

Nation's infrastructure. Given today's cyber environment, it is more important than ever that Congress pursue policies that continue to foster these exciting developments and support our grid infrastructure.

This bill, the Cyber Sense Act of 2019, makes important headway in protecting our critical grid infrastructure. The Cyber Sense Act would create a voluntary program through the Department of Energy to identify cyber-secure products intended for use in the bulk-power grid through a testing and verification program.

The bill also establishes a testing process for products, along with a reporting process for cyber vulnerabilities. It would require the Secretary of Energy to keep a related database on the products which will aid electric utilities that are evaluating products and their potential to cause harm to the electric grid.

The bulk-power system supports American industry and provides all the benefits of reliable electric power to the American people. However, the increasing frequency of cyberattacks on industrial control systems of critical infrastructure importance continues to be a concern to the electric power sector.

As the grid is modernized and the digital advantages afforded by internet connectivity are adopted, it is essential that we ensure these systems are as secure as possible. Any vulnerable component in the grid is a threat to our security, and this bill will go a long way to strengthening our system.

I thank my colleague, Mr. LATTA, for his partnership in our efforts as co-chairs of the Grid Innovation Caucus, and I look forward to continuing to work with him and others to ensure a more secure and resilient grid.

Mr. Speaker, I urge my fellow Members to support this bill.

Mr. WALDEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. LATTA), the coauthor of this bill.

□ 1230

Mr. LATTA. Mr. Speaker, I thank the gentleman, my friend, the ranking Republican Member of the Energy and Commerce Committee, for yielding.

I rise in support of my legislation, H.R. 360, the Cyber Sense Act.

This legislation is one of two bipartisan bills that my friend from California, Congressman MCNERNEY, and I have worked on over the past two Congresses to improve the resiliency of our Nation's electric grid against cyberattacks. The second, H.R. 359, will be considered following this debate, and I urge my colleagues to also support it.

Mr. Speaker, over the last quarter century, we have seen incredible changes in the way we communicate with the rest of the world and the way we engage in commerce. Along with these changes, we have also seen innovations in technologies that power so-

ciety, resulting in a more efficient and streamlined electric grid.

Our country's grid has maintained a high level of reliability as our society has undertaken these changes, which is a fact that should not be taken for granted.

Unfortunately, the promise of a more interconnected society also means we must also address the challenges and vulnerabilities that arise with it. Every day, malignant actors, ranging from individuals, hackers, and foreign states, are attempting to exploit vulnerabilities in our electric grid to cause chaos or for other nefarious purposes.

To improve and protect our Nation's grid, I introduced the Cyber Sense Act, which would create a voluntary Cyber Sense program within the United States Department of Energy to identify and promote cyber-secure products for use in the bulk-power system. It would also establish a testing process for the products along with a reporting process of cybersecurity vulnerability.

This legislation was unanimously reported out of the Energy and Commerce Committee last year and is supported by the Department of Energy, and industry.

Mr. Speaker, I thank the full committee Chairman PALLONE, Subcommittee Chairman RUSH; the full committee Republican Ranking Member WALDEN, and also subcommittee Ranking Member UPTON; and both the majority and minority E&C staff for helping us get these bills where they are today.

Mr. Speaker, I urge my colleagues to support the Cyber Sense Act as well as H.R. 359.

Mr. WALDEN. Mr. Speaker, I have no other speakers on this side. I would just encourage my colleagues to join me in supporting passage of H.R. 360.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I have no additional Members that wish to speak.

Mr. Speaker, I enter into the RECORD a letter to the Speaker and the minority leader from the American Public Power Association, Edison Electric Institute, and the National Rural Electric Cooperative Association in support of this legislation.

SEPTEMBER 28, 2020.

Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.

Hon. KEVIN McCARTHY,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI AND MINORITY LEADER McCARTHY: We are writing in support of full House consideration of three electric grid security bills passed by the House Energy and Commerce Committee: H.R. 359, the Enhancing Grid Security through Public-Private Partnerships Act; H.R. 360, the Cyber Sense Act of 2020; and H.R. 362, the Energy Emergency Leadership Act.

APPA is the national service organization for not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. Public power utilities account for over

15 percent of all electric sales to over 49 million customers in every state but Hawaii. EEI is the association that represents all U.S. investor-owned electric companies. EEI members provide electricity for about 220 million Americans, and operate in all 50 states and the District of Columbia. NRECA is the national service organization representing the interests of cooperative electric utilities and the consumers they serve. More than 900 not-for-profit rural electric utilities provide electricity to over 42 million people in 48 states.

Protecting and maintaining electric sector security and reliability is a top priority for our associations and our members. To keep up with evolving threats, the industry welcomes close coordination with government partners. The bills scheduled for consideration by the House this week are aimed at strengthening our shared responsibility to protect the nation's critical infrastructure. We are particularly supportive of H.R. 359 and H.R. 362. H.R. 359 directs DOE to establish a program to facilitate and encourage public-private partnerships to promote and advance the physical and cybersecurity of the electric power sector. H.R. 362 would amend the DOE Organization Act to include energy emergency and energy security among the functions that the Secretary assigns to an Assistant Secretary, with the intent to clarify and codify the functions of DOE's Office of Cybersecurity, Energy Security, and Emergency Response (CESER).

Thank you for your consideration. We appreciate your leadership and efforts to help improve the security of our nation's electric grid.

Sincerely,

AMERICAN PUBLIC POWER
ASSOCIATION.
EDISON ELECTRIC
INSTITUTE.
NATIONAL RURAL ELECTRIC
COOPERATIVE
ASSOCIATION.

Mr. PALLONE. Mr. Speaker, I ask my colleagues to support this important bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 360, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ENHANCING GRID SECURITY
THROUGH PUBLIC-PRIVATE
PARTNERSHIPS ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 359) to provide for certain programs and developments in the Department of Energy concerning the cybersecurity and vulnerabilities of, and physical threats to, the electric grid, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 359

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhancing Grid Security through Public-Private Partnerships Act”.

SEC. 2. PROGRAM TO PROMOTE AND ADVANCE PHYSICAL SECURITY AND CYBERSECURITY OF ELECTRIC UTILITIES.

(a) ESTABLISHMENT.—The Secretary of Energy, in coordination with relevant Federal agencies and in consultation with State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, as the Secretary determines appropriate, shall carry out a program to—

(1) develop, and provide for voluntary implementation of, maturity models, self-assessments, and auditing methods for assessing the physical security and cybersecurity of electric utilities;

(2) provide training to electric utilities to address and mitigate cybersecurity supply chain management risks;

(3) increase opportunities for sharing best practices and data collection within the electric sector;

(4) assist with cybersecurity training for electric utilities;

(5) advance the cybersecurity of third-party vendors that work in partnerships with electric utilities; and

(6) provide technical assistance for electric utilities subject to the program.

(b) SCOPE.—In carrying out the program under subsection (a), the Secretary of Energy shall—

(1) take into consideration different sizes of electric utilities and the regions that such electric utilities serve;

(2) prioritize electric utilities with fewer available resources due to size or region; and

(3) to the extent practicable, utilize and leverage existing Department of Energy programs.

(c) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision, or tribal law requiring public disclosure of information or records.

SEC. 3. REPORT ON CYBERSECURITY AND DISTRIBUTION SYSTEMS.

(a) IN GENERAL.—The Secretary of Energy, in coordination with relevant Federal agencies and in consultation with State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, as the Secretary determines appropriate, shall submit to Congress a report that assesses—

(1) priorities, policies, procedures, and actions for enhancing the physical security and cybersecurity of electricity distribution systems to address threats to, and vulnerabilities of, such electricity distribution systems; and

(2) implementation of such priorities, policies, procedures, and actions, including an estimate of potential costs and benefits of such implementation, including any public-private cost-sharing opportunities.

(b) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision, or tribal law requiring public disclosure of information or records.

SEC. 4. ELECTRICITY INTERRUPTION INFORMATION.

(a) INTERRUPTION COST ESTIMATE CALCULATOR.—The Secretary of Energy, in coordi-

nation with relevant Federal agencies and in consultation with State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, as the Secretary determines appropriate, shall update the Interruption Cost Estimate Calculator, as often as appropriate and feasible, but not less than once every 2 years.

(b) INDICES.—The Secretary of Energy, in coordination with relevant Federal agencies and in consultation with State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, as the Secretary determines appropriate, shall, as often as appropriate and feasible, update the following:

(1) The System Average Interruption Duration Index.

(2) The System Average Interruption Frequency Index.

(3) The Customer Average Interruption Duration Index.

(c) SURVEY.—The Administrator of the Energy Information Administration shall collect information on electricity interruption costs, if available, from a representative sample of owners of electric grid assets through a biennial survey.

SEC. 5. DEFINITIONS.

In the Act, the following definitions apply:

(1) ELECTRIC RELIABILITY ORGANIZATION.—The term “Electric Reliability Organization” has the meaning given such term in section 215(a)(2) of the Federal Power Act (16 U.S.C. 824o(a)(2)).

(2) ELECTRIC UTILITY.—The term “electric utility” has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

(3) STATE REGULATORY AUTHORITY.—The term “State regulatory authority” has the meaning given such term in section 3 of the Federal Power Act (16 U.S.C. 796).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. WALDEN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 359.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by acknowledging the leadership of two of my Energy and Commerce Committee colleagues, Representative MCNERNEY of California and Representative LATTA of Ohio, for introducing H.R. 359, the Enhancing Grid Security Through Public-Private Partnerships Act.

This bill will go a long way in addressing both the physical and cybersecurity of the Nation’s utilities.

H.R. 359 directs the Secretary of Energy, in consultation with the Electric Reliability Organization, States, other Federal agencies, and industry stakeholders, to create and implement a program to enhance the physical and cybersecurity of electric utilities.

Now, some of the critical provisions within this bill include the voluntary

implementation of self-assessments, maturity modeling, and auditing.

This bill also includes cybersecurity training in order to help mitigate supply chain risk.

Utilities would also be encouraged to share best practices and data collection within the electric sector, while also improving the cybersecurity of third-party utility vendors.

H.R. 359 also directs the Secretary of Energy to deliver a report to Congress on general cybersecurity concerns and distribution systems.

Any information that is provided to the Department of Energy under this program would be protected to ensure the confidentiality of this sensitive information. And like the other two cybersecurity bills we already have passed today; this legislation requires the Secretary of Energy to coordinate with the Department of Homeland Security and other relevant Federal agencies to ensure good communication and smooth implementation across the government.

Finally, Mr. Speaker, the bill instructs the Secretary of Energy to update the Interruption Cost Estimate, or ICE, Calculator at least once every 2 years.

The ICE Calculator, which was developed through a partnership between the Department of Energy’s Lawrence Berkeley Lab and Nexant, Inc., is an electric reliability planning tool that can be used for estimating electricity interruption costs and the benefits associated with reliability improvements.

So, Mr. Speaker, H.R. 359 is an important piece of legislation that will help address the security of America’s electric utilities, and I urge all my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 359, the Enhancing Grid Security Through Public-Private Partnerships Act, was authored by my Energy and Commerce Committee colleagues Mr. MCNERNEY and Mr. LATTA.

The bill was reported unanimously from the Energy and Commerce Committee as an important measure for strengthening the cybersecurity and resilience in the energy systems used to deliver power to our homes and businesses.

Mr. Speaker, protecting our Nation’s critical electric infrastructure is a shared responsibility. It requires robust partnerships between industry and the government to leverage strength and ensure the responsive and resilient system that the public needs and relies upon.

H.R. 359 focuses on these very partnerships. The bill would establish a program to facilitate and encourage public-private partnerships to promote and enhance physical and cybersecurity of electric utilities.

The bill would require the Secretary of Energy to deploy the Department of

Energy's world-class technical know-how to assist utilities with cybersecurity practices and procedures, especially those utilities that have fewer resources due to their size or the region in which they are located.

It would foster development of maturity models, self-assessments, and auditing methods.

It would provide training and technical assistance to electric utilities to address and mitigate cybersecurity supply chain management risks.

And H.R. 359 would increase opportunities for sharing best practices and data collection within the electric sector.

The amended version of the bill also makes clear the Department of Energy will work as appropriate with other Federal agencies to safeguard the electric system.

A vote for H.R. 359 is a vote for providing an important new tool to protect our Nation yet once again from these very serious cybersecurity threats.

Mr. Speaker, I urge support of the legislation, and I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I thank the chairman for yielding.

In today's cyber environment, it is more important than ever that Congress pursue policies that continue to support our grid infrastructure and secure it against potential physical and cyber threats.

This is an issue I feel very passionate about, as the grid is the backbone of our economy and touches every aspect of our lives.

Any vulnerable component is a threat to our physical and national security, as well as our clean energy future, making it imperative that we invest in grid modernization and security.

That is why I am proud to co-chair the bipartisan Grid Innovation Caucus along with my good friend from across the aisle, Mr. LATTA from Ohio.

Together, we are focused on providing a forum for discussing solutions to the many challenges facing the grid and to educate Members of Congress and staff about the importance of the electric grid with relation to the economy, energy security, and advanced technologies being utilized to enhance grid capabilities.

Time is of the essence, as a recent report from the Congressional Research Service found that our Nation's bulk-power system faces new and evolving cybersecurity threats on a daily basis.

These cyberattacks can take multiple forms, such as a direct attack aimed at the electric grid itself or an indirect attack aimed at other critical infrastructure, which in turn could impact the operation of the security of the grid.

Recent cyber threats to the electric grid, such as the Triton and

BlackEnergy attacks, have come in the form of deposits of malware on grid industrial control system networks, which possess the capability to damage or take over certain aspects of system control or functionality.

In addition to this, future cyber threats to the grid are expected to result from attacks directed via the Internet of Things devices connected to networks. As the CRS report noted, an example of such an IoT-based attack on residential or commercial thermostats could result in false power demand readings, causing a utility to ramp up power production unnecessarily.

Without proactive management of cyber threats facing the grid, utilities across the Nation will continue to be highly vulnerable to potentially significant attacks.

My bill, which I introduced along with Mr. LATTA, assists us in this effort to bolster America's electrical infrastructure by encouraging coordination between the Department of Energy and electric utilities.

It accomplishes this by creating a program to enhance the physical and cybersecurity of electric utilities through assessing security vulnerabilities, increasing cybersecurity training, and data collection.

My bill would also require the Interruption Cost Estimate Calculator—which is used to calculate the return on investment on utility investments—to be updated at least every 2 years to ensure accurate calculations.

By encouraging partnerships among the DOE, State regulatory authorities, industry stakeholders, and other Federal agencies to promote and advance physical security and cybersecurity for electric utilities, we can best position ourselves to keep the Nation's lights on and to insulate our economy against future cyber threats.

Mr. Speaker, I thank the chairman of the full committee, Mr. PALLONE, for moving this bill forward, and I thank the ranking member of the full committee for helping move this forward.

Mr. Speaker, I urge my fellow colleagues to support this bill.

Mr. WALDEN. Mr. Speaker, I thank the prior speaker for his comments and great work on these pieces of legislation.

Together, we are doing what we can to protect America's energy sector from attack, and I thank Mr. MCNERNEY and others on the committee for their work.

Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I also ask all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 359, as amended.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PRESERVING HOME AND OFFICE NUMBERS IN EMERGENCIES ACT OF 2020

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1289) to amend the Communications Act of 1934 to provide for a moratorium on number reassignment after a disaster declaration, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preserving Home and Office Numbers in Emergencies Act of 2020" or the "PHONE Act of 2020".

SEC. 2. MORATORIUM ON NUMBER REASSIGNMENT AFTER DISASTER DECLARATION.

(a) IN GENERAL.—Section 251(e) of the Communications Act of 1934 (47 U.S.C. 251(e)) is amended by adding at the end the following:

"(4) MORATORIUM ON NUMBER REASSIGNMENT AFTER DISASTER DECLARATION.—

"(A) IN GENERAL.—In the case of a number assigned to a subscriber for the provision of fixed wireline voice service at a location in a designated area during a covered period—

"(i) the number may not be reassigned, except at the request of the subscriber; and

"(ii) the assignment of the number may not be rescinded or otherwise modified, except at the request of the subscriber.

"(B) EXTENSION AT REQUEST OF SUBSCRIBER.—During the covered period, at the request of a subscriber described in subparagraph (A), the prohibition in subparagraph (A) shall be extended for the number for 1 year after the date on which the covered period expires.

"(C) SUBSCRIBER RIGHT TO CANCEL AND RESUBSCRIBE.—

"(i) IN GENERAL.—In the case of a number described under subparagraph (A) or (B), if the subscriber assigned to such number demonstrates to the provider of the service (or, under subclause (II), any other provider of fixed wireline voice service that serves the local area) that the residence where the number is located is inaccessible or uninhabitable—

"(II) the provider may not charge the subscriber an early termination or other fee in connection with the cancellation of such service, if cancelled during the covered period or the extension of the period described in subparagraph (B); and

"(II) if the subscriber cancels the service during the covered period or the extension of the period described in subparagraph (B), the provider (or any other provider of fixed wireline voice service that serves the local area)—

"(aa) shall permit the subscriber to subscribe or resubscribe, as the case may be, to fixed wireline voice service with the number at the residence or at a different residence (if such number is available in the location of such different residence); and

"(bb) may not charge the subscriber a connection fee or any other fee relating to the initiation of fixed wireline voice service.

"(ii) CANCELLATION WITHOUT DEMONSTRATION OF INACCESSIBILITY OR UNINHABITABILITY.—If a subscriber cancels the provision of service assigned to a number described in subparagraph (A) or (B) and does not demonstrate to the provider of such service that the residence where