

**§ 13344. Rare earth elements****(a) Research program****(1) In general**

The Secretary of Energy, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the “Secretary”), shall conduct a program of research and development—

(A) to develop and assess advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts; and

(B) to determine if there are, and mitigate, any potential environmental or public health impacts that could arise from the recovery of rare earth elements from coal-based resources.

**(2) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out the program described in paragraph (1)—

(A) \$23,000,000 for each of fiscal years 2021 and 2022;

(B) \$24,200,000 for fiscal year 2023;

(C) \$25,400,000 for fiscal year 2024;

(D) \$26,600,000 for fiscal year 2025; and

(E) \$27,800,000 for fiscal year 2026.

**(b) Report**

Not later than 1 year after December 27, 2020, and annually thereafter while the facility established under subsection (c) remains in operation, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Science, Space, and Technology and Energy and Commerce of the House of Representatives a report evaluating the development of advanced separation technologies for the extraction and recovery of rare earth elements and other critical materials from coal and coal byproducts, including acid mine drainage from coal mines.

**(c) Rare earth demonstration facility****(1) Establishment**

In coordination with the research program under subsection (a)(1)(A), the Secretary shall fund, through an agreement with an academic partner, the design, construction, and build-out of a facility to demonstrate the commercial feasibility of a full-scale integrated rare earth element extraction and separation facility and refinery.

**(2) Facility activities**

The facility established under paragraph (1) shall—

(A) provide environmental benefits through use of feedstock derived from acid mine drainage, mine waste, or other deleterious material;

(B) separate mixed rare earth oxides into pure oxides of each rare earth element;

(C) refine rare earth oxides into rare earth metals; and

(D) provide for separation of rare earth oxides and refining into rare earth metals at a single site.

**(3) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out this subsection

\$140,000,000 for fiscal year 2022, to remain available until expended.

**(d) Critical material**

In this section, the term “critical material” has the meaning given the term in section 1606 of title 30.

(Pub. L. 116–260, div. Z, title VII, §7001, Dec. 27, 2020, 134 Stat. 2561; Pub. L. 117–58, div. D, title II, §40205, Nov. 15, 2021, 135 Stat. 960.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Energy Act of 2020, and not as part of the Energy Policy Act of 1992 which comprises this chapter.

## AMENDMENTS

2021—Subsec. (b). Pub. L. 117–58, §40205(1), inserted “and annually thereafter while the facility established under subsection (c) remains in operation,” after “December 27, 2020,”.

Subsecs. (c), (d). Pub. L. 117–58, §40205(2), (3), added subsec. (c) and redesignated former subsec. (c) as (d).

**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 B—CLEAN COAL TECHNOLOGY PROGRAM

**§ 13351. Additional clean coal technology solicitations****(a) Program design**

Additional clean coal technology solicitations described in subsection (b) shall be designed to ensure the timely development of cost-effective technologies or energy production processes or systems utilizing coal that achieve greater efficiency in the conversion of coal to useful energy when compared to currently commercially available technology for the use of coal and the control of emissions from the combustion of coal. Such program shall be designed to ensure, to the greatest extent possible, the availability for commercial use of such technologies by the year 2010.

**(b) Additional solicitations**

In conducting the Clean Coal Program established by Public Law 98–473, the Secretary shall consider the potential benefits of conducting additional solicitations pursuant to such program and, based on the results of that consideration, may carry out such additional solicitations, which shall be similar in scope and percentage of Federal cost sharing as that provided by Public Law 101–121.

(Pub. L. 102–486, title XIII, §1321, Oct. 24, 1992, 106 Stat. 2976.)

**Editorial Notes**

## REFERENCES IN TEXT

Public Law 98–473, referred to in subsec. (b), is Pub. L. 98–473, Oct. 12, 1984, 98 Stat. 1837, as amended. For