

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

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 fol-
2 lowing:

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”.

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

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

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

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

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

11 “(2) mitigate the risk of energy supply interrup-
12 tions to the State and enhance the response to, and
13 recovery from, energy disruptions; and

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

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

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

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

23 “(3) address potential hazards to each energy
24 sector or system, including physical threats and cy-
25 bersecurity threats and vulnerabilities;

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

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

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

9 “(c) COORDINATION.—In developing a State energy
10 security plan under this section, the energy office of the
11 State shall, to the extent practicable, coordinate with—

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

14 “(2) energy providers from the private sector;
15 and

16 “(3) other entities responsible for maintaining
17 fuel or electric reliability.

18 “(d) FINANCIAL ASSISTANCE.—A State is not eligible
19 to receive Federal financial assistance under this part, for
20 any purpose, for a fiscal year unless the Governor of such
21 State submits to the Secretary, with respect to such fiscal
22 year—

23 “(1) a State energy security plan described in
24 subsection (a) that meets the requirements of sub-
25 section (b); or

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

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

4 or

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

7 “(e) TECHNICAL ASSISTANCE.—Upon request of the
8 Governor of a State, the Secretary may provide informa-
9 tion and technical assistance, and other assistance, in the
10 development, implementation, or revision of a State energy
11 security plan.

12 “(f) REQUIREMENT.—Each State receiving Federal
13 financial assistance under this part shall provide reason-
14 able assurance to the Secretary that the State has estab-
15 lished policies and procedures designed to assure that the
16 financial assistance will be used—

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

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

1 “(g) 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 “(h) SUNSET.—This section shall expire on October
12 31, 2024.”.

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
14 365(f) of the Energy Policy and Conservation Act (42
15 U.S.C. 6325(f)) is amended—

16 (1) by striking “\$125,000,000” and inserting
17 “\$90,000,000”; and

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

20 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

1 (B) by redesignating subsection (f) as sub-
2 section (e).

3 (2) TECHNICAL AMENDMENT.—Section
4 366(3)(B)(i) of the Energy Policy and Conservation
5 Act (42 U.S.C. 6326(3)(B)(i)) is amended by strik-
6 ing “approved under section 367”.

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

14 (4) TABLE OF CONTENTS.—The table of con-
15 tents for part D of title III of the Energy Policy and
16 Conservation Act (Public Law 94–163; 89 Stat. 872;
17 92 Stat. 3272; 104 Stat. 1006) is amended by add-
18 ing at the end the following:

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