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The authoritative text is the United States Statutes at Large.**

One Hundred Second Congress, Session II
Public Law 102-486 — 106 Stat. 2776 (H.R. 776)
October 24, 1992

AN ACT *To provide for improved energy efficiency.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Policy Act of 1992".

(b) TABLE OF CONTENTS.—

TITLE I—ENERGY EFFICIENCY
Subtitle A—Buildings
Sec. 101. Building energy efficiency standards.
Sec. 102. Residential energy efficiency ratings.
Sec. 103. Energy efficient lighting and building centers.
Sec. 104. Manufactured housing energy efficiency.
Sec. 105. Energy efficient mortgages.
Sec. 106. Energy efficient mortgages pilot program.
Subtitle B—Utilities
Sec. 111. Encouragement of investments in conservation and energy efficiency by electric utilities.
Sec. 112. Energy efficiency grants to State regulatory authorities.
Sec. 113. Tennessee Valley Authority least-cost planning program.
Sec. 114. Amendment of Hoover Power Plant Act.
Sec. 115. Encouragement of investments in conservation and energy efficiency by gas utilities.
Subtitle C—Appliance and Equipment Energy Efficiency Standards
Sec. 121. Energy efficiency labeling for windows and window systems.
Sec. 122. Energy conservation requirements for certain commercial and industrial equipment.
Sec. 123. Energy conservation requirements for certain lamps and plumbing products.

Sec. 124. High-intensity discharge lamps, distribution transformers, and small electric motors.
Sec. 125. Energy efficiency information for commercial office equipment.
Sec. 126. Energy efficiency information for luminaires.
Sec. 127. Report on the potential of cooperative advanced appliance development.
Sec. 128. Evaluation of utility early replacement programs for appliances.

Subtitle D—Industrial

Sec. 131. Energy efficiency in industrial facilities.
Sec. 132. Process-oriented industrial energy efficiency.
Sec. 133. Industrial insulation and audit guidelines.

Subtitle E—State and Local Assistance

Sec. 141. Amendments to State energy conservation program.
Sec. 142. Amendments to low-income weatherization program.
Sec. 143. Energy Extension Service program.

Subtitle F—Federal Agency Energy Management

Sec. 151. Definitions.
Sec. 152. Federal energy management amendments.
Sec. 153. General Services Administration Federal Buildings Fund.
Sec. 154. Report by General Services Administration.
Sec. 155. Energy savings performance contracts.

[106 Stat. 2777–3129 omitted (353 pages)]

(b) DEFINITION.—(1) For purposes of this section, the term "tar sands" means any consolidated or unconsolidated rock (other than coal, oil shale, or gilsonite) that either—

(A) contains a hydrocarbonaceous material with a gas-free viscosity, at original reservoir temperature, greater than 10,000 centipoise; or

(B) contains a hydrocarbonaceous material and is produced by mining or quarrying.

(2) Nothing in this section is intended or shall be construed to affect in any way the definition of the term tar sands under any other provision of Federal law.

(c) STUDY.—The Secretary, in consultation with the Secretary of the Interior, shall submit a study to the House of Representatives and the Committee on Energy and Natural Resources of the Senate within one year after the date of enactment of this Act. Such study shall identify and evaluate the development potential of sources of tar sands in the United States. The study shall also identify and evaluate processes for extracting oil from the identified tar sand sources, including existing tar sands waste tailings, and evaluate the environmental benefits of, and the potential for co-production of minerals and metals from, such processes.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1993 and 1994 to carry out this section.

SEC. 3017. AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (21) the following:

"(21A) 'farmout agreement' means a written agreement in which—

"(A) the owner of a right to drill, produce, or operate liquid or gaseous hydrocarbons on property agrees or has agreed to transfer or assign all or a part of such right to another entity; and

"(B) such other entity (either directly or through its agents or its assigns), as consideration, agrees to perform drilling, reworking, recompleting, testing, or similar or related operations, to develop or produce liquid or gaseous hydrocarbons on the property;".

(b) PROPERTY OF THE ESTATE.—Section 541(b) of title 11, United States Code, is amended—

(1) in paragraph (2) by striking "or" at the end,

(2) in paragraph (3) by striking the period at the end and inserting "or", and

(3) by adding at the end the following:

"(4) any interest of the debtor in liquid or gaseous hydrocarbons to the extent that—

"(A) the debtor has transferred or has agreed to transfer such interest pursuant to a farmout agreement or any written agreement directly related to a farmout agreement; and

"(B) but for the operation of this paragraph, the estate could include such interest only by virtue of section 365 or 544(a)(3) of this title.

Paragraph (4) shall not be construed to exclude from the estate any consideration the debtor retains, receives, or is entitled to receive for transferring an interest in liquid or gaseous hydrocarbons pursuant to a farmout agreement.".

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) The amendments made by this section shall not apply with respect to cases commenced under title 11 of the United States Code before the date of the enactment of this Act.

SEC. 3018. RADIATION EXPOSURE COMPENSATION.

Section 6 of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) is amended by adding at the end the following new subsection:

"(l) JUDICIAL REVIEW.—An individual whose claim for compensation under this Act is denied may seek judicial review solely in a district court of the United States. The court shall review the denial on the administrative record and shall hold unlawful and set aside the denial if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.".

SEC. 3019. STRATEGIC DIVERSIFICATION.

The Office of Barter within the United States Department of Commerce and the Interagency Group on Countertrade shall within six months from the date of enactment report to the President and the Congress on the feasibility of using barter, countertrade and other self-liquidating finance methods to facilitate the strategic diversification of United States oil imports through cooperation with the former Soviet Union in the development of its energy resources. The report shall consider among other relevant topics the feasibility of trading American grown food for Soviet produced oil, minerals or energy.

SEC. 3020. CONSULTATIVE COMMISSION ON WESTERN HEMISPHERE ENERGY AND ENVIRONMENT.

(a) FINDINGS.—The Congress finds that—

(1) there is growing mutual economic interdependence among the countries of the Western Hemisphere;

(2) energy and environmental issues are intrinsically linked and must be considered together when formulating policy on the broader issue of sustainable economic development for the Western Hemisphere as a whole;

(3) when developing their respective energy infrastructures, countries in the Western Hemisphere must consider existing and emerging environmental

constraints, and do so in a way that results in sustainable long-term economic growth;

(4) the coordination of respective national energy and environmental policies of the governments of the Western Hemisphere could be substantially improved through regular consultation among these countries;

(5) the development, production and consumption of energy can affect environmental quality, and the environmental consequences of energy-related activities are not confined within national boundaries, but are regional and global in scope;

(6) although the Western Hemisphere is richly endowed with indigenous energy resources, an insufficient energy supply would severely constrain future opportunities for sustainable economic development and growth in each of these member countries; and

[106 Stat. 3132 omitted (1 page)]

on the progress toward the establishment of the Commission and achievement of the purposes of this section.

SEC. 3021. DISADVANTAGED BUSINESS ENTERPRISES.

(a) GENERAL RULE.—To the extent practicable, the head of each agency shall provide that the obligation of not less than 10 percent of the total combined amounts obligated for contracts and subcontracts by each agency under this Act and amendments made by this Act pursuant to competitive procedures within the meaning of either the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), or chapter 137 of title 10, United States Code, shall be expended either with—

(1) small business concerns controlled by socially and economically disadvantaged individuals or women;

(2) historically Black colleges and universities; or

(3) colleges and universities having a student body in which more than 20 percent of the students are Hispanic Americans or Native Americans.

(b) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term "small business concern" has the meaning such term has under section 3 of the Small Business Act (15 U.S.C. 632). However, for purposes of contracts and subcontracts requiring engineering services the applicable size standard shall be that established for military and aerospace equipment and military weapons.

(2) The term "socially and economically disadvantaged individuals" has the meaning such term has under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations promulgated pursuant thereto.

APPROVED October 24, 1992.