

consider deployment of clean energy technology;

(D) to perform market research to identify high profile candidates for clean energy deployment;

(E) to provide consulting support to sites considering deployment of clean energy technologies;

(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

**(e) Duration**

**(1) In general**

A grant awarded under this section shall be for a period of 5 years<sup>2</sup>

**(2) Annual evaluations**

Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

**(f) Authorization**

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 94-163, title III, § 375, as added Pub. L. 110-140, title IV, § 451(a), Dec. 19, 2007, 121 Stat. 1632.)

PRIOR PROVISIONS

A prior section 6345, Pub. L. 94-163, title III, § 375, Dec. 22, 1975, 89 Stat. 937; Pub. L. 95-619, title VI, § 601(b), Nov. 9, 1978, 92 Stat. 3282, required reports on progress made in improving energy efficiency and achievement of energy efficiency improvement targets, prior to repeal by Pub. L. 99-509, title III, § 3101(b), Oct. 21, 1986, 100 Stat. 1888.

EFFECTIVE DATE

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of Title 2, The Congress.

**§ 6346. Repealed. Pub. L. 99-509, title III, § 3101(b), Oct. 21, 1986, 100 Stat. 1888**

Section, Pub. L. 94-163, title III, § 376, Dec. 22, 1975, 89 Stat. 938; Pub. L. 95-619, title IV, § 461(d)(1), title VI, § 691(b)(2), Nov. 9, 1978, 92 Stat. 3275, 3288, set forth general provisions relating to compliance with former part C reporting requirements, use of information, and absence of liability for failure to meet energy efficiency improvement targets.

**§ 6347. Omitted**

CODIFICATION

Section, Pub. L. 96-294, title V, § 591, June 30, 1980, 94 Stat. 761, authorized appropriations to Secretary of Energy of \$40,000,000 for each of fiscal years ending Sept. 30, 1981 and 1982, for industrial energy conservation demonstration projects designed to substantially increase productivity in industry.

Section was enacted as part of the Energy Security Act, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

<sup>2</sup> So in original. Probably should be followed by a period.

**§ 6348. Energy efficiency in industrial facilities**

**(a) Grant program**

**(1) In general**

The Secretary shall make grants to industry associations to support programs to improve energy efficiency in industry. In order to be eligible for a grant under this subsection, an industry association shall establish a voluntary energy efficiency improvement target program.

**(2) Awarding of grants**

The Secretary shall request project proposals and provide annual grants on a competitive basis. In evaluating grant proposals under this subsection, the Secretary shall consider—

(A) potential energy savings;

(B) potential environmental benefits;

(C) the degree of cost sharing;

(D) the degree to which new and innovative technologies will be encouraged;

(E) the level of industry involvement;

(F) estimated project cost-effectiveness; and

(G) the degree to which progress toward the energy improvement targets can be monitored.

**(3) Eligible projects**

Projects eligible for grants under this subsection may include the following:

(A) Workshops.

(B) Training seminars.

(C) Handbooks.

(D) Newsletters.

(E) Data bases.

(F) Other activities approved by the Secretary.

**(4) Limitation on cost sharing**

Grants provided under this subsection shall not exceed \$250,000 and each grant shall not exceed 75 percent of the total cost of the project for which the grant is made.

**(5) Authorization**

There are authorized to be appropriated such sums as are necessary to carry out this subsection.

**(b) Award program**

The Secretary shall establish an annual award program to recognize those industry associations or individual industrial companies that have significantly improved their energy efficiency.

**(c) Report on industrial reporting and voluntary targets**

Not later than one year after October 24, 1992, the Secretary shall, in consultation with affected industries, evaluate and report to the Congress regarding the establishment of Federally mandated energy efficiency reporting requirements and voluntary energy efficiency improvement targets for energy intensive industries. Such report shall include an evaluation of the costs and benefits of such reporting requirements and voluntary energy efficiency improvement targets, and recommendations regarding the role of such activities in improving energy efficiency in energy intensive industries.

(Pub. L. 102-486, title I, §131, Oct. 24, 1992, 106 Stat. 2836.)

CODIFICATION

Section was enacted as part of the Energy Policy Act of 1992, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

**§ 6349. Process-oriented industrial energy efficiency**

**(a) Definitions**

For the purposes of this section—

(1) the term “covered industry” means the food and food products industry, lumber and wood products industry, petroleum and coal products industry, and all other manufacturing industries specified in Standard Industrial Classification Codes 20 through 39 (or successor classification codes);

(2) the term “process-oriented industrial assessment” means—

(A) the identification of opportunities in the production process (from the introduction of materials to final packaging of the product for shipping) for—

- (i) improving energy efficiency;
- (ii) reducing environmental impact; and
- (iii) designing technological improvements to increase competitiveness and achieve cost-effective product quality enhancement;

(B) the identification of opportunities for improving the energy efficiency of lighting, heating, ventilation, air conditioning, and the associated building envelope; and

(C) the identification of cost-effective opportunities for using renewable energy technology in the production process and in the systems described in subparagraph (B); and

(3) the term “utility” means any person, State agency (including any municipality), or Federal agency, which sells electric or gas energy to retail customers.

**(b) Grant program**

**(1) Use of funds**

The Secretary shall, to the extent funds are made available for such purpose, make grants to States which, consistent with State law, shall be used for the following purposes:

(A) To promote, through appropriate institutions such as universities, nonprofit organizations, State and local government entities, technical centers, utilities, and trade organizations, the use of energy-efficient technologies in covered industries.

(B) To establish programs to train individuals (on an industry-by-industry basis) in conducting process-oriented industrial assessments and to encourage the use of such trained assessors.

(C) To assist utilities in developing, testing, and evaluating energy efficiency programs and technologies for industrial customers in covered industries.

**(2) Consultation**

States receiving grants under this subsection shall consult with utilities and representatives of affected industries, as appro-

priate, in determining the most effective use of such funds consistent with the requirements of paragraph (1).

**(3) Eligibility criteria**

Not later than 1 year after October 24, 1992, the Secretary shall establish eligibility criteria for grants made pursuant to this subsection. Such criteria shall require a State applying for a grant to demonstrate that such State—

(A) pursuant to section 2621(a) of title 16, has considered and made a determination regarding the implementation of the standards specified in paragraphs (7) and (8) of section 2621(d) of title 16 (with respect to integrated resources planning and investments in conservation and demand management); and

(B) by legislation or regulation—

(i) allows utilities to recover the costs prudently incurred in providing process-oriented industrial assessments; and

(ii) encourages utilities to provide to covered industries—

(I) process-oriented industrial assessments; and

(II) financial incentives for implementing energy efficiency improvements.

**(4) Allocation of funds**

Grants made pursuant to this subsection shall be allocated each fiscal year among States meeting the criteria specified in paragraph (3) who have submitted applications 60 days before the first day of such fiscal year. Such allocation shall be made in accordance with a formula to be prescribed by the Secretary based on each State's share of value added in industry (as determined by the Census of Manufacturers) as a percentage of the value added by all such States.

**(5) Renewal of grants**

A grant under this subsection may continue to be renewed after 2 consecutive fiscal years during which a State receives a grant under this subsection, subject to the availability of funds, if—

(A) the Secretary determines that the funds made available to the State during the previous 2 years were used in a manner required under paragraph (1); and

(B) such State demonstrates, in a manner prescribed by the Secretary, utility participation in programs established pursuant to this subsection.

**(6) Coordination with other Federal programs**

In carrying out the functions described in paragraph (1), States shall, to the extent practicable, coordinate such functions with activities and programs conducted by the Energy Analysis and Diagnostic Centers of the Department of Energy and the Manufacturing Technology Centers of the National Institute of Standards and Technology.

**(c) Other Federal assistance**

**(1) Assessment criteria**

Not later than 2 years after October 24, 1992, the Secretary shall, by contract with nonprofit organizations with expertise in process-