

Union Calendar No. 202

116TH CONGRESS
1ST SESSION

H. R. 359

[Report No. 116-254]

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 HOUSE OF REPRESENTATIVES

JANUARY 9, 2019

Mr. MCNERNEY (for himself and Mr. LATTA) introduced the following bill;
which was referred to the Committee on Energy and Commerce

OCTOBER 28, 2019

Additional sponsors: Mr. VAN DREW and Mr. FITZPATRICK

OCTOBER 28, 2019

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

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

9 (a) ESTABLISHMENT.—The Secretary of Energy, in
10 consultation with State regulatory authorities, industry
11 stakeholders, the Electric Reliability Organization, and
12 other Federal agencies the Secretary determines appro-
13 priate, shall carry out a program to—

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

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

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

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

1 (5) advance the cybersecurity of third-party
2 vendors that work in partnerships with electric utili-
3 ties; and

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

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

8 (1) take into consideration different sizes of
9 electric utilities and the regions that such electric
10 utilities serve;

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

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

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

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

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

1 **SEC. 3. REPORT ON CYBERSECURITY AND DISTRIBUTION**
2 **SYSTEMS.**

3 (a) IN GENERAL.—The Secretary of Energy, in con-
4 sultation with State regulatory authorities, industry stake-
5 holders, and other Federal agencies the Secretary deter-
6 mines appropriate, shall submit to Congress a report that
7 assesses—

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

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

17 (b) PROTECTION OF INFORMATION.—Information
18 provided to, or collected by, the Federal Government pur-
19 suant to this section—

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

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

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

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

3 The Secretary of Energy, in consultation with the Federal
4 Energy Regulatory Commission, State regulatory authori-
5 ties, industry stakeholders, and other Federal agencies the
6 Secretary determines appropriate, shall update the Inter-
7 ruption Cost Estimate Calculator, as often as appropriate
8 and feasible, but not less than once every 2 years.

9 (b) **INDICES.**—The Secretary of Energy, in consulta-
10 tion with the Federal Energy Regulatory Commission,
11 State regulatory authorities, industry stakeholders, and
12 other Federal agencies the Secretary determines appro-
13 priate, shall, as often as appropriate and feasible, update
14 the following:

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

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

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

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

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