

117TH CONGRESS  
1ST SESSION

# H. R. 1374

To amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement, review, and revise State energy security plans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 25, 2021

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

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## A BILL

To amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement, review, and revise State energy security plans, 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 State En-  
5 ergy Security Planning and Emergency Preparedness Act  
6 of 2021”.

1 **SEC. 2. STATE ENERGY SECURITY PLANS.**

2 (a) IN GENERAL.—Part D of title III of the Energy  
3 Policy and Conservation Act (42 U.S.C. 6321 et seq.) is  
4 amended by adding at the end the following:

5 **“SEC. 367. STATE ENERGY SECURITY PLANS.**

6 “(a) IN GENERAL.—Federal financial assistance  
7 made available to a State under this part may be used  
8 for the implementation, review, and revision of a State en-  
9 ergy security plan that assesses the State’s existing cir-  
10 cumstances and proposes methods to strengthen the abil-  
11 ity of the State, in consultation with owners and operators  
12 of energy infrastructure in such State, to—

13 “(1) secure the energy infrastructure of the  
14 State against all physical and cybersecurity threats;

15 “(2) mitigate the risk of energy supply interrup-  
16 tions to the State and enhance the response to, and  
17 recovery from, energy disruptions; and

18 “(3) ensure the State has a reliable, secure, and  
19 resilient energy infrastructure.

20 “(b) CONTENTS OF PLAN.—A State energy security  
21 plan described in subsection (a) shall—

22 “(1) address all fuels, including petroleum  
23 products, other liquid fuels, coal, electricity, and nat-  
24 ural gas, as well as regulated and unregulated en-  
25 ergy providers;

1           “(2) provide a State energy profile, including  
2           an assessment of energy production, distribution,  
3           and end-use;

4           “(3) address potential hazards to each energy  
5           sector or system, including physical threats and cy-  
6           bersecurity threats and vulnerabilities;

7           “(4) provide a risk assessment of energy infra-  
8           structure and cross-sector interdependencies;

9           “(5) provide a risk mitigation approach to en-  
10          hance reliability and end-use resilience; and

11          “(6) address multi-State, Indian Tribe, and re-  
12          gional coordination planning and response, and to  
13          the extent practicable, encourage mutual assistance  
14          in cyber and physical response plans.

15          “(c) COORDINATION.—In implementing a State en-  
16          ergy security plan under this section, the energy office of  
17          the State shall, to the extent practicable, coordinate  
18          with—

19                 “(1) the public utility or service commission of  
20                 the State;

21                 “(2) energy providers from the private sector;  
22                 and

23                 “(3) other entities responsible for maintaining  
24                 fuel or electric reliability.

1 “(d) FINANCIAL ASSISTANCE.—A State is not eligible  
2 to receive Federal financial assistance under this part, for  
3 any purpose, for a fiscal year unless the Governor of such  
4 State submits to the Secretary, with respect to such fiscal  
5 year—

6 “(1) a State energy security plan described in  
7 subsection (a) that meets the requirements of sub-  
8 section (b); or

9 “(2) after an annual review of the State energy  
10 security plan by the Governor—

11 “(A) any necessary revisions to such plan;

12 or

13 “(B) a certification that no revisions to  
14 such plan are necessary.

15 “(e) TECHNICAL ASSISTANCE.—Upon request of the  
16 Governor of a State, the Secretary may provide informa-  
17 tion and technical assistance, and other assistance, in the  
18 development, implementation, or revision of a State energy  
19 security plan.

20 “(f) SUNSET.—This section shall expire on October  
21 31, 2026.”.

22 (b) AUTHORIZATION OF APPROPRIATIONS.—Section  
23 365(f) of the Energy Policy and Conservation Act (42  
24 U.S.C. 6325(f)) is amended—

1           (1) by striking “\$125,000,000” and inserting  
2           “\$90,000,000”; and

3           (2) by striking “2007 through 2012” and in-  
4           serting “2022 through 2026”.

5           (c) TECHNICAL AND CONFORMING AMENDMENTS.—

6           (1) CONFORMING AMENDMENTS.—Section 363  
7           of the Energy Policy and Conservation Act (42  
8           U.S.C. 6323) is amended—

9                   (A) by redesignating subsection (f) as sub-  
10                   section (e); and

11                   (B) by striking subsection (e).

12           (2) TECHNICAL AMENDMENT.—Section  
13           366(3)(B)(i) of the Energy Policy and Conservation  
14           Act (42 U.S.C. 6326(3)(B)(i)) is amended by strik-  
15           ing “approved under section 367”.

16           (3) REFERENCE.—The item relating to “De-  
17           partment of Energy—Energy Conservation” in title  
18           II of the Department of the Interior and Related  
19           Agencies Appropriations Act, 1985 (42 U.S.C.  
20           6323a) is amended by striking “sections 361  
21           through 366” and inserting “sections 361 through  
22           367”.

23           (4) TABLE OF SECTIONS.—The table of sections  
24           for part D of title III of the Energy Policy and Con-

- 1        servation Act is amended by adding at the end the
- 2        following:

“Sec. 367. State energy security plans.”.

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