

Union Calendar No. 752

115TH CONGRESS
2D SESSION

S. 1281

[Report No. 115-964]

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2018

Referred to the Committee on Homeland Security

SEPTEMBER 25, 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 April 18, 2018]

An Act

To establish a bug bounty pilot program within 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 “Hack the Department*
5 *of Homeland Security Act of 2018” or the “Hack DHS*
6 *Act”.*

7 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY BUG BOUN-**
8 **TY PILOT PROGRAM.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *BUG BOUNTY PROGRAM.—The term “bug*
11 *bounty program” means a program under which—*

12 (A) *individuals, organizations, and compa-*
13 *nies are temporarily authorized to identify and*
14 *report vulnerabilities of appropriate information*
15 *systems of the Department; and*

16 (B) *eligible individuals, organizations, and*
17 *companies receive compensation in exchange for*
18 *such reports.*

19 (2) *DEPARTMENT.—The term “Department”*
20 *means the Department of Homeland Security.*

21 (3) *ELIGIBLE INDIVIDUAL, ORGANIZATION, OR*
22 *COMPANY.—The term “eligible individual, organiza-*
23 *tion, or company” means an individual, organiza-*
24 *tion, or company that meets such criteria as the Sec-*

1 *retary determines in order to receive compensation in*
2 *compliance with Federal laws.*

3 (4) *INFORMATION SYSTEM.*—*The term “informa-*
4 *tion system” has the meaning given that term by sec-*
5 *tion 3502 of title 44, United States Code.*

6 (5) *PILOT PROGRAM.*—*The term “pilot program”*
7 *means the bug bounty pilot program required to be*
8 *established under subsection (b)(1).*

9 (6) *SECRETARY.*—*The term “Secretary” means*
10 *the Secretary of Homeland Security.*

11 (b) *ESTABLISHMENT OF PILOT PROGRAM.*—

12 (1) *IN GENERAL.*—*Not later than 180 days after*
13 *the date of enactment of this Act, the Secretary shall*
14 *establish, within the Office of the Chief Information*
15 *Officer, a bug bounty pilot program to minimize*
16 *vulnerabilities of appropriate information systems of*
17 *the Department.*

18 (2) *REQUIREMENTS.*—*In establishing and con-*
19 *ducting the pilot program, the Secretary shall—*

20 (A) *designate appropriate information sys-*
21 *tems to be included in the pilot program;*

22 (B) *provide compensation to eligible indi-*
23 *viduals, organizations, and companies for re-*
24 *ports of previously unidentified security*

1 *vulnerabilities within the information systems*
2 *designated under subparagraph (A);*

3 *(C) establish criteria for individuals, orga-*
4 *nizations, and companies to be considered eligi-*
5 *ble for compensation under the pilot program in*
6 *compliance with Federal laws;*

7 *(D) consult with the Attorney General on*
8 *how to ensure that approved individuals, organi-*
9 *zations, or companies that comply with the re-*
10 *quirements of the pilot program are protected*
11 *from prosecution under section 1030 of title 18,*
12 *United States Code, and similar provisions of*
13 *law, and civil lawsuits for specific activities au-*
14 *thorized under the pilot program;*

15 *(E) consult with the Secretary of Defense*
16 *and the heads of other departments and agencies*
17 *that have implemented programs to provide com-*
18 *penensation for reports of previously undisclosed*
19 *vulnerabilities in information systems, regarding*
20 *lessons that may be applied from such programs;*
21 *and*

22 *(F) develop an expeditious process by which*
23 *an individual, organization, or company can*
24 *register with the Department, submit to a back-*

1 *ground check as determined by the Department,*
2 *and receive a determination as to eligibility; and*

3 *(G) engage qualified interested persons, in-*
4 *cluding non-government sector representatives,*
5 *about the structure of the pilot program as con-*
6 *structive and to the extent practicable.*

7 *(3) CONTRACT.—In establishing the pilot pro-*
8 *gram, the Secretary, subject to the availability of ap-*
9 *propriations, may award one or more competitive*
10 *contracts to an entity, as necessary, to manage the*
11 *pilot program.*

12 *(c) REPORT.—Not later than 180 days after the date*
13 *on which the pilot program is completed, the Secretary of*
14 *Homeland Security shall submit to the Committee on*
15 *Homeland Security and Governmental Affairs of the Senate*
16 *and the Committee on Homeland Security of the House of*
17 *Representatives a report on the pilot program, which shall*
18 *include—*

19 *(1) the number of individuals, organizations, or*
20 *companies that participated in the pilot program,*
21 *broken down by the number of individuals, organiza-*
22 *tions, or companies that—*

23 *(A) registered;*

24 *(B) were determined eligible;*

25 *(C) submitted security vulnerabilities; and*

1 (D) received compensation;

2 (2) the number and severity of vulnerabilities re-
3 reported as part of the pilot program;

4 (3) the number of previously unidentified secu-
5 rity vulnerabilities remediated as a result of the pilot
6 program;

7 (4) the current number of outstanding previously
8 unidentified security vulnerabilities and Department
9 remediation plans;

10 (5) the average length of time between the report-
11 ing of security vulnerabilities and remediation of the
12 vulnerabilities;

13 (6) the types of compensation provided under the
14 pilot program; and

15 (7) the lessons learned from the pilot program.

16 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
17 authorized to be appropriated to the Department \$250,000
18 for fiscal year 2019 to carry out this Act.

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