

114TH CONGRESS  
1ST SESSION

# S. 1068

To amend the Federal Power Act to protect the bulk-power system from  
cyber security threats.

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IN THE SENATE OF THE UNITED STATES

APRIL 23, 2015

Mr. RISCH (for himself and Mr. HEINRICH) introduced the following bill;  
which was read twice and referred to the Committee on Energy and Nat-  
ural Resources

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## A BILL

To amend the Federal Power Act to protect the bulk-power  
system from cyber security threats.

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. CYBER SECURITY THREATS.**

4 Part II of the Federal Power Act (16 U.S.C. 824 et  
5 seq.) is amended by adding at the end the following:

6 **“SEC. 224. CYBER SECURITY THREATS.**

7 “(a) DEFINITIONS.—In this section:

8 “(1) BULK-POWER SYSTEM.—The term ‘bulk-  
9 power system’ has the meaning given the term in  
10 section 215.

1           “(2) CYBER SECURITY THREAT.—The term  
2           ‘cyber security threat’ means the imminent danger  
3           of a malicious act that disrupts, attempts to disrupt,  
4           or poses a significant risk of disrupting the oper-  
5           ation of programmable electronic devices or commu-  
6           nications networks (including hardware, software,  
7           and data) essential to the reliable operation of the  
8           bulk-power system.

9           “(3) ELECTRIC RELIABILITY ORGANIZATION.—  
10          The term ‘Electric Reliability Organization’ has the  
11          meaning given the term in section 215.

12          “(4) SECRETARY.—The term ‘Secretary’ means  
13          the Secretary of Energy.

14          “(b) EMERGENCY AUTHORITY OF SECRETARY.—

15                 “(1) IN GENERAL.—If the President submits to  
16                 the Secretary a written notice of a determination by  
17                 the President that immediate action is necessary to  
18                 protect the bulk-power system from a cyber security  
19                 threat, the Secretary may require, by order and with  
20                 or without notice, any entity that owns, controls, or  
21                 operates a bulk-power system facility to take such  
22                 actions as the Secretary determines will best avert or  
23                 mitigate the cyber security threat.

24                 “(2) COORDINATION WITH CANADA AND MEX-  
25                 ICO.—In exercising the authority pursuant to this

1 subsection, the Secretary is encouraged to consult  
2 and coordinate with the appropriate officials in Can-  
3 ada and Mexico responsible for the protection of  
4 cyber security of the interconnected North American  
5 electricity grid.

6 “(3) CONSULTATION.—Before exercising au-  
7 thority pursuant to this subsection, to the maximum  
8 extent practicable, taking into consideration the na-  
9 ture of an identified cyber security threat and the  
10 urgency of need for action, the Secretary shall con-  
11 sult regarding implementation of actions that will ef-  
12 fectively address the cyber security threat with—

13 “(A) any entities potentially subject to the  
14 cyber security threat that own, control, or oper-  
15 ate bulk-power system facilities;

16 “(B) the Electric Reliability Organization;

17 “(C) the Electricity Sub-sector Coordi-  
18 nating Council (as defined in the document en-  
19 titled ‘Homeland Security Presidential Directive  
20 7: Critical Infrastructure Identification,  
21 Prioritization, and Protection’); and

22 “(D) officials of other Federal departments  
23 and agencies, as appropriate.

24 “(4) COST RECOVERY.—

1           “(A) IN GENERAL.—The Commission shall  
2           establish a mechanism that permits owners, op-  
3           erators, or users of the bulk-power system to  
4           seek recovery of prudently incurred costs re-  
5           quired to implement actions ordered by the Sec-  
6           retary under this subsection.

7           “(B) REQUIREMENTS.—Any rate or charge  
8           approved under a mechanism established under  
9           this paragraph—

10                   “(i) shall be just and reasonable; and

11                   “(ii) shall not be unduly discrimina-  
12                   tory or preferential.

13           “(c) DURATION OF EMERGENCY ORDERS.—An order  
14           issued by the Secretary pursuant to subsection (b) shall  
15           remain in effect for not longer than the 30-day period be-  
16           ginning on the effective date of the order, unless, during  
17           that 30 day-period, the Secretary—

18                   “(1) provides to interested persons an oppor-  
19                   tunity to submit written data, recommendations, and  
20                   arguments; and

21                   “(2) affirms, amends, or repeals the order, sub-  
22                   ject to the condition that an amended order shall not  
23                   exceed a total duration of 90 days.”.

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