

105TH CONGRESS  
2D Session

**S. 417**

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**AMENDMENTS**

# ***In the House of Representatives, U. S.,***

*September 28, 1998.*

*Resolved*, That the bill from the Senate (S. 417) entitled “An Act to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002”, do pass with the following

## **AMENDMENTS:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Energy Conservation*  
3 *Reauthorization Act of 1998”.*

4 ***SEC. 2. ENERGY POLICY AND CONSERVATION ACT AMEND-***  
5 ***MENTS.***

6 *(a) STATE ENERGY CONSERVATION PROGRAM.—Sec-*  
7 *tion 365(f) of the Energy Policy and Conservation Act (42*  
8 *U.S.C. 6325(f)) is amended to read as follows:*

9 *“(f) For the purpose of carrying out this part, there*  
10 *are authorized to be appropriated for fiscal years 1999*  
11 *through 2003 such sums as may be necessary.”.*

12 *(b) SCHOOLS AND HOSPITALS.—Section 397 the En-*  
13 *ergy Policy and Conservation Act (42 U.S.C. 6371f) is*  
14 *amended to read as follows:*

1 “AUTHORIZATION OF APPROPRIATIONS

2 “SEC. 397. *For the purpose of carrying out this part,*  
 3 *there are authorized to be appropriated for fiscal years 1999*  
 4 *through 2003 such sums as may be necessary.*”.

5 **SEC. 3. ENERGY CONSERVATION AND PRODUCTION ACT**  
 6 **AMENDMENT.**

7 *Section 422 of the Energy Conservation and Produc-*  
 8 *tion Act (42 U.S.C. 6872) is amended to read as follows:*

9 “AUTHORIZATION OF APPROPRIATIONS

10 “SEC. 422. *For the purpose of carrying out the weath-*  
 11 *erization program under this part, there are authorized to*  
 12 *be appropriated for fiscal years 1999 through 2003 such*  
 13 *sums as may be necessary.*”.

14 **SEC. 4. ENERGY SAVINGS PERFORMANCE CONTRACTS.**

15 (a) *SUNSET.*—Section 801(c) of the National Energy  
 16 Conservation Policy Act (42 U.S.C. 8287(c)) is amended  
 17 by striking “five years after” and all that follows through  
 18 “subsection (b)” and inserting “on October 1, 2003”.

19 (b) *DEFINITION.*—Section 804(1) of the National En-  
 20 ergy Conservation Policy Act (42 U.S.C. 8287c(1)) is  
 21 amended to read as follows:

22 “(1) The term ‘Federal agency’ means each au-  
 23 thority of the Government of the United States,  
 24 whether or not it is within or subject to review by an-  
 25 other agency.”.

1 **SEC. 5. TECHNICAL AMENDMENTS.**

2 (a) *ENERGY POLICY AND CONSERVATION ACT.*—*The*  
 3 *Energy Policy and Conservation Act is amended—*

4 (1) *in the table of contents—*

5 (A) *by striking “Sec. 301.” and all that fol-*  
 6 *lows through “Reports to Congress.’”;*

7 (B) *by striking “efficiency” and inserting*  
 8 *“conservation” in the item relating to section*  
 9 *325;*

10 (C) *by striking “and private labelers” in*  
 11 *the item relating to section 326;*

12 (D) *by striking the items relating to part E*  
 13 *of title III;*

14 (E) *by inserting after the items relating to*  
 15 *part I of title III the following:*

*“PART J—ENCOURAGING THE USE OF ALTERNATIVE FUELS*

*“Sec. 400AA. Alternative fuel use by light duty Federal vehicles.*

*“Sec. 400BB. Alternative fuels truck commercial application program.*

*“Sec. 400CC. Alternative fuels bus program.*

*“Sec. 400DD. Interagency Commission on Alternative Motor Fuels.*

*“Sec. 400EE. Studies and reports.”;*

16 (F) *by inserting “Environmental” after*  
 17 *“Energy Supply and” in the item relating to*  
 18 *section 505; and*

19 (G) *by striking the item relating to section*  
 20 *527;*

21 (2) *in section 321(1) (42 U.S.C. 6291(1))—*

1           (A) by striking “section 501(1) of the Motor  
2           Vehicle Information and Cost Savings Act” and  
3           inserting “section 32901(a)(3) of title 49, United  
4           States Code”; and

5           (B) by striking the second period at the end  
6           thereof;

7           (3) in section 322(b)(2)(A) (42 U.S.C.  
8           6292(b)(2)(A)) by inserting close quotation marks  
9           after “type of product”;

10          (4) in section 324(a)(2)(C)(ii) (42 U.S.C.  
11          6294(a)(2)(C)(ii)) by striking “section 325(j)” and  
12          inserting “section 325(i)”;

13          (5) in section 325 (42 U.S.C. 6295)—

14               (A) by striking “paragraphs” in subsection  
15               (e)(4)(A) and inserting “paragraph”; and

16               (B) by striking “BALLASTS;” in the heading  
17               of subsection (g) and inserting “BALLASTS”;

18          (6) in section 336(c)(2) (42 U.S.C. 6306(c)(2))  
19          by striking “section 325(k)” and inserting “section  
20          325(n)”;

21          (7) in section 345(c) (42 U.S.C. 6316(c)) by in-  
22          serting “standard” after “meets the applicable”;

23          (8) in section 362 (42 U.S.C. 6322)—

24               (A) by inserting “of” after “of the imple-  
25               mentation” in subsection (a)(1); and

1                   (B) by striking “subsection (g)” and insert-  
 2                   ing “subsection (f)(2)” in subsection (d)(12);

3                   (9) in section 391(2)(B) (42 U.S.C. 6371(2)(B))  
 4                   by striking the period at the end and inserting a  
 5                   semicolon;

6                   (10) in section 394(a) (42 U.S.C. 6371c(a))—

7                   (A) by striking the commas at the end of  
 8                   paragraphs (1), (3), and (5) and inserting semi-  
 9                   colons;

10                  (B) by striking the period at the end of  
 11                  paragraph (2) and inserting a semicolon; and

12                  (C) by striking the colon at the end of para-  
 13                  graph (6) and inserting a semicolon;

14                  (11) in section 400 (42 U.S.C. 6371i) by striking  
 15                  “(a)”;

16                  (12) in section 400D(a) (42 U.S.C. 6372c(a)) by  
 17                  striking the commas at the end of paragraphs (1), (2),  
 18                  and (3) and inserting semicolons;

19                  (13) in section 400I(b) (42 U.S.C. 6372h(b)) by  
 20                  striking “Secretary shall,” and inserting “Secretary  
 21                  shall”;

22                  (14) in section 400AA (42 U.S.C. 6374) by re-  
 23                  designating subsection (i) as subsection (h);

24                  (15) in section 503 (42 U.S.C. 6383)—

1 (A) by striking “with repect to” and insert-  
 2 ing “with respect to” in subsection (b); and

3 (B) by striking “controlling” and inserting  
 4 “, controlling,” in subsection (c)(1); and

5 (16) in section 552(d)(5)(A) (42 U.S.C.  
 6 6422(d)(5)(A)) by striking “notion” and inserting  
 7 “motion”.

8 (b) *ENERGY CONSERVATION AND PRODUCTION ACT.*—  
 9 *The Energy Conservation and Production Act is amend-*  
 10 *ed—*

11 (1) *in the table of contents—*

12 (A) by striking “rules and regulations” and  
 13 inserting “regulations and rulings” in the item  
 14 relating to section 106; and

15 (B) by striking the item relating to section  
 16 207 and inserting the following:

“Sec. 207. State utility regulatory assistance.

“Sec. 208. Authorization of appropriations.”; and

17 (2) *in section 202 (42 U.S.C. 6802) by striking*  
 18 *“(b) DEFINITIONS.—”.*

19 (c) *NATIONAL ENERGY CONSERVATION POLICY ACT.*—  
 20 *The National Energy Conservation Policy Act is amend-*  
 21 *ed—*

22 (1) *in the table of contents—*

1           (A) by striking “, installation, and financ-  
 2           ing” and inserting “and installation” in the  
 3           item relating to section 216;

4           (B) by striking “Ratings” and inserting  
 5           “Rating Guidelines” in the item relating to part  
 6           6 of title II;

7           (C) by striking the item relating to section  
 8           304; and

9           (D) by striking “goals” and inserting “re-  
 10          quirements” in the item relating to section 543;

11          (2) in section 216(d)(1)(C) (42 U.S.C.  
 12          8217(d)(1)(C)) by striking “explicitly” and inserting  
 13          “explicitly”;

14          (3) in section 251(b)(1) (42 U.S.C. 8231(b)(1))—

15               (A) by striking “National Housing Act to  
 16               projects” and inserting “National Housing Act)  
 17               to projects”; and

18               (B) by striking “accure” and inserting “ac-  
 19               crue”;

20          (4) in section 266 (42 U.S.C. 8235e) by striking  
 21          “(17 U.S.C.” and inserting “(15 U.S.C.”; and

22          (5) in section 551(8) (42 U.S.C. 8259(8)) by  
 23          striking “goethermal” and inserting “geothermal”.



1 **SEC. 6. MATERIALS ALLOCATION AUTHORITY EXTENSION.**

2       Section 104(b) of the Energy Policy and Conservation  
3 Act is amended by striking “(1) The authority” and all that  
4 follows through “(2)”.

5 **SEC. 7. BIODIESEL FUEL USE CREDITS.**

6       (a) AMENDMENT.—Title III of the Energy Policy Act  
7 of 1992 (42 U.S.C. 13211–13219) is amended by adding  
8 at the end the following new section:

9 **“SEC. 312. BIODIESEL FUEL USE CREDITS.**

10       “(a) ALLOCATION OF CREDITS.—

11               “(1) IN GENERAL.—The Secretary shall allocate  
12 one credit under this section to a fleet or covered per-  
13 son for each qualifying volume of the biodiesel compo-  
14 nent of fuel containing at least 20 percent biodiesel  
15 by volume purchased after the date of the enactment  
16 of this section for use by the fleet or covered person  
17 in vehicles owned or operated by the fleet or covered  
18 person that weigh more than 8,500 pounds gross vehi-  
19 cle weight rating.

20               “(2) EXCEPTIONS.—No credits shall be allocated  
21 under paragraph (1) for a purchase of biodiesel—

22                       “(A) for use in alternative fueled vehicles; or

23                       “(B) that is required by Federal or State  
24 law.

25               “(3) AUTHORITY TO MODIFY PERCENTAGE.—The  
26 Secretary may, by rule, lower the 20 percent biodiesel

1 *volume requirement in paragraph (1) for reasons re-*  
 2 *lated to cold start, safety, or vehicle function consider-*  
 3 *ations.*

4 “(4) *DOCUMENTATION.*—A fleet or covered person  
 5 seeking a credit under this section shall provide writ-  
 6 ten documentation to the Secretary supporting the al-  
 7 location of a credit to such fleet or covered person  
 8 under paragraph (1).

9 “(b) *USE OF CREDITS.*—

10 “(1) *IN GENERAL.*—At the request of a fleet or  
 11 covered person allocated a credit under subsection (a),  
 12 the Secretary shall, for the year in which the purchase  
 13 of a qualifying volume is made, treat that purchase  
 14 as the acquisition of one alternative fueled vehicle the  
 15 fleet or covered person is required to acquire under  
 16 this title, title IV, or title V.

17 “(2) *LIMITATION.*—Credits allocated under sub-  
 18 section (a) may not be used to satisfy more than 50  
 19 percent of the alternative fueled vehicle requirements  
 20 of a fleet or covered person under this title, title IV,  
 21 and title V. This paragraph shall not apply to a fleet  
 22 or covered person that is a biodiesel alternative fuel  
 23 provider described in section 501(a)(2)(A).

1       “(c) *CREDIT NOT A SECTION 508 CREDIT.*—A credit  
 2       under this section shall not be considered a credit under  
 3       section 508.

4       “(d) *ISSUANCE OF RULE.*—The Secretary shall, before  
 5       January 1, 1999, issue a rule establishing procedures for  
 6       the implementation of this section.

7       “(e) *COLLECTION OF DATA.*—The Secretary shall col-  
 8       lect such data as are required to make a determination de-  
 9       scribed in subsection (f)(2)(B).

10       “(f) *DEFINITIONS.*—For purposes of this section—

11               “(1) the term ‘biodiesel’ means a diesel fuel sub-  
 12               stitute produced from nonpetroleum renewable re-  
 13               sources that meets the registration requirements for  
 14               fuels and fuel additives established by the Environ-  
 15               mental Protection Agency under section 211 of the  
 16               Clean Air Act; and

17               “(2) the term ‘qualifying volume’ means—

18                       “(A) 450 gallons; or

19                       “(B) if the Secretary determines by rule  
 20               that the average annual alternative fuel use in  
 21               light duty vehicles by fleets and covered persons  
 22               exceeds 450 gallons or gallon equivalents, the  
 23               amount of such average annual alternative fuel  
 24               use.”.

1       (b) *TABLE OF CONTENTS AMENDMENT.*—*The table of*  
 2 *contents of the Energy Policy Act of 1992 is amended by*  
 3 *adding at the end of the items relating to title III the follow-*  
 4 *ing new item:*

“Sec. 312. Biodiesel fuel use credits.”.

5 **SEC. 8. REPORT CONCERNING COMPLIANCE WITH ALTER-**  
 6 **NATIVE FUEL VEHICLE PURCHASING RE-**  
 7 **QUIREMENTS.**

8       (a) *IN GENERAL.*—*Section 310 of the Energy Policy*  
 9 *Act of 1992 (42 U.S.C. 13218) is amended—*

10           (1) *by striking the heading and inserting the fol-*  
 11 *lowing:*

12 **“SEC. 310. REPORTS.”;**

13           (2) *by inserting “(a) GENERAL SERVICE ADMIN-*  
 14 *ISTRATION PROGRAM REPORT.—” before “Not later*  
 15 *than”; and*

16           (3) *by adding at the end the following:*

17 **“(b) COMPLIANCE REPORT.—**

18           **“(1) IN GENERAL.**—*Not later than 1 year after*  
 19 *the date of enactment of this subsection, and annually*  
 20 *thereafter for the next 14 years, the head of each Fed-*  
 21 *eral agency which is subject to this Act and Executive*  
 22 *Order No. 13031 shall prepare, and submit to Con-*  
 23 *gress, a report that—*

1           “(A) summarizes the compliance by such  
 2           Federal agency with the alternative fuel purchas-  
 3           ing requirements for Federal fleets under this Act  
 4           and Executive Order No. 13031; and

5           “(B) includes a plan of compliance that  
 6           contains specific dates for achieving compliance  
 7           using reasonable means.

8           “(2) CONTENTS.—

9           “(A) IN GENERAL.—Each report submitted  
 10          under paragraph (1) shall include—

11           “(i) any information on any failure to  
 12           meet statutory requirements or requirements  
 13           under Executive Order No. 13031;

14           “(ii)(I) any plan of compliance that  
 15           the agency head is required to submit under  
 16           Executive Order No. 13031; or

17           “(II) if a plan of compliance referred  
 18           to in subclause (I) does not contain specific  
 19           dates by which the Federal agency is to  
 20           achieve compliance, a revised plan of com-  
 21           pliance that contains specific dates for  
 22           achieving compliance; and

23           “(iii) any related information the  
 24           agency head is required to submit to the Di-

1                    *rector of the Office of Management and*  
 2                    *Budget under Executive Order No. 13031.*

3                    *“(B) PENULTIMATE REPORT.—The penul-*  
 4                    *timate report submitted under paragraph (1)*  
 5                    *shall include an announcement that the report*  
 6                    *for the next year shall be the final report submit-*  
 7                    *ted under paragraph (1).*

8                    *“(3) PUBLIC DISSEMINATION OF REPORT.—Each*  
 9                    *report submitted under paragraph (1) shall be made*  
 10                   *public, including—*

11                   *“(A) placing such report on a publicly*  
 12                   *available website on the Internet; and*

13                   *“(B) publishing the availability of the re-*  
 14                   *port, including such website address, in the Fed-*  
 15                   *eral Register.”.*

16                   *(b) CLERICAL AMENDMENT.—The table of contents for*  
 17                   *the Energy Policy Act of 1992 contained in section 1(b)*  
 18                   *of that Act (106 Stat. 2776 et. seq.) is amended by striking*  
 19                   *the item relating to section 310 and inserting the following:*

*“Sec. 310. Reports.”.*

Amend the title so as to read: “An Act to extend certain programs under the Energy Policy and Conservation Act and the Energy Conservation and Production Act, and for other purposes.”.

Attest:

*Clerk.*