

the owner or operator of the project shall complete the construction or demonstration phase of the project, as the Secretary determines to be appropriate.

(2) Condition of financial assistance

The Secretary shall require as a condition of receipt of any financial assistance under this part that the recipient of the assistance enter into an agreement with the Secretary not to request an extension of the time period established for the project by the Secretary under paragraph (1).

(3) Extension of time period

(A) In general

Subject to subparagraph (B), the Secretary may extend the time period established under paragraph (1) if the Secretary determines, in the sole discretion of the Secretary, that the owner or operator of the project cannot complete the construction or demonstration phase of the project within the time period due to circumstances beyond the control of the owner or operator.

(B) Limitation

The Secretary shall not extend a time period under subparagraph (A) by more than 4 years.

(g) Fee title

The Secretary may vest fee title or other property interests acquired under cost-share clean coal power initiative agreements under this part in any entity, including the United States.

(h) Data protection

For a period not exceeding 5 years after completion of the operations phase of a cooperative agreement, the Secretary may provide appropriate protections (including exemptions from subchapter II of chapter 5 of title 5) against the dissemination of information that—

(1) results from demonstration activities carried out under the clean coal power initiative program; and

(2) would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a clean coal power initiative project.

(i) Applicability

No technology, or level of emission reduction, solely by reason of the use of the technology, or the achievement of the emission reduction, by 1 or more facilities receiving assistance under this Act, shall be considered to be—

(1) adequately demonstrated for purposes of section 7411 of this title;

(2) achievable for purposes of section 7479 of this title; or

(3) achievable in practice for purposes of section 7501 of this title.

(Pub. L. 109–58, title IV, §402, Aug. 8, 2005, 119 Stat. 750; Pub. L. 110–140, title VI, §653, Dec. 19, 2007, 121 Stat. 1695.)

REFERENCES IN TEXT

This Act, referred to in subsec. (i), is Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 594, as amended, known as the En-

ergy Policy Act of 2005, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

AMENDMENTS

2007—Subsec. (b)(1)(B)(ii)(I). Pub. L. 110–140 added subcl. (I) and struck out former subcl. (I) which read as follows: “to remove at least 99 percent of sulfur dioxide;”.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110–140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110–140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 15963. Report

Not later than 1 year after August 8, 2005, and once every 2 years thereafter through 2014, the Secretary, in consultation with other appropriate Federal agencies, shall submit to Congress a report describing—

(1) the technical milestones set forth in section 15962 of this title and how those milestones ensure progress toward meeting the requirements of subsections (b)(1)(B) and (b)(2) of section 15962 of this title; and

(2) the status of projects funded under this part.

(Pub. L. 109–58, title IV, §403, Aug. 8, 2005, 119 Stat. 753.)

§ 15964. Clean coal centers of excellence

(a) In general

As part of the clean coal power initiative, the Secretary shall award competitive, merit-based grants to institutions of higher education for the establishment of centers of excellence for energy systems of the future.

(b) Basis for grants

The Secretary shall award grants under this section to institutions of higher education that show the greatest potential for advancing new clean coal technologies.

(Pub. L. 109–58, title IV, §404, Aug. 8, 2005, 119 Stat. 753.)

§ 15965. Time limit for award; extension

If a Clean Coal Power Initiative project selected after March 11, 2009, for negotiation under this or any other Act in any fiscal year, is not awarded within 2 years from the date the application was selected, negotiations shall cease and the Federal funds committed to the application shall be retained by the Department for future coal-related research, development and demonstration projects, except that the time limit may be extended at the Secretary’s discretion for matters outside the control of the applicant, or if the Secretary determines that extension of the time limit is in the public interest.

(Pub. L. 111–8, div. C, title III, Mar. 11, 2009, 123 Stat. 616.)

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act,

2009, and also as part of the Omnibus Appropriations Act, 2009, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

PART B—CLEAN POWER PROJECTS

§ 15971. Integrated coal/renewable energy system

(a) In general

Subject to the availability of appropriations, the Secretary may provide loan guarantees for a project to produce energy from coal of less than 7,000 Btu/lb. using appropriate advanced integrated gasification combined cycle technology, including repowering of existing facilities, that—

- (1) is combined with wind and other renewable sources;
- (2) minimizes and offers the potential to sequester carbon dioxide emissions; and
- (3) provides a ready source of hydrogen for near-site fuel cell demonstrations.

(b) Requirements

The facility—

- (1) may be built in stages;
- (2) shall have a combined output of at least 200 megawatts at successively more competitive rates; and
- (3) shall be located in the Upper Great Plains.

(c) Technical criteria

Technical criteria described in section 15962(b) of this title shall apply to the facility.

(d) Investment tax credits

(1) In general

The loan guarantees provided under this section do not preclude the facility from receiving an allocation for investment tax credits under section 48A of title 26.

(2) Other funding

Use of the investment tax credit described in paragraph (1) does not prohibit the use of other clean coal program funding.

(Pub. L. 109-58, title IV, §411, Aug. 8, 2005, 119 Stat. 754.)

§ 15972. Loan to place Alaska clean coal technology facility in service

(a) Definitions

In this section:

(1) Borrower

The term “borrower” means the owner of the clean coal technology plant.

(2) Clean coal technology plant

The term “clean coal technology plant” means the plant located near Healy, Alaska, constructed under Department cooperative agreement number DE-FC-22-91PC90544.

(3) Cost of a direct loan

The term “cost of a direct loan” has the meaning given the term in section 661a(5)(B) of title 2.

(b) Authorization

Subject to subsection (c), the Secretary shall use amounts made available under subsection (e)

to provide the cost of a direct loan to the borrower for purposes of placing the clean coal technology plant into reliable operation for the generation of electricity.

(c) Requirements

(1) Maximum loan amount

The amount of the direct loan provided under subsection (b) shall not exceed \$80,000,000.

(2) Determinations by Secretary

Before providing the direct loan to the borrower under subsection (b), the Secretary shall determine that—

- (A) the plan of the borrower for placing the clean coal technology plant in reliable operation has a reasonable prospect of success;
- (B) the amount of the loan (when combined with amounts available to the borrower from other sources) will be sufficient to carry out the project; and
- (C) there is a reasonable prospect that the borrower will repay the principal and interest on the loan.

(3) Interest; term

The direct loan provided under subsection (b) shall bear interest at a rate and for a term that the Secretary determines appropriate, after consultation with the Secretary of the Treasury, taking into account the needs and capacities of the borrower and the prevailing rate of interest for similar loans made by public and private lenders.

(4) Additional terms and conditions

The Secretary may require any other terms and conditions that the Secretary determines to be appropriate.

(d) Use of payments

The Secretary shall retain any payments of principal and interest on the direct loan provided under subsection (b) to support energy research and development activities, to remain available until expended, subject to any other conditions in an applicable appropriations Act.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to provide the cost of a direct loan under subsection (b).

(Pub. L. 109-58, title IV, §412, Aug. 8, 2005, 119 Stat. 754.)

§ 15973. Western integrated coal gasification demonstration project

(a) In general

Subject to the availability of appropriations, the Secretary shall carry out a project to demonstrate production of energy from coal mined in the western United States using integrated gasification combined cycle technology (referred to in this section as the “demonstration project”).

(b) Components

The demonstration project—

- (1) may include repowering of existing facilities;
- (2) shall be designed to demonstrate the ability to use coal with an energy content of not more than 9,000 Btu/lb.; and