

nancing issued by eligible States, political subdivisions, or Indian tribes,

(B) guarantee and make commitments to guarantee the payment of taxes imposed on such project by eligible non-Federal taxing authorities which taxes are earmarked by such authorities to support the payment of interest and principal on obligations for such financing, and

(C) require that the qualified borrower receiving assistance for a project under this section advance sums to eligible States, political subdivisions, and Indian tribes to pay for the financing of such development and planning: *Provided*, That the State, political subdivision, or Indian tribe agrees to provide tax abatement credits over the life of the project for such payments by such applicant.

(2) No guarantee or commitment to guarantee under paragraph (1) of this subsection shall exceed \$1,000,000.

(3) In the event of any default by the borrower in the payment of taxes guaranteed by the Secretary of Energy under this section, the Secretary of Energy shall pay out of the fund established by this subchapter such taxes at the time or times they may fall due, and shall have by reason of such payment a claim against the borrower for all sums paid plus interest.

(4) If after consultation with<sup>2</sup> State, political subdivision, or Indian tribe, the Secretary of Energy finds that the financial assistance programs of paragraph (1) of this section will not result in sufficient funds to carry out the purposes of this subsection, then the Secretary of Energy may—

(A) make direct loans to the eligible States, political subdivisions, or Indian tribes for such purposes: *Provided*, That such loans shall be made on such reasonable terms and conditions as the Secretary of Energy shall prescribe: *Provided further*, That the Secretary of Energy may waive repayment of all or part of a loan made under this paragraph, including interest, if the State or political subdivision or Indian tribe involved demonstrates to the satisfaction of the Secretary of Energy that due to a change in circumstances there will be net adverse impacts resulting from such project that would probably cause such State, subdivision, or tribe to default on the loan; or

(B) require that any community development and planning costs which are associated with, or result from, such project, and which are determined by the Secretary of Energy to be appropriate for such inclusion, shall be included in the aggregate costs of the project.

(5) The Secretary of Energy is further authorized to make grants to States, political subdivisions, or Indian tribes for studying and planning for the potential economic, environmental, and social consequences of projects and for establishing related management expertise.

(6) At any time the Secretary of Energy may, in consultation with the Secretary of the Treasury, redeem, in whole or in part, out of the fund established by this section, the debt obligations guaranteed or the debt obligations for which tax payments are guaranteed under this subsection.

(7) When one or more States, political subdivisions, or Indian tribes would be eligible for assistance under this subsection, but for the fact that construction and operation of the project occurs outside its jurisdiction, the Secretary of Energy is authorized to provide, to the greatest extent possible, arrangements for equitable sharing of such assistance.

(8) Such amounts as may be necessary for direct loans and grants pursuant to this subsection shall be available as provided in annual authorization Acts.

(9) The Secretary of Energy, if appropriate, shall provide assistance in the financing of up to 100 per centum of the costs of the required community development and planning pursuant to this section.

(10) In carrying out the provisions of this section, the Secretary of Energy shall provide that title to any facility receiving financial assistance under this section shall vest in the applicable State, political subdivision, or Indian tribe, as appropriate, and in the case of default by the borrower on a loan guarantee made or committed under subsection (b) of this section, such facility shall not be considered a project asset for the purposes of section 1142 of this title.

(11) The Secretary of Energy shall not use his authority under this subsection to provide Federal assistance unless any Federal funds transferred pursuant to section 9(a) of the Mineral Leasing Act Amendments of 1976 (Public Law 94-377) to the State from the lease of Federal land for or associated with the project have been or, with assurance, will be committed, to the maximum extent allowable under Federal statutes, to financing such essential community development or planning directly resulting from, or necessitated by, a project on leased Federal lands.

(Pub. L. 93-410, title II, §205, as added Pub. L. 95-238, title V, §512, Feb. 25, 1978, 92 Stat. 89; amended Pub. L. 95-91, title III, §301(a), title VII, §§703, 707, Aug. 4, 1977, 91 Stat. 577, 606, 607.)

#### REFERENCES IN TEXT

Section 9(a) of the Mineral Leasing Act Amendments of 1976 (Public Law 94-377), referred to in subsecs. (a) and (c)(11), probably means the Federal Coal Leasing Amendments Act of 1976, Pub. L. 94-377, §9(a), Aug. 4, 1976, 90 Stat. 1090, as amended, which amended section 191 of this title.

#### TRANSFER OF FUNCTIONS

“Secretary of Energy” substituted in text for “Administrator” (meaning Administrator of Energy Research and Development Administration, see section 501(2) of Pub. L. 95-238, title V, Feb. 25, 1978, 92 Stat. 86), pursuant to sections 301(a), 703, and 707 of Pub. L. 95-91, which are classified to sections 7151(a), 7293, and 7297 of Title 42, The Public Health and Welfare, and which terminated Energy Research and Development Administration and transferred its functions and functions of Administrator thereof (with certain exceptions) to Secretary of Energy.

#### § 1146. Approval or disapproval of loan guarantee applications

The Secretary, within sixty days after June 30, 1980, shall establish and implement procedures providing for a final decision on any loan guarantee application within four months of the date

<sup>2</sup> So in original. Probably should be followed by “the”.

of filing. To the maximum extent practical, an applicant should be advised (prior to the submission of the application) of all information which will be required of the applicant in processing the application; and the date of filing shall be considered to be the date when all of such information has been submitted by the applicant. Any application proposed and filed as of June 30, 1980, shall be subject to final decision within not more than four months after such date.

(Pub. L. 93-410, title II, §206, as added Pub. L. 96-294, title VI, §641(3), June 30, 1980, 94 Stat. 769.)

**§ 1147. Application of national environmental policy provisions**

The Secretary shall ensure, to the maximum extent possible, that any action undertaken pursuant to section 4332(2)(C) of title 42 which is associated with the granting of a loan guarantee under this subchapter takes the maximum cognizance allowable under law of any other action theretofore undertaken pursuant to such section 4332(2)(C) of title 42 with respect to the project which is the subject of such loan guarantee, and that no such action associated with the loan guarantee shall duplicate any action theretofore undertaken under such section 4332(2)(C) of title 42 in connection with such project, so long as all of the requirements which are applicable to such project under such section 4332(2)(C) of title 42 will have been satisfied.

(Pub. L. 93-410, title II, §207, as added Pub. L. 96-294, title VI, §641(3), June 30, 1980, 94 Stat. 769.)

SUBCHAPTER III—GENERAL PROVISIONS

**§ 1161. Protection of environment**

In the conduct of its activities, the Project and any participating public or private persons or agencies shall place particular emphasis upon the objective of assuring that the environment and the safety of persons or property are effectively protected; and the program under subchapter I of this chapter shall include such special research and development as may be necessary for the achievement of that objective.

(Pub. L. 93-410, title III, §301, Sept. 3, 1974, 88 Stat. 1088.)

**§ 1162. Final report to President and Congress on terminated projects**

(a) Repealed. Pub. L. 104-66, title I, §1051(m), Dec. 21, 1995, 109 Stat. 717.

(b) No later than one year after the termination of each demonstration project under section 1125 of this title, the Chairman of the Project shall submit to the President and the Congress a final report on the activities of the Project related to each project, including his recommendations with respect to any further legislative, administrative, and other actions which should be taken in support of the objectives of this chapter.

(Pub. L. 93-410, title III, §302, Sept. 3, 1974, 88 Stat. 1088; Pub. L. 104-66, title I, §1051(m), Dec. 21, 1995, 109 Stat. 717.)

AMENDMENTS

1995—Subsec. (a). Pub. L. 104-66 struck out subsec. (a) which read as follows: “The Chairman of the Project shall submit to the President and the Congress full and complete annual reports of the activities of the Project, including such projections and estimates as may be necessary to evaluate the progress of the national geothermal energy research, development and demonstration program and to provide the basis for as accurate a judgment as is possible concerning the extent to which the objectives of this chapter will have been achieved by June 30, 1980.”

**§ 1163. Transfer of functions**

(a) Within sixty days after the effective date of the law creating a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States (or within sixty days after September 3, 1974, if the effective date of such law occurs prior to September 3, 1974), all of the research, development, and demonstration functions (including the loan guaranty program) vested in the Project under this chapter, along with related records, documents, personnel, obligations, and other items to the extent necessary or appropriate, shall, in accordance with regulations prescribed by the Office of Management and Budget, be transferred to and vested in such organization or agency.

(b) Upon the establishment of a permanent Federal organization or agency having jurisdiction over the energy research and development functions of the United States, and when all research and development (and other) functions of the Project are transferred, the members of the Project may provide advice and counsel to the head of such organization or agency, in accordance with arrangements made at that time.

(Pub. L. 93-410, title III, §303, Sept. 3, 1974, 88 Stat. 1088.)

**§ 1164. Authorization of appropriations**

**(a) Fiscal years ending June 30, 1976, and September 30, 1977, through September 30, 1980**

For the fiscal years ending June 30, 1976, and September 30, 1977, 1978, 1979, and 1980, only such sums may be appropriated as the Congress may hereafter authorize by law.

**(b) Fiscal year ending June 30, 1975**

There are authorized to be appropriated to the National Aeronautics and Space Administration not to exceed \$2,500,000 for the fiscal year ending June 30, 1975, for the purpose of preparing the program definition under section 1122(a) of this title.

**(c) Additional sums for Project**

In addition to sums authorized to be appropriated by subsection (b) of this section, there are authorized to be appropriated to the fund not to exceed \$50,000,000 annually, such sums to carry out the provisions of the loan guaranty program by the Project under subchapter II of this chapter.

(Pub. L. 93-410, title III, §304, Sept. 3, 1974, 88 Stat. 1089.)