

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 5028

To require Federal contractors to implement a vulnerability disclosure policy consistent with NIST guidelines, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. LANKFORD

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Contractor
5 Cybersecurity Vulnerability Reduction Act of 2024”.

6 **SEC. 2. FEDERAL CONTRACTOR VULNERABILITY DISCLO-**
7 **SURE POLICY.**

8 (a) RECOMMENDATIONS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, the Di-
11 rector of the Office of Management and Budget, in

1 consultation with the Director of the Cybersecurity
2 and Infrastructure Security Agency, the National
3 Cyber Director, the Director of the National Insti-
4 tute of Standards and Technology, and any other
5 appropriate head of an Executive department,
6 shall—

7 (A) review the Federal Acquisition Regula-
8 tion (FAR) contract requirements and language
9 for contractor vulnerability disclosure programs;
10 and

11 (B) recommend updates to such require-
12 ments and language to the Federal Acquisition
13 Regulation Council.

14 (2) CONTENTS.—The recommendations re-
15 quired by paragraph (1) shall include updates to
16 such requirements designed to ensure that covered
17 contractors implement a vulnerability disclosure pol-
18 icy consistent with National Institute of Standards
19 and Technology (NIST) guidelines for contractors as
20 required under section 5 of the IoT Cybersecurity
21 Improvement Act of 2020 (15 U.S.C. 278g–3e).

22 (b) PROCUREMENT REQUIREMENTS.—Not later than
23 180 days after the date on which the recommended con-
24 tract language developed pursuant to subsection (a) is re-
25 ceived, the Federal Acquisition Regulation Council shall

1 review the recommended contract language and amend the
2 FAR as necessary to incorporate requirements for covered
3 contractors to solicit and address information about poten-
4 tial security vulnerabilities relating to an information sys-
5 tem owned or controlled by the contractor that is used
6 in performance of a Federal contract.

7 (c) ELEMENTS.—The update to the FAR pursuant
8 to subsection (b) shall—

9 (1) to the maximum extent practicable, align
10 with the security vulnerability disclosure process and
11 coordinated disclosure requirements relating to Fed-
12 eral information systems under sections 5 and 6 of
13 the IoT Cybersecurity Improvement Act of 2020 (15
14 U.S.C. 278g–3c, 278g–3d); and

15 (2) to the maximum extent practicable, be
16 aligned with industry best practices and Standards
17 29147 and 30111 of the International Standards
18 Organization (or any successor standard) or any
19 other appropriate, relevant, and widely used stand-
20 ard.

21 (d) WAIVER.—The head of an agency may waive the
22 security vulnerability disclosure policy requirement under
23 subsection (b) if the agency Chief Information Officer—

1 (1) determines that the waiver is necessary in
2 the interest of national security or research pur-
3 poses; and

4 (2) not later than 30 days after granting the
5 waiver, submits a notification and justification, in-
6 cluding information about the duration of the waiv-
7 er, to the Committee on Homeland Security and
8 Governmental Affairs of the Senate and the Com-
9 mittee on Oversight and Accountability of the House
10 of Representatives.

11 (e) DEFINITIONS.—In this section:

12 (1) AGENCY.—The term “agency” has the
13 meaning given the term in section 3502 of title 44,
14 United States Code.

15 (2) COVERED CONTRACTOR.—The term “cov-
16 ered contractor” means a contractor (as defined in
17 section 7101 of title 41, United States Code)—

18 (A) whose contract is in an amount the
19 same as or greater than the simplified acquisi-
20 tion threshold; or

21 (B) that uses, operates, manages, or main-
22 tains a Federal information system (as defined
23 by section 11331 of title 40, United States
24 Code) on behalf of an agency.

1 (3) EXECUTIVE DEPARTMENT.—The term “Ex-
2 ecutive department” has the meaning given that
3 term in section 101 of title 5, United States Code.

4 (4) SECURITY VULNERABILITY.—The term “se-
5 curity vulnerability” has the meaning given that
6 term in section 2200 of the Homeland Security Act
7 of 2002 (6 U.S.C. 650).

8 (5) SIMPLIFIED ACQUISITION THRESHOLD.—
9 The term “simplified acquisition threshold” has the
10 meaning given that term in section 134 of title 41,
11 United States Code.

12 **SEC. 3. NO ADDITIONAL FUNDING.**

13 No additional funds are authorized to be appro-
14 priated for the purpose of carrying out this Act.