

**§ 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

complete classification of this Act to the Code, see Tables.

Public Law 101-121, referred to in subsec. (b), is Pub. L. 101-121, Oct. 23, 1989, 103 Stat. 701, as amended. For complete classification of this Act to the Code, see Tables.

#### PART C—OTHER COAL PROVISIONS

### § 13361. Clean coal technology export promotion and interagency coordination

#### (a) Establishment

There shall be established within the Trade Promotion Coordinating Committee (established by the President on May 23, 1990) a Clean Coal Technology Subgroup (in this part referred to as the "CCT Subgroup") to focus interagency efforts on clean coal technologies. The CCT Subgroup shall seek to expand the export and use of clean coal technologies, particularly in those countries which can benefit from gains in the efficiency of, and the control of environmental emissions from, coal utilization.

#### (b) Membership

The CCT Subgroup shall include 1 member from each agency represented on the Energy, Environment, and Infrastructure Working Group of the Trade Promotion Coordinating Committee as of October 24, 1992. The Secretary shall serve as chair of the CCT Subgroup and shall be responsible for ensuring that the functions of the CCT Subgroup are carried out through its member agencies.

#### (c) Consultation

(1) In carrying out this section, the CCT Subgroup shall consult with representatives from the United States coal industry, representatives of railroads and other transportation industries, organizations representing workers, the electric utility industry, manufacturers of equipment utilizing clean coal technology, members of organizations formed to further the goals of environmental protection or to promote the development and use of clean coal technologies that are developed, manufactured, or controlled by United States firms, and other appropriate interested members of the public.

(2) The CCT Subgroup shall maintain ongoing liaison with other elements of the Trade Promotion Coordinating Committee relating to clean coal technologies or regions where these technologies could be important, including Eastern Europe, Asia, and the Pacific.

#### (d) Duties

The Secretary, acting through the CCT Subgroup, shall—

(1) facilitate the establishment of technical training for the consideration, planning, construction, and operation of clean coal technologies by end users and international development personnel;

(2) facilitate the establishment of and, where practicable, cause to be established, consistent with the goals and objectives stated in section 13331(a) of this title, within existing departments and agencies—

(A) financial assistance programs (including grants, loan guarantees, and no interest and low interest loans) to support

prefeasibility and feasibility studies for projects that will utilize clean coal technologies; and

(B) loan guarantee programs, grants, and no interest and low interest loans designed to facilitate access to capital and credit in order to finance such clean coal technology projects;

(3) develop and ensure the execution of programs, including the establishment of financial incentives, to encourage and support private sector efforts in exports of clean coal technologies that are developed, manufactured, or controlled by United States firms;

(4) encourage the training in, and understanding of, clean coal technologies by representatives of foreign companies or countries intending to use coal or clean coal technologies by providing technical or financial support for training programs, workshops, and other educational programs sponsored by United States firms;

(5) educate loan officers and other officers of international lending institutions, commercial and energy attachés of the United States, and such other personnel as the CCT Subgroup considers appropriate, for the purposes of providing information about clean coal technologies to foreign governments or potential project sponsors of clean coal technology projects;

(6) develop policies and practices to be conducted by commercial and energy attachés of the United States, and such other personnel as the CCT Subgroup considers appropriate, in order to promote the exports of clean coal technologies to those countries interested in or intending to utilize coal resources;

(7) augment budgets for trade and development programs supported by Federal agencies for the purpose of financially supporting prefeasibility or feasibility studies for projects in foreign countries that will utilize clean coal technologies;

(8) review ongoing clean coal technology projects and review and advise Federal agencies on the approval of planned clean coal technology projects which are sponsored abroad by any Federal agency to determine whether such projects are consistent with the overall goals and objectives of this section;

(9) coordinate the activities of the appropriate Federal agencies in order to ensure that Federal clean coal technology export promotion policies are implemented in a timely fashion;

(10) work with CCT Subgroup member agencies to develop an overall strategy for promoting clean coal technology exports, including setting goals and allocating specific responsibilities among member agencies, consistent with applicable statutes; and

(11) coordinate with multilateral institutions to ensure that United States technologies are properly represented in their projects.

#### (e) Data and information

(1) The CCT Subgroup, consistent with other applicable provisions of law, shall ensure the development of a comprehensive data base and in-