

(E) to provide technical assistance to small electric utilities for purposes of assessing and improving cybermaturity levels and addressing gaps identified in the assessment.

(2) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.

(d) Modeling and assessing energy infrastructure risk

(1) In general

The Secretary, in coordination with the Secretary of Homeland Security, shall develop and carry out an advanced energy security program to secure energy networks, including—

- (A) electric networks;
- (B) natural gas networks; and
- (C) oil exploration, transmission, and delivery networks.

(2) Security and resiliency objective

The objective of the program developed under paragraph (1) is to increase the functional preservation of electric grid operations or natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.

(3) Eligible activities

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

- (A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;
- (B) provide modeling at the national level to predict impacts from natural or human-made events;
- (C) add physical security to the cybersecurity maturity model;
- (D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;
- (E) conduct research on hardening solutions for critical components of the electric grid;
- (F) conduct research on mitigation and recovery solutions for critical components of the electric grid; and
- (G) provide technical assistance to States and other entities for standards and risk analysis.

(4) Savings provision

Nothing in this section authorizes new regulatory requirements.

(5) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 117–58, div. D, title I, § 40125, Nov. 15, 2021, 135 Stat. 954.)

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.

§ 18725. Cybersecurity plan

(a) In general

The Secretary may require, as the Secretary determines appropriate, a recipient of any award or other funding under this division—

- (1) to submit to the Secretary, prior to the issuance of the award or other funding, a cybersecurity plan that demonstrates the cybersecurity maturity of the recipient in the context of the project for which that award or other funding was provided; and
- (2) establish a plan for maintaining and improving cybersecurity throughout the life of the proposed solution of the project.

(b) Contents of cybersecurity plan

A cybersecurity plan described in subsection (a) shall, at a minimum, describe how the recipient described in that subsection—

- (1) plans to maintain cybersecurity between networks, systems, devices, applications, or components—
 - (A) within the proposed solution of the project; and
 - (B) at the necessary external interfaces at the proposed solution boundaries;
- (2) will perform ongoing evaluation of cybersecurity risks to address issues as the issues arise throughout the life of the proposed solution;
- (3) will report known or suspected network or system compromises of the project to the Secretary; and
- (4) will leverage applicable cybersecurity programs of the Department, including cyber vulnerability testing and security engineering evaluations.

(c) Additional guidance

Each recipient described in subsection (a) should—

- (1) maximize the use of open guidance and standards, including, wherever possible—
 - (A) the Cybersecurity Capability Maturity Model of the Department (or a successor model); and
 - (B) the Framework for Improving Critical Infrastructure Cybersecurity of the National Institute of Standards and Technology; and
- (2) document—
 - (A) any deviation from open standards; and
 - (B) the utilization of proprietary standards where the recipient determines that such deviation necessary.

(d) Coordination

The Office of Cybersecurity, Energy Security, and Emergency Response of the Department shall review each cybersecurity plan submitted under subsection (a) to ensure integration with Department research, development, and demonstration programs.

(e) 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 security 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, § 40126, Nov. 15, 2021, 135 Stat. 956.)

Editorial Notes

REFERENCES IN TEXT

This division, referred to in subsec. (a), is div. D of Pub. L. 117-58, Nov. 15, 2021, 135 Stat. 923, which enacted this chapter and enacted and amended numerous other sections and notes in the Code. For complete classification of div. D to the Code, see 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.

§ 18726. Savings provision

Nothing in this part affects the authority, existing on the day before November 15, 2021, of any other Federal department or agency, including the authority provided to the Secretary of Homeland Security and the Director of the Cybersecurity and Infrastructure Security Agency in title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.).

(Pub. L. 117-58, div. D, title I, § 40127, Nov. 15, 2021, 135 Stat. 957.)

Editorial Notes

REFERENCES IN TEXT

The Homeland Security Act of 2002, referred to in text, is Pub. L. 107-296, Nov. 25, 2002, 116 Stat. 2135. Title XXII of the Act is classified generally to subchapter XVIII (§651 et seq.) of chapter 1 of Title 6, Domestic Security. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6 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.

SUBCHAPTER II—SUPPLY CHAINS FOR
CLEAN ENERGY TECHNOLOGIES**§ 18741. Battery processing and manufacturing****(a) Definitions**

In this section:

(1) Advanced battery

The term “advanced battery” means a battery that consists of a battery cell that can be integrated into a module, pack, or system to be used in energy storage applications, including electric vehicles and the electric grid.

(2) Advanced battery component**(A) In general**

The term “advanced battery component” means a component of an advanced battery.

(B) Inclusions

The term “advanced battery component” includes materials, enhancements, enclosures, anodes, cathodes, electrolytes, cells, and other associated technologies that comprise an advanced battery.

(3) Battery material

The term “battery material” means the raw and processed form of a mineral, metal, chemical, or other material used in an advanced battery component.

(4) Eligible entity

The term “eligible entity” means an entity described in any of paragraphs (1) through (5) of section 16353(b) of this title.

(5) Foreign entity of concern

The term “foreign entity of concern” means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 1189(a) of title 8;

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the “SDN list”);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d)¹ of title 10);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18 (commonly known as the “Espionage Act”);

(ii) section 951 or 1030 of title 18;

(iii) chapter 90 of title 18 (commonly known as the “Economic Espionage Act of 1996”);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and² 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

¹ See References in Text note below.

² So in original. Probably should be “or”.