

Union Calendar No. 66

117TH CONGRESS
1ST SESSION

H. R. 2928

[Report No. 117–92]

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

APRIL 30, 2021

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

JULY 19, 2021

Additional sponsors: Mr. BURGESS, Mr. BUCSHON, Mrs. LESKO, Mr. KELLER,
Mr. MCKINLEY, Ms. KUSTER, Mr. MICHAEL F. DOYLE of Pennsylvania,
Mr. SOTO, Ms. SPANBERGER, Mr. DELGADO, Mr. CROW, and Mr. DAVID-
SON

JULY 19, 2021

Reported from the Committee on Energy and Commerce; 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 2021”.

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

7 (a) IN GENERAL.—The Secretary of Energy, in co-
8 ordination with relevant Federal agencies, shall establish
9 a voluntary Cyber Sense program to test the cybersecurity
10 of products and technologies intended for use in the bulk-
11 power system, as defined in section 215(a) of the Federal
12 Power Act (16 U.S.C. 824o(a)).

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

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

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

1 (3) provide technical assistance to electric utili-
2 ties, product manufacturers, and other electricity
3 sector stakeholders to develop solutions to mitigate
4 identified cybersecurity vulnerabilities in products
5 and technologies tested under the Cyber Sense pro-
6 gram;

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

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

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

20 (7) oversee testing of products and technologies
21 under the Cyber Sense program; and

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

1 (c) DISCLOSURE OF INFORMATION.—Any cybersecu-
2 rity vulnerability reported pursuant to a process estab-
3 lished under subsection (b)(2), the disclosure of which the
4 Secretary of Energy reasonably foresees would cause harm
5 to critical electric infrastructure (as defined in section
6 215A of the Federal Power Act), shall be deemed to be
7 critical electric infrastructure information for purposes of
8 section 215A(d) of the Federal Power Act.

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

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