

PROVIDING FOR THE CONSIDERATION OF H.R. 4733, THE  
ENERGY AND WATER DEVELOPMENT APPROPRIATIONS  
BILL, 2001

---

JUNE 26, 2000.—Referred to the House Calendar and ordered to be printed

---

Mr. HASTINGS of Washington, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 532]

The Committee on Rules, having had under consideration House Resolution 532, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of H.R. 4733, the Energy and Water Development Appropriations Bill, 2001, under an open rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

The rule waives clause 4 of rule XIII (requiring a three day lay-over of the committee report and requiring a three day availability of printed hearings on a general appropriations bill) against consideration of the bill. The rule further waives clause 2 of rule XXI (prohibiting unauthorized or legislative provisions in an appropriations bill) and clause 5(a) of rule XXI (prohibiting a tax or tariff provision in a bill not reported by a committee with jurisdiction over revenue measures) against provisions in the bill.

The rule provides that the amendment printed in this report may be offered only by a Member designated in this report and only at the appropriate point in the reading of the bill, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment are waived.

Members who have preprinted their amendments in the Congressional Record prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules. The Chairman of the Committee of the Whole may postpone votes during consideration of the bill, and reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides for one motion to recommit, with or without instruction.

The waiver of clause 4 of rule XIII is necessary because the report was not printed until Monday, June 26, and the bill may be considered on the floor as early as Tuesday, June 27. The waiver of clause 2 of rule XXI is necessary because there are several unauthorized and legislative provisions, as well as transfers of funds. Those provisions are described in pages 154–155 of the Committee Report on the Energy and Water Development Appropriations bill, 2001 (106–693). Finally, the waiver of clause 5(a) of rule XXI is necessary because Sec. 604 of the bill (Nuclear Regulatory Commission fee) is a revenue provision. Similar provisions have been included in previous Energy and Water Appropriations bills because the fee funds the commission.

#### SUMMARY OF AMENDMENT MADE IN ORDER TO THE RULE

Sherwood: Replaces section 606 with the text of H.R. 2884, the Energy Policy and Conservation Reauthorization Act, as passed by the House. (30 minutes)

#### TEXT OF AMENDMENT MADE IN ORDER

##### I. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHERWOOD OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

Page 39, lines 6 through 19, amend section 606 to read as follows:

SEC. 606. (a) ENERGY POLICY AND CONSERVATION ACT AMENDMENTS.—The Energy Policy and Conservation Act is amended—

(1) by amending section 166 (42 U.S.C. 6246) to read as follows:

#### “AUTHORIZATION OF APPROPRIATIONS

“SEC. 166. There are authorized to be appropriated for fiscal years 2000 through 2003 such sums as may be necessary to implement this part.”;

(2) in section 181 (42 U.S.C. 6251) by striking “March 31, 2000” both places it appears and inserting “September 30, 2003”; and

(3) in section 281 (42 U.S.C. 6285) by striking “March 31, 2000” both places it appears and inserting “September 30, 2003”.

(b) PURCHASE OF OIL FROM MARGINAL WELLS.—

(1) PURCHASE OF OIL FROM MARGINAL WELLS.—Part B of Title I of the Energy Policy and Conservation Act (42 U.S.C. 6232 et seq.) is amended by adding the following new section after section 168:

“PURCHASE OF OIL FROM MARGINAL WELLS

“SEC. 169. (a) IN GENERAL.—From amounts authorized under section 166, in any case in which the price of oil decreases to an amount less than \$15.00 per barrel (an amount equal to the annual average well head price per barrel for all domestic crude oil), adjusted for inflation, the Secretary may purchase oil from a marginal well at \$15.00 per barrel, adjusted for inflation.

“(b) DEFINITION OF MARGINAL WELL.—The term “marginal well” means a well that—

“(1) has an average daily production of 15 barrels or less;

“(2) has an average daily production of 25 barrels or less with produced water accounting for 95 percent or more of total production; or

“(3) produces heavy oil with an API gravity less than 20 degrees.”

(2) CONFORMING AMENDMENT.—The table of contents for the Energy Policy and Conservation Act is amended by inserting after the item relating to section 168 the following:

“Sec. 169. Purchase of oil from marginal wells.”.

(c) NORTHEAST HOME HEATING OIL RESERVE.—

(1) AMENDMENT.—Title I of the Energy Policy and Conservation Act is amended by—

(A) redesignating part D as part E;

(B) redesignating section 181 as section 191; and

(C) inserting after part C the following new part D:

“PART D—NORTHEAST HOME HEATING OIL RESERVE

“ESTABLISHMENT

“SEC. 181. (a) Notwithstanding any other provision of this Act, the Secretary may establish, maintain, and operate in the Northeast a Northeast Home Heating Oil Reserve. A Reserve established under this part is not a component of the Strategic Petroleum Reserve established under part B of this title. A Reserve established under this part shall contain no more than 2 million barrels of petroleum distillate.

“(b) For the purposes of this part—

“(1) the term ‘Northeast’ means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey; and

“(2) the term ‘petroleum distillate’ includes heating oil and diesel fuel.

“AUTHORITY

“SEC. 182. To the extent necessary or appropriate to carry out this part, the Secretary may—

“(1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;

“(2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;

“(3) acquire by purchase, exchange (including exchange of petroleum product from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, pe-

roleum distillate for storage in the Northeast Home Heating Oil Reserve;

“(4) store petroleum distillate in facilities not owned by the United States;

“(5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part; and

“(6) notwithstanding paragraph (5), on terms the Secretary considers reasonable, sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part in order to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

“CONDITIONS FOR RELEASE; PLAN

“SEC. 183. (a) The Secretary may release petroleum distillate from the Reserve under section 182(5) only in the event of—

“(1) a severe energy supply disruption;

“(2) a severe price increase; or

“(3) another emergency affecting the Northeast,

which the President determines to merit a release from the Reserve.

“(b) Within 45 days of the date of the enactment of this section, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

“(1) the acquisition of storage and related facilities or storage services for the Reserve;

“(2) the acquisition of petroleum distillate for storage in the Reserve;

“(3) the anticipated methods of disposition of petroleum distillate from the Reserve; and

“(4) the estimated costs of establishment, maintenance, and operation of the Reserve.

The storage of petroleum distillate in a storage facility that meets existing environmental requirements is not a ‘major Federal action significantly affecting the quality of the human environment’ as that term is used in section 102(2)(C) of the National Environmental Policy Act of 1969.

“NORTHEAST HOME HEATING OIL RESERVE ACCOUNT

“SEC. 184. (a) Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the ‘Northeast Home Heating Oil Reserve Account’ (referred to in this section as the ‘Account’).

“(b) The Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

“(c) The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

## “EXEMPTIONS

“SEC. 185. An action taken under this part—

“(1) is not subject to the rulemaking requirements of section 523 of this Act, section 501 of the Department of Energy Organization Act, or section 553 of title 5, United States Code; and

“(2) is not subject to laws governing the Federal procurement of goods and services, including the Federal Property and Administrative Services Act of 1949 (including the Competition in Contracting Act) and the Small Business Act.”.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out part D of title I of the Energy Policy and Conservation Act.

