

115TH CONGRESS
2D SESSION

S. 3677

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 2018

Mr. GARDNER (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

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.

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 “Enhancing Grid Secu-
5 rity through Public-Private Partnerships Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

5 (2) ELECTRIC UTILITY; STATE REGULATORY
6 AUTHORITY.—The terms “electric utility” and
7 “State regulatory authority” have the meanings
8 given those terms in section 3 of the Federal Power
9 Act (16 U.S.C. 796).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of Energy.

12 **SEC. 3. PROGRAM TO PROMOTE AND ADVANCE PHYSICAL**
13 **SECURITY AND CYBERSECURITY OF ELEC-**
14 **TRIC UTILITIES.**

15 (a) ESTABLISHMENT.—The Secretary, in consulta-
16 tion with State regulatory authorities, industry stake-
17 holders, the Electric Reliability Organization, and any
18 other Federal agencies that the Secretary determines to
19 be appropriate, shall carry out a program—

20 (1) to develop, and provide for voluntary imple-
21 mentation of, maturity models, self-assessments, and
22 auditing methods for assessing the physical security
23 and cybersecurity of electric utilities;

24 (2) to assist with threat assessment and cyber-
25 security training for electric utilities;

1 (3) to provide technical assistance for electric
2 utilities subject to the program;

3 (4) to provide training to electric utilities to ad-
4 dress and mitigate cybersecurity supply chain man-
5 agement risks;

6 (5) to advance the cybersecurity of third-party
7 vendors in partnerships with electric utilities; and

8 (6) to increase opportunities for sharing best
9 practices and data collection within the electric sec-
10 tor.

11 (b) SCOPE.—In carrying out the program under sub-
12 section (a), the Secretary shall—

13 (1) take into consideration—

14 (A) the different sizes of electric utilities;

15 and

16 (B) the regions that electric utilities serve;

17 (2) prioritize—

18 (A) electric utilities with respect to which
19 the Secretary has substantial concerns; and

20 (B) electric utilities with fewer available
21 resources due to size or region; and

22 (3) to the maximum extent practicable, use and
23 leverage—

24 (A) existing Department of Energy pro-
25 grams; and

1 (B) existing programs of the Federal agen-
2 cies determined to be appropriate under sub-
3 section (a).

4 (c) PROTECTION OF INFORMATION.—Information
5 provided to, or collected by, the Federal Government pur-
6 suant to this section—

7 (1) shall be exempt from disclosure under sec-
8 tion 552(b)(3) of title 5, United States Code; and

9 (2) shall not be made available by any Federal
10 agency, State, political subdivision of a State, or
11 Tribal authority pursuant to any Federal, State, po-
12 litical subdivision of a State, or Tribal law, respec-
13 tively, requiring public disclosure of information or
14 records.

15 **SEC. 4. REPORT ON CYBERSECURITY AND DISTRIBUTION**
16 **SYSTEMS.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act, the Secretary, in consulta-
19 tion with State regulatory authorities, industry stake-
20 holders, and any other Federal agencies that the Secretary
21 determines to be appropriate, shall submit to Congress a
22 report that assesses—

23 (1) priorities, policies, procedures, and actions
24 for enhancing the physical security and cybersecurity
25 of electricity distribution systems, including behind-

1 the-meter generation, storage, and load management
2 devices to address threats to, and vulnerabilities of,
3 electricity distribution systems; and

4 (2) the implementation of the priorities, poli-
5 cies, procedures, and actions assessed under para-
6 graph (1), including—

7 (A) an estimate of potential costs and ben-
8 efits of the implementation; and

9 (B) an assessment of any public-private
10 cost-sharing opportunities.

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

14 (1) shall be exempt from disclosure under sec-
15 tion 552(b)(3) of title 5, United States Code; and

16 (2) shall not be made available by any Federal
17 agency, State, political subdivision of a State, or
18 Tribal authority pursuant to any Federal, State, po-
19 litical subdivision of a State, or Tribal law, respec-
20 tively, requiring public disclosure of information or
21 records.

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