

Congress of the United States

Washington, DC 20515

April 8, 2022

The Honorable Jennifer Granholm
Secretary
Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Secretary Granholm,

We are writing to ask you to ensure that the Department of Energy (DOE) maintains its existing authority as the Sector Risk Management Agency (SRMA) for energy sector cybersecurity. Without your engagement and immediate attention, we are concerned that DOE's role in helping to ensure energy sector cyber security will be diminished.

In March, Congress passed the Cyber Incident Reporting for Critical Infrastructure Act of 2022 ("the Act") as part of the Consolidated Appropriations Act of 2022. The Act establishes mandatory cyber intrusion reporting requirements for critical infrastructure companies, including companies in the energy sector. It also assigns responsibility for implementation to the Department of Homeland Security's (DHS) Cybersecurity and Infrastructure Security Agency (CISA).

Given the increase of cyberattacks on energy infrastructure the ability to consolidate and share that information within the federal government to rapidly respond is vital. However, while the Act spells out CISA's new obligations, DOE remains the lead agency for energy sector cybersecurity as established by law. As cyber threats increase, it is urgent that DOE fulfill its duty as the lead agency. DOE's energy sector expertise and well-established partnerships with industry are critical in managing risk in today's threat environment. We fully expect that DOE will discharge its lead cybersecurity and emergency response efforts for the energy sector in close coordination with DHS as it has done for years.

Prior to the passage of the Act, electric utilities and other energy companies were required to report certain cyber incidents to DOE, the Federal Energy Regulatory Commission (FERC), state and local agencies, and the North American Electric Reliability Corporation (NERC). As CISA develops a rulemaking for reporting requirements under the Act, we ask you to work to maintain DOE's role as the SRMA for the energy sector, as required by law. Further, we ask that you urge the Secretary of Homeland Security and other federal agencies to harmonize existing cyber incident reporting requirements for the energy sector with CISA's forthcoming reporting requirements in order to provide clarity and consistency.

Companies in the energy sector must focus their attention on maintaining cybersecurity and

and responding to cyber threats to critical infrastructure and avoid inconsistent and duplicative requirements. Establishing consistent reporting requirements is especially important now. As President Biden recently announced, the Russian government is “exploring options for potential cyberattacks” against critical infrastructure.¹

Thank you in advance for your consideration and we look forward to your response.

Sincerely,



Joe Manchin III
Chairman
Committee on Energy and Natural Resources



John Barrasso, M.D.
Ranking Member
Committee on Energy and Natural
Resources



Frank Pallone Jr.
Chairman
Committee on Energy and Commerce



Cathy McMorris Rodgers
Ranking Member
Committee on Energy and
Commerce

¹ <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/21/statement-by-president-biden-on-our-nations-cybersecurity/>