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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. ____

To direct the Secretary of Homeland Security to issue guidance with respect to certain information and communications technology or services contracts, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. TORRES of New York introduced the following bill; which was referred to the Committee on _____

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A BILL

To direct the Secretary of Homeland Security to issue guidance with respect to certain information and communications technology or services contracts, 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 ''DHS Software Supply

5 Chain Risk Management Act of 2021''.

1 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY GUIDANCE**

2   **WITH RESPECT TO CERTAIN INFORMATION**

3   **AND COMMUNICATIONS TECHNOLOGY OR**

4   **SERVICES CONTRACTS.**

5   (a) GUIDANCE.—The Secretary of Homeland Secu-

6 rity, acting through the Under Secretary, shall issue guid-

7 ance with respect to new and existing covered contracts.

8   (b) NEW COVERED CONTRACTS.—In developing

9 guidance under subsection (a), with respect to each new

10 covered contract, as a condition on the award of such a

11 contract, each contractor responding to a solicitation for

12 such a contract shall submit to the covered officer—

13   (1) a planned bill of materials when submitting

14   a bid proposal; and

15   (2) the certification and notifications described

16   in subsection (e).

17   (c) EXISTING COVERED CONTRACTS.—In developing

18 guidance under subsection (a), with respect to each exist-

19 ing covered contract, each contractor with an existing cov-

20 ered contract shall submit to the covered officer—

21   (1) the bill of materials used for such contract,

22   upon the request of such officer; and

23   (2) the certification and notifications described

24   in subsection (e).

25   (d) UPDATING BILL OF MATERIALS.—With respect

26 to a covered contract, in the case of a change to the infor-

1 mation included in a bill of materials submitted pursuant
2 to subsections (b)(1) and (c)(1), each contractor shall sub-
3 mit to the covered officer the update to such bill of mate-
4 rials, in a timely manner.

5   (e) CERTIFICATION AND NOTIFICATIONS.—The cer-
6 tification and notifications referred to in subsections
7 (b)(2) and (c)(2), with respect to a covered contract, are
8 the following:

9   (1) A certification that each item listed on the
10   submitted bill of materials is free from all known se-
11   curity vulnerabilities or defects identified in—

12   (A) the National Institute of Standards
13   and Technology National Vulnerability Data-
14   base; and

15   (B) any database designated by the Under
16   Secretary, in coordination with the Director of
17   the Cybersecurity and Infrastructure Security
18   Agency, that tracks security vulnerabilities and
19   defects in open source or third-party developed
20   software.

21   (2) A notification of each security vulnerability
22   or defect, if identified, through—

23   (A) the certification of such submitted bill
24   of materials required under paragraph (1); or

25   (B) any other manner of identification.

1   (3) A notification relating to the plan to miti-

2 gate, repair, or resolve each security vulnerability or

3 defect listed in the notification required under para-

4 graph (2).

5   (f) ENFORCEMENT.—In developing guidance under

6 subsection (a), the Secretary shall instruct covered officers

7 with respect to—

8   (1) the processes available to such officers en-

9 forcing subsections (b) and (c); and

10   (2) when such processes should be used.

11   (g) EFFECTIVE DATE.—The guidance required under

12 subsection (a) shall take effect on the date that is 180

13 days after the date of the enactment of this section.

14   (h) DEFINITIONS.—In this section:

15   (1) BILL OF MATERIALS.—The term "bill of

16 materials" means a list of the parts and components

17 of an end product or service, including, with respect

18 to each part and component, information relating to

19 the origin, composition, integrity, and any other in-

20 formation as determined appropriate by the Under

21 Secretary.

22   (2) COVERED CONTRACT.—The term "covered

23 contract" means a contract relating to the procure-

24 ment of covered information and communications

1 technology or services for the Department of Home-

2 land Security.

3 (3) COVERED INFORMATION AND COMMUNICA-

4 TIONS TECHNOLOGY OR SERVICES.—The term "cov-

5 ered information and communications technology or

6 services" means the terms—

7 (A) "information technology" (as such

8 term is defined in section 11101(6) of title 40,

9 United States Code);

10 (B) "information system" (as such term is

11 defined in section 3502(8) of title 44, United

12 States Code);

13 (C) "telecommunications equipment" (as

14 such term is defined in section 3(52) of the

15 Communications Act of 1934 (47 U.S.C.

16 153(52))); and

17 (D) "telecommunications service" (as such

18 term is defined in section 3(53) of the Commu-

19 nications Act of 1934 (47 U.S.C. 153(53))).

20 (4) COVERED OFFICER.—The term "covered of-

21 ficer" means—

22 (A) a contracting officer of the Depart-

23 ment; and

24 (B) any other official of the Department as

25 determined appropriate by the Under Secretary.

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1   (5) SOFTWARE.—The term "software" means

2 computer programs and associated data that may be

3 dynamically written or modified during execution.

4   (6) UNDER SECRETARY.—The term "Under

5 Secretary" means the Under Secretary for Manage-

6 ment of the Department of Homeland Security.