AMENDMENT TO THE SENATE AMENDMENTS TO
H.R. 22
OFFERED BY MR. UPTON OF MICHIGAN

Page 1032, after line 4, add the following:

DIVISION J—ENERGY SECURITY

SEC. 99001. EMERGENCY PREPAREDNESS FOR ENERGY SUPPLY DISRUPTIONS.

(a) FInding.—Congress finds that recent natural disasters have underscored the importance of having resilient oil and natural gas infrastructure and effective ways for industry and government to communicate to address energy supply disruptions.

(b) Authorization for Activities to Enhance Emergency Preparedness for Natural Disasters.—The Secretary of Energy shall develop and adopt procedures to—

(1) improve communication and coordination between the Department of Energy’s energy response team, Federal partners, and industry;

(2) leverage the Energy Information Administration’s subject matter expertise within the Department’s energy response team to improve supply chain situation assessments;
(3) establish company liaisons and direct communication with the Department’s energy response team to improve situation assessments;

(4) streamline and enhance processes for obtaining temporary regulatory relief to speed up emergency response and recovery;

(5) facilitate and increase engagement among States, the oil and natural gas industry, and the Department in developing State and local energy assurance plans;

(6) establish routine education and training programs for key government emergency response positions with the Department and States; and

(7) involve States and the oil and natural gas industry in comprehensive drill and exercise programs.

(c) COOPERATION.—The activities carried out under subsection (b) shall include collaborative efforts with State and local government officials and the private sector.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the effectiveness of the activities authorized under this section.
SEC. 99002. RESOLVING ENVIRONMENTAL AND GRID RELIABILITY CONFLICTS.

(a) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—

Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by inserting “(1)” after “(c)”; and

(2) by adding at the end the following:

“(2) With respect to an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that such order requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest, and, to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

“(3) To the extent any omission or action taken by a party, that is necessary to comply with an order issued under this subsection, including any omission or action taken to voluntarily comply with such order, results in noncompliance with, or causes such party to not comply with, any Federal, State, or local environmental law or regulation, such omission or action shall not be considered a violation of such environmental law or regulation, or
subject such party to any requirement, civil or criminal
liability, or a citizen suit under such environmental law
or regulation.

“(4)(A) An order issued under this subsection that
may result in a conflict with a requirement of any Federal,
State, or local environmental law or regulation shall expire
not later than 90 days after it is issued. The Commission
may renew or reissue such order pursuant to paragraphs
(1) and (2) for subsequent periods, not to exceed 90 days
for each period, as the Commission determines necessary
to meet the emergency and serve the public interest.

“(B) In renewing or reissuing an order under sub-
paragraph (A), the Commission shall consult with the pri-
mary Federal agency with expertise in the environmental
interest protected by such law or regulation, and shall in-
clude in any such renewed or reissued order such condi-
tions as such Federal agency determines necessary to min-
imize any adverse environmental impacts to the extent
practicable. The conditions, if any, submitted by such Fed-
eral agency shall be made available to the public. The
Commission may exclude such a condition from the re-
newed or reissued order if it determines that such condi-
tion would prevent the order from adequately addressing
the emergency necessitating such order and provides in
the order, or otherwise makes publicly available, an explanation of such determination.

“(5) If an order issued under this subsection is subsequently stayed, modified, or set aside by a court pursuant to section 313 or any other provision of law, any omission or action previously taken by a party that was necessary to comply with the order while the order was in effect, including any omission or action taken to voluntarily comply with the order, shall remain subject to paragraph (3).”.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting “or municipality” before “engaged in the transmission or sale of electric energy”.

SEC. 99003. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

(a) CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding after section 215 the following new section:

“SEC. 215A. CRITICAL ELECTRIC INFRASTRUCTURE SECURITY.

“(a) DEFINITIONS.—For purposes of this section:
“(1) **Bulk-power system; electric reliability organization; regional entity.**—The terms ‘bulk-power system’, ‘Electric Reliability Organization’, and ‘regional entity’ have the meanings given such terms in paragraphs (1), (2), and (7) of section 215(a), respectively.

“(2) **Critical electric infrastructure.**—The term ‘critical electric infrastructure’ means a system or asset of the bulk-power system, whether physical or virtual, the incapacity or destruction of which would negatively affect national security, economic security, public health or safety, or any combination of such matters.

“(3) **Critical electric infrastructure information.**—The term ‘critical electric infrastructure information’ means information related to critical electric infrastructure, or proposed critical electrical infrastructure, generated by or provided to the Commission or other Federal agency, other than classified national security information, that is designated as critical electric infrastructure information by the Commission under subsection (d)(2). Such term includes information that qualifies as critical energy infrastructure information under the Commission’s regulations.
“(4) Defense critical electric infrastructure.—The term ‘defense critical electric infrastructure’ means any electric infrastructure located in the United States (including the territories) that serves a facility designated by the Secretary pursuant to subsection (c), but is not owned or operated by the owner or operator of such facility.

“(5) Electromagnetic pulse.—The term ‘electromagnetic pulse’ means 1 or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse.

“(6) Geomagnetic storm.—The term ‘geomagnetic storm’ means a temporary disturbance of the Earth’s magnetic field resulting from solar activity.

“(7) Grid security emergency.—The term ‘grid security emergency’ means the occurrence or imminent danger of—

“(A)(i) a malicious act using electronic communication or an electromagnetic pulse, or a geomagnetic storm event, that could disrupt the operation of those electronic devices or com-
municipal networks, including hardware, software, and data, that are essential to the reliability of critical electric infrastructure or of defense critical electric infrastructure; and

“(ii) disruption of the operation of such devices or networks, with significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure, as a result of such act or event; or

“(B)(i) a direct physical attack on critical electric infrastructure or on defense critical electric infrastructure; and

“(ii) significant adverse effects on the reliability of critical electric infrastructure or of defense critical electric infrastructure as a result of such physical attack.

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(b) AUTHORITY TO ADDRESS GRID SECURITY EMERGENCY.—

“(1) AUTHORITY.—Whenever the President issues and provides to the Secretary a written directive or determination identifying a grid security emergency, the Secretary may, with or without notice, hearing, or report, issue such orders for emer-
ergency measures as are necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency. As soon as practicable but not later than 180 days after the date of enactment of this section, the Secretary shall, after notice and opportunity for comment, establish rules of procedure that ensure that such authority can be exercised expeditiously.

(2) Notification of Congress.—Whenever the President issues and provides to the Secretary a written directive or determination under paragraph (1), the President shall promptly notify congressional committees of relevant jurisdiction, including the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, of the contents of, and justification for, such directive or determination.

(3) Consultation.—Before issuing an order for emergency measures under paragraph (1), the Secretary shall, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action, consult with appropriate governmental authorities in Canada and Mex-
ico, entities described in paragraph (4), the Electricity Sub-sector Coordinating Council, the Commission, and other appropriate Federal agencies regarding implementation of such emergency measures.

“(4) APPLICATION.—An order for emergency measures under this subsection may apply to—

“(A) the Electric Reliability Organization;

“(B) a regional entity; or

“(C) any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.

“(5) EXPIRATION AND REISSUANCE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an order for emergency measures issued under paragraph (1) shall expire no later than 15 days after its issuance.

“(B) EXTENSIONS.—The Secretary may reissue an order for emergency measures issued under paragraph (1) for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency identified under paragraph (1) con-
tinues to exist or that the emergency measure continues to be required.

“(6) COST RECOVERY.—

“(A) CRITICAL ELECTRIC INFRASTRUCTURE.—If the Commission determines that owners, operators, or users of critical electric infrastructure have incurred substantial costs to comply with an order for emergency measures issued under this subsection and that such costs were prudently incurred and cannot reasonably be recovered through regulated rates or market prices for the electric energy or services sold by such owners, operators, or users, the Commission shall, consistent with the requirements of section 205, after notice and an opportunity for comment, establish a mechanism that permits such owners, operators, or users to recover such costs.

“(B) DEFENSE CRITICAL ELECTRIC INFRASTRUCTURE.—To the extent the owner or operator of defense critical electric infrastructure is required to take emergency measures pursuant to an order issued under this subsection, the owners or operators of a critical defense facility or facilities designated by the Secretary pursu-
ant to subsection (c) that rely upon such infra-
structure shall bear the full incremental costs of
the measures.

“(7) Temporary access to classified in-
formation.—The Secretary, and other appropriate
Federal agencies, shall, to the extent practicable and
consistent with their obligations to protect classified
information, provide temporary access to classified
information related to a grid security emergency for
which emergency measures are issued under para-
graph (1) to key personnel of any entity subject to
such emergency measures to enable optimum com-
munication between the entity and the Secretary and
other appropriate Federal agencies regarding the
grid security emergency.

“(c) Designation of Critical Defense Facili-
ties.—Not later than 180 days after the date of enact-
ment of this section, the Secretary, in consultation with
other appropriate Federal agencies and appropriate own-
ers, users, or operators of infrastructure that may be de-
fense critical electric infrastructure, shall identify and des-
ignate facilities located in the United States (including the
territories) that are—

“(1) critical to the defense of the United States;

and
“(2) vulnerable to a disruption of the supply of electric energy provided to such facility by an external provider.

The Secretary may, in consultation with appropriate Federal agencies and appropriate owners, users, or operators of defense critical electric infrastructure, periodically revise the list of designated facilities as necessary.

“(d) PROTECTION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—

“(1) PROTECTION OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Critical electric infrastructure information—

“(A) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

“(B) shall not be made available by any Federal, State, political subdivision or tribal authority pursuant to any Federal, State, political subdivision or tribal law requiring public disclosure of information or records.

“(2) DESIGNATION AND SHARING OF CRITICAL ELECTRIC INFRASTRUCTURE INFORMATION.—Not later than one year after the date of enactment of this section, the Commission, in consultation with
the Secretary of Energy, shall promulgate such reg-
ulations and issue such orders as necessary to—

“(A) designate information as critical elec-
tric infrastructure information;

“(B) prohibit the unauthorized disclosure
of critical electric infrastructure information;

“(C) ensure there are appropriate sanc-
tions in place for Commissioners, officers, em-
ployees, or agents of the Commission who
knowingly and willfully disclose critical electric
infrastructure information in a manner that is
not authorized under this section; and

“(D) taking into account standards of the
Electric Reliability Organization, facilitate vol-
untary sharing of critical electric infrastructure
information with, between, and by—

“(i) Federal, State, political subdivi-
sion, and tribal authorities;

“(ii) the Electric Reliability Organiza-
tion;

“(iii) regional entities;

“(iv) information sharing and analysis
centers established pursuant to Presi-
dential Decision Directive 63;
“(v) owners, operators, and users of critical electric infrastructure in the United States; and

“(vi) other entities determined appropriate by the Commission.

“(3) CONSIDERATIONS.—In promulgating regulations and issuing orders under paragraph (2), the Commission shall take into consideration the role of State commissions in reviewing the prudence and cost of investments, determining the rates and terms of conditions for electric services, and ensuring the safety and reliability of the bulk-power system and distribution facilities within their respective jurisdictions.

“(4) PROTOCOLS.—The Commission shall, in consultation with Canadian and Mexican authorities, develop protocols for the voluntary sharing of critical electric infrastructure information with Canadian and Mexican authorities and owners, operators, and users of the bulk-power system outside the United States.

“(5) NO REQUIRED SHARING OF INFORMATION.—Nothing in this section shall require a person or entity in possession of critical electric infrastructure information to share such information with
Federal, State, political subdivision, or tribal authorities, or any other person or entity.

“(6) **Submission of information to Congress.**—Nothing in this section shall permit or authorize the withholding of information from Congress, any committee or subcommittee thereof, or the Comptroller General.

“(7) **Disclosure of nonprotected information.**—In implementing this section, the Commission shall segregate critical electric infrastructure information or information that reasonably could be expected to lead to the disclosure of the critical electric infrastructure information within documents and electronic communications, wherever feasible, to facilitate disclosure of information that is not designated as critical electric infrastructure information.

“(8) **Duration of designation.**—Information may not be designated as critical electric infrastructure information for longer than 5 years, unless specifically re-designated by the Commission.

“(9) **Removal of designation.**—The Commission shall remove the designation of critical electric infrastructure information, in whole or in part, from a document or electronic communication if the
Commission determines that the unauthorized disclosure of such information could no longer be used to impair the security or reliability of the bulk-power system or distribution facilities.

“(10) JUDICIAL REVIEW OF DESIGNATIONS.—Notwithstanding section 313(b), any determination by the Commission concerning the designation of critical electric infrastructure information under this subsection shall be subject to review under chapter 7 of title 5, United States Code, except that such review shall be brought in the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in the District of Columbia. In such a case the court shall examine in camera the contents of documents or electronic communications that are the subject of the determination under review to determine whether such documents or any part thereof were improperly designated or not designated as critical electric infrastructure information.

“(e) SECURITY CLEARANCES.—The Secretary shall facilitate and, to the extent practicable, expedite the acquisition of adequate security clearances by key personnel of any entity subject to the requirements of this section, to enable optimum communication with Federal agencies re-
regarding threats to the security of the critical electric infrastructure. The Secretary, the Commission, and other appropriate Federal agencies shall, to the extent practicable and consistent with their obligations to protect classified and critical electric infrastructure information, share timely actionable information regarding grid security with appropriate key personnel of owners, operators, and users of the critical electric infrastructure.

“(f) CLARIFICATIONS OF LIABILITY.—

“(1) COMPLIANCE WITH OR VIOLATION OF THIS ACT.—Except as provided in paragraph (4), to the extent any action or omission taken by an entity that is necessary to comply with an order for emergency measures issued under subsection (b)(1), including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of this Act, including any reliability standard approved by the Commission pursuant to section 215, such action or omission shall not be considered a violation of such rule, order, regulation, or provision.

“(2) RELATION TO SECTION 202(c).—Except as provided in paragraph (4), an action or omission taken by an owner, operator, or user of critical elec-
tric infrastructure or of defense critical electric infra-
structure to comply with an order for emergency
measures issued under subsection (b)(1) shall be
treated as an action or omission taken to comply
with an order issued under section 202(c) for pur-
poses of such section.

“(3) SHARING OR RECEIPT OF INFORMATION.—
No cause of action shall lie or be maintained in any
Federal or State court for the sharing or receipt of
information under, and that is conducted in accord-
ance with, subsection (d).

“(4) RULE OF CONSTRUCTION.—Nothing in
this subsection shall be construed to require dis-
missal of a cause of action against an entity that,
in the course of complying with an order for emer-
gency measures issued under subsection (b)(1) by
taking an action or omission for which they would
be liable but for paragraph (1) or (2), takes such ac-
tion or omission in a grossly negligent manner.”.

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION.—Section 201(b)(2) of the
Federal Power Act (16 U.S.C. 824(b)(2)) is amend-
ed by inserting “215A,” after “215,” each place it
appears.
(2) PUBLIC UTILITY.—Section 201(e) of the Federal Power Act (16 U.S.C. 824(e)) is amended by inserting “215A,” after “215,”.

SEC. 99004. STRATEGIC TRANSFORMER RESERVE.

(a) FINDING.—Congress finds that the storage of strategically located spare large power transformers and emergency mobile substations will reduce the vulnerability of the United States to multiple risks facing electric grid reliability, including physical attack, cyber attack, electromagnetic pulse, geomagnetic disturbances, severe weather, and seismic events.

(b) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM.—The term “bulk-power system” has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) CRITICALLY DAMAGED LARGE POWER TRANSFORMER.—The term “critically damaged large power transformer” means a large power transformer that—

(A) has sustained extensive damage such that—

(i) repair or refurbishment is not economically viable; or
(ii) the extensive time to repair or refurbish the large power transformer would create an extended period of instability in the bulk-power system; and

(B) prior to sustaining such damage, was part of the bulk-power system.

(3) CRITICAL ELECTRIC INFRASTRUCTURE.—
The term “critical electric infrastructure” has the meaning given that term in section 215A of the Federal Power Act.

(4) ELECTRIC RELIABILITY ORGANIZATION.—
The term “Electric Reliability Organization” has the meaning given such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(5) EMERGENCY MOBILE SUBSTATION.—The term “emergency mobile substation” means a mobile substation or mobile transformer that is—

(A) assembled and permanently mounted on a trailer that is capable of highway travel and meets relevant Department of Transportation regulations; and

(B) intended for express deployment and capable of being rapidly placed into service.

(6) LARGE POWER TRANSFORMER.—The term “large power transformer” means a power trans-
former with a maximum nameplate rating of 100 megavolt-amperes or higher, including related critical equipment, that is, or is intended to be, a part of the bulk-power system.

(7) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(8) **SPARE LARGE POWER TRANSFORMER.**—The term “spare large power transformer” means a large power transformer that is stored within the Strategic Transformer Reserve to be available to temporarily replace a critically damaged large power transformer.

(c) **STRATEGIC TRANSFORMER RESERVE PLAN.**—

(1) **PLAN.**—Not later than one year after the date of enactment of this Act, the Secretary, acting through the Office of Electricity Delivery and Energy Reliability, shall, in consultation with the Federal Energy Regulatory Commission, the Electricity Sub-sector Coordinating Council, the Electric Reliability Organization, and owners and operators of critical electric infrastructure and defense and military installations, prepare and submit to Congress a plan to establish a Strategic Transformer Reserve for the storage, in strategically located facilities, of spare large power transformers and emergency mo-
bile substations in sufficient numbers to temporarily replace critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations.

(2) INCLUSIONS.—The Strategic Transformer Reserve plan shall include a description of—

(A) the appropriate number and type of spare large power transformers necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infrastructure, and defense and military installations to mitigate significant impacts to the electric grid resulting from—

(i) physical attack;

(ii) cyber attack;

(iii) electromagnetic pulse attack;

(iv) geomagnetic disturbances;

(v) severe weather; or

(vi) seismic events;

(B) other critical electric grid equipment for which an inventory of spare equipment, including emergency mobile substations, is necessary to provide or restore sufficient resiliency to the bulk-power system, critical electric infra-
structure, and defense and military installations;

(C) the degree to which utility sector actions or initiatives, including individual utility ownership of spare equipment, joint ownership of spare equipment inventory, sharing agreements, or other spare equipment reserves or arrangements, satisfy the needs identified under subparagraphs (A) and (B);

(D) the potential locations for, and feasibility and appropriate number of, strategic storage locations for reserve equipment, including consideration of—

(i) the physical security of such locations;

(ii) the protection of the confidentiality of such locations; and

(iii) the proximity of such locations to sites of potentially critically damaged large power transformers and substations that are critical electric infrastructure or serve defense and military installations, so as to enable efficient delivery of equipment to such sites;
(E) the necessary degree of flexibility of spare large power transformers to be included in the Strategic Transformer Reserve to conform to different substation configurations, including consideration of transformer—

(i) power and voltage rating for each winding;

(ii) overload requirements;

(iii) impedance between windings;

(iv) configuration of windings; and

(v) tap requirements;

(F) an estimate of the direct cost of the Strategic Transformer Reserve, as proposed, including—

(i) the cost of storage facilities;

(ii) the cost of the equipment; and

(iii) management, maintenance, and operation costs;

(G) the funding options available to establish, stock, manage, and maintain the Strategic Transformer Reserve, including consideration of fees on owners and operators of bulk-power system facilities, critical electric infrastructure, and defense and military installations relying on the Strategic Transformer Reserve, use of Fed-
eral appropriations, and public-private cost-sharing options;

(H) the ease and speed of transportation, installation, and energization of spare large power transformers to be included in the Strategic Transformer Reserve, including consideration of factors such as—

(i) transformer transportation weight;

(ii) transformer size;

(iii) topology of critical substations;

(iv) availability of appropriate transformer mounting pads;

(v) flexibility of the spare large power transformers as described in subparagraph (E); and

(vi) ability to rapidly transition a spare large power transformer from storage to energization;

(I) eligibility criteria for withdrawal of equipment from the Strategic Transformer Reserve;

(J) the process by which owners or operators of critically damaged large power transformers or substations that are critical electric infrastructure or serve defense and military in-
installations may apply for a withdrawal from the Strategic Transformer Reserve;

(K) the process by which equipment withdrawn from the Strategic Transformer Reserve is returned to the Strategic Transformer Reserve or is replaced;

(L) possible fees to be paid by users of equipment withdrawn from the Strategic Transformer Reserve;

(M) possible fees to be paid by owners and operators of large power transformers and substations that are critical electric infrastructure or serve defense and military installations to cover operating costs of the Strategic Transformer Reserve;

(N) the domestic and international large power transformer supply chain;

(O) the potential reliability, cost, and operational benefits of including emergency mobile substations in any Strategic Transformer Reserve established under this section; and

(P) other considerations for designing, constructing, stocking, funding, and managing the Strategic Transformer Reserve.
(d) **Establishment.**—The Secretary may establish a Strategic Transformer Reserve in accordance with the plan prepared pursuant to subsection (c) after the date that is 6 months after the date on which such plan is submitted to Congress.

(e) **Disclosure of Information.**—Any information included in the Strategic Transformer Reserve plan, or shared in the preparation and development of such plan, the disclosure of which could cause harm to critical electric infrastructure, shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code, and any State, tribal, or local law requiring disclosure of information or records.

**SEC. 99005. ENERGY SECURITY VALUATION.**

(a) **Establishment of Energy Security Valuation Methods.**—Not later than one year after the date of enactment of this Act, the Secretary of Energy, in collaboration with the Secretary of State, shall develop and transmit, after public notice and comment, to the Committee on Energy and Commerce and the Committee on Foreign Affairs of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Foreign Relations of the Senate a report that develops recommended United States energy security valuation methods. In developing the report, the Secre-
taries may consider the recommendations of the Administration’s Quadrennial Energy Review released on April 21, 2015. The report shall—

(1) evaluate and define United States energy security to reflect modern domestic and global energy markets and the collective needs of the United States and its allies and partners;

(2) identify transparent and uniform or coordinated procedures and criteria to ensure that energy-related actions that significantly affect the supply, distribution, or use of energy are evaluated with respect to their potential impact on energy security, including their impact on—

(A) consumers and the economy;

(B) energy supply diversity and resiliency;

(C) well-functioning and competitive energy markets;

(D) United States trade balance; and

(E) national security objectives; and

(3) include a recommended implementation strategy that identifies and aims to ensure that the procedures and criteria referred to in paragraph (2) are—

(A) evaluated consistently across the Federal Government; and
1 (B) weighed appropriately and balanced
2 with environmental considerations required by
3 Federal law.
4
5 (b) PARTICIPATION.—In developing the report re-
6 ferred to in subsection (a), the Secretaries may consult
7 with relevant Federal, State, private sector, and inter-
8 national participants, as appropriate and consistent with
9 applicable law.