

## Calendar No. 559

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

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 30 (legislative day, SEPTEMBER 29), 2020

Received; read twice and placed on the calendar

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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,*

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)).

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

4           (3) STATE REGULATORY AUTHORITY.—The  
5 term “State regulatory authority” has the meaning  
6 given such term in section 3 of the Federal Power  
7 Act (16 U.S.C. 796).

Passed the House of Representatives September 29,  
2020.

Attest:                           CHERYL L. JOHNSON,  
*Clerk.*



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