

SUBCHAPTER VII—IMPROVED
MANAGEMENT OF ENERGY POLICY

PART A—MANAGEMENT IMPROVEMENTS

§ 17281. National media campaign

(a) In general

The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the “Secretary”), shall develop and conduct a national media campaign—

- (1) to increase energy efficiency throughout the economy of the United States during the 10-year period beginning on December 19, 2007;
- (2) to promote the national security benefits associated with increased energy efficiency; and
- (3) to decrease oil consumption in the United States during the 10-year period beginning on December 19, 2007.

(b) Contract with entity

The Secretary shall carry out subsection (a) directly or through—

- (1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or
- (2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) Use of funds

(1) In general

Amounts made available to carry out this section shall be used for—

- (A) advertising costs, including—
 - (i) the purchase of media time and space;
 - (ii) creative and talent costs;
 - (iii) testing and evaluation of advertising; and
 - (iv) evaluation of the effectiveness of the media campaign; and
- (B) administrative costs, including operational and management expenses.

(2) Limitations

In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) Reports

The Secretary shall annually submit to Congress a report that describes—

- (1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—
 - (A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and
 - (B) an evaluation that enables consideration of whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) Authorization of appropriations

(1) In general

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2008 through 2012.

(2) Decreased oil consumption

The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

(Pub. L. 110-140, title VIII, §801, Dec. 19, 2007, 121 Stat. 1716.)

§ 17282. Renewable energy deployment

(a) Definitions

In this section:

(1) Alaska small hydroelectric power

The term “Alaska small hydroelectric power” means power that—

- (A) is generated—
 - (i) in the State of Alaska;
 - (ii) without the use of a dam or impoundment of water; and
 - (iii) through the use of—
 - (I) a lake tap (but not a perched alpine lake); or
 - (II) a run-of-river screened at the point of diversion; and
- (B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) Eligible applicant

The term “eligible applicant” means any—

- (A) governmental entity;
- (B) private utility;
- (C) public utility;
- (D) municipal utility;
- (E) cooperative utility;
- (F) Indian tribes; and
- (G) Regional Corporation (as defined in section 1602 of title 43).

(3) Ocean energy

(A) Inclusions

The term “ocean energy” includes current, wave, and tidal energy.

(B) Exclusion

The term “ocean energy” excludes thermal energy.

(4) Renewable energy project

The term “renewable energy project” means a project—

- (A) for the commercial generation of electricity; and
- (B) that generates electricity from—
 - (i) solar, wind, or geothermal energy or ocean energy;
 - (ii) biomass (as defined in section 15852(b) of this title);
 - (iii) landfill gas; or
 - (iv) Alaska small hydroelectric power.

(b) Renewable energy construction grants

(1) In general

The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) Criteria

Not later than 180 days after December 19, 2007, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) Application

To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

- (A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40; and

- (B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40.

(4) Non-Federal share

Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) Authorization of appropriations

There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

(Pub. L. 110–140, title VIII, § 803, Dec. 19, 2007, 121 Stat. 1718.)

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (b)(3)(B), is set out in the Appendix to Title 5, Government Organization and Employees.

§ 17283. Coordination of planned refinery outages

(a) Definitions

In this section:

(1) Administrator

The term “Administrator” means the Administrator of the Energy Information Administration.

(2) Planned refinery outage

(A) In general

The term “planned refinery outage” means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) Exclusion

The term “planned refinery outage” does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) Refined petroleum product

The term “refined petroleum product” means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) Refinery

The term “refinery” means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(b) Review and analysis of available information

The Administrator shall, on an ongoing basis—

- (1) review information on refinery outages that is available from commercial reporting services;

- (2) analyze that information to determine whether the scheduling of a refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

- (A) decreasing the production of the refined petroleum product; and

- (B) causing or contributing to a retail or wholesale supply shortage or disruption;

- (3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

- (4) specifically alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

(c) Action by Secretary

On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) Limitation

Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—