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Power grid vulnerable to cyberattacks, committee told

By Juliana Gruenwald *CongressDaily* September 11, 2008

A House Energy and Commerce subcommittee is aiming to take up legislation next week that would provide the Federal Energy Regulatory Commission with additional authority to help protect the nation's power grid from a cyberattack.

During a hearing before the Energy and Commerce Energy and Air Quality Subcommittee, several witnesses and lawmakers argued that the threat to the nation's power grid from cyberattacks is real and urged lawmakers to enact legislation to give FERC additional powers to order utilities to take the necessary steps to address the problem.

"The Department of Energy regularly discovers new vulnerabilities in the control systems employed by many utilities," said Kevin Kolevar, the department's assistant secretary for electricity delivery and energy reliability. "This is not hyperbole ... cyberattacks against control systems have occurred and they are becoming increasingly sophisticated."

FERC argues that current law is inadequate to allow the agency to take action to protect against cybersecurity attacks in a timely and confidential manner. And while the North American Electric Reliability Corp., the industry self-regulatory group overseen by FERC, issued an advisory in 2007 to 1,800 power operators and owners outlining immediate and longer term steps they should take to address cybersecurity vulnerabilities, compliance with the advisory was voluntary. A recent FERC audit of 30 utilities found that most were not in compliance with the advisory.

Draft legislation developed by the subcommittee would give FERC the necessary authority it needs to require compliance with cybersecurity standards and issue emergency orders to help protect against an immediate cybersecurity threat, Energy and Commerce Energy and Air Quality Subcommittee Chairman Rick Boucher, D-Va., said. However, Boucher cited some outstanding disagreements over such issues as the definition of a cybersecurity threat, whether the legislation should also address immediate physical threats to utilities, and whether there should be a sunset on the emergency powers granted under the measure.


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If the outstanding issues can be addressed, Boucher said he plans to mark up the legislation next week. FERC Chairman Joseph Kelliher said he believed the draft legislation strikes the right balance and said the agency would agree to a one-year sunset on the emergency powers provided in the bill. On the definition of a cybersecurity threat, Susan Kelly of the American Public Power Association said her group favors a more narrow definition than one favored by FERC.



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