

during the fiscal year for projects relating to secondary recovery of critical minerals and metals.

**(5) Domestic priority**

In awarding grants for the development of critical minerals and metals under paragraph (1)(B), the Secretary shall prioritize pilot projects that will process the critical minerals and metals domestically.

**(6) Prohibition on processing by foreign entity of concern**

In awarding grants under paragraph (1), the Secretary shall ensure that pilot projects do not export for processing any critical minerals and metals to a foreign entity of concern.

**(7) Authorization of appropriations**

There is authorized to be appropriated to the Secretary to carry out the grant program established under paragraph (1) \$100,000,000 for each of fiscal years 2021 through 2024.

(Pub. L. 117-58, div. D, title II, §40210, Nov. 15, 2021, 135 Stat. 978.)

**Editorial Notes**

REFERENCES IN TEXT

Section 2533c(d) of title 10, referred to subsec. (a)(5)(C), was renumbered section 4872(d) of title 10 by Pub. L. 116-283, div. A, title XVIII, §1870(d)(2), Jan. 1, 2021, 134 Stat. 4286, as amended by Pub. L. 117-81, div. 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.

**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.

**§ 18744. 21st Century Energy Workforce Advisory Board**

**(a) Establishment**

The Secretary shall establish a board, to be known as the “21st Century Energy Workforce Advisory Board”, to develop a strategy for the Department that, with respect to the role of the

Department in the support and development of a skilled energy workforce—

(1) meets the current and future industry and labor needs of the energy sector;

(2) provides opportunities for students to become qualified for placement in traditional energy sector and emerging energy sector jobs;

(3) identifies areas in which the Department can effectively utilize the technical expertise of the Department to support the workforce activities of other Federal agencies;

(4) strengthens and engages the workforce training programs of the Department and the National Laboratories in carrying out the Equity in Energy Initiative of the Department and other Department workforce priorities;

(5) develops plans to support and retrain displaced and unemployed energy sector workers; and

(6) prioritizes education and job training for underrepresented groups, including racial and ethnic minorities, Indian Tribes, women, veterans, and socioeconomically disadvantaged individuals.

**(b) Membership**

**(1) In general**

The Board shall be composed of not fewer than 10 and not more than 15 members, with the initial members of the Board to be appointed by the Secretary not later than 1 year after November 15, 2021.

**(2) Requirement**

The Board shall include not fewer than 1 representative of a labor organization with significant energy experience who has been nominated by a national labor federation.

**(3) Qualifications**

Each individual appointed to the Board under paragraph (1) shall have expertise in—

(A) the field of economics or workforce development;

(B) relevant traditional energy industries or emerging energy industries, including energy efficiency;

(C) secondary or postsecondary education;

(D) energy workforce development or apprenticeship programs of States or units of local government;

(E) relevant organized labor organizations; or

(F) bringing underrepresented groups, including racial and ethnic minorities, women, veterans, and socioeconomically disadvantaged individuals, into the workforce.

**(c) Advisory Board review and recommendations**

**(1) Determination by Board**

In developing the strategy required under subsection (a), the Board shall—

(A) determine whether there are opportunities to more effectively and efficiently use the capabilities of the Department in the development of a skilled energy workforce;

(B) identify ways in which the Department could work with other relevant Federal agencies, States, units of local government, institutions of higher education, labor organizations, Indian Tribes and tribal organiza-

tions, and industry in the development of a skilled energy workforce, subject to applicable law;

(C) identify ways in which the Department and National Laboratories can—

- (i) increase outreach to minority-serving institutions; and
- (ii) make resources available to increase the number of skilled minorities and women trained to go into the energy and energy-related manufacturing sectors;
- (iii) increase outreach to displaced and unemployed energy sector workers; and
- (iv) make resources available to provide training to displaced and unemployed energy sector workers to reenter the energy workforce; and

(D)(i) identify the energy sectors in greatest need of workforce training; and

(ii) in consultation with the Secretary of Labor, develop recommendations for the skills necessary to develop a workforce trained to work in those energy sectors.

## **(2) Required analysis**

In developing the strategy required under subsection (a), the Board shall analyze the effectiveness of—

- (A) existing Department-directed support; and
- (B) existing energy workforce training programs.

## **(3) Report**

### **(A) In general**

Not later than 1 year after the date on which the Board is established under this section, and biennially thereafter until the date on which the Board is terminated under subsection (f), the Board shall submit to the Secretary a report containing, with respect to the strategy required under subsection (a)—

- (i) the findings of the Board; and
- (ii) the proposed energy workforce strategy of the Board.

### **(B) Response of the Secretary**

Not later than 90 days after the date on which a report is submitted to the Secretary under subparagraph (A), the Secretary shall—

- (i) submit to the Board a response to the report that—
  - (I) describes whether the Secretary approves or disapproves of each recommendation of the Board under subparagraph (A); and
  - (II) if the Secretary approves of a recommendation, provides an implementation plan for the recommendation; and
- (ii) submit to Congress—
  - (I) the report of the Board under subparagraph (A); and
  - (II) the response of the Secretary under clause (i).

### **(C) Public availability of report**

#### **(i) In general**

The Board shall make each report under subparagraph (A) available to the public on the earlier of—

(I) the date on which the Board receives the response of the Secretary under subparagraph (B)(i); and

(II) the date that is 90 days after the date on which the Board submitted the report to the Secretary.

#### **(ii) Requirement**

If the Board has received a response to a report from the Secretary under subparagraph (B)(i), the Board shall make that response publicly available with the applicable report.

### **(d) Report by the Secretary**

Not later than 180 days before the date of expiration of a term of the Board under subsection (f), the Secretary shall submit to the Committees on Energy and Natural Resources and Appropriations of the Senate and the Committees on Energy and Commerce and Appropriations of the House of Representatives a report that—

- (1) describes the effectiveness and accomplishments of the Board during the applicable term;
- (2) contains a determination of the Secretary as to whether the Board should be renewed; and
- (3) if the Secretary determines that the Board should be renewed, any recommendations as to whether and how the scope and functions of the Board should be modified.

### **(e) Outreach to minority-serving institutions, veterans, and displaced and unemployed energy workers**

In developing the strategy under subsection (a), the Board shall—

- (1) give special consideration to increasing outreach to minority-serving institutions, veterans, and displaced and unemployed energy workers;
- (2) make resources available to—
  - (A) minority-serving institutions, with the objective of increasing the number of skilled minorities and women trained to go into the energy and manufacturing sectors;
  - (B) institutions that serve veterans, with the objective of increasing the number veterans in the energy industry by ensuring that veterans have the credentials and training necessary to secure careers in the energy industry; and
  - (C) institutions that serve displaced and unemployed energy workers to increase the number of individuals trained for jobs in the energy industry;

(3) encourage the energy industry to improve the opportunities for students of minority-serving institutions, veterans, and displaced and unemployed energy workers to participate in internships, preapprenticeships, apprenticeships, and cooperative work-study programs in the energy industry; and

(4) work with the National Laboratories to increase the participation of underrepresented groups, veterans, and displaced and unemployed energy workers in internships, fellowships, training programs, and employment at the National Laboratories.

**(f) Term****(1) In general**

Subject to paragraph (2), the Board shall terminate on September 30, 2026.

**(2) Extensions**

The Secretary may renew the Board for 1 or more 5-year periods by submitting, not later than the date described in subsection (d), a report described in that subsection that contains a determination by the Secretary that the Board should be renewed.

(Pub. L. 117-58, div. D, title II, §40211, Nov. 15, 2021, 135 Stat. 983.)

**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.

**SUBCHAPTER III—FUELS AND TECHNOLOGY INFRASTRUCTURE INVESTMENTS****PART A—NUCLEAR ENERGY INFRASTRUCTURE****§ 18751. Infrastructure planning for micro and small modular nuclear reactors****(a) Definitions**

In this section:

**(1) Advanced nuclear reactor**

The term “advanced nuclear reactor” has the meaning given the term in section 16271(b) of this title.

**(2) Isolated community**

The term “isolated community” has the meaning given the term in section 17392(a) of this title.

**(3) Micro-reactor**

The term “micro-reactor” means an advanced nuclear reactor that has an electric power production capacity that is not greater than 50 megawatts.

**(4) National Laboratory**

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

**(5) Small modular reactor**

The term “small modular reactor” means an advanced nuclear reactor—

(A) with a rated capacity of less than 300 electrical megawatts; and

(B) that can be constructed and operated in combination with similar reactors at a single site.

**(b) Report**

Not later than 180 days after November 15, 2021, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and Science, Space, and Technology of the House of Representatives a report that de-

scribes how the Department could enhance energy resilience and reduce carbon emissions with the use of micro-reactors and small modular reactors.

**(c) Elements**

The report required by subsection (b) shall address the following:

(1) An evaluation by the Department of current resilience and carbon reduction requirements for energy for facilities of the Department to determine whether changes are needed to address—

(A) the need to provide uninterrupted power to facilities of the Department for at least 3 days during power grid failures;

(B) the need for protection against cyber threats and electromagnetic pulses; and

(C) resilience to extreme natural events, including earthquakes, volcanic activity, tornados, hurricanes, floods, tsunamis, lahars, landslides, seiches, a large quantity of snowfall, and very low or high temperatures.

(2) A strategy of the Department for using nuclear energy to meet resilience and carbon reduction goals of facilities of the Department.

(3) A strategy to partner with private industry to develop and deploy micro-reactors and small modular reactors to remote communities in order to replace diesel generation and other fossil fuels.

(4) An assessment by the Department of the value associated with enhancing the resilience of a facility of the Department by transitioning to power from micro-reactors and small modular reactors and to co-located nuclear facilities with the capability to provide dedicated power to the facility of the Department during a grid outage or failure.

(5) The plans of the Department—

(A) for deploying a micro-reactor and a small modular reactor to produce energy for use by a facility of the Department in the United States by 2026;

(B) for deploying a small modular reactor to produce energy for use by a facility of the Department in the United States by 2029; and

(C) to include micro-reactors and small modular reactors in the planning for meeting future facility energy needs.

**(d) Financial and technical assistance for siting micro-reactors, small modular reactors, and advanced nuclear reactors****(1) In general**

The Secretary shall offer financial and technical assistance to entities to conduct feasibility studies for the purpose of identifying suitable locations for the deployment of micro-reactors, small modular reactors, and advanced nuclear reactors in isolated communities.

**(2) Requirement**

Prior to providing financial and technical assistance under paragraph (1), the Secretary shall conduct robust community engagement and outreach for the purpose of identifying levels of interest in isolated communities.