

115TH CONGRESS
2D SESSION

S. 2392

To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to designate cybersecurity technologies that qualify for protection under systems of risk and litigation management.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2018

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

A BILL

To amend the Homeland Security Act of 2002 to authorize the Secretary of Homeland Security to designate cybersecurity technologies that qualify for protection under systems of risk and litigation management.

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 “Cyber Support for
5 Anti-Terrorism by Fostering Effective Technologies Act of
6 2018” or the “Cyber SAFETY Act of 2018”.

1 **SEC. 2. INCLUSION OF QUALIFYING CYBER INCIDENTS.**

2 Subtitle G of title VIII of the Homeland Security Act
3 of 2002 (6 U.S.C. 441 et seq.) is amended—

4 (1) in section 862(b) (6 U.S.C. 441(b))—

5 (A) in the heading, by striking “DESIGNA-
6 TION OF QUALIFIED ANTI-TERRORISM TECH-
7 NOLOGIES” and inserting “DESIGNATION OF
8 ANTI-TERRORISM AND CYBERSECURITY TECH-
9 NOLOGIES”;

10 (B) in the matter preceding paragraph (1),
11 by inserting “or cybersecurity” after “anti-ter-
12 rorism”;

13 (C) in paragraphs (3), (4), and (5), by in-
14 serting “or cybersecurity” after “anti-ter-
15 rorism” each place that term appears; and

16 (D) in paragraph (7)—

17 (i) by inserting “or cybersecurity”
18 after “Anti-terrorism”; and

19 (ii) by inserting “or qualifying cyber
20 incidents” after “acts of terrorism”;

21 (2) in section 863 (6 U.S.C. 442)—

22 (A) by inserting “or cybersecurity” after
23 “anti-terrorism” each place that term appears;

24 (B) by inserting “or qualifying cyber inci-
25 dent” after “act of terrorism” each place that
26 term appears;

1 (C) by inserting “or qualifying cyber inci-
2 dents” after “acts of terrorism” each place that
3 term appears; and

4 (D) in subsection (d)(3)—

5 (i) by striking “(3) CERTIFICATE.—”
6 and inserting the following: “(3) CERTIFI-
7 CATES.—

8 “(A) CERTIFICATES FOR ANTI-TERRORISM
9 TECHNOLOGIES.—”; and

10 (ii) by adding at the end the fol-
11 lowing:

12 “(B) CERTIFICATES FOR CYBERSECURITY
13 TECHNOLOGIES.—

14 “(i) IN GENERAL.—For cybersecurity
15 technology reviewed and approved by the
16 Secretary, the Secretary will issue a certifi-
17 cate of conformance to the Seller and place
18 the cybersecurity technology on an Ap-
19 proved Product List for Homeland Secu-
20 rity.

21 “(ii) SUBSEQUENT REVIEW.—Not less
22 frequently than once every 2 years, the
23 Secretary shall conduct a new review of
24 any cybersecurity technology for which the

1 Secretary issued a certification under
 2 clause (i).”;

3 (3) in section 864 (6 U.S.C. 443)—

4 (A) by inserting “or cybersecurity” after
 5 “anti-terrorism” each place that term appears;
 6 and

7 (B) by inserting “or qualifying cyber inci-
 8 dent” after “act of terrorism” each place that
 9 term appears; and

10 (4) in section 865 (6 U.S.C. 444)—

11 (A) in paragraph (1)—

12 (i) in the heading, by inserting “OR
 13 CYBERSECURITY” after “ANTI-TER-
 14 RORISM”;

15 (ii) by inserting “or cybersecurity”
 16 after “anti-terrorism”;

17 (iii) by inserting “or qualifying cyber
 18 incidents” after “acts of terrorism”; and

19 (iv) by inserting “or incidents” after
 20 “such acts”; and

21 (B) by adding at the end the following:

22 “(7) QUALIFYING CYBER INCIDENT.—The term
 23 ‘qualifying cyber incident’ has the meaning given the
 24 term ‘incident’ in section 3552(b) of title 44, United
 25 States Code.

1 “(8) FINAL AGENCY ACTION.—The determina-
2 tion by the Secretary that an act of terrorism or
3 qualifying cyber incident has occurred shall con-
4 stitute a final agency action subject to review under
5 chapter 7 of title 5, United States Code.”.

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