

consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) Cost share

The Secretary shall require an eligible entity to provide not less than 50 percent of the cost of a project carried out pursuant to this section.

(f) Administrative costs

The Secretary shall reserve not more than \$300,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) Definitions

In this section:

(1) Advanced industrial technology

The term “advanced industrial technology” means a technology directly involved in an industrial process, as described in any of paragraphs (1) through (6) of section 17113(c) of this title, and designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary.

(2) Eligible entity

The term “eligible entity” means the owner or operator of an eligible facility.

(3) Eligible facility

The term “eligible facility” means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, industrial ceramics, chemicals, and other energy intensive industrial processes, as determined by the Secretary.

(4) Financial assistance

The term “financial assistance” means a grant, rebate, direct loan, or cooperative agreement.

(Pub. L. 117–169, title V, § 50161, Aug. 16, 2022, 136 Stat. 2049.)

Editorial Notes

CODIFICATION

Section was enacted as part of Pub. L. 117–169, and not as part of the Energy Independence and Security Act of 2007 which comprises this chapter.

Statutory Notes and Related Subsidiaries

DEFINITIONS

Pub. L. 117–169, title V, § 50111, Aug. 16, 2022, 136 Stat. 2033, provided that:

“In this subtitle [subtitle A (§§ 50111–50173) of title V of Pub. L. 117–169, enacting this section, sections 16517, 18715 to 18715b, and 18795 to 18795b of this title, and

amending sections 16511, 16512, and 17013 of this title and section 3502 of Title 25, Indians]:

“(1) GREENHOUSE GAS.—The term ‘greenhouse gas’ has the meaning given the term in section 1610(a) of the Energy Policy Act of 1992 (42 U.S.C. 13389(a)).

“(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Energy.

“(3) STATE.—The term ‘State’ means a State, the District of Columbia, and a United States Insular Area (as that term is defined in section 50211 [of Pub. L. 117–169; 43 U.S.C. 3006 note]).

“(4) STATE ENERGY OFFICE.—The term ‘State energy office’ has the meaning given the term in section 124(a) of the Energy Policy Act of 2005 (42 U.S.C. 15821(a)).

“(5) STATE ENERGY PROGRAM.—The term ‘State Energy Program’ means the State Energy Program established pursuant to part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326).”

§ 17114. Industrial Technology Innovation Advisory Committee

(a) Definitions

In this section:

(1) Committee

The term “Committee” means the Industrial Technology Innovation Advisory Committee established under subsection (b).

(2) Director

The term “Director” means the Director of the Office of Science and Technology Policy.

(3) Emissions reduction

The term “emissions reduction” has the meaning given the term in section 17113(a) of this title.

(4) Program

The term “program” means the industrial emissions reduction technology development program established under section 17113(b)(1) of this title.

(b) Establishment

Not later than 180 days after December 27, 2020, the Secretary, in consultation with the Director, shall establish an advisory committee, to be known as the “Industrial Technology Innovation Advisory Committee”.

(c) Membership

(1) Appointment

The Committee shall be comprised of not fewer than 16 members and not more than 20 members, who shall be appointed by the Secretary, in consultation with the Director.

(2) Representation

Members appointed pursuant to paragraph (1) shall include—

(A) not less than 1 representative of each relevant Federal agency, as determined by the Secretary;

(B) the Chair of the Secretary of Energy Advisory Board, if that position is filled;

(C) not less than 2 representatives of labor groups;

(D) not less than 3 representatives of the research community, which shall include academia and National Laboratories;

(E) not less than 2 representatives of non-governmental organizations;

(F)¹ not less than 6 representatives of small- and large-scale industry, the collective expertise of which shall cover every focus area described in section 17113(c) of this title; and²

(F)¹ not less than 1 representative of a State government; and

(G) any other individuals the Secretary, in coordination with the Director, determines to be necessary to ensure that the Committee is comprised of a diverse group of representatives of industry, academia, independent researchers, and public and private entities.

(3) Chair

The Secretary shall designate a member of the Committee to serve as Chair.

(d) Duties

(1) In general

The Committee shall—

(A) in consultation with the Secretary and the Director, propose missions and goals for the program, which shall be consistent with the purposes of the program described in section 17113(b)(1) of this title; and

(B) advise the Secretary with respect to the program—

(i) by identifying and evaluating any technologies being developed by the private sector relating to the focus areas described in section 17113(c) of this title;

(ii) by identifying technology gaps in the private sector or other Federal agencies in those focus areas, and making recommendations to address those gaps;

(iii) by surveying and analyzing factors that prevent the adoption of emissions reduction technologies by the private sector; and

(iv) by recommending technology screening criteria for technology developed under the program to encourage adoption of the technology by the private sector; and

(C) develop the strategic plan described in paragraph (2).

(2) Strategic plan

(A) Purpose

The purpose of the strategic plan developed under paragraph (1)(C) is to set forth a plan for achieving the goals of the program established in section 17113(b)(1) of this title, including for the focus areas described in section 17113(c) of this title.

(B) Contents

The strategic plan developed under paragraph (1)(C) shall—

(i) specify near-term and long-term qualitative and quantitative objectives relating to each focus area described in section 17113(c) of this title, including research, development, demonstration, and commercial application objectives;

(ii) leverage existing roadmaps relevant to the program in section 17113(b)(1) of this

title and the focus areas in section 17113(c) of this title;

(iii) specify the anticipated timeframe for achieving the objectives specified under clause (i);

(iv) include plans for developing emissions reduction technologies that are globally cost-competitive, including, as applicable, in developing economies;

(v) identify the appropriate role for investment by the Federal Government, in coordination with the private sector, to achieve the objectives specified under clause (i);

(vi) identify the public and private costs of achieving the objectives specified under clause (i); and

(vii) estimate the economic and employment impact in the United States of achieving those objectives.

(e) Meetings

(1) Frequency

The Committee shall meet not less frequently than 2 times per year, at the call of the Chair.

(2) Initial meeting

Not later than 30 days after the date on which the members are appointed under subsection (b), the Committee shall hold its first meeting.

(f) Committee report

(1) In general

Not later than 2 years after December 27, 2020, and not less frequently than once every 3 years thereafter, the Committee shall submit to the Secretary a report on the progress of achieving the purposes of the program.

(2) Contents

The report under paragraph (1) shall include—

(A) a description of any technology innovation opportunities identified by the Committee;

(B) a description of any technology gaps identified by the Committee under subsection (d)(1)(B)(ii);

(C) recommendations for improving technology screening criteria and management of the program;

(D) an evaluation of the progress of the program and the research, development, and demonstration activities funded under the program;

(E) any recommended changes to the focus areas of the program described in section 17113(c) of this title;

(F) a description of the manner in which the Committee has carried out the duties described in subsection (d)(1) and any relevant findings as a result of carrying out those duties;

(G) if necessary, an update to the strategic plan developed by the Committee under subsection (d)(1)(C);

(H) the progress made in achieving the goals set out in that strategic plan;

(I) a review of the management, coordination, and industry utility of the program;

¹ So in original. There are two subpars. (F).

² So in original. The word “and” probably should not appear.

(J) an assessment of the extent to which progress has been made under the program in developing commercial, cost-competitive technologies in each focus area described in section 17113(c) of this title; and

(K) an assessment of the effectiveness of the program in coordinating efforts within the Department and with other Federal agencies to achieve the purposes of the program.

(g) Report to Congress

Not later than 60 days after receiving a report from the Committee under subsection (f), the Secretary shall submit a copy of that report to the Committees on Appropriations and Science, Space, and Technology of the House of Representatives, the Committees on Appropriations and Energy and Natural Resources of the Senate, and any other relevant Committee of Congress.

(h) Applicability of Federal Advisory Committee Act

Except as otherwise provided in this section, the Federal Advisory Committee Act (5 U.S.C. App.)³ shall apply to the Committee.

(Pub. L. 110–140, title IV, §455, as added Pub. L. 116–260, div. Z, title VI, §6004(a), Dec. 27, 2020, 134 Stat. 2556.)

Editorial Notes

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (h), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117–286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

§ 17115. Technical assistance program to implement industrial emissions reduction

(a) Definitions

In this section:

(1) Eligible entity

The term “eligible entity” means—

- (A) a State;
- (B) a unit of local government;
- (C) a territory or possession of the United States;
- (D) a relevant State or local office, including an energy office;
- (E) a tribal organization (as defined in section 3765 of title 38);
- (F) an institution of higher education; and¹
- (G) a private entity; and
- (H) a trade association or technical society.

(2) Emissions reduction

The term “emissions reduction” has the meaning given the term in section 17113(a) of this title.

(3) Program

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

(b) Establishment

Not later than 1 year after December 27, 2020, the Secretary shall establish a program to provide technical assistance to eligible entities to promote the commercial application of emission reduction technologies developed through the program established in section 17113(b) of this title.

(c) Applications

(1) In general

An eligible entity desiring technical assistance 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.

(2) Application process

The Secretary shall seek applications for technical assistance under the program on a periodic basis, but not less frequently than once every 12 months.

(3) Factors for consideration

In selecting eligible entities for technical assistance under the program, the Secretary shall, to the maximum extent practicable—

(A) give priority to—

(i) activities carried out with technical assistance under the program that have the greatest potential for achieving emissions reduction in nonpower industrial sectors;

(ii) activities carried out in a State in which there are active or inactive industrial facilities that may be used or retrofitted to carry out activities under the focus areas described in section 17113(c) of this title; and

(iii) activities carried out in an economically distressed area (as described in section 3161(a) of this title); and

(B) ensure that—

(i) there is geographic diversity among the eligible entities selected; and

(ii) the activities carried out with technical assistance under the program reflect a majority of the focus areas described in section 17113(c) of this title.

(Pub. L. 110–140, title IV, §456, as added Pub. L. 116–260, div. Z, title VI, §6005(a), Dec. 27, 2020, 134 Stat. 2559.)

§ 17115a. Development of national smart manufacturing plan

(a) In general

Not later than 3 years after December 27, 2020, the Secretary of Energy (in this section referred to as the “Secretary”), in consultation with the National Academies, shall develop and complete a national plan for smart manufacturing technology development and deployment to improve the productivity and energy efficiency of the manufacturing sector of the United States.

(b) Content

(1) In general

The plan developed under subsection (a) shall identify areas in which agency actions

³ See References in Text note below.

¹ So in original.