

115TH CONGRESS  
2D SESSION

# S. 3676

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

NOVEMBER 29, 2018

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 2018”.

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, in consultation with owners and opera-  
22 tors of energy 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 disrup-  
4 tions; and

5 “(C) to ensure the State has a reliable, se-  
6 cure, 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, including fuels from reg-  
10 ulated and unregulated 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;

21 “(6) address coordination, planning, and re-  
22 sponse, including cyber information sharing mecha-  
23 nisms such as the Multi-State Information and  
24 Analysis Center, across States, Indian Tribes, and  
25 regions; and

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

5           “(d) COORDINATION.—In developing or revising a  
6           State energy security plan under subsection (a), the en-  
7           ergy office of the State shall, to the maximum extent prac-  
8           ticable, coordinate with and participate in cyber and phys-  
9           ical security incident exercises with—

10           “(1) the public utility or service commission of  
11           the State;

12           “(2) energy providers from the private sector;  
13           and

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

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

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

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

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

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

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

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

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

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

22          “(h) AUTHORIZATION OF APPROPRIATIONS.—There  
23 is authorized to be appropriated to carry out this section  
24 \$90,000,000 for each of fiscal years 2018 through 2022.

1 “(i) SUNSET.—This authority to carry out this sec-  
 2 tion shall expire on October 31, 2022.”.

3 (b) 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 striking subsection (e); and

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

10 (2) TECHNICAL AMENDMENTS.—

11 (A) Section 509(i)(3) of the Housing and  
 12 Urban Development Act of 1970 (12 U.S.C.  
 13 1701z–8(i)(3)) is amended by striking “section  
 14 366” and inserting “section 367”.

15 (B) The matter under the heading “EN-  
 16 ERGY CONSERVATION” under the heading “DE-  
 17 PARTMENT OF ENERGY” in title II of the  
 18 Department of the Interior and Related Agen-  
 19 cies Appropriations Act, 1985 (42 U.S.C.  
 20 6323a) is amended by striking “sections 361  
 21 through 366” and inserting “sections 361  
 22 through 367”.

23 (C) Section 367(3)(B)(i) of the Energy  
 24 Policy and Conservation Act (42 U.S.C.  
 25 6326(3)(B)(i)) (as redesignated by subsection

1 (a)(1)) is amended by striking “approved under  
2 section 367”.

3 (D) Section 451(i)(3) of the Energy Con-  
4 servation and Production Act (42 U.S.C.  
5 6881(i)(3)) is amended by striking “section  
6 366” and all that follows through the period at  
7 the end and inserting “section 367 of the En-  
8 ergy Policy and Conservation Act.”.

9 (3) TABLE OF CONTENTS.—The table of con-  
10 tents for part D of title III of the Energy Policy and  
11 Conservation Act (Public Law 94–163; 89 Stat. 872;  
12 92 Stat. 3272; 104 Stat. 1006) is amended by strik-  
13 ing the item relating to section 366 and inserting  
14 the following:

“Sec. 366. State energy security plans.

“Sec. 367. Definitions.”.

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