

A, title XVII, §1701(t)(2)(B), (C), Dec. 27, 2021, 135 Stat. 2150.

The Arms Export Control Act, referred to in subsec. (a)(5)(D)(iv), is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, which is classified principally to chapter 39 (§2751 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of Title 22 and Tables.

The Export Control Reform Act of 2018, referred to in subsec. (a)(5)(D)(vi), is subtitle B (§§1741-1781) of title XVII of div. A of Pub. L. 115-232, Aug. 13, 2018, 132 Stat. 2208, which is classified principally to chapter 58 (§4801 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 50 and Tables.

The International Emergency Economic Powers Act, referred to in subsec. (a)(5)(D)(vii), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The Mercury-Containing and Rechargeable Battery Management Act, referred to in subsec. (f)(6), is Pub. L. 104-142, May 13, 1996, 110 Stat. 1329, which is classified generally to chapter 137 (§14301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 14301 of this title 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.

§ 18742. Advanced energy manufacturing and recycling grant program

(a) Definitions

In this section:

(1) Advanced energy property

The term “advanced energy property” means—

(A) property designed to be used to produce energy from the sun, water, wind, geothermal or hydrothermal (as those terms are defined in section 17191 of this title) resources, enhanced geothermal systems (as defined in that section), or other renewable resources;

(B) fuel cells, microturbines, or energy storage systems and components;

(C) electric grid modernization equipment or components;

(D) property designed to capture, remove, use, or sequester carbon oxide emissions;

(E) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product that is—

(i) renewable; or

(ii) low-carbon and low-emission;

(F) property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications);

(G)(i) light-, medium-, or heavy-duty electric or fuel cell vehicles, electric or fuel cell

locomotives, electric or fuel cell maritime vessels, or electric or fuel cell planes;

(ii) technologies, components, and materials of those vehicles, locomotives, maritime vessels, or planes; and

(iii) charging or refueling infrastructure associated with those vehicles, locomotives, maritime vessels, or planes;

(H)(i) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds; and

(ii) technologies, components, and materials for those vehicles; and

(I) other advanced energy property designed to reduce greenhouse gas emissions, as may be determined by the Secretary.

(2) Covered census tract

The term “covered census tract” means a census tract—

(A) in which, after December 31, 1999, a coal mine had closed;

(B) in which, after December 31, 2009, a coal-fired electricity generating unit had been retired; or

(C) that is immediately adjacent to a census tract described in subparagraph (A) or (B).

(3) Eligible entity

The term “eligible entity” means a manufacturing firm—

(A) the gross annual sales of which are less than \$100,000,000;

(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

(C) the annual energy bills of which total more than \$100,000 but less than \$2,500,000.

(4) Minority-owned

The term “minority-owned”, with respect to an eligible entity, means an eligible entity not less than 51 percent of which is owned by 1 or more individuals who are—

(A) citizens of the United States; and

(B) Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or Alaska Native.

(5) Program

The term “Program” means the grant program established under subsection (b).

(6) Qualifying advanced energy project

The term “qualifying advanced energy project” means a project that—

(A)(i) re-equips, expands, or establishes a manufacturing or recycling facility for the production or recycling, as applicable, of advanced energy property; or

(ii) re-equips an industrial or manufacturing facility with equipment designed to reduce the greenhouse gas emissions of that facility substantially below the greenhouse gas emissions under current best practices, as determined by the Secretary, through the installation of—

(I) low- or zero-carbon process heat systems;

(II) carbon capture, transport, utilization, and storage systems;

(III) technology relating to energy efficiency and reduction in waste from industrial processes; or

(IV) any other industrial technology that significantly reduces greenhouse gas emissions, as determined by the Secretary;

(B) has a reasonable expectation of commercial viability, as determined by the Secretary; and

(C) is located in a covered census tract.

(b) Establishment

Not later than 180 days after November 15, 2021, the Secretary shall establish a program to award grants to eligible entities to carry out qualifying advanced energy projects.

(c) Applications

(1) In general

Each eligible entity seeking a grant under the Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the proposed qualifying advanced energy project to be carried out using the grant.

(2) Selection criteria

(A) Projects

In selecting eligible entities to receive grants under the Program, the Secretary shall, with respect to the qualifying advanced energy projects proposed by the eligible entities, give higher priority to projects that—

(i) will provide higher net impact in avoiding or reducing anthropogenic emissions of greenhouse gases;

(ii) will result in a higher level of domestic job creation (both direct and indirect) during the lifetime of the project;

(iii) will result in a higher level of job creation in the vicinity of the project, particularly with respect to—

(I) low-income communities (as described in section 45D(e) of the Internal Revenue Code of 1986); and

(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(iv) have higher potential for technological innovation and commercial deployment;

(v) have a lower levelized cost of—

(I) generated or stored energy; or

(II) measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain); and

(vi) have a shorter project time.

(B) Eligible entities

In selecting eligible entities to receive grants under the Program, the Secretary shall give priority to eligible entities that are minority-owned.

(d) Project completion and location; return of unobligated funds

(1) Completion; return of unobligated funds

An eligible entity that receives a grant under the Program shall be required—

(A) to complete the qualifying advanced energy project funded by the grant not later than 3 years after the date of receipt of the grant funds; and

(B) to return to the Secretary any grant funds that remain unobligated at the end of that 3-year period.

(2) Location

If the Secretary determines that an eligible entity awarded a grant under the Program has carried out the applicable qualifying advanced energy project at a location that is materially different from the location specified in the application for the grant, the eligible entity shall be required to return the grant funds to the Secretary.

(e) Technical assistance

(1) In general

Not later than 180 days after November 15, 2021, the Secretary shall provide technical assistance on a selective basis to eligible entities that are seeking a grant under the Program to enhance the impact of the qualifying advanced energy project to be carried out using the grant with respect to the selection criteria described in subsection (c)(2)(A).

(2) Applications

An eligible entity desiring technical assistance under paragraph (1) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(3) Factors for consideration

In selecting eligible entities for technical assistance under paragraph (1), the Secretary shall give higher priority to eligible entities that propose a qualifying advanced energy project that has greater potential for enhancement of the impact of the project with respect to the selection criteria described in subsection (c)(2)(A).

(f) Publication of grants

The Secretary shall make publicly available the identity of each eligible entity awarded a grant under the Program and the amount of the grant.

(g) Report

Not later than 4 years after November 15, 2021, the Secretary shall—

(1) review the grants awarded under the Program; and

(2) submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing those grants.

(h) Authorization of appropriations

There is authorized to be appropriated to the Secretary to carry out the Program \$750,000,000 for the period of fiscal years 2022 through 2026.

(Pub. L. 117-58, div. D, title II, §40209, Nov. 15, 2021, 135 Stat. 975.)

Statutory Notes and Related Subsidiaries

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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.

§ 18743. Critical minerals mining and recycling research

(a) Definitions

In this section:

(1) Critical mineral

The term “critical mineral” has the meaning given the term in section 1606(a) of title 30.

(2) Critical minerals and metals

The term “critical minerals and metals” includes any host mineral of a critical mineral.

(3) Director

The term “Director” means the Director of the Foundation.

(4) End-to-end

The term “end-to-end”, with respect to the integration of mining or life cycle of minerals, means the integrated approach of, or the lifecycle determined by, examining the research and developmental process from the mining of the raw minerals to its processing into useful materials, its integration into components and devices, the utilization of such devices in the end-use application to satisfy certain performance metrics, and the recycling or disposal of such devices.

(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

(E) determined by the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(6) Foundation

The term “Foundation” means the National Science Foundation.

(7) Institution of higher education

The term “institution of higher education” has the meaning given the term in section 1001 of title 20.

(8) National Laboratory

The term “National Laboratory” has the meaning given the term in section 15801 of this title.

(9) Recycling

The term “recycling” means the process of collecting and processing spent materials and devices and turning the materials and devices into raw materials or components that can be reused either partially or completely.

(10) Secondary recovery

The term “secondary recovery” means the recovery of critical minerals and metals from discarded end-use products or from waste products produced during the metal refining and manufacturing process, including from mine waste piles, acid mine drainage sludge, or byproducts produced through legacy mining and metallurgy activities.

(b) Critical minerals mining and recycling research and development

(1) In general

In order to support supply chain resiliency, the Secretary, in coordination with the Director, shall issue awards, on a competitive basis, to eligible entities described in paragraph (2) to support basic research that will accelerate innovation to advance critical minerals mining, recycling, and reclamation strategies and technologies for the purposes of—

(A) making better use of domestic resources; and

(B) eliminating national reliance on minerals and mineral materials that are subject to supply disruptions.

(2) Eligible entities

Entities eligible to receive an award under paragraph (1) are the following:

(A) Institutions of higher education.

(B) National Laboratories.

(C) Nonprofit organizations.

(D) Consortia of entities described in subparagraphs (A) through (C), including consortia that collaborate with private industry.

(3) Use of funds

Activities funded by an award under this section may include—

(A) advancing mining research and development activities to develop new mapping and mining technologies and techniques, including advanced critical mineral extraction and production—

¹ See References in Text note below.

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