

## Committee Print

[SHOWING THE TEXT OF H.R. 5239 AS FORWARDED BY THE SUBCOMMITTEE  
ON ENERGY ON APRIL 18, 2018]

115TH CONGRESS  
2D SESSION

# H. R. 5239

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.

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IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2018

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

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## 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”.

1 **SEC. 2. CYBER SENSE.**

2 (a) IN GENERAL.—The Secretary of Energy shall es-  
3 tablish a voluntary Cyber Sense program to test the cyber-  
4 security of products and technologies intended for use in  
5 the bulk-power system, as defined in section 215(a) of the  
6 Federal Power Act (16 U.S.C. 824o(a)).

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

9 (1) establish a testing process under the Cyber  
10 Sense program to test the cybersecurity of products  
11 and technologies intended for use in the bulk-power  
12 system, including products relating to industrial con-  
13 trol systems and operational technologies, such as  
14 supervisory control and data acquisition systems;

15 (2) for products and technologies tested under  
16 the Cyber Sense program, establish and maintain cy-  
17 bersecurity vulnerability reporting processes and a  
18 related database;

19 (3) provide technical assistance to electric utili-  
20 ties, product manufacturers, and other electricity  
21 sector stakeholders to develop solutions to mitigate  
22 identified cybersecurity vulnerabilities in products  
23 and technologies tested under the Cyber Sense pro-  
24 gram;

25 (4) biennially review products and technologies  
26 tested under the Cyber Sense program for cyberse-

1 security vulnerabilities and provide analysis with re-  
2 spect to how such products and technologies respond  
3 to and mitigate cyber threats;

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

8 (6) provide reasonable notice to the public, and  
9 solicit comments from the public, prior to estab-  
10 lishing or revising the testing process under the  
11 Cyber Sense program;

12 (7) oversee testing of products and technologies  
13 under the Cyber Sense program; and

14 (8) consider incentives to encourage the use of  
15 analysis and results of testing under the Cyber  
16 Sense program in the design of products and tech-  
17 nologies for use in the bulk-power system.

18 (c) DISCLOSURE OF INFORMATION.—Any cybersecu-  
19 rity vulnerability reported pursuant to a process estab-  
20 lished under subsection (b)(2), the disclosure of which the  
21 Secretary of Energy reasonably foresees would cause harm  
22 to critical electric infrastructure (as defined in section  
23 215A of the Federal Power Act), shall be deemed to be  
24 critical electric infrastructure information for purposes of  
25 section 215A(d) of the Federal Power Act.

1           (d) FEDERAL GOVERNMENT LIABILITY.—Nothing in  
2 this section shall be construed to authorize the commence-  
3 ment of an action against the United States Government  
4 with respect to the testing of a product or technology  
5 under 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.”.