

only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 (commonly referred to as the Anti-Deficiency Act).

(8) Nonsubstitution

The programs created under this subsection shall not be considered a substitute for Federal research and development programs.

(Pub. L. 109–58, title X, §1008, Aug. 8, 2005, 119 Stat. 933; Pub. L. 110–140, title VI, §654, Dec. 19, 2007, 121 Stat. 1695; Pub. L. 116–260, div. Z, title IX, §9004, Dec. 27, 2020, 134 Stat. 2598.)

REFERENCES IN TEXT

Section 105 of the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Reauthorization Act of 2010, referred to in subsec. (e), is section 105 of Pub. L. 111–358, title I, Jan. 4, 2011, 124 Stat. 3989, which enacted section 3719 of Title 15, Commerce and Trade, and amended section 20144 of Title 51, National and Commercial Space Programs.

AMENDMENTS

2020—Subsec. (e). Pub. L. 116–260 added subsec. (e). Former subsec. (e) redesignated (f) as the probable intent of Congress.

Subsecs. (f) to (h). Pub. L. 116–260, which directed redesignation of subsecs. (f) and (g) as (g) and (h), respectively, was executed by redesignating subsecs. (e) and (f) as (f) and (g), respectively, to reflect the probable intent of Congress.

2007—Subsec. (f). Pub. L. 110–140 added subsec. (f).

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.

SUBCHAPTER XI—PERSONNEL AND TRAINING

§ 16411. Workforce trends and traineeship grants

(a) Definitions

In this section:

(1) Energy technology industry

The term “energy technology industry” includes—

- (A) a renewable energy industry;
- (B) a company that develops or commercializes a device to increase energy efficiency;
- (C) the oil and gas industry;
- (D) the nuclear power industry;
- (E) the coal industry;
- (F) the electric utility industry; and
- (G) any other industrial sector, as the Secretary determines to be appropriate.

(2) Skilled technical personnel

The term “skilled technical personnel” means—

- (A) journey- and apprentice-level workers who are enrolled in, or have completed, a federally-recognized or State-recognized apprenticeship program; and
- (B) other skilled workers in energy technology industries, as determined by the Secretary.

(b) Workforce trends

(1) Monitoring

The Secretary, in consultation with, and using data collected by, the Secretary of Labor, shall monitor trends in the workforce of—

- (A) skilled technical personnel that support energy technology industries; and
- (B) electric power and transmission engineers.

(2) Report on trends

Not later than 1 year after August 8, 2005, the Secretary shall submit to Congress a report on current trends under paragraph (1), with recommendations (as appropriate) to meet the future labor requirements for the energy technology industries.

(3) Report on shortage

As soon as practicable after the date on which the Secretary identifies or predicts a significant national shortage of skilled technical personnel in one or more energy technology industries, the Secretary shall submit to Congress a report describing the shortage.

(c) Traineeship grants for skilled technical personnel

The Secretary, in consultation with the Secretary of Labor, may establish programs in the appropriate offices of the Department under which the Secretary provides grants to enhance training (including distance learning) for any workforce category for which a shortage is identified or predicted under subsection (b)(2).

(d) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2006 through 2008.

(Pub. L. 109–58, title XI, §1101, Aug. 8, 2005, 119 Stat. 937.)

§ 16412. Training guidelines for nonnuclear electric energy industry personnel

(a) In general

The Secretary of Labor, in consultation with the Secretary and in conjunction with the electric industry and recognized employee representatives, shall develop model personnel training guidelines to support the reliability and safety of the nonnuclear electric system.

(b) Requirements

The training guidelines under subsection (a) shall, at a minimum—

- (1) include training requirements for workers engaged in the construction, operation, inspection, or maintenance of nonnuclear electric generation, transmission, or distribution systems, including requirements relating to—
 - (A) competency;
 - (B) certification; and
 - (C) assessment, including—
 - (i) initial and continuous evaluation of workers;
 - (ii) recertification procedures; and
 - (iii) methods for examining or testing the qualification of an individual who performs a covered task; and

(2) consolidate training guidelines in existence on the date on which the guidelines under subsection (a) are developed relating to the construction, operation, maintenance, and inspection of nonnuclear electric generation, transmission, and distribution facilities, such as guidelines established by the National Electric Safety Code and other industry consensus standards.

(Pub. L. 109–58, title XI, §1103, Aug. 8, 2005, 119 Stat. 939.)

§ 16413. National Center for Energy Management and Building Technologies

The Secretary shall support the ongoing activities of and explore opportunities for expansion of the National Center for Energy Management and Building Technologies to carry out research, education, and training activities to facilitate the improvement of energy efficiency, indoor environmental quality, and security of industrial, commercial, residential, and public buildings.

(Pub. L. 109–58, title XI, §1104, Aug. 8, 2005, 119 Stat. 939.)

§ 16414. National Power Plant Operations Technology and Educational Center

(a) Establishment

The Secretary shall support the establishment of a National Power Plant Operations Technology and Education Center (referred to in this section as the “Center”), to address the need for training and educating certified operators and technicians for the electric power industry.

(b) Location of Center

The Secretary shall support the establishment of the Center at an institution of higher education that has—

- (1) expertise in providing degree programs in electric power generation, transmission, and distribution technologies;
- (2) expertise in providing onsite and Internet-based training; and
- (3) demonstrated responsiveness to workforce and training requirements in the electric power industry.

(c) Training and continuing education

(1) In general

The Center shall provide training and continuing education in electric power generation, transmission, and distribution technologies and operations.

(2) Location

The Center shall carry out training and education activities under paragraph (1)—

- (A) at the Center; and
- (B) through Internet-based information technologies that allow for learning at remote sites.

(Pub. L. 109–58, title XI, §1106, Aug. 8, 2005, 119 Stat. 940.)

SUBCHAPTER XII—ELECTRICITY

PART A—TRANSMISSION INFRASTRUCTURE
MODERNIZATION

§ 16421. Third-party finance

(a) Existing facilities

The Secretary, acting through the Administrator of the Western Area Power Administration (hereinafter in this section referred to as “WAPA”), or through the Administrator of the Southwestern Power Administration (hereinafter in this section referred to as “SWPA”), or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, an electric power transmission facility and related facilities (“Project”) needed to upgrade existing transmission facilities owned by SWPA or WAPA if the Secretary, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located in a national interest electric transmission corridor designated under section 216(a) of the Federal Power Act [16 U.S.C. 824p(a)] and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Transmission Organization (as defined in the Federal Power Act [16 U.S.C. 791a et seq.]), if any, or approved regional reliability organization; and

(B) efficient and reliable operation of the transmission grid; and

(3) would be operated in conformance with prudent utility practice.

(b) New facilities

The Secretary, acting through WAPA or SWPA, or both, may design, develop, construct, operate, maintain, or own, or participate with other entities in designing, developing, constructing, operating, maintaining, or owning, a new electric power transmission facility and related facilities (“Project”) located within any State in which WAPA or SWPA operates if the Secretary, in consultation with the applicable Administrator, determines that the proposed Project—

(1)(A) is located in an area designated under section 216(a) of the Federal Power Act [16 U.S.C. 824p(a)] and will reduce congestion of electric transmission in interstate commerce; or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity;

(2) is consistent with—

(A) transmission needs identified, in a transmission expansion plan or otherwise, by the appropriate Transmission Organization (as defined in the Federal Power Act [16 U.S.C. 791a et seq.]) if any, or approved regional reliability organization; and