

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HURD OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO THE RULES COMMITTEE PRINT
FOR H.R. 1731
OFFERED BY MR. HURD OF TEXAS**

Add at the end the following:

1 SEC. ____ . PROTECTION OF FEDERAL INFORMATION SYS-
2 TEMS.

3 (a) IN GENERAL.—Subtitle C of title II of the Home-
4 land Security Act of 2002 (6 U.S.C. 141 et seq.) is amend-
5 ed by adding at the end the following new section:

6 “SEC. 233. AVAILABLE PROTECTION OF FEDERAL INFORMA-
7 TION SYSTEMS.

8 “(a) IN GENERAL.—The Secretary shall deploy and
9 operate, to make available for use by any Federal agency,
10 with or without reimbursement, capabilities to protect
11 Federal agency information and information systems, in-
12 cluding technologies to continuously diagnose, detect, pre-
13 vent, and mitigate against cybersecurity risks (as such
14 term is defined in the second section 226) involving Fed-
15 eral agency information or information systems.

16 “(b) ACTIVITIES.—In carrying out this section, the
17 Secretary may—

18 “(1) access, and Federal agency heads may dis-
19 close to the Secretary or a private entity providing

1 assistance to the Secretary under paragraph (2), in-
2 formation traveling to or from or stored on a Fed-
3 eral agency information system, regardless of from
4 where the Secretary or a private entity providing as-
5 sistance to the Secretary under paragraph (2) ac-
6 cesses such information, notwithstanding any other
7 provision of law that would otherwise restrict or pre-
8 vent Federal agency heads from disclosing such in-
9 formation to the Secretary or a private entity pro-
10 viding assistance to the Secretary under paragraph
11 (2);

12 “(2) enter into contracts or other agreements,
13 or otherwise request and obtain the assistance of,
14 private entities to deploy and operate technologies in
15 accordance with subsection (a); and

16 “(3) retain, use, and disclose information ob-
17 tained through the conduct of activities authorized
18 under this section only to protect Federal agency in-
19 formation and information systems from
20 cybersecurity risks, or, with the approval of the At-
21 torney General and if disclosure of such information
22 is not otherwise prohibited by law, to law enforce-
23 ment only to investigate, prosecute, disrupt, or oth-
24 erwise respond to—

1 “(A) a violation of section 1030 of title 18,
2 United States Code;

3 “(B) an imminent threat of death or seri-
4 ous bodily harm;

5 “(C) a serious threat to a minor, including
6 sexual exploitation or threats to physical safety;
7 or

8 “(D) an attempt, or conspiracy, to commit
9 an offense described in any of subparagraphs
10 (A) through (C).

11 “(c) CONDITIONS.—Contracts or other agreements
12 under subsection (b)(2) shall include appropriate provi-
13 sions barring—

14 “(1) the disclosure of information to any entity
15 other than the Department or the Federal agency
16 disclosing information in accordance with subsection
17 (b)(1) that can be used to identify specific persons
18 and is reasonably believed to be unrelated to a
19 cybersecurity risk; and

20 “(2) the use of any information to which such
21 private entity gains access in accordance with this
22 section for any purpose other than to protect Fed-
23 eral agency information and information systems
24 against cybersecurity risks or to administer any such
25 contract or other agreement.

1 “(d) LIMITATION.—No cause of action shall lie
2 against a private entity for assistance provided to the Sec-
3 retary in accordance with this section and a contract or
4 agreement under subsection (b)(2).”.

5 (b) CLERICAL AMENDMENT.—The table of contents
6 of the Homeland Security Act of 2002 is amended by in-
7 serting after the item relating to section 226 (relating to
8 cybersecurity recruitment and retention) the following new
9 item:

“Sec. 233. Available protection of Federal information systems.”.

