

AMENDMENT TO RULES COMM. PRINT 119-33

OFFERED BY MR. BEGICH OF ALASKA

In title XV, subtitle A, add at the end the following
new section:

1 **SEC. 15 ____ . CYBER INCIDENT REPORTING REQUIREMENTS**
2 **FOR OPERATIONALLY CRITICAL CONTRAC-**
3 **TORS.**

4 Section 391 of title 10, United States Code, is
5 amended—

6 (1) in subsection (c), by amending paragraph
7 (2) to read as follows:

8 “(2) RAPID REPORTING.—The procedures es-
9 tablished pursuant to subsection (a) shall require
10 each operationally critical contractor to report to the
11 component of the Department designated pursuant
12 to subsection (d)(2)(A)—

13 “(A) on a rapid basis, each cyber incident
14 with respect to any network or information sys-
15 tem of such contractor, including for each such
16 incident—

17 “(i) an assessment by the contractor
18 of the effect of the incident on the ability

1 of the contractor to meet the contractual
2 requirements of the Department;

3 “(ii) the technique or method used in
4 such incident;

5 “(iii) a sample of any malicious soft-
6 ware, if discovered and isolated by the con-
7 tractor, involved in such incident; and

8 “(iv) a summary of the information
9 compromised by such incident; and

10 “(B) promptly, but not later than 72 hours
11 after discovery, each discovery within any net-
12 work or information system of such contractor
13 of any hardware, software, firmware, embedded
14 technology, or update thereto that is manufac-
15 tured by, is developed under the direction of, or
16 includes source code or design contributions
17 from, a covered Chinese entity, including for
18 each such hardware, software, firmware, tech-
19 nology, or update—

20 “(i) a description of the hardware,
21 software, firmware, technology, or update
22 discovered and the network or system on
23 which it resides;

1 “(ii) the function and integration level
2 of such hardware, software, firmware,
3 technology, or update;

4 “(iii) the date, method, and cir-
5 cumstances of discovery; and

6 “(iv) any immediate mitigation or iso-
7 lation measures undertaken.”; and

8 (2) in subsection (e), by adding at the end the
9 following new paragraph:

10 “(3) COVERED CHINESE ENTITY DEFINED.—

11 The term ‘covered Chinese entity’ means an entity—

12 “(A) organized under the laws of, or pri-
13 marily subject to the jurisdiction of, the Peo-
14 ple’s Republic of China;

15 “(B) owned by, controlled by, or subject to
16 the direction of the Government of the People’s
17 Republic of China or the Chinese Communist
18 Party; or

19 “(C) identified on the list of Chinese mili-
20 tary companies operating in the United States
21 under section 1260H of the William M. (Mac)
22 Thornberry National Defense Authorization Act
23 for Fiscal Year 2021 (Public Law 116–283; 10
24 U.S.C. 113 note), or any successor provision.”.

