

114TH CONGRESS
2D SESSION

H. R. 5388

To amend the Homeland Security Act of 2002 to provide for innovative research and development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2016

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

A BILL

To amend the Homeland Security Act of 2002 to provide for innovative research and development, 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 “Support for Rapid In-
5 novation Act of 2016”.

6 **SEC. 2. CYBERSECURITY RESEARCH AND DEVELOPMENT**
7 **PROJECTS.**

8 (a) CYBERSECURITY RESEARCH AND DEVELOP-
9 MENT.—

1 “(4) support, in coordination with non-Federal
2 entities, the review of source code that underpins
3 critical infrastructure information systems;

4 “(5) develop and support infrastructure and
5 tools to support cybersecurity research and develop-
6 ment efforts, including modeling, testbeds, and data
7 sets for assessment of new cybersecurity tech-
8 nologies;

9 “(6) assist the development and support of
10 technologies to reduce vulnerabilities in industrial
11 control systems; and

12 “(7) develop and support cyber forensics and
13 attack attribution capabilities.

14 “(c) COORDINATION.—In carrying out this section,
15 the Under Secretary for Science and Technology shall co-
16 ordinate activities with—

17 “(1) the Under Secretary appointed pursuant to
18 section 103(a)(1)(H);

19 “(2) the heads of other relevant Federal depart-
20 ments and agencies, as appropriate; and

21 “(3) industry and academia.

22 “(d) TRANSITION TO PRACTICE.—The Under Sec-
23 retary for Science and Technology shall support projects
24 carried out under this title through the full life cycle of
25 such projects, including research, development, testing,

1 evaluation, pilots, and transitions. The Under Secretary
2 shall identify mature technologies that address existing or
3 imminent cybersecurity gaps in public or private informa-
4 tion systems and networks of information systems, iden-
5 tify and support necessary improvements identified during
6 pilot programs and testing and evaluation activities, and
7 introduce new cybersecurity technologies throughout the
8 homeland security enterprise through partnerships and
9 commercialization. The Under Secretary shall target fed-
10 erally funded cybersecurity research that demonstrates a
11 high probability of successful transition to the commercial
12 market within two years and that is expected to have a
13 notable impact on the public or private information sys-
14 tems and networks of information systems.

15 “(e) DEFINITIONS.—In this section:

16 “(1) CYBERSECURITY RISK.—The term ‘cyber-
17 security risk’ has the meaning given such term in
18 section 227.

19 “(2) HOMELAND SECURITY ENTERPRISE.—The
20 term ‘homeland security enterprise’ means relevant
21 governmental and nongovernmental entities involved
22 in homeland security, including Federal, State, local,
23 and tribal government officials, private sector rep-
24 resentatives, academics, and other policy experts.

1 “(3) INCIDENT.—The term ‘incident’ has the
2 meaning given such term in section 227.

3 “(4) INFORMATION SYSTEM.—The term ‘infor-
4 mation system’ has the meaning given such term in
5 section 3502(8) of title 44, United States Code.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents in section 1(b) of the Homeland Security Act
8 of 2002 is amended by inserting after the item relat-
9 ing to section 318 the following new item:

“Sec. 319. Cybersecurity research and development.”.

10 (b) RESEARCH AND DEVELOPMENT PROJECTS.—
11 Section 831 of the Homeland Security Act of 2002 (6
12 U.S.C. 391) is amended—

13 (1) in subsection (a)—

14 (A) in the matter preceding paragraph (1),
15 by striking “2016” and inserting “2020”;

16 (B) in paragraph (1), by striking the last
17 sentence; and

18 (C) by adding at the end the following new
19 paragraph:

20 “(3) PRIOR APPROVAL.—In any case in which
21 the head of a component or office of the Department
22 seeks to utilize the authority under this section, such
23 head shall first receive prior approval from the Sec-
24 retary by providing to the Secretary a proposal that
25 includes the rationale for the utilization of such au-

1 authority, the funds to be spent on the use of such au-
2 thority, and the expected outcome for each project
3 that is the subject of the use of such authority. In
4 such a case, the authority for evaluating the pro-
5 posal may not be delegated by the Secretary to any-
6 one other than the Under Secretary for Manage-
7 ment.”;

8 (2) in subsection (c)—

9 (A) in paragraph (1), in the matter pre-
10 ceeding subparagraph (A), by striking “2016”
11 and inserting “2020”; and

12 (B) by amending paragraph (2) to read as
13 follows:

14 “(2) REPORT.—The Secretary shall annually
15 submit to the Committee on Homeland Security and
16 the Committee on Science, Space, and Technology of
17 the House of Representatives and the Committee on
18 Homeland Security and Governmental Affairs of the
19 Senate a report detailing the projects for which the
20 authority granted by subsection (a) was utilized, the
21 rationale for such utilizations, the funds spent uti-
22 lizing such authority, the extent of cost-sharing for
23 such projects among Federal and non-Federal
24 sources, the extent to which utilization of such au-
25 thority has addressed a homeland security capability

1 gap or threat to the homeland identified by the De-
2 partment, the total amount of payments, if any, that
3 were received by the Federal Government as a result
4 of the utilization of such authority during the period
5 covered by each such report, the outcome of each
6 project for which such authority was utilized, and
7 the results of any audits of such projects.”; and

8 (3) by adding at the end the following new sub-
9 section:

10 “(e) TRAINING.—The Secretary shall develop a train-
11 ing program for acquisitions staff on the utilization of the
12 authority provided under subsection (a).”.

13 (c) PROHIBITION ON ADDITIONAL FUNDING.—No
14 additional funds are authorized to be appropriated to
15 carry out this Act and the amendments made by this Act.

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