

Union Calendar No. 615

115TH CONGRESS
2^D SESSION

H. R. 5240

[Report No. 115-795]

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

MARCH 9, 2018

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

JUNE 28, 2018

Additional sponsor: Ms. ROSEN

JUNE 28, 2018

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 9, 2018]

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 ven-*
2 *dors that work in partnerships with electric utilities;*
3 *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 elec-*
9 *tric utilities and the regions that such electric utilities*
10 *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 leverage*
14 *existing Department of Energy programs.*

15 (c) *PROTECTION OF INFORMATION.—Information pro-*
16 *vided to, or collected by, the Federal Government pursuant*
17 *to this section—*

18 (1) *shall be exempt from disclosure under section*
19 *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 pro-*
18 *vided to, or collected by, the Federal Government pursuant*
19 *to this section—*

20 (1) *shall be exempt from disclosure under section*
21 *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 Frequency*
18 *Index.*

19 (3) *The Customer Average Interruption Duration*
20 *Index.*

21 (c) *SURVEY.*—*The Administrator of the Energy Infor-*
22 *mation Administration shall collect information on elec-*
23 *tricity interruption costs, if available, from a representative*
24 *sample of owners of electric grid assets through a biennial*
25 *survey.*

1 **SEC. 5. DEFINITIONS.**

2 *In the Act, the following definitions apply:*

3 (1) *ELECTRIC RELIABILITY ORGANIZATION.*—*The*
4 *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. 8240(a)(2)).*

7 (2) *ELECTRIC UTILITY.*—*The term “electric util-*
8 *ity” has the meaning given such term in section 3 of*
9 *the Federal Power Act (16 U.S.C. 796).*

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

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