

117TH CONGRESS
1ST SESSION

H. R. 2928

IN THE SENATE OF THE UNITED STATES

JULY 21, 2021

Received; read twice and referred to the Committee on Energy and Natural
Resources

AN ACT

To require the Secretary of Energy to establish a voluntary
Cyber Sense program to test the cybersecurity of prod-
ucts 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Cyber Sense Act of
3 2021”.

4 **SEC. 2. CYBER SENSE.**

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

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

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

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

23 (3) provide technical assistance to electric utili-
24 ties, product manufacturers, and other electricity
25 sector stakeholders to develop solutions to mitigate
26 identified cybersecurity vulnerabilities in products

1 and technologies tested under the Cyber Sense pro-
2 gram;

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

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

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

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

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

22 (c) DISCLOSURE OF INFORMATION.—Any cybersecu-
23 rity vulnerability reported pursuant to a process estab-
24 lished under subsection (b)(2), the disclosure of which the
25 Secretary of Energy reasonably foresees would cause harm

1 to critical electric infrastructure (as defined in section
2 215A of the Federal Power Act), shall be deemed to be
3 critical electric infrastructure information for purposes of
4 section 215A(d) of the Federal Power Act.

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

Passed the House of Representatives July 20, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.