

Calendar No. 257

116TH CONGRESS
1ST SESSION**H. R. 2114****[Report No. 116-137]**

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 10, 2019

Received; read twice and referred to the Committee on Energy and Natural
Resources

OCTOBER 22, 2019

Reported by Ms. MURKOWSKI, with an amendment

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

AN ACT

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 2019”.

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 “(e) COORDINATION.—In developing a State energy
16 security plan under this section, the energy office of the
17 State shall, to the extent practicable, coordinate with—

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

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

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

24 “(d) FINANCIAL ASSISTANCE.—A State is not eligible
25 to receive Federal financial assistance under this part, for

1 any purpose, for a fiscal year unless the Governor of such
 2 State submits to the Secretary, with respect to such fiscal
 3 year—

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

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

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

10 or

11 “(B) a certification that no revisions to
 12 such plan are necessary.

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

18 “(f) SUNSET.—This section shall expire on October
 19 31, 2024.”.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 21 365(f) of the Energy Policy and Conservation Act (42
 22 U.S.C. 6325(f)) is amended—

23 (1) by striking “\$125,000,000” and inserting
 24 “\$90,000,000”; and

1 (2) by striking “2007 through 2012” and in-
2 serting “2021 through 2025”.

3 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

7 (A) by redesignating subsection (f) as sub-
8 section (e); and

9 (B) by striking subsection (e).

10 (2) TECHNICAL AMENDMENT.—Section
11 366(3)(B)(i) of the Energy Policy and Conservation
12 Act (42 U.S.C. 6326(3)(B)(i)) is amended by strik-
13 ing “approved under section 367”.

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

21 (4) TABLE OF SECTIONS.—The table of sections
22 for part D of title III of the Energy Policy and Con-
23 servation Act is amended by adding at the end the
24 following:

“Sec. 367. State energy security plans.”

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Enhancing State Energy*
3 *Security Planning and Emergency Preparedness Act of*
4 *2019”.*

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

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

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

10 *“(a) IN GENERAL.—Federal financial assistance made*
11 *available to a State under this part may be used for the*
12 *implementation, review, and revision of a State energy se-*
13 *curity plan that assesses the State’s existing circumstances*
14 *and proposes methods to strengthen the ability of the State,*
15 *in consultation with owners and operators of energy infra-*
16 *structure in such State, to—*

17 *“(1) secure the energy infrastructure of the State*
18 *against all physical and cybersecurity threats;*

19 *“(2) mitigate the risk of energy supply disrup-*
20 *tions to the State and enhance the response to, and*
21 *recovery from, energy disruptions; and*

22 *“(3) ensure the State has a reliable, secure, and*
23 *resilient energy infrastructure.*

24 *“(b) CONTENTS OF PLAN.—A State energy security*
25 *plan described in subsection (a) shall—*

1 “(1) address all energy sources and regulated
2 and unregulated energy providers;

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

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

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

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

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

17 “(c) COORDINATION.—In developing a State energy se-
18 curity plan under this section, the energy office of the State
19 shall, to the extent practicable, coordinate with—

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

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

24 “(3) other entities responsible for maintaining
25 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 information
17 and technical assistance, and other assistance, in the devel-
18 opment, implementation, or revision of a State energy secu-
19 rity plan.

20 “(f) *REQUIREMENT.*—Each State receiving Federal fi-
21 nancial assistance under this part shall provide reasonable
22 assurance to the Secretary that the State has established
23 policies and procedures designed to assure that the financial
24 assistance will be used—

1 “(1) to supplement, and not to supplant, State
2 and local funds; and

3 “(2) to the maximum extent practicable, to in-
4 crease the amount of State and local funds that other-
5 wise would be available, in the absence of the finan-
6 cial assistance, for the implementation of the State
7 energy security plan under this section.

8 “(g) *PROTECTION OF INFORMATION.*—Information
9 provided to, or collected by, the Federal Government under
10 this section—

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

13 “(2) shall not be made available by any Federal
14 agency, State, political subdivision of a State, or
15 Tribal authority pursuant to any Federal, State, or
16 Tribal law, as applicable, requiring public disclosure
17 of information or records.

18 “(h) *SUNSET.*—This section shall expire on October 31,
19 2024.”.

20 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
21 365(f) of the Energy Policy and Conservation Act (42
22 U.S.C. 6325(f)) is amended—

23 (1) by striking “\$125,000,000” and inserting
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4 (1) *CONFORMING AMENDMENTS.*—Section 363 of
5 the *Energy Policy and Conservation Act* (42 U.S.C.
6 6323) is amended—

7 (A) by striking subsection (e); and

8 (B) by redesignating subsection (f) as sub-
9 section (e).

10 (2) *TECHNICAL AMENDMENT.*—Section
11 366(3)(B)(i) of the *Energy Policy and Conservation*
12 *Act* (42 U.S.C. 6326(3)(B)(i)) is amended by striking
13 “approved under section 367”.

14 (3) *REFERENCE.*—The matter under the heading
15 “*ENERGY CONSERVATION*” under the heading “*DE-*
16 *PARTMENT OF ENERGY*” in title II of the *Depart-*
17 *ment of the Interior and Related Agencies Appropria-*
18 *tions Act, 1985* (42 U.S.C. 6323a) is amended by
19 striking “sections 361 through 366” and inserting
20 “sections 361 through 367”.

21 (4) *TABLE OF CONTENTS.*—The table of contents
22 for part D of title III of the *Energy Policy and Con-*
23 *servaion Act* (Public Law 94–163; 89 Stat. 872; 92
24 Stat. 3272; 104 Stat. 1006) is amended by adding at
25 the end the following:

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