

107TH CONGRESS
1ST SESSION

S. 295

To provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2001

Mr. KERRY (for himself, Mr. LIEBERMAN, Ms. SNOWE, Mr. BINGAMAN, Ms. LANDRIEU, Mr. JOHNSON, Mr. DOMENICI, Mr. LEVIN, Mr. WELLSTONE, Mr. JEFFORDS, Mr. HARKIN, Mr. SCHUMER, Mrs. CLINTON, Mr. KOHL, Mr. EDWARDS, Mr. LEAHY, Mr. BAUCUS, Ms. COLLINS, Mr. SMITH of New Hampshire, Mr. DODD, Mr. CHAFEE, and Mr. BAYH) introduced the following bill; which was read twice and referred to the Committee on Small Business

A BILL

To provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Small Business Energy
5 Emergency Relief Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) a significant number of small businesses in
2 the United States use heating oil, natural gas, pro-
3 pane, or kerosene to heat their facilities and for
4 other purposes;

5 (2) a significant number of small businesses in
6 the United States sell, distribute, market, or other-
7 wise engage in commerce directly related to heating
8 oil, natural gas, propane, and kerosene; and

9 (3) sharp and significant increases in the price
10 of heating oil, natural gas, propane, or kerosene—

11

12 (A) disproportionately harm small busi-
13 nesses dependent on those fuels or that use,
14 sell, or distribute those fuels in the ordinary
15 course of their business, and can cause them
16 substantial economic injury;

17 (B) can negatively affect the national econ-
18 omy and regional economies;

19 (C) have occurred in the winters of 1983–
20 1984, 1988–1989, 1996–1997, and 1999–2000;
21 and

22 (D) can be caused by a host of factors, in-
23 cluding global or regional supply difficulties,
24 weather conditions, insufficient inventories, re-
25 finery capacity, transportation, and competitive

1 structures in the markets, causes that are often
2 unforeseeable to those who own and operate
3 small businesses.

4 **SEC. 3. SMALL BUSINESS ENERGY EMERGENCY DISASTER**
5 **LOAN PROGRAM.**

6 Section 7(b) of the Small Business Act (15 U.S.C.
7 636(b)) is amended by inserting after paragraph (3) the
8 following:

9 “(4)(A) In this paragraph—

10 “(i) the term ‘heating fuel’ means heating
11 oil, natural gas, propane, and kerosene; and

12 “(ii) the term ‘sharp and significant in-
13 crease’ shall have the meaning given that term
14 by the Administrator, in consultation with the
15 Secretary of Energy.

16 “(B) The Administration may make such dis-
17 aster loans, including revolving lines of credit, either
18 directly or in cooperation with banks or other lend-
19 ing institutions through agreements to participate on
20 an immediate or deferred basis, to assist a small
21 business concern that has suffered or that is likely
22 to suffer substantial economic injury as the result of
23 a sharp and significant increase in the price of heat-
24 ing fuel.

1 “(C) A small business concern described in sub-
2 paragraph (B) shall be eligible to apply for assist-
3 ance under this paragraph beginning on the date on
4 which the sharp and significant increase in heating
5 fuel cost occurs, as determined by the Administra-
6 tion, and ending 6 months after that date.

7 “(D) Any loan or guarantee extended pursuant
8 to this paragraph shall be made at the same interest
9 rate as economic injury loans under paragraph (2).

10 “(E) No loan may be made under this para-
11 graph, either directly or in cooperation with banks
12 or other lending institutions through agreements to
13 participate on an immediate or deferred basis, if the
14 total amount outstanding and committed to the bor-
15 rower under this subsection would exceed
16 \$1,500,000, unless such applicant constitutes a
17 major source of employment in its surrounding area,
18 as determined by the Administration, in which case
19 the Administration, in its discretion, may waive the
20 \$1,500,000 limitation.

21 “(F) For purposes of assistance under this
22 paragraph—

23 “(i) a declaration of a disaster area shall
24 be required, and shall be made by the President
25 or the Administrator; or

1 “(ii) if no declaration has been made pur-
2 suant to clause (i), the Governor of a State in
3 which a sharp and significant increase in the
4 price of heating fuel has occurred may certify
5 to the Administration that small business con-
6 cerns have suffered economic injury as a result
7 of such increase and are in need of financial as-
8 sistance which is not available on reasonable
9 terms in that State, and upon receipt of such
10 certification, the Administration may make such
11 loans as would have been available under this
12 paragraph if a disaster declaration had been
13 issued.”.

14 **SEC. 4. GUIDELINES.**

15 Not later than 30 days after the date of enactment
16 of this Act, the Administrator of the Small Business Ad-
17 ministration shall issue such guidelines as the Adminis-
18 trator determines to be necessary to carry out this Act
19 and the amendments made by this Act.

20 **SEC. 5. EFFECTIVE DATE.**

21 The amendments made by this Act shall apply to eco-
22 nomic injury suffered or likely to be suffered as the result
23 of sharp and significant increases in the price of heating
24 fuel occurring on or after November 1, 2000.

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