

Union Calendar No. 204

116TH CONGRESS
1ST SESSION

H. R. 360

[Report No. 116-256]

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

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

OCTOBER 28, 2019

Additional sponsors: Mr. NORMAN and Mr. HARDER of California

OCTOBER 28, 2019

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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.

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 2019”.

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 cyber-
9 security of products and technologies intended for use in
10 the bulk-power system, as defined in section 215(a) of the
11 Federal 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
19 supervisory control and data acquisition systems;

20 (2) for products and technologies tested under
21 the Cyber Sense program, establish and maintain cy-
22 bersecurity vulnerability reporting processes and a
23 related database;

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

1 sector stakeholders to develop solutions to mitigate
2 identified cybersecurity vulnerabilities in products
3 and technologies tested under the Cyber Sense pro-
4 gram;

5 (4) biennially review products and technologies
6 tested under the Cyber Sense program for cyberse-
7 curity vulnerabilities and provide analysis with re-
8 spect to how such products and technologies respond
9 to and mitigate cyber threats;

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

14 (6) provide reasonable notice to the public, and
15 solicit comments from the public, prior to estab-
16 lishing or revising the testing process under the
17 Cyber Sense program;

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

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

24 (c) DISCLOSURE OF INFORMATION.—Any cybersecuri-
25 ty vulnerability reported pursuant to a process estab-

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

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

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