

under subsection (e)(1)(B), each eligible project facilitated by the Secretary under this section shall be treated as separate and distinct from—

- (A) each other eligible project; and
- (B) all other Federal power and transmission facilities.

(4) Effect on ancillary services authority and obligations

Nothing in this section confers on the Secretary or any Federal power marketing administration any additional authority or obligation to provide ancillary services to users of transmission facilities constructed or upgraded under this section.

(5) Effect on Western Area Power Administration projects

Nothing in this section affects—

- (A) any pending project application before the Western Area Power Administration under section 16421a of this title; or
- (B) any agreement entered into by the Western Power Administration under that section.

(6) Third-party finance

Nothing in this section precludes an eligible project facilitated under this section from being eligible as a project under section 16421 of this title.

(7) Limitation on loans

An eligible project may not be the subject of both—

- (A) a loan under subsection (e)(1)(B); and
- (B) a Federal loan under section 16421a of this title.

(8) Considerations

In evaluating eligible projects for possible facilitation under this section, the Secretary shall prioritize projects that, to the maximum extent practicable—

- (A) use technology that enhances the capacity, efficiency, resiliency, or reliability of an electric power transmission system, including—
 - (i) reconductoring of an existing electric power transmission line with advanced conductors; and
 - (ii) hardware or software that enables dynamic line ratings, advanced power flow control, or grid topology optimization;
- (B) will improve the resiliency and reliability of an electric power transmission system;
- (C) facilitate interregional transfer capacity that supports strong and equitable economic growth; and
- (D) contribute to national or subnational goals to lower electricity sector greenhouse gas emissions.

(Pub. L. 117–58, div. D, title I, §40106, Nov. 15, 2021, 135 Stat. 934.)

Editorial Notes

REFERENCES IN TEXT

The Federal Power Act, referred to in subsec. (f)(4)(D), is act June 10, 1920, ch. 285, 41 Stat. 1063, which

is classified generally to chapter 12 (§791a et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see section 791a of Title 16 and Tables.

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.

PART A–1—ELECTRIC TRANSMISSION

§ 18715. Transmission facility financing

(a) Appropriation

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available through September 30, 2030, to carry out this section: *Provided*, That the Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031.

(b) Use of funds

The Secretary shall use the amounts made available by subsection (a) to carry out a program to pay the costs of direct loans to non-Federal borrowers, subject to the limitations that apply to loan guarantees under section 50141(d) and under such terms and conditions as the Secretary determines to be appropriate, for the construction or modification of electric transmission facilities designated by the Secretary to be necessary in the national interest under section 824p(a) of title 16.

(c) Loans

A direct loan provided under this section—

- (1) shall have a term that does not exceed the lesser of—
 - (A) 90 percent of the projected useful life, in years, of the eligible transmission facility; and
 - (B) 30 years;
- (2) shall not exceed 80 percent of the project costs; and
- (3) shall, on first issuance, be subject to the condition that the direct loan is not subordinate to other financing.

(d) Interest rates

A direct loan provided under this section shall bear interest at a rate determined by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date on which the direct loan is made.

(e) Definition of direct loan

In this section, the term “direct loan” has the meaning given the term in section 661a of title 2.

(Pub. L. 117–169, title V, §50151, Aug. 16, 2022, 136 Stat. 2046.)

Editorial Notes

REFERENCES IN TEXT

Section 50141(d), referred to in subsec. (b), is section 50141(d) of Pub. L. 117-169, title V, Aug. 16, 2022, 136 Stat. 2043, which is not classified to the Code.

CODIFICATION

Section was enacted as part of Pub. L. 117-169, and not as part of div. D of Pub. L. 117-58, which enacted this chapter.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Energy, see section 50111 of Pub. L. 117-169, set out as a note under section 17113b of this title.

§ 18715a. Grants to facilitate the siting of interstate electricity transmission lines**(a) Appropriation**

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$760,000,000, to remain available through September 30, 2029, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) Use of funds**(1) In general**

The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 796 of title 16) that is also considering the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(E) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) Economic development

The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this sec-

tion that could result in any outlays after September 30, 2031.

(c) Conditions**(1) Final decision on application**

In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) Federal share

The Federal share of the cost of an activity described in subparagraph (C) or (D) of subsection (b)(1) shall not exceed 50 percent.

(3) Economic development

The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) Returning funds

If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) Definitions

In this section:

(1) Covered transmission project

The term “covered transmission project” means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate—

(i) at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; or

(ii) offshore and at a minimum of 200 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity has applied, or informed a siting authority of such entity’s intent to apply, for regulatory approval.

(2) Siting authority

The term “siting authority” means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

(Pub. L. 117-169, title V, § 50152, Aug. 16, 2022, 136 Stat. 2046.)