

Calendar No. 559

116TH CONGRESS
2D SESSION**H. R. 359**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Received; read twice and placed on the calendar

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,*

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. PROGRAM TO PROMOTE AND ADVANCE PHYSICAL**
7 **SECURITY AND CYBERSECURITY OF ELEC-**
8 **TRIC UTILITIES.**

9 (a) ESTABLISHMENT.—The Secretary of Energy, in
10 coordination with relevant Federal agencies and in con-

1 sultation with State regulatory authorities, industry stake-
2 holders, and the Electric Reliability Organization, as the
3 Secretary determines appropriate, shall carry out a pro-
4 gram to—

5 (1) develop, and provide for voluntary imple-
6 mentation of, maturity models, self-assessments, and
7 auditing methods for assessing the physical security
8 and cybersecurity of electric utilities;

9 (2) provide training to electric utilities to ad-
10 dress and mitigate cybersecurity supply chain man-
11 agement risks;

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

14 (4) assist with cybersecurity training for electric
15 utilities;

16 (5) advance the cybersecurity of third-party
17 vendors that work in partnerships with electric utili-
18 ties; and

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

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

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

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

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

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

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

10 (2) shall not be made available by any Federal,
11 State, political subdivision or tribal authority pursu-
12 ant to any Federal, State, political subdivision, or
13 tribal law requiring public disclosure of information
14 or records.

15 **SEC. 3. REPORT ON CYBERSECURITY AND DISTRIBUTION**
16 **SYSTEMS.**

17 (a) IN GENERAL.—The Secretary of Energy, in co-
18 ordination with relevant Federal agencies and in consulta-
19 tion with State regulatory authorities, industry stake-
20 holders, and the Electric Reliability Organization, as the
21 Secretary determines appropriate, shall submit to Con-
22 gress a report that assesses—

23 (1) priorities, policies, procedures, and actions
24 for enhancing the physical security and cybersecurity
25 of electricity distribution systems to address threats

1 to, and vulnerabilities of, such electricity distribution
2 systems; and

3 (2) implementation of such priorities, policies,
4 procedures, and actions, including an estimate of po-
5 tential costs and benefits of such implementation, in-
6 cluding any public-private cost-sharing opportunities.

7 (b) PROTECTION OF INFORMATION.—Information
8 provided to, or collected by, the Federal Government pur-
9 suant to this section—

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

12 (2) shall not be made available by any Federal,
13 State, political subdivision or tribal authority pursu-
14 ant to any Federal, State, political subdivision, or
15 tribal law requiring public disclosure of information
16 or records.

17 **SEC. 4. ELECTRICITY INTERRUPTION INFORMATION.**

18 (a) INTERRUPTION COST ESTIMATE CALCULATOR.—
19 The Secretary of Energy, in coordination with relevant
20 Federal agencies and in consultation with State regulatory
21 authorities, industry stakeholders, and the Electric Reli-
22 ability Organization, as the Secretary determines appro-
23 priate, shall update the Interruption Cost Estimate Calcu-
24 lator, as often as appropriate and feasible, but not less
25 than once every 2 years.

1 (b) INDICES.—The Secretary of Energy, in coordina-
2 tion with relevant Federal agencies and in consultation
3 with State regulatory authorities, industry stakeholders,
4 and the Electric Reliability Organization, as the Secretary
5 determines appropriate, shall, as often as appropriate and
6 feasible, update the following:

7 (1) The System Average Interruption Duration
8 Index.

9 (2) The System Average Interruption Fre-
10 quency Index.

11 (3) The Customer Average Interruption Dura-
12 tion Index.

13 (c) SURVEY.—The Administrator of the Energy In-
14 formation Administration shall collect information on elec-
15 tricity interruption costs, if available, from a representa-
16 tive sample of owners of electric grid assets through a bi-
17 ennial survey.

18 **SEC. 5. DEFINITIONS.**

19 In the Act, the following definitions apply:

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

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