

118TH CONGRESS
1ST SESSION

H. R. 1148

To direct the Secretary of Energy to promulgate regulations to facilitate the timely submission of notifications regarding cybersecurity incidents and potential cybersecurity incidents with respect to critical electric infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mr. WALBERG introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Secretary of Energy to promulgate regulations to facilitate the timely submission of notifications regarding cybersecurity incidents and potential cybersecurity incidents with respect to critical electric infrastructure, 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 “Critical Electric Infra-
5 structure Cybersecurity Incident Reporting Act”.

1 **SEC. 2. CYBERSECURITY INCIDENT REPORTING FOR CRIT-**
2 **ICAL ELECTRIC INFRASTRUCTURE.**

3 Section 215A of the Federal Power Act (16 U.S.C.
4 824o-1) is amended—

5 (1) in subsection (a)—

6 (A) by amending paragraph (1) to read as
7 follows:

8 “(1) BULK-POWER SYSTEM; CYBERSECURITY
9 INCIDENT; ELECTRIC RELIABILITY ORGANIZATION;
10 REGIONAL ENTITY.—The terms ‘bulk-power system’,
11 ‘cybersecurity incident’, ‘Electric Reliability Organi-
12 zation’, and ‘regional entity’ have the meanings
13 given such terms in paragraphs (1), (8), (2), and (7)
14 of section 215(a), respectively.”; and

15 (B) in paragraph (7)(A)(i), by inserting “,
16 including a cybersecurity incident,” after “a
17 malicious act”;

18 (2) by redesignating subsections (e) and (f) as
19 subsections (f) and (g), respectively; and

20 (3) by inserting after subsection (d) the fol-
21 lowing:

22 “(e) CYBERSECURITY INCIDENT REPORTING.—

23 “(1) DESIGNATION.—The Department of En-
24 ergy shall be a designated agency within the Federal
25 Government to receive notifications regarding cyber-
26 security incidents and potential cybersecurity inci-

1 dents with respect to critical electric infrastructure
2 from other Federal agencies and owners, operators,
3 and users of critical electric infrastructure.

4 “(2) REGULATIONS.—

5 “(A) IN GENERAL.—Not later than 240
6 days after the date of enactment of the Critical
7 Electric Infrastructure Cybersecurity Incident
8 Reporting Act, the Secretary shall promulgate
9 regulations to facilitate the submission of time-
10 ly, secure, and confidential notifications regard-
11 ing cybersecurity incidents and potential cyber-
12 security incidents with respect to critical elec-
13 tric infrastructure from Federal agencies and
14 owners, operators, and users of critical electric
15 infrastructure.

16 “(B) INCLUSIONS.—The regulations pro-
17 mulgated under subparagraph (A) shall—

18 “(i) detail what constitutes a potential
19 cybersecurity incident for purposes of this
20 subsection; and

21 “(ii) require a Federal agency or an
22 owner, operator, or user of critical electric
23 infrastructure that discovers a cybersecu-
24 rity incident or a potential cybersecurity
25 incident with respect to critical electric in-

1 frastructure to submit to the Secretary,
2 not later than 24 hours after discovery of
3 such cybersecurity incident or potential cy-
4 bersecurity incident, notification regarding
5 such cybersecurity incident or potential cy-
6 bersecurity incident.

7 “(3) ANNUAL REPORTS.—Not later than one
8 year after the date of enactment of the Critical Elec-
9 tric Infrastructure Cybersecurity Incident Reporting
10 Act, and annually thereafter, the Secretary shall
11 submit to the Committee on Energy and Commerce
12 of the House of Representatives and the Committee
13 on Energy and Natural Resources of the Senate a
14 report, in classified form if necessary, on the number
15 of notifications received pursuant to this subsection,
16 and a description of the actions taken by the De-
17 partment of Energy regarding such notifications,
18 during the 1-year period preceding the report.”.

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