

**Calendar No. 569**

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2251**

[Report No. 103-334]

---

---

**A BILL**

To amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

---

---

AUGUST 12 (legislative day, AUGUST 11), 1994

Reported with an amendment

**Calendar No. 569**103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 2251****[Report No. 103-334]**

To amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

JUNE 30 (legislative day, JUNE 7), 1994

Mr. JOHNSTON (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

AUGUST 12 (legislative day, AUGUST 11), 1994

Reported by Mr. JOHNSTON, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

**A BILL**

To amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the “Energy Policy and
- 4 Conservation Act Amendments Act”.

1        SEC. 2. Section 2 of the Energy Policy and Conserva-  
2 tion Act (42 U.S.C. 6201) is amended—

3            (1) in paragraph (1) by striking “standby” and  
4        “; subject to congressional review, to impose ration-  
5        ing, to reduce demand for energy through the imple-  
6        mentation of energy conservation plans, and’; and

7            (2) by striking paragraphs (3) and (6).

8        SEC. 3. Title I of the Energy Policy and Conservation  
9 Act (42 U.S.C. 6211–6251) is amended—

10            (1) by striking section 102 (42 U.S.C. 6211);

11            (2) in section 105 (42 U.S.C. 6213)—

12                    (A) by amending subsection (a) to read as  
13        follows—

14        “(a) The Secretary of the Interior shall prohibit the  
15 bidding for any right to develop crude oil, natural gas,  
16 and natural gas liquids on any lands located on the Outer  
17 Continental Shelf by any person if more than one major  
18 oil company, more than one affiliate of a major oil com-  
19 pany, or a major oil company and any affiliate of a major  
20 oil company, has or have a significant ownership interest  
21 in that person, when the Secretary determines prior to any  
22 lease sale that this bidding would adversely affect competi-  
23 tion or the receipt of fair market value.’; and

24                    (B) by striking subsections (c) and (e);

25            (3) by striking section 106 (42 U.S.C. 6214);

1           (4) in section 1151 (42 U.S.C. 6231)—

2           (A) in subsection (a) by striking “limited”  
3           and “short term”; and

4           (B) by amending subsection (b) to read as  
5           follows:

6           “(b) It is the policy of the United States to provide  
7           for the creation of a Strategic Petroleum Reserve for the  
8           storage of up to 1 billion barrels of petroleum products  
9           to reduce the impact of disruptions in supplies of petro-  
10          leum products or to carry out obligations of the United  
11          States under the international energy program.”;

12          (5) in section 152 (42 U.S.C. 6232)—

13          (A) by striking paragraph (1), and

14          (B) in paragraph (11) by striking “, the  
15          Early Storage Reserve”;

16          (6) by striking section 153 (42 U.S.C. 6233);

17          (7) in section 154 (42 U.S.C. 6234)—

18          (A) by amending subsection (a)(1) to read  
19          as follows:

20          “(a)(1) A Strategic Petroleum Reserve for the stor-  
21          age of up to 1 billion barrels of petroleum products shall  
22          be created pursuant to this part.”;

23          (B) by amending subsection (b) to read as  
24          follows:

1       “(b) The Secretary, acting through the Strategic Pe-  
2 troleum Reserve Office and in accordance with this part,  
3 shall exercise authority over the development, operation,  
4 and maintenance of the Reserve.”; and

5               (C) by striking subsections (c), (d), and  
6               (e);

7               (8) by striking section 155 (42 U.S.C. 6235);

8               (9) in section 156(b) (42 U.S.C. 6236(b)), by  
9 striking “To implement the Early Storage Reserve  
10 Plan or the Strategic Petroleum Reserve Plan which  
11 has taken effect pursuant to section 159(a), the”  
12 and inserting “The”;

13              (10) by amending section 157 (42 U.S.C.  
14 6237)—

15              (A) in subsection (a), by striking “The  
16 Strategic Petroleum Reserve Plan shall provide  
17 for the establishment and maintenance of” and  
18 insert “The Secretary shall establish and main-  
19 tain as part of the Strategic Petroleum Re-  
20 serve”, and

21              (B) in subsection (b), by striking “To im-  
22 plement the Strategic Petroleum Reserve Plan,  
23 the Secretary shall accumulate and maintain”  
24 and inserting “The Secretary shall establish

1 and maintain as part of the Strategic Petro-  
2 leum Reserve”;

3 ~~(11) by striking section 158 (42 U.S.C. 6238);~~

4 ~~(12) by amending the heading for section 159~~  
5 ~~(42 U.S.C. 6239) to read, “Development, Operation,~~  
6 ~~and Maintenance of the Reserve”;~~

7 ~~(13) in section 159 (42 U.S.C. 6239)—~~

8 ~~(A) by striking subsections (a), (b), (c),~~  
9 ~~(d), and (e);~~

10 ~~(B) by amending subsection (f) to read as~~  
11 ~~follows:~~

12 ~~“(f) In order to develop, operate, or maintain the~~  
13 ~~Strategic Petroleum Reserve, the Secretary may—~~

14 ~~“(1) issue rules, regulations, or orders;~~

15 ~~“(2) acquire by purchase, condemnation, or oth-~~  
16 ~~erwise, land or interests in land for the location of~~  
17 ~~storage and related facilities;~~

18 ~~“(3) construct, purchase, lease, or otherwise ac-~~  
19 ~~quire storage and related facilities;~~

20 ~~“(4) use, lease, maintain, sell, or otherwise dis-~~  
21 ~~pose of storage and related facilities acquired under~~  
22 ~~this part, under such terms and conditions as the~~  
23 ~~Secretary may deem necessary or appropriate;~~

24 ~~“(5) acquire subject to the provisions of section~~  
25 ~~160 by purchase, exchange, or otherwise, petroleum~~

1 products for storage in the Strategic Petroleum Re-  
2 serve;

3 ~~“(6) store petroleum products in storage facili-~~  
4 ~~ties owned and controlled by the United States or in~~  
5 ~~storage facilities owned by others if those facilities~~  
6 ~~are subject to audit by the United States;~~

7 ~~“(7) execute any contracts necessary to develop,~~  
8 ~~operate, or maintain the Strategic Petroleum Re-~~  
9 ~~serve;~~

10 ~~“(8) require an importer of petroleum products~~  
11 ~~or refiner to acquire and to store and maintain, in~~  
12 ~~readily available inventories, petroleum products in~~  
13 ~~the Industrial Petroleum Reserve, under section 156;~~

14 ~~“(9) require the storage of petroleum products~~  
15 ~~in the Industrial Petroleum Reserve, under section~~  
16 ~~156, on terms that the Secretary specifies in storage~~  
17 ~~facilities owned and controlled by the United States~~  
18 ~~or in storage facilities other than those owned by the~~  
19 ~~United States if those facilities are subject to audit~~  
20 ~~by the United States;~~

21 ~~“(10) require the maintenance of the Industrial~~  
22 ~~Petroleum Reserve; and~~

23 ~~“(11) bring an action, when the Secretary con-~~  
24 ~~siders it necessary, in any court having jurisdiction~~  
25 ~~over the proceedings, to acquire by condemnation~~

1 any real or personal property, including facilities,  
 2 temporary use of facilities, or other interests in land,  
 3 together with any personal property located on or  
 4 used with the land.”;

5 (C) in subsection (g)—

6 (i) by striking “implementation” and  
 7 inserting “development”; and

8 (ii) by striking “Plan”;

9 (D) by striking subsections (h) and (i);

10 (E) by amending subsection (j) to read as  
 11 follows:

12 “(j) When a pattern of appropriations for fill of the  
 13 Strategic Petroleum Reserve develops such that a 750 mil-  
 14 lion barrel inventory can reasonably be expected to be  
 15 reached within five years by the continuation of that pat-  
 16 tern, a plan for expansion will be submitted to the Con-  
 17 gress.”; and

18 (F) by amending subsection (1) to read as  
 19 follows:

20 “(1) During any period in which drawdown and  
 21 distribution are being implemented, the Secretary  
 22 may issue rules, regulations, or orders to implement  
 23 the drawdown and distribution of the Strategic Pe-  
 24 troleum Reserve in accordance with section 523 of  
 25 this Act, without regard to the requirements of sec-



1       tion 553 of title 5, United States Code, and section  
 2       501 of the Department of Energy Organization Act  
 3       (42 U.S.C. 7191).”;

4               (14) in section 160 (42 U.S.C. 6240)—

5                       (A) in subsection (a), by striking all before  
 6               the dash and inserting the following:

7       “~~(a)~~ To the extent funds are available under section  
 8       167(b) ~~(2)~~ and ~~(3)~~ and for the purposes of implementing  
 9       the Strategic Petroleum Reserve, the Secretary may ac-  
 10      quire, place in storage, transvort- or exchange”;

11                      (B) in subsection (b), by striking including  
 12              the Early Storage Ruserveg’ and paregraqh (2);  
 13              and

14                      (C) by striking subsections (g), (d), and  
 15              (e);

16               (15) in section 161 (42 U.S.C. 6241)—

17                      (A) by striking subsections (b) and (c);

18                      (B) by amending subsection (d)(1) to read  
 19              as follows:

20       “~~(d)(1)~~ No drawdown and distribution of the Strate-  
 21      gie Petroleum Reserve may be made unless the President  
 22      has found drawdown and distribution is required by a se-  
 23      vere energy supply interruption or by obligations of the  
 24      United States under the international energy program.”;

25      and

1                   (C) by amending subsection (e) to read as  
2 follows:

3           ~~“(e)(1) The Secretary shall sell any petroleum prod-~~  
4 ~~uct withdrawn from the Strategic Petroleum Reserve at~~  
5 ~~public sale to the highest qualified bidder in the amounts,~~  
6 ~~for the period, and after a notice of sale the Secretary~~  
7 ~~considers proper, and without regard to Federal, State,~~  
8 ~~or local regulations controlling sales of petroleum prod-~~  
9 ~~ucts.~~

10           ~~“(2) The Secretary may cancel in whole or in part~~  
11 ~~any offer to sell petroleum products as part of any~~  
12 ~~drawdown and distribution under this Section.”; and~~

13                   (D) in subsection (g)—

14                           (i) in paragraph (1), by striking “Dis-

15                           tribution Plan” and inserting “distribution

16                           procedures”, and

17                           (ii) by striking paragraphs (2) and

18                           (6);

19                   (16) by striking section 164 (42 U.S.C. 6244);

20                   (17) by amending section 165 (42 U.S.C. 6245)

21 to read as follows:

22           ~~“SEC. 165. The Secretary shall report annually to the~~  
23 ~~President and the Congress on actionw taken to imple-~~  
24 ~~ment this part. This report shall include—~~

1           “(1) a detailed statement of the status of the  
2 Strategic Petroleum Reserve, including—

3           “(A) the capacity of the Reserve and the  
4 scheduled annual fill rate for achieving this ca-  
5 pacity;

6           “(B) the scheduled annual fill rate for the  
7 fiscal year for which the report is transmitted;

8           “(C) the type and quality of crude oil to be  
9 acquired for the Reserve under the schedule de-  
10 scribed in subparagraph (A);

11           “(D) the schedule of construction of any  
12 facilities, including a description of the type and  
13 location of the facilities, and of enhancements  
14 and improvements to existing facilities;

15           “(E) a description of the current method  
16 of drawdown and distribution to be utilized; and

17           “(F) an explanation of any changes made  
18 in the matters described in subparagraphs (A)  
19 through (E) since the transmittal of the pre-  
20 vious report under this section;

21           “(2) a summary of the actions taken to develop,  
22 operate, or maintain the Strategic Petroleum Re-  
23 serve;

1           ~~“(3) a summary of the financial transactions in~~  
2           ~~the Strategic Petroleum reserve and SPR Petroleum~~  
3           ~~Account; and~~

4           ~~“(4) a summary of existing problems with re-~~  
5           ~~spect to operation or maintenance of the Strategic~~  
6           ~~Petroleum Reserve; and~~

7           ~~“(5) any recommendation for supplemental leg-~~  
8           ~~islation the Secretary considers necessary or appro-~~  
9           ~~priate to implement this part.”;~~

10           ~~(18) in section 166 (42 U.S.C. 6246) by strik-~~  
11           ~~ing all after appropriated” and inserting “the funds~~  
12           ~~necessary or appropriate to implement this part.”;~~

13           ~~(19) in section 167 (42 U.S.C. 6247)—~~

14           ~~(A) in subsection (b)—~~

15                   ~~(i) by inserting “test sales of petro-~~  
16                   ~~leum products from the Reserve,” after~~  
17                   ~~“Strategic Petroleum Reserve,”;~~

18                   ~~(ii) by striking paragraph (1); and~~

19                   ~~(iii) in paragraph (2), by striking~~  
20                   ~~“after fiscal year 1982”; and~~

21           ~~(B) by amending subsection (e) to read as~~  
22           ~~follows~~

23           ~~“(e) The Impoundment Control Act of 1974 (2~~  
24           ~~U.S.C. 681–688) applies to funds made available under~~  
25           ~~subsection (b).”;~~

1           ~~(20)~~ in section 172 (42 U.S.C. 6249a) by strik-  
2           ing subsections (a) and (b);

3           ~~(21)~~ by striking section 173 (42 U.S.C. 6249b);  
4           and

5           ~~(22)~~ in section 181 (42 U.S.C. 6251), by strik-  
6           ing “1994” each time it appears and inserting  
7           “1999”.

8           SEC. 4. Title II of the Energy Policy and Conserva-  
9           tion Act (42 U.S.C. 6211–6251) is amended—

10           (1) by striking Part A (42 U.S.C. 201 through  
11           204);

12           ~~(2)~~ in section 252 (42 U.S.C. 6272)—

13           (A) in subsections (a)(1) and (b), by strik-  
14           ing “allocation and information” and inserting  
15           “emergency response”;

16           (B) in subsection (d)(3), by striking  
17           “known” and inserting after “circumstances”  
18           “known at the time of approval”;

19           (C) in subsection (e)(2) by striking “shall”  
20           and inserting “may”;

21           (D) in subsection (f)(2) by inserting “vol-  
22           untary agreement or” after “approved”;

23           (E) by amending subsection (h) to read as  
24           follows:

1       “(h) Section 708 of the Defense Production Act of  
2 1950 shall not apply to any agreement or action under-  
3 taken for the purpose of developing or carrying out—

4               “(1) the international energy program, or

5               “(2) any allocation, price control, or similar  
6 program with respect to petroleum products under  
7 this Act.”;

8               (F) in subsection (i) by inserting “annu-  
9 ally, or” after “least” and by inserting “during  
10 an international energy supply emergency”  
11 after “months”;

12               (G) in subsection (k) by amending para-  
13 graph (2) to read as follows:

14               “(2) The term ‘emergency response provisions  
15 of the international energy program’ means—

16               “(A) the provisions of the international en-  
17 ergy program which relate to international allo-  
18 cation of petroleum products and to the infor-  
19 mation system provided in the program, and

20               “(B) the emergency response measures  
21 adopted by the Governing Board of the Inter-  
22 national Energy Agency (including the July 11,  
23 1984 decision by the Governing Board on  
24 “Stocks and Supply Disruptions”) for the co-  
25 ordinated drawdown of stocks of petroleum

1 products held or controlled by governments and  
2 complementary actions taken by governments  
3 during an existing or impending international  
4 oil supply disruption, whether or not inter-  
5 national allocation of petroleum products is re-  
6 quired by chapters III and IV of the inter-  
7 national energy program.”; andM

8 (H) by amending subsection (1) to read as  
9 follows:

10 “(1) The antitrust defense under subsection (f)  
11 applies only to the development or carrying out of  
12 voluntary agreements and plans of action to imple-  
13 ment the emergency response provisions of the inter-  
14 national energy program, except that in the event  
15 the International Energy Agency seeks advice and  
16 information concerning preparation and implementa-  
17 tion of measures by governments on the coordinated  
18 drawdown of stocks of petroleum products and com-  
19plementary actions as described in subsection  
20 (k)(2)(B), the antitrust defense also applies but only  
21 to advising and consulting with and providing infor-  
22 mation or data to the International Energy Agency  
23 according to procedures set forth in a voluntary  
24 agreement or plan of action, unless the Attorney  
25 General, after consultation with the Secretary of

1 State, the Secretary of Energy, and the Federal  
 2 Trade Commission, determines that additional ac-  
 3 tions are necessary or appropriate to fulfill the pur-  
 4 pose of this section; provided that the antitrust de-  
 5 fense shall not extend to the international allocation  
 6 of petroleum products unless allocation is required  
 7 by chapters III and IV of the international energy  
 8 program during an international energy supply  
 9 emergency.”;

10 (3) by adding at the end of section 256(h),  
 11 “There are authorized to be appropriated for fiscal  
 12 years 1996 through 1999, such sums as may be nec-  
 13 essary.”

14 (4) by striking Part C (42 U.S.C. 271 through  
 15 272); and

16 (5) in section 281 (42 U.S.C. 6285), by striking  
 17 “1994” each time it appears and inserting “1999”.

18 SEC. 5. (a) Title III of the Energy Policy and Con-  
 19 servation Act (42 U.S.C. 6291–6327, 6361–6374d) is  
 20 amended—

21 (1) in section 365(f) (42 U.S.C. 6325(f)) by  
 22 amending paragraph (1) to read as follows:

23 “(1) Except as provided in paragraph (2), for  
 24 the purpose of carrying out this part, there are au-  
 25 thorized to be appropriated for fiscal years 1995



1 through 1999, such sums as may be necessary.”;  
 2 and

3 (2) section 3y7 (52(U.S.C. 6371f) is amended  
 4 to read as follows: “For the purpose of carrying out  
 5 this part, there are authorized to be appropriated  
 6 for fiscal years 1995 through 1999, such sums as  
 7 may be necessary.”.

8 (b) Section 422 of the Energy Conservation and Pro-  
 9 duction Act (42 U.S.C. 6872) is amended to read as fol-  
 10 lows:

11 “SEC. 422. For the purposes of carrying out the  
 12 weatherization program under this part, there are author-  
 13 ized to be appropriated for fiscal years 1995 through  
 14 1999, such sums as may be necessary.”.

15 SEC. 6. Title V of the Energy Policy and Conserva-  
 16 tion Act (42 U.S.C. 6381–6422) is amended—

17 (1) by striking section 507 (42 U.S.C. 6385),  
 18 and

19 (2) by striking section 522 (42 U.S.C. 6392).

20 **TITLE I—AMENDMENTS TO ENERGY**  
 21 **POLICY AND CONSERVATION ACT**

22 **SEC. 101. SHORT TITLE.**

23 *This title may be cited as the “Energy Policy and Con-*  
 24 *servaion Act Amendments of 1994”.*

1 **SEC. 102. TITLE I AMENDMENTS.**

2 (a) *Part B of title I of the Energy Policy and Con-*  
3 *servation Act is amended—*

4 (1) *in section 160 (42 U.S.C. 6240), by striking*  
5 *subsection (d); and*

6 (2) *by amending section 165 (42 U.S.C. 6245) to*  
7 *read as follows:*

8 “*SEC. 165. The Secretary shall report annually to the*  
9 *President and the Congress on actions to implement this*  
10 *part. This report shall include—*

11 “(1) *a detailed statement of the status of the*  
12 *Strategic Petroleum Reserve, including—*

13 “(A) *the capacity of the Reserve and the*  
14 *scheduled annual fill rate for achieving this ca-*  
15 *capacity;*

16 “(B) *the types and quality of crude oil to*  
17 *be acquired for the Reserve, including the method*  
18 *of procurement, under the schedule described in*  
19 *subparagraph (A);*

20 “(C) *any conditions affecting the physical*  
21 *integrity of any Reserve facility, or the petro-*  
22 *leum products stored in any Reserve facility,*  
23 *that would impair the maintenance or operation*  
24 *of the Reserve, including any proposed remedial*  
25 *actions, their estimated costs, and schedules for*  
26 *their execution;*

1           “(D) plans for the construction of new Re-  
2           serve facilities or the enhancement or improve-  
3           ment of existing Reserve facilities, including  
4           their estimated costs and schedules for comple-  
5           tion;

6           “(E) specific actions being taken or antici-  
7           pated to complete and maintain a 750 million  
8           barrel Reserve;

9           “(F) specific actions being taken to complete  
10          preparations of plans for expansion of the Re-  
11          serve to a capacity of 1 billion barrels;

12          “(G) a description of the current method of  
13          drawdown and distribution to be utilized; and

14          “(H) an explanation of any changes made  
15          in the matters described in subparagraphs (A)  
16          through (G) since the transmittal of the previous  
17          report under this section;

18          “(2) a summary of the actions being taken to de-  
19          velop, operate, or maintain the Strategic Petroleum  
20          Reserve;

21          “(3) a summary of any actions taken or pro-  
22          posed to achieve the petroleum product storage objec-  
23          tives for the Reserve through the acquisition of petro-  
24          leum products by the acquisition of leasing of petro-  
25          leum products, or by other means;

1           “(4) a review of any proposal received from a  
2           person, including a State or local governmental en-  
3           tity, that would further the objectives of the Reserve,  
4           including the financing or leasing of Reserve storage  
5           facilities or petroleum products, or both, and any an-  
6           ticipated actions on such a proposal;

7           “(5) a description of current United States and  
8           International Energy Agency policies and practices  
9           applicable to the drawdown and distribution of the  
10          Reserve, including any changes in such policies and  
11          the rationale for such changes;

12          “(6) a summary of the financial transactions in  
13          the Strategic Petroleum Reserve and SPR Petroleum  
14          Account;

15          “(7) a summary of existing problems with re-  
16          spect to operation or maintenance of the Strategic Pe-  
17          troleum Reserve; and

18          “(8) any recommendations for supplemental leg-  
19          islation the Secretary considers necessary or appro-  
20          priate to implement this part.”.

21          (b) Part C of title I of the Energy Policy and Con-  
22          servation Act is amended by striking section 173 (42 U.S.C.  
23          6249b).

24          (c) Part D of title I of the Energy Policy and Con-  
25          servation Act is amended in section 181 (42 U.S.C. 6251)

1 by striking “1994” each time it appears and inserting  
2 “1999”.

3 (d) *CONFORMING AMENDMENT.*—The table of contents  
4 of the Energy Policy and Conservation Act is amended by  
5 striking out the item relating to section 173 of part C of  
6 title I.

7 **SEC. 103. TITLE II AMENDMENTS.**

8 Part D of title II of the Energy Policy and Conserva-  
9 tion Act is amended in section 281 (42 U.S.C. 6285) by  
10 striking “1994” each time it appears and inserting “1999”.

11 **TITLE II—AMENDMENTS TO DEPARTMENT**  
12 **OF ENERGY ORGANIZATION ACT**

13 **SEC. 201. STANDARDIZATION OF REQUIREMENTS AFFECT-**  
14 **ING DEPARTMENT OF ENERGY EMPLOYEES.**

15 (a) *REPEAL.*—Part A of title VI of the Department  
16 of Energy Organization Act and its catchline (42 U.S.C.  
17 7211, 7212, and 7218) are repealed.

18 (b) *CONFORMING AMENDMENT.*—The table of contents  
19 of the Department of Energy Organization Act is amended  
20 by striking out the matter relating to part A of title VI.

21 **TITLE III—INITIATIVES PERTAINING TO**  
22 **THE LOWER MISSISSIPPI DELTA REGION**

23 **SEC. 301. FINDINGS.**

24 (a) The Congress finds that—

1           (1) in 1988, Congress enacted Public Law 100–  
2           460, establishing the Lower Mississippi Delta Devel-  
3           opment Commission, to assess the needs, problems,  
4           and opportunities of people living in the Lower Mis-  
5           sissippi Delta Region that includes 219 counties and  
6           parishes within the States of Arkansas, Illinois, Ken-  
7           tucky, Louisiana, Mississippi, Missouri, and Ten-  
8           nessee;

9           (2) the Commission conducted a thorough inves-  
10          tigation to assess these needs, problems, and opportu-  
11          nities, and held several public hearings throughout the  
12          Delta Region;

13          (3) on the basis of these investigations, the Com-  
14          mission issued the Delta Initiatives Report, which in-  
15          cluded recommendations on natural resource protec-  
16          tion, historic preservation, and the enhancement of  
17          educational and other opportunities for Delta Region  
18          residents; and

19          (4) the Delta Initiatives Report recommended—

20                (A) the implementation of precollege edu-  
21                cation programs in mathematics and science as  
22                well as other initiatives to enhance the edu-  
23                cational and technical capabilities of the Delta  
24                work force;

1           (B) that States and local systems seek ways  
2 to expand the pool of qualified educators in  
3 mathematics and the sciences;

4           (C) that institutions in the Delta Region  
5 work with local school districts to promote math-  
6 ematics and science education;

7           (D) that Federal agencies target more re-  
8 search and development monies in selected areas  
9 to institutions of higher education in the Delta  
10 Region, especially Historically Black Colleges  
11 and Universities;

12           (E) that institutions of higher education es-  
13 tablish a regional consortium to provide tech-  
14 nical assistance and training to increase inter-  
15 national trade between businesses in the Delta  
16 Region and foreign countries;

17           (F) that the Federal government should cre-  
18 ate economic incentives to encourage the location  
19 of value-added facilities for processing agricul-  
20 tural products within the Delta Region; and

21           (G) that Congress provide practical incen-  
22 tives to encourage the construction of alternative  
23 fuel production facilities in the Delta Region.

24 **SEC. 302. DEFINITIONS.**

25       As used in this title, the term—

1           (1) “Center” means the Delta Energy Technology  
2           and Business Development Center established under  
3           section 303 of this Act;

4           (2) “Commission” means the Lower Mississippi  
5           Delta Development Commission established pursuant  
6           to Public Law 100–460;

7           (3) “Delta Initiatives Report” means the May  
8           14, 1990 Final Report of the Commission entitled  
9           “The Delta Initiatives: Realizing the Dream. . . Ful-  
10          filling the Potential”;

11          (4) “Delta Region” means the Lower Mississippi  
12          Delta Region including the 219 counties and parishes  
13          within the States of Arkansas, Illinois, Kentucky,  
14          Louisiana, Mississippi, Missouri, and Tennessee, as  
15          defined in the Delta Initiatives Report, except that,  
16          for any State for which the Delta Region as defined  
17          in such report comprises more than half of the geo-  
18          graphic area of such State, the entire State shall be  
19          considered part of the Delta Region for purposes of  
20          this Act;

21          (5) “Department” means the United States De-  
22          partment of Energy, unless otherwise specifically stat-  
23          ed;

24          (6) “departmental laboratory” means a facility  
25          operated by or on behalf of the Department of Energy



1     *that would be considered a laboratory as that term is*  
2     *defined in section 12 of the Stevenson-Wydler Tech-*  
3     *nology Innovation Act of 1980 (15 U.S.C. 3710(d)(2))*  
4     *or other laboratory or facility the Secretary des-*  
5     *ignates;*

6             (7) *“Historically Black College or University”*  
7     *means a college or university that would be consid-*  
8     *ered a “part B institution” by section 322(2) of the*  
9     *Higher Education act of 1965 (20 U.S.C. 1061(2));*

10            (8) *“minority college or University” means a*  
11     *Historically Black College or University that would*  
12     *be considered a “part B institution” by section*  
13     *322(2) of the Higher Education Act of 1965 (20*  
14     *U.S.C. 1061(2)) or a “minority institution” as that*  
15     *term is defined in section 1046 of the Higher Edu-*  
16     *cation Act of 1965 (20 U.S.C. 1135d–5(3));*

17            (9) *“persons in the Delta Region” means an en-*  
18     *tity primarily located in the Delta Region, the con-*  
19     *trolling interest (as defined by the Secretary) of which*  
20     *is held by persons of the United States, including—*

21                     (A) *a for-profit entity;*

22                     (B) *a private foundation or corporation ex-*  
23     *empt under section 501(c)(3) of the Internal Rev-*  
24     *enue Code;*

1                   (C) a nonprofit organization such as a pub-  
2                   lic trust;

3                   (D) a trade or professional society;

4                   (E) a tribal government;

5                   (F) institutions of higher education; or

6                   (G) a unit of State or local government;

7                   and

8                   (10) "Secretary" means the Secretary of Energy,  
9                   unless otherwise specifically stated.

10 **SEC. 303. DELTA ENERGY TECHNOLOGY AND BUSINESS DE-**  
11 **VELOPMENT CENTER.**

12           (a) *ESTABLISHMENT.*—The Secretary shall enter into  
13 an agreement with Louisiana State University in partner-  
14 ship with Southern University in Baton Rouge, Louisiana,  
15 to establish the Delta Energy Technology and Business De-  
16 velopment Center. The agreement shall provide for coopera-  
17 tive agreements with the University of Arkansas at Pine  
18 Bluff, Arkansas, and Alcorn State University in Lorman,  
19 Mississippi, and other universities and institutions in the  
20 Delta Region, to carry out affiliated programs and coordi-  
21 nate program activities at such universities and institu-  
22 tions.

23           (b) *PURPOSE.*—The purpose of the Center shall be to—

1           (1) foster the creation and retention of energy re-  
2           source and manufacturing and related energy service  
3           jobs in the Delta Region;

4           (2) encourage the export of energy resources and  
5           technologies, including services related thereto, from  
6           the Delta Region;

7           (3) develop markets for energy resources and  
8           technologies manufactured in the Delta Region for use  
9           in meeting the energy resource and technology needs  
10          of foreign countries;

11          (4) encourage the successful, long-term market  
12          penetration of energy resources and technologies man-  
13          ufactured in the Delta Region into foreign countries;

14          (5) encourage participation in energy-related  
15          projects in foreign countries by persons in the Delta  
16          Region as well as the utilization in such projects of  
17          energy resources and technologies significantly devel-  
18          oped, demonstrated, or manufactured in the Delta Re-  
19          gion; and

20          (6) assist in the establishment of technology  
21          transfer programs in cooperation with Federal lab-  
22          oratories to create businesses in energy resources and  
23          technology in the Delta Region.

1       (c) *GENERAL.*—*The Center, in cooperation with par-*  
2 *ticipating universities and institutions in the Delta Region,*  
3 *shall—*

4           (1) *identify and foster the establishment of flexi-*  
5 *ble manufacturing networks in consultation with the*  
6 *States of the Delta Region to promote the development*  
7 *of energy resources and technologies that have the po-*  
8 *tential to expand technology development and manu-*  
9 *facturing in, and exports from, the Delta Region;*

10          (2) *provide technical, business, training, market-*  
11 *ing, and other assistance to persons in the Delta Re-*  
12 *gion;*

13          (3) *develop a comprehensive database and infor-*  
14 *mation dissemination system, that will provide de-*  
15 *tailed information on the specific energy resources*  
16 *and technologies of the Delta Region itself, as well as*  
17 *domestic and international market opportunities for*  
18 *businesses in the Delta Region, and electronically link*  
19 *the Center with other institutions of higher education*  
20 *in the Delta Region;*

21          (4) *establish a network of business and tech-*  
22 *nology incubators to promote the design, manufacture,*  
23 *and sale of energy resources and technologies from the*  
24 *Delta Region;*

1           (5) enter into contracts, cooperative agreements,  
2           and other arrangements with the Federal government,  
3           international development agencies, or persons in the  
4           Delta Region to carry out these objectives; and

5           (6) coordinate existing Department and other  
6           Federal programs having comparable goals and pur-  
7           poses.

8           (d) ASSISTANCE FROM THE SECRETARY.—The Sec-  
9           retary is authorized to provide the Center assistance in ob-  
10          taining such personnel, equipment, and facilities as may  
11          be needed by the Center and affiliated participating univer-  
12          sities and institutions to carry out its activities under this  
13          section.

14          (e) GRANTS.—The Secretary is authorized to provide  
15          grants and other forms of financial assistance to the Center  
16          for the Center and participating universities and institu-  
17          tions to (1) support the creation of flexible manufacturing  
18          networks as identified in subsection (c)(1); and (2) develop  
19          the comprehensive database described in paragraph (c)(3);  
20          and (3) support the training, marketing, and other related  
21          activities of the Center.

22          (f) ACCEPTANCE OF GRANTS AND TRANSFERS.—The  
23          Center may accept—

1           (A) grants and donations from private individ-  
2           uals, groups, organizations, corporations, foundations,  
3           State and local governments, and other entities; and

4           (B) transfers of funds from other Federal agen-  
5           cies.

6           (g) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
7           authorized to be appropriated such sums as may be nec-  
8           essary to carry out the programs under this section and  
9           for the establishment, operation, construction, and mainte-  
10          nance of the Center and facilities of participating univer-  
11          sities and institutions.

12       **SEC. 304. INSTITUTIONAL CONSERVATION PROGRAM FOR**  
13                               **THE DELTA REGION.**

14          Title III of the Energy Policy and Conservation Act  
15       (42 U.S.C. 6371, et seq.) is amended by adding a new sec-  
16       tion 400K as follows:

17       “*INSTITUTIONAL CONSERVATION PROGRAM FOR THE DELTA*  
18   *REGION*

19           “*SEC. 400K. (a) PURPOSE.*—The purpose of this sec-  
20       tion is to encourage the use of energy conservation measures  
21       in the schools and hospitals of the Delta Region.

22           “(b) *GRANTS FOR ESTABLISHMENT OF PROGRAM.*—  
23       Not later than 12 months after the date of the enactment  
24       of the Lower Mississippi Delta Initiatives Act of 1993, the  
25       Secretary is authorized to provide grants to schools or hos-  
26       pitals, or to consortiums consisting of a school or hospital

1 *and one or more of the following: State or unit of local gov-*  
2 *ernment; local education agency; State hospital facilities*  
3 *agency; or State school facilities agency. Such grants shall*  
4 *be for purposes of conducting innovative energy conserva-*  
5 *tion projects and providing Federal financing for energy*  
6 *conservation projects at schools and hospitals in the Delta*  
7 *Region.*

8       “(c) *APPLICATIONS.—(1) Applications of schools or*  
9 *hospitals for grants under this section shall be made not*  
10 *more than once for any fiscal year. Such applications shall*  
11 *be submitted to the State energy agency, in consultation*  
12 *with the Planning and Development Districts in the Delta*  
13 *Region, and the State energy agency shall make a single*  
14 *submittal to the Secretary containing all applications*  
15 *which comply with subsection (e).*

16       “(2) *Applications for grants shall contain, or be ac-*  
17 *companied by, such information as the Secretary may rea-*  
18 *sonably require in accordance with regulations governing*  
19 *institutional conservation programs under this part; pro-*  
20 *vided, however, that the Secretary shall encourage flexible*  
21 *and innovative approaches consistent with this Act.*

22       “(d) *SELECTION OF APPLICATIONS.—(1) Not later*  
23 *than six months after the receipt of applications under sub-*  
24 *section (c), the Secretary shall select at least seven, but not*

1 *more than 21, proposals from States to receive grants under*  
2 *subsection (b).*

3       “(2) *The Secretary may select more than 21 applica-*  
4 *tions under this subsection, if the Secretary determines that*  
5 *the total amount of available funds is not likely to be other-*  
6 *wise utilized.*

7       “(3) *No one State shall receive less than one, or more*  
8 *than four, grants under subsection (b).*

9       “(4) *Such grants shall be in addition to such grants*  
10 *as would otherwise be provided under part G of this Act.*

11       “(5) *No one grant recipient under this section shall*  
12 *receive Federal funds in excess of \$2,000,000.*

13       “(e) *SELECTION CRITERIA.—The Secretary shall select*  
14 *recipients of grants under this section on the basis of the*  
15 *following criteria:*

16               “(1) *The location of the grant recipient in the*  
17 *Delta Region.*

18               “(2) *The demonstrated or potential resources*  
19 *available to the grant applicant for carrying out the*  
20 *purposes of this section.*

21               “(3) *The demonstrated or potential ability of the*  
22 *grant applicant to improve energy conservation meas-*  
23 *ures in the designated school or hospital.*



1           “(4) *Such other criteria as the Secretary deems*  
2           *appropriate for carrying out the purposes of this sec-*  
3           *tion.*

4           “(f) *DEFINITION.—For purposes of this section, the*  
5           *term ‘Delta Region’ means the Lower Mississippi Delta Re-*  
6           *gion including the 219 counties and parishes within the*  
7           *States of Arkansas, Illinois, Kentucky, Louisiana, Mis-*  
8           *issippi, Missouri, and Tennessee, as defined in the May*  
9           *14, 1990, Final Report of the Lower Mississippi Delta De-*  
10           *velopment Commission entitled ‘The Delta Initiatives: Real-*  
11           *izing the Dream . . . Fulfilling the Potential.’*

12           “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
13           *authorized to be appropriated for purposes of carrying out*  
14           *this section, to remain available until expended, not more*  
15           *than \$20,000,000 for each of fiscal years 1996, and 1997,*  
16           *and 1998.’’.*

17           **SEC. 305. ENERGY RELATED EDUCATIONAL INITIATIVES.**

18           (a) *MINORITY COLLEGE OR UNIVERSITY INITIATIVE.—*  
19           (1) *Within one year after the date of the enactment of this*  
20           *Act, and annually thereafter, the Secretary shall submit to*  
21           *the Committee on Energy and Natural Resources of the*  
22           *United States Senate and to the United States House of*  
23           *Representatives a report identifying opportunities for mi-*  
24           *nority colleges and universities to participate in programs*  
25           *and activities carried out by the Department or the depart-*

1 *mental laboratories. The Secretary shall consult with rep-*  
2 *resentatives of minority colleges or universities in prepar-*  
3 *ing the report. Such report shall—*

4 *(A) describe ongoing education and training pro-*  
5 *grams carried out by the Department or the depart-*  
6 *mental laboratories with respect to, or in conjunction*  
7 *with, minority colleges or universities in the areas of*  
8 *mathematics, science, and engineering;*

9 *(B) describe ongoing research, development, dem-*  
10 *onstration, or commercial application activities in-*  
11 *volving the Department or the departmental labora-*  
12 *tories and minority colleges or universities;*

13 *(C) describe funding levels for the programs re-*  
14 *ferred to in subparagraphs (A) and (B);*

15 *(D) identify ways for the Department or the de-*  
16 *partmental laboratories to assist minority colleges or*  
17 *universities in providing education and training in*  
18 *the fields of mathematics, the sciences, and engineer-*  
19 *ing;*

20 *(E) identify ways for the Department or the de-*  
21 *partmental laboratories to assist minority colleges*  
22 *and universities in entering into partnerships;*

23 *(F) address the need for, and potential role of,*  
24 *the Department or the departmental laboratories in*  
25 *providing minority colleges or universities with—*

1           (i) increased research opportunities for fac-  
2           ulty and students;

3           (ii) assistance in faculty development and  
4           recruitment;

5           (iii) curriculum enhancement and develop-  
6           ment; and

7           (iv) improved laboratory instrumentation  
8           and equipment, including computer equipment,  
9           through purchase, loan, or other transfer mecha-  
10          nisms;

11          (G) address the need for, and potential role of,  
12          the Department or departmental laboratories in pro-  
13          viding financial and technical assistance for the de-  
14          velopment of infrastructure facilities, including build-  
15          ings and laboratory facilities, at minority colleges  
16          and universities; and

17          (H) make specific proposals and recommenda-  
18          tions, together with estimates of necessary funding  
19          levels, for initiatives to be carried out by the Depart-  
20          ment or the departmental laboratories in order to as-  
21          sist minority colleges or universities in providing  
22          education and training in the areas of mathematics,  
23          the sciences, and engineering, and in entering into  
24          partnerships with the Department or departmental  
25          laboratories.

1           (2) *The Secretary shall encourage memoranda of un-*  
2 *derstanding and other appropriate forms of agreement be-*  
3 *tween the Department and minority colleges and univer-*  
4 *sities directed at jointly planning and developing programs*  
5 *to foster greater involvement of minority colleges and uni-*  
6 *versities in research, education, training, and recruitment*  
7 *activities of the Department.*

8           (b) *MINORITY COLLEGE AND UNIVERSITY SCHOLAR-*  
9 *SHIP PROGRAMS FOR THE DELTA REGION.*—*The Secretary*  
10 *shall establish a scholarship program for students pursuing*  
11 *undergraduate or graduate degrees in energy-related sci-*  
12 *entific, mathematical, engineering, and technical dis-*  
13 *ciplines at minority colleges and universities in the Delta*  
14 *Region. The scholarship program shall include tuition as-*  
15 *sistance. Recipients of such scholarships shall be students*  
16 *deemed by the Secretary to have demonstrated (1) a need*  
17 *for such assistance and (2) academic potential in the par-*  
18 *ticular area of study.*

19           (c) *PRE-COLLEGE EDUCATION.*—*The Secretary shall*  
20 *undertake activities to encourage pre-college education pro-*  
21 *grams in energy-related scientific, mathematical, engineer-*  
22 *ing, and technical disciplines for students in the Delta Re-*  
23 *gion. Such activities shall include, but not be limited to*  
24 *the following:*

1           (1) *Cooperation with, and assistance to, State*  
2 *departments of education and local school districts in*  
3 *the Delta Region to develop and carry out after school*  
4 *and summer education programs for elementary, mid-*  
5 *dle, and secondary school students in energy-related*  
6 *scientific, mathematical, engineering and technical*  
7 *disciplines.*

8           (2) *Cooperation with, and assistance to, institu-*  
9 *tions of higher education in the Delta Region to de-*  
10 *velop and carry out pre-college education programs in*  
11 *energy-related scientific, mathematical, engineering,*  
12 *and technical disciplines for middle and secondary*  
13 *school students.*

14           (3) *Cooperation with, and assistance to, State*  
15 *departments of education and local school districts in*  
16 *the development and use of curriculum and edu-*  
17 *cational materials in energy-related scientific, mathe-*  
18 *matical, engineering, and technical disciplines for*  
19 *middle and secondary students.*

20           (4) *The establishment of education programs in*  
21 *subjects relating to energy-related scientific, mathe-*  
22 *matical, engineering, and technical disciplines for ele-*  
23 *mentary, middle, and secondary school teachers in the*  
24 *Delta Region.*

1           (d) *VOLUNTEER PROGRAM.*—*The Secretary shall carry*  
2 *out a program to encourage the involvement on a voluntary*  
3 *basis of qualified employees of the Department in education*  
4 *programs relating to energy-related scientific, mathemati-*  
5 *cal, engineering, and technical disciplines, in cooperation*  
6 *with State departments of education and local school dis-*  
7 *tricts in the Delta Region.*

8           (e) *WOMEN AND MINORITIES IN THE SCIENCES.*—*The*  
9 *Secretary shall establish a Center for Excellence in the*  
10 *Sciences at Alcorn State in Lorman, Mississippi, in co-*  
11 *operation with Southern University in Baton Rouge, Lou-*  
12 *isiana, and the University of Arkansas at Pine Bluff, Ar-*  
13 *kansas, and other minority colleges or universities for pur-*  
14 *poses of encouraging women and minority students in the*  
15 *Delta Region to study and pursue careers in the sciences,*  
16 *mathematics, engineering and technical disciplines. The*  
17 *Center shall enter into cooperative agreements with South-*  
18 *ern University in Baton Rouge, Louisiana, and the Univer-*  
19 *sity of Arkansas at Pine Bluff, Arkansas, and other minor-*  
20 *ity colleges and universities in the Delta Region, to carry*  
21 *out affiliated programs and coordinate programs activities*  
22 *at such colleges and universities. The Secretary is author-*  
23 *ized to provide grants and other forms of financial assist-*  
24 *ance to the Center.*

1           (f) *COORDINATION WITH OTHER FEDERAL AGEN-*  
2 *CIES.—The Secretary shall ensure that the programs au-*  
3 *thorized in this section are coordinated with, and com-*  
4 *plimentary to, education assistance programs administered*  
5 *by the Department and by other Federal agencies in the*  
6 *Delta Region. These agencies include, but are not limited*  
7 *to, the Department of the Interior, the Department of Agri-*  
8 *culture, the Department of Education, the National Science*  
9 *Foundation, and the National Aeronautics and Space Ad-*  
10 *ministration.*

11           (g) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
12 *hereby authorized to be appropriated such sums as may be*  
13 *necessary to carry out the purposes of this section.*

14 **SEC. 306. INTEGRATED BIOMASS ENERGY SYSTEMS.**

15           (a) *PROGRAM DIRECTION.—The Secretary, in con-*  
16 *sultation with the Secretary of Agriculture, shall conduct*  
17 *a research, development and demonstration program to de-*  
18 *termine the economic viability of integrated biomass energy*  
19 *systems within the Delta Region.*

20           (b) *PROGRAM PLAN.—Not later than six months after*  
21 *the date of enactment of this Act, the Secretary shall pre-*  
22 *pare and submit to the Congress a program plan to guide*  
23 *the activities under this section.*

24           (c) *SOLICITATION OF PROPOSALS.—Not later than one*  
25 *year after the date of enactment of this Act, the Secretary*

1 *shall solicit proposals for conducting activities consistent*  
2 *with the program plan. Such activities shall include at least*  
3 *three demonstrations of integrated biomass energy systems*  
4 *that—*

5           (1) *involve the production of dedicated energy*  
6 *crops of not less than 25,000 acres per demonstration;*

7           (2) *include predominately herbaceous energy*  
8 *crops;*

9           (3) *include predominately short-rotation woody*  
10 *crops;*

11           (4) *demonstrate cost-effective methods of growing,*  
12 *harvesting, storing, transporting, and preparing en-*  
13 *ergy crops for conversion to electricity or transpor-*  
14 *tation fuel; and*

15           (5) *result in the conversion of such crops to elec-*  
16 *tricity or transportation fuel by a non-Federal energy*  
17 *producer or the Tennessee Valley Authority.*

18           (d) *COST SHARING.—(1) For research, development,*  
19 *and demonstration programs carried out under this section,*  
20 *the Secretary shall require a commitment from non-Federal*  
21 *sources of at least 20 percent of the cost of the project.*

22           (2) *The Secretary shall require at least 50 percent of*  
23 *the costs directly and specifically related to any demonstra-*  
24 *tion or commercial application project under this section*  
25 *to be provided from non-Federal sources. The Secretary may*



1 *reduce the non-Federal requirement under this section if the*  
2 *Secretary determines that the reduction is necessary and*  
3 *appropriate considering the technological risks involved in*  
4 *the project and is necessary to meet the objectives of this*  
5 *section.*

6 (3) *In calculating the amount of the non-Federal com-*  
7 *mitment under paragraph (1) or (2), the Secretary shall*  
8 *include cash, personnel, services, equipment, and other re-*  
9 *sources.*

10 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*  
11 *authorized to be appropriated for purposes of carrying out*  
12 *this section, to remain available until expended, not more*  
13 *than \$10,000,000 for each of fiscal years 1996, 1997, and*  
14 *1998.*

15 **SEC. 307. WEATHERIZATION ASSISTANCE PROGRAM FOR**  
16 **THE DELTA REGION.**

17 *Title IV of the Energy Conservation and Production*  
18 *Act (42 U.S.C. 6851, 6861–6846) is further amended by*  
19 *adding a new section 423 as follows:*

20 *“WEATHERIZATION ASSISTANCE PROGRAM FOR THE DELTA*  
21 *REGION*

22 *“SEC. 423. (a) PURPOSE.—The purpose of this section*  
23 *is to encourage the weatherization of low-income dwelling*  
24 *units in the Delta Region.*

25 *“(b) GRANTS FOR ESTABLISHMENT OF PROGRAM.—*  
26 *Not later than 12 months after the date of the enactment*

1 *of the Lower Mississippi Delta Initiatives Act of 1993, the*  
2 *Secretary shall make grants to (1) States, and (2) in ac-*  
3 *cordance with the provisions of subsection (413)(d), to In-*  
4 *dian tribal organizations to serve Native Americans in the*  
5 *Delta Region. Such grants shall be made for the purposes*  
6 *of providing financial assistance for the weatherization of*  
7 *low-income dwelling units.*

8       “(c) *APPLICATIONS.—(1) Applications of States or In-*  
9 *dian tribal organizations for grants under this section shall*  
10 *be made not more than once for any fiscal year. Such appli-*  
11 *cations shall be submitted to the State weatherization agen-*  
12 *cy, in consultation with Community Action Agencies and*  
13 *Planning and Development Districts in the Delta Region,*  
14 *and the State weatherization agency shall make a single*  
15 *submittal to the Secretary containing all applications*  
16 *which comply with subsection (e).*

17       “(2) *Applications for grants for energy conservation*  
18 *projects shall contain, or be accompanied by, such informa-*  
19 *tion as the Secretary may reasonably require in accordance*  
20 *with regulations governing weatherization assistance pro-*  
21 *grams under this Part.*

22       “(d) *SELECTION OF APPLICATIONS.—(1) The Sec-*  
23 *retary shall select applications from States to receive grants*  
24 *under subsection (b).*

1       “(2) *Such grants shall be in addition to such grants*  
2 *as would otherwise be provided under section 414 of this*  
3 *Act.*

4       “(3) *No one grant recipient under this section shall*  
5 *receive Federal funds in excess of \$2,000,000.*

6       “(e) *SELECTION CRITERIA.—The Secretary shall select*  
7 *recipients of grants under this section in accordance with*  
8 *the requirements of sections 414(b) and 415 of this Act, and*  
9 *on the basis of the following criteria:*

10           “(1) *The location of the grant applicant in the*  
11 *Delta Region.*

12           “(2) *The demonstrated or potential resources*  
13 *available to the grant applicant for carrying out the*  
14 *purposes of this section.*

15           “(3) *The demonstrated or potential ability of the*  
16 *grant applicant to improve energy efficiency in low-*  
17 *income dwelling units.*

18       “(f) *COORDINATION WITH OTHER WEATHERIZATION*  
19 *ASSISTANCE PROGRAMS.—The Secretary shall ensure that*  
20 *the programs authorized in this section are coordinated*  
21 *with, and complimentary to, Department weatherization*  
22 *assistance programs under section 413, 414A and 414B of*  
23 *this title.*

24       “(g) *DEFINITION.—For purposes of this section, the*  
25 *term ‘Delta Region’ means the Lower Mississippi Delta Re-*

1 gion including the 219 counties and parishes within the  
 2 States of Arkansas, Illinois, Kentucky, Louisiana, Mis-  
 3 sissippi, Missouri, and Tennessee, as defined in the May  
 4 14, 1990 Final Report of the Lower Mississippi Delta De-  
 5 velopment Commission entitled ‘The Delta Initiatives: Real-  
 6 izing the Dream . . . Fulfilling the Potential.’

7 “(h) AUTHORIZATION OF APPROPRIATIONS.—There is  
 8 authorized to be appropriated for purposes of carrying out  
 9 this section, to remain available until expended, not more  
 10 than \$20,000,000 for each of fiscal years 1996, 1997, and  
 11 1998.”

12 **SEC. 308. RENEWABLE ENERGY PRODUCTION INCENTIVES.**

13 Section 1212 of the Energy Policy Act of 1992 (42  
 14 U.S.C. 13317) is amended by inserting immediately after  
 15 “foregoing,” the following: “by the Tennessee Valley Author-  
 16 ity,”

17 **TITLE IV—PURCHASES FROM THE STRA-**  
 18 **TEGIC PETROLEUM RESERVE BY THE**  
 19 **STATE OF HAWAII.**

20 **SEC. 401. (a) GENERAL PROVISIONS.**—Section 161 of  
 21 the Energy Policy and Conservation Act (42 U.S.C. 6241)  
 22 is amended by adding at the end the following new sub-  
 23 section:

1       “(j)(1) With respect to each offering of a quantity of  
2 petroleum product during a drawdown of the Strategic Pe-  
3 troleum Reserve—

4           “(A) the State of Hawaii, in addition to having  
5 the opportunity to submit a competitive bid, may—

6           “(i) submit a binding offer, and shall on  
7 submission of the bid, be entitled to purchase a  
8 category of petroleum product specified in a no-  
9 tice of sale at a price equal to the volumetrically  
10 weighted average of the successful bids made for  
11 the remaining quantity of petroleum product  
12 within the category that is the subject of the of-  
13 fering; and

14           “(ii) submit one or more alternative offers,  
15 for other categories of petroleum product, that  
16 will be binding in the event that no price com-  
17 petitive contract is awarded for the category of  
18 petroleum product on which a binding offer is  
19 submitted under clause (i); and

20           “(B) at the request of the Governor of the State  
21 of Hawaii, petroleum product purchased by the State  
22 of Hawaii at a competitive sale or through a binding  
23 offer shall have first preference in scheduling for lift-  
24 ing.

1       “(2)(A) In administering this subsection, and with re-  
2 spect to each offering, the Secretary may impose the limita-  
3 tion described in subparagraph (B) or (C) that results in  
4 the purchase of the lesser quantity of petroleum product.

5       “(B) The Secretary may limit the quantity of petro-  
6 leum product that the State of Hawaii may purchase  
7 through a binding offer at any one offering to 1-1/2 of the  
8 total quantity of imports of petroleum product brought into  
9 the State during the previous year (or other period deter-  
10 mined by the Secretary to be representative).

11       “(C) The Secretary may limit the quantity that may  
12 be purchased through binding offers at any one offering to  
13 3 percent of the offering.

14       “(3) Notwithstanding any limitation imposed under  
15 paragraph (2), in administering this subsection, and with  
16 respect to each offering, the Secretary shall, at the request  
17 of the Governor of the State of Hawaii, adjust the quantity  
18 to be sold to the State of Hawaii or an eligible entity cer-  
19 tified under paragraph (6), as follows:

20               “(A) The Secretary shall adjust upward to the  
21 next whole number increment of a full tanker load if  
22 the quantity to be sold is—

23                       “(i) less than one full tanker load; or

1           “(ii) greater than or equal to 50 percent of  
2           a full tanker load more than a whole number in-  
3           crement of a full tanker load.

4           “(B) The Secretary shall adjust downward to the  
5           next whole number increment of a full tanker load if  
6           the quantity to be sold is less than 50 percent of a  
7           full tanker load more than a whole number increment  
8           of a full tanker load.

9           “(4) The State of Hawaii or an eligible entity may  
10          enter into an exchange or a processing agreement that re-  
11          quires delivery to other locations, so long as petroleum prod-  
12          uct of similar value or quantity is delivered to the State  
13          of Hawaii.

14          “(5) Except as otherwise provided in this Act, the Sec-  
15          retary may require the State of Hawaii and any eligible  
16          entity that purchases petroleum product under this sub-  
17          section to comply with the standard sales provisions appli-  
18          cable to purchasers of petroleum product at competitive  
19          sales.

20          “(6)(A) Notwithstanding the foregoing, and subject to  
21          subparagraphs (B) and (C), if the Governor of the State  
22          of Hawaii certifies to the Secretary that the State has en-  
23          tered into an agreement with an eligible entity to effectuate  
24          the purposes of this Act, such eligible entity may submit

1 *a binding offer and receive first preference in scheduling*  
2 *for lifting in accordance with this subsection.*

3       “(B) *The Governor of the State of Hawaii shall not*  
4 *certify more than one eligible entity under this paragraph*  
5 *for each notice of sale.*

6       “(C) *If the Secretary has notified the Governor of the*  
7 *State of Hawaii that a company has been barred from bid-*  
8 *ding (either prior to, or at the time that a notice of sale*  
9 *is issued), the Governor shall not certify such company*  
10 *under the paragraph.*

11       “(7) *As used in this subsection—*

12               “(A) *the term ‘binding offer’ means a bid sub-*  
13 *mitted by the State of Hawaii or an eligible entity*  
14 *for an assured award of a specific quantity of petro-*  
15 *leum product, with a price to be calculated pursuant*  
16 *to this Act, that obligates the offeror to take title to*  
17 *the petroleum product without further negotiation or*  
18 *recourse to withdraw the offer;*

19               “(B) *the term ‘category of petroleum’ means the*  
20 *master line items within a notice of sale;*

21               “(C) *the term ‘eligible entity’ means an entity*  
22 *that owns or controls a refinery that is located within*  
23 *the State of Hawaii;*

24               “(D) *the term ‘full tanker load’ means a tanker*  
25 *of approximately 700,000 barrels of capacity, or such*



1        *lesser tanker capacity as may be designated by the*  
2        *State of Hawaii or the eligible entity submitting the*  
3        *binding offer;*

4            “(E) *the term ‘offering’ means a solicitation for*  
5        *bids for a quantity or quantities of petroleum product*  
6        *from the Strategic Petroleum Reserve as specified in*  
7        *the notice of sale; and*

8            “(F) *the term ‘notice of sale’ means the document*  
9        *that announces—*

10            “(i) *the sale of strategic petroleum reserve*  
11        *products;*

12            “(ii) *the quantity, characteristics, and loca-*  
13        *tion of the petroleum product being sold;*

14            “(iii) *the delivery period for the sale; and*

15            “(iv) *the procedures for submitting offers.”.*

16        (b) *EFFECTIVE DATE.—The amendment made by sub-*  
17        *section (a) shall take effect on the date that is 180 days*  
18        *after the date of enactment of this Act or the date that final*  
19        *regulations are promulgated pursuant to section 3, which-*  
20        *ever is sooner.*

21        **SEC. 402. REGULATIONS.**

22        (a) *IN GENERAL.—The Secretary shall promulgate*  
23        *such regulations as are necessary to carry out section 2.*

24        (b) *PLAN AMENDMENTS.—No amendment of the Stra-*  
25        *tegic Petroleum Reserve Plan or the Distribution Plan con-*

1 *tained in the Strategic Petroleum Reserve Plan is required*  
2 *for any action taken under this Act if the Secretary deter-*  
3 *mines that an amendment to the plan is necessary to carry*  
4 *out this section.*

5 (c) *ADMINISTRATIVE PROCEDURE.—Regulations is-*  
6 *sued to carry out this Act shall not be subject to—*

7 (1) *section 523 of the Energy Policy and Con-*  
8 *servaion Act (42 U.S.C. 6393); or*

9 (2) *section 501 of the Department of Energy Or-*  
10 *ganization Act (42 U.S.C. 7191).*

○