

118TH CONGRESS
1ST SESSION

S. 914

To establish an energy threat analysis center in the Department of Energy.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2023

Mr. RISCH (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish an energy threat analysis center in the
Department of Energy.

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 “Energy Threat Anal-
5 ysis Center Establishment Act of 2023” or the “ETAC
6 Establishment Act of 2023”.

7 **SEC. 2. ENERGY THREAT ANALYSIS CENTER.**

8 (a) ESTABLISHMENT.—As part of the program devel-
9 oped under section 40125(c) of the Infrastructure Invest-
10 ment and Jobs Act (42 U.S.C. 18724(c)), there is estab-

1 lished in the Department of Energy an energy threat anal-
2 ysis center (referred to in this Act as the “Center”)—

3 (1) to enhance situational awareness of threats
4 to the security of the energy sector;

5 (2) to analyze threats against the security of
6 the energy sector;

7 (3) to identify relevant security threat mitiga-
8 tion measures for energy systems; and

9 (4) to support relevant response and restoration
10 activities for the energy sector under existing con-
11 structs.

12 (b) FUNCTIONS.—The functions of the Center shall
13 include—

14 (1) establishing an operational collaborative en-
15 vironment, physical and virtual, for the government
16 and industry—

17 (A) to develop actionable operational infor-
18 mation relating to threats to the security of the
19 energy sector; and

20 (B) to develop and offer meaningful threat
21 mitigation advice and actions to enhance—

22 (i) the defense of, and response to se-
23 curity threats to, the energy sector; and

24 (ii) the resilience of the United States
25 energy sector;

1 (2) enabling an exchange of information on
2 threat activity among government and industry to
3 address energy security and resilience and shared
4 energy sector security threats relating to national se-
5 curity, public health, safety, and the economy;

6 (3) improving detailed understanding of na-
7 tional security risks associated with the energy sec-
8 tor that are or could be exploited by adversaries, in-
9 cluding nation-states;

10 (4) achieving a deeper understanding of the tac-
11 tics, capabilities, and activities of threat actors that
12 have the potential to impact systemic risks to the
13 energy sector; and

14 (5) facilitating increased information sharing
15 between government and industry of actual acute
16 threat activity, including incidents, in a secure set-
17 ting, physical and virtual, to facilitate the energy se-
18 curity and resilience of the United States.

19 (c) COORDINATION AND INTEGRATION.—In carrying
20 out the responsibilities of the Center, the Center shall—

21 (1) coordinate with—

22 (A) the Department of Homeland Security,
23 including the Cybersecurity and Infrastructure
24 Security Agency;

1 (B) the Department of Defense, including
2 United States Cyber Command, the National
3 Security Agency, and the Army Interagency
4 Training and Education Center of the National
5 Guard Bureau;

6 (C) the Department of Justice, including
7 the Federal Bureau of Investigation;

8 (D) the Office of the Director of National
9 Intelligence; and

10 (E) other Federal agencies and depart-
11 ments, as determined by the Secretary of En-
12 ergy;

13 (2) ensure that the processes used by the Cen-
14 ter are performed in collaboration with the activities
15 of the Department of Homeland Security and the
16 Department of Defense relating to cybersecurity, in-
17 cluding—

18 (A) the Joint Cyber Defense Collaborative
19 of the Cybersecurity and Infrastructure Secu-
20 rity Agency; and

21 (B) the Cybersecurity Collaboration Center
22 and Enduring Security Framework of the Na-
23 tional Security Agency;

24 (3) regularly consult with appropriate rep-
25 resentatives of non-Federal entities, such as—

1 (A) State, local, federally-recognized Trib-
2 al, and territorial governments;

3 (B) information sharing and analysis orga-
4 nizations, including information sharing and
5 analysis centers such as the Electricity Infor-
6 mation Sharing and Analysis Center operated
7 by the North American Electric Reliability Cor-
8 poration;

9 (C) owners and operators of energy sector
10 infrastructure; and

11 (D) other appropriate representatives or
12 entities, including private entities, such as man-
13 ufacturers and vendors, that contribute to the
14 energy sector, as determined by the Secretary
15 of Energy;

16 (4) leverage the capabilities and services of ad-
17 vanced technology providers, including—

18 (A) National Laboratories (as defined in
19 section 2 of the Energy Policy Act of 2005 (42
20 U.S.C. 15801)) with relevant capabilities;

21 (B) commercial threat intelligence produc-
22 tion entities; and

23 (C) energy infrastructure vendors and inte-
24 grators; and

1 (5) as appropriate, protect information sub-
2 mitted to and shared by the Center consistent with
3 applicable laws and regulations.

4 (d) NO RIGHT OR BENEFIT.—

5 (1) IN GENERAL.—The provision of assistance
6 or information to governmental or private entities
7 under this section shall be at the sole and
8 unreviewable discretion of the Secretary of Energy.

9 (2) CERTAIN ASSISTANCE OR INFORMATION.—

10 The provision of certain assistance or information to
11 a governmental or private entity pursuant to this
12 section shall not create a right or benefit, sub-
13 stantive or procedural, for any other governmental
14 or private entity to similar assistance or information.

15 (e) ENTITIES OF CONCERN.—No entity of concern
16 (as defined in section 10114(a) of the Research and Devel-
17 opment, Competition, and Innovation Act (Public Law
18 117–167)) shall participate in any manner in carrying out
19 the functions of the Center.

20 (f) NONAPPLICABILITY OF FACA.—The Center shall
21 be exempt from complying with the requirements of chap-
22 ter 10 of title 5, United States Code (including regula-
23 tions).

1 (g) SUNSET.—The effectiveness of this section shall
2 terminate on the date that is 10 years after the date of
3 enactment of this Act.

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