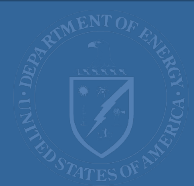


State Energy Security Plan Optional Drop-In: Federal Authorities

May 2022

This document was produced by the U.S. Department of Energy's Office of Cybersecurity, Energy Security, and Emergency Response (CESER) to aid states in the development of State Energy Security Plans (SESPs). States may choose to incorporate some or all of the provided material in their SESP (optional). States are encouraged to adapt or supplement the provided material as needed to better align with existing state roles, authorities, and plans; and to better address state-specific needs and situations. This document is not intended to be prescriptive or suggest non-statutory expansion of State Energy Office responsibilities, which may vary significantly from state to state.



OVERVIEW

Multiple agencies within the federal government are involved in energy security, playing a variety of roles, including setting standards and regulations related to energy sector safety and security, providing baseline energy information and situational awareness during emergencies, and assisting energy system operators and state, local, tribal, and territorial (SLTT) officials in emergency preparedness and response activities. These federal roles are exercised prior to and during energy emergency events.

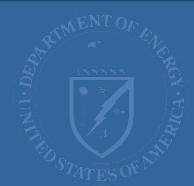
Prior to emergency events, the federal government publishes energy data and market information, analyzes and shares information on threats to the energy sector, conducts research and develops new technologies, assists SLTT partners with hazard assessment and mitigation, provides support for SLTT planning and preparedness activities, funds energy resilience projects, and convenes government and non-government stakeholders for energy emergency exercises.

During emergency events, the federal government provides assistance to industry and SLTT governments, convenes stakeholders for information sharing and situational awareness, distributes energy resources (generators, fuel, etc.) as needed, and grants relief from energy-related federal regulations to facilitate response and recovery. A full list of the policies authorizing federal planning and response roles can be found in [Appendix A](#).

EMERGENCY RESPONSE FUNCTION-12 (ENERGY)

As defined in the [National Response Framework](#), Emergency Support Functions (ESFs) are the primary response coordinating structure at the federal level. A department or agency is designated as the coordinator for each ESF, along with a number of primary and support agencies. ESFs provide the structure for coordinating federal interagency response during an incident and group together the functions most frequently used to provide federal support to states and other federal agencies. DOE is the lead agency for ESF-12 (Energy) and the Sector Risk Management Agency (SRMA) and the Sector Specific Agency (SSA) for the energy sector. The [Office of Cybersecurity, Energy Security, and Emergency Response \(CESER\)](#) manages DOE's SRMA and ESF-12 responsibilities. During events requiring a federal response, CESER activates its Energy Response Organization to manage response activities, including deploying ESF-12 responders; sharing situational awareness products, and coordinating with and providing technical assistance to federal, SLTT, and industry partners.

Note that CESER's role is continually evolving, so please check the CESER [website](#) for up-to-date information.













































SUMMARY OF FEDERAL ENERGY SECURITY AND EMERGENCY RESPONSE ROLES

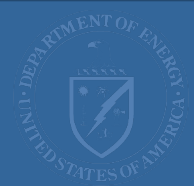
The following tables provide an overview of the many federal departments and agencies that play a role in energy security. Many of these agencies have roles and responsibilities that extend beyond the energy sector. Each agency's energy-related activities have been categorized as applying to electricity, liquid fuels, or natural gas. Agencies that safeguard the cybersecurity and physical security of energy infrastructure are also indicated.

Agencies' energy security activities may involve:

- **Energy emergency preparedness and response**, including hosting and participating in preparedness planning and exercises and deploying responders or resources during an emergency event.
- **Information sharing and situational awareness**, including publishing data and threat information and issuing situation reports during emergency events.
- **Development and enforcement of standards and regulations** for energy industry safety and security. During emergency events some of these standards and regulations may be waived to facilitate faster response and restoration.

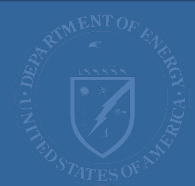
Department or Agency		Sector	Preparedness & Response	Situational Awareness	Standards & Regulations
White House		   	✓	✓	
DHS	FEMA	  	✓	✓	
	CISA		✓	✓	
	Coast Guard	 	✓		✓
	TSA	  	✓		✓
	CBP	  			✓
DOE	CESER	   	✓	✓	
	OE			✓	✓
	EIA	  		✓	
	FERC	  			✓
DOT	FMCSA	 			✓
	PHMSA	 	✓		✓
EPA		  			✓
IRS					✓
DOD	USACE	  	✓		✓
NRC			✓	✓	✓
DOJ	FBI		✓		
DOI	DOI BSEE	 		✓	✓

 Electricity	 Liquid Fuel	 Natural Gas	 Cyber and physical security
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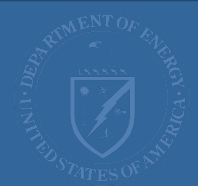


DESCRIPTIONS OF FEDERAL ENERGY SECURITY & EMERGENCY RESPONSE ROLES

Department or Agency		Energy Security/Emergency Response Role
White House		The White House—particularly the National Security Council —participates in public briefings and interagency situational awareness activities. The President also has the authority to declare a national state of emergency.
Department of Homeland Security (DHS)	Federal Emergency Management Agency (FEMA)	FEMA coordinates federal incident response and recovery activities. FEMA’s duties during an event include assisting the President in carrying out the Stafford Act , operating the National Response Coordination Center (NRCC), supporting all Emergency Support Functions (ESFs) and Recovery Support Functions (RSFs). FEMA mission assigns the Defense Logistics Agency (DLA) to provide fuel support to federal responders and, if requested, SLTT responders and critical infrastructure. FEMA funds Public Assistance (PA) disaster funds, hazard mitigation projects through the Building Resilient Infrastructure and Communities (BRIC) Program, Hazard Mitigation Grant Program (HMGP) , and others .
	Cybersecurity and Infrastructure Agency (CISA)	CISA leads the national effort to understand, manage, and reduce risk to cyber and physical infrastructure. CISA manages the Pipeline Cybersecurity Initiative , leveraging expertise from government and private partners to identify and address cybersecurity risks to pipeline infrastructure. CISA publishes best practices for cybersecurity protection. During a cyber incident, CISA assists impacted infrastructure, helps investigate the responsible actors, and coordinates the national response to significant cyber events.
	U.S. Coast Guard	The U.S. Coast Guard is the principal federal agency responsible for maritime safety, security, and environmental stewardship in U.S. ports and inland waterways used for the movement of energy products, including petroleum, natural gas, and coal. The Coast Guard reviews and approves security assessments and security plans developed by vessel owners and terminal operators, and inspects terminals for compliance with security requirements. The Coast Guard’s role is particularly important during hurricanes and other severe weather that can disrupt energy supplies (primarily liquid fuels) into and out of U.S. ports.



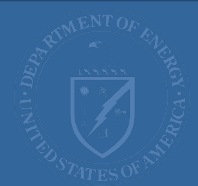
Department or Agency		Energy Security/Emergency Response Role
	Transportation Security Administration (TSA)	TSA oversees the physical security and cybersecurity of all U.S. pipelines. TSA issues directives for owners and operators of pipelines to better secure pipelines against cyberattacks. TSA also oversees security at marine ports, where oil and gas marine terminals, petroleum refineries, and other energy infrastructure may be located. TSA conducts background checks and issues federal identification cards (called TWIC® cards) to workers accessing secure areas within port boundaries, including fuel truck drivers, refinery workers, and other energy industry workers. TSA may waive TWIC requirements during energy emergencies to facilitate energy restoration and response activities.
	U.S. Customs & Border Protection (CBP)	CBP is the primary federal agency tasked with ensuring the security of the nation's borders. CBP is responsible for enforcing and administering laws and regulations to control and oversee vessel movements in to, out of, and between U.S. ports. CBP enforces the Merchant Marine Act of 1920, also called the Jones Act , which generally prohibits the transportation of merchandise between two U.S. ports in any vessel not built in, documented under the laws of, and owned by citizens of the United States. Applications may be made to CBP for the Secretary of Homeland Security to grant a Jones Act waiver, which can help facilitate the delivery of fuel and equipment during energy shortages.
U.S. Department of Energy	Office of Cybersecurity, Energy Security, and Emergency Response (CESER)	<p>CESER's mission is to enhance the security of U.S. critical energy infrastructure to all hazards, mitigate the impacts of disruptive events and risk to the sector overall through preparedness and innovation, and respond to and facilitate recovery from energy disruptions in collaboration with other federal agencies, the private sector, and State, local, tribal, and territory governments.</p> <p>CESER's preparedness and response activities include SLTT capacity building, energy security and resilience planning, hosting energy emergency exercises and deploying ESF-12 responders to impacted regions during emergencies. CESER facilitates interagency coordination, shares situational awareness products, and provides emergency response support to SLTT governments.</p> <p>CESER also advances research, development, and deployment of technologies, tools, and techniques to reduce risks to the Nation's critical energy infrastructure posed by cyber and other emerging threats.</p>



Department or Agency	Energy Security/Emergency Response Role
	<p>CESER administers programs that can be used to mitigate impacts to energy infrastructure and energy supply, and to provide resources during energy emergencies:</p> <ul style="list-style-type: none"> • The Federal Power Act Section 202(c) grants DOE the power to temporarily order connections of facilities, and generation, delivery, interchange, or transmission of electricity during grid emergencies. • The Strategic Petroleum Reserve is a federally owned emergency supply of crude oil. Volumes can be released to mitigate the impact of crude supply disruptions. • The Northeast Home Heating Oil Reserve and Northeast Gasoline Supply Reserve provide emergency supplies of heating oil and gasoline, respectively.
Office of Electricity (OE)	<p>OE provides national leadership to ensure that the Nation's energy delivery system is secure, resilient and reliable. Through research and development, OE develops new technologies to improve electric infrastructure. OE also oversees the Federal and state electricity policies and programs that shape electricity system planning and market operations.</p>
Office of Enterprise Assessments	<p>The Office of Enterprise Assessments oversees four federal Power Marketing Administrations (PMAs) - Bonneville Power Administration (BPA), Southeastern Power Administration (SEPA), Southwestern Power Administration (SWPA) and Western Area Power Administration (WAPA) – that operate electric systems and sell the electrical output of federally owned and operated hydroelectric dams in 34 states.</p>
U.S. Energy Information Administration (EIA)	<p>EIA collects, analyzes, and disseminates independent and impartial energy information to promote sound policymaking, efficient markets, and public understanding of energy and its interaction with the economy and the environment. EIA's data can be used in energy security planning and energy emergency response activities. EIA publishes state energy profiles, data products related to energy supply, demand, infrastructure, and prices, as well as GIS maps.</p>
Federal Energy Regulatory Commission (FERC)	<p>FERC is an independent agency that regulates the interstate transmission of electricity, natural gas, and oil. FERC's role includes oversight of the transmission and wholesale sale of electricity in interstate commerce, transportation of oil by pipeline in interstate commerce, and proposals to build liquefied natural gas (LNG) terminals and interstate natural gas pipelines as well as licensing hydropower projects. During energy emergencies, FERC also has emergency authority</p>



Department or Agency		Energy Security/Emergency Response Role
		under the Interstate Commerce Act to direct companies to provide preference or priority in transportation, embargoes, or movement of traffic. This authority can be used to direct interstate pipeline operators to prioritize shipments of specific fuels to address shortages.
U.S. Department of Transportation	Federal Motor Carrier Safety Administration (FMCSA)	FMCSA sets safety requirements for interstate commercial drivers, such as hours of service requirements limiting how long drivers can be on the road before a mandatory break. During energy shortages, FMCSA can waive these requirements to facilitate the delivery of specific energy products, most often liquid fuels, or to facilitate the movement of utility crews, trucks, and other resources involved in the restoration of electric power.
	Pipeline and Hazardous Materials Safety Administration (PHMSA)	PHMSA regulates pipelines and rail tank cars to advance the safe transportation of petroleum, natural gas, and other hazardous materials. The agency establishes national policy, sets and enforces standards, educates, and conducts research to prevent incidents. The agency also prepares the public and first responders to reduce consequences if an incident does occur. During pipeline incidents (explosions or spills), PHMSA investigates and issues corrective action orders to pipeline operators before pipeline service can resume. During energy shortages, PHMSA can issue emergency special permits and waivers of certain regulations to facilitate the pipeline supply of fuel to the affected region. PHMSA also regulates rail tank cars that carry petroleum, biofuels, or liquefied natural gas.
U.S. Environmental Protection Agency (EPA)		EPA sets standards for certain fuels, including regulating the vapor pressure of gasoline , requiring reformulated gasoline in certain markets, and specifying the sulfur content in diesel fuel . These fuel specifications can be waived during emergencies to facilitate the supply of fuel into the affected region, or to provide fungibility of available supply within the affected region. EPA also regulates air emissions from energy infrastructure, including power generating facilities and fuel storage terminals. During events, EPA may choose not to enforce these regulations to facilitate power supply and fuel supply in the affected region.
Internal Revenue Service (IRS)		IRS collects federal motor taxes on diesel fuel used for on-highway transportation. Diesel used for off-highway purposes (heavy machinery, generators, farm equipment, etc.) is not subject to tax and is dyed red. In coordination with EPA, the



Department or Agency		Energy Security/Emergency Response Role
		IRS can choose to not collect the penalty typically imposed on using non-highway diesel in on-road vehicles (although the IRS still collects tax on this fuel).
Department of Defense (DOD)	U.S. Army Corps of Engineers (USACE)	USACE assists FEMA during disaster response, including installing generators and delivering generator fuels in communities through its Temporary Emergency Power Mission and sending responders to assist in disasters and provide situational awareness.
U.S. Nuclear Regulatory Commission (NRC)		The NRC is involved in emergency preparedness and response involving nuclear facilities or materials. The NRC also publishes a daily status report on all nuclear power reactors.
U.S. Department of Justice (DOJ)	Federal Bureau of Investigation (FBI)	The FBI leads investigations into cyber attacks and intrusions . The FBI collects and shares intelligence and engages with victims while working to unmask those committing malicious cyber activities.
U.S. Department of the Interior (DOI)	Bureau of Safety and Environmental Enforcement (BSEE)	BSEE has responsibility for the safety of the environment and conservation of offshore resources. BSEE administers the Oil Spill Preparedness Program and provides support for oil spill response efforts . During hurricanes and other inclement weather in the Gulf of Mexico, BSEE publishes data on the offshore oil and gas rigs that have been evacuated, as well as the amount of production that has been temporarily shut in. BSEE also leads the development of workplace safety and environmental compliance strategies for offshore renewable energy projects on the Federal Outer Continental Shelf.

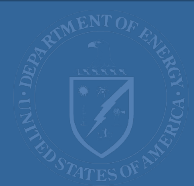
OTHER INFORMATION RESOURCES

Resource: CESER Energy Waivers Library

CESER's [Energy Waivers Library](#) provides additional detail on regulatory relief granted by federal agencies during energy disruptions. The library also lists contact information for each agency and provides examples of past uses of each waiver.

Resource: CESER Roles and Authorities

CESER's [Roles and Authorities](#) webpage outlines the various executive branch and DOE authorities that establish CESER's role in securing the Nations' energy infrastructure, maintaining situational awareness, discovering and mitigating cyber threats, and orchestrating response and recovery operations.



Resource: Power Outage Incident Annex (2017)

For more detailed descriptions of federal agency roles during a long-term power outage, refer to **Table 10: Roles and Responsibilities in a Long-Term Power Outage Incident** in FEMA's [Power Outage Incident Annex](#) (2017).

Resource: National Incident Management System (2017)

FEMA's [National Incident Management System \(NIMS\)](#) provides a consistent nationwide template that guides all levels of government, nongovernmental organizations and the private sector through the command and coordination of incidents, resource management, and information management. This framework is applicable to emergency responders and other emergency management personnel, NGOs, the private sector, and elected and appointed officials responsible for making decisions regarding incidents.