

(2) Prohibitions and limitations**(A) In general**

A grant awarded to an eligible entity under the program may not be used for—

- (i) construction of a new—
 - (I) electric generating facility; or
 - (II) large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events; or
- (ii) cybersecurity.

(B) Certain investments eligible for recovery**(i) In general**

An eligible entity may not seek cost recovery for the portion of the cost of any system, technology, or equipment that is funded through a grant awarded under the program.

(ii) Savings provision

Nothing in this subparagraph prohibits an eligible entity from recovering through traditional or incentive-based ratemaking any portion of an investment in a system, technology, or equipment that is not funded by a grant awarded under the program.

(C) Application limitations

An eligible entity may not submit an application for a grant provided by the Secretary under subsection (c) and a grant provided by a State or Indian Tribe pursuant to subsection (d) during the same application cycle.

(f) Distribution of funding

Of the amounts made available to carry out the program for a fiscal year, the Secretary shall ensure that—

- (1) 50 percent is used to award grants to eligible entities under subsection (c); and
- (2) 50 percent is used to make grants to States and Indian Tribes under subsection (d).

(g) Technical and other assistance**(1) In general**

The Secretary, States, and Indian Tribes may—

- (A) provide technical assistance and facilitate the distribution and sharing of information to reduce the likelihood and consequences of disruptive events; and
- (B) promulgate consumer-facing information and resources to inform the public of best practices and resources relating to reducing the likelihood and consequences of disruptive events.

(2) Use of funds by the Secretary

Of the amounts made available to the Secretary to carry out the program each fiscal year, the Secretary may use not more than 5 percent for—

- (A) providing technical assistance under paragraph (1)(A); and
- (B) administrative expenses associated with the program.

(h) Matching requirement**(1) In general**

Except as provided in paragraph (2), an eligible entity that receives a grant under this sec-

tion shall be required to match 100 percent of the amount of the grant.

(2) Exception for small utilities

An eligible entity that sells not more than 4,000,000 megawatt hours of electricity per year shall be required to match $\frac{1}{3}$ of the amount of the grant.

(i) Biennial report to Congress**(1) In general**

Not later than 2 years after November 15, 2021, and every 2 years thereafter through 2026, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the program.

(2) Requirements

The report under paragraph (1) shall include information and data on—

- (A) the costs of the projects for which grants are awarded to eligible entities;
- (B) the types of activities, technologies, equipment, and hardening measures funded by those grants; and
- (C) the extent to which the ability of the power grid to withstand disruptive events has increased.

(j) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out the program \$5,000,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 117-58, div. D, title I, §40101, Nov. 15, 2021, 135 Stat. 923.)

Statutory Notes and Related Subsidiaries**WAGE RATE REQUIREMENTS**

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

§ 18712. Electric grid reliability and resilience research, development, and demonstration**(a) Definition of Federal financial assistance**

In this section, the term “Federal financial assistance” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations.

(b) Energy infrastructure Federal financial assistance program**(1) Definitions**

In this subsection:

(A) Eligible entity

The term “eligible entity” means each of—

- (i) a State;
- (ii) a combination of 2 or more States;
- (iii) an Indian Tribe;
- (iv) a unit of local government; and
- (v) a public utility commission.

(B) Program

The term “program” means the competitive Federal financial assistance program established under paragraph (2).

(2) Establishment

Not later than 180 days after November 15, 2021, the Secretary shall establish a program, to be known as the “Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency”, to provide, on a competitive basis, Federal financial assistance to eligible entities to carry out the purpose described in paragraph (3).

(3) Purpose

The purpose of the program is to coordinate and collaborate with electric sector owners and operators—

(A) to demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability; and

(B) to demonstrate new approaches to enhance regional grid resilience, implemented through States by public and rural electric cooperative entities on a cost-shared basis.

(4) Applications

To be eligible to receive Federal financial assistance under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

(A) how the Federal financial assistance would be used;

(B) the expected beneficiaries, and

(C) in the case of a proposal from an eligible entity described in paragraph (1)(A)(ii), how the proposal would improve regional energy infrastructure.

(5) Selection

The Secretary shall select eligible entities to receive Federal financial assistance under the program on a competitive basis.

(6) Cost share

Section 16352 of this title shall apply to Federal financial assistance provided under the program.

(7) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this subsection, \$5,000,000,000 for the period of fiscal years 2022 through 2026.

(c) Energy improvement in rural or remote areas**(1) Definition of rural or remote area**

In this subsection, the term “rural or remote area” means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

(2) Required activities

The Secretary shall carry out activities to improve in rural or remote areas of the United States—

(A) the resilience, safety, reliability, and availability of energy; and

(B) environmental protection from adverse impacts of energy generation.

(3) Federal financial assistance

The Secretary, in consultation with the Secretary of the Interior, may provide Federal fi-

ancial assistance to rural or remote areas for the purpose of—

(A) overall cost-effectiveness of energy generation, transmission, or distribution systems;

(B) siting or upgrading transmission and distribution lines;

(C) reducing greenhouse gas emissions from energy generation by rural or remote areas;

(D) providing or modernizing electric generation facilities;

(E) developing microgrids; and

(F) increasing energy efficiency.

(4) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this subsection, \$1,000,000,000 for the period of fiscal years 2022 through 2026.

(d) Energy infrastructure resilience framework**(1) In general**

The Secretary, in collaboration with the Secretary of Homeland Security, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and interested energy infrastructure stakeholders, shall develop common analytical frameworks, tools, metrics, and data to assess the resilience, reliability, safety, and security of energy infrastructure in the United States, including by developing and storing an inventory of easily transported high-voltage recovery transformers and other required equipment.

(2) Assessment and report**(A) Assessment**

The Secretary shall carry out an assessment of—

(i) with respect to the inventory of high-voltage recovery transformers, new transformers, and other equipment proposed to be developed and stored under paragraph (1)—

(I) the policies, technical specifications, and logistical and program structures necessary to mitigate the risks associated with the loss of high-voltage recovery transformers;

(II) the technical specifications for high-voltage recovery transformers;

(III) where inventory of high-voltage recovery transformers should be stored;

(IV) the quantity of high-voltage recovery transformers necessary for the inventory;

(V) how the stored inventory of high-voltage recovery transformers would be secured and maintained;

(VI) how the high-voltage recovery transformers may be transported;

(VII) opportunities for developing new flexible advanced transformer designs; and

(VIII) whether new Federal regulations or cost-sharing requirements are necessary to carry out the storage of high-voltage recovery transformers; and

(ii) any efforts carried out by industry as of the date of the assessment—

(I) to share transformers and equipment;

(II) to develop plans for next generation transformers; and

(III) to plan for surge and long-term manufacturing of, and long-term standardization of, transformer designs.

(B) Protection of information

Information that is provided to, generated by, or collected by the Secretary under subparagraph (A) shall be considered to be critical electric infrastructure information under section 8240-1 of title 16.

(C) Report

Not later than 180 days after November 15, 2021, the Secretary shall submit to Congress a report describing the results of the assessment carried out under subparagraph (A).

(Pub. L. 117-58, div. D, title I, §40103, Nov. 15, 2021, 135 Stat. 928.)

Statutory Notes and Related Subsidiaries

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

§ 18713. Transmission facilitation program

(a) Definitions

In this section:

(1) Capacity contract

The term “capacity contract” means a contract entered into by the Secretary and an eligible entity under subsection (e)(1)(A) for the right to the use of the transmission capacity of an eligible project.

(2) Eligible electric power transmission line

The term “eligible electric power transmission line” means an electric power transmission line that is capable of transmitting not less than—

(A) 1,000 megawatts; or

(B) in the case of a project that consists of upgrading an existing transmission line or constructing a new transmission line in an existing transmission, transportation, or telecommunications infrastructure corridor, 500 megawatts.

(3) Eligible entity

The term “eligible entity” means an entity seeking to carry out an eligible project.

(4) Eligible project

The term “eligible project” means a project (including any related facility)—

(A) to construct a new or replace an existing eligible electric power transmission line;

(B) to increase the transmission capacity of an existing eligible electric power transmission line; or

(C) to connect an isolated microgrid to an existing transmission, transportation, or telecommunications infrastructure corridor located in Alaska, Hawaii, or a territory of the United States.

(5) Fund

The term “Fund” means the Transmission Facilitation Fund established by subsection (d)(1).

(6) Program

The term “program” means the Transmission Facilitation Program established by subsection (b).

(7) Related facility

(A) In general

The term “related facility” means a facility related to an eligible project described in paragraph (4).

(B) Exclusions

The term “related facility” does not include—

(i) facilities used primarily to generate electric energy; or

(ii) facilities used in the local distribution of electric energy.

(b) Establishment

There is established a program, to be known as the “Transmission Facilitation Program”, under which the Secretary shall facilitate the construction of electric power transmission lines and related facilities in accordance with subsection (e).

(c) Applications

(1) In general

To be eligible for assistance under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) Procedures

The Secretary shall establish procedures for the solicitation and review of applications from eligible entities.

(d) Funding

(1) Transmission Facilitation Fund

There is established in the Treasury a fund, to be known as the “Transmission Facilitation Fund”, consisting of—

(A) all amounts received by the Secretary, including receipts, collections, and recoveries, from any source relating to expenses incurred by the Secretary in carrying out the program, including—

(i) costs recovered pursuant to paragraph (4);

(ii) amounts received as repayment of a loan issued to an eligible entity under subsection (e)(1)(B); and

(iii) amounts contributed by eligible entities for the purpose of carrying out an eligible project with respect to which the Secretary is participating with the eligible entity under subsection (e)(1)(C);

(B) all amounts borrowed from the Secretary of the Treasury by the Secretary for the program under paragraph (2); and

(C) any amounts appropriated to the Secretary for the program.

(2) Borrowing authority

The Secretary of the Treasury may, without further appropriation and without fiscal year