

116TH CONGRESS
2D SESSION

S. 4912

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

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

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 2020”.

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 grants 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 exemptions
 11 the agency is granted by the Director of
 12 the Office of Management and Budget
 13 under section 225(b)(2) of the Federal Cy-
 14 bersecurity Enhancement Act of 2015 (6
 15 U.S.C. 1523(b)(2)) that is effective on the
 16 date of submission of the report—

17 “(I) an identification of the par-
 18 ticular requirements 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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