

116TH CONGRESS  
1ST SESSION

# S. 2094

To amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement State energy security plans, 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

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## A BILL

To amend the Energy Policy and Conservation Act to provide Federal financial assistance to States to implement 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—

5 (1) by redesignating section 366 (42 U.S.C.  
6 6326) as section 367; and

7 (2) by inserting after section 365 (42 U.S.C.  
8 6325) the following:

9 **“SEC. 366. STATE ENERGY SECURITY PLANS.**

10 “(a) IN GENERAL.—The Secretary may provide fi-  
11 nancial assistance to a State for—

12 “(1) the development and implementation of a  
13 State energy security plan; or

14 “(2) the review, revision, and implementation of  
15 an existing State energy security plan.

16 “(b) PURPOSE.—A State energy security plan devel-  
17 oped or revised under subsection (a) shall—

18 “(1) assess the existing circumstances of the  
19 State; and

20 “(2) propose methods to strengthen the ability  
21 of the State and of owners and operators of energy  
22 infrastructure in the State—

23 “(A) to secure the energy infrastructure of  
24 the State against all physical and cybersecurity  
25 threats;

1           “(B) to mitigate the risk of energy supply  
2           disruptions to the State and enhance the re-  
3           sponse to, and recovery from, energy supply dis-  
4           ruptions; and

5           “(C) to ensure that the State has a reli-  
6           able, secure, and resilient energy infrastructure.

7           “(c) CONTENTS OF PLAN.—A State energy security  
8           plan developed or revised under subsection (a) shall—

9           “(1) address all fuels and regulated and un-  
10          regulated energy providers;

11          “(2) provide a State energy profile, including  
12          an assessment of energy production, distribution,  
13          and end use;

14          “(3) address potential hazards to each energy  
15          sector or system, including physical threats and cy-  
16          bersecurity threats and vulnerabilities;

17          “(4) provide a risk assessment of energy infra-  
18          structure and crosssector interdependencies;

19          “(5) provide a risk mitigation approach to en-  
20          hance reliability and end-use resilience, including for  
21          issues associated with energy emergencies;

22          “(6) address coordination, planning, and re-  
23          sponse, including cyber information sharing mecha-  
24          nisms such as the Multi-State Information and

1 Analysis Center, across States, Indian Tribes, and  
2 regions; and

3 “(7) to the maximum extent practicable, en-  
4 courage mutual assistance regarding the cyber and  
5 physical response plans of States, Indian Tribes, and  
6 regions.

7 “(d) COORDINATION.—In developing or revising a  
8 State energy security plan under subsection (a), the State  
9 energy office shall, to the maximum extent practicable, co-  
10 ordinate with and participate in cyber and physical secu-  
11 rity incident exercises with—

12 “(1) the public utility or service commission of  
13 the State;

14 “(2) public and private sector energy and elec-  
15 tric providers; and

16 “(3) other entities responsible for maintaining  
17 fuel or electric reliability and securing energy infra-  
18 structure.

19 “(e) ELIGIBILITY FOR FINANCIAL ASSISTANCE.—  
20 The Governor of a State desiring financial assistance  
21 under this section for a fiscal year shall submit to the Sec-  
22 retary, with respect to that fiscal year—

23 “(1) a State energy security plan developed in  
24 accordance with the requirements of this section; or

1           “(2) after an annual review of the existing  
2 State energy security plan of the State by the Gov-  
3 ernor—

4           “(A) a revised State energy security plan  
5 that meets the requirements of this section; or

6           “(B) a certification that no revisions to the  
7 State energy security plan are necessary.

8           “(f) TECHNICAL ASSISTANCE.—On request of the  
9 Governor of a State, the Secretary may provide to the  
10 State information, technical assistance, and other assist-  
11 ance for the development or revision of, and implementa-  
12 tion of, a State energy security plan under this section.

13           “(g) REQUIREMENT.—Each State receiving financial  
14 assistance under this section shall provide reasonable as-  
15 surance to the Secretary that the State has established  
16 policies and procedures designed to assure that the finan-  
17 cial assistance will be used—

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

20           “(2) to the maximum extent practicable, to in-  
21 crease the amount of State and local funds that oth-  
22 erwise would be available, in the absence of the fi-  
23 nancial assistance, for the implementation of the  
24 State energy security plan under this section.

1 “(h) PROTECTION OF INFORMATION.—Information  
2 provided to, or collected by, the Federal Government  
3 under this section—

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

6 “(2) shall not be made available by any Federal  
7 agency, State, political subdivision of a State, or  
8 Tribal authority pursuant to any Federal, State, or  
9 Tribal law, as applicable, requiring public disclosure  
10 of information or records.

11 “(i) AUTHORIZATION OF APPROPRIATIONS.—There is  
12 authorized to be appropriated to carry out this section  
13 \$90,000,000 for each of fiscal years 2019 through 2022.

14 “(j) SUNSET.—This authority to carry out this sec-  
15 tion shall expire on October 31, 2022.”.

16 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

17 (1) CONFORMING AMENDMENTS.—Section 363  
18 of the Energy Policy and Conservation Act (42  
19 U.S.C. 6323) is amended—

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

21 (B) by redesignating subsection (f) as sub-  
22 section (e).

23 (2) TECHNICAL AMENDMENTS.—

24 (A) Section 509(i)(3) of the Housing and  
25 Urban Development Act of 1970 (12 U.S.C.

1 1701z–8(i)(3)) is amended by striking “section  
2 366” and inserting “section 367”.

3 (B) The matter under the heading “EN-  
4 ERGY CONSERVATION” under the heading “DE-  
5 PARTMENT OF ENERGY” in title II of the  
6 Department of the Interior and Related Agen-  
7 cies Appropriations Act, 1985 (42 U.S.C.  
8 6323a) is amended by striking “sections 361  
9 through 366” and inserting “sections 361  
10 through 367”.

11 (C) Section 367(3)(B)(i) of the Energy  
12 Policy and Conservation Act (42 U.S.C.  
13 6326(3)(B)(i)) (as redesignated by subsection  
14 (a)(1)) is amended by striking “approved under  
15 section 367”.

16 (D) Section 451(i)(3) of the Energy Con-  
17 servation and Production Act (42 U.S.C.  
18 6881(i)(3)) is amended by striking “section  
19 366” and all that follows through the period at  
20 the end and inserting “section 367 of the En-  
21 ergy Policy and Conservation Act.”.

22 (3) TABLE OF CONTENTS.—The table of con-  
23 tents for part D of title III of the Energy Policy and  
24 Conservation Act (Public Law 94–163; 89 Stat. 872;  
25 92 Stat. 3272; 104 Stat. 1006) is amended by strik-

- 1 ing the item relating to section 366 and inserting
- 2 the following:

“Sec. 366. State energy security plans.  
“Sec. 367. Definitions.”.

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