

the amount of the other insurance which is available at reasonable premiums for the purpose of indemnifying the applicant against the risk; (4) the amount of investment insurance available pursuant to this section, which shall be the difference between the total investment subject to the risk and the total other insurance determined to be available at reasonable premiums, but not in excess of the lesser of 90 per centum of, or \$50,000,000 of, the loss of investment subject to the risk; and (5) any reasonable terms and conditions necessary for the prudent administration of the program, including reasonable premiums for the insurance pursuant to this section (which shall be deposited in the Geothermal Resources Development Fund).

**(f) Certificate of insurance; issuance, etc.**

The Secretary, within ninety days after making and submitting the determinations under subsection (e) of this section, and upon agreement of the applicant to such determinations, shall issue a certificate of insurance containing such terms and conditions as the Secretary shall specify, which shall not be transferrable without the express approval of the Secretary for good cause shown, and shall execute a contract with the applicant setting forth the terms and conditions of the investment insurance and such other provisions as may be necessary to protect the interests of the United States, including provisions with respect to the ownership, use, and disposition of any currency, credits, assets, or investments on account of which payment under such insurance is to be made and any right, title, claim, or course of action existing in relation thereto.

**(g) Compensation payable to holder of certificate of insurance; amount, etc.**

Any holder of a certificate of insurance pursuant to subsection (f) of this section who claims a loss of value of his investment by reason of the specified risk shall receive compensation, to the extent the Secretary determines that the holder is eligible to receive compensation pursuant to the certificate and the contract, in the amount of the loss incurred by the holder which is subject to insurance and for which the holder has not received and will not receive compensation from other insurance.

**(h) Withdrawal and payment of compensation**

Any compensation received by the holder shall be withdrawn from the Geothermal Resources Development Fund. The full faith and credit of the United States is hereby pledged to the payment of any compensation under this section.

**(i) Denial of insurance**

A person shall not be denied insurance pursuant to this section solely because such person is the recipient of other Federal assistance under this or any other Act.

**(j) Appropriations**

There may be appropriated to the Geothermal Resources Development Fund (established pursuant to section 1144 of this title), for purposes of this section, such amounts as are authorized for such purposes in the law referred to in subsection (a) of this section or in other legislation hereafter enacted.

**(k) Reinsurance agreements; procedures applicable; criteria; report to Congress**

The Secretary may enter into agreements to reinsure any private insurer for any risk associated with insurance for the development and utilization of a geothermal resource and associated reservoir, using the procedures set forth in subsections (c) through (i) of this section, to the extent that he deems it appropriate in order to provide an incentive for the participation of the private insurance industry in geothermal development; and he may also use any other available authority to obtain such participation. The Secretary shall submit a report to the Congress, within one year after the enactment of the law referred to in subsection (a) of this section, on the need for any additional authority to obtain such participation.

(Pub. L. 96-294, title VI, § 622, June 30, 1980, 94 Stat. 765.)

REFERENCES IN TEXT

Section 27A of the Merchant Marine Act, 1920, referred to in subsec. (b)(7), is section 27A of act June 5, 1920, ch. 250, as added Pub. L. 85-902, Sept. 2, 1958, 72 Stat. 1736, which was classified to section 883-1 of the former Appendix to Title 46, Shipping, and was repealed and restated in section 12118 of Title 46, Shipping, by Pub. L. 109-304, §§ 5, 19, Oct. 6, 2006, 120 Stat. 1491, 1710.

This Act, referred to in subsec. (i), is Pub. L. 96-294, June 30, 1980, 94 Stat. 611, as amended, known as the Energy Security Act. For complete classification of this Act to the Code, see Short Title note set out under section 8801 of Title 42, The Public Health and Welfare, and Tables.

CODIFICATION

In subsec. (b)(7), "section 50501 of title 46" substituted for "section 2(a)-(c) of the Shipping Act, 1916 (46 U.S.C. 802)" on authority of Pub. L. 109-304, § 18(c), Oct. 6, 2006, 120 Stat. 1709, which Act enacted section 50501 of Title 46, Shipping.

SUBCHAPTER III—ESTABLISHMENT OF ASSISTANCE PROGRAM

**§ 1531. Feasibility study loan program**

**(a) Authorization; purposes**

The Secretary is authorized and directed to establish a program of assistance for the accelerated development of geothermal resources for nonelectric applications by geothermal utility districts, geothermal industrial development districts, and other persons.

**(b) Maximum amount of loan for costs of administration; cancellation of unpaid balance and accrued interest**

(1) In providing assistance under the program established pursuant to subsection (a) of this section, the Secretary is authorized to make a loan to any person to defray up to 90 per centum of the costs of (A) studies to determine the feasibility of any geothermal development described in such subsection, and (B) preparing applications for any necessary licenses or other Federal, State, and local approvals respecting such development.

(2) The Secretary may cancel the unpaid balance and any accrued interest on any loan granted for a study pursuant to clause (A) of paragraph (1) if he determines, on the basis of

the study, that the geothermal development is not technically or economically feasible.

**(c) Maximum amount of loan for costs of construction**

In providing assistance under such program, the Secretary is also authorized to make a loan to any person to defray up to 75 per centum of the costs directly related to the construction of a system or systems for nonelectric geothermal development pursuant to such subsection, where the Secretary finds that—

- (1) all necessary licenses and other required Federal, State, and local approvals for construction of such system or systems have been or will be issued,
- (2) the project involved will comply with all applicable laws relating to protection of the environment, and
- (3) the applicant requires such assistance to undertake and complete the project.

**(d) Interest rate; term**

Each loan made pursuant to this section shall bear interest at a discount or interest rate equal to the rate in effect (at the time the loan is made) for water resources planning projects under section 80 of the Water Resources Development Act of 1974 (42 U.S.C. 1962(d)–17(a)).<sup>1</sup> Each loan shall be for such term as the Secretary deems appropriate, but not in excess of ten years for loans under subsection (b) of this section or thirty years for loans under subsection (c) of this section.

**(e) Funding; deposit of amount repaid**

Loans pursuant to this section shall be made from funds appropriated (pursuant to this subchapter) to the Geothermal Resources Development Fund established under section 1144 of this title; and amounts repaid on such loans shall be deposited in the Geothermal Resources Development Fund for purposes of this subchapter.

**(f) Authorization of appropriations**

For loans under clause (A) of subsection (b)(1) of this section for fiscal year 1981, there is authorized to be appropriated to the Geothermal Resources Development Fund not to exceed \$5,000,000, which shall remain available until expended. For loans under such clause (A) for subsequent fiscal years, and for loans under clause (B) of subsection (b)(1) of this section or under subsection (c) of this section (for any such subsequent fiscal year), there may be appropriated to such Fund only such sums as are authorized by legislation hereafter enacted.

**(g) "Person" defined**

As used in this section, the term "person" includes municipalities, cooperatives, industrial development agencies, nonprofit organizations, and Indian tribes, as well as the districts referred to in subsection (a) of this section and the other entities included within such term under section 1 of title 1.

(Pub. L. 96–294, title VI, §631, June 30, 1980, 94 Stat. 767.)

<sup>1</sup> So in original. Should be "(42 U.S.C. 1962d–17(a))."

SUBCHAPTER IV—FEDERAL FACILITIES

**§ 1541. Use of geothermal energy in Federal facilities**

The option of using geothermal energy or geothermal energy resources shall be considered fully in any new Federal building, facility, or installation which is located in a geothermal resource area as designated by the Secretary.

(Pub. L. 96–294, title VI, §642, June 30, 1980, 94 Stat. 769.)

**§ 1542. Regulations**

All regulations made with respect to this subchapter shall be promulgated no later than six months after June 30, 1980.

(Pub. L. 96–294, title VI, §644, June 30, 1980, 94 Stat. 770.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original "this subtitle", meaning subtitle D of title VI of Pub. L. 96–294, June 30, 1980, 94 Stat. 768, which enacted this subchapter and sections 1146 and 1147 of this title and amended sections 1141 and 1143 of this title and sections 796, 824a–3, 824i, and 824j of Title 16, Conservation.

**CHAPTER 28—MATERIALS AND MINERALS POLICY, RESEARCH, AND DEVELOPMENT**

|       |   |
|-------|---|
| Sec.  |   |
| 1601. | Congressional statement of findings; "materials" defined.               |
| 1602. | Congressional declaration of policies.                                  |
| 1603. | Implementation of policies.   |
| 1604. | Program administration.   |
| 1605. | Applicability to other statutory national mining and minerals policies. |

**§ 1601. Congressional statement of findings; "materials" defined**

(a) The Congress finds that—

(1) the availability of materials is essential for national security, economic well-being, and industrial production;

(2) the availability of materials is affected by the stability of foreign sources of essential industrial materials, instability of materials markets, international competition and demand for materials, the need for energy and materials conservation, and the enhancement of environmental quality;

(3) extraction, production, processing, use, recycling, and disposal of materials are closely linked with national concerns for energy and the environment;

(4) the United States is strongly interdependent with other nations through international trade in materials and other products;

(5) technological innovation and research and development are important factors which contribute to the availability and use of materials;

(6) the United States lacks a coherent national materials policy and a coordinated program to assure the availability of materials critical for national economic well-being, national defense, and industrial production, including interstate commerce and foreign trade; and