

Editorial Notes

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

DEFINITIONS

For definitions of “Secretary” and “State” as used in this section, see section 50111 of Pub. L. 117-169, set out as a note under section 17113b of this title.

§ 18715b. Interregional and offshore wind electricity transmission planning, modeling, and analysis**(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, \$100,000,000, to remain available through September 30, 2031, to carry out this section.

(b) Use of funds

The Secretary shall use amounts made available under subsection (a)—

(1) to pay expenses associated with convening relevant stakeholders to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) to conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind;

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

(Pub. L. 117-169, title V, § 50153, Aug. 16, 2022, 136 Stat. 2048.)

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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.

PART B—CYBERSECURITY

§ 18721. Enhancing grid security through public-private partnerships**(a) Definitions**

In this section:

(1) Bulk-power system; Electric Reliability Organization

The terms “bulk-power system” and “Electric Reliability Organization” has the meaning given the terms in section 824o(a) of title 16.

(2) Electric utility; State regulatory authority

The terms “electric utility” and “State regulatory authority” have the meanings given the terms in section 796 of title 16.

(b) Program to promote and advance physical security and cybersecurity of electric utilities**(1) Establishment**

The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other relevant Federal agencies, State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, shall carry out a program—

(A) to develop, and provide for voluntary implementation of, maturity models, self-assessments, and auditing methods for assessing the physical security and cybersecurity of electric utilities;

(B) to assist with threat assessment and cybersecurity training for electric utilities;

(C) to provide technical assistance for electric utilities subject to the program;

(D) to provide training to electric utilities to address and mitigate cybersecurity supply chain management risks;

(E) to advance, in partnership with electric utilities, the cybersecurity of third-party vendors that manufacture components of the electric grid;

(F) to increase opportunities for sharing best practices and data collection within the electric sector; and

(G) to assist, in the case of electric utilities that own defense critical electric infrastructure (as defined in section 824o-1(a) of title 16), with full engineering reviews of critical functions and operations at both the utility and defense infrastructure levels—

(i) to identify unprotected avenues for cyber-enabled sabotage that would have catastrophic effects to national security; and

(ii) to recommend and implement engineering protections to ensure continued operations of identified critical functions even in the face of constant cyber attacks and achieved perimeter access by sophisticated adversaries.

(2) Scope

In carrying out the program under paragraph (1), the Secretary shall—

(A) take into consideration—

(i) the different sizes of electric utilities; and

(ii) the regions that electric utilities serve;

(B) prioritize electric utilities with fewer available resources due to size or region; and

(C) to the maximum extent practicable, use and leverage—

(i) existing Department and Department of Homeland Security programs; and

(ii) existing programs of the Federal agencies determined to be appropriate under paragraph (1).

(c) Report on cybersecurity of distribution systems

Not later than 1 year after November 15, 2021, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other Federal agencies, State regulatory authorities, and industry stakeholders, shall submit to Congress a report that assesses—

(1) priorities, policies, procedures, and actions for enhancing the physical security and cybersecurity of electricity distribution systems, including behind-the-meter generation, storage, and load management devices, to address threats to, and vulnerabilities of, electricity distribution systems; and

(2) the implementation of the priorities, policies, procedures, and actions assessed under paragraph (1), including—

(A) an estimate of potential costs and benefits of the implementation; and

(B) an assessment of any public-private cost-sharing opportunities.

(d) Protection of information

Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical se-

curity or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

(Pub. L. 117-58, div. D, title I, §40121, Nov. 15, 2021, 135 Stat. 949.)

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.

§ 18722. Energy cyber sense program

(a) Definitions

In this section:

(1) Bulk-power system

The term “bulk-power system” has the meaning given the term in section 824o(a) of title 16.

(2) Program

The term “program” means the voluntary Energy Cyber Sense program established under subsection (b).

(b) Establishment

The Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall establish a voluntary Energy Cyber Sense program to test the cybersecurity of products and technologies intended for use in the energy sector, including in the bulk-power system.

(c) Program requirements

In carrying out subsection (b), the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall—

(1) establish a testing process under the program to test the cybersecurity of products and technologies intended for use in the energy sector, including products relating to industrial control systems and operational technologies, such as supervisory control and data acquisition systems;

(2) for products and technologies tested under the program, establish and maintain cybersecurity vulnerability reporting processes and a related database that are integrated with Federal vulnerability coordination processes;

(3) provide technical assistance to electric utilities, product manufacturers, and other energy sector stakeholders to develop solutions to mitigate identified cybersecurity vulnerabilities in products and technologies tested under the program;

(4) biennially review products and technologies tested under the program for