

**§ 5878a. Funding and encouragement of small business; information for inclusion in report**

The Secretary of Energy shall,<sup>1</sup> include, in the report required by section 204(b) of the Department of Energy Act of 1978—Civilian Applications (42 U.S.C. 7256, note; 92 Stat. 60), information detailing the extent to which small business and nonprofit organizations are being funded by the nonnuclear research, development, and demonstration programs of the Secretary of Energy, and the extent to which small business involvement pursuant to section 5801(d) of this title is being encouraged by the Secretary of Energy.

(Pub. L. 94-187, title III, §308, Dec. 31, 1975, 89 Stat. 1074; Pub. L. 96-470, title II, §203(e), Oct. 19, 1980, 94 Stat. 2243.)

REFERENCES IN TEXT

Section 204(b) of the Department of Energy Act 1978—Civilian Applications (42 U.S.C. 7256, note; 92 Stat. 60), referred to in text, is section 204(b) of Pub. L. 95-238, title II, Feb. 25, 1978, 92 Stat. 59, as amended, which is set out as a note under section 7256 of this title.

CODIFICATION

Section was not enacted as a part of the Energy Reorganization Act of 1974 which comprises this chapter.

AMENDMENTS

1980—Pub. L. 96-470 substituted “include, in the report required by section 204(b) of the Department of Energy Act of 1978—Civilian Applications, information” for “by June 30, 1976, and by the end of each fiscal year thereafter, submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate” and “Secretary of Energy” for “Administrator” wherever appearing.

**§ 5879. Transfer of funds**

The Administrator, when authorized in an appropriation Act, may, in any fiscal year, transfer funds from one appropriation to another within the Administration; except, that no appropriation shall be either increased or decreased pursuant to this section by more than 5 per centum of the appropriation for such fiscal year.

(Pub. L. 93-438, title III, §309, Oct. 11, 1974, 88 Stat. 1252.)

TRANSFER OF FUNCTIONS

Energy Research and Development Administration terminated and functions vested by law in Administrator thereof transferred to Secretary of Energy (unless otherwise specifically provided) by sections 7151(a) and 7293 of this title.

SUBCHAPTER IV—SEX DISCRIMINATION

**§ 5891. Sex discrimination prohibited**

No person shall on the ground of sex be excluded from participation in, be denied a license under, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under any subchapter of this chapter. This provision will be enforced through agency provisions and

<sup>1</sup> So in original. The comma probably should not appear.

rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee.

(Pub. L. 93-438, title IV, §401, Oct. 11, 1974, 88 Stat. 1254.)

REFERENCES IN TEXT

Any subchapter of this chapter, referred to in text, was in the original “any title of this Act”, meaning Pub. L. 93-438, Oct. 11, 1974, 88 Stat. 1233, as amended, which enacted this chapter, amended sections 5313 to 5316 of Title 5, Government Organization and Employees, repealed sections 2031 and 2032 of this title, and enacted provisions set out as notes under section 5801 of this title.

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of this title and Tables.

**CHAPTER 74—NONNUCLEAR ENERGY RESEARCH AND DEVELOPMENT**

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- 5914. Omitted.
- 5915. Authorization of appropriations.
- 5915a. Expiration of initial authorization to construct fossil energy demonstration plants.
- 5916. Central source of nonnuclear energy information.
- 5917 to 5920. Repealed.

**§ 5901. Congressional statement of findings**

The Congress hereby finds that—  
 (a) The Nation is suffering from a shortage of environmentally acceptable forms of energy.  
 (b) Compounding this energy shortage is our past and present failure to formulate a comprehensive and aggressive research and development program designed to make available to

American consumers our large domestic energy reserves including fossil fuels, nuclear fuels, geothermal resources, solar energy, and other forms of energy. This failure is partially because the unconventional energy technologies have not been judged to be economically competitive with traditional energy technologies.

(c) The urgency of the Nation's energy challenge will require commitments similar to those undertaken in the Manhattan and Apollo projects; it will require that the Nation undertake a research, development, and demonstration program in nonnuclear energy technologies with a total Federal investment which may reach or exceed \$20,000,000,000 over the next decade.

(d) In undertaking such program, full advantage must be taken of the existing technical and managerial expertise in the various energy fields within Federal agencies and particularly in the private sector.

(e) The Nation's future energy needs can be met if a national commitment is made now to dedicate the necessary financial resources, to enlist our scientific and technological capabilities, and to accord the proper priority to developing new nonnuclear energy options to serve national needs, conserve vital resources, and protect the environment.

(Pub. L. 93-577, § 2, Dec. 31, 1974, 88 Stat. 1879.)

#### SHORT TITLE

Pub. L. 93-577, § 1(a), as added Pub. L. 109-58, title X, § 1009(b)(1), Aug. 8, 2005, 119 Stat. 934, provided that: "This Act [enacting this chapter] may be cited as the 'Federal Nonnuclear Energy Research and Development Act of 1974'."

#### DEFINITIONS

Pub. L. 93-577, § 1(b), as added Pub. L. 109-58, title X, § 1009(b)(1), Aug. 8, 2005, 119 Stat. 934, provided that: "In this Act [enacting this chapter]:

"(1) The term 'Department' means the Department of Energy.

"(2) The term 'Secretary' means the Secretary of Energy."

### **§ 5902. Congressional declaration of policy and purpose; implementation and administration of program by Secretary of Energy**

(a) It is the policy of the Congress to develop on an urgent basis the technological capabilities to support the broadest range of energy policy options through conservation and use of domestic resources by socially and environmentally acceptable means.

(b)(1) The Congress declares the purpose of this chapter to be to establish and vigorously conduct a comprehensive, national program of basic and applied research and development, including but not limited to demonstrations of practical applications, of all potentially beneficial energy sources and utilization technologies, within the Department.

(2) In carrying out this program, the Secretary shall be governed by the terms of this chapter and other applicable provisions of law with respect to all nonnuclear aspects of the research, development, and demonstration program; and the policies and provisions of the Atomic Energy Act of 1954 [42 U.S.C. 2011 et seq.], and other provisions of law shall continue to apply to the nu-

clear research, development, and demonstration program.

(3) In implementing and conducting the research, development, and demonstration programs pursuant to this chapter, the Secretary shall incorporate programs in specific nonnuclear technologies previously enacted into law, including those established by the Solar Heating and Cooling Demonstration Act of 1974 (Public Law 93-409) [42 U.S.C. 5501 et seq.], the Geothermal Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-410),<sup>1</sup> and the Solar Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-473).<sup>1</sup>

(Pub. L. 93-577, § 3, Dec. 31, 1974, 88 Stat. 1879; Pub. L. 109-58, title X, § 1009(b)(2), Aug. 8, 2005, 119 Stat. 934.)

#### REFERENCES IN TEXT

The Atomic Energy Act of 1954, referred to in subsec. (b)(2), is act Aug. 1, 1946, ch. 724, as added by act Aug. 30, 1954, ch. 1073, § 1, 68 Stat. 919, which is classified principally to chapter 23 (§ 2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of this title and Tables.

The Solar Heating and Cooling Demonstration Act of 1974, referred to in subsec. (b)(3), is Pub. L. 93-409, Sept. 3, 1974, 88 Stat. 1069, as amended, which is classified generally to subchapter I (§ 5501 et seq.) of chapter 71 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5501 of this title and Tables.

The Geothermal Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-410), referred to in subsec. (b)(3), was classified generally to chapter 24 (§ 1101 et seq.) of Title 30, Mineral Lands and Mining, prior to repeal by Pub. L. 116-260, div. Z, title III, § 3002(i)(3), Dec. 27, 2020, 134 Stat. 2495.

The Solar Energy Research, Development, and Demonstration Act of 1974 (Public Law 93-473), referred to in subsec. (b)(3), was classified generally to subchapter II (§ 5551 et seq.) of chapter 71 of this title, prior to repeal by Pub. L. 116-260, div. Z, title III, § 3006(e)(1), Dec. 27, 2020, 134 Stat. 2513.

#### AMENDMENTS

2005—Subsec. (b)(1). Pub. L. 109-58, § 1009(b)(2)(A), substituted "Department" for "Energy Research and Development Administration".

Subsec. (b)(2). Pub. L. 109-58, § 1009(b)(2)(B), substituted "Secretary" for "Administrator of the Energy Research and Development Administration (hereinafter in this chapter referred to as the 'Administrator')".

Subsec. (b)(3). Pub. L. 109-58, § 1009(b)(2)(C), substituted "Secretary" for "Administrator" and inserted "Demonstration" after "Cooling".

### **§ 5903. Duties and authorities of the Secretary**

The Secretary shall—

(a) review the current status of nonnuclear energy resources and current nonnuclear energy research and development activities, including research and development being conducted by Federal and non-Federal entities;

(b) formulate and carry out a comprehensive Federal nonnuclear energy research, development, and demonstration program which will expeditiously advance the policies established by this chapter and other relevant legislation establishing programs in specific energy technologies;

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