

115TH CONGRESS  
2D SESSION

# H. R. 5823

To prohibit Federal agencies from mandating the deployment of vulnerabilities in data security technologies.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 15, 2018

Ms. LOFGREN (for herself, Mr. MASSIE, Mr. NADLER, Mr. POE of Texas, Mr. TED LIEU of California, and Mr. GAETZ) introduced the following bill; which was referred to the Permanent Select Committee on Intelligence, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit Federal agencies from mandating the deployment of vulnerabilities in data security technologies.

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 “Secure Data Act of  
5 2018”.

1 **SEC. 2. PROHIBITION ON DATA SECURITY VULNERABILITY**  
2 **MANDATES.**

3 (a) **AGENCY ACTIONS.**—Except as provided in sub-  
4 section (c), no agency may mandate or request that a  
5 manufacturer, developer, or seller of covered products de-  
6 sign or alter the security functions in its product or service  
7 to allow the surveillance of any user of such product or  
8 service, or to allow the physical search of such product,  
9 by any agency.

10 (b) **COURT ORDERS.**—Except as provided in sub-  
11 section (c), no court may issue an order to compel a manu-  
12 facturer, developer, or seller of covered products to design  
13 or alter the security functions in its product or service to  
14 allow the surveillance of any user of such product or serv-  
15 ice, or to allow the physical search of such product, by  
16 an agency.

17 (c) **EXCEPTION.**—Subsections (a) and (b) shall not  
18 apply to mandates, requests, or court orders authorized  
19 under the Communications Assistance for Law Enforce-  
20 ment Act (47 U.S.C. 1001 et seq.).

21 (d) **DEFINITIONS.**—In this section—

22 (1) the term “agency” has the meaning given  
23 the term in section 3502 of title 44, United States  
24 Code; and

1           (2) the term “covered product” means any com-  
2           puter hardware, computer software, or electronic de-  
3           vice that is made available to the general public.

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