

municipal waste energy project involved (if appropriate), and estimates of operating costs and income relating to that project (including the sale of any byproducts from that project). In addition, each applicant shall provide—

- (A) access at reasonable times to such other information, and
- (B) such assurances,

as the Secretary of Energy may require.

**(d) Reports and recordkeeping**

(1) Every person receiving financial assistance under section 8832, 8833, or 8834 of this title shall, as a condition precedent thereto, consent to such examinations and reports thereon regarding the municipal waste energy project involved as the Secretary of Energy may require.

(2) With respect to each municipal waste energy project for which financial assistance is provided under section 8832, 8833, or 8834 of this title, the Secretary shall—

- (A) require from the recipient of financial assistance such reports and records relating to that project as the Secretary deems necessary;
- (B) prescribe the manner in which such recipient shall keep such records; and
- (C) have access to such records at reasonable times for the purpose of ensuring compliance with the terms and conditions upon which financial assistance is provided.

**(e) Deposit of amounts 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 section 8832, 8833, or 8834 of this title shall be deposited in the general fund of<sup>1</sup> Treasury of the United States as miscellaneous receipts.

**(f) Contracts and instruments backed by full faith and credit of United States**

All contracts and instruments of the Secretary of Energy to provide, or providing, for financial assistance shall be general obligations of the United States backed by its full faith and credit.

**(g) Contestability of contracts**

Subject to the conditions of any contract for financial assistance, such contract shall be incontestable in the hands of the holder, except as to fraud or material misrepresentation on the part of the holder.

**(h) Eligibility of debt obligations for purchase, sale, or issuance to Federal Financing Bank or any Federal agency**

Notwithstanding the provisions of the Federal Financing Bank Act of 1973 (12 U.S.C. 2281 et seq.) or any other provision of law (except as may be specifically provided by reference to this subsection in any Act enacted after June 30, 1980), no debt obligation which is made or committed to be made, or which is guaranteed or committed to be guaranteed by the Secretary of Energy under section 8832, 8833, or 8834 of this title shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank or any Federal agency.

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

(Pub. L. 96-294, title II, §235, June 30, 1980, 94 Stat. 701.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(6)(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.

The Federal Financing Bank Act of 1973, referred to in subsec. (h), is Pub. L. 93-224, Dec. 29, 1973, 87 Stat. 937, which is classified generally to chapter 24 (§2281 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see Short Title note set out under section 2281 of Title 12 and Tables.

**§ 8836. Financial assistance program administration**

The Secretary of Energy shall establish procedures and take such other actions as may be necessary regarding the solicitation, review, and evaluation of applications, and awarding of financial assistance under section 8832, 8833, or 8834 of this title as may be necessary to carry out the plan established under section 8831 of this title.

(Pub. L. 96-294, title II, §236, June 30, 1980, 94 Stat. 703.)

**§ 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

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

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.

**(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 Environ-

mental 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

(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.)

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

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