

1 **SEC. 40108. 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) in section 361—

6 (A) by striking the section designation and
7 heading and all that follows through “The Con-
8 gress” and inserting the following:

9 **“SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.**

10 **“(a) FINDINGS.**—Congress”;

11 (B) in subsection (b), by striking “(b) It
12 is” and inserting the following:

13 **“(b) PURPOSE.**—It is”; and

14 (C) by adding at the end the following:

15 **“(c) DEFINITIONS.**—In this part:”;

16 (2) in section 366—

17 (A) in paragraph (3)(B)(i), by striking
18 “approved under section 367, and” ; and insert-
19 ing “; and”;

20 (B) in each of paragraphs (1) through (8),
21 by inserting a paragraph heading, the text of
22 which is comprised of the term defined in the
23 paragraph; and

24 (C) by redesignating paragraphs (6) and
25 (7) as paragraphs (7) and (6), respectively, and

1 moving the paragraphs so as to appear in nu-
2 merical order;

3 (3) by moving paragraphs (1) through (8) of
4 section 366 (as so redesignated) so as to appear
5 after subsection (c) of section 361 (as designated by
6 paragraph (1)(C)); and

7 (4) by amending section 366 to read as follows:

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

9 **“(a) DEFINITIONS.—**In this section:

10 **“(1) BULK-POWER SYSTEM.—**The term ‘bulk-
11 power system’ has the meaning given the term in
12 section 215(a) of the Federal Power Act (16 U.S.C.
13 824o(a)).

14 **“(2) STATE ENERGY SECURITY PLAN.—**The
15 term ‘State energy security plan’ means a State en-
16 ergy security plan described in subsection (b).

17 **“(b) FINANCIAL ASSISTANCE FOR STATE ENERGY**
18 **SECURITY PLANS.—**Federal financial assistance made
19 available to a State under this part may be used for the
20 development, implementation, review, and revision of a
21 State energy security plan that—

22 **“(1) assesses the existing circumstances in the**
23 **State; and**

1 “(2) proposes methods to strengthen the ability
2 of the State, in consultation with owners and opera-
3 tors of energy infrastructure in the State—

4 “(A) to secure the energy infrastructure of
5 the State against all physical and cybersecurity
6 threats;

7 “(B)(i) to mitigate the risk of energy sup-
8 ply disruptions to the State; and

9 “(ii) to enhance the response to, and recov-
10 ery from, energy disruptions; and

11 “(C) to ensure that the State has reliable,
12 secure, and resilient energy infrastructure.

13 “(c) CONTENTS OF PLAN.—A State energy security
14 plan shall—

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

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

20 “(3) address potential hazards to each energy
21 sector or system, including—

22 “(A) physical threats and vulnerabilities;
23 and

24 “(B) cybersecurity threats and
25 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)(A) address—

6 “(i) multi-State and regional coordination,
7 planning, and response; and

8 “(ii) coordination with Indian Tribes with
9 respect to planning and response; and

10 “(B) to the extent practicable, encourage mu-
11 tual assistance in cyber and physical response plans.

12 “(d) COORDINATION.—In developing or revising a
13 State energy security plan, the State energy office of the
14 State shall coordinate, to the extent practicable, with—

15 “(1) the public utility or service commission of
16 the State;

17 “(2) energy providers from the private and pub-
18 lic sectors; and

19 “(3) other entities responsible for—

20 “(A) maintaining fuel or electric reliability;
21 and

22 “(B) securing energy infrastructure.

23 “(e) FINANCIAL ASSISTANCE.—A State is not eligible
24 to receive Federal financial assistance under this part for
25 any purpose for a fiscal year unless the Governor of the

1 State submits to the Secretary, with respect to that fiscal
2 year—

3 “(1) a State energy security plan that meets
4 the requirements of subsection (c); or

5 “(2) after an annual review, carried out by the
6 Governor, of a State energy security plan—

7 “(A) any necessary revisions to the State
8 energy security plan; or

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

11 “(f) TECHNICAL ASSISTANCE.—On request of the
12 Governor of a State, the Secretary, in consultation with
13 the Secretary of Homeland Security, may provide informa-
14 tion, technical assistance, and other assistance in the de-
15 velopment, implementation, or revision of a State energy
16 security plan.

17 “(g) REQUIREMENT.—Each State receiving Federal
18 financial assistance under this part shall provide reason-
19 able assurance to the Secretary that the State has estab-
20 lished policies and procedures designed to assure that the
21 financial assistance will be used—

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

24 “(2) to the maximum extent practicable, to in-
25 crease the amount of State and local funds that oth-

1 erwise would be available, in the absence of the Fed-
2 eral financial assistance, for the implementation of a
3 State energy security plan.

4 “(h) PROTECTION OF INFORMATION.—Information
5 provided to, or collected by, the Federal Government pur-
6 suant to this section the disclosure of which the Secretary
7 reasonably foresees could be detrimental to the physical
8 security or cybersecurity of any electric utility or the bulk-
9 power system—

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

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

18 “(i) SUNSET.—The requirements of this section shall
19 expire on October 31, 2025.”.

20 (b) CLERICAL AMENDMENTS.—The table of contents
21 of the Energy Policy and Conservation Act (Public Law
22 94–163; 89 Stat. 872) is amended—

23 (1) by striking the item relating to section 361
24 and inserting the following:

“Sec. 361. Findings; purpose; definitions.”; and

1 (2) by striking the item relating to section 366
2 and inserting the following:

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

3 (c) CONFORMING AMENDMENTS.—

4 (1) Section 509(i)(3) of the Housing and Urban
5 Development Act of 1970 (12 U.S.C. 1701z–8(i)(3))
6 is amended by striking “prescribed for such terms in
7 section 366 of the Energy Policy and Conservation
8 Act” and inserting “given the terms in section
9 361(c) of the Energy Policy and Conservation Act”.

10 (2) Section 363 of the Energy Policy and Con-
11 servation Act (42 U.S.C. 6323) is amended—

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

13 (B) by redesignating subsection (f) as sub-
14 section (e).

15 (3) Section 451(i)(3) of the Energy Conserva-
16 tion and Production Act (42 U.S.C. 6881(i)(3)) is
17 amended by striking “prescribed for such terms in
18 section 366 of the Federal Energy Policy and Con-
19 servation Act” and inserting “given the terms in sec-
20 tion 361(c) of the Energy Policy and Conservation
21 Act”.

22 **SEC. 40109. STATE ENERGY PROGRAM.**

23 (a) COLLABORATIVE TRANSMISSION SITING.—Sec-
24 tion 362(c) of the Energy Policy and Conservation Act (42
25 U.S.C. 6322(c)) is amended—

1 (1) in paragraph (5), by striking “and” at the
2 end;

3 (2) in paragraph (6), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(7) the mandatory conduct of activities to sup-
7 port transmission and distribution planning, includ-
8 ing—

9 “(A) support for local governments and In-
10 dian Tribes;

11 “(B) feasibility studies for transmission
12 line routes and alternatives;

13 “(C) preparation of necessary project de-
14 sign and permits; and

15 “(D) outreach to affected stakeholders.”.

16 (b) STATE ENERGY CONSERVATION PLANS.—Section
17 362(d) of the Energy Policy and Conservation Act (42
18 U.S.C. 6322(d)) is amended by striking paragraph (3) and
19 inserting the following:

20 “(3) programs to increase transportation energy
21 efficiency, including programs to help reduce carbon
22 emissions in the transportation sector by 2050 and
23 accelerate the use of alternative transportation fuels
24 for, and the electrification of, State government ve-
25 hicles, fleet vehicles, taxis and ridesharing services,

1 mass transit, school buses, ferries, and privately
2 owned passenger and medium- and heavy-duty vehi-
3 cles;”.

4 (c) AUTHORIZATION OF APPROPRIATIONS FOR STATE
5 ENERGY PROGRAM.—Section 365 of the Energy Policy
6 and Conservation Act (42 U.S.C. 6325) is amended by
7 striking subsection (f) and inserting the following:

8 “(f) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—There is authorized to be
10 appropriated to carry out this part \$500,000,000 for
11 the period of fiscal years 2022 through 2026.

12 “(2) DISTRIBUTION.—Amounts made available
13 under paragraph (1)—

14 “(A) shall be distributed to the States in
15 accordance with the applicable distribution for-
16 mula in effect on January 1, 2021; and

17 “(B) shall not be subject to the matching
18 requirement described in the first proviso of the
19 matter under the heading ‘ENERGY CONSERVA-
20 TION’ under the heading ‘DEPARTMENT OF
21 ENERGY’ in title II of the Department of the
22 Interior and Related Agencies Appropriations
23 Act, 1985 (42 U.S.C. 6323a).”.