

(E) a project to produce energy and clean fuels, using appropriate coal liquefaction technology, from Western bituminous or subbituminous coal, that—

- (i) is owned by a State government; and
- (ii) may include tribal and private coal resources.

**(2) Industrial gasification projects**

Facilities that gasify coal, biomass, or petroleum coke in any combination to produce synthesis gas for use as a fuel or feedstock and for which electricity accounts for less than 65 percent of the useful energy output of the facility.

**(3) Petroleum coke gasification projects**

The Secretary is encouraged to make loan guarantees under this subchapter available for petroleum coke gasification projects.

**(4) Liquefaction project**

Notwithstanding any other provision of law, funds awarded under the Department of Energy's Clean Coal Power Initiative for Fischer-Tropsch coal-to-oil liquefaction projects may be used to finance the cost of loan guarantees for projects awarded such funds.

**(d) Emission levels**

In addition to any other applicable Federal or State emission limitation requirements, a project shall attain at least—

- (1) total sulfur dioxide emissions in flue gas from the project that do not exceed 0.05 lb/MMBtu;
- (2) a 90-percent removal rate (including any fuel pretreatment) of mercury from the coal-derived gas, and any other fuel, combusted by the project;
- (3) total nitrogen oxide emissions in the flue gas from the project that do not exceed 0.08 lb/MMBtu; and
- (4) total particulate emissions in the flue gas from the project that do not exceed 0.01 lb/MMBtu.

**(e) Qualification of facilities receiving tax credits**

A project that receives tax credits for clean coal technology shall not be disqualified from receiving a guarantee under this subchapter.

**(f) Regional variation**

Notwithstanding subsection (a)(2), the Secretary may, if regional variation significantly affects the deployment of a technology, make guarantees under this subchapter for up to 6 projects that employ the same or similar technology as another project, provided no more than 2 projects that use the same or a similar technology are located in the same region of the United States.

(Pub. L. 109-58, title XVII, §1703, Aug. 8, 2005, 119 Stat. 1120; Pub. L. 109-168, §1(b)(1), Jan. 10, 2006, 119 Stat. 3580; Pub. L. 110-140, title I, §134(b), Dec. 19, 2007, 121 Stat. 1513; Pub. L. 116-260, div. Z, title IX, §9010(b), Dec. 27, 2020, 134 Stat. 2605; Pub. L. 117-58, div. D, title IV, §40401(a)(2)(A), Nov. 15, 2021, 135 Stat. 1034.)

**Editorial Notes**

AMENDMENTS

2021—Subsec. (b)(13). Pub. L. 117-58 added par. (13).

2020—Subsec. (a)(1). Pub. L. 116-260, §9010(b)(1)(A), inserted “, utilize” after “reduce”.

Subsec. (a)(2). Pub. L. 116-260, §9010(b)(1)(B), inserted “, including projects that employ elements of commercial technologies in combination with new or significantly improved technologies” before period at end.

Subsec. (b)(4). Pub. L. 116-260, §9010(b)(2)(A), inserted “, including manufacturing of nuclear supply components for advanced nuclear reactors” after “facilities”.

Subsec. (b)(5). Pub. L. 116-260, §9010(b)(2)(B), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “Carbon capture and sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon.”

Subsec. (b)(11), (12). Pub. L. 116-260, §9010(b)(2)(C), added pars. (11) and (12).

Subsec. (f). Pub. L. 116-260, §9010(b)(3), added subsec. (f).

2007—Subsec. (b)(8). Pub. L. 110-140 added par. (8) and struck out former par. (8) which read as follows: “Production facilities for fuel efficient vehicles, including hybrid and advanced diesel vehicles.”

2006—Subsec. (c)(4). Pub. L. 109-168 substituted “Department of Energy's Clean Coal Power Initiative for Fischer-Tropsch” for “clean coal power initiative under part A of subchapter IV for”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

WAGE RATE REQUIREMENTS

For provisions relating to rates of wages to be paid to laborers and mechanics on projects for construction, alteration, or repair work funded under div. D or an amendment by div. D of Pub. L. 117-58, including authority of Secretary of Labor, see section 18851 of this title.

**§ 16514. Authorization of appropriations**

**(a) In general**

There are authorized to be appropriated such sums as are necessary to provide the cost of guarantees under this subchapter.

**(b) Use of other appropriated funds**

The Department may use amounts awarded under the Clean Coal Power Initiative to carry out the project described in section 16513(c)(1)(C) of this title, on the request of the recipient of such award, for a loan guarantee, to the extent that the amounts have not yet been disbursed to, or have been repaid by, the recipient.

**(c) Administrative and other expenses**

There are authorized to be appropriated—

(1) \$32,000,000 for each of fiscal years 2021 through 2025 to carry out this subchapter; and

(2) for fiscal year 2021, in addition to amounts authorized under paragraph (1), \$25,000,000, to remain available until expended, for administrative expenses described in section 16512(h)(1) of this title that are not covered by fees collected pursuant to section 16512(h) of this title.

(Pub. L. 109-58, title XVII, §1704, Aug. 8, 2005, 119 Stat. 1122; Pub. L. 109-168, §1(b)(2), Jan. 10, 2006, 119 Stat. 3580; Pub. L. 116-260, div. Z, title IX, §9010(c), Dec. 27, 2020, 134 Stat. 2606.)

**Editorial Notes**

AMENDMENTS

2020—Subsec. (c). Pub. L. 116-260 added subsec. (c).

2006—Subsec. (b). Pub. L. 109-168 substituted “Clean Coal Power Initiative” for “clean coal power initiative under part A of subchapter IV”.

**§ 16515. Limitation on commitments to guarantee loans**

(a) Notwithstanding section 101,<sup>1</sup> subject to the Federal Credit Reform Act of 1990, as amended [2 U.S.C. 661 et seq.], commitments to guarantee loans under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16501 et seq.] shall not exceed a total principal amount, any part of which is to be guaranteed, of \$4,000,000,000: *Provided*, That there are appropriated for the cost of the guaranteed loans such sums as are hereafter derived from amounts received from borrowers pursuant to section 16512(b)(2) of this title, to remain available until expended: *Provided further*, That the source of payments received from borrowers for the subsidy cost shall not be a loan or other debt obligation that is made or guaranteed by the Federal government.<sup>2</sup> In addition, fees collected pursuant to section 16512(h) of this title in fiscal year 2007 shall be credited as offsetting collections to the Departmental Administration account for administrative expenses of the Loan Guarantee Program: *Provided further*, That the sum appropriated for administrative expenses for the Loan Guarantee Program shall be reduced by the amount of fees received during fiscal year 2007: *Provided further*, That any fees collected under section 16512(h) of this title in excess of the amount appropriated for administrative expenses shall not be available until appropriated.

(b) No loan guarantees may be awarded under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16501 et seq.] until final regulations are issued that include—

(1) programmatic, technical, and financial factors the Secretary will use to select projects for loan guarantees;

(2) policies and procedures for selecting and monitoring lenders and loan performance; and

(3) any other policies, procedures, or information necessary to implement title XVII of the Energy Policy Act of 2005.

(c) The Secretary of Energy shall enter into an arrangement with an independent auditor for annual evaluations of the program under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16501 et seq.]. In addition to the independent audit, the Comptroller General shall conduct a review every three years of the Department’s execution of the program under title XVII of the Energy Policy Act of 2005. The results of the independent audit and the Comptroller General’s review shall be provided directly to the Committees on Appropriations of the House of Representatives and the Senate.

(d) The Secretary of Energy shall promulgate final regulations for loan guarantees under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16501 et seq.] within 6 months of February 15, 2007.

(e) Not later than 120 days after February 15, 2007, and annually thereafter, the Secretary of Energy shall transmit to the Committees on Ap-

propriations of the House of Representatives and the Senate a report containing a summary of all activities under title XVII of the Energy Policy Act of 2005 [42 U.S.C. 16511 et seq.], beginning in fiscal year 2007, with a listing of responses to loan guarantee solicitations under such title, describing the technologies, amount of loan guarantee sought, and the applicants’ assessment of risk.

(Pub. L. 109-289, div. B, title II, §20320, as added Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 21; amended Pub. L. 113-76, div. D, title III, §307, Jan. 17, 2014, 128 Stat. 175.)

**Editorial Notes**

REFERENCES IN TEXT

Section 101, referred to in subsec. (a), is section 101 of title I of div. B of Pub. L. 109-289, as added by Pub. L. 110-5, §2, Feb. 15, 2007, 121 Stat. 8. Subsec. (b) of section 101 is classified as a note under section 12651i of this title. Subsecs. (a) and (c) of section 101 are not classified to the Code.

The Federal Credit Reform Act of 1990, referred to in subsec. (a), is title V of Pub. L. 93-344, as added by Pub. L. 101-508, title XIII, §13201(a), Nov. 5, 1990, 104 Stat. 1388-609, which is classified generally to subchapter III (§661 et seq.) of chapter 17A of Title 2, The Congress. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2 and Tables.

The Energy Policy Act of 2005, referred to in text, is Pub. L. 109-58, Aug. 8, 2005, 119 Stat. 594. Title XVII of the Act is classified generally to this subchapter. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

CODIFICATION

Section was enacted as part of the Continuing Appropriations Resolution, 2007, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

AMENDMENTS

2014—Subsec. (c). Pub. L. 113-76 substituted “a review every three years” for “an annual review”.

**§ 16516. Omitted**

**Editorial Notes**

CODIFICATION

Section, Pub. L. 109-58, title XVII, §1705, as added Pub. L. 111-5, div. A, title IV, §406(a), Feb. 17, 2009, 123 Stat. 145, which related to temporary program for rapid deployment of renewable energy and electric power transmission projects, was omitted from the Code due to expiration of authority to enter into guarantees under this section on Sept. 30, 2011.

SUBCHAPTER XVI—STUDIES

**§ 16521. Report on energy integration with Latin America**

The Secretary shall submit an annual report to the Committee on Energy and Commerce of the United States House of Representatives and to the Committee on Energy and Natural Resources of the Senate concerning the status of energy export development in Latin America and efforts by the Secretary and other departments and agencies of the United States to promote energy integration with Latin America. The report shall contain a detailed analysis of

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

<sup>2</sup> So in original. Probably should be capitalized.