

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.

§ 17303. Enforcement by the Federal Trade Commission

(a) Enforcement

This part shall be enforced by the Federal Trade Commission in the same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this part.

(b) Violation is treated as unfair or deceptive act or practice

The violation of any provision of this part shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(Pub. L. 110-140, title VIII, § 813, Dec. 19, 2007, 121 Stat. 1724.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (a), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

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§ 17304. Penalties

(a) Civil penalty

In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any supplier that violates section 17301 or 17302 of this title shall be punishable by a civil penalty of not more than \$1,000,000.

(b) Method

The penalties provided by subsection (a) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) Multiple offenses; mitigating factors

In assessing the penalty provided by subsection (a)—

- (1) each day of a continuing violation shall be considered a separate violation; and
- (2) the court shall take into consideration, among other factors—
 - (A) the seriousness of the violation; and
 - (B) the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

(Pub. L. 110-140, title VIII, § 814, Dec. 19, 2007, 121 Stat. 1724.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (a), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For

complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

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§ 17305. Effect on other laws

(a) Other authority of the Commission

Nothing in this part limits or affects the authority of the Federal Trade Commission to bring an enforcement action or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) Antitrust law

Nothing in this part shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term “antitrust laws” shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(c) State law

Nothing in this part preempts any State law.

(Pub. L. 110-140, title VIII, § 815, Dec. 19, 2007, 121 Stat. 1724.)

REFERENCES IN TEXT

The Federal Trade Commission Act, referred to in subsec. (a), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, which is classified generally to subchapter I (§41 et seq.) of chapter 2 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

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SUBCHAPTER VIII—INTERNATIONAL ENERGY PROGRAMS

§ 17321. Definitions

In this subchapter:

(1) Appropriate congressional committees

The term “appropriate congressional committees” means—

- (A) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and
- (B) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate.

(2) Clean and efficient energy technology

The term “clean and efficient energy technology” means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a recipient country, will—

- (A) reduce emissions of greenhouse gases;
- or

- (B)(i) increase efficiency of energy production; or
- (ii) decrease intensity of energy usage.

(3) Greenhouse gas

The term “greenhouse gas” means—

- (A) carbon dioxide;
- (B) methane;
- (C) nitrous oxide;
- (D) hydrofluorocarbons;
- (E) perfluorocarbons; or
- (F) sulfur hexafluoride.

(Pub. L. 110–140, title IX, §901, Dec. 19, 2007, 121 Stat. 1725.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IX of Pub. L. 110–140, Dec. 19, 2007, 121 Stat. 1725, which enacted this subchapter and amended section 5314 of Title 5, Government Organization and Employees, section 9101 of Title 31, Money and Finance, and section 3021 of Title 50, War and National Defense. For complete classification of title IX to the Code, see Tables.

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PART A—ASSISTANCE TO PROMOTE CLEAN AND EFFICIENT ENERGY TECHNOLOGIES IN FOREIGN COUNTRIES

§ 17331. United States assistance for developing countries

(a) Assistance authorized

The Administrator of the United States Agency for International Development shall support policies and programs in developing countries that promote clean and efficient energy technologies—

- (1) to produce the necessary market conditions for the private sector delivery of energy and environmental management services;
- (2) to create an environment that is conducive to accepting clean and efficient energy technologies that support the overall purpose of reducing greenhouse gas emissions, including—
 - (A) improving policy, legal, and regulatory frameworks;
 - (B) increasing institutional abilities to provide energy and environmental management services; and
 - (C) increasing public awareness and participation in the decision-making of delivering energy and environmental management services; and
- (3) to promote the use of American-made clean and efficient energy technologies, products, and energy and environmental management services.

(b) Report

The Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) Authorization of appropriations

To carry out this section, there are authorized to be appropriated to the Administrator of the

United States Agency for International Development \$200,000,000 for each of the fiscal years 2008 through 2012.

(Pub. L. 110–140, title IX, §911, Dec. 19, 2007, 121 Stat. 1725.)

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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.

§ 17332. United States exports and outreach programs for India, China, and other countries

(a) Assistance authorized

The Secretary of Commerce shall direct the United States and Foreign Commercial Service to expand or create a corps of the Foreign Commercial Service officers to promote United States exports in clean and efficient energy technologies and build the capacity of government officials in India, China, and any other country the Secretary of Commerce determines appropriate, to become more familiar with the available technologies—

- (1) by assigning or training Foreign Commercial Service attachés, who have expertise in clean and efficient energy technologies from the United States, to embark on business development and outreach efforts to such countries; and
- (2) by deploying the attachés described in paragraph (1) to educate provincial, state, and local government officials in such countries on the variety of United States-based technologies in clean and efficient energy technologies for the purposes of promoting United States exports and reducing global greenhouse gas emissions.

(b) Report

The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) Authorization of appropriations

To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

(Pub. L. 110–140, title IX, §912, Dec. 19, 2007, 121 Stat. 1726.)

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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.

§ 17333. United States trade missions to encourage private sector trade and investment

(a) Assistance authorized

The Secretary of Commerce shall direct the International Trade Administration to expand or create trade missions to and from the United States to encourage private sector trade and investment in clean and efficient energy technologies—

- (1) by organizing and facilitating trade missions to foreign countries and by matching