

§ 6082. Grant authority

(a) Secretary; demonstration projects; technical assistance

The Secretary may make grants to public or nonprofit private entities for—

(1) demonstration projects—

(A) which are conducted in more than one State,

(B) which involve the participation of two or more Federal departments or agencies, or

(C) which are otherwise of national significance,

and which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are multihandicapped or disadvantaged, including Native Americans, Native Hawaiians, and other underserved groups); and

(2) technical assistance and demonstration projects (including research, training, and evaluation in connection with such projects) which hold promise of expanding or otherwise improving protection and advocacy services relating to the State protection and advocacy system described in section 6042 of this title.

Projects for the evaluation and assessment of the quality of services provided persons with developmental disabilities which meet the requirements of subparagraphs (A), (B), and (C) of paragraph (1) may be included as projects for which grants are authorized under such paragraph.

(b) Application requirement; approval by Secretary; State Planning Council; review

No grant may be made under subsection (a) of this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless each State in which the applicant's project will be conducted has a State plan approved under section 6022 of this title, and unless the application provides assurances that the human rights of all persons with developmental disabilities (especially those persons without familial protection) who are receiving treatment, services, or habilitation under projects assisted under this subchapter will be protected consistent with section 6009 of this title (relating to the rights of the developmentally disabled). The Secretary shall provide to the State Planning Council for each State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments on the application.

(c) Payments; advance; reimbursement; intervals; conditions

Payments under grants under subsection (a) of this section may be made in advance or by way of reimbursement and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) of this section shall be determined by the Secretary.

(Pub. L. 88-164, title I, § 162, as added Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2683.)

§ 6083. Authorization of appropriations

To carry out this subchapter, there are authorized to be appropriated \$2,700,000 for fiscal year 1985, \$2,800,000 for fiscal year 1986, and \$3,100,000 for fiscal year 1987.

(Pub. L. 88-164, title I, § 163, as added Pub. L. 98-527, § 2, Oct. 19, 1984, 98 Stat. 2684.)

CHAPTER 76—AGE DISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 300w-7, 300x-7, 300y-9, 708, 5057, 5309, 6727, 8625, 9906, 10406 of this title; title 29 section 1577; title 31 section 6716.

§ 6106. Study of discrimination based on age

[See main edition for text of (a) and (b)]

(c) Publication of results of analyses, research and studies by independent experts; services of voluntary or uncompensated personnel

The Commission is authorized to obtain, through grant or contract, analyses, research and studies by independent experts of issues relating to age discrimination and to publish the results thereof. For purposes of the study required by this section, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 105(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(b)).

[See main edition for text of (d) to (g); credits]

REFERENCES IN TEXT

Section 105(b) of the Civil Rights Act of 1957, referred to in subsec. (c), is section 105(b) of Pub. L. 85-315, pt. I, Sept. 9, 1957, 71 Stat. 636, which was classified to section 1975d(b) of this title and was omitted from the Code. For further details, see Codification note set out preceding section 1975 of this title. Similar provisions are contained in section 6(b) of the United States Commission on Civil Rights Act of 1983, Pub. L. 98-183, Nov. 30, 1983, 97 Stat. 1306, which is classified to section 1975d(b) of this title.

CHAPTER 77—ENERGY CONSERVATION

SUBCHAPTER I—DOMESTIC SUPPLY AVAILABILITY

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6251. Expiration.

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PART A—GENERAL EMERGENCY AUTHORITIES

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PART B—AUTHORITIES WITH RESPECT TO INTERNATIONAL ENERGY PROGRAM

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(a) Purpose.
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- (c) Program for enhancing commerce in renewable energy technologies; funding.
- (d) Interagency working group; personnel and services from appropriate agencies.

PART D—EXPIRATION

6285. Expiration.

SUBCHAPTER III—IMPROVING ENERGY EFFICIENCY

PART B—STATE ENERGY CONSERVATION PLANS

6323a. Matching State contributions.

SUBCHAPTER IV—GENERAL PROVISIONS

PART B—GENERAL PROVISIONS

6401. Repealed.

§ 6201. Congressional statement of purpose

SHORT TITLE OF 1985 AMENDMENT

Pub. L. 99-58, § 1, July 2, 1985, 99 Stat. 102, provided that: "This Act [enacting sections 6251, 6264, 6285, and 7277 of this title, amending sections 6239, 6240, 6241, 6247, and 6272 of this title, repealing section 6401 of this title, enacting provisions set out as notes under section 7277 of this title, and amending provisions set out as a note under section 2071 of Title 50, Appendix, War and National Defense] may be cited as the 'Energy Policy and Conservation Amendments Act of 1985'."

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98-370, § 1, July 18, 1984, 98 Stat. 1211, provided: "That this Act [enacting section 6276 of this title and a provision set out as a note under section 6276 of this title] may be cited as the 'Renewable Energy Industry Development Act of 1983'."

§ 6202. Definitions

As used in this chapter:

[See main edition for text of (1) to (3)]

(4) The term "State" means a State, the District of Columbia, Puerto Rico, the Trust Territory of the Pacific Islands, or any territory or possession of the United States.

[See main edition for text of (5) to (10)]

(As amended Pub. L. 98-454, title VI, § 601(f), Oct. 5, 1984, 98 Stat. 1736.)

AMENDMENTS

1984—Par. (4). Pub. L. 98-454 added reference to the Trust Territory of the Pacific Islands.

SUBCHAPTER I—DOMESTIC SUPPLY AVAILABILITY

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 6391, 6393, 6394, 6396 of this title.

PART B—STRATEGIC PETROLEUM RESERVE

§ 6231. Congressional finding and declaration of policy

STUDY OF A STRATEGIC ETHANOL RESERVE

Pub. L. 99-198, title XVII, § 1778, Dec. 23, 1985, 99 Stat. 1659, provided that:

"(a) The Secretary of Agriculture shall conduct a study of the cost effectiveness, the economic benefits, and the feasibility of establishing, maintaining, and utilizing a Strategic Ethanol Reserve relative to the existing Strategic Petroleum Reserve.

"(b) The study shall be completed within one year after the enactment of this section [Dec. 23, 1985] and shall include, among other considerations—

"(1) the benefits and losses related to the U.S. economy, farm income, employment, government commodity programs, and the trade deficit of utilizing a Strategic Ethanol Reserve, as opposed to the Strategic Petroleum Reserve; and

"(2) the savings from storing ethanol as opposed to storing the amount of CCC-held grain necessary to produce the ethanol.

"(c) If the study shows that the Strategic Ethanol Reserve is cost effective, beneficial to the U.S. economy, and feasible in comparison with the Strategic Petroleum Reserve, the Secretary of Agriculture may establish, maintain, and utilize a Strategic Ethanol Reserve."

§ 6234. Strategic Petroleum Reserve

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6235, 6238, 6239, 6246 of this title; title 15 section 714b.

§ 6239. Congressional review of Strategic Petroleum Reserve Plan; implementation

[See main edition for text of (a) to (d)]

(e) Presidential determination; 60-day period

Subject to section 6241(g)(2) of this title, any amendment transmitted pursuant to subsection (d) of this section may not become effective until 60 days after the date of such transmittal, except that such 60-day period shall not apply if the President determines that such amendment is required by a severe energy supply interruption or by obligations of the United States under the international energy program.

[See main edition for text of (f) to (h)]

(As amended Pub. L. 99-58, title I, § 102(a), July 2, 1985, 99 Stat. 102.)

AMENDMENTS

1985—Subsec. (e). Pub. L. 99-58 amended subsec. (e) generally, substituting provisions directing that amendments transmitted pursuant to subsec. (d) of this section not become effective until 60 days after transmittal except in the case of enumerated presidential determinations for provisions which had formerly empowered Congress to disapprove of transmitted proposals and amendments in accordance with the procedures specified in section 6421 of this title.

§ 6240. Petroleum products for storage, transport, or exchange

[See main edition for text of (a) to (c)]

(d) Crude oil from Naval Petroleum Reserve Numbered 1

(1) Notwithstanding any other provision of law, no portion of the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of other than to the Strategic Petroleum Reserve (either directly or by exchange) during any fiscal year, except as provided in paragraph (2), unless—

(A) the quantity of crude oil in storage within the Strategic Petroleum Reserve is at least 500,000,000 barrels; or

(B) acquisition, transportation, and injection activities for the Reserve are being undertaken for that fiscal year at a level sufficient to assure that crude oil in storage in the Strategic Petroleum Reserve will be increased at an average rate of at least 100,000 barrels per day for that fiscal year; or

(C) the fill rate is sufficient to attain a level of 500,000,000 barrels by the end of the fiscal year during which the fill rate falls below the rate established in (B).

[See main edition for text of (2)]

(3) In determining the number of barrels of crude oil for purposes of subparagraph (A) of paragraph (1), any crude oil drawdown from the Reserve as a result of any drawdown and distribution carried out under section 6241(g) of this title and not replaced under section 6241(g)(6)(B) of this title shall be considered to be within the Reserve.

(e) Suspensions of fill operations, etc., during emergency situations; applicability, etc.

(1) The provisions of subsections (c) and (d) of this section shall not apply (A) if there is in effect an order of the President directing drawdown and distribution pursuant to section 6241 of this title or (B) if—

(i) the President has found in his discretion that compliance with such provisions significantly impairs the ability of the United States to respond to a severe energy supply interruption or to meet the obligations of the United States under the international energy program; and

(ii) the President has transmitted such finding to the Congress.

(2) The suspension of the application of subsections (c) and (d) of this section under paragraph (1)(B) may become effective on the day the finding is transmitted to the Congress and shall terminate nine months thereafter or on such earlier date as is specified in such finding.

(3) The period of any suspension of subsections (c) and (d) of this section under this subsection, and the quantity of any petroleum product involved, shall be disregarded in applying the provisions of such subsections for periods following such suspension.

(4) Redesignated (3)

(As amended Pub. L. 99-58, title I, §§ 102(b), 103(b)(1), July 2, 1985, 99 Stat. 103, 104; Pub. L. 99-88, title I, § 100, Aug. 15, 1985, 99 Stat. 342.)

AMENDMENTS

1985—Subsec. (d)(1)(C), Pub. L. 99-88 added subpar. (C).

Subsec. (d)(3), Pub. L. 99-58, § 103(b)(1), added par. (3).

Subsec. (e)(1)(B), Pub. L. 99-58, § 102(b)(1), (2), inserted "and" at the end of cl. (i), inserted a period following "to the Congress", and struck out "in accordance with section 6422 of this title, together with a request for a suspension of such provisions; and" in cl. (ii), and struck out cl. (iii) which directed that the provisions of subsecs. (c) and (d) of this section would not apply if a Presidential request for the suspension of

such provisions was approved by a resolution of each House of Congress within 60 days of continuous session after the date of its transmittal in accordance with the provisions of section 6422 of this title applicable to energy conservation contingency plans.

Subsec. (e)(2), Pub. L. 99-58, § 102(b)(3), substituted "may become effective on the day the finding is transmitted to the Congress and shall terminate nine months thereafter or on such earlier date as is specified in such finding" for "shall take effect on the date on which a resolution approving that request is adopted by the second House to have so approved that request and shall terminate 9 months thereafter, or such earlier date as is specified in the request transmitted under paragraph (1)(B)(ii)".

Subsec. (e)(3), (4), Pub. L. 99-58, § 102(b)(3), (4), redesignated par. (4) as (3). Former par. (3), which related to the application of section 6422 of this title for purposes of par. (1)(B), was struck out.

EXCHANGE OF AGRICULTURAL PRODUCTS FOR CRUDE OIL TO BE DELIVERED TO STRATEGIC PETROLEUM RESERVE

Pub. L. 99-190, § 101(d) [title II, § 201], Dec. 18, 1985, 99 Stat. 1224, 1254, provided that: "Notwithstanding any other provision of law, the Secretary of Agriculture, at the request of the Secretary of Energy, may exchange agricultural products owned by the Commodity Credit Corporation for crude oil to be delivered to the Strategic Petroleum Reserve: *Provided*, That the Secretary of Energy shall approve the quantity, quality, delivery method, scheduling, market value and other aspects of the exchange of such agricultural products: *Provided further*, That if the volume of agricultural products to be exchanged has a value in excess of the market value of the crude oil acquired by such exchange, then the Secretary of Agriculture shall require as part of the terms and conditions of the exchange that the party or entity providing such crude oil shall agree to purchase, within six months following the exchange, current crop commodities or value-added food products from United States producers or processors in an amount equal to at least one-half the difference between the value of the commodities received in exchange and the market value of the crude oil acquired for the Strategic Petroleum Reserve."

§ 6241. Drawdown and distribution of Reserve

[See main edition for text of (a)]

(b) Drawdown and distribution of Reserve in accordance with Distribution Plan contained in Strategic Petroleum Reserve Plan

Except as provided in subsections (c), (f), and (g) of this section, no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan contained in the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 6239(a) of this title.

[See main edition for text of (c) to (f)]

(g) Directive to carry out test drawdown

(1) In order to evaluate the implementation of the Distribution Plan, the Secretary shall, commencing within 180 days after July 2, 1985, carry out a test drawdown and distribution under this subsection through the sale or exchange of approximately 1,100,000 barrels of crude oil from the Reserve. The requirement of this paragraph shall not apply if the President determines, within the 180-day period described in the preceding sentence, that implementation of the Distribution Plan is required by a severe

energy supply interruption or by obligations of the United States under the international energy program.

(2) The Secretary shall carry out such drawdown and distribution in accordance with the Distribution Plan and implementing regulations and contract provisions, modified as the Secretary considers appropriate taking into consideration the artificialities of a test and the absence of a severe energy supply interruption. To meet the requirements of subsections (d) and (e) of section 6239 of this title, the Secretary shall transmit any such modification of the Plan, along with explanatory and supporting material, to both Houses of the Congress no later than 15 calendar days prior to the offering of any crude oil for sale under this subsection.

(3) At least part of the crude oil that is sold or exchanged under this subsection shall be sold or exchanged to or with entities that are not part of the Federal Government.

(4) The Secretary may not sell any crude oil under this subsection at a price less than that which the Secretary determines appropriate and, in no event, at a price less than 90 percent of the sales price, as estimated by the Secretary, of comparable crude oil being sold in the same area at the time the Secretary is offering crude oil for sale in such area under this subsection.

(5) The Secretary may cancel any offer to sell or exchange crude oil as part of any drawdown and distribution under this subsection if the Secretary determines that there are insufficient acceptable offers to obtain such crude oil.

(6)(A) The minimum required fill rate in effect for any fiscal year shall be reduced by the amount of any crude oil drawdown from the Reserve under this subsection during such fiscal year.

(B) In the case of a sale of any crude oil under this subsection, the Secretary shall, to the extent funds are available in the SPR Petroleum Account as a result of such sale, acquire crude oil for the Reserve within the 12-month period beginning after the completion of the sale. Such acquisition shall be in addition to any acquisition of crude oil for the Reserve required as part of a fill rate established by any other provision of law.

(7) Rules, regulations, or orders issued in order to carry out this subsection which have the applicability and effect of a rule as defined in section 551(4) of title 5 shall not be subject to the requirements of subchapter II of chapter 5 of such title or to section 6393 of this title.

(8) The Secretary shall transmit to both Houses of the Congress a detailed explanation of the drawdown and distribution carried out under this subsection. Such explanation may be a part of any report made to the President and the Congress under section 6245 of this title.

(As amended Pub. L. 99-58, title I, § 103(a), (b)(2), July 2, 1985, 99 Stat. 103, 104.)

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-58, § 103(b)(2), inserted reference to subsec. (g) of this section.

Subsec. (g). Pub. L. 99-58, § 103(a), added subsec. (g).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6239, 6240, 6247 of this title.

§ 6245. Reports by Secretary to Congress; contents

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6241 of this title.

§ 6247. SPR Petroleum Account

[See main edition for text of (a)]

(b) Obligation of funds for acquisition, transportation, and injection of petroleum products into SPR

Amounts in the Account may be obligated by the Secretary of Energy for the acquisition, transportation, and injection of petroleum products into the Strategic Petroleum Reserve, and the drawdown and delivery of petroleum products from the Reserve—

[See main edition for text of (1) and (2)]

(3) In the case of any fiscal year, notwithstanding section 7270 of this title, in an aggregate amount equal to the aggregate amount of the receipts to the United States from the sale of petroleum products in any drawdown and distribution of the Strategic Petroleum Reserve under section 6241 of this title, including a drawdown and distribution carried out under subsection (g) of such section.

Funds available to the Secretary of Energy for obligation under this subsection may remain available without fiscal year limitation.

[See main edition for text of (c)]

(d) Off-budgeting procedures

The Account, the deposits and withdrawals from the Account, and the transactions, receipts, obligations, outlays associated with such deposits and withdrawals (including petroleum product purchases and related transactions), and receipts to the United States from the sale of petroleum products in any drawdown and distribution of the Strategic Petroleum Reserve under section 6241 of this title, including a drawdown and distribution carried out ² subsection (g) of such section—

[See main edition for text of (1) and (2); (e)]

(As amended Pub. L. 99-58, title I, § 103(b)(3), (4), July 2, 1985, 99 Stat. 104.)

AMENDMENTS

1985—Subsec. (b)(3). Pub. L. 99-58, § 103(b)(3), inserted “, including a drawdown and distribution carried out under subsection (g) of such section” after “section 6241 of this title”.

Subsec. (d). Pub. L. 99-58, § 103(b)(4), inserted “, including a drawdown and distribution carried out subsection (g) of such section” after “section 6241 of this title” in provisions preceding par. (1).

² So in original. Probably should be followed by “under”.

PART C—EXPIRATION

§ 6251. Expiration

Except as otherwise provided in this subchapter, all authority under any provision of this subchapter and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight, June 30, 1989, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, 1989.

(Pub. L. 94-163, title I, § 171, as added Pub. L. 99-58, title I, § 101(a), July 2, 1985, 99 Stat. 102.)

CODIFICATION

Words "(other than a provision of such title amending another law)" appearing in the original in this section, have been omitted as unnecessary. Such title meant title 1 of Pub. L. 94-163, which is classified to this subchapter. The provisions of such title that amended other laws are not classified to this subchapter.

SUBCHAPTER II—STANDBY ENERGY AUTHORITIES

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 6391, 6393, 6394, 6398 of this title.

PART A—GENERAL EMERGENCY AUTHORITIES

§ 6263. Rationing contingency plan

REFERENCES IN TEXT

Section 6401 of this title, referred to in subsec. (f), was repealed by Pub. L. 99-58, title 1, § 104(c)(3), July 2, 1985, 99 Stat. 105.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6261, 6262, 6264, 8513 of this title.

§ 6264. Termination date

Except as provided in section 6263(f) of this title, authority to carry out the provisions of this part and any rule, regulation, or order issued pursuant to such part shall expire at midnight, June 30, 1985.

(Pub. L. 94-163, title II, § 204, as added Pub. L. 99-58, title I, § 104(b), July 2, 1985, 99 Stat. 104.)

PART B—AUTHORITIES WITH RESPECT TO INTERNATIONAL ENERGY PROGRAM

§ 6271. International oil allocations

[See main edition for text of (a) to (d)]

(e) Prerequisites for effectiveness of rule

No rule under this section may be put into effect unless—

(1) an international energy supply emergency, as defined in the first sentence of section 6272(k)(1) of this title, is in effect; and

[See main edition for text of (2)]

(As amended Pub. L. 99-58, title I, § 104(c)(2), July 2, 1985, 99 Stat. 105.)

AMENDMENTS

1985—Subsec. (e)(1). Pub. L. 99-58 substituted reference to section 6272(k)(1) for reference to section 6272(l)(1).

§ 6272. International voluntary agreements

[See main edition for text of (a) to (c)]

(d) Participation of Attorney General and Federal Trade Commission in development and carrying out of voluntary agreements and plans of action

(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, and when practicable, in the carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this part. A voluntary agreement or plan of action under this section may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission. Prior to the expiration of the period determined under paragraph (2), the Federal Trade Commission shall transmit to the Attorney General its views as to whether such an agreement or plan of action should be approved, and shall publish such views in the Federal Register. The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State, and the Secretary, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of the Federal Trade Commission or any interested person, any voluntary agreement or plan of action at any time, and, if revoked, thereby withdraw prospectively any immunity which may be conferred by subsection (f) or (j) of this section.

[See main edition for text of (2) and (3); (e) to (i)]

(j) Defense in breach of contract actions

In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an international energy supply emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section.

(k) Definitions

As used in this section and section 6274 of this title:

(1) The term "international energy supply emergency" means any period (A) beginning on any date which the President determines allocation of petroleum products to nations participating in the international energy program is required by chapters III and IV of such program, and (B) ending on a date on which he determines that such allocation is no longer required. Such a period may not exceed 90 days, but the President may establish one or more additional 90-day periods by making anew the determination under sub-

paragraph (A) of the preceding sentence. Any determination respecting the beginning or end of any such period shall be published in the Federal Register.

(2) The term "allocation and information provisions of the international energy program" means the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in such program.

(l) Applicability of authority

The authority granted by this section shall apply only to the development or carrying out of voluntary agreements and plans of action to implement chapters III, IV, and V of the international energy program.

(m) Limitation on new plans of action

(1) With respect to any plan of action approved by the Attorney General after July 2, 1985—

(A) the defenses under subsection (f) and (j) of this section shall be applicable to Type 1 activities (as that term is defined in the International Energy Agency Emergency Management Manual, dated December 1982) only if—

(i) the Secretary has transmitted such plan of action to the Congress; and

(ii)(I) 90 calendar days of continuous session have elapsed since receipt by the Congress of such transmittal; or

(II) within 90 calendar days of continuous session after receipt of such transmittal, either House of the Congress has disapproved a joint resolution of disapproval pursuant to subsection (n) of this section; and

(B) such defenses shall not be applicable to Type 1 activities if there has been enacted, in accordance with subsection (n) of this section, a joint resolution of disapproval.

(2) The Secretary may withdraw the plan of action at any time prior to adoption of a joint resolution described in subsection (n)(3) of this section by either House of Congress.

(3) For the purpose of this subsection—

(A) continuity of session is broken only by an adjournment of the Congress sine die at the end of the second session of Congress; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the calendar-day period involved.

(n) Joint resolution of disapproval

(1)(A) The application of defenses under subsections (f) and (j) of this section for Type 1 activities with respect to any plan of action transmitted to Congress as described in subsection (m)(1)(A)(i) of this section shall be disapproved if a joint resolution of disapproval has been enacted into law during the 90-day period of continuous session after which such transmission was received by the Congress. For the purpose of this subsection, the term "joint resolution" means only a joint resolution of either House of the Congress as described in paragraph (3).

(B) After receipt by the Congress of such plan of action, a joint resolution of disapproval

may be introduced in either House of the Congress. Upon introduction in the Senate, the joint resolution shall be referred in the Senate immediately to the Committee on Energy and Natural Resources of the Senate.

(2) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the Senate and as such it is deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described by paragraph (3); it supersedes other rules only to the extent that is inconsistent therewith; and

(B) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner and to the same extent as in the case of any other rule of the Senate.

(3) The joint resolution disapproving the transmission under subsection (m) of this section shall read as follows after the resolving clause: "That the Congress of the United States disapproves the availability of the defenses pursuant to section 252 (f) and (j) of the Energy Policy and Conservation Act with respect to Type 1 activities under the plan of action submitted to the Congress by the Secretary of Energy on _____", the blank space therein being filled with the date and year of receipt by the Congress of the plan of action transmitted as described in subsection (m) of this section.

(4)(A) If the Committee on Energy and Natural Resources of the Senate has not reported a joint resolution referred to it under this subsection at the end of 20 calendar days of continuous session after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other joint resolution which has been referred to the committee with respect to such plan of action.

(B) A motion to discharge shall be highly privileged (except that it may not be made after the Committee on Energy and Natural Resources has reported a joint resolution with respect to the plan of action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the joint resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other joint resolution with respect to the same transmission.

(5)(A) When the Committee on Energy and Natural Resources of the Senate has reported or has been discharged from further consideration of a joint resolution, it shall be in order at any time thereafter within the 90-day period following receipt by the Congress of the plan of action (even though a previous motion to the

same effect has been disagreed to) to move to proceed to the consideration of such joint resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider a vote by which the motion was agreed to or disagreed to.

(B) Debate on the joint resolution shall be limited to not more than 10 hours and final action on the joint resolution shall occur immediately following conclusion of such debate. A motion further to limit debate shall not be debatable. A motion to recommit such a joint resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such a joint resolution was agreed to or disagreed to.

(6)(A) Motions to postpone made with respect to the discharge from committee or consideration of a joint resolution, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of rules of the Senate to the procedures relating to a joint resolution shall be decided without debate.

(As amended Pub. L. 98-239, Mar. 20, 1984, 98 Stat. 93; Pub. L. 99-58, title I, §§ 104(c)(2), (4), 105, July 2, 1985, 99 Stat. 105.)

REFERENCES IN TEXT

Section 252(f) and (j) of the Energy Policy and Conservation Act, referred to in subsection (n)(3), is classified to subsecs. (f) and (j) of this section.

AMENDMENTS

1985—Subsec. (d)(1). Pub. L. 99-58, § 104(c)(4), substituted "subsection (f) or (j)" for "subsection (f) or (k)".

Subsecs. (j) to (l). Pub. L. 99-58, § 104(c)(2), redesignated subsecs. (k) to (m) as (j) to (l). Former subsec. (j), which provided that the authority granted by this section would terminate at midnight, June 30, 1985, was struck out.

Subsecs. (m), (n). Pub. L. 99-58, § 105, added subsecs. (m) and (n). Former subsec. (m) redesignated (l).

1984—Subsec. (j). Pub. L. 98-239 substituted "June 30, 1985" for "December 31, 1983".

§ 6276. Domestic renewable energy industry and related service industries

(a) Purpose

It is the purpose of this section to implement the responsibilities of the United States under chapter VII of the international energy program with respect to development of alternative energy by facilitating the overall abilities of the domestic renewable energy industry and related service industries to create new markets.

(b) Evaluation; report to Congress

(1) Before the later of—

- (A) 6 months after July 18, 1984, and
- (B) May 31, 1985,

the Secretary of Commerce shall conduct an evaluation regarding the domestic renewable energy industry and related service industries and submit a report of his findings to the Congress.

(2) Such evaluation shall include—

- (A) an assessment of the technical and commercial status of the domestic renewable

energy industry and related service industries in domestic and foreign markets;

- (B) an assessment of the Federal Government's activities affecting commerce in the domestic renewable energy industry and related service industries and in consolidating and coordinating such activities within the Federal Government; and

- (C) an assessment of the aspects of the domestic renewable energy industry and related service industries in which improvements must be made to increase the international commercialization of such industry.

(c) Program for enhancing commerce in renewable energy technologies; funding

(1) On the basis of the evaluation under subsection (b) of this section, the Secretary of Commerce shall, consistent with existing law, establish a program for enhancing commerce in renewable energy technologies and consolidating or coordinating existing activities for such purpose.

(2) Such program shall provide for—

- (A) the broadening of the participation by the domestic renewable energy industry and related service industries in such activities;

- (B) the promotion of the domestic renewable energy industry and related service industries on a worldwide basis;

- (C) the participation by the Federal Government and the domestic renewable energy industry and related service industries in international standard-setting activities; and

- (D) the establishment of an information program under which—

- (i) technical information about the domestic renewable energy industry and related service industries shall be provided to appropriate public and private officials engaged in commerce, and

- (ii) marketing information about export opportunities shall be available to the domestic renewable energy industry and related service industries.

(3) Necessary funds required for carrying out such program shall be requested in connection with fiscal years beginning after September 30, 1984.

(d) Interagency working group; personnel and services from appropriate agencies

There shall be established an interagency working group which, in consultation with the representative industry groups and relevant agency heads, shall make recommendations to coordinate the actions and programs of the Federal Government affecting commerce in renewable energy products and related services. The Secretary of Energy shall be the chairman of such group. The heads of appropriate agencies may detail such personnel and may furnish such services to such working group, with or without reimbursement, as may be necessary to carry out its functions.

(Pub. L. 94-163, title II, § 256, as added Pub. L. 98-370, § 2, July 18, 1984, 98 Stat. 1211.)

EFFECTIVE DATE

Section 3 of Pub. L. 98-370 provided that: "The amendments made by this Act [enacting this section and a provision set out as a note under section 6201 of this title] shall take effect on the date of the enactment of this Act (July 18, 1984)."

PART D—EXPIRATION**§ 6285. Expiration**

Except as otherwise provided in this subchapter, all authority under any provision of this subchapter and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight, June 30, 1988, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, 1988.

(Pub. L. 94-163, title II, § 281, as added Pub. L. 99-58, title I, § 104(a), July 2, 1985, 99 Stat. 104.)

CODIFICATION

Words "(other than a provision of such title amending another law)" appearing in the original in this section, have been omitted as unnecessary. Such title meant title II of Pub. L. 94-163 which is classified in its entirety to this subchapter.

SUBCHAPTER III—IMPROVING ENERGY EFFICIENCY**PART B—STATE ENERGY CONSERVATION PLANS****PART REFERRED TO IN OTHER SECTIONS**

This part is referred to in sections 6323a, 6851, 7005 of this title; title 12 section 1701z-8.

§ 6321. Congressional findings and declaration of purpose**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in section 6323a of this title.

§ 6322. State energy conservation plans**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 6323, 6323a, 6324, 6325, 6327, 6371, 7005 of this title.

§ 6323. Federal assistance to States**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 6323a, 6325, 6327 of this title.

§ 6323a. Matching State contributions

For the base State Energy Conservation Program (part D of the Energy Policy and Conservation Act, sections 361 through 366 [42 U.S.C. 6321-6326]), each State will hereafter match in cash or in kind not less than 20 percent of the Federal contribution.

(Pub. L. 98-473, title I, § 101(c) [title II, § 201], Oct. 12, 1984, 98 Stat. 1837, 1861.)

REFERENCES IN TEXT

The Energy Policy and Conservation Act, referred to in text, is Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871, as amended. Part D of title III of the Energy Policy and

Conservation Act, as amended, is classified generally to this part (§ 6321 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1985, as enacted by Pub. L. 98-473, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

PRIOR PROVISIONS

Similar provisions were contained in the following prior appropriation act:

Pub. L. 98-146, title II, § 201, Nov. 4, 1983, 97 Stat. 942.

§ 6324. Energy conservation goals**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 6323a, 6325 of this title.

§ 6325. General provisions**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 6323a, 6326, 6371, 6881 of this title; title 12 section 1701z-8.

§ 6326. Definitions**SECTION REFERRED TO IN OTHER SECTIONS**

This section is referred to in sections 6323a, 6881 of this title; title 12 section 1701z-8.

PART D—OTHER FEDERAL ENERGY CONSERVATION MEASURES**§ 6362. Energy conservation policies and practices****TRANSFER OF FUNCTIONS**

The Civil Aeronautics Board terminated on Jan. 1, 1985, and all functions, powers, and duties of the Board under this section were transferred to the Secretary of Transportation by section 1553(a)(6) of Title 49, Appendix, Transportation, effective Jan. 1, 1985.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 45 sections 1010, 1207; title 49 App. section 1553.

PART E—ENERGY CONSERVATION PROGRAM FOR SCHOOLS AND HOSPITALS**§ 6371. Definitions**

For the purposes of this part—

[See main edition for text of (1) to (8)]

(9) The term "State" means, in addition to the several States of the Union, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

[See main edition for text of (10) to (21)]

(As amended Pub. L. 98-454, title VI, § 601(e), Oct. 5, 1984, 98 Stat. 1736.)

AMENDMENTS

1984—Par. (9). Pub. L. 98-454 which directed the amendment of subsec. (a) by adding reference to the Northern Mariana Islands was executed to par. (9) of

this section to reflect the probable intent of Congress, because this section does not contain a subsec. (a).

§ 6371g. Allocation of grants

[See main edition for text of (a)]

(b) Restrictions on allocations to States

The total amount allocated to any State under subsection (a) of this section in any year shall not exceed 10 percent of the total amount allocated to all the States in such year under such subsection (a) of this section. Except for the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, not less than 0.5 percent of such total allocation to all States for that year shall be allocated in such year for the total of grants to States and to schools and hospitals in each State which has an approved State plan under this part.

[See main edition for text of (c) to (e)]

(As amended Pub. L. 98-454, title VI, § 601(e), Oct. 5, 1984, 98 Stat. 1736.)

AMENDMENTS

1984—Subsec. (b), Pub. L. 98-454 added reference to the Northern Mariana Islands.

SUBCHAPTER IV—GENERAL PROVISIONS

PART B—GENERAL PROVISIONS

§ 6393. Administrative procedure and judicial review

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6241, 6261, 6262, 6263 of this title; title 15 section 2841.

§ 6401. Repealed. Pub. L. 99-58, title 1, § 104(c)(3), July 2, 1985, 99 Stat. 105

Section, Pub. L. 94-163, title V, § 531, Dec. 22, 1975, 89 Stat. 965, provided for the expiration of all authority under subchapters I and II of this chapter at midnight June 30, 1985. See sections 6251 and 6285 of this title.

PART C—CONGRESSIONAL REVIEW

§ 6422. Expedited procedure for Congressional consideration of certain authorities

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6261, 7362 of this title; title 15 section 2841.

CHAPTER 78—NATIONAL PETROLEUM RESERVE IN ALASKA

§ 6502. Designation of National Petroleum Reserve in Alaska; reservation of lands; disposition and conveyance of mineral materials, lands, etc., pre-existing property rights

The area known as Naval Petroleum Reserve Numbered 4, Alaska, established by Executive order of the President, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344, dated April 24, 1961, shall be transferred to and administered by the Secretary of the Interior in accordance with the provisions of this Act. Effective on the date of transfer all lands within such area shall be

redesignated as the "National Petroleum Reserve in Alaska" (hereinafter in this chapter referred to as the "reserve"). Subject to valid existing rights, all lands within the exterior boundaries of such reserve are hereby reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other Acts; but the Secretary is authorized to (1) make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended [30 U.S.C. 601 et seq.], for appropriate use by Alaska Natives and the North Slope Borough, (2) make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out his responsibilities under this Act, (3) convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act [43 U.S.C. 1601 et seq.], and (4) grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 [43 U.S.C. 1761 et seq.] or section 28 of the Mineral Leasing Act, as amended [30 U.S.C. 185], as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope. All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Naval Petroleum Reserve shall remain in full force and effect to the extent not inconsistent with this Act.

(As amended Pub. L. 98-366, § 4(a), July 17, 1984, 98 Stat. 470.)

REFERENCES IN TEXT

The Federal Land Policy and Management Act of 1976, referred to in text, is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, as amended. Title V of the Federal Land Policy and Management Act of 1976 is classified generally to subchapter V (§ 1761 et seq.) of chapter 35 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

AMENDMENTS

1984—Pub. L. 98-368 added "and the North Slope Borough" after "Alaska Natives", struck out "and" after "responsibilities under this Act," and inserted ", and (4) grant rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 or section 28 of the Mineral Leasing Act, as amended, as may be necessary to permit the North Slope Borough to provide energy supplies to the villages on the North Slope".

§ 6504. Administration of reserve

[See main edition for text of (a) to (d)]

(e) Repealed. Pub. L. 98-366, § 4(b), July 17, 1984, 98 Stat. 470

(As amended Pub. L. 98-366, § 4(b), July 17, 1984, 98 Stat. 470.)

AMENDMENTS

1984—Subsec. (e), Pub. L. 98-366 struck out subsec. (e) which read as follows: "Until the reserve is transferred to the jurisdiction of the Secretary of the Interior, the Secretary of the Navy is authorized to devel-