

(6) The Board may adopt administrative rules and procedures and may elect one of its members secretary of the Board.

(7) Consistent with Federal regulations, the Secretary shall reimburse members of the Board for expenses (including travel expenses) necessarily incurred by them in the performance of their duties.

(8) The Board shall meet at least twice a year and shall submit an annual report to the Secretary and the Congress on the activities carried out by the Board in the previous fiscal year, including an accounting of the expenses reimbursed under paragraph (7) with respect to the year for which the report is made and any recommendations it may have for administrative or legislative changes concerning the matters referred to in subparagraphs (A), (B), and (C) of paragraph (2).

(9) The Board shall continue until terminated by law.

(Pub. L. 94-163, title III, §365, Dec. 22, 1975, 89 Stat. 935; Pub. L. 94-385, title IV, §432(d), Aug. 14, 1976, 90 Stat. 1162; Pub. L. 95-619, title VI, §§621, 691(b)(2), Nov. 9, 1978, 92 Stat. 3283, 3288; Pub. L. 101-440, §§5, 8(a), Oct. 18, 1990, 104 Stat. 1009, 1015; Pub. L. 102-486, title I, §141(a)(2), Oct. 24, 1992, 106 Stat. 2841; Pub. L. 104-66, title I, §1052(f), Dec. 21, 1995, 109 Stat. 718; Pub. L. 105-388, §2(a), Nov. 13, 1998, 112 Stat. 3477; Pub. L. 109-58, title I, §123(c), Aug. 8, 2005, 119 Stat. 617; Pub. L. 110-140, title V, §531, Dec. 19, 2007, 121 Stat. 1665; Pub. L. 117-58, div. D, title I, §40109(c), Nov. 15, 2021, 135 Stat. 944.)

Editorial Notes

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (d), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

The Energy Conservation and Production Act, referred to in subsec. (g)(2)(A)(i), is Pub. L. 94-385, Aug. 14, 1976, 90 Stat. 1125. Part A of title IV of the Act is classified generally to part A (§6861 et seq.) of subchapter III of chapter 81 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6801 of this title and Tables.

AMENDMENTS

2021—Subsec. (f). Pub. L. 117-58 added subsec. (f) and struck out former subsec. (f). Prior to amendment, text read as follows: “For the purpose of carrying out this part, there are authorized to be appropriated \$125,000,000 for each of fiscal years 2007 through 2012.”

2007—Subsec. (f). Pub. L. 110-140 substituted “\$125,000,000 for each of fiscal years 2007 through 2012” for “\$100,000,000 for each of the fiscal years 2006 and 2007 and \$125,000,000 for fiscal year 2008”.

2005—Subsec. (f). Pub. L. 109-58 substituted “\$100,000,000 for each of the fiscal years 2006 and 2007 and \$125,000,000 for fiscal year 2008” for “for fiscal years 1999 through 2003 such sums as may be necessary”.

1998—Subsec. (f). Pub. L. 105-388 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

“(f)(1) Except as provided in paragraph (2), for the purpose of carrying out this part, there are authorized to be appropriated not to exceed \$25,000,000 for fiscal year 1991, \$35,000,000 for fiscal year 1992, and \$45,000,000 for fiscal year 1993.

“(2) For the purposes of carrying out section 6323(f) of this title, there is authorized to be appropriated for fiscal year 1994 and each fiscal year thereafter such sums as may be necessary, to remain available until expended.”

1995—Subsec. (c). Pub. L. 104-66 substituted “, as part of the report required under section 7267 of this title, report” for “report annually” in first sentence.

1992—Subsec. (f). Pub. L. 102-486 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), for the purpose” for “For the purpose”, and added par. (2).

1990—Subsec. (f). Pub. L. 101-440, §8(a), amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows: “There are authorized to be appropriated for carrying out the provisions of this part (other than section 6327 of this title) \$50,000,000 for fiscal year 1976, \$50,000,000 for fiscal year 1977, \$50,000,000 for fiscal year 1978, and \$50,000,000 for fiscal year 1979.”

Subsec. (g). Pub. L. 101-440, §5, added subsec. (g). 1978—Subsecs. (a) to (c), (e). Pub. L. 95-619, §691(b)(2), substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

Subsec. (f). Pub. L. 95-619, §621, authorized to be appropriated \$50,000,000 for fiscal year 1979.

1976—Subsec. (d). Pub. L. 94-385, §432(d)(1), (2), added subsec. (d). Former subsec. (d) redesignated (f).

Subsec. (e). Pub. L. 94-385, §432(d)(2), added subsec. (e).

Subsec. (f). Pub. L. 94-385, §432(d)(1), (3), redesignated former subsec. (d) as (f) and inserted “(other than section 6327 of this title)” after “part”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which the 16th item on page 87 identifies a reporting provision which, as subsequently amended, is contained in subsec. (c) of this section and in which the 14th item on page 91 identifies a reporting provision in subsec. (g)(8) of this section), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

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.

§ 6326. State energy security plans

(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) State energy security plan

The term “State energy security plan” means a State energy security plan described in subsection (b).

(b) Financial assistance for State energy security plans

Federal financial assistance made available to a State under this part may be used for the de-

velopment, implementation, review, and revision of a State energy security plan that—

(1) assesses the existing circumstances in the State; and

(2) proposes methods to strengthen the ability of the State, in consultation with owners and operators of energy infrastructure in the State—

(A) to secure the energy infrastructure of the State against all physical and cybersecurity threats;

(B)(i) to mitigate the risk of energy supply disruptions to the State; and

(ii) to enhance the response to, and recovery from, energy disruptions; and

(C) to ensure that the State has reliable, secure, and resilient energy infrastructure.

(c) Contents of plan

A State energy security plan shall—

(1) address all energy sources and regulated and unregulated energy providers;

(2) provide a State energy profile, including an assessment of energy production, transmission, distribution, and end-use;

(3) address potential hazards to each energy sector or system, including—

(A) physical threats and vulnerabilities; and

(B) cybersecurity threats and vulnerabilities;

(4) provide a risk assessment of energy infrastructure and cross-sector interdependencies;

(5) provide a risk mitigation approach to enhance reliability and end-use resilience; and

(6)(A) address—

(i) multi-State and regional coordination, planning, and response; and

(ii) coordination with Indian Tribes with respect to planning and response; and

(B) to the extent practicable, encourage mutual assistance in cyber and physical response plans.

(d) Coordination

In developing or revising a State energy security plan, the State energy office of the State shall coordinate, to the extent practicable, with—

(1) the public utility or service commission of the State;

(2) energy providers from the private and public sectors; and

(3) other entities responsible for—

(A) maintaining fuel or electric reliability; and

(B) securing energy infrastructure.

(e) Financial assistance

A State is not eligible to receive Federal financial assistance under this part for any purpose for a fiscal year unless the Governor of the State submits to the Secretary, with respect to that fiscal year—

(1) a State energy security plan that meets the requirements of subsection (c); or

(2) after an annual review, carried out by the Governor, of a State energy security plan—

(A) any necessary revisions to the State energy security plan; or

(B) a certification that no revisions to the State energy security plan are necessary.

(f) Technical assistance

On request of the Governor of a State, the Secretary, in consultation with the Secretary of Homeland Security, may provide information, technical assistance, and other assistance in the development, implementation, or revision of a State energy security plan.

(g) Requirement

Each State receiving Federal financial assistance under this part shall provide reasonable assurance to the Secretary that the State has established policies and procedures designed to assure that the financial assistance will be used—

(1) to supplement, and not to supplant, State and local funds; and

(2) to the maximum extent practicable, to increase the amount of State and local funds that otherwise would be available, in the absence of the Federal financial assistance, for the implementation of a State energy security plan.

(h) 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.

(i) Sunset

The requirements of this section shall expire on October 31, 2025.

(Pub. L. 94-163, title III, §366, Dec. 22, 1975, 89 Stat. 935; Pub. L. 94-385, title IV, §431, Aug. 14, 1976, 90 Stat. 1158; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 101-440, §2(b), Oct. 18, 1990, 104 Stat. 1006; Pub. L. 117-58, div. D, title I, §40108(a)(2)-(4), Nov. 15, 2021, 135 Stat. 941, 942.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58, §40108(a)(4), amended section generally. Prior to amendment, section defined terms used in this part.

Pub. L. 117-58, §40108(a)(3), redesignated pars. (1) to (8) as pars. (1) to (8) of section 6321(c) of this title.

Pub. L. 117-58, §40108(a)(2)(B), inserted headings in pars. (1) to (8).

Par. (3)(B)(i). Pub. L. 117-58, §40108(a)(2)(A), substituted “; and” for “approved under section 6327 of this title, and”.

Pars. (6), (7). Pub. L. 117-58, §40108(a)(2)(C), redesignated pars. (6) and (7) as (7) and (6), respectively, and rearranged pars. in numerical order.

1990—Par. (4). Pub. L. 101-440 substituted “building, building system, energy consuming device associated with the building, or industrial” for “building or industrial”, “May 1, 1989” for “August 14, 1976”, and “maintain or improve the efficiency” for “improve the efficiency”.

1978—Pars. (1), (3)(A), (B)(ii), (4), (A), (6), (B), (B)(i). Pub. L. 95-619 substituted “Secretary” for “Adminis-

trator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

1976—Pub. L. 94-385 redesignated former pars. (1) and (2) as (7) and (8), respectively, and added pars. (1) to (6).

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.

§ 6327. Repealed. Pub. L. 101-440, § 4(c)(1), Oct. 18, 1990, 104 Stat. 1009

Section, Pub. L. 94-163, title III, § 367, as added Pub. L. 94-385, title IV, § 432(a), Aug. 14, 1976, 90 Stat. 1160; amended Pub. L. 95-91, title III, § 301(a), title VII, §§ 703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607; Pub. L. 95-619, title VI, §§ 622, 691(b)(2), Nov. 9, 1978, 92 Stat. 3283, 3288, related to supplemental State energy conservation plans.

PART C—INDUSTRIAL ENERGY EFFICIENCY

Editorial Notes

CODIFICATION

This part was, in the original, designated part E and has been changed to part C for purposes of codification.

PRIOR PROVISIONS

A prior part C, consisting of sections 6341 to 6346, related to voluntary industrial energy conservation, prior to repeal by Pub. L. 99-509, title III, § 3101(b), Oct. 21, 1986, 100 Stat. 1888. This prior part C, which in the original Act had been designated part D and subsequently redesignated part E by Pub. L. 95-619, title IV, § 441(a), Nov. 9, 1978, 92 Stat. 3267, was designated part C of this subchapter for purposes of codification.

§ 6341. Definitions

In this part:

(1) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Combined heat and power

The term “combined heat and power system” means a facility that—

(A) simultaneously and efficiently produces useful thermal energy and electricity; and

(B) recovers not less than 60 percent of the energy value in the fuel (on a higher-heat-value basis) in the form of useful thermal energy and electricity.

(3) Net excess power

The term “net excess power” means, for any facility, recoverable waste energy recovered in the form of electricity in quantities exceeding the total consumption of electricity at the specific time of generation on the site at which the facility is located.

(4) Project

The term “project” means a recoverable waste energy project or a combined heat and power system project.

(5) Recoverable waste energy

The term “recoverable waste energy” means waste energy from which electricity or useful

thermal energy may be recovered through modification of an existing facility or addition of a new facility.

(6) Registry

The term “Registry” means the Registry of Recoverable Waste Energy Sources established under section 6342(d) of this title.

(7) Useful thermal energy

The term “useful thermal energy” means energy—

(A) in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements; and

(B) for which fuel or electricity would otherwise be consumed.

(8) Waste energy

The term “waste energy” means—

(A) exhaust heat or flared gas from any industrial process;

(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

(D) such other forms of waste energy as the Administrator may determine.

(9) Other terms

The terms “electric utility”, “nonregulated electric utility”, “State regulated electric utility”, and other terms have the meanings given those terms in title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611 et seq.).

(Pub. L. 94-163, title III, § 371, as added Pub. L. 110-140, title IV, § 451(a), Dec. 19, 2007, 121 Stat. 1623.)

Editorial Notes

REFERENCES IN TEXT

The Public Utility Regulatory Policies Act of 1978, referred to in par. (9), is Pub. L. 95-617, Nov. 9, 1978, 92 Stat. 3117. Title I (§101 et seq.) of the Act enacted subchapters I to IV of chapter 46 (§2611 et seq.) of Title 16, Conservation, and section 6808 of this title, and amended sections 6802 to 6807 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 16 and Tables.

PRIOR PROVISIONS

A prior section 6341, Pub. L. 94-163, title III, § 371, Dec. 22, 1975, 89 Stat. 936; Pub. L. 95-619, title VI, §§ 601(c), 691(b)(2), Nov. 9, 1978, 92 Stat. 3283, 3288, defined terms used in former part C, prior to repeal by Pub. L. 99-509, title III, § 3101(b), Oct. 21, 1986, 100 Stat. 1888.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

Executive Documents

EX. ORD. NO. 13624. ACCELERATING INVESTMENT IN INDUSTRIAL ENERGY EFFICIENCY

Ex. Ord. No. 13624, Aug. 30, 2012, 77 Stat. 54779, provided: