

117TH CONGRESS  
2D SESSION

# S. 3618

To amend the Federal Cybersecurity Enhancement Act of 2015 to require Federal agencies to obtain exemptions from certain cybersecurity requirements in order to avoid compliance with those requirements, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 9, 2022

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Federal Cybersecurity Enhancement Act of 2015 to require Federal agencies to obtain exemptions from certain cybersecurity requirements in order to avoid compliance with those requirements, 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 “Federal Cybersecurity  
5 Oversight Act of 2022”.

1 **SEC. 2. FEDERAL CYBERSECURITY REQUIREMENTS.**

2 (a) EXEMPTION FROM FEDERAL REQUIREMENTS.—

3 Section 225(b)(2) of the Federal Cybersecurity Enhance-  
4 ment Act of 2015 (6 U.S.C. 1523(b)(2)) is amended to  
5 read as follows:

6 “(2) EXCEPTION.—

7 “(A) IN GENERAL.—A particular require-  
8 ment under paragraph (1) shall not apply to an  
9 agency information system of an agency if—

10 “(i) with respect to the agency infor-  
11 mation system, the head of the agency sub-  
12 mits to the Director an application for an  
13 exemption from the particular requirement,  
14 in which the head of the agency personally  
15 certifies to the Director with particularity  
16 that—

17 “(I) operational requirements ar-  
18 ticulated in the certification and re-  
19 lated to the agency information sys-  
20 tem would make it excessively burden-  
21 some to implement the particular re-  
22 quirement;

23 “(II) the particular requirement  
24 is not necessary to secure the agency  
25 information system or agency infor-

1                   mation stored on or transiting the  
2                   agency information system; and

3                   “(III) the agency has taken all  
4                   necessary steps to secure the agency  
5                   information system and agency infor-  
6                   mation stored on or transiting the  
7                   agency information system;

8                   “(ii) the head of the agency or the  
9                   designee of the head of the agency has  
10                  submitted the certification described in  
11                  clause (i) to the appropriate congressional  
12                  committees and any other congressional  
13                  committee with jurisdiction over the agen-  
14                  cy; and

15                  “(iii) the Director grants the exemp-  
16                  tion from the particular requirement.

17                  “(B) DURATION OF EXEMPTION.—

18                  “(i) IN GENERAL.—An exemption  
19                  granted under subparagraph (A) shall ex-  
20                  pire on the date that is 1 year after the  
21                  date on which the Director granted the ex-  
22                  emption.

23                  “(ii) RENEWAL.—Upon the expiration  
24                  of an exemption granted to an agency  
25                  under subparagraph (A), the head of the

1                   agency may apply for an additional exemp-  
2                   tion.”.

3           (b)       REPORT       ON       EXEMPTIONS.—Section  
4 3554(c)(1)(A) of title 44, United States Code, is amend-  
5 ed—

6                   (1) in clause (iii), by striking “and” at the end;

7                   (2) by redesignating clause (iv) as clause (v);

8           and

9                   (3) by inserting after clause (iii) the following:

10                           “(iv) with respect to any exemption  
11                           the Director of the Office of Management  
12                           and Budget has granted the agency under  
13                           section 225(b)(2) of the Federal Cyberse-  
14                           curity Enhancement Act of 2015 (6 U.S.C.  
15                           1523(b)(2)) that is effective on the date of  
16                           submission of the report—

17                                   “(I) an identification of each par-  
18                                   ticular requirement from which any  
19                                   agency information system (as defined  
20                                   in section 2210 of the Homeland Se-  
21                                   curity Act of 2002 (6 U.S.C. 660)) is  
22                                   exempted; and

23                                   “(II) for each requirement identi-  
24                                   fied under subclause (I)—

1                   “(aa) an identification of the  
2                   agency information system de-  
3                   scribed in subclause (I) exempted  
4                   from the requirement; and

5                   “(bb) an estimate of the  
6                   date on which the agency will to  
7                   be able to comply with the re-  
8                   quirement; and”.

9           (c) EFFECTIVE DATE.—This Act and the amend-  
10          ments made by this Act shall take effect on the date that  
11          is 1 year after the date of enactment of this Act.

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