In section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, add at the end a new clause entitled “(j) Outreach.”; was AGREED TO by voice vote.

An amendment offered by Mr. Hurd of Texas (#18); Page 9, line 14, strike “(I) and insert “(J)”.

Page 11, line 7, strike “and”.

Page 11, beginning line 8, insert the following:

“(I) an entity that coordinates with small and medium sized businesses; and”.; was AGREED TO by voice vote.

An en bloc amendment offered by Mr. Langevin (#19); consisting of the following amendments:

An amendment: in section 3 of the bill, amending the second section 226 of the Homeland Security Act of 2002, in the proposed subsection (i)(1)(A), in the third sentence, strike “and intentionally”.

An amendment: In section 3(4) of the bill, amending the second section 226 of the Homeland Security Act of 2002, amend the proposed subsection (g)(1) with a new subsection entitled (1) In General.” ; was AGREED TO by voice vote.

A unanimous consent request by Mr. Langevin to consider his amendments en bloc, was not objected to.

An amendment offered by Mr, Loudermilk (#20); redesignate section 8 as section 9.

Insert after section 7 a new section entitled “Sec. 8. Sunset.”; was AGREED TO by voice vote.

Without objection, the Chair authorized staff to make technical and conforming corrections to H.R. 1731.

A motion by Mr. Meehan that, pursuant to Rule XXII, clause 1, the Committee authorizes the Chair to offer such motions as may be necessary in the House to go to conference with the Senate on H.R. 1731, was NOT OBJECTED TO.

A motion by Mr. Thompson of Mississippi that, pursuant to Rule XI clause 2(l), Members may have two days in which to file any supplemental, minority, additional, or dissenting views on H.R. 1731, was NOT OBJECTED TO.

