

Calendar No. 716

115TH CONGRESS
2D SESSION

S. 3309

[Report No. 115–412]

To authorize cyber incident response teams at the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2018

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

DECEMBER 4, 2018

Reported by Mr. JOHNSON, with an amendment

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

A BILL

To authorize cyber incident response teams 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 “DHS Cyber Incident
5 Response Teams Act of 2018”.

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY CYBER IN-**
 2 **CIDENT RESPONSE TEAMS.**

3 (a) **IN GENERAL.**—Section 227 of the Homeland Se-
 4 curity Act of 2002 (6 U.S.C. 148) is amended—

5 (1) in subsection (d)(1)(B)(iv), by inserting “,
 6 including cybersecurity specialists” after “entities”;

7 (2) by redesignating subsections (f) through
 8 (m) as subsections (g) through (n), respectively;

9 (3) by inserting after subsection (e) the fol-
 10 lowing:

11 “(f) **CYBER INCIDENT RESPONSE TEAMS.**—

12 “(1) **IN GENERAL.**—The Center shall maintain
 13 cyber hunt and incident response teams for the pur-
 14 pose of providing, as appropriate and upon request,
 15 assistance, including—

16 “(A) assistance to asset owners and opera-
 17 tors in restoring services following a cyber inci-
 18 dent;

19 “(B) identification of cybersecurity risk
 20 and unauthorized cyber activity;

21 “(C) mitigation strategies to prevent,
 22 deter, and protect against cybersecurity risks;

23 “(D) recommendations to asset owners and
 24 operators for improving overall network and
 25 control systems security to lower cybersecurity

1 risks, and other recommendations, as appro-
2 priate; and

3 “(E) such other capabilities as the Under
4 Secretary appointed under section 103(a)(1)(H)
5 determines appropriate.

6 “(2) CYBERSECURITY SPECIALISTS.—The Sec-
7 retary may include cybersecurity specialists from the
8 private sector on cyber hunt and incident response
9 teams.

10 “(3) ASSOCIATED METRICS.—The Center shall
11 continually assess and evaluate the cyber incident re-
12 sponse teams and the operations of those cyber inci-
13 dent response teams using robust metrics.

14 “(4) REPORT.—At the conclusion of each of the
15 first 4 fiscal years after the date of the enactment
16 of this subsection, the Center shall submit to the
17 Committee on Homeland Security and Governmental
18 Affairs of the Senate and the Committee on Home-
19 land Security of the House of Representatives a re-
20 port that includes—

21 “(A) information relating to the metrics
22 used for evaluation and assessment of the cyber
23 incident response teams and operations under
24 paragraph (3), including the resources and

1 staffing of those cyber incident response teams;
2 and

3 “(B) for the period covered by the re-
4 port—

5 “(i) the total number of incident re-
6 sponse requests received;

7 “(ii) the number of incident response
8 tickets opened; and

9 “(iii) a statement of—

10 “(I) all interagency staffing of
11 incident response teams; and

12 “(II) the interagency collabora-
13 tions established to support incident
14 response teams.”; and

15 (4) in subsection (g), as so redesignated—

16 (A) in paragraph (1), by inserting “, or
17 any team or activity of the Center,” after “Cen-
18 ter”; and

19 (B) in paragraph (2), by inserting “, or
20 any team or activity of the Center,” after “Cen-
21 ter”.

22 (b) NO ADDITIONAL FUNDS AUTHORIZED.—No ad-
23 ditional funds are authorized to be appropriated to carry
24 out the requirements of this Act and the amendments

1 made by this Act. Such requirements shall be carried out
2 using amounts otherwise authorized to be appropriated.

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “DHS Cyber Incident*
5 *Response Teams Act of 2018”.*

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY CYBER**
7 **HUNT AND INCIDENT RESPONSE TEAMS.**

8 *(a) IN GENERAL.—Section 227 of the Homeland Secu-*
9 *rity Act of 2002 (6 U.S.C. 148) is amended—*

10 *(1) in subsection (d)(1)(B)(iv), by inserting “,*
11 *including cybersecurity specialists” after “entities”;*

12 *(2) by redesignating subsections (f) through (m)*
13 *as subsections (g) through (n), respectively;*

14 *(3) by inserting after subsection (e) the following:*

15 *“(f) CYBER HUNT AND INCIDENT RESPONSE TEAMS.—*

16 *“(1) IN GENERAL.—The Center shall maintain*
17 *cyber hunt and incident response teams for the pur-*
18 *pose of leading Federal asset response activities and*
19 *providing timely technical assistance to Federal and*
20 *non-Federal entities, including across all critical in-*
21 *frastructure sectors, regarding actual or potential se-*
22 *curity incidents, as appropriate and upon request, in-*
23 *cluding—*

1 “(A) assistance to asset owners and opera-
2 tors in restoring services following a cyber inci-
3 dent;

4 “(B) identification and analysis of cyberse-
5 curity risk and unauthorized cyber activity;

6 “(C) mitigation strategies to prevent, deter,
7 and protect against cybersecurity risks;

8 “(D) recommendations to asset owners and
9 operators for improving overall network and con-
10 trol systems security to lower cybersecurity risks,
11 and other recommendations, as appropriate; and

12 “(E) such other capabilities as the Sec-
13 retary determines appropriate.

14 “(2) ASSOCIATED METRICS.—The Center shall
15 continually assess and evaluate the cyber hunt and
16 incident response teams and the operations of those
17 cyber hunt and incident response teams using robust
18 metrics.

19 “(3) REPORT.—At the conclusion of each of the
20 first 4 fiscal years after the date of enactment of the
21 DHS Cyber Incident Response Teams Act of 2018, the
22 Center shall submit to the Committee on Homeland
23 Security and Governmental Affairs of the Senate and
24 the Committee on Homeland Security of the House of
25 Representatives a report that includes—

1 “(A) information relating to the metrics
2 used for evaluation and assessment of the cyber
3 hunt and incident response teams and operations
4 under paragraph (2), including the resources
5 and staffing of those cyber hunt and incident re-
6 sponse teams; and

7 “(B) for the period covered by the report—

8 “(i) the total number of incident re-
9 sponse requests received;

10 “(ii) the number of incident response
11 tickets opened; and

12 “(iii) a statement of—

13 “(I) all interagency staffing of
14 cyber hunt and incident response
15 teams; and

16 “(II) the interagency collabora-
17 tions established to support cyber hunt
18 and incident response teams.

19 “(4) CYBERSECURITY SPECIALISTS.—After notice
20 to, and with the approval of, the entity requesting ac-
21 tion by or technical assistance from the Center, the
22 Secretary may include cybersecurity specialists from
23 the private sector on a cyber hunt and incident re-
24 sponse team.”; and

25 (4) in subsection (g), as so redesignated—

1 (A) in paragraph (1), by inserting “, or
2 any team or activity of the Center,” after “Cen-
3 ter”; and

4 (B) in paragraph (2), by inserting “, or
5 any team or activity of the Center,” after “Cen-
6 ter”.

7 (b) *NO ADDITIONAL FUNDS AUTHORIZED.*—No addi-
8 tional funds are authorized to be appropriated to carry out
9 the requirements of this Act and the amendments made by
10 this Act. Such requirements shall be carried out using
11 amounts otherwise authorized to be appropriated.

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