

Calendar No. 335

115TH CONGRESS
2D SESSION**S. 1281****[Report No. 115–209]**

To establish a bug bounty pilot program within the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Ms. HASSAN (for herself, Mr. PORTMAN, Mrs. MCCASKILL, Ms. HARRIS, and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 26, 2018

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]**A BILL**

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Hack the Department
3 of Homeland Security Act of 2017” or the “Hack DHS
4 Act”.

5 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY BUG BOUN-**
6 **TY PILOT PROGRAM.**

7 (a) DEFINITIONS.—In this section:

8 (1) BUG BOUNTY PROGRAM.—The term “bug
9 bounty program” means a program under which an
10 approved computer security specialist or security re-
11 searcher is temporarily authorized to identify and re-
12 port vulnerabilities within the information system of
13 the Department in exchange for cash payment.

14 (2) DEPARTMENT.—The term “Department”
15 means the Department of Homeland Security.

16 (3) INFORMATION SYSTEM.—The term “infor-
17 mation system” has the meaning given the term in
18 section 3502 of title 44, United States Code.

19 (4) PILOT PROGRAM.—The term “pilot pro-
20 gram” means the bug bounty pilot program required
21 to be established under subsection (b)(1).

22 (5) SECRETARY.—The term “Secretary” means
23 the Secretary of Homeland Security.

24 (b) ESTABLISHMENT OF PILOT PROGRAM.—

25 (1) IN GENERAL.—Not later than 180 days
26 after the date of enactment of this Act, the Sec-

1 retary shall establish a bug bounty pilot program to
2 minimize vulnerabilities to the information systems
3 of the Department.

4 (2) REQUIREMENTS.—In establishing the pilot
5 program, the Secretary shall—

6 (A) provide monetary compensation for re-
7 ports of previously unidentified security
8 vulnerabilities within the websites, applications,
9 and other information systems of the Depart-
10 ment that are accessible to the public;

11 (B) develop an expeditious process by
12 which computer security researchers can reg-
13 ister with the Department, submit to a back-
14 ground check as determined by the Depart-
15 ment, and receive a determination as to ap-
16 proval for participation in the pilot program;

17 (C) designate mission-critical operations
18 within the Department that should be excluded
19 from the pilot program;

20 (D) consult with the Attorney General on
21 how to ensure that computer security specialists
22 and security researchers who participate in the
23 pilot program are protected from prosecution
24 under section 1030 of title 18, United States

1 Code, and similar provisions of law for specific
2 activities authorized under the pilot program;

3 (E) consult with the relevant offices at the
4 Department of Defense that were responsible
5 for launching the 2016 “Hack the Pentagon”
6 pilot program and subsequent Department of
7 Defense bug bounty programs;

8 (F) award competitive contracts as nec-
9 essary to manage the pilot program and for
10 executing the remediation of vulnerabilities
11 identified as a consequence of the pilot pro-
12 gram; and

13 (G) engage interested persons, including
14 commercial sector representatives, about the
15 structure of the pilot program as constructive
16 and to the extent practicable.

17 (e) REPORT.—Not later than 90 days after the date
18 on which the pilot program is completed, the Secretary
19 of Homeland Security shall submit to the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate and the Committee on Homeland Security of the
22 House of Representatives a report on the pilot program,
23 which shall include—

1 (1) the number of computer security research-
2 ers involved in the pilot program, broken down by
3 the number of computer security researchers who—

4 (A) registered;

5 (B) were approved;

6 (C) submitted security vulnerabilities; and

7 (D) received monetary compensation;

8 (2) the number and severity of previously un-
9 identified vulnerabilities reported as part of the pilot
10 program;

11 (3) the number of previously unidentified secu-
12 rity vulnerabilities remediated as a result of the pilot
13 program;

14 (4) the average length of time between the re-
15 porting of security vulnerabilities and remediation of
16 the vulnerabilities;

17 (5) the average amount of monetary compensa-
18 tion paid per unique vulnerability submitted under
19 the pilot program and the total amount of monetary
20 compensation paid to computer security researchers
21 under the pilot program; and

22 (6) the lessons learned from the pilot program.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Department
25 \$250,000 for fiscal year 2018 to carry out this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Hack the Department*
 3 *of Homeland Security Act of 2017” or the “Hack DHS*
 4 *Act”.*

5 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY BUG BOUN-**
 6 **TY PILOT PROGRAM.**

7 (a) *DEFINITIONS.—In this section:*

8 (1) *BUG BOUNTY PROGRAM.—The term “bug*
 9 *bounty program” means a program under which an*
 10 *approved individual, organization, or company is*
 11 *temporarily authorized to identify and report*
 12 *vulnerabilities of Internet-facing information tech-*
 13 *nology of the Department in exchange for compensa-*
 14 *tion.*

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

17 (3) *INFORMATION TECHNOLOGY.—The term “in-*
 18 *formation technology” has the meaning given the term*
 19 *in section 11101 of title 40, United States Code.*

20 (4) *PILOT PROGRAM.—The term “pilot program”*
 21 *means the bug bounty pilot program required to be*
 22 *established under subsection (b)(1).*

23 (5) *SECRETARY.—The term “Secretary” means*
 24 *the Secretary of Homeland Security.*

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

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of enactment of this Act, the Secretary shall
3 establish, within the Office of the Chief Information
4 Officer, a bug bounty pilot program to minimize
5 vulnerabilities of Internet-facing information tech-
6 nology of the Department.

7 (2) *REQUIREMENTS.*—In establishing the pilot
8 program, the Secretary shall—

9 (A) provide compensation for reports of pre-
10 viously unidentified security vulnerabilities
11 within the websites, applications, and other
12 Internet-facing information technology of the De-
13 partment that are accessible to the public;

14 (B) award a competitive contract to an en-
15 tity, as necessary, to manage the pilot program
16 and for executing the remediation of
17 vulnerabilities identified as a consequence of the
18 pilot program;

19 (C) designate mission-critical operations
20 within the Department that should be excluded
21 from the pilot program;

22 (D) consult with the Attorney General on
23 how to ensure that approved individuals, organi-
24 zations, or companies that comply with the re-
25 quirements of the pilot program are protected

1 *from prosecution under section 1030 of title 18,*
2 *United States Code, and similar provisions of*
3 *law for specific activities authorized under the*
4 *pilot program;*

5 *(E) consult with the relevant offices at the*
6 *Department of Defense that were responsible for*
7 *launching the 2016 “Hack the Pentagon” pilot*
8 *program and subsequent Department of Defense*
9 *bug bounty programs;*

10 *(F) develop an expeditious process by which*
11 *an approved individual, organization, or com-*
12 *pany can register with the entity described in*
13 *subparagraph (B), submit to a background check*
14 *as determined by the Department, and receive a*
15 *determination as to eligibility for participation*
16 *in the pilot program; and*

17 *(G) engage qualified interested persons, in-*
18 *cluding non-government sector representatives,*
19 *about the structure of the pilot program as con-*
20 *structive and to the extent practicable.*

21 *(c) REPORT.—Not later than 90 days after the date*
22 *on which the pilot program is completed, the Secretary of*
23 *Homeland Security shall submit to the Committee on*
24 *Homeland Security and Governmental Affairs of the Senate*
25 *and the Committee on Homeland Security of the House of*

1 *Representatives a report on the pilot program, which shall*
2 *include—*

3 *(1) the number of approved individuals, organi-*
4 *zations, or companies involved in the pilot program,*
5 *broken down by the number of approved individuals,*
6 *organizations, or companies that—*

7 *(A) registered;*

8 *(B) were approved;*

9 *(C) submitted security vulnerabilities; and*

10 *(D) received compensation;*

11 *(2) the number and severity of vulnerabilities re-*
12 *ported as part of the pilot program;*

13 *(3) the number of previously unidentified secu-*
14 *rity vulnerabilities remediated as a result of the pilot*
15 *program;*

16 *(4) the current number of outstanding previously*
17 *unidentified security vulnerabilities and Department*
18 *remediation plans;*

19 *(5) the average length of time between the report-*
20 *ing of security vulnerabilities and remediation of the*
21 *vulnerabilities;*

22 *(6) the types of compensation provided under the*
23 *pilot program; and*

24 *(7) the lessons learned from the pilot program.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.—There are*
2 *authorized to be appropriated to the Department \$250,000*
3 *for fiscal year 2018 to carry out this Act.*

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