

rior, and Secretary of State, and the Federal Energy Regulatory Commission, shall coordinate training and outreach efforts for international commercial energy markets in countries with developing and restructuring economies.

**(b) Components**

The training and outreach efforts referred to in subsection (a) may include—

- (1) production-related fiscal regimes;
- (2) grid and network issues;
- (3) energy user and demand side response;
- (4) international trade of energy; and
- (5) international transportation of energy.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$1,500,000 for each of fiscal years 2007 through 2010.

(Pub. L. 109–58, title IX, §986A, Aug. 8, 2005, 119 Stat. 910.)

PART I—RESEARCH ADMINISTRATION AND OPERATIONS

**§ 16351. Availability of funds**

Funds authorized to be appropriated to the Department under this Act or an amendment made by this Act shall remain available until expended.

(Pub. L. 109–58, title IX, §987, Aug. 8, 2005, 119 Stat. 910.)

**Editorial Notes**

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 109–58, Aug. 8, 2005, 119 Stat. 594, known as the Energy Policy Act of 2005, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 15801 of this title and Tables.

**§ 16352. Cost sharing**

**(a) Applicability**

Notwithstanding any other provision of law, in carrying out a research, development, demonstration, or commercial application program or activity that is initiated after August 8, 2005, the Secretary shall require cost-sharing in accordance with this section.

**(b) Research and development**

**(1) In general**

Except as provided in paragraphs (2), (3), and (4) and subsection (f), the Secretary shall require not less than 20 percent of the cost of a research or development activity described in subsection (a) to be provided by a non-Federal source.

**(2) Exclusion**

Paragraph (1) shall not apply to a research or development activity described in subsection (a) that is of a basic or fundamental nature, as determined by the appropriate officer of the Department.

**(3) Reduction**

The Secretary may reduce or eliminate the requirement of paragraph (1) for a research

and development activity of an applied nature if the Secretary determines that the reduction is necessary and appropriate.

**(4) Exemption for institutions of higher education and other nonprofit institutions**

**(A) In general**

Paragraph (1) shall not apply to a research or development activity performed by an institution of higher education or nonprofit institution (as defined in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703)).

**(B) Termination date**

The exemption under subparagraph (A) shall apply during the 2-year period beginning on August 9, 2022.

**(c) Demonstration and commercial application**

**(1) In general**

Except as provided in paragraph (2) and subsection (f), the Secretary shall require that not less than 50 percent of the cost of a demonstration or commercial application activity described in subsection (a) to<sup>1</sup> be provided by a non-Federal source.

**(2) Reduction of non-Federal share**

The Secretary may reduce the non-Federal share required under paragraph (1) if the Secretary determines the reduction to be necessary and appropriate, taking into consideration any technological risk relating to the activity.

**(d) Calculation of amount**

In calculating the amount of a non-Federal contribution under this section, the Secretary—

(1) may include allowable costs in accordance with the applicable cost principles, including—

- (A) cash;
- (B) personnel costs;
- (C) the value of a service, other resource, or third party in-kind contribution determined in accordance with the applicable circular of the Office of Management and Budget;
- (D) indirect costs or facilities and administrative costs; or
- (E) any funds received under the power program of the Tennessee Valley Authority (except to the extent that such funds are made available under an annual appropriation Act); and

(2) shall not include—

- (A) revenues or royalties from the prospective operation of an activity beyond the time considered in the award;
- (B) proceeds from the prospective sale of an asset of an activity; or
- (C) other appropriated Federal funds.

**(e) Repayment of Federal share**

The Secretary shall not require repayment of the Federal share of a cost-shared activity under this section as a condition of making an award.

**(f) Exclusions**

This section shall not apply to—

<sup>1</sup> So in original. The word “to” probably should not appear.