

posals under this paragraph, the Secretary shall—

(A) consider each proposal's ability to meet the criteria developed pursuant to paragraph (1)(C); and

(B) attempt to achieve technological and geographic diversity.

(d) Authorization of appropriations

There are authorized to be appropriated to the Secretary for carrying out this section \$50,000,000 for fiscal year 1994.

(Pub. L. 101-218, § 6, Dec. 11, 1989, 103 Stat. 1863; Pub. L. 102-486, title XII, § 1202(a), Oct. 24, 1992, 106 Stat. 2956.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(4)(A), was in the original "this Act", meaning Pub. L. 101-218, Dec. 11, 1989, 103 Stat. 1859, known as the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12001 of this title and Tables.

AMENDMENTS

1992—Pub. L. 102-486 amended section generally, substituting provisions relating to demonstration and commercial application projects for renewable energy and energy efficiency technologies for provisions relating to use of joint ventures to further commercialization of renewable energy and energy efficiency technologies.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 12006. Reports

(a) Report by Secretary

One year after December 11, 1989, and annually thereafter, the Secretary shall report to Congress on the programs and projects supported under this chapter and the progress being made toward accomplishing the goals and purposes set forth in this chapter.

(b) National renewable energy and energy efficiency management plan

(1) The Secretary, in consultation with the Advisory Committee, shall prepare a three-year management plan to be administered and carried out by the Secretary in the conduct of activities under this chapter.

(2) After opportunity for public comment and consideration, as appropriate, of such comment, the Secretary shall publish the plan.

(3) In addition to describing the Secretary's intentions for administering this chapter, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this chapter; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(4) The plan shall address the role of federally-assisted research, development, and demonstration in the achievement of applicable national policy goals of the National Energy Policy Plan required under section 7321 of this title and the plan developed under section 5905 of this title.

(5) In addition, the Plan¹ shall—

(A) contain a detailed assessment of program needs, objectives, and priorities for each of the programs authorized under section 12005 of this title;

(B) use a uniform prioritization methodology to facilitate cost-benefit analyses of proposals in various program areas;

(C) establish milestones for setting forth specific technology transfer activities under each program area;

(D) include annual and five-year cost estimates for individual programs under this chapter; and

(E) identify program areas for which funding levels have been changed from the previous year's Plan.¹

(6) Within one year after October 24, 1992, the Secretary shall submit a revised management plan under this section to Congress. Thereafter, the Secretary shall submit a management plan every three years at the time of submittal of the President's annual budget submission to the Congress.

(c) Report on options

As part of the first report submitted under subsection (a) of this section, the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, ocean, geothermal, low-head hydro, and energy storage renewable energy technologies and energy efficiency technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

(Pub. L. 101-218, § 9, Dec. 11, 1989, 103 Stat. 1868; Pub. L. 102-486, title XII, § 1202(c), (d)(5), title XXIII, § 2303(b), Oct. 24, 1992, 106 Stat. 2959, 2960, 3093.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(1), (3), (5)(D), was in the original "this Act", meaning Pub. L. 101-218, Dec. 11, 1989, 103 Stat. 1859, known as the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12001 of this title and Tables.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-486, § 1202(d)(5), substituted "and projects" for " , projects, and joint ventures".

¹ So in original. Probably should not be capitalized.

Subsec. (b)(1). Pub. L. 102-486, §1202(c)(1), inserted “three-year” before “management plan”.

Subsec. (b)(4). Pub. L. 102-486, §2303(b), inserted before period at end “and the plan developed under section 5905 of this title”.

Subsec. (b)(5), (6). Pub. L. 102-486, §1202(c)(2), added pars. (5) and (6) and struck out former par. (5) which read as follows: “The plan shall accompany the President’s annual budget submission to the Congress.”

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which reports required under subsecs. (a) and (b) of this section are listed as the 20th item on page 84 and the 19th item on page 86), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

§ 12007. No antitrust immunity or defenses

Nothing in this chapter shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, “antitrust laws” means those Acts set forth in section 12 of title 15.

(Pub. L. 101-218, §10, Dec. 11, 1989, 103 Stat. 1869.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 101-218, Dec. 11, 1989, 103 Stat. 1859, known as the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12001 of this title and Tables.

CHAPTER 126—EQUAL OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES

Sec.

- 12101. Findings and purpose.
- 12102. Definition of disability.
- 12103. Additional definitions.

SUBCHAPTER I—EMPLOYMENT

- 12111. Definitions.
- 12112. Discrimination.
- 12113. Defenses.
- 12114. Illegal use of drugs and alcohol.
- 12115. Posting notices.
- 12116. Regulations.
- 12117. Enforcement.

SUBCHAPTER II—PUBLIC SERVICES

PART A—PROHIBITION AGAINST DISCRIMINATION AND OTHER GENERALLY APPLICABLE PROVISIONS

- 12131. Definitions.
- 12132. Discrimination.
- 12133. Enforcement.
- 12134. Regulations.

PART B—ACTIONS APPLICABLE TO PUBLIC TRANSPORTATION PROVIDED BY PUBLIC ENTITIES CONSIDERED DISCRIMINATORY

SUBPART I—PUBLIC TRANSPORTATION OTHER THAN BY AIRCRAFT OR CERTAIN RAIL OPERATIONS

- 12141. Definitions.
- 12142. Public entities operating fixed route systems.
- 12143. Paratransit as a complement to fixed route service.
- 12144. Public entity operating a demand responsive system.

Sec.

- 12145. Temporary relief where lifts are unavailable.
- 12146. New facilities.
- 12147. Alterations of existing facilities.
- 12148. Public transportation programs and activities in existing facilities and one car per train rule.
- 12149. Regulations.
- 12150. Interim accessibility requirements.

SUBPART II—PUBLIC TRANSPORTATION BY INTERCITY AND COMMUTER RAIL

- 12161. Definitions.
- 12162. Intercity and commuter rail actions considered discriminatory.
- 12163. Conformance of accessibility standards.
- 12164. Regulations.
- 12165. Interim accessibility requirements.

SUBCHAPTER III—PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES

- 12181. Definitions.
- 12182. Prohibition of discrimination by public accommodations.
- 12183. New construction and alterations in public accommodations and commercial facilities.
- 12184. Prohibition of discrimination in specified public transportation services provided by private entities.
- 12185. Study.
- 12186. Regulations.
- 12187. Exemptions for private clubs and religious organizations.
- 12188. Enforcement.
- 12189. Examinations and courses.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

- 12201. Construction.
- 12202. State immunity.
- 12203. Prohibition against retaliation and coercion.
- 12204. Regulations by Architectural and Transportation Barriers Compliance Board.
- 12205. Attorney’s fees.
- 12205a. Rule of construction regarding regulatory authority.
- 12206. Technical assistance.
- 12207. Federal wilderness areas.
- 12208. Transvestites.
- 12209. Instrumentalities of Congress.
- 12210. Illegal use of drugs.
- 12211. Definitions.
- 12212. Alternative means of dispute resolution.
- 12213. Severability.

§ 12101. Findings and purpose

(a) Findings

The Congress finds that—

(1) physical or mental disabilities in no way diminish a person’s right to fully participate in all aspects of society, yet many people with physical or mental disabilities have been precluded from doing so because of discrimination; others who have a record of a disability or are regarded as having a disability also have been subjected to discrimination;

(2) historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem;

(3) discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication,