

read as follows: “may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

“(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after December 22, 2023; or

“(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (j)(2)(B); and”.

Subsec. (h)(4)(B)(i). Pub. L. 118-42, §312(c)(1), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “may not make commitments under this subsection (including cooperative agreements (used in accordance with section 6305 of title 31), purchase agreements, guarantees, leases, service contracts, or any other type of commitment) for the purchase or other acquisition of HALEU or LEU unless—

“(I) funds are specifically provided for those purposes in advance in appropriations Acts enacted after December 22, 2023; or

“(II) the commitment is funded entirely by funds made available to the Secretary from the account described in subsection (j)(2)(B); and”.

Subsec. (j). Pub. L. 118-42, §312(c)(2), amended subsec. (j) generally. Prior to amendment, subsec. (j) consisted of pars. (1) and (2) relating to reasonable compensation for LEU and HALEU and deposit of revenues from the sale or transfer of certain fuel feed material into a revolving fund.

## PART F—FOSSIL ENERGY

### § 16291. Fossil energy

#### (a) Establishment

##### (1) In general

The Secretary shall carry out research, development, demonstration, and commercial application programs in fossil energy, including activities under this part, with the goal of improving the efficiency, effectiveness, and environmental performance of fossil energy production, upgrading, conversion, and consumption.

##### (2) Objectives

The programs described in paragraph (1) shall take into consideration the following objectives:

(A) Increasing the energy conversion efficiency of all forms of fossil energy through improved technologies.

(B) Decreasing the cost of all fossil energy production, generation, and delivery.

(C) Promoting diversity of energy supply.

(D) Decreasing the dependence of the United States on foreign energy supplies.

(E) Improving United States energy security.

(F) Decreasing the environmental impact of energy-related activities, including technology development to reduce emissions of carbon dioxide and associated emissions of heavy metals within coal combustion residues and gas streams resulting from fossil fuel use and production.

(G) Increasing the export of fossil energy-related equipment, technology, including emissions control technologies, and services from the United States.

(H) Decreasing the cost of emissions control technologies for fossil energy production, generation, and delivery.

(I) Significantly lowering greenhouse gas emissions for all fossil fuel production, generation, delivery, and utilization technologies.

(J) Developing carbon removal and utilization technologies, products, and methods that result in net reductions in greenhouse gas emissions, including direct air capture and storage, and carbon use and reuse for commercial application.

(K) Improving the conversion, use, and storage of carbon oxides produced from fossil fuels.

(L) Reducing water use, improving water reuse, and minimizing surface and subsurface environmental impact in the development of unconventional domestic oil and natural gas resources.

#### (3) Priority

In carrying out the objectives described in subparagraphs (F) through (K) of paragraph (2), the Secretary shall prioritize activities and strategies that have the potential to significantly reduce emissions for each technology relevant to the applicable objective and the international commitments of the United States.

#### (b) Authorization of appropriations

There are authorized to be appropriated to the Secretary to carry out fossil energy research, development, demonstration, and commercial application activities, including activities authorized under this part—

- (1) \$611,000,000 for fiscal year 2007;
- (2) \$626,000,000 for fiscal year 2008; and
- (3) \$641,000,000 for fiscal year 2009.

#### (c) Allocations

From amounts authorized under subsection (a), the following sums are authorized:

(1) For activities under section 16292<sup>1</sup> of this title—

- (A) \$367,000,000 for fiscal year 2007;
- (B) \$376,000,000 for fiscal year 2008; and
- (C) \$394,000,000 for fiscal year 2009.

(2) For activities under section 16294 of this title—

- (A) \$20,000,000 for fiscal year 2007;
- (B) \$25,000,000 for fiscal year 2008; and
- (C) \$30,000,000 for fiscal year 2009.

(3) For activities under section 16296 of this title—

- (A) \$1,500,000 for fiscal year 2007; and
- (B) \$450,000 for each of fiscal years 2008 and 2009.

(4) For the Office of Arctic Energy under section 7144d of this title \$25,000,000 for each of fiscal years 2007 through 2009.

#### (d) Extended authorization

There are authorized to be appropriated to the Secretary for the Office of Arctic Energy established under section 7144d of this title \$25,000,000 for each of fiscal years 2010 through 2012.

#### (e) Limitations

##### (1) Uses

None of the funds authorized under this section may be used for Fossil Energy Environ-

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

mental Restoration or Import/Export Authorization.

**(2) Institutions of higher education**

Of the funds authorized under subsection (c)(2), not less than 20 percent of the funds appropriated for each fiscal year shall be dedicated to research and development carried out at institutions of higher education.

(Pub. L. 109–58, title IX, §961, Aug. 8, 2005, 119 Stat. 889; Pub. L. 116–260, div. Z, title IV, §4001, Dec. 27, 2020, 134 Stat. 2527.)

**Editorial Notes**

REFERENCES IN TEXT

This part, referred to in subsecs. (a)(1) and (b), was in the original “this subtitle”, meaning subtitle F (§§961–968) of title IX of Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 889, which enacted this part and provisions set out as notes under section 2001 of Title 30, Mineral Lands and Mining, and amended provisions set out as a note under section 1902 of Title 30. For complete classification of subtitle F to the Code, see Tables.

Section 16292 of this title, referred to in subsec. (c)(1), relating to coal and related technologies program, was repealed and a new section 16292 of this title, relating to carbon capture technology program, was enacted by Pub. L. 116–260, div. Z, title IV, §4002(a), Dec. 27, 2020, 134 Stat. 2528.

AMENDMENTS

2020—Subsec. (a). Pub. L. 116–260, §4001(5), designated second sentence of par. (1), as redesignated, as par. (2), inserted heading, and substituted “The programs described in paragraph (1) shall” for “Such programs”.

Pub. L. 116–260, §4001(4), designated existing provisions of subsec. (a) as par. (1), substituted “Establishment” for “In general” in subsec. heading, and inserted par. (1) heading.

Pub. L. 116–260, §4001(3), added subpars. (G) to (L) and struck out former subpar. (G), as redesignated, which read as follows: “Increasing the export of fossil energy-related equipment, technology, and services from the United States.”

Pub. L. 116–260, §4001(2), in subpar. (F), as redesignated, inserted “, including technology development to reduce emissions of carbon dioxide and associated emissions of heavy metals within coal combustion residues and gas streams resulting from fossil fuel use and production” before period at end.

Pub. L. 116–260, §4001(1), redesignated pars. (1) to (7) of subsec. (a) as subpars. (A) to (G), respectively, and realigned margins.

Subsec. (a)(3). Pub. L. 116–260, §4001(6), added par. (3).

**§ 16291a. Property interests**

That for all programs funded under Fossil Energy appropriations in this and subsequent Acts, the Secretary may vest fee title or other property interests acquired under projects in any entity, including the United States.

(Pub. L. 113–76, div. D, title III, Jan. 17, 2014, 128 Stat. 165.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2014, and also as part of the Consolidated Appropriations Act, 2014, and not as part of the Energy Policy Act of 2005 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

DEFINITIONS

For definition of “this [Act]”, referred to in text, see section 3 of Pub. L. 113–76, set out as a note under section 1 of Title 1, General Provisions.

**§ 16292. Carbon capture technology program**

**(a) Definitions**

In this section:

**(1) Large-scale pilot project**

The term “large-scale pilot project” means a pilot project that—

(A) represents the scale of technology development beyond laboratory development and bench scale testing, but not yet advanced to the point of being tested under real operational conditions at commercial scale;

(B) represents the scale of technology necessary to gain the operational data needed to understand the technical and performance risks of the technology before the application of that technology at commercial scale or in commercial-scale demonstration; and

(C) is large enough—

(i) to validate scaling factors; and

(ii) to demonstrate the interaction between major components so that control philosophies for a new process can be developed and enable the technology to advance from large-scale pilot project application to commercial-scale demonstration or application.

**(2) Natural gas**

The term “natural gas” means any fuel consisting in whole or in part of—

(A) natural gas;

(B) liquid petroleum gas;

(C) synthetic gas derived from petroleum or natural gas liquids;

(D) any mixture of natural gas and synthetic gas; or

(E) biomethane.

**(3) Natural gas electric generation facility**

**(A) In general**

The term “natural gas electric generation facility” means a facility that generates electric energy using natural gas as the fuel.

**(B) Inclusions**

The term “natural gas electric generation facility” includes without limitation a new or existing—

(i) simple cycle plant;

(ii) combined cycle plant;

(iii) combined heat and power plant; or

(iv) steam methane reformer that produces hydrogen from natural gas for use in the production of electric energy.

**(4) Program**

The term “program” means the program established under subsection (b)(1).

**(5) Transformational technology**

**(A) In general**

The term “transformational technology” means a technology that represents a sig-