

contracts by each agency under this Act and amendments made by this Act pursuant to competitive procedures within the meaning of either division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41, or chapter 137 of title 10, shall be expended either with—

- (1) small business concerns controlled by socially and economically disadvantaged individuals or women;
- (2) historically Black colleges and universities;
- (3) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans; or
- (4) qualified HUBZone small business concerns.

(b) Definitions

For purposes of this section, the following definitions shall apply:

- (1) The term “small business concern” has the meaning such term has under section 632 of title 15. However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.
- (2) The term “socially and economically disadvantaged individuals” has the meaning such term has under section 637(d) of title 15 and relevant subcontracting regulations promulgated pursuant thereto.
- (3) The term “qualified HUBZone small business concern” has the meaning given that term in section 632(p) of title 15.

(Pub. L. 102-486, title XXX, §3021, Oct. 24, 1992, 106 Stat. 3133; Pub. L. 105-135, title VI, §604(g), Dec. 2, 1997, 111 Stat. 2634.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, known as the Energy Policy Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of this title and Tables.

CODIFICATION

In subsec. (a), “division C (except sections 3302, 3307(e), 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1997—Subsec. (a)(4). Pub. L. 105-135, §604(g)(1), added par. (4).

Subsec. (b)(3). Pub. L. 105-135, §604(g)(2), added par. (3).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105-135 effective Oct. 1, 1997, see section 3 of Pub. L. 105-135, set out as a note under section 631 of Title 15, Commerce and Trade.

§ 13557. Sense of Congress on risk assessments

It is the sense of Congress that Federal agencies conducting assessments of risks to human health and the environment from energy technology, production, transport, transmission, dis-

tribution, storage, use, or conservation activities shall use sound and objective scientific practices in assessing such risks, shall consider the best available science (including peer reviewed studies), and shall include a description of the weight of the scientific evidence concerning such risks.

(Pub. L. 102-486, title XXX, §3022, as added Pub. L. 109-58, title XIV, §1401, Aug. 8, 2005, 119 Stat. 1061.)

SUBCHAPTER XIII—CLEAN AIR COAL PROGRAM

§ 13571. Purposes

The purposes of this subchapter are to—

- (1) promote national energy policy and energy security, diversity, and economic competitiveness benefits that result from the increased use of coal;
- (2) mitigate financial risks, reduce the cost of clean coal generation, and increase the marketplace acceptance of clean coal generation and pollution control equipment and processes; and
- (3) facilitate the environmental performance of clean coal generation.

(Pub. L. 102-486, title XXXI, §3101, as added Pub. L. 109-58, title IV, §421(a), Aug. 8, 2005, 119 Stat. 757.)

§ 13572. Authorization of program

(a) In general

The Secretary shall carry out a program of financial assistance to—

- (1) facilitate the production and generation of coal-based power, through the deployment of clean coal electric generating equipment and processes that, compared to equipment or processes that are in operation on a full scale—

- (A) improve—
 - (i) energy efficiency; or
 - (ii) environmental performance consistent with relevant Federal and State clean air requirements, including those promulgated under the Clean Air Act (42 U.S.C. 7401 et seq.); and
- (B) are not yet cost competitive; and

- (2) facilitate the utilization of existing coal-based electricity generation plants through projects that—

- (A) deploy advanced air pollution control equipment and processes; and
- (B) are designed to voluntarily enhance environmental performance above current applicable obligations under the Clean Air Act and State implementation efforts pursuant to such Act.

(b) Financial criteria

As determined by the Secretary for a particular project, financial assistance under this subchapter shall be in the form of—

- (1) cost-sharing of an appropriate percentage of the total project cost, not to exceed 50 percent as calculated under section 16352 of this title; or
- (2) financial assistance, including grants, cooperative agreements, or loans as authorized

under this Act or other statutory authority of the Secretary.

(Pub. L. 102-486, title XXXI, §3102, as added Pub. L. 109-58, title IV, §421(a), Aug. 8, 2005, 119 Stat. 757.)

REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (a)(1)(A)(ii), (2)(B), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

This Act, referred to in subsec. (b)(2), is Pub. L. 102-486, Oct. 24, 1992, 106 Stat. 2776, known as the Energy Policy Act of 1992. For complete classification of this Act to the Code, see Short Title note set out under section 13201 of this title and Tables.

§ 13573. Generation projects

(a) Eligible projects

Projects supported under section 13572(a)(1) of this title may include—

- (1) equipment or processes previously supported by a Department of Energy program;
- (2) advanced combustion equipment and processes that the Secretary determines will be cost-effective and could substantially contribute to meeting environmental or energy needs, including gasification, gasification fuel cells, gasification coproduction, oxidation combustion techniques, ultra-supercritical boilers, and chemical looping; and
- (3) hybrid gasification/combustion systems, including systems integrating fuel cells with gasification or combustion units.

(b) Criteria

The Secretary shall establish criteria for the selection of generation projects under section 13572(a)(1) of this title. The Secretary may modify the criteria as appropriate to reflect improvements in equipment, except that the criteria shall not be modified to be less stringent. The selection criteria shall include—

- (1) prioritization of projects whose installation is likely to result in significant air quality improvements in nonattainment air quality areas;
- (2) prioritization of projects whose installation is likely to result in lower emission rates of pollution;
- (3) prioritization of projects that result in the repowering or replacement of older, less efficient units;
- (4) documented broad interest in the procurement of the equipment and utilization of the processes used in the projects by owners or operators of facilities for electricity generation;
- (5) equipment and processes beginning in 2006 through 2011 that are projected to achieve a thermal efficiency of—
 - (A) 40 percent for coal of more than 9,000 Btu per pound based on higher heating values;
 - (B) 38 percent for coal of 7,000 to 9,000 Btu per pound passed on higher heating values; and
 - (C) 36 percent for coal of less than 7,000 Btu per pound based on higher heating values;

except that energy used for coproduction or cogeneration shall not be counted in calculating the thermal efficiency under this paragraph; and

(6) equipment and processes beginning in 2012 and 2013 that are projected to achieve a thermal efficiency of—

- (A) 45 percent for coal of more than 9,000 Btu per pound based on higher heating values;
- (B) 44 percent for coal of 7,000 to 9,000 Btu per pound passed on higher heating values; and
- (C) 40 percent for coal of less than 7,000 Btu per pound based on higher heating values;

except that energy used for coproduction or cogeneration shall not be counted in calculating the thermal efficiency under this paragraph.

(c) Program balance and priority

In carrying out the program under section 13572(a)(1) of this title, the Secretary shall ensure, to the extent practicable, that—

- (1) between 25 percent and 75 percent of the projects supported are for the sole purpose of electrical generation; and
- (2) priority is given to projects that use electrical generation equipment and processes that have been developed and demonstrated and applied in actual production of electricity, but are not yet cost-competitive, and that achieve greater efficiency and environmental performance.

(d) Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out section 13572(a)(1) of this title—

- (1) \$250,000,000 for fiscal year 2007;
- (2) \$350,000,000 for fiscal year 2008;
- (3) \$400,000,000 for each of fiscal years 2009 through 2012; and
- (4) \$300,000,000 for fiscal year 2013.

(e) Applicability

No technology, or level of emission reduction, shall be treated as adequately demonstrated for purpose¹ of section 7411 of this title, achievable for purposes of section 7479 of this title, or achievable in practice for purposes of section 7501 of this title solely by reason of the use of such technology, or the achievement of such emission reduction, by one or more facilities receiving assistance under section 13572(a)(1) of this title.

(Pub. L. 102-486, title XXXI, §3103, as added Pub. L. 109-58, title IV, §421(a), Aug. 8, 2005, 119 Stat. 758.)

§ 13574. Air quality enhancement program

(a) Eligible projects

Projects supported under section 13572(a)(2) of this title shall—

- (1) utilize technologies that meet relevant Federal and State clean air requirements applicable to the unit or facility, including being adequately demonstrated for purposes of sec-

¹ So in original. Probably should be “purposes”.