

a Chairman of the Board of Directors of the Corporation), the Secretary of the Treasury shall assume the duties of the Chairman of the Board of Directors of the Corporation. The Secretary of the Treasury shall have the authority to negotiate and execute agreements modifying an existing contract relating to the production of synthetic crude oil from oil shale, entered into under the Defense Production Act Amendments of 1980 [Pub. L. 96-294, title I, part A, see Short Title of 1980 Amendment note set out under section 2061 of Title 50, Appendix, War and National Defense] and subsequently transferred to the Secretary of the Treasury for administration, provided the terms and conditions of any modification(s) are revenue neutral or result in a fiscal savings to the United States Government, and in no event would increase the financial exposure of the United States Government under the contract: *Provided, however*, That the Secretary of the Treasury shall have no authority to increase the total amount of funds originally authorized for the existing contract: *And provided further*, That the Secretary shall have no authority to negotiate and execute any agreement modifying the existing contract if such modification(s) would increase or accelerate the financial support per unit for the synthetic fuel to be produced under the contract.

“(b) Notwithstanding any other provision of law, the duties and responsibilities of the Secretary of the Treasury under subtitle J of part B of title I of the Energy Security Act [42 U.S.C. 8791 to 8793] or this Act [see Tables for classification] may not be transferred to any other Federal department or agency.

“(c) Notwithstanding such termination of the Corporation, the Advisory Committee established under section 123 of the Energy Security Act (42 U.S.C. 8719) shall remain in effect to advise the Secretary of the Treasury regarding the administration of any contract or obligation of the Corporation pursuant to subtitle D of part B of title I of such Act [42 U.S.C. 8731 to 8740].

“(d) To the extent that the Secretary of the Treasury may be required to take an action under section 131(q) of the Energy Security Act [42 U.S.C. 8731(q)] in connection with an award or commitment of financial assistance under such Act [Pub. L. 96-294; see Short Title note set out under section 8801 of this title], the Secretary shall complete such action within 30 days of the date of enactment of this Act [Apr. 7, 1986].

“SEC. 7405. SALARIES AND COMPENSATION RIGHTS.

“(a) The Director of the Office of Personnel Management shall, before February 1, 1986, determine the amount of compensation or benefits which each Director, officer, or employee of the Corporation shall be legally entitled to under any contract as of the date of enactment of this Act [Apr. 7, 1986].

“(b) Effective on the date of enactment of this Act [Apr. 7, 1986], no change in any Director, officer, or employee compensation or benefits shall be allowed or permitted, unless the Director of the Office of Personnel Management agrees that such change is reasonable.

“(c) Effective on the date of enactment of this Act [Apr. 7, 1986]—

“(1) no officer or employee of the Corporation shall receive a salary in excess of the rate of basic pay payable for level IV of the Executive Schedule under title 5 of the United States Code; and

“(2) the Corporation shall not waive any requirements in its By-Laws which are necessary for a Director, officer, or employee to qualify for pension or termination benefits under the By-Laws and written personnel policies and procedures in effect on the date of enactment of this Act [Apr. 7, 1986].

“SEC. 7406. REPORT TO THE CONGRESS.

“The Corporation shall, within 60 days of the date of enactment of this Act [Apr. 7, 1986], transmit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Energy and Commerce and Committee on Banking, Housing and Urban Affairs of the House of Representatives a report—

“(1) containing a review of implementation of its Phase I Business Plan dated February 19, 1985; and

“(2) fulfilling the requirements of section 126(b)(3) of the Energy Security Act (42 U.S.C. 8722(b)(3)).”
Similar provisions were contained in Pub. L. 99-190, § 101(d) [title II, § 201], Dec. 19, 1985, 99 Stat. 1224, 1249.

SUBCHAPTER XI—DEPARTMENT OF THE TREASURY

§ 8795. Omitted

CODIFICATION

Section, Pub. L. 96-294, title I, § 195, June 30, 1980, 94 Stat. 682, which authorized appropriations to purchase corporate obligations and authorized public debt status for purchases and redemptions of corporate obligations, was omitted from the Code in view of termination of United States Synthetic Fuels Corporation. See note set out under section 8791 of this title.

CHAPTER 96—BIOMASS ENERGY AND ALCOHOL FUELS

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8803. Funding.
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8813. Insured loans.
 (a) Authority of Secretary of Agriculture; maximum amount per project.
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Municipal waste energy development plan.</p> | <p>Sec.</p> <p>(c) Funding requirements; “insured loan” defined.</p> <p>(d) Preconditions.</p> <p>(a) Authority of Secretary concerned.</p> <p>(b) Estimated project construction costs as determinative of initial and revised amount of guarantee.</p> <p>(c) Debt obligation; ineligibility for purchase, etc., by Federal Financing Bank or any Federal agency.</p> <p>(d) Terms and conditions.</p> <p>(e) Termination, cancellation, or revocation, and conclusive nature of guarantee.</p> <p>(f) Payment to lender.</p> <p>(g) Preconditions.</p> <p>(a) Authority of Secretary concerned; minimum sales price.</p> <p>(b) Cost-plus arrangements as basis.</p> <p>(c) Maximum dollar amount of liability of United States.</p> <p>(d) Renegotiation of sales price and maximum liability.</p> <p>(a) Authority of Secretary concerned; consultative requirements.</p> <p>(b) Maximum sales price.</p> <p>(c) Assurances required.</p> <p>(d) Arrangements for delivery pursuant to agreement; charge to Federal agency receiving delivery.</p> <p>(e) Consultative requirements.</p> <p>(f) Terms and conditions.</p> <p>(g) Maximum dollar amount of liability of United States.</p> <p>(h) Renegotiation of sales price and maximum liability.</p> <p>(a) Priorities, terms, availability, etc.</p> <p>(b) Terms, conditions, maturity, etc., for insured loans, and loan guarantees.</p> <p>(c) Application requirements.</p> <p>(d) Reports and recordkeeping.</p> <p>(e) Contracts and instruments of Secretary concerned backed by full faith and credit of United States.</p> <p>(f) Contestability of contracts.</p> <p>(g) Fees for loan guarantees, etc.</p> <p>(h) Deposit of amounts received by Secretary concerned.</p> <p>(a) Repealed.</p> <p>(b) Comprehensive list of loans, grants, etc.</p> <p>(c) Annual reports; report evaluating overall impact and plan for termination of Office of Alcohol Fuels.</p> <p>(a) Establishment in Department of Energy; appointment and compensation of Director.</p> <p>(b) Responsibilities of Director.</p> <p>(c) Annual authorization and appropriation requests for support of Office.</p> <p>(d) Consultations respecting coordination of programs.</p> <p>(a) Transmittal to President and Congress.</p> <p>(c) Required statements.</p> <p>(d) Report to President and Congress; contents.</p> <p>8832. Construction loans.</p> <p>(a) Authority of Secretary of Energy.</p> <p>(b) Estimated project construction costs as determinative of initial and revised amount of loan; interest rate.</p> <p>(c) Preconditions.</p> <p>8833. Guaranteed construction loans.</p> <p>(a) Authority of Secretary of Energy.</p> <p>(b) Estimated project construction costs as determinative of revised amount of guarantee.</p> <p>(c) Terms and conditions.</p> <p>(d) Termination, cancellation, or revocation, and conclusive nature of guarantee.</p> <p>(e) Payment to lender.</p> <p>(f) Preconditions.</p> <p>(g) Payment of interest; tax consequences.</p> <p>(h) Fees.</p> <p>8834. Price support loans and price guarantees.</p> <p>(a) Authority of Secretary of Energy with respect to loans for existing projects; disbursements, etc.</p> <p>(b) Authority of Secretary of Energy with respect to loans for new projects; disbursements, etc.</p> <p>(c) Authority of Secretary of Energy with respect to guarantees for new projects; pricing determinations, etc.</p> <p>(d) Definitions; sale price of retained fuel; rules relating to fuel displacement.</p> <p>8835. 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Jurisdiction of Department of Energy and Environmental Protection Agency.</p> <p>8839. Office of Energy from Municipal Waste.</p> <p>(a) Establishment in Department of Energy; appointment of Director.</p> <p>(b) Functions.</p> <p>(c) Consultations respecting implementation of functions.</p> <p>(d) Transfer of related functions and personnel from Department of Energy.</p> <p>8840. Termination of authorities.</p> <p style="text-align: center;">SUBCHAPTER III—RURAL, AGRICULTURAL, AND FORESTRY BIOMASS ENERGY</p> <p>8851. Model demonstration biomass energy facilities; establishment, public inspection, etc.; authorization of appropriations.</p> |
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8852. Coordination of research and extension activities; consultative requirements.
8853. Lending for energy production and conservation projects by production credit associations, Federal land banks, and banks for cooperatives.
8854. Utilization of National Forest System in wood energy development projects.
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SUBCHAPTER IV—MISCELLANEOUS BIOMASS PROVISIONS

8871. Use of gasohol in Federal motor vehicles.
- (a) Exercise of President's authority pursuant to executive order respecting use.
- (b) Exceptions.
- (c) Gasohol requirements.

§ 8801. Congressional findings

The Congress finds that—

(1) the dependence of the United States on imported petroleum and natural gas must be reduced by all economically and environmentally feasible means, including the use of biomass energy resources; and

(2) a national program for increased production and use of biomass energy that does not impair the Nation's ability to produce food and fiber on a sustainable basis for domestic and export use must be formulated and implemented within a multiple-use framework.

(Pub. L. 96-294, title II, §202, June 30, 1980, 94 Stat. 683.)

SHORT TITLE

Section 1 of Pub. L. 96-294 provided: "That this Act [enacting chapters 95 to 97, and sections 6347, 7361 to 7364, 7371 to 7375, 8235 to 8235i, 8281 to 8284, 8285 to 8285c, and 8286 to 8286b of this title, sections 1435 and 3129 of Title 7, Agriculture, sections 3601 to 3620 of Title 12, Banks and Banking, section 3391a of Title 15, Commerce and Trade, sections 1146, 1147, 1501, 1511 to 1516, 1521, 1522, 1531, 1541, and 1542 of Title 30, Mineral Lands and Mining, and sections 2075, 2076, and 2095 to 2098 of the Appendix to Title 50, War and National Defense, amending sections 6240, 6862 to 6872, 8211, 8213, 8214, 8216, 8217, 8221, 8255, 8271, and 8274 to 8276 of this title, sections 341, 342, 427, and 3154 of Title 7, section 7430 of Title 10, Armed Forces, sections 1451, 1454, 1717, 1723g, and 1723h of Title 12, section 753 of Title 15, sections 590h, 796, 824a-3, 824i, 824j, 1642, 2705, and 2708 of Title 16, Conservation, sections 1141 and 1143 of Title 30, and sections 2062, 2091 to 2093, 2151, 2161, and 2166 of the Appendix to Title 50, repealing section 1723f of Title 12, and enacting provisions set out as notes under this section and sections 6240, 7371, 8211, 8235, 8701, and 8901 of this title, section 3601 of Title 12, section 2701 of Title 16, section 1501 of Title 30, and sections 2061 and 2062 of the Appendix to Title 50] may be cited as the 'Energy Security Act'."

Section 201 of title II of Pub. L. 96-294 provided that: "This title [enacting this chapter, sections 1435 and 3129 of Title 7, Agriculture, and section 3391a of Title 15, Commerce and Trade, and amending sections 341, 342, 427, and 3154 of Title 7, section 753 of Title 15, and sections 590h and 1642 of Title 16, Conservation] may be cited as the 'Biomass Energy and Alcohol Fuels Act of 1980'."

§ 8802. Definitions

As used in this chapter—

(1) The term "alcohol" means alcohol (including methanol and ethanol) which is produced from biomass and which is suitable for

use by itself or in combination with other substances as a fuel or as a substitute for petroleum or petrochemical feedstocks.

(2)(A) The term "biomass" means any organic matter which is available on a renewable basis, including agricultural crops and agricultural wastes and residues, wood and wood wastes and residues, animal wastes, municipal wastes, and aquatic plants.

(B) For purposes of subchapter I of this chapter, such term does not include municipal wastes; and for purposes of subchapter III of this chapter, such term does not include aquatic plants and municipal wastes.

(3) The term "biomass fuel" means any gaseous, liquid, or solid fuel produced by conversion of biomass.

(4) The term "biomass energy" means—

(A) biomass fuel; or

(B) energy or steam derived from the direct combustion of biomass for the generation of electricity, mechanical power, or industrial process heat.

(5) The term "biomass energy project" means any facility (or portion of a facility) located in the United States which is primarily for—

(A) the production of biomass fuel (and by-products); or

(B) the combustion of biomass for the purpose of generating industrial process heat, mechanical power, or electricity (including cogeneration).

(6) The term "Btu" means British thermal unit.

(7) The term "cogeneration" means the combined generation by any facility of—

(A) electrical or mechanical power, and

(B) steam or forms of useful energy (such as heat) which are used for industrial, commercial, heating, or cooling purposes.

(8) The term "cooperative" means any agricultural association, as that term is defined in section 1141j(a) of title 12.

(9)(A) The term "construction" means—

(i) the construction or acquisition of any biomass energy project;

(ii) the conversion of any facility to a biomass energy project; or

(iii) the expansion or improvement of any biomass energy project which increases the capacity or efficiency of that facility to produce biomass energy.

(B) Such term includes—

(i) the acquisition of equipment and machinery for use in or at the site of a biomass energy project; and

(ii) the acquisition of land and improvements thereon for the construction, expansion, or improvement of such a project, or the conversion of a facility to such a project.

(C) Such term does not include the acquisition of any facility which was operated as a biomass energy project before the acquisition.

(10) The term "Federal agency" means any Executive agency, as defined in section 105 of title 5.

(11)(A) The term "financial assistance" means any of the following forms of financial