

Union Calendar No. 706

115TH CONGRESS
2D SESSION

H. R. 6443

[Report No. 115–910]

To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program at the Department of Homeland Security, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2018

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

AUGUST 28, 2018

Additional sponsor: Mr. DONOVAN

AUGUST 28, 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 *italic*]

[For text of introduced bill, see copy of bill as introduced on July 19, 2018]

A BILL

To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to establish a continuous diagnostics and mitigation program at the Department of Homeland Security, 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 “Advancing Cybersecu-*
 5 *rity Diagnostics and Mitigation Act”.*

6 **SEC. 2. ESTABLISHMENT OF CONTINUOUS DIAGNOSTICS**
 7 **AND MITIGATION PROGRAM IN DEPARTMENT**
 8 **OF HOMELAND SECURITY.**

9 *(a) IN GENERAL.—Section 230 of the Homeland Secu-*
 10 *rity Act of 2002 (6 U.S.C. 151) is amended by adding at*
 11 *the end the following new subsection:*

12 “(g) **CONTINUOUS DIAGNOSTICS AND MITIGATION.—**

13 “(1) **PROGRAM.—**

14 “(A) *IN GENERAL.—The Secretary shall de-*
 15 *ploy, operate, and maintain a continuous*
 16 *diagnostics and mitigation program. Under such*
 17 *program, the Secretary shall—*

18 “(i) *develop and provide the capability*
 19 *to collect, analyze, and visualize informa-*
 20 *tion relating to security data and cybersecu-*
 21 *rity risks;*

22 “(ii) *make program capabilities avail-*
 23 *able for use, with or without reimbursement;*

24 “(iii) *employ shared services, collective*
 25 *purchasing, blanket purchase agreements,*

1 *and any other economic or procurement*
2 *models the Secretary determines appro-*
3 *priate to maximize the costs savings associ-*
4 *ated with implementing an information*
5 *system;*

6 “(iv) assist entities in setting informa-

7 *tion security priorities and managing cy-*

8 *bersecurity risks; and*

9 “(v) develop policies and procedures for

10 *reporting systemic cybersecurity risks and*

11 *potential incidents based upon data col-*

12 *lected under such program.*

13 “(B) *REGULAR IMPROVEMENT.*—*The Sec-*

14 *retary shall regularly deploy new technologies*

15 *and modify existing technologies to the contin-*

16 *uous diagnostics and mitigation program re-*

17 *quired under subparagraph (A), as appropriate,*

18 *to improve the program.*

19 “(2) *ACTIVITIES.*—*In carrying out the contin-*

20 *uous diagnostics and mitigation program under*

21 *paragraph (1), the Secretary shall ensure, to the ex-*

22 *tent practicable, that—*

23 “(A) *timely, actionable, and relevant cyber-*

24 *security risk information, assessments, and anal-*

25 *ysis are provided in real time;*

1 “(B) share the analysis and products devel-
2 oped under such program;

3 “(C) all information, assessments, analyses,
4 and raw data under such program is made
5 available to the national cybersecurity and com-
6 munications integration center of the Depart-
7 ment; and

8 “(D) provide regular reports on cybersecu-
9 rity risks.”.

10 (b) CONTINUOUS DIAGNOSTICS AND MITIGATION
11 STRATEGY.—

12 (1) IN GENERAL.—Not later than 180 days after
13 the date of the enactment of this Act, the Secretary of
14 Homeland Security shall develop a comprehensive
15 continuous diagnostics and mitigation strategy to
16 carry out the continuous diagnostics and mitigation
17 program required under subsection (g) of section 230
18 of such Act, as added by subsection (a).

19 (2) SCOPE.—The strategy required under para-
20 graph (1) shall include the following:

21 (A) A description of the continuous
22 diagnostics and mitigation program, including
23 efforts by the Secretary of Homeland Security to
24 assist with the deployment of program tools, ca-
25 pabilities, and services, from the inception of the

1 *program referred to in paragraph (1) to the date*
2 *of the enactment of this Act.*

3 *(B) A description of the coordination re-*
4 *quired to deploy, install, and maintain the tools,*
5 *capabilities, and services that the Secretary of*
6 *Homeland Security determines to be necessary to*
7 *satisfy the requirements of such program.*

8 *(C) A description of any obstacles facing the*
9 *deployment, installation, and maintenance of*
10 *tools, capabilities, and services under such pro-*
11 *gram.*

12 *(D) Recommendations and guidelines to*
13 *help maintain and continuously upgrade tools,*
14 *capabilities, and services provided under such*
15 *program.*

16 *(E) Recommendations for using the data*
17 *collected by such program for creating a common*
18 *framework for data analytics, visualization of*
19 *enterprise-wide risks, and real-time reporting.*

20 *(F) Recommendations for future efforts and*
21 *activities, including for the rollout of new tools,*
22 *capabilities and services, proposed timelines for*
23 *delivery, and whether to continue the use of*
24 *phased rollout plans, related to securing net-*

1 *works, devices, data, and information technology*
2 *assets through the use of such program.*

3 *(3) FORM.—The strategy required under sub-*
4 *paragraph (A) shall be submitted in an unclassified*
5 *form, but may contain a classified annex.*

6 *(c) REPORT.—Not later than 90 days after the develop-*
7 *ment of the strategy required under subsection (b), the Sec-*
8 *retary of Homeland Security shall submit to the Committee*
9 *on Homeland Security and Governmental Affairs of the*
10 *Senate and the Committee on Homeland Security of the*
11 *House of Representative a report on cybersecurity risk pos-*
12 *ture based on the data collected through the continuous*
13 *diagnostics and mitigation program under subsection (g)*
14 *of section 230 of the Homeland Security Act of 2002, as*
15 *added by subsection (a).*

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