

STB INFORMATION SECURITY IMPROVEMENT ACT

APRIL 5, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4921]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4921) to require the Surface Board of Transportation to implement certain recommendations of the Inspector General of the Department of Transportation, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

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The amendments are as follows:  
 Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “STB Information Security Improvement Act”.

**SEC. 2. REQUIREMENTS.**

(a) **IN GENERAL.**—The Surface Transportation Board (in this section referred to as the “STB”) shall develop a timeline and plan to implement the recommendations of the Inspector General of the Department of Transportation in Report No. FI2018002, including improvements—

- (1) to identify controls, including risk management, weakness remediation, and security authorization;
- (2) to protect controls, including configuration management, user identity and access management, and security training;
- (3) to detect controls, including continuous monitoring;
- (4) to respond controls, including incident handling and reporting;
- (5) to recover controls for contingency planning; and
- (6) any additional tools that will improve the implementation of the recommendations.

(b) **IMPLEMENTATION.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the STB shall submit the plan and timeline developed under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce of the Senate.

(2) **REPORT.**—The STB shall report annually to such Committees on the progress on implementation of the recommendations until the implementation is complete.

(3) **PLAN IMPLEMENTATION.**—The STB shall designate an individual to implement the plan developed under subsection (a).

**SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.**

No additional funds are authorized to carry out the requirements of this Act. Such requirements shall be carried out using amounts otherwise authorized.

Amend the title so as to read:

A bill to require the Surface Transportation Board to implement certain recommendations of the Inspector General of the Department of Transportation.

**PURPOSE OF LEGISLATION**

H.R. 4921, the STB Information Security Improvement Act, requires the Surface Transportation Board (STB) to develop a timeline and plan to modernize its information security program. The bill requires the STB to implement recommendations from the Department of Transportation Inspector General (DOT IG) Report Number FI2018002.

**BACKGROUND AND NEED FOR LEGISLATION**

In October 2017, the DOT IG published a report that identified the STB’s information security system to be at the Ad Hoc maturity level. The Ad Hoc maturity level means that policies, procedures, and strategy are not formalized and activities are performed in a reactive manner. The report outlined recommendations necessary for the STB to develop an effective information security program. The DOT IG’s report made a series of recommendations to help STB improve its information security systems. The DOT IG outlined issues with the following:

(1) STB’s Identify controls—risk management, weakness remediation, and security authorization—were inadequate. STB did not have a risk management program and its process to reauthorize systems was inadequate.

(2) STB’s Protect controls—configuration management, user identity management, and security training—were inadequate. Policy and procedures did not cover software patch installation or parts

of user identity management. Only 66 percent of STB employees completed 2017 security awareness training.

(3) STB did not have policy for Detect controls—to identify cybersecurity incidents in an information security continuous monitoring program—and lacked a monitoring strategy.

(4) STB’s Respond controls—incident handling and reporting—were inadequate. The policy did not cover incident response planning and analysis. STB had not collaborated with DHS on incident response.

(5) STB had not implemented Recover controls for contingency planning. STB lacked a plan for system recovery after emergency shutdowns, impact analysis, alternative sites, or data back-up

As a result of its separation from DOT in December 2015, the STB gained full control over its information security program. With that control, a need to place security controls now resides within the STB. While the STB issued policies in May 2017 to create a cybersecurity program, the STB never completed its implementation, leaving its information security program encumbered by a number of weaknesses in five different function areas. Effective information security programs are necessary to ensure the STB can execute its mission safely and effectively. The STB must strive to improve information security systems to avoid an increasing risk of attack or compromise.

#### HEARINGS

There were no hearings related to this legislation in the House.

#### LEGISLATIVE HISTORY AND CONSIDERATION

On February 5, 2018, Representative Paul Mitchell (R–MI) introduced H.R. 4921, the STB Information Security Improvement Act. On February 14, 2018, the Committee on Transportation and Infrastructure met in open session to consider H.R. 4921. An amendment was offered in Committee by Representative Mitchell, which was adopted by voice vote. The amendment made technical corrections and added a recommendation from the DOT IG report. The Committee ordered H.R. 4921, as amended, reported favorably to the House by voice vote with a quorum present.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes associated with this bill.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the es-

estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, included below.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 4921, as amended, from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 20, 2018.*

Hon. BILL SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4921, the STB Information Security Improvement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 4921—STB Information Security Improvement Act*

H.R. 4921 would require the Surface Transportation Board (STB) to develop a plan to comply with recommendations made by the Department of Transportation's inspector general regarding its information security system. The bill would require the STB to report annually to the Congress on the status of its compliance with the inspector general's report.

Under current law, CBO expects that the STB will implement the inspector general's recommendations regarding its information security system. The agency has already hired an employee to manage and implement the plan. As a result, CBO estimates that implementing the provisions of H.R. 4921 would have no significant effect on the federal budget over the 2018–2022 period.

Enacting H.R. 4921 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4921 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4921 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

## PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to ensure adequate information security at the STB. This bill, as amended, enhances cybersecurity by recommending specific measures the STB may take to improve information security.

## ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill, as amended, includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

## DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 4921, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 113th Cong. (2015), the Committee estimates that enacting H.R. 4921, as amended, does not specifically direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

## FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

## PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 4921, as amended, does not preempt any state, local, or tribal law. H.R. 4921, as amended, preserves the rights and permitting authorities of states.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation, as amended.

## APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

## SECTION-BY-SECTION ANALYSIS OF LEGISLATION

*Section 1. Short title*

This section designates the short title of the bill as the “STB Information Security Improvement Act”.

*Section 2. Requirements*

This section directs the STB to develop a timeline and plan to implement the recommendations from the DOT IG Report Number FI2018002.

No later than 180 days after the date of enactment, the STB must submit the plan and timeline to Congress.

The STB must annually update Congress on its implementation progress until it is completed.

*Section 3. No additional funds authorized*

This section lays out that no additional funds are authorized to carry out the requirements of the bill.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 4921 makes no changes to existing law.