

TESTIMONY PRESENTED TO THE  
SENATE COMMITTEE ON HEALTH, ENERGY, AND THE ENVIRONMENT

HB 1420 (CYBERSECURITY – OFFICE OF PEOPLE’S COUNSEL, PUBLIC  
SERVICE COMPANIES, PUBLIC SERVICE COMMISSION, AND  
MARYLAND CYBERSECURITY COUNCIL)

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POSITION: SUPPORT  
MARCH 28, 2024

Mr. Chair, Madam Vice Chair, and members of the committee, thank you for the opportunity to testify. I am Dr. Greg von Lehmen, staff to the Maryland Cybersecurity Council, a statutory body chaired by Attorney General Brown.

As background, the Council benefitted in 2021 from a report on the electric grid serving Maryland.<sup>1</sup> This report was authored by an NSA employee who worked for one year in the Office of the Attorney General as a researcher for the Council. Altogether, the report made 29 recommendations, the most substantive of which were included in HB 969 (2023) which passed the General Assembly and was signed by the Governor last year. There is currently a rulemaking underway (RM 76) to implement the provisions of that bill.

House Bill 1420 aims to implement several of the report’s recommendations. This includes the bill’s provision for the Office of People’s Counsel (OPC) to hire and retain cybersecurity expertise as necessary. It also includes the bill’s provisions that aim to address the absence of definitions in Maryland law for “supply chain risk” and “critical infrastructure” and defining “critical software” as a separate category of software for the security assessments required by law, and specifying “cyber resilience” as a service and reliability objective.

Given the role of OPC and the importance of cybersecurity, it is appropriate to call out cybersecurity as expertise that OPC may hire as necessary. Further, I can see no downside in adding definitions of “supply chain risk” and “critical

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<sup>1</sup> Corcoran, L. (2021, December) Cybersecurity and the Maryland Electric Grid. Maryland Cybersecurity Council. <https://www.umgc.edu/content/dam/umgc/documents/md-cybersecurity-council/cybersecurity-and-the-maryland-electric-grid.pdf>

infrastructure” to the law. The definitions in the bill have the virtue of being very close to or exactly conforming with definitions provided by the National Institute for Standards and technology (NIST).<sup>2</sup>

I would concur with the position of the Public Service Commission that the bill’s provisions regarding “critical software” and “cybersecurity resilience” are materially met, if not specifically called out, by HB 969’s (2023) adoption of the cross-sector cybersecurity performance goals recommended by the Cybersecurity and Critical Infrastructure Security Agency (CISA). Consequently, I discern no harm or infidelity to the report’s recommendations by removing these provisions by amendment.

Thank you for the opportunity to testify.

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<sup>2</sup> National Institute for Standards and Technology Computer Security Resource Center. Glossary.  
<https://csrc.nist.gov/glossary>