

(3) In addition to describing the Secretary's intentions for administering this chapter, the plan shall include a comprehensive strategy for assisting the private sector—

(A) in commercializing the renewable energy and energy efficiency technologies developed under this chapter; and

(B) in meeting competition from foreign suppliers of products derived from renewable energy and energy efficiency technologies.

(4) The plan shall address the role of federally-assisted research, development, and demonstration in the achievement of applicable national policy goals of the National Energy Policy Plan required under section 7321 of this title and the plan developed under section 5905 of this title.

(5) In addition, the Plan<sup>1</sup> shall—

(A) contain a detailed assessment of program needs, objectives, and priorities for each of the programs authorized under section 12005 of this title;

(B) use a uniform prioritization methodology to facilitate cost-benefit analyses of proposals in various program areas;

(C) establish milestones for setting forth specific technology transfer activities under each program area;

(D) include annual and five-year cost estimates for individual programs under this chapter; and

(E) identify program areas for which funding levels have been changed from the previous year's Plan.<sup>1</sup>

(6) Within one year after October 24, 1992, the Secretary shall submit a revised management plan under this section to Congress. Thereafter, the Secretary shall submit a management plan every three years at the time of submittal of the President's annual budget submission to the Congress.

#### (c) Report on options

As part of the first report submitted under subsection (a), the Secretary shall submit to Congress a report analyzing options available to the Secretary under existing law to assist the private sector with the timely commercialization of wind, photovoltaic, solar thermal, biofuels, hydrogen, solar buildings, marine, geothermal, low-head hydro, and energy storage renewable energy technologies and energy efficiency technologies through emphasis on development and demonstration assistance to specific technologies in the research, development, and demonstration programs of the Department of Energy that are near commercial application.

(Pub. L. 101-218, § 9, Dec. 11, 1989, 103 Stat. 1868; Pub. L. 102-486, title XII, § 1202(c), (d)(5), title XXIII, § 2303(b), Oct. 24, 1992, 106 Stat. 2959, 2960, 3093; Pub. L. 116-260, div. Z, title III, § 3006(a)(2), Dec. 27, 2020, 134 Stat. 2512.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b)(1), (3), (5)(D), was in the original "this Act", meaning Pub. L. 101-218, Dec. 11, 1989, 103 Stat. 1859, known as the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, which is classified prin-

<sup>1</sup> So in original. Probably should not be capitalized.

cipally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12001 of this title and Tables.

#### AMENDMENTS

2020—Subsec. (c). Pub. L. 116-260 substituted "marine," for "ocean,".

1992—Subsec. (a). Pub. L. 102-486, § 1202(d)(5), substituted "and projects" for ", projects, and joint ventures".

Subsec. (b)(1). Pub. L. 102-486, § 1202(c)(1), inserted "three-year" before "management plan".

Subsec. (b)(4). Pub. L. 102-486, § 2303(b), inserted before period at end "and the plan developed under section 5905 of this title".

Subsec. (b)(5), (6). Pub. L. 102-486, § 1202(c)(2), added pars. (5) and (6) and struck out former par. (5) which read as follows: "The plan shall accompany the President's annual budget submission to the Congress."

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which reports required under subsecs. (a) and (b) of this section are listed as the 20th item on page 84 and the 19th item on page 86), see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance.

#### § 12007. No antitrust immunity or defenses

Nothing in this chapter shall be deemed to convey to any person, partnership, corporation, or other entity immunity from civil or criminal liability under any antitrust law or to create defenses to actions under any antitrust law. As used in this section, "antitrust laws" means those Acts set forth in section 12 of title 15.

(Pub. L. 101-218, § 10, Dec. 11, 1989, 103 Stat. 1869.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 101-218, Dec. 11, 1989, 103 Stat. 1859, known as the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 12001 of this title and Tables.

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