

"(A) performs any function or duty under this section; and

"(B) (i) has any known financial interest in any person who is applying for or receiving financial assistance for a commercial demonstration facility under this section; or

"(ii) has any known financial interest in property from which biomass or other energy resources are commercially produced in connection with any commercial demonstration facility receiving financial assistance under this section;

shall, beginning February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(2) The Administrator shall

"(A) act within ninety days after the date of enactment of this Act—

"(1) to define the term 'known financial interest' for purposes of paragraph (1) of this subsection; and

"(ii) to establish the methods by which the requirement to file written statements specified in paragraph (1) will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(B) report to the Congress on June 1 of each calendar year with respect to such disclosures, and the actions taken in regard thereto during the preceding calendar year.

"(3) In the rules prescribed in paragraph (2) of this subsection, the Administrator may identify specific positions within the Administration which are of a nonpolicy-making nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this subsection.

"(4) Any officer or employee who is subject to, and knowingly violates, this subsection or any regulation issued thereunder shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

"(5) Nothing in this section shall be construed as affecting obligations of any borrower receiving a guarantee pursuant to this section to comply with Federal and State environmental land use, water, and health and safety laws and regulations or to obtain applicable Federal and State permits, licenses, and certificates.

"(6) The information maintained by the Administrator under this section shall be made available to the public, subject to the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination: *Provided*, That upon a showing satisfactory to the Administrator by any person that any information, or portion thereof, obtained under this section by the Administrator directly or indirectly from such person would, if made public, divulge (1) trade secrets or (2) other proprietary information of such person, the Administrator shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code: *Provided further*, That the Administrator shall, upon request, provide such information (A) any delegate of the Administrator for the purpose of carrying out this Act, and (B) the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Federal Trade Commission, the Federal Energy Administration, the Environmental Protection Agency, the Federal Power Commission, the General Accounting Office, other Federal agencies, or heads of other Federal agencies, when necessary to carry out their duties and responsibilities under this and other statutes, but such agencies and agency

heads shall not release such information to the public. This section is not authority to withhold information from Congress, or from any committee of Congress upon request of the chairman. For the purposes of this subsection, the term 'person' shall include the borrower.

"(7) Notwithstanding any other provision of this section, the authority to make guarantees or commitments to guarantee under subsection (b) (1), the authority to make contracts under subsection (b), the authority to charge and collect fees under subsection (j), and the authorities under subsection (m) of this section shall be effective only to the extent provided, without fiscal year limitation, in appropriation Acts enacted after the date of enactment of this section.

"(8) For purposes of this section 'biomass' shall include, but is not limited to, animal and timber waste, urban and industrial waste, sewerage sludge, and oceanic and terrestrial crops."

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments were agreed to en bloc.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 95-70), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE MEASURE

The purpose of S. 37 is to amend the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) so as to provide the Energy Research and Development Administration with authority to utilize loan guarantees in the research, development and demonstration of energy and energy-related technologies. The bill also provides for the authorization of a loan guarantee program to provide for the financing, construction and operation of commercialized demonstration facilities for the conversion of biomass into synthetic fuel or other usable forms of energy.

SUMMARY OF MAJOR PROVISIONS

Senate bill 37 would amend the Federal Non-Nuclear Energy Research and Development Act of 1974 by authorizing the Energy Research and Development Administration to enter into agreements, subject to congressional approval, whereby the Federal Government would guarantee the repayment of interest on and principal balance of loans and other forms of financial commitments secured for design, construction and operation of energy and energy-related research, development and demonstration projects.

Second, the bill provides for the establishment of a loan guarantee program, to be administered by the Energy Research and Development Administration; whereby the Administrator of ERDA is authorized to guarantee and to make commitments to guarantee the payment of interest on, and the principal balance of, bonds, debentures,

notes, and other obligations issued on behalf of any person for the financing the construction and initiation of commercial-sized demonstration facilities for the conversion of biomass into synthetic fuel or other usable forms of energy. The total outstanding indebtedness that may be guaranteed, at any one time, by the Administration of ERDA is limited to \$300 million.

BACKGROUND AND NEED

In 1975, the then Senate Committee on Interior and Insular Affairs considered development of a national program to encourage the production of synthetic fuels through the use of Federal loan guarantees. Various private-sector concerns were still unable to obtain financing for the construction of first-of-a-kind commercialized demonstration facilities. Partial Federal assistance, however, would greatly reduce the risk. It is the reality that this Nation's domestic energy reserves are continuing to decline, and ultimately the petroleum exports will lack sufficient resources to meet the Nation's needs. The Interior Committee acted to develop a national synthetic fuels program. This Nation has vast amounts of energy stored in its coal, shale, and oil reserves; much more so than it consumes. Petroleum and natural gas are the primary purpose of enacting a synthetic fuels program, therefore, is to assure that the Nation's energy resources are fully developed. The intent is to gather information and determine whether or not these resources are technically feasible and cost effective.

By a vote of 92 to 2, the Senate the Interior Committee's recommendation last year to adopt a \$6 billion loan guarantee program. The conversion of biomass into synthetic fuels or other forms of energy included in the loan guarantee program. After agreement by Senate and House to retain the provision of a loan guarantee program, the Senate agreed to the conference report but the House representatives rejected that portion of the conference report dealing with the loan guarantee program.

In order to insure that the Nation had an opportunity to take action on a synthetic fuels option, the committee reinserted into the authorization bill for year 1977 the biomass portion of the program agreed to by the Senate. The conference during consideration of year 1978 authorization bill. Members of the Interior Committee meeting in session reiterated support for the program of a synthetic fuels program. The committee specifically did not take the broader synthetic fuels program could include coal, oil shale, geothermal energy resources) in order to take further action by the House of Representatives upon a synthetic fuels program consideration during the second session of the 94th Congress. The bill, under consideration in the House (H.R. 12112) authorized a \$4.0 billion loan guarantee support program for the production of synthetic fuels, including biomass, on a commercial demonstration scale. In legislation would have authorized demonstration of energy conservation technologies in industrial and business. A vote to adopt rules by which H.R. 12112, the membership of the House voted (193-192) to deny the adoption of the proposed rules and the measure was considered on the merits.

However, Senate and House of Representatives the fiscal year 1977 ERDA authorization (H.R. 13350) agreed to the Senate which authorized ERDA to issue loan guarantees and to undertake a \$300 million loan guarantee program to convert various forms of useful energy.