

Suspend the Rules and Pass the Bill, H.R. 359, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2^D SESSION

H. R. 359

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

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”.

1 **SEC. 2. PROGRAM TO PROMOTE AND ADVANCE PHYSICAL**
2 **SECURITY AND CYBERSECURITY OF ELEC-**
3 **TRIC UTILITIES.**

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

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

14 (2) provide training to electric utilities to ad-
15 dress and mitigate cybersecurity supply chain man-
16 agement risks;

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

19 (4) assist with cybersecurity training for electric
20 utilities;

21 (5) advance the cybersecurity of third-party
22 vendors that work in partnerships with electric utili-
23 ties; and

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

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

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

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

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

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

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

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

20 **SEC. 3. REPORT ON CYBERSECURITY AND DISTRIBUTION**
21 **SYSTEMS.**

22 (a) IN GENERAL.—The Secretary of Energy, in co-
23 ordination with relevant Federal agencies and in consulta-
24 tion with State regulatory authorities, industry stake-
25 holders, and the Electric Reliability Organization, as the

1 Secretary determines appropriate, shall submit to Con-
2 gress a report that assesses—

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

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

12 (b) 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. 4. ELECTRICITY INTERRUPTION INFORMATION.**

23 (a) INTERRUPTION COST ESTIMATE CALCULATOR.—
24 The Secretary of Energy, in coordination with relevant
25 Federal agencies and in consultation with State regulatory

1 authorities, industry stakeholders, and the Electric Reli-
2 ability Organization, as the Secretary determines appro-
3 priate, shall update the Interruption Cost Estimate Calcu-
4 lator, as often as appropriate and feasible, but not less
5 than once every 2 years.

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

12 (1) The System Average Interruption Duration
13 Index.

14 (2) The System Average Interruption Fre-
15 quency Index.

16 (3) The Customer Average Interruption Dura-
17 tion Index.

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

23 **SEC. 5. DEFINITIONS.**

24 In the Act, the following definitions apply:

1 (1) ELECTRIC RELIABILITY ORGANIZATION.—

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

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

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