

**Calendar No. 267**116<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION**S. 2095****[Report No. 116–147]**

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.

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## IN THE SENATE OF THE UNITED STATES

JULY 11, 2019

Mr. GARDNER (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

OCTOBER 24, 2019

Reported by Ms. MURKOWSKI, without amendment

**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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

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

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

10 (2) **ELECTRIC UTILITY; STATE REGULATORY**  
11 **AUTHORITY.**—The terms “electric utility” and  
12 “State regulatory authority” have the meanings  
13 given those terms in section 3 of the Federal Power  
14 Act (16 U.S.C. 796).

15 (3) **SECRETARY.**—The term “Secretary” means  
16 the Secretary of Energy.

17 **SEC. 3. PROGRAM TO PROMOTE AND ADVANCE PHYSICAL**  
18 **SECURITY AND CYBERSECURITY OF ELEC-**  
19 **TRIC UTILITIES.**

20 (a) **ESTABLISHMENT.**—The Secretary, in consulta-  
21 tion with State regulatory authorities, industry stake-  
22 holders, the Electric Reliability Organization, and any  
23 other Federal agencies that the Secretary determines to  
24 be appropriate, shall carry out a program—

25 (1) to develop, and provide for voluntary imple-  
26 mentation of, maturity models, self-assessments, and

1 auditing methods for assessing the physical security  
2 and cybersecurity of electric utilities;

3 (2) to assist with threat assessment and cyber-  
4 security training for electric utilities;

5 (3) to provide technical assistance for electric  
6 utilities subject to the program;

7 (4) to provide training to electric utilities to ad-  
8 dress and mitigate cybersecurity supply chain man-  
9 agement risks;

10 (5) to advance the cybersecurity of third-party  
11 vendors in partnerships with electric utilities; and

12 (6) to increase opportunities for sharing best  
13 practices and data collection within the electric sec-  
14 tor.

15 (b) SCOPE.—In carrying out the program under sub-  
16 section (a), the Secretary shall—

17 (1) take into consideration—

18 (A) the different sizes of electric utilities;

19 and

20 (B) the regions that electric utilities serve;

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

23 (3) to the maximum extent practicable, use and  
24 leverage—

1 (A) existing Department of Energy pro-  
2 grams; and

3 (B) existing programs of the Federal agen-  
4 cies determined to be appropriate under sub-  
5 section (a).

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

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

11 (2) shall not be made available by any Federal  
12 agency, State, political subdivision of a State, or  
13 Tribal authority pursuant to any Federal, State, po-  
14 litical subdivision of a State, or Tribal law, respec-  
15 tively, requiring public disclosure of information or  
16 records.

17 **SEC. 4. REPORT ON CYBERSECURITY AND DISTRIBUTION**  
18 **SYSTEMS.**

19 (a) IN GENERAL.—Not later than 1 year after the  
20 date of enactment of this Act, the Secretary, in consulta-  
21 tion with State regulatory authorities, industry stake-  
22 holders, and any other Federal agencies that the Secretary  
23 determines to be appropriate, shall submit to Congress a  
24 report that assesses—

1 (1) priorities, policies, procedures, and actions  
2 for enhancing the physical security and cybersecurity  
3 of electricity distribution systems, including behind-  
4 the-meter generation, storage, and load management  
5 devices, to address threats to, and vulnerabilities of,  
6 electricity distribution systems; and

7 (2) the implementation of the priorities, poli-  
8 cies, procedures, and actions assessed under para-  
9 graph (1), including—

10 (A) an estimate of potential costs and ben-  
11 efits of the implementation; and

12 (B) an assessment of any public-private  
13 cost-sharing opportunities.

14 (b) PROTECTION OF INFORMATION.—Information  
15 provided to, or collected by, the Federal Government  
16 under 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 agency, State, political subdivision of a State, or  
21 Tribal authority pursuant to any Federal, State, po-  
22 litical subdivision of a State, or Tribal law, respec-  
23 tively, requiring public disclosure of information or  
24 records.

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