

115TH CONGRESS
1ST SESSION

H. R. 4191

To amend the Public Health Service Act to authorize the Secretary of Health and Human Services to designate an officer within the Department of Health and Human Services as having primary responsibility for the information security (including cybersecurity) programs of the Department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 31, 2017

Mr. LONG (for himself and Ms. MATSUI) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to authorize the Secretary of Health and Human Services to designate an officer within the Department of Health and Human Services as having primary responsibility for the information security (including cybersecurity) programs of the Department, 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 “HHS Cybersecurity
5 Modernization Act”.

1 **SEC. 2. INFORMATION SECURITY.**

2 (a) AUTHORITY TO DESIGNATE CHIEF INFORMA-
3 TION SECURITY OFFICER.—Title II of the Public Health
4 Service Act is amended by inserting after section 229 of
5 such Act (42 U.S.C. 237a) the following:

6 **“SEC. 229A. AUTHORITY TO DESIGNATE CHIEF INFORMA-
7 TION SECURITY OFFICER.**

8 “Notwithstanding any other provision of law—

9 “(1) the Secretary may designate an officer
10 within the Department as having primary responsi-
11 bility for the information security (including cyberse-
12 curity) programs of the Department;

13 “(2) any such designated officer shall report di-
14 rectly to the Secretary or directly to another senior
15 officer within the Department of the Secretary’s
16 choosing; and

17 “(3) the Secretary may transfer the functions,
18 personnel, assets, and liabilities of the Chief Infor-
19 mation Security Officer in the Office of the Chief In-
20 formation Officer of the Department of Health and
21 Human Services, as such position exists on Sep-
22 tember 30, 2017, to such designated officer.”.

23 (b) REPORT.—

24 (1) IN GENERAL.—Not later than 1 year after
25 the date of enactment of this Act, the Secretary of
26 Health and Human Services shall develop and sub-

1 mit to the Committee on Energy and Commerce of
2 the House of Representatives and the Committee on
3 Health, Education, Labor, and Pensions of the Sen-
4 ate a plan on the role of the Department of Health
5 and Human Services (in this subsection referred to
6 as the “Department”) in preparing for and respond-
7 ing to cybersecurity threats.

8 (2) CONTENTS.—The plan under paragraph (1)
9 shall—

10 (A) differentiate between—

11 (i) the responsibilities of the Depart-
12 ment overall and each of its agencies and
13 offices in maintaining the security and in-
14 tegrity of their respective information sys-
15 tems; and

16 (ii) the responsibilities of the Depart-
17 ment overall and each of its agencies and
18 offices in regulating and providing guid-
19 ance, information, education, training, and
20 assistance to the health care sector;

21 (B) specify how the Department overall
22 and each of its agencies and offices delineates
23 between the responsibilities described in sub-
24 paragraph (A)(i) and those described in sub-

1 paragraph (A)(ii) through organization, per-
2 sonnel, policies, and procedures;

3 (C) address the coordination of the respon-
4 sibilities described in subparagraph (A)(i) and
5 those described in subparagraph (A)(ii) across
6 the agencies and offices of the Department;

7 (D) address any types of conflicts that can
8 arise (within the Department or the health care
9 sector) because of the Department having both
10 the responsibilities described in subparagraph
11 (A)(i) and those described in subparagraph
12 (A)(ii);

13 (E) differentiate between—

14 (i) the role of the Department in reg-
15 ulating the health care sector; and

16 (ii) the role of the Department as a
17 Sector-Specific Agency for the health care
18 sector under Presidential Policy Directive
19 21 (signed on February 12, 2013); and

20 (F) specify how the Department delineates
21 between the role described in subparagraph
22 (E)(i) and the role described in subparagraph
23 (E)(ii) through organization, personnel, policies,
24 and procedures.

1 (c) NO ADDITIONAL APPROPRIATIONS AUTHOR-
2 IZED.—No additional funds are authorized to be appro-
3 priated to carry out this Act, or the amendments made
4 by this Act. This Act, and the amendments made by this
5 Act, shall be carried out using amounts otherwise author-
6 ized or appropriated.

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