

119TH CONGRESS
1ST SESSION

S. 1902

To require the Secretary of Energy to establish an energy threat analysis program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2025

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

A BILL

To require the Secretary of Energy to establish an energy threat analysis program, 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 “Energy Threat Anal-
5 ysis Program Act of 2025” or the “ETAP Act of 2025”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) DEPARTMENT.—The term “Department”
9 means the Department of Energy.

1 (2) PROGRAM.—The term “Program” means
2 the energy threat analysis program established
3 under section 3.

4 (3) SECRETARY.—The term “Secretary” means
5 the Secretary of Energy.

6 **SEC. 3. ENERGY THREAT ANALYSIS PROGRAM.**

7 (a) IN GENERAL.—As part of the program developed
8 under section 40125(c) of the Infrastructure Investment
9 and Jobs Act (42 U.S.C. 18724(c)), the Secretary shall
10 establish an energy threat analysis program—

11 (1) under which the Office of Cybersecurity,
12 Energy Security, and Emergency Response, in con-
13 sultation with the Office of Intelligence and Counter-
14 intelligence, may establish, for activities of the pro-
15 gram to advance public-private operational collabora-
16 tion—

17 (A) an Energy Threat Analysis Center as
18 a physical location; and

19 (B) any other additional facilities, as nec-
20 essary;

21 (2) to enhance situational awareness of threats
22 to the security of the energy sector;

23 (3) to analyze threats against the security of
24 the energy sector;

1 (4) to identify relevant security threat mitiga-
2 tion measures for energy systems;

3 (5) to support relevant response and restoration
4 activities for the energy sector under existing con-
5 structs;

6 (6) to inform research and development activi-
7 ties in support of the security of critical energy sys-
8 tems, technologies, and components;

9 (7) to conduct other security and resilience ef-
10 forts identified by the Secretary;

11 (8) to enhance and periodically test the emer-
12 gency response capabilities of the Department;

13 (9) to expand cooperation of the Department
14 with the intelligence community for energy sector-re-
15 lated threat collection and analysis;

16 (10) to enhance the tools of the Department
17 and the Electricity Information Sharing and Anal-
18 ysis Center for monitoring the status of the energy
19 sector; and

20 (11) to expand industry participation in the
21 Electricity Information Sharing and Analysis Center.

22 (b) ADMINISTRATION.—The Program shall be—

23 (1) directed by the Secretary;

24 (2) managed by the Office of Cybersecurity,
25 Energy Security, and Emergency Response; and

1 (3) supported by the Office of Intelligence and
2 Counterintelligence.

3 (c) FUNCTIONS.—The functions of the Program shall
4 include—

5 (1) supporting public-private operational col-
6 laboration for the government and industry—

7 (A) to develop actionable operational infor-
8 mation relating to threats to the security of the
9 energy sector; and

10 (B) to develop and offer meaningful threat
11 mitigation advice and actions to enhance—

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

14 (ii) the resilience of the United States
15 energy sector;

16 (2) enabling collaboration in the production and
17 exchange of information on threat activity among
18 government and industry to address energy security
19 and resilience and shared energy sector security
20 threats relating to national security, public health,
21 safety, and the economy;

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

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

5 (5) facilitating increased collaboration between
6 government and industry, including the sharing of
7 information regarding actual acute threat activity,
8 including incidents, in a secure setting, physical and
9 virtual, to facilitate the energy security and resil-
10 ience of the United States.

11 (d) COORDINATION AND INTEGRATION.—In carrying
12 out the responsibilities of the Program, the Program
13 shall—

14 (1) align priorities of and enable support
15 from—

16 (A) the Department of Homeland Security,
17 including the Cybersecurity and Infrastructure
18 Security Agency;

19 (B) the Department of Defense, including
20 United States Cyber Command, the National
21 Security Agency, and the Army Interagency
22 Training and Education Center of the National
23 Guard Bureau;

24 (C) the Department of Justice, including
25 the Federal Bureau of Investigation;

1 (D) the Office of the Director of National
2 Intelligence; and

3 (E) other Federal agencies and depart-
4 ments, as determined by the Secretary;

5 (2) ensure that the processes used by the Pro-
6 gram are performed in collaboration with the activi-
7 ties of the Department of Homeland Security and
8 the Department of Defense relating to cybersecurity,
9 including—

10 (A) the Joint Cyber Defense Collaborative
11 of the Cybersecurity and Infrastructure Secu-
12 rity Agency; and

13 (B) the Cybersecurity Collaboration Center
14 and Enduring Security Framework of the Na-
15 tional Security Agency;

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

18 (A) State, local, federally recognized Trib-
19 al, and territorial governments;

20 (B) information sharing and analysis orga-
21 nizations, including information sharing and
22 analysis centers such as the Electricity Infor-
23 mation Sharing and Analysis Center; and

24 (C) other appropriate representatives or
25 entities, including private entities, such as man-

1 ufacturers and vendors, that contribute to the
2 energy sector, as determined by the Secretary;

3 (4) leverage the existing capabilities and serv-
4 ices of advanced technology providers, including—

5 (A) National Laboratories with relevant
6 capabilities;

7 (B) commercial threat intelligence produc-
8 tion and cyber incident response entities; and

9 (C) energy infrastructure vendors and inte-
10 grators; and

11 (5) as appropriate, protect information sub-
12 mitted to and shared by the Program consistent
13 with applicable laws, regulations, policies, and proce-
14 dures.

15 (e) NO RIGHT OR BENEFIT.—

16 (1) IN GENERAL.—The provision of assistance
17 or information to governmental or private entities
18 under this section shall be at the sole and
19 unreviewable discretion of the Secretary.

20 (2) CERTAIN ASSISTANCE OR INFORMATION.—

21 The provision of certain assistance or information to
22 a governmental or private entity pursuant to this
23 section shall not create a right or benefit, sub-
24 stantive or procedural, for any other governmental
25 or private entity to similar assistance or information.

1 (f) ENTITIES OF CONCERN.—No entity of concern
2 (as defined in section 10114(a) of the Research and Devel-
3 opment, Competition, and Innovation Act (42 U.S.C.
4 18912(a))) shall participate in any manner in carrying out
5 the functions of the Program.

6 (g) TERMINATION.—The Program shall terminate on
7 the date that is 10 years after the date of enactment of
8 this Act.

9 (h) NONAPPLICABILITY OF FACA.—The Program
10 shall be exempt from complying with the requirements of
11 chapter 10 of title 5, United States Code (including regu-
12 lations).

13 (i) EXEMPTION FROM DISCLOSURE.—Information
14 shared by or with the Federal Government or a State,
15 Tribal, or local government under this Act shall be—

16 (1) deemed to be voluntarily shared informa-
17 tion;

18 (2) exempt from disclosure under section 552 of
19 title 5, United States Code, or any provision of any
20 State, Tribal, or local freedom of information law,
21 open government law, open meetings law, open
22 records law, sunshine law, or similar law requiring
23 the disclosure of information or records; and

24 (3) withheld from the public, without discretion,
25 under section 552(b)(3) of title 5, United States

1 Code, or any provision of any State, Tribal, or local
2 law requiring the nondisclosure of sensitive informa-
3 tion or records.

4 (j) REPORT.—The Secretary shall submit to Con-
5 gress an annual report that describes, for the year covered
6 by the report—

7 (1) the achievements of the Program; and

8 (2) areas for improvement with respect to the
9 activities and operations of the Program.

10 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated to the Secretary to carry
12 out this section \$50,000,000 for the period of fiscal years
13 2025 through 2029.

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