

113TH CONGRESS  
2D SESSION

# H. R. 4356

To amend title 38, United States Code, to make certain improvements in the information security of the Department of Veterans Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2014

Mrs. KIRKPATRICK (for herself and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to make certain improvements in the information security of the Department of Veterans Affairs, 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 “Department of Vet-  
5 erans Affairs Information Security Protection Act”.

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS INFORMA-**  
7 **TION SECURITY IMPROVEMENTS.**

8 (a) SUBMITTAL OF QUARTERLY INFORMATION SECUR-  
9 RITY REPORT TO CONGRESS.—Paragraph (14) of sub-

1 section (b) of section 5723 of title 38, United States Code,  
2 is amended by inserting “and to the Committees on Vet-  
3 erans’ Affairs of the Senate and House of Representa-  
4 tives” after “to the Secretary”.

5 (b) PLAN FOR ADDRESSING KNOWN INFORMATION  
6 SECURITY VULNERABILITIES.—Such subsection is further  
7 amended by adding at the end the following new para-  
8 graph:

9 “(17) Submitting to the Chairs and Ranking  
10 Members of the Committees on Veterans’ Affairs of  
11 the Senate and House of Representatives, by not  
12 later than 30 days after the date of the enactment  
13 of this paragraph, and quarterly thereafter, a plan  
14 of action to address critical known information secu-  
15 rity vulnerabilities that includes—

16 “(A) specific milestones regarding time-  
17 lines to address such vulnerabilities;

18 “(B) a summary of any reports provided to  
19 the Assistant Secretary for Information and  
20 Technology pursuant to subsection (e)(3) dur-  
21 ing the period covered by the report;

22 “(C) a discussion of any risk assessment  
23 analysis undertaken by the Department that led  
24 to the inclusion of any such vulnerability; and

1           “(D) a summary of such plan of action  
2           that could be made publicly available.”.

3           (c) PLAN FOR REPLACING OUTDATED OPERATING  
4 SYSTEMS.—Such subsection is further amended by adding  
5 at the end the following new paragraph:

6           “(18) Submitting to the Committees on Vet-  
7           erans’ Affairs of the Senate and House of Rep-  
8           resentatives, by not later than January 1 of each  
9           year, a plan for identifying and replacing operating  
10          systems of the Department that are out-of-date or  
11          unsupported and that includes—

12                  “(A) requirements that such an operating  
13                  system be removed from the network of the De-  
14                  partment no later than 15 days after the date  
15                  on which the operating system was identified as  
16                  being out-of-date or unsupported; and

17                  “(B) information concerning the number of  
18                  systems so identified during the year preceding  
19                  the year in which the report is submitted, when  
20                  each such system was so identified, and when  
21                  each system so identified was removed from the  
22                  network of the Department.”.

23           (d) SOFTWARE SECURITY.—Such subsection is fur-  
24 ther amended by adding at the end the following new para-  
25 graph:

1           “(19) Ensuring that any software or Internet  
2           applications used on systems by the Department are  
3           secure from vulnerabilities that could affect the con-  
4           fidentiality of sensitive personal information of vet-  
5           erans.”.

6 **SEC. 3. INFORMATION TECHNOLOGY REPORTING REQUIRE-**  
7 **MENTS.**

8           (a) IN GENERAL.—Chapter 57 of title 38, United  
9 States Code, is amended—

10           (1) by redesignating sections 5727 and 5728 as  
11           sections 5729 and 5730, respectively; and

12           (2) by inserting after section 5726 the following  
13           new sections:

14 **“§ 5727. Reporting requirements**

15           “Not later than 30 days after the last day of each  
16 fiscal quarter, the Secretary shall submit to the Commit-  
17 tees on Veterans’ Affairs of the Senate and House of Rep-  
18 resentatives a report that includes the following informa-  
19 tion for that fiscal quarter:

20           “(1) A detailed description of any incidents of  
21           failure to comply with established information secu-  
22           rity policies that occurred during that quarter.

23           “(2) Any actions taken in response to such an  
24           incident.

1           “(3) Any reports made under paragraphs (8)  
2 through (10) of subsection (b) of section 5723 of  
3 this title during that quarter.

4           “(4) Written certification that the requirements  
5 of section 5722(c) of this title were followed during  
6 that quarter.

7           “(5) A detailed discussion of whether each rec-  
8 ommendation made by the National Institute of  
9 Standards and Technology, the Office of Manage-  
10 ment and Budget, or the Department of Homeland  
11 Security relating to information security have been  
12 implemented by the Department, and if not, an ex-  
13 planation of why such recommendation was not im-  
14 plemented.

15           “(6) Steps taken to ensure the security of the  
16 Veterans Health Information Systems and Tech-  
17 nology Architecture of the Department that allows  
18 for an integrated inpatient and outpatient electronic  
19 health record for patients and provides administra-  
20 tive tools to employees of the Department taken dur-  
21 ing that quarter.

22 **“§ 5728. Information security strategic plan**

23           “(a) PLAN REQUIRED.—Not later than one year  
24 after the date of the enactment of this section, the Sec-  
25 retary, in consultation with the Secretary of Homeland Se-

1 curity, the Director of the Office of Management and  
2 Budget, the Secretary of Defense, the Director of the Na-  
3 tional Institute of Standards and Technology, the heads  
4 of other appropriate Federal agencies, veterans groups,  
5 and appropriate industry specialists, shall submit to the  
6 Committees on Veterans' Affairs of the Senate and House  
7 of Representatives a strategic plan for improving the in-  
8 formation security of the Department. Such plan shall ad-  
9 dress—

10           “(1) methods of protecting the sensitive per-  
11           sonal information of veterans while not unduly inter-  
12           fering with the ability of the Department to provide  
13           benefits and services to veterans and their depend-  
14           ents;

15           “(2) how the Department can improve its com-  
16           pliance with information security requirements;

17           “(3) training and recruitment of employees with  
18           the necessary expertise and abilities in information  
19           security; and

20           “(4) the institutional capability of the Depart-  
21           ment to address information security threats and to  
22           implement best practices related to information se-  
23           curity.

24           “(b) BIENNIAL UPDATES.—The Secretary shall sub-  
25           mit to the Committees on Veterans' Affairs of the Senate

1 and House of Representatives biannual updates to the  
2 plan required by subsection (a).”.

3 (b) CLERICAL AMENDMENTS.—The table of sections  
4 at the beginning of such chapter is amended by striking  
5 the items relating to sections 5727 and 5728 and inserting  
6 the following new items:

“5727. Reporting requirements.

“5728. Information security strategic plan.

“5729. Definitions.

“5730. Authorization of appropriations.”.

7 **SEC. 4. REQUIREMENTS FOR DEPARTMENT OF VETERANS**  
8 **AFFAIRS CONTRACTS FOR DATA PROCESSING**  
9 **OR MAINTENANCE.**

10 (a) IN GENERAL.—Section 5725(a) of title 38,  
11 United States Code, is amended—

12 (1) in paragraph (2), by striking the period and  
13 inserting “; and”; and

14 (2) by adding at the end the following new  
15 paragraph:

16 “(3) the contractor shall provide protective  
17 measures to safeguard from possible information se-  
18 curity threats any information provided by the De-  
19 partment that will be resident on or transiting  
20 through information systems controlled by the con-  
21 tractor.”.

22 (b) APPLICABILITY.—Paragraph (3) of section  
23 5725(a) of title 38, United States Code, shall apply with

1 respect to a contract entered into after the date of the  
2 enactment of this Act.

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