

(1) other Federal, State, regional, and local governments and their representatives;

(2) industry and its representatives, including members of the energy and transportation industries; and

(3) in consultation with the Department of State, foreign governments and their representatives including international organizations.

**(b) Regulatory authority**

Nothing in this subchapter shall be construed to alter the regulatory authority of the Department.

(Pub. L. 109–58, title VIII, §819, formerly §814, Aug. 8, 2005, 119 Stat. 855; renumbered §819, Pub. L. 117–58, div. D, title III, §40314(1), Nov. 15, 2021, 135 Stat. 1008.)

**§ 16164. Cost sharing**

The costs of carrying out projects and activities under this subchapter shall be shared in accordance with section 16352 of this title.

(Pub. L. 109–58, title VIII, §820, formerly §815, Aug. 8, 2005, 119 Stat. 855; renumbered §820, Pub. L. 117–58, div. D, title III, §40314(1), Nov. 15, 2021, 135 Stat. 1008.)

**§ 16165. Savings clause**

Nothing in this subchapter shall be construed to affect the authority of the Secretary of Transportation that may exist prior to August 8, 2005, with respect to—

(1) research into, and regulation of, hydrogen-powered vehicles fuel systems integrity, standards, and safety under subtitle VI of title 49;

(2) regulation of hazardous materials transportation under chapter 51 of title 49;

(3) regulation of pipeline safety under chapter 601 of title 49;

(4) encouragement and promotion of research, development, and deployment activities relating to advanced vehicle technologies under section 5506<sup>1</sup> of title 49;

(5) regulation of motor vehicle safety under chapter 301 of title 49;

(6) automobile fuel economy under chapter 329 of title 49; or

(7) representation of the interests of the United States with respect to the activities and programs under the authority of title 49.

(Pub. L. 109–58, title VIII, §821, formerly §816, Aug. 8, 2005, 119 Stat. 855; renumbered §821, Pub. L. 117–58, div. D, title III, §40314(1), Nov. 15, 2021, 135 Stat. 1008.)

**Editorial Notes**

REFERENCES IN TEXT

Section 5506 of title 49, referred to in par. (4), was repealed by Pub. L. 112–141, div. E, title II, §52010(a), July 6, 2012, 126 Stat. 887.

**§ 16166. Clean hydrogen production qualifications**

**(a) In general**

Not later than 180 days after November 15, 2021, the Secretary, in consultation with the Ad-

ministrator of the Environmental Protection Agency and after taking into account input from industry and other stakeholders, as determined by the Secretary, shall develop an initial standard for the carbon intensity of clean hydrogen production that shall apply to activities carried out under this subchapter.

**(b) Requirements**

**(1) In general**

The standard developed under subsection (a) shall—

(A) support clean hydrogen production from each source described in section 16154(e)(2) of this title;

(B) define the term “clean hydrogen” to mean hydrogen produced with a carbon intensity equal to or less than 2 kilograms of carbon dioxide-equivalent produced at the site of production per kilogram of hydrogen produced; and

(C) take into consideration technological and economic feasibility.

**(2) Adjustment**

Not later than the date that is 5 years after the date on which the Secretary develops the standard under subsection (a), the Secretary, in consultation with the Administrator of the Environmental Protection Agency and after taking into account input from industry and other stakeholders, as determined by the Secretary, shall—

(A) determine whether the definition of clean hydrogen required under paragraph (1)(B) should be adjusted below the standard described in that paragraph; and

(B) if the Secretary determines the adjustment described in subparagraph (A) is appropriate, carry out the adjustment.

**(c) Application**

The standard developed under subsection (a) shall apply to clean hydrogen production from renewable, fossil fuel with carbon capture, utilization, and sequestration technologies, nuclear, and other fuel sources using any applicable production technology.

(Pub. L. 109–58, title VIII, §822, as added Pub. L. 117–58, div. D, title III, §40315(a), Nov. 15, 2021, 135 Stat. 1015.)

**Editorial Notes**

CODIFICATION

Section 40315(a) of Pub. L. 117–58, which directed the amendment of the Energy Policy Act of 2005 by adding this section at the end, was executed by adding this section at the end of title VIII of the Act, to reflect the probable intent of Congress.

**Statutory Notes and Related Subsidiaries**

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.

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

SUBCHAPTER IX—RESEARCH AND  
DEVELOPMENT

**§ 16181. Goals**

**(a) In general**

In order to achieve the purposes of this subchapter, the Secretary shall conduct a balanced set of programs of energy research, development, demonstration, and commercial application with the general goals of—

- (1) increasing the efficiency of all energy intensive sectors through conservation and improved technologies;
- (2) promoting diversity of energy supply;
- (3) decreasing the dependence of the United States on foreign energy supplies;
- (4) improving the energy security of the United States; and
- (5) decreasing the environmental impact of energy-related activities.

**(b) Goals**

The Secretary shall publish measurable cost and performance-based goals, comparable over time, with each annual budget submission in at least the following areas:

- (1) Energy efficiency for buildings, energy-consuming industries, and vehicles.
- (2) Electric energy generation (including distributed generation), transmission, and storage.
- (3) Renewable energy technologies, including wind power, photovoltaics, solar thermal systems, geothermal energy, hydrogen-fueled systems, biomass-based systems, biofuels, and hydropower.
- (4) Fossil energy, including power generation, onshore and offshore oil and gas resource recovery, and transportation fuels.
- (5) Nuclear energy, including programs for existing and advanced reactors, and education of future specialists.

**(c) Public comment**

The Secretary shall provide mechanisms for input on the annually published goals from industry, institutions of higher education, and other public sources.

**(d) Effect of goals**

Nothing in subsection (a) or the annually published goals creates any new authority for any Federal agency, or may be used by any Federal agency, to support the establishment of regulatory standards or regulatory requirements.

(Pub. L. 109-58, title IX, §902, Aug. 8, 2005, 119 Stat. 856.)

**Editorial Notes**

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original “this title”, meaning title IX of Pub. L. 109-58, Aug. 8, 2005, 119 Stat. 856, which enacted this subchapter, amended sections 8101 and 8102 of Title 7, Agriculture, and section 5523 of Title 15, Commerce and Trade, enacted provisions set out as notes under section 15801 of this title, section 8102 of Title 7, and section 2001 of Title 30, Mineral Lands and Mining, and amended provisions set out as notes under section 8101 of Title 7 and section 1902 of Title 30. For complete classification of title IX to the Code, see Short Title note set out under section 15801 of this title and Tables.

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

For short title of title IX of Pub. L. 109-58, which enacted this subchapter, as the “Energy Research, Development, Demonstration, and Commercial Application Act of 2005”, see section 431 of Pub. L. 109-58, set out as a note under section 15801 of this title.

**§ 16182. Definitions**

In this subchapter:

**(1) Departmental mission**

The term “departmental mission” means any of the functions vested in the Secretary by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

**(2) Hispanic-serving institution**

The term “Hispanic-serving institution” has the meaning given the term in section 1101a(a) of title 20.

**(3) Nonmilitary energy laboratory**

The term “nonmilitary energy laboratory” means a National Laboratory other than a National Laboratory listed in subparagraph (G), (H), or (N) of section 15801(3) of this title.

**(4) Part B institution**

The term “part B institution” has the meaning given the term in section 1061 of title 20.

**(5) Single-purpose research facility**

The term “single-purpose research facility” means—

- (A) any of the primarily single-purpose entities owned by the Department; or
- (B) any other organization of the Department designated by the Secretary.

**(6) University**

The term “university” has the meaning given the term “institution of higher education” in section 1001 of title 20.

(Pub. L. 109-58, title IX, §903, Aug. 8, 2005, 119 Stat. 856.)

**Editorial Notes**

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title IX of Pub. L. 109-58, Aug. 8, 2005, 119 Stat. 856, which enacted this subchapter, amended sections 8101 and 8102 of Title 7, Agriculture, and section 5523 of Title 15, Commerce and Trade, enacted provisions set out as notes under section 15801 of this title, section 8102 of Title 7, and section 2001 of Title 30, Mineral Lands and Mining, and amended provisions set out as notes under section 8101 of Title 7 and section 1902 of Title 30. For complete classification of title IX to the Code, see Short Title note set out under section 15801 of this title and Tables.

The Department of Energy Organization Act, referred to in par. (1), is Pub. L. 95-91, Aug. 4, 1977, 91 Stat. 565, which is classified principally to chapter 84 (§7101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7101 of this title and Tables.

**§ 16183. Energy and water for sustainability**

**(a) Nexus of energy and water for sustainability**

**(1) Definitions**

In this section: