AMENDMENT NO._______       Calendar No._______

Purpose: In the nature of a substitute.


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.

Referred to the Committee on ________________ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by _____________

Viz:

1 Strike all after the enacting clause and insert the following:

3 SECTION 1. SHORT TITLE.

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

7 SEC. 2. STATE ENERGY SECURITY PLANS.

8 (a) IN GENERAL.—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended by adding at the end the following:
“SEC. 367. STATE ENERGY SECURITY PLANS.

“(a) In General.—Federal financial assistance made available to a State under this part may be used for the implementation, review, and revision of a State energy security plan that assesses the State’s existing circumstances and proposes methods to strengthen the ability of the State, in consultation with owners and operators of energy infrastructure in such State, to—

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

“(2) mitigate the risk of energy supply disruptions to the State and enhance the response to, and recovery from, energy disruptions; and

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

“(b) Contents of Plan.—A State energy security plan described in subsection (a) shall—

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

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

“(3) address potential hazards to each energy sector or system, including physical threats and cybersecurity threats and vulnerabilities;
“(4) provide a risk assessment of energy infrastructure and cross-sector interdependencies;
“(5) provide a risk mitigation approach to enhance reliability and end-use resilience; and
“(6) address multi-State, Indian Tribe, and regional coordination planning and response, and to the extent practicable, encourage mutual assistance in cyber and physical response plans.
“(c) COORDINATION.—In developing a State energy security plan under this section, the energy office of the State shall, to the extent practicable, coordinate with—
“(1) the public utility or service commission of the State;
“(2) energy providers from the private sector; and
“(3) other entities responsible for maintaining fuel or electric reliability.
“(d) FINANCIAL ASSISTANCE.—A State is not eligible to receive Federal financial assistance under this part, for any purpose, for a fiscal year unless the Governor of such State submits to the Secretary, with respect to such fiscal year—
“(1) a State energy security plan described in subsection (a) that meets the requirements of subsection (b); or
“(2) after an annual review of the State energy security plan by the Governor—

“(A) any necessary revisions to such plan;

or

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

“(e) TECHNICAL ASSISTANCE.—Upon request of the Governor of a State, the Secretary may provide information and technical assistance, and other assistance, in the development, implementation, or revision of a State energy security plan.

“(f) REQUIREMENT.—Each State receiving Federal financial assistance under this part shall provide reasonable assurance to the Secretary that the State has established policies and procedures designed to assure that the financial assistance will be used—

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

“(2) to the maximum extent practicable, to increase the amount of State and local funds that otherwise would be available, in the absence of the financial assistance, for the implementation of the State energy security plan under this section.
“(g) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government under this section—

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

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

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

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

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

(2) by striking “2007 through 2012” and inserting “2021 through 2025”.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

(A) by striking subsection (e); and
(B) by redesignating subsection (f) as subsection (e).

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

(3) REFERENCE.—The matter under the heading “ENERGY CONSERVATION” under the heading “DEPARTMENT OF ENERGY” in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a) is amended by striking “sections 361 through 366” and inserting “sections 361 through 367”.

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

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