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UNTIL 12:00 NOON (EDT)

October 10, 1975

Office of the White House Press Secretary

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THE WHITE HOUSE

FACT SHEET

ENERGY INDEPENDENCE AUTHORITY

The President today submitted legislation to the Congress to create the Energy Independence Authority (EIA). The EIA will be a new government corporation to help achieve energy independence for the United States by providing loans, loan guarantees, price guarantees, or other financial assistance to private sector energy projects.

It will have a limited life (ten years); its financial outlays and commitments are intended to be recovered by the government, and will be used in conjunction with private sector financing to the maximum possible extent. It will not have authority, except for very limited periods, to own operating facilities related to energy production, transportation, or transmission.

EIA will supplement and encourage private capital investment to meet the energy needs of the nation. Its scope will range across a broad spectrum of energy supply, conservation, and energy-related environmental projects.

The Authority will have financial resources of \$100 billion, consisting of \$25 billion of equity and \$75 billion of debt. The \$100 billion for energy projects could help assure that the equivalent of up to 10-15 million barrels of oil per day of new energy production is realized by 1985.

BACKGROUND

- o The Nation's energy situation continues to deteriorate:
  - Domestic crude oil production peaked in 1970 and has declined by more than one million barrels per day since then. Production is now at a nine-year low.
  - Oil imports are about 37 percent of oil consumption and are expected to rise to more than 50 percent of consumption or 12 million barrels per day by 1985 if no new actions are taken.
  - As a result of our increasing import dependence, our payments to foreign producers for imported oil has increased from less than \$3 billion in 1970 to about \$25 billion last year and will increase by another \$2 billion annually because of the OPEC price rise announced last month.
  - Natural gas production peaked in 1973, declined by six percent last year (the equivalent of over 230 million barrels of oil), and has dropped another 8.5 percent during the first half of 1975, leading to rising curtailments of service that threaten jobs in many parts of the country.

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- Electric utility financial problems and regulatory delays have in part resulted in the cancellation or postponement of about three-fourths of all planned nuclear plants and about one-third of all coal plants previously scheduled for operation between now and 1985.
- o In his State of the Union Message, the President proposed major new initiatives to explore and develop our domestic energy resources, conserve energy resources, and reduce our vulnerability through standby authorities. Since then no major new legislation to increase domestic supply or cut energy use has been passed by the Congress.
- o The Federal Energy Administration (FEA) estimates that investments for energy independence could total about \$600 billion (in 1975 dollars) over the next ten years. While most energy projects should be able to be financed in a conventional manner, some projects in selected energy sectors will find financing more difficult:
  - Some emerging technologies, such as synthetic fuels from coal, shale oil, solar, and methods to use energy more efficiently, have uncertain economics due to long lead times and technological uncertainties, and considerable risk if world oil prices drop. The Energy Resources Council (ERC) synthetic fuels task force concluded that a variety of Federal financial incentives is needed to achieve any significant synthetic fuel production by 1985.
  - Many new projects, such as uranium enrichment plants, are too large and economically risky to be financed by the private sector alone.
  - Some industries, such as electric utilities, are not able to finance needed expansion because capital requirements are too large in light of insufficient earnings and regulatory delays or inaction.
- o A Federal role in financing and otherwise supporting projects vital to the national interest is not unprecedented, or unique. For example, the Federal Government has taken an active role in such areas as the Communications Satellite Corporation (COMSAT), crash commercialization of new technologies such as synthetic rubber plants in World War II, and uranium enrichment.

#### EIA Organization

The Energy Independence Authority will be a new government corporation. A five person Board of Directors will be appointed by the President, subject to the advice and consent of the Senate. A member of the Board will be designated by the President as its chairman and will be the chief executive officer of the Authority. No more than three of the Board members may be of any one political party. At the discretion of the President, the members may serve either full-time or part-time. A limited number of the Authority's executives may be paid without regard to executive branch salary limits, but the majority of the Authority's staff will be within the Civil Service system.

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### EIA Liquidation and Accountability

The EIA will have a legislated life of ten years, with new financial commitments permitted only in the first seven years of its existence. On or before June 30, 1983, the corporation will prepare a Liquidation Plan for the corporation's investments. The Liquidation Plan will describe how each activity, project or obligation involving financial assistance, and any substantial asset or liability will be disposed of.

The EIA will terminate on or before June 30, 1986, unless the President determines that orderly liquidation requires continuation of its authorized life for up to three years after that date. Any remaining assets, obligations or required functions after its termination will be transferred to the Secretary of the Treasury.

The EIA will submit an annual report to the Congress and will be subject to independent audits by nationally recognized public accountants, as well as by the General Accounting Office at its discretion. Also, the Energy Resources Council, and other agencies designated by the President, will be provided an opportunity to evaluate all projects before commitments are made.

### Financial Structure

The EIA will have authorized capital stock of \$25 billion and the authority to issue and to have outstanding at any one time notes, debentures, bonds or other obligations of \$75 billion. The Authority's obligations will be backed by the full faith and credit of the United States of America.

The Treasury will purchase equity and the EIA will pay an annual dividend on its outstanding capital stock, but its Board could defer such dividends if it has no earned surplus or if the Board determines that other uses of its funds in support of the goal of energy independence are more desirable. The EIA's issuance of its securities, as well as loan guarantees or other similar obligations which directly impact the capital markets in a manner similar to government debt, will be subject to approval by the Secretary of the Treasury as to the timing, method, source, interest rate, and other terms and conditions. At the discretion of the Secretary of the Treasury, EIA's obligations may be purchased directly or channeled through the Federal Financing Bank.

Total loans, guarantees, and other forms of financial assistance by the Authority over its life cannot exceed \$100 billion and it can make no further investments if its expected losses, as determined by an annual independent audit, exceed its equity and earned surplus.

The \$25 billion of equity will be subject to the appropriation process and requested incrementally as needed; the \$75 billion in borrowing authority will be requested initially as a one-time Congressional authorization without any further need for Congressional appropriations. Because the Authority is to be self-liquidating and its investments repaid, its outlays will not be included in the budget of the United States. However, the Authority's losses or gains from its operations will be included in the Federal budget.

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The Energy Independence Authority could provide financing in various forms including direct loans, loan guarantees, guarantees of price, purchase and leaseback of facilities, and the purchase of convertible or equity securities. EIA financing will not be available for projects which can be financed by the private sector and to the extent practicable, will be in the form of loans and loan guarantees.

The EIA's financial assistance will provide for the maximum participation of private financial institutions in projects. Such assistance will be provided in ways that will not give recipients undue advantage over competing firms. This will be assured through minimum interest rate requirements and other terms that will be required by the Authority before financing is executed.

Financial commitments by EIA will not be for the purpose of acquiring a permanent controlling or operating interest in commercial production, transportation, or distribution of energy. Federal ownership or operation could occur only temporarily, in the event of default, or in providing financial assistance which involves construction, testing and demonstration of a facility provided to a business on a "turnkey" basis, or in providing lease-purchase and sale-leasebacks. No permanent ownership, control and operation of energy production facilities by the Federal Government will be authorized.

#### Scope of EIA Investments

The Energy Independence Authority will concentrate on energy projects deemed critical to our national energy objectives.

The Energy Independence Authority will only support projects which meet the following criteria:

- Projects that will contribute directly and significantly to energy independence.
- Projects that would not be financed without government assistance.

The specific types of projects which the EIA could finance would be limited to projects entailing commercialization of:

- New technologies not yet in widespread domestic commercial operation either to support, produce directly, transport, or conserve energy.
- Technologies essential to the production of nuclear power.
- Conventional or new technologies for production and transmission of electric power generated by sources other than oil or gas.
- Conventional energy technologies for the production or transportation of energy that are of such size or scope that they would not otherwise be financed by the private sector or represent institutional or regulatory arrangements which are not in widespread use, or individual transportation or transmission facilities related to such energy projects.

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The projects that could be supported by the EIA range across the full spectrum of energy, excluding research. These would cover such areas as synthetic fuel technology commercialization (e.g., coal gasification, liquefaction, and production of oil from shale); other emerging technologies (e.g., solar energy or geothermal energy); and conventional technologies (e.g., uranium enrichment, coal, nuclear, and geothermal power plants).

EIA could support projects that increase efficiency of energy use and production of energy that involve new technologies not yet commercially proven. Projects of unusual size or scope could include new energy parks or major new pipelines for transportation of oil and gas.

The EIA will not relieve State regulatory commissions of their responsibility to assure the health of regulated industries. Thus, EIA financial assistance will require as a condition of assistance to a regulated utility, sound and expedited regulatory response from regulatory rate commissions, including the regulatory commission's agreement to a rate covenant with EIA and the regulated firm that assures adequate earnings to protect EIA's investment.

#### New Federal Energy Regulatory Procedures

Regulatory problems often make financing difficult by adding uncertainty about a project's ultimate fate and timing and by adding inflationary pressures to construction costs through delay. In addition to its financial authorities, the EIA legislation will establish an important new procedure for coordinating and expediting Federal regulatory proceedings that affect energy projects.

Although it would have no power to override regulatory decisions at any level of government or determine the ultimate fate of the project, the Federal Energy Administration may certify (if such certification is needed to assure expeditious completion) that any project which requires a Federal permit or other Federal action is of critical importance to achievement of energy independence.

Any Federal agency receiving such FEA certification of a project will commence promptly all proceedings needed to reach a final decision concerning the project and each Federal agency may give such proceedings priority over other matters before it. The legislation makes it the intent of the Congress that all proceedings on these critical projects be completed within 18 months and requires that each Federal agency promulgate regulations within 90 days to carry out the expediting actions contemplated in the legislation.

In order to coordinate, simplify, and expedite the processing of applications to construct, license or review energy projects, the FEA, in cooperation with all relevant Federal agencies, will oversee the entirety of the Federal approval process. The authority to approve or disapprove applications for energy projects will remain in those Federal agencies required by law to consider such projects. However, the FEA would be authorized to develop a single composite application that will be the sole application required for Federal approval prior to commencement of a project.

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