

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 359

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. PROGRAM TO PROMOTE AND ADVANCE PHYSICAL**  
5 **SECURITY AND CYBERSECURITY OF ELEC-**  
6 **TRIC UTILITIES.**

7 (a) ESTABLISHMENT.—The Secretary of Energy, in  
8 coordination with relevant Federal agencies and in con-  
9 sultation with State regulatory authorities, industry stake-  
10 holders, and the Electric Reliability Organization, as the  
11 Secretary determines appropriate, shall carry out a pro-  
12 gram to—

13 (1) develop, and provide for voluntary imple-  
14 mentation of, maturity models, self-assessments, and  
15 auditing methods for assessing the physical security  
16 and cybersecurity of electric utilities;

17 (2) provide training to electric utilities to ad-  
18 dress and mitigate cybersecurity supply chain man-  
19 agement risks;

20 (3) increase opportunities for sharing best prac-  
21 tices and data collection within the electric sector;

22 (4) assist with cybersecurity training for electric  
23 utilities;

24 (5) advance the cybersecurity of third-party  
25 vendors that work in partnerships with electric utili-  
26 ties; and

1           (6) provide technical assistance for electric utili-  
2           ties subject to the program.

3           (b) SCOPE.—In carrying out the program under sub-  
4           section (a), the Secretary of Energy shall—

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

8           (2) prioritize electric utilities with fewer avail-  
9           able resources due to size or region; and

10          (3) to the extent practicable, utilize and lever-  
11          age existing Department of Energy programs.

12          (c) PROTECTION OF INFORMATION.—Information  
13          provided to, or collected by, the Federal Government pur-  
14          suant to this section—

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

17          (2) shall not be made available by any Federal,  
18          State, political subdivision or tribal authority pursu-  
19          ant to any Federal, State, political subdivision, or  
20          tribal law requiring public disclosure of information  
21          or records.

22       **SEC. 3. REPORT ON CYBERSECURITY AND DISTRIBUTION**  
23       **SYSTEMS.**

24          (a) IN GENERAL.—The Secretary of Energy, in co-  
25          ordination with relevant Federal agencies and in consulta-

1 tion with State regulatory authorities, industry stake-  
2 holders, and the Electric Reliability Organization, as the  
3 Secretary determines appropriate, shall submit to Con-  
4 gress a report that assesses—

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

10 (2) implementation of such priorities, policies,  
11 procedures, and actions, including an estimate of po-  
12 tential costs and benefits of such implementation, in-  
13 cluding any public-private cost-sharing opportunities.

14 (b) PROTECTION OF INFORMATION.—Information  
15 provided to, or collected by, the Federal Government pur-  
16 suant to this section—

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

19 (2) shall not be made available by any Federal,  
20 State, political subdivision or tribal authority pursu-  
21 ant to any Federal, State, political subdivision, or  
22 tribal law requiring public disclosure of information  
23 or records.

1 **SEC. 4. ELECTRICITY INTERRUPTION INFORMATION.**

2 (a) **INTERRUPTION COST ESTIMATE CALCULATOR.**—

3 The Secretary of Energy, in coordination with relevant  
4 Federal agencies and in consultation with State regulatory  
5 authorities, industry stakeholders, and the Electric Reli-  
6 ability Organization, as the Secretary determines appro-  
7 priate, shall update the Interruption Cost Estimate Calcu-  
8 lator, as often as appropriate and feasible, but not less  
9 than once every 2 years.

10 (b) **INDICES.**—The Secretary of Energy, in coordina-  
11 tion with relevant Federal agencies and in consultation  
12 with State regulatory authorities, industry stakeholders,  
13 and the Electric Reliability Organization, as the Secretary  
14 determines appropriate, shall, as often as appropriate and  
15 feasible, update the following:

16 (1) The System Average Interruption Duration  
17 Index.

18 (2) The System Average Interruption Fre-  
19 quency Index.

20 (3) The Customer Average Interruption Dura-  
21 tion Index.

22 (c) **SURVEY.**—The Administrator of the Energy In-  
23 formation Administration shall collect information on elec-  
24 tricity interruption costs, if available, from a representa-  
25 tive sample of owners of electric grid assets through a bi-  
26 ennial survey.

1 **SEC. 5. DEFINITIONS.**

2 In the Act, the following definitions apply:

3 (1) **ELECTRIC RELIABILITY ORGANIZATION.**—

4 The term “Electric Reliability Organization” has the  
5 meaning given such term in section 215(a)(2) of the  
6 Federal Power Act (16 U.S.C. 824o(a)(2)).

7 (2) **ELECTRIC UTILITY.**—The term “electric  
8 utility” has the meaning given such term in section  
9 3 of the Federal Power Act (16 U.S.C. 796).

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

Passed the House of Representatives September 29,  
2020.

Attest:

*Clerk.*



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