EXHIBIT B

Exhibit B to the Supplemental McLorg Declaration – Statutes Cited by Department of Energy

Statute	Applicable Grants/Researcher Affected	Statutory Consideration
EPAct 2005 § 911(a)(2)(B) and § 911(a)(2)(C), 42 U.S.C. § 16191	EE0009779/ Scott Samuelsen	"(A) Increasing the energy efficiency of vehicles, buildings, and industrial processes; (B) reducing the demand of the United States for energy, especially energy from foreign sources; (C) reducing the cost of energy and making the economy more efficient and competitive; (D) improving the energy security of the United States; (E) Reducing the environmental impact of energy-related activities." 42 U.S.C. § 16191.
EPAct 2005 § 931(a)(2)(A), 42 U.S.C. § 16231	EE0010190/Vinod Narayanan	"(A) Increasing the conversion efficiency of all forms of renewable energy through improved technologies. (B) Decreasing the cost of renewable energy generation and delivery. (C) Promoting the diversity of the 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. (G) Increasing the export of renewable generation equipment from the United States."
IIJA § 41007(c)(3)	EE0010499/ Jeffrey Long	Appropriates funds to "carry out activities under section 3004(b)(4)" cited as 42 U.S.C § 16238(b)(4). That section provides that "in carrying out the program, the Secretary shall award financial assistance to eligible entities for research, development, demonstration, and commercialization projects to create innovative and practical approaches to increase the reuse and recycling of solar energy technologies" including through a number of means. There is nothing in this statute that authorizes the Secretary or DOE to utilize political considerations in spending decisions.
Energy Act of 2020 § 3004(b)(4), 42 U.S.C. § 16238(b)(4)	EE0010499/ Jeffrey Long	Statutory goal "to create innovative and practical approaches to increase the reuse and recycling of solar energy technologies." Further provides that "[i]n carrying out the activities authorized under this subsection, the Secretary shall give special consideration to projects that recover critical materials." 42 U.S.C. § 16238(b)(4)(C).
EPAct 2005 Title VIII §§ 801 to 816, 42 U.S.C. §§ 16151 to 16165	EE0010751/ Vojislav Stamenkovic, EE0011322/ Shannon Boettcher, EE0011326/Iryna	Statutory goals "(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,

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	Zenyuk, EE0011345/Iryna Zenyuk and Ali Mohroz, EE0011347/Plamen Atanassov, EE0011353/Iryna Zenyuk, CD0000041/Plamen Atanassov	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." 42 U.S.C. § 16151 Further, the clean hydrogen program's goals "shall be" "(1) to advance research and development to demonstrate and commercialize the use of clean hydrogen in the transportation, utility, industrial, commercial, and residential sectors; and (2) to demonstrate a standard of clean hydrogen production in the transportation, utility, industrial, commercial, and residential sectors by 2040." 42 U.S.C. § 16154(b). "Funding" requires that the "Secretary shall carry out the programs … using a competitive, merit-based review process and consistent with the generally applicable Federal laws and regulations governing awards of financial assistance, contracts, or other agreements." *Id.* subd. (g)(1).
EPAct 2005 Title VIII §§ 801 to 816, 42 U.S.C. §§ 16161c to 16161d	EE0011322/Shannon Boettcher, EE0011326/Iryna Zenyuk, EE0011345/Iryna Zenyuk and Ali Horoz, EE0011347/Plamen Atanassov, EE0011353/Iryna Zenyuk	"[T]he Secretary shall award multiyear grants to…eligible entities (as determined by the Secretary) for research, development and demonstration projects to advance new clean hydrogen production processing, delivery, storage, and use equipment manufacturing technologies and techniques." 42 U.S.C. 16161c(a)(1). This provision also prioritizes projects that increase efficiency and cost-effectiveness, support domestic supply chains, use nonhazardous alternatives, partner with Tribal or territorial entities, or locate in economically distressed major natural-gas-producing regions. *Id.* Section 16161d also requires that "the Secretary shall establish a research, development, demonstration, commercialization, and deployment program for purposes of commercialization to improve the efficiency, increase the durability, and reduce the cost of producing clean hydrogen using electrolyzers" with a goal toward "reducing the cost of hydrogen produced using electrolyzers to less than $2 per kilogram of hydrogen by 2026" and "any other goals that the Secretary determines are appropriate." 42 U.S.C. § 16161d(b)-(c). The goals of the EPAct 2005 Title VIII described above apply to these grants.
EPA Act 2005 Title VIII §§ 801 to 816, 42 U.S.C. § 16161a	CD0000041/Plamen Atanassov	Section 16161a establishes a program to support at least four regional clean hydrogen hubs that aid the clean hydrogen production standard, demonstrate production, processing, delivery, storage, and end-use of clean hydrogen, and can develop into a national clean hydrogen network. The statute prescribes selection criteria including feedstock diversity, end-use diversity, geographic diversity, hubs in natural-gas-producing regions, employment, and additional criteria necessary or appropriate

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		to carry out the hydrogen subchapter. The statute authorizes grants to selected hubs to accelerate commercialization and demonstrate production, processing, delivery, storage, and end-use of clean hydrogen. The goals of the EPAct 2005 Title VIII described above apply to this grant.
Energy Act of 2020 § 9009	EE0010751/ Vojislav Stamenkovic	This provision reauthorizes DOE's hydrogen and fuel-cell technologies, vehicle technologies, and bioenergy activities, as set forth in 42 U.S.C. 12403 et seq.[1]
DOE Organization Act	FE0032382/Louise Bedsworth	The DOE Organization Act established DOE to secure coordinated and effective administration of federal energy policy and programs. *See* Section 102. The DOE Act's savings provision (42 U.S.C.§ 7295) states that existing orders, determinations, rules, regulations, contracts, certificates, licenses, and privileges continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked "in accordance with law".
EPAct § 969D, 42 U.S.C. § 16298d, as amended by IIJA § 40308	FE0032382/Louise Bedsworth	Section 16298d establishes a carbon-removal RD&D program to test, validate, or improve technologies and strategies to remove carbon dioxide from the atmosphere at large scale. It authorizes program activities involving direct air capture, bioenergy with carbon capture and sequestration, enhanced geological weathering, agricultural practices, forest management and afforestation, and planned or managed carbon sinks. *Id*. It authorizes grants for direct air capture test centers, but termination of a center during a five-year term is limited to circumstances where the Secretary determines that the center is underperforming and only "to the extent otherwise authorized by law". *Id.* The "Requirements" subsection, 16298d(c), lists factors that the Secretary "shall consider— (1) land use changes, including impacts on natural and managed ecosystems; (2) ocean acidification; (3) net greenhouse gas emissions; (4) commercial viability; (5) potential for near-term impact; (6) potential for carbon reductions on a gigaton scale; and (7) economic cobenefits."

[1] *See* Division Z – The "Energy Act of 2020" Section-by-Section, available at https://science.house.gov/_cache/files/9/e/9edc6553-02a7-4348-bf35-0f4dfb874315/DE3B9E291262569C3821A84926C56135.energy-act-of-2020-section-by-section-final.pdf.