AMENDMENT NO._____ Calendar No._____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. 4166

To amend the Energy Policy and Conservation Act to require States to include supporting the physical security, cybersecurity, and resilience of local distribution systems in 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:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Securing Community Upgrades for a Resilient Grid Act'' or the ''SECURE Grid Act''.

SEC. 2. CONSIDERATION OF THE SECURITY OF LOCAL DISTRIBUTION SYSTEMS IN STATE ENERGY SECURITY PLANS.

Section 366 of the Energy Policy and Conservation Act (42 U.S.C. 6326) is amended—

(1) in subsection (a), by adding at the end the following:

''(3) LOCAL DISTRIBUTION SYSTEM.—The term 'local distribution system' means any energy infrastructure owned and operated by an electric utility at a voltage of 100 kilovolts or less.'';

(2) in subsection (b)(2), by inserting '', and suppliers of equipment for the generation, transmission, and distribution of electricity to,'' after ''owners and operators of'';

(3) in subsection (c)—

(A) by amending paragraph (3) to read as follows:

''(3) address potential hazards to each energy sector or system, including—

''(A) physical threats and vulnerabilities, including—

''(i) weather-related threats and vulnerabilities;

''(ii) physical attacks on local distribution systems and the bulk-power system; and

''(iii) supply chain risks for equipment for the generation, transmission, and distribution of electricity; and

"(B) cybersecurity threats and vulnerabilities, including threats to, and vulnerabilities of, local distribution systems that may impact the bulk-power system;"; and

(B) by amending paragraph (5) to read as follows:

"(5) provide a risk mitigation approach to enhance reliability and end-use resilience, including methods of responding to, mitigating, and recovering from potential hazards described in paragraph (3); and";

(4) in subsection (d)(3)—

(A) in subparagraph (A), by striking "and" at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following:

"(B) supplying equipment for the generation, transmission, and distribution of electricity; and";

(5) in subsection (e)—

(A) by striking "A State is not eligible" and inserting the following:

''(1) SUBMISSION REQUIRED.—A State is not eligible'';

(B) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively (and by moving the margins accordingly); and

(D) by adding at the end the following:

''(2) STATE DETERMINATION.—A submission under paragraph (1) is not required to be approved by the Secretary.'';

(6) in subsection (f), by striking ''may'' and inserting ''shall'';

(7) in subsection (h), by inserting '', local distribution system,'' after ''electric utility''; and

(8) by striking subsection (i) and inserting the following:

''(i) SUNSET.—This section shall expire on September 30, 2031.''.

SEC. 3. GAO REPORT.

(a) IN GENERAL.—Not later than September 30, 2030, the Comptroller General shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural

Resources of the Senate a report on the efficacy of State energy security plans that includes—

(1) an evaluation of whether and how State energy security plans have improved the ability of States to identify, assess, and mitigate risks to energy infrastructure and supply chains and to plan for, respond to, and recover from events that disrupt energy supply;

(2) recommendations for—

(A) improving the ability of States described in paragraph (1); and

(B) actions the Secretary of Energy may take to improve coordination with States with respect to identifying, assessing, and mitigating risks to energy infrastructure and supply chains and planning for, responding to, and recovering from events that disrupt energy supply;

(3) information on Federal financial assistance made available to States under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) that was used to implement State energy security plans;

(4) information on activities carried out by States using such financial assistance;

(5) an analysis of the efficacy of the implementation of section 366 of the Energy Policy and Conservation Act (42 U.S.C. 6326), as amended by this Act; and

(6) information on State use of assistance provided under section 366(f) of the Energy Policy and Conservation Act (42 U.S.C. 6326(f)) (as amended by this Act), including any revisions of State energy security plans made by States resulting from assistance provided under such section 366(f).

(b) PROTECTED INFORMATION.—The report required under subsection (a) shall be submitted in a form that may be made available to the public, except that any information protected from disclosure under section 366(h) of the Energy Policy and Conservation Act (42 U.S.C. 6326(h)) shall be included in the report in an annex that shall not be publicly disclosed, consistent with such section.

(c) STATE ENERGY SECURITY PLAN DEFINED.—In this section, the term ''State energy security plan'' has the meaning given such term in section 366(a) of the Energy Policy and Conservation Act (42 U.S.C. 6326(a)).