

115TH CONGRESS
2^D SESSION

H. R. 6735

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2018

Received; read twice and referred to the Committee on Homeland Security and
Governmental Affairs

AN ACT

To direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, 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 “Public-Private Cyber-
3 security Cooperation Act”.

4 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY DISCLO-**
5 **SURE OF SECURITY VULNERABILITIES.**

6 (a) **VULNERABILITY DISCLOSURE POLICY.**—The Sec-
7 retary of Homeland Security shall establish a policy appli-
8 cable to individuals, organizations, and companies that re-
9 port security vulnerabilities on appropriate information
10 systems of Department of Homeland Security. Such policy
11 shall include each of the following:

12 (1) The appropriate information systems of the
13 Department that individuals, organizations, and
14 companies may use to discover and report security
15 vulnerabilities on appropriate information systems.

16 (2) The conditions and criteria under which in-
17 dividuals, organizations, and companies may operate
18 to discover and report security vulnerabilities.

19 (3) How individuals, organizations, and compa-
20 nies may disclose to the Department security
21 vulnerabilities discovered on appropriate information
22 systems of the Department.

23 (4) The ways in which the Department may
24 communicate with individuals, organizations, and
25 companies that report security vulnerabilities.

1 (5) The process the Department shall use for
2 public disclosure of reported security vulnerabilities.

3 (b) REMEDIATION PROCESS.—The Secretary of
4 Homeland Security shall develop a process for the Depart-
5 ment of Homeland Security to address the mitigation or
6 remediation of the security vulnerabilities reported
7 through the policy developed in subsection (a).

8 (c) CONSULTATION.—In developing the security vul-
9 nerability disclosure policy under subsection (a), the Sec-
10 retary of Homeland Security shall consult with each of the
11 following:

12 (1) The Attorney General regarding how to en-
13 sure that individuals, organizations, and companies
14 that comply with the requirements of the policy de-
15 veloped under subsection (a) are protected from
16 prosecution under section 1030 of title 18, United
17 States Code, civil lawsuits, and similar provisions of
18 law with respect to specific activities authorized
19 under the policy.

20 (2) The Secretary of Defense and the Adminis-
21 trator of General Services regarding lessons that
22 may be applied from existing vulnerability disclosure
23 policies.

24 (3) Non-governmental security researchers.

1 (d) PUBLIC AVAILABILITY.—The Secretary of Home-
2 land Security shall make the policy developed under sub-
3 section (a) publicly available.

4 (e) SUBMISSION TO CONGRESS.—

5 (1) DISCLOSURE POLICY AND REMEDIATION
6 PROCESS.—Not later than 90 days after the date of
7 the enactment of this Act, the Secretary of Home-
8 land Security shall submit to Congress a copy of the
9 policy required under subsection (a) and the remedi-
10 ation process required under subsection (b).

11 (2) REPORT AND BRIEFING.—

12 (A) REPORT.—Not later than one year
13 after establishing the policy required under sub-
14 section (a), the Secretary of Homeland Security
15 shall submit to Congress a report on such pol-
16 icy and the remediation process required under
17 subsection (b).

18 (B) ANNUAL BRIEFINGS.—One year after
19 the date of the submission of the report under
20 subparagraph (A), and annually thereafter for
21 each of the next three years, the Secretary of
22 Homeland Security shall provide to Congress a
23 briefing on the policy required under subsection
24 (a) and the process required under subsection
25 (b).

1 (C) MATTERS FOR INCLUSION.—The re-
2 port required under subparagraph (A) and the
3 briefings required under subparagraph (B) shall
4 include each of the following with respect to the
5 policy required under subsection (a) and the
6 process required under subsection (b) for the
7 period covered by the report or briefing, as the
8 case may be:

9 (i) The number of unique security
10 vulnerabilities reported.

11 (ii) The number of previously un-
12 known security vulnerabilities mitigated or
13 remediated.

14 (iii) The number of unique individ-
15 uals, organizations, and companies that re-
16 ported security vulnerabilities.

17 (iv) The average length of time be-
18 tween the reporting of security
19 vulnerabilities and mitigation or remedi-
20 ation of such vulnerabilities.

21 (f) DEFINITIONS.—In this section:

22 (1) The term “security vulnerability” has the
23 meaning given that term in section 102(17) of the
24 Cybersecurity Information Sharing Act of 2015 (6
25 U.S.C. 1501(17)), in information technology.

1 (2) The term “information system” has the
2 meaning given that term by section 3502(12) of title
3 44, United States Code.

4 (3) The term “appropriate information system”
5 means an information system that the Secretary of
6 Homeland Security selects for inclusion under the
7 vulnerability disclosure policy required by subsection
8 (a).

Passed the House of Representatives September 25,
2018.

Attest:

KAREN L. HAAS,

Clerk.