

Union Calendar No. 614

115TH CONGRESS
2D SESSION

H. R. 5239

[Report No. 115–794]

To require the Secretary of Energy to establish a voluntary Cyber Sense program to identify and promote cyber-secure products intended for use in the bulk-power system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2018

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

JUNE 28, 2018

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 9, 2018]

A BILL

To require the Secretary of Energy to establish a voluntary Cyber Sense program to identify and promote cyber-secure products intended for use in the bulk-power system, 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 “Cyber Sense Act of*
5 *2018”.*

6 **SEC. 2. CYBER SENSE.**

7 *(a) IN GENERAL.—The Secretary of Energy shall es-*
8 *tablish a voluntary Cyber Sense program to test the cyberse-*
9 *curity of products and technologies intended for use in the*
10 *bulk-power system, as defined in section 215(a) of the Fed-*
11 *eral Power Act (16 U.S.C. 824o(a)).*

12 *(b) PROGRAM REQUIREMENTS.—In carrying out sub-*
13 *section (a), the Secretary of Energy shall—*

14 *(1) establish a testing process under the Cyber*
15 *Sense program to test the cybersecurity of products*
16 *and technologies intended for use in the bulk-power*
17 *system, including products relating to industrial con-*
18 *trol systems and operational technologies, such as su-*
19 *pervisory control and data acquisition systems;*

20 *(2) for products and technologies tested under the*
21 *Cyber Sense program, establish and maintain cyber-*
22 *security vulnerability reporting processes and a re-*
23 *lated database;*

24 *(3) provide technical assistance to electric utili-*
25 *ties, product manufacturers, and other electricity sec-*

1 *tor stakeholders to develop solutions to mitigate iden-*
2 *tified cybersecurity vulnerabilities in products and*
3 *technologies tested under the Cyber Sense program;*

4 *(4) biennially review products and technologies*
5 *tested under the Cyber Sense program for cybersecu-*
6 *rity vulnerabilities and provide analysis with respect*
7 *to how such products and technologies respond to and*
8 *mitigate cyber threats;*

9 *(5) develop guidance, that is informed by anal-*
10 *ysis and testing results under the Cyber Sense pro-*
11 *gram, for electric utilities for procurement of products*
12 *and technologies;*

13 *(6) provide reasonable notice to the public, and*
14 *solicit comments from the public, prior to establishing*
15 *or revising the testing process under the Cyber Sense*
16 *program;*

17 *(7) oversee testing of products and technologies*
18 *under the Cyber Sense program; and*

19 *(8) consider incentives to encourage the use of*
20 *analysis and results of testing under the Cyber Sense*
21 *program in the design of products and technologies*
22 *for use in the bulk-power system.*

23 *(c) DISCLOSURE OF INFORMATION.—Any cybersecu-*
24 *rity vulnerability reported pursuant to a process established*
25 *under subsection (b)(2), the disclosure of which the Sec-*

1 retary of Energy reasonably foresees would cause harm to
2 critical electric infrastructure (as defined in section 215A
3 of the Federal Power Act), shall be deemed to be critical
4 electric infrastructure information for purposes of section
5 215A(d) of the Federal Power Act.

6 (d) *FEDERAL GOVERNMENT LIABILITY*.—Nothing in
7 this section shall be construed to authorize the commence-
8 ment of an action against the United States Government
9 with respect to the testing of a product or technology under
10 the Cyber Sense program.

Amend the title so as to read: “A bill to require the Secretary of Energy to establish a voluntary Cyber Sense program to test the cybersecurity of products and technologies intended for use in the bulk-power system, and for other purposes.”.

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