

**(d) Other provisions inapplicable**

In carrying out the responsibilities under this section, the Secretary is not subject to the requirements of section 553 of title 5 or section 7191 of this title.

(Pub. L. 96-345, §5, Sept. 8, 1980, 94 Stat. 1141.)

**§ 9205. Technology application programs****(a) Unit, operating, and maintenance costs**

The Secretary shall establish a technology application program for wind energy systems to achieve the purposes of this chapter by reduction in unit costs of wind energy systems through mass production and by determination of operating and maintenance costs through broad operational systems experience.

**(b) Proposals for Federal assistance**

In achieving the objectives of this section, the Secretary shall solicit and evaluate proposals for Federal assistance pursuant to paragraphs (1), (2), and (3) of subsection (c) of this section for investigating, purchasing, and installing such wind energy systems from public or private entities wishing to utilize wind energy systems.

**(c) Forms of Federal assistance**

In achieving the objectives of this section, the Secretary is authorized to use various forms of Federal assistance including, but not limited to—

- (1) contracts and cooperative agreements;
- (2) grants;
- (3) loans; and
- (4) direct Federal procurement.

**(d) Quantity production and utilization**

In carrying out his duties under this chapter, the Secretary is authorized to enter into such contracts and cooperative agreements with any public or private entity as may be necessary or appropriate for the production and utilization of large and small wind energy systems in quantities sufficient to achieve the objectives of this section.

**(e) Procedure for direct grants for large systems; limitation of amount**

In carrying out his duties under this chapter, the Secretary shall, within six months of September 8, 1980, establish procedures to allow any public or private entity wishing to install a large wind energy system to apply for and, upon meeting such terms and conditions as the Secretary may prescribe, to receive a direct grant for a portion of the total purchase and installation cost of such wind energy system: *Provided*, That grants for the portion of such cost in the case of large wind energy systems shall not exceed (A) 50 per centum of such cost during the first six years of the program under this subsection, and (B) 25 per centum of such cost during the seventh or eighth year of the program.

**(f) Procedure for loans for small or large systems; limitation of amount; term; interest; prepayment; other terms and conditions**

(1) In carrying out his duties under this chapter, the Secretary shall, within six months of September 8, 1980, establish procedures to allow public or private entities wishing to install a

small or large wind energy system to apply for and, upon meeting such terms and conditions as the Secretary may prescribe, to receive loans for up to 75 per centum of the total purchase and installation costs of wind energy systems providing in the aggregate up to three hundred and twenty megawatts peak generating capacity involving at a minimum four projects: *Provided*, That no such loan in any fiscal year shall be for more than 50 per centum of the amount appropriated under this chapter for such fiscal year.

(2) Each loan shall be for a term which the Secretary deems appropriate, but no loan shall exceed twenty years beyond the date the wind energy system becomes operational.

(3) Each loan made pursuant to this section shall bear interest at the discount or interest rate used at the time the loan is made for water resource planning projects under section 1962d-17 of this title. Such loan can be prepaid at any time without prepayment penalty and shall be contingent upon such other terms and conditions prescribed by the Secretary.

**(g) Funds for Federal agency systems; projects and activities for technology applications of systems**

(1) In carrying out his duties under this chapter, the Secretary is authorized to provide funds for the accelerated procurement and installation of small and large wind energy systems by Federal agencies.

(2) The Secretary is authorized to enter into arrangements with appropriate Federal agencies, including the Water and Power Resources Services and the Federal power marketing agencies for large wind energy systems, to carry out such projects and activities as may be appropriate for the broad technology applications of small and large wind energy systems which are suitable and effective for use by such Federal agencies.

**(h) Observation, monitoring, and reporting requirements; public inspection**

The terms and conditions prescribed by the Secretary under this subsection shall require such observation, monitoring, and reporting requirements as the Secretary deems necessary for a period of five years and shall provide for members of the public to view and inspect the system under reasonable conditions.

**(i) Termination of new Federal assistance and Federal assistance programs**

New Federal assistance for technology applications systems shall terminate upon the appropriate determination by the Secretary, in the annual update of the comprehensive program management plan pursuant to section 9203 of this title. Termination of the small wind energy systems program shall occur when the Secretary finds that such systems have become economically competitive with conventional energy sources, or on September 30, 1985, whichever occurs first. Termination of the large wind energy systems program shall occur when the Secretary finds that such systems have become economically competitive with conventional energy sources, or on September 30, 1988, whichever occurs first.

(Pub. L. 96-345, §6, Sept. 8, 1980, 94 Stat. 1142.)

## REFERENCES IN TEXT

Section 1962d-17 of this title, referred to in subsec. (f)(3), was in the original "section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962(d)-17(a))". Section 80 of the Water Resources Development Act of 1974 is classified to section 1962d-17 of this title.

## CHANGE OF NAME

The Water and Power Resources Service changed to the Bureau of Reclamation on May 18, 1981. See 155 Dep't of the Interior, Departmental Manual 1.1 (2008 repl.); Sec'y James G. Watt, Dep't of the Interior, Secretarial Order 3064, §3, 5 (May 18, 1981).

**§ 9206. Wind resource assessment**

The Secretary shall initiate a three-year national wind resource assessment program. As part of such program, the Secretary shall—

- (1) conduct activities to validate existing assessments of known wind resources;
- (2) perform wind resource assessments in regions of the United States where the use of wind energy may prove feasible;
- (3) initiate a general site prospecting program;
- (4) establish standard wind data collection and siting techniques; and
- (5) establish, in consultation with the Administrator of the National Oceanic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Environmental Protection Agency, a national wind data center which shall make public information available on the known wind energy resources of various regions throughout the United States.

(Pub. L. 96-345, §7, Sept. 8, 1980, 94 Stat. 1143.)

**§ 9207. Criteria for program selection**

The Secretary shall set priorities which are, as far as possible, consistent with the intent and purposes of this chapter and which are set in accordance with the following criteria:

- (1) the construction, operation, and maintenance costs of wind energy systems shall be minimized;
- (2) programs established under this chapter shall be conducted with the express intent of bringing wind energy system costs down to a level competitive with energy costs from conventional energy systems;
- (3) priority shall be given in the conduct of programs established under this chapter to those projects in which cost-sharing funds are provided by private, industrial, agricultural, or governmental entities or utilities; and
- (4) to the extent that the Secretary is limited by the availability of funds to carry out the objectives of this chapter, priority, but not exclusive emphasis, should be given in the early years of the programs to activities under sections 9204 and 9206 of this title and in the later years of the programs to activities under section 9205 of this title.

(Pub. L. 96-345, §8, Sept. 8, 1980, 94 Stat. 1144.)

**§ 9208. Administrative provisions****(a) Monitoring of performance; collection and evaluation of data**

The Secretary, in coordination with such Government agencies as may be appropriate, shall—

- (1) monitor the performance and operation of wind energy systems installed under this chapter; and
- (2) collect and evaluate data and information on the performance and operation of wind energy systems installed under this chapter.

**(b) Liaison**

The Secretary shall also maintain continuing liaison with related industries and interests and with the scientific and technical community in order to assure that the benefits of programs under this chapter are and will continue to be realized to the maximum extent feasible.

**(c) Availability of information**

The Secretary shall assure, subject to section 552 of title 5 and section 1905 of title 18, that full and complete information with respect to any program, project, or other activity conducted under this chapter is made available to Federal, State, and local authorities, relevant segments of the economy, the scientific community, and the public so that the early, widespread, and practical use of wind energy throughout the United States is promoted to the maximum extent feasible.

(Pub. L. 96-345, §9, Sept. 8, 1980, 94 Stat. 1144; Pub. L. 104-66, title I, §1051(b), Dec. 21, 1995, 109 Stat. 716.)

## AMENDMENTS

1995—Subsec. (a)(3). Pub. L. 104-66 struck out par. (3) which read as follows: "from time to time carry out such studies and investigations and take such other actions, including the submission of special reports to the Congress when appropriate, as may be necessary to assure that the programs for which the Secretary is responsible under this chapter effectively carry out the purposes of this chapter."

**§ 9209. Utilization of capabilities and facilities**

The Secretary shall utilize the technological and management capabilities, equipment, and facilities of the National Aeronautics and Space Administration to the maximum extent practicable in carrying out his duties under this chapter, and shall enter into such additional agreements with the Administrator of such Administration as may be necessary for this purpose.

(Pub. L. 96-345, §10, Sept. 8, 1980, 94 Stat. 1145.)

**§ 9210. Analysis of applications of wind energy systems**

The Secretary shall—

- (1) initiate and conduct a federal applications study for wind energy systems, cooperatively with appropriate Federal agencies to determine the potential for the use of wind systems at specific Federal facilities; and this study shall—

(A) include an analysis which determines those sites at which wind energy systems are economically competitive with the marginal