

114TH CONGRESS
1ST SESSION

H. R. 3305

To help enhance American network security and mitigate cybersecurity risks,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 29, 2015

Mr. HURD of Texas (for himself, Mr. McCAUL, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To help enhance American network security and mitigate
cybersecurity risks, 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 “EINSTEIN Act of
5 2015”.

1 **SEC. 2. PROTECTION OF FEDERAL CIVILIAN INFORMATION**
2 **SYSTEMS.**

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. 230. AVAILABLE PROTECTION OF FEDERAL CIVILIAN**
7 **INFORMATION SYSTEMS.**

8 “(a) IN GENERAL.—The Secretary shall deploy, oper-
9 ate, and maintain, to make available for use by any Fed-
10 eral agency, with or without reimbursement, capabilities
11 to protect Federal agency information and Federal civilian
12 information systems, including technologies to diagnose,
13 detect, prevent, and mitigate against cybersecurity risks
14 involving Federal agency information or Federal civilian
15 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
20 assistance to the Secretary under paragraph (2), in-
21 formation traveling to or from or stored on a Fed-
22 eral civilian information system, regardless of from
23 where the Secretary or a private entity providing as-
24 sistance to the Secretary under paragraph (2) ac-
25 cesses such information, notwithstanding any other
26 provision of law that would otherwise restrict or pre-

1 vent Federal agency heads from disclosing such in-
2 formation to the Secretary or a private entity pro-
3 viding assistance to the Secretary under paragraph
4 (2);

5 “(2) enter into contracts or other agreements,
6 or otherwise request and obtain the assistance of,
7 private entities to deploy, operate, and maintain
8 technologies in accordance with subsection (a); and

9 “(3) retain, use, and disclose information ob-
10 tained through the conduct of activities authorized
11 under this section only to protect Federal agency in-
12 formation and Federal civilian information systems
13 from cybersecurity risks or in furtherance of the na-
14 tional cybersecurity and communications integration
15 center’s authority under the second section 226, or,
16 with the approval of the Attorney General and if dis-
17 closure of such information is not otherwise prohib-
18 ited by law, to law enforcement only to investigate,
19 prosecute, disrupt, or otherwise respond to—

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

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

1 “(C) a serious threat to a minor, including
2 sexual exploitation or threats to physical safety;
3 or

4 “(D) an attempt, or conspiracy, to commit
5 an offense described in any of subparagraphs
6 (A) through (C).

7 “(c) CONDITIONS.—Contracts or other agreements
8 under subsection (b)(2) shall include appropriate provi-
9 sions barring—

10 “(1) the disclosure of information to any entity
11 other than the Department or a Federal agency dis-
12 closing information in accordance with subsection
13 (b)(1) that can be used to identify specific persons
14 and is reasonably believed to be unrelated to a cy-
15 bersecurity risk; and

16 “(2) the use of any information to which such
17 private entity gains access in accordance with this
18 section for any purpose other than to protect Fed-
19 eral agency information and Federal civilian infor-
20 mation systems against cybersecurity risks or to ad-
21 minister any such contract or other agreement.

22 “(d) LIMITATION.—No cause of action shall lie in any
23 court against a private entity for assistance provided to
24 the Secretary in accordance with this section and a con-
25 tract or agreement under subsection (b)(2).

1 “(e) DEFINITION.—The term ‘cybersecurity risk’ has
2 the meaning given such term in the second section 226
3 (relating to the national cybersecurity and communica-
4 tions integration center).”.

5 (b) DEFINITIONS.—Paragraphs (1) and (2) of the
6 second section 226 of the Homeland Security Act of 2002
7 (6 U.S.C. 148; relating to the national cybersecurity and
8 communications integration center) are amended to read
9 as follows:

10 “(1)(A) except as provided in subparagraph
11 (B), the term ‘cybersecurity risk’ means threats to
12 and vulnerabilities of information or information sys-
13 tems and any related consequences caused by or re-
14 sulting from unauthorized access, use, disclosure,
15 degradation, disruption, modification, or destruction
16 of such information or information systems, includ-
17 ing such related consequences caused by an act of
18 terrorism; and

19 “(B) such term does not include any action that
20 solely involves a violation of a consumer term of
21 service or a consumer licensing agreement;

22 “(2) the term ‘incident’ means an occurrence
23 that actually or imminently jeopardizes, without law-
24 ful authority, the integrity, confidentiality, or avail-
25 ability of information on an information system, or

1 actually or imminently jeopardizes, without lawful
2 authority, an information system;”.

3 (c) CLERICAL AMENDMENT.—The table of contents
4 of the Homeland Security Act of 2002 is amended by add-
5 ing at the end the following new item:

“Sec. 230. Available protection of Federal civilian information systems.”.

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