

**§ 8837. Commercialization demonstration program pursuant to Federal nonnuclear energy research and development**

**(a) Establishment and conduct pursuant to other Federal statutory authorities; required undertakings subsequent to consultations**

(1) The Secretary of Energy shall establish and conduct, pursuant to the authorities contained in the Federal Nonnuclear Energy Research and Development Act of 1974 [42 U.S.C. 5901 et seq.], an accelerated research, development, and demonstration program for promoting the commercial viability of processes for the recovery of energy from municipal wastes.

(2) The provisions of subsections (d), (m), and (x)(2) of section 19 of such Act<sup>1</sup> shall not apply with respect to the program established under this section.

(3) As part of the program established under this section, the Secretary, after consulting with the Administrator of the Environmental Protection Agency and the Secretary of Commerce, shall undertake—

(A) the research, development, and demonstration of technologies to recover energy from municipal wastes;

(B) the development and application of new municipal waste-to-energy recovery technologies;

(C) the assessment, evaluation, demonstration, and improvement of the performance of existing municipal waste-to-energy recovery technologies with respect to capital costs, operating and maintenance costs, total project financing, recovery efficiency, and the quality of recovered energy and energy intensive materials;

(D) the evaluation of municipal waste energy projects for the purpose of developing a base of engineering data that can be used in the design of future municipal waste energy projects to recover energy from municipal wastes; and

(E) research studies on the size and other significant characteristics of potential markets for municipal waste-to-energy recovery technologies, and recovered energy, and energy intensive materials.

**(b) Financial assistance**

Under such program, the Secretary of Energy may provide financial assistance consisting of price supports, loans, and loan guarantees, for the cost of planning, designing, constructing, operating, and maintaining demonstration facilities, and, in the case of existing facilities, modifications of such facilities solely for demonstration purposes, for the conversion of municipal wastes into energy or the recovery of materials.

**(c) Priority for funding**

Priority for funding of activities under subsection (a) of this section and financial assistance under subsection (b) of this section shall be provided for any activity or project for the demonstration of technologies for the production of liquid fuels or biomass energy which substitute for petroleum or natural gas.

<sup>1</sup> See References in Text note below.

**(d) Obligation and expenditure of funds**

The Secretary of Energy may not obligate or expend any funds authorized under this chapter in carrying out subsection (b) of this section until the plan required under section 8831(a) of this title has been prepared and submitted to the Congress.

**(e) Deposit of moneys received**

All amounts received by the Secretary of Energy as fees, interest, repayment of principal, and any other moneys received by the Secretary from operations under this section shall be deposited in the general fund of the Treasury of the United States as miscellaneous receipts.

(Pub. L. 96-294, title II, §237, June 30, 1980, 94 Stat. 703.)

REFERENCES IN TEXT

The Federal Nonnuclear Energy Research and Development Act of 1974, referred to in subsec. (a)(1), is Pub. L. 93-577, Dec. 31, 1974, 88 Stat. 1878, which is classified generally to chapter 74 (§5901 et seq.) of this title. Section 19 of the Act was classified to section 5919 of this title prior to repeal by Pub. L. 109-58, title X, §1009(b)(12), Aug. 8, 2005, 119 Stat. 936. For complete classification of this Act to the Code, see Short Title note set out under section 5901 of this title and Tables.

This chapter, referred to in subsec. (d), was in the original “this title”, meaning title II of Pub. L. 96-294, June 30, 1980, 94 Stat. 683, known as the Biomass Energy and Alcohol Fuels Act of 1980, which is classified principally to this chapter. For complete classification of title II to the Code, see Short Title note set out under section 8801 of this title and Tables.

**§ 8838. Jurisdiction of Department of Energy and Environmental Protection Agency**

The provisions of section 5920(c)<sup>1</sup> of this title, relating to the responsibilities of the Environmental Protection Agency and the Department of Energy, shall apply with respect to actions under this subchapter to the same extent and in the same manner as such provisions apply to actions under section 5920<sup>1</sup> of this title.

(Pub. L. 96-294, title II, §238, June 30, 1980, 94 Stat. 704.)

REFERENCES IN TEXT

Section 5920 of this title, referred to in text, was repealed by Pub. L. 109-58, title X, §1009(b)(12), Aug. 8, 2005, 119 Stat. 936.

**§ 8839. Office of Energy from Municipal Waste**

**(a) Establishment in Department of Energy; appointment of Director**

There is hereby established within the Department of Energy an Office of Energy from Municipal Waste (hereinafter in this section referred to as the “Office”) to be headed by a Director, who shall be appointed by the Secretary of Energy.

**(b) Functions**

It shall be the function of the Office to perform—

(1) the research, development, demonstration, and commercialization activities authorized under this subchapter (including those authorized under section 8837 of this title), and

<sup>1</sup> See References in Text note below.

(2) such other duties relating to the production of energy from municipal waste as the Secretary of Energy may assign to the Office.

**(c) Consultations respecting implementation of functions**

In carrying out functions transferred<sup>1</sup> or assigned to the Office, the Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, and the heads of such other Federal agencies, as appropriate.

**(d) Transfer of related functions and personnel from Department of Energy**

The Secretary shall provide for the transfer to the Office of the functions relating to, and personnel of the Department who are responsible for the administration of, programs in existence on June 30, 1980, which relate to the research, development, demonstration, and commercialization of technologies for the recovery of energy from municipal waste.

(Pub. L. 96-294, title II, §239, June 30, 1980, 94 Stat. 704.)

**§ 8840. Termination of authorities**

No financial assistance may be committed to or made under this subchapter after September 30, 1984. This section shall not be construed to affect the authority of the Secretary of Energy to spend funds after such date pursuant to any award of financial assistance made on or before that date.

(Pub. L. 96-294, title II, §240, June 30, 1980, 94 Stat. 705.)

**SUBCHAPTER III—RURAL, AGRICULTURAL, AND FORESTRY BIOMASS ENERGY**

**§ 8851. Model demonstration biomass energy facilities; establishment, public inspection, etc.; authorization of appropriations**

(a) The Secretary of Agriculture shall establish not more than ten model demonstration biomass energy facilities for purposes of exhibiting the most advanced technology available for producing biomass energy. Such facilities and information regarding the operation of such facilities shall be available for public inspection, and, to the extent practicable, such facilities shall be established in various regions in the United States. Such facilities may be established in cooperation with appropriate departments or agencies of the States, or appropriate in various regions in the United States. Such facilities may be established in cooperation with appropriate departments or agencies of the States, or appropriate departments, agencies, or other instrumentalities of the United States.

(b) For purposes of carrying out subsection (a) of this section, there is authorized to be appropriated \$5,000,000 for each of the fiscal years 1981, 1982, 1983, and 1984.

(Pub. L. 96-294, title II, §251, June 30, 1980, 94 Stat. 705.)

<sup>1</sup> So in original. Probably should be "transferred".

**§ 8852. Coordination of research and extension activities; consultative requirements**

(a) The Secretary of Agriculture shall coordinate the applied research and extension programs conducted under this subchapter<sup>1</sup> and under the amendments made by this subchapter to section 1419 [7 U.S.C. 3154]<sup>1</sup> and subtitle B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 [7 U.S.C. 3129],<sup>1</sup> section 1 of the Bankhead-Jones Act [7 U.S.C. 427], section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 [16 U.S.C. 1642], and sections 1 and 2 of the Smith-Lever Act [7 U.S.C. 341, 342] with the programs of the Department of Energy.

(b) In carrying out this subchapter and the amendments made by this subchapter, the Secretary of Agriculture shall consult on a continuing basis with—

(1) the Subcommittee on Food, Agricultural, and Forestry Research of the Federal Coordinating Council for Science, Engineering, and Technology;

(2) the Joint Council on Food and Agricultural Sciences; and

(3) the National Agricultural Research and Extension Users Advisory Board;

for the purpose of coordinating research and extension activities.

(Pub. L. 96-294, title II, §257, June 30, 1980, 94 Stat. 708; Pub. L. 97-98, title XIV, §1406(c), Dec. 22, 1981, 95 Stat. 1299.)

**REFERENCES IN TEXT**

This subchapter, referred to in text, was in the original "this subtitle", meaning subtitle C (§§251-262) of title II of Pub. L. 96-294, June 30, 1980, 94 Stat. 705, which enacted this subchapter and sections 1435 and 3129 of Title 7, Agriculture, and amended sections 341, 342, 427, and 3154 of Title 7 and sections 590h and 1642 of Title 16, Conservation. For complete classification of subtitle C to the Code, see Tables.

7 U.S.C. 3154, referred to in subsec. (a), was repealed by Pub. L. 110-246, title VII, §7110(a), June 18, 2008, 122 Stat. 1980.

7 U.S.C. 3129, referred to in subsec. (a), was repealed by Pub. L. 101-624, title XVI, §1601(f)(1)(C), Nov. 28, 1990, 104 Stat. 3704.

**AMENDMENTS**

1981—Subsec. (b)(1). Pub. L. 97-98 substituted "Subcommittee on Food, Agricultural, and Forestry Research" for "Subcommittee on Food and Renewable Resources".

**EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

**§ 8853. Lending for energy production and conservation projects by production credit associations, Federal land banks, and banks for cooperatives**

The Farm Credit Administration shall encourage production credit associations, Federal land banks, and banks for cooperatives to use existing authorities to make loans to eligible persons for commercially feasible biomass energy projects.

<sup>1</sup> See References in Text note below.