

Subsec. (d)(1). Pub. L. 111-364, §2(c)(5)(A), inserted “, rebate,” after “grant”.

Subsec. (d)(2). Pub. L. 111-364, §2(c)(5)(B), inserted “, rebates,” after “grants”.

Subsec. (d)(3). Pub. L. 111-364, §2(c)(5)(C), substituted “grant, rebate, or loan provided under this section shall be used” for “grant or loan provided under this section may be used” in introductory provisions.

Subsec. (d)(4), (5). Pub. L. 111-364, §2(c)(5)(D), added pars. (4) and (5).

2008—Subsec. (c)(2)(A). Pub. L. 110-255, §3(b)(2), substituted “51” for “50” and “1.96 percent” for “2 percent”.

Subsec. (c)(2)(B). Pub. L. 110-255, §3(b)(2), substituted “51” for “50” in introductory provisions.

Subsec. (c)(2)(B)(ii). Pub. L. 110-255, §3(b)(2), which directed substitution of “1.96 percent” for “2 percent”, was executed by making the substitution for “2-percent”, to reflect the probable intent of Congress.

Subsec. (d)(2). Pub. L. 110-255, §3(b)(1), substituted “chief executive” for “Governor”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-364 effective Oct. 1, 2011, except that amendment by section 2(c)(4) of Pub. L. 111-364 effective Jan. 4, 2011, see section 4 of Pub. L. 111-364, set out as a note under section 16131 of this title.

#### § 16134. Evaluation and report

##### (a) In general

Not later than 1 year after the date on which funds are made available under this part, and biennially thereafter, the Administrator shall submit to Congress a report evaluating the implementation of the programs under this part.

##### (b) Inclusions

The report shall include a description of—

(1) the total number of grant applications received;

(2) each grant, rebate, or loan made under this part, including the amount of the grant, rebate, or loan;

(3) each project for which a grant, rebate, or loan is provided under this part, including the criteria used to select the grant, rebate, or loan recipients;

(4) the actual and estimated air quality and diesel fuel conservation benefits, cost-effectiveness, and cost-benefits of the grant, rebate, and loan programs under this part;

(5) the problems encountered by projects for which a grant, rebate, or loan is provided under this part;

(6) any other information the Administrator considers to be appropriate; and

(7) in the last report sent to Congress before January 1, 2016, an analysis of the need to continue the program, including an assessment of the size of the vehicle and engine fleet that could provide benefits from being retrofit under this program and a description of the number and types of applications that were not granted in the preceding year.

(Pub. L. 109-58, title VII, §794, Aug. 8, 2005, 119 Stat. 843; Pub. L. 111-364, §2(d), Jan. 4, 2011, 124 Stat. 4060.)

#### Editorial Notes

##### AMENDMENTS

2011—Subsec. (b)(2) to (5). Pub. L. 111-364, §2(d)(1), inserted “, rebate,” after “grant” wherever appearing.

Subsec. (b)(7). Pub. L. 111-364, §2(d)(2)–(4), added par. (7).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-364 effective Oct. 1, 2011, except as otherwise provided, see section 4 of Pub. L. 111-364, set out as a note under section 16131 of this title.

#### § 16135. Outreach and incentives

##### (a) Definition of eligible technology

In this section, the term “eligible technology” means—

- (1) a verified technology; or
- (2) an emerging technology.

##### (b) Technology transfer program

###### (1) In general

The Administrator shall establish a program under which the Administrator—

- (A) informs stakeholders of the benefits of eligible technologies; and
- (B) develops nonfinancial incentives to promote the use of eligible technologies.

###### (2) Eligible stakeholders

Eligible stakeholders under this section include—

- (A) equipment owners and operators;
- (B) emission and pollution control technology manufacturers;
- (C) engine and equipment manufacturers;
- (D) State and local officials responsible for air quality management;
- (E) community organizations; and
- (F) public health, educational, and environmental organizations.

##### (c) State implementation plans

The Administrator shall develop appropriate guidance to provide credit to a State for emission reductions in the State created by the use of eligible technologies through a State implementation plan under section 7410 of this title.

##### (d) International markets

The Administrator, in coordination with the Department of Commerce and industry stakeholders, shall inform foreign countries with air quality problems of the potential of technology developed or used in the United States to provide emission reductions in those countries.

(Pub. L. 109-58, title VII, §795, Aug. 8, 2005, 119 Stat. 843.)

#### § 16136. Effect of part

Nothing in this part affects any authority under the Clean Air Act (42 U.S.C. 7401 et seq.) in existence on the day before August 8, 2005.

(Pub. L. 109-58, title VII, §796, Aug. 8, 2005, 119 Stat. 844.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Clean Air Act, referred to in text, is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

**§ 16137. Authorization of appropriations****(a) In general**

There is authorized to be appropriated to carry out this part \$100,000,000 for each of fiscal years 2012 through 2024, to remain available until expended.

**(b) Management and oversight**

The Administrator may use not more than 1 percent of the amounts made available under subsection (a) for each fiscal year for management and oversight purposes.

(Pub. L. 109–58, title VII, §797, Aug. 8, 2005, 119 Stat. 844; Pub. L. 111–364, §2(e), Jan. 4, 2011, 124 Stat. 4060; Pub. L. 116–260, div. S, §101, Dec. 27, 2020, 134 Stat. 2243.)

**Editorial Notes**

## AMENDMENTS

2020—Subsec. (a). Pub. L. 116–260 substituted “2024” for “2016”.

2011—Pub. L. 111–364 amended section generally. Prior to amendment, text read as follows: “There is authorized to be appropriated to carry out this part \$200,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.”

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111–364 effective Oct. 1, 2011, except as otherwise provided, see section 4 of Pub. L. 111–364, set out as a note under section 16131 of this title.

**§ 16138. EPA authority to accept diesel emissions reduction Supplemental Environmental Projects**

The Administrator of the Environmental Protection Agency (hereinafter, the “Agency”) may accept (notwithstanding sections 3302 and 1301 of title 31) diesel emissions reduction Supplemental Environmental Projects if the projects, as part of a settlement of any alleged violations of environmental law—

- (1) protect human health or the environment;
- (2) are related to the underlying alleged violations;
- (3) do not constitute activities that the defendant would otherwise be legally required to perform; and
- (4) do not provide funds for the staff of the Agency or for contractors to carry out the Agency’s internal operations.

(Pub. L. 110–255, §1, June 30, 2008, 122 Stat. 2423.)

**Editorial Notes**

## CODIFICATION

Section was not enacted as part of the Energy Policy Act of 2005 which comprises this chapter.

**§ 16139. Settlement agreement provisions**

In any settlement agreement regarding alleged violations of environmental law in which a defendant agrees to perform a diesel emissions reduction Supplemental Environmental Project, the Administrator of the Environmental Protec-

tion Agency shall require the defendant to include in the settlement documents a certification under penalty of law that the defendant would have agreed to perform a comparably valued, alternative project other than a diesel emissions reduction Supplemental Environmental Project if the Administrator were precluded by law from accepting a diesel emission reduction Supplemental Environmental Project. A failure by the Administrator to include this language in such a settlement agreement shall not create a cause of action against the United States under the Clean Air Act [42 U.S.C. 7401 et seq.] or any other law or create a basis for overturning a settlement agreement entered into by the United States.

(Pub. L. 110–255, §2, June 30, 2008, 122 Stat. 2423.)

**Editorial Notes**

## REFERENCES IN TEXT

The Clean Air Act, referred to in text, is act July 14, 1955, ch. 360, 69 Stat. 322, which is classified generally to chapter 85 (§7401 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of this title and Tables.

## CODIFICATION

Section was not enacted as part of the Energy Policy Act of 2005 which comprises this chapter.

## SUBCHAPTER VIII—HYDROGEN

**§ 16151. Purposes**

The purposes of this subchapter are—

- (1) to enable and promote comprehensive development, demonstration, and commercialization of hydrogen and fuel cell technology in partnership with industry;
- (2) to make critical public investments in building strong links to private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation and industrial growth;
- (3) to build a mature hydrogen economy that creates fuel diversity in the massive transportation sector of the United States;
- (4) to sharply decrease the dependency of the United States on imported oil, eliminate most emissions from the transportation sector, and greatly enhance our energy security; and
- (5) to create, strengthen, and protect a sustainable national energy economy.

(Pub. L. 109–58, title VIII, §802, Aug. 8, 2005, 119 Stat. 844.)

**Statutory Notes and Related Subsidiaries**

## SHORT TITLE

For short title of title VIII of Pub. L. 109–58, which enacted this subchapter, as the “Spark M. Matsunaga Hydrogen Act of 2005”, see section 801 of Pub. L. 109–58, set out as a note under section 15801 of this title.

## FINDINGS; PURPOSE

Pub. L. 117–58, div. D, title III, §40311, Nov. 15, 2021, 135 Stat. 1005, provided that:

“(a) FINDINGS.—Congress finds that—

- “(1) hydrogen plays a critical part in the comprehensive energy portfolio of the United States;
- “(2) the use of the hydrogen resources of the United States—