

Calendar No. 267

116TH CONGRESS
1ST 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.

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 Secu-
3 rity 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-
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