

H.R. 3893, AS REPORTED

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Gasoline for America’s Security Act of 2005”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

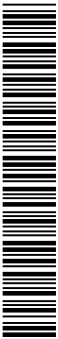
- Sec. 101. State participation and presidential designation.
- Sec. 102. Process coordination and rules of procedure.
- Sec. 103. Refinery revitalization repeal.
- Sec. 104. Standby support for refineries.
- Sec. 105. Military use refinery.
- Sec. 106. New source review under Clean Air Act.
- Sec. 107. Waiver authority for extreme fuel supply emergencies.
- Sec. 108. List of fuel blends.
- Sec. 109. Attainment dates for downwind ozone nonattainment areas.
- Sec. 110. Northwest crude oil supply.
- Sec. 111. Discounted sales of royalty-in-kind oil to qualified small refineries.
- Sec. 112. Study and report relating to streamlining paperwork requirements.
- Sec. 113. Response to biomass debris emergency.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

- Sec. 201. Federal-State regulatory coordination.
- Sec. 202. Process coordination and rules of procedure.
- Sec. 203. Backup power capacity study.
- Sec. 204. Sunset of loan guarantees.
- Sec. 205. Offshore pipelines.
- Sec. 206. Savings clause.
- Sec. 207. Carbon-based fuel cell development.

TITLE III—CONSERVATION AND EDUCATION

- Sec. 301. Department of Energy carpooling and vanpooling program.



- Sec. 302. Evaluation and assessment of carpool and vanpool projects.
- Sec. 303. Internet utilization study.
- Sec. 304. Fuel consumption education campaign.
- Sec. 305. Procurement of energy efficient lighting devices.
- Sec. 306. Minority employment.

TITLE IV—GASOLINE PRICE REFORM

- Sec. 401. Short title.
- Sec. 402. Gasoline price gouging prohibited.
- Sec. 403. FTC investigation on price-gouging.
- Sec. 404. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

- Sec. 501. Strategic Petroleum Reserve capacity.
- Sec. 502. Strategic Petroleum Reserve sale.
- Sec. 503. Northeast Home Heating Oil Reserve capacity.

TITLE VI—COMMISSION FOR THE DEPLOYMENT OF THE HYDROGEN ECONOMY

- Sec. 601. Establishment.
- Sec. 602. Duties of Commission.
- Sec. 603. Membership.
- Sec. 604. Staff of Commission; experts and consultants.
- Sec. 605. Powers of Commission.
- Sec. 606. Report.

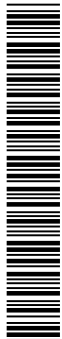
TITLE VII—CRITICAL ENERGY ASSURANCE

- Sec. 701. Evacuation plan review.
- Sec. 702. Disaster assistance.
- Sec. 703. Critical Energy Assurance Account.
- Sec. 704. Regulations.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

- 3 (1) No new refinery has been constructed in the
4 United States since 1976. There are 148 operating
5 refineries in the United States, down from 324 in
6 1981. Refined petroleum product imports are cur-
7 rently projected to grow from 7.9 percent to 10.7
8 percent of total refined product by 2025 to satisfy
9 increasing demand.



1 (2) While the number of American refineries in
2 operation has reduced over the last 20 years, much
3 of the resulting lost capacity has been replaced by
4 gains from more efficient refineries.

5 (3) Hurricanes Katrina and Rita substantially
6 disrupted petroleum production, refining, and pipe-
7 line systems in the Gulf Coast region, affecting en-
8 ergy prices and supply nationwide. In the immediate
9 aftermath of Katrina alone, United States refining
10 capacity was reduced by more than 2,000,000 bar-
11 rels per day. However, before Hurricanes Katrina
12 and Rita, United States refining capacity was al-
13 ready significantly strained by increased levels of
14 production, with industry average utilization rates of
15 95 percent of capacity or higher.

16 (4) It serves the national interest to increase
17 refinery capacity for gasoline, heating oil, diesel fuel,
18 and jet fuel wherever located within the United
19 States, to bring more reliable and economic supply
20 to the American people.

21 (5) According to economic analysis, households
22 are conservatively estimated to spend an average of
23 \$1,948 this year on gasoline, up 45 percent from 3
24 years ago, and households with incomes under
25 \$15,000 ($\frac{1}{5}$ of all households) this year will spend,



1 on average, more than $\frac{1}{10}$ of their income just on
2 gasoline.

3 (6) According to economic analysis, rural Amer-
4 ican households will spend \$2,087 on gasoline this
5 year. Rural Americans are paying an estimated 22
6 percent more for gasoline than their urban counter-
7 parts because they must drive longer distances.

8 (7) A growing reliance on foreign sources of re-
9 fined petroleum products impairs our national secu-
10 rity interests and global competitiveness.

11 (8) Refiners are subject to significant environ-
12 mental and other regulations and face several new
13 Clean Air Act requirements over the next decade.
14 New Clean Air Act requirements will benefit the en-
15 vironment but will also require substantial capital
16 investment and additional government permits.
17 These new requirements increase business uncer-
18 tainty and dissuade investment in new refinery ca-
19 pacity.

20 (9) There is currently a lack of coordination in
21 permitting requirements and other regulations af-
22 fecting refineries at the Federal, State, and local lev-
23 els. There is no consistent national permitting pro-
24 gram for refineries, compared with the Federal En-
25 ergy Regulatory Commission's lead agency role over



1 interstate natural gas pipelines, liquefied natural
2 gas, and hydroelectric power and the Nuclear Regu-
3 latory Commission's role over nuclear plant licens-
4 ing. More regulatory certainty and coordination is
5 needed for refinery owners to stimulate investment
6 in increased refinery capacity.

7 **SEC. 3. DEFINITIONS.**

8 For purposes of this Act—

9 (1) the term “Administrator” means the Ad-
10 ministrator of the Environmental Protection Agency;

11 (2) the term “refinery” means—

12 (A) a facility designed and operated to re-
13 ceive, load, unload, store, transport, process,
14 and refine crude oil by any chemical or physical
15 process, including distillation, fluid catalytic
16 cracking, hydrocracking, coking, alkylation,
17 etherification, polymerization, catalytic reform-
18 ing, isomerization, hydrotreating, blending, and
19 any combination thereof, in order to produce
20 gasoline or other fuel; or

21 (B) a facility designed and operated to re-
22 ceive, load, unload, store, transport, process,
23 and refine coal by any chemical or physical
24 process, including liquefaction, in order to



1 produce gasoline, diesel, or other liquid fuel as
2 its primary output; and

3 (3) the term “Secretary” means the Secretary
4 of Energy.

5 **TITLE I—INCREASING REFINERY** 6 **CAPACITY**

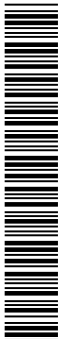
7 **SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DES-** 8 **IGNATION.**

9 (a) **FEDERAL-STATE REGULATORY COORDINATION**
10 **AND ASSISTANCE.—**

11 (1) **GOVERNOR’S REQUEST.—**The governor of a
12 State may submit a request to the Secretary for the
13 application of process coordination and rules of pro-
14 cedure under section 102 to the siting, construction,
15 expansion, or operation of any refinery in that State.

16 (2) **STATE ASSISTANCE.—**The Secretary and
17 the Administrator are authorized to provide financial
18 assistance to State governments to facilitate the hir-
19 ing of additional personnel with expertise in fields
20 relevant to consideration of applications to site, con-
21 struct, expand, or operate any refinery in that State.

22 (3) **OTHER ASSISTANCE.—**The Secretary and
23 the Administrator shall provide technical, legal, or
24 other assistance to State governments to facilitate



1 their review of applications to site, construct, ex-
2 pand, or operate any refinery in that State.

3 (b) PRESIDENTIAL DESIGNATION.—

4 (1) REQUIREMENT.—Not later than 90 days
5 after the date of enactment of this Act, the Presi-
6 dent shall designate sites on Federal lands, including
7 closed military installations, that are appropriate for
8 the purposes of siting a refinery. Any such designa-
9 tion may be based on an analysis of—

10 (A) the availability of crude oil supplies to
11 the site, including supplies from domestic pro-
12 duction of shale oil and tar sands and other
13 strategic unconventional fuels;

14 (B) the distribution of the Nation's refined
15 petroleum product demand;

16 (C) whether such sites are in close prox-
17 imity to substantial pipeline infrastructure, in-
18 cluding both crude oil and refined petroleum
19 product pipelines, and potential infrastructure
20 feasibility;

21 (D) the need to diversify the geographical
22 location of the Nation's domestic refining ca-
23 pacity;

24 (E) the effect that increased refined petro-
25 leum products from a refinery on that site may



1 have on the price and supply of gasoline to con-
2 sumers;

3 (F) national defense; and

4 (G) such other factors as the President
5 considers appropriate.

6 (2) MILITARY INSTALLATIONS.—

7 (A) DESIGNATION.—Among the sites des-
8 igned pursuant to this subsection, the Presi-
9 dent shall designate no less than 3 closed mili-
10 tary installations, or portions thereof, as suit-
11 able for the construction of a refinery. Except
12 as provided in subparagraph (B), until the expi-
13 ration of 2 years after the date of enactment of
14 this Act, the Federal Government shall not sell
15 or otherwise dispose of the military installations
16 designated pursuant to this subsection.

17 (B) GOVERNOR'S OBJECTION.—No site
18 may be used for a refinery under this title if,
19 not later than 60 days after designation of the
20 site under subparagraph (A), the Governor of
21 the State in which the site is located transmits
22 to the President an objection to the designation,
23 unless, not later than 60 days after the Presi-
24 dent receives such objection, the Congress has
25 by law overridden the objection.



1 (c) LEASE OF SITES.—The Federal Government shall
2 offer for lease, or select under section 105(a), any site des-
3 ignated by the President under subsection (b), consistent
4 with procedures for the disposition of such site under ap-
5 plicable Federal property laws. Notwithstanding any pro-
6 vision of such Federal property laws providing for the dis-
7 position or reuse of the site, a lease under this subsection,
8 or selection under section 105(a), shall be deemed to be
9 the appropriate disposition of the site. A site shall not be
10 leased under this subsection except for the purpose of con-
11 struction of a refinery.

12 (d) APPLICABILITY.—Section 102 shall only apply to
13 refineries sited or proposed to be sited or expanded or pro-
14 posed to be expanded—

15 (1) in a State whose governor has requested ap-
16 plicability of such section pursuant to subsection (a)
17 of this section; or

18 (2) on a site designated by the President under
19 subsection (b) of this section.

20 (e) DEFINITION.—For purposes of this section—

21 (1) the term “closed military installations”
22 means facilities closed pursuant to a base closure
23 law (as defined in section 101(a)(17) of title 10,
24 United States Code) and facilities identified for clo-
25 sure in 2005 and included on the list of installations



1 forwarded by the President to Congress on Sep-
2 tember 15, 2005, pursuant to a base closure law;

3 (2) the term “Federal lands” means all land
4 owned by the United States, except that such term
5 does not include land—

6 (A) within the National Park System;

7 (B) within the National Wilderness Preser-
8 vation System; and

9 (C) designated as a National Monument;

10 and

11 (3) the term “State” means a State, the Dis-
12 trict of Columbia, the Commonwealth of Puerto
13 Rico, and any other territory or possession of the
14 United States.

15 **SEC. 102. PROCESS COORDINATION AND RULES OF PROCE-**

16 **DURE.**

17 (a) DEFINITION.—For purposes of this section and
18 section 105, the term “Federal refinery authorization”—

19 (1) means any authorization required under
20 Federal law, whether administered by a Federal or
21 State administrative agency or official, with respect
22 to siting, construction, expansion, or operation of a
23 refinery; and

24 (2) includes any permits, special use authoriza-
25 tions, certifications, opinions, or other approvals re-



1 required under Federal law with respect to siting, con-
2 struction, expansion, or operation of a refinery.

3 (b) DESIGNATION AS LEAD AGENCY.—

4 (1) IN GENERAL.—The Department of Energy
5 shall act as the lead agency for the purposes of co-
6 ordinating all applicable Federal refinery authoriza-
7 tions and related environmental reviews with respect
8 to a refinery.

9 (2) OTHER AGENCIES.—Each Federal and
10 State agency or official required to provide a Fed-
11 eral refinery authorization shall cooperate with the
12 Secretary and comply with the deadlines established
13 by the Secretary.

14 (c) SCHEDULE.—

15 (1) SECRETARY'S AUTHORITY TO SET SCHED-
16 ULE.—The Secretary shall establish a schedule for
17 all Federal refinery authorizations with respect to a
18 refinery. In establishing the schedule, the Secretary
19 shall—

20 (A) ensure expeditious completion of all
21 such proceedings; and

22 (B) accommodate the applicable schedules
23 established by Federal law for such proceedings.

24 (2) FAILURE TO MEET SCHEDULE.—If a Fed-
25 eral or State administrative agency or official does



1 not complete a proceeding for an approval that is re-
2 quired for a Federal refinery authorization in ac-
3 cordance with the schedule established by the Sec-
4 retary under this subsection, the applicant may pur-
5 sue remedies under subsection (e).

6 (d) CONSOLIDATED RECORD.—The Secretary shall,
7 with the cooperation of Federal and State administrative
8 agencies and officials, maintain a complete consolidated
9 record of all decisions made or actions taken by the Sec-
10 retary or by a Federal administrative agency or officer (or
11 State administrative agency or officer acting under dele-
12 gated Federal authority) with respect to any Federal re-
13 finery authorization. Such record shall be the record for
14 judicial review under subsection (e) of decisions made or
15 actions taken by Federal and State administrative agen-
16 cies and officials, except that, if the Court determines that
17 the record does not contain sufficient information, the
18 Court may remand the proceeding to the Secretary for fur-
19 ther development of the consolidated record.

20 (e) JUDICIAL REVIEW.—

21 (1) IN GENERAL.—The United States Court of
22 Appeals for the District of Columbia shall have
23 original and exclusive jurisdiction over any civil ac-
24 tion for the review of—



1 (A) an order or action, related to a Federal
2 refinery authorization, by a Federal or State
3 administrative agency or official; and

4 (B) an alleged failure to act by a Federal
5 or State administrative agency or official acting
6 pursuant to a Federal refinery authorization.

7 The failure of an agency or official to act on a Fed-
8 eral refinery authorization in accordance with the
9 Secretary's schedule established pursuant to sub-
10 section (c) shall be considered inconsistent with Fed-
11 eral law for the purposes of paragraph (2) of this
12 subsection.

13 (2) COURT ACTION.—If the Court finds that an
14 order or action described in paragraph (1)(A) is in-
15 consistent with the Federal law governing such Fed-
16 eral refinery authorization, or that a failure to act
17 as described in paragraph (1)(B) has occurred, and
18 the order, action, or failure to act would prevent the
19 siting, construction, expansion, or operation of the
20 refinery, the Court shall remand the proceeding to
21 the agency or official to take appropriate action con-
22 sistent with the order of the Court. If the Court re-
23 mands the order, action, or failure to act to the Fed-
24 eral or State administrative agency or official, the



1 Court shall set a reasonable schedule and deadline
2 for the agency or official to act on remand.

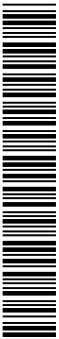
3 (3) SECRETARY'S ACTION.—For any civil action
4 brought under this subsection, the Secretary shall
5 promptly file with the Court the consolidated record
6 compiled by the Secretary pursuant to subsection
7 (d).

8 (4) EXPEDITED REVIEW.—The Court shall set
9 any civil action brought under this subsection for ex-
10 pedited consideration.

11 (5) ATTORNEY'S FEES.—In any action chal-
12 lenging a Federal refinery authorization that has
13 been granted, reasonable attorney's fees and other
14 expenses of litigation shall be awarded to the pre-
15 vailing party. This paragraph shall not apply to any
16 action seeking remedies for denial of a Federal refin-
17 ery authorization or failure to act on an application
18 for a Federal refinery authorization.

19 **SEC. 103. REFINERY REVITALIZATION REPEAL.**

20 Subtitle H of title III of the Energy Policy Act of
21 2005 and the items relating thereto in the table of con-
22 tents of such Act are repealed.



1 **SEC. 104. STANDBY SUPPORT FOR REFINERIES.**

2 (a) DEFINITION.—For purposes of this section, the
3 term “authorization” means any authorization or permit
4 required under State or Federal law.

5 (b) CONTRACT AUTHORITY.—

6 (1) IN GENERAL.—The Secretary may enter
7 into contracts under this section with non-Federal
8 entities that the Secretary determines, at the sole
9 discretion of the Secretary, to be the first non-Fed-
10 eral entities to enter into firm contracts after the
11 date of enactment of this Act to construct new refin-
12 eries in the United States or refurbish and return to
13 commercial operation existing but nonoperating re-
14 fineries in the United States. The Secretary may
15 enter into contracts under this section with respect
16 to new refineries or refurbished refineries that add
17 a total of no more than 2,000,000 barrels per day
18 of refining capacity to the refining capacity of the
19 United States as in existence on the date of enact-
20 ment of this Act.

21 (2) CONDITIONS.—Except as provided in para-
22 graphs (4) and (5), under a contract authorized
23 under paragraph (1), the Secretary shall pay to the
24 non-Federal entity the costs specified in paragraph
25 (3), using funds deposited in the Standby Refinery



1 Support Account established under subsection (c),
2 if—

3 (A) the non-Federal entity has substan-
4 tially completed construction of the new refinery
5 or the refurbished refinery and the initial com-
6 mercial operation of the new refinery or of the
7 refurbished refinery is delayed because of—

8 (i) litigation that could not have been
9 reasonably foreseen by the non-Federal en-
10 tity at the time the non-Federal entity en-
11 tered into the firm contract to construct;
12 or

13 (ii) a failure of an agency of the Fed-
14 eral Government or of a State government
15 to grant an authorization within a period
16 specified in the contract authorized by this
17 section; or

18 (B) the throughput level of commercial op-
19 eration of the new or refurbished refinery is
20 substantially reduced due to—

21 (i) State or Federal law or regulations
22 enacted or implemented after the firm con-
23 tract was entered into; or

24 (ii) litigation, that could not have
25 been reasonably foreseen by the non-Fed-



1 eral entity, disputing actions taken by the
2 non-Federal entity to conform with and
3 satisfy Federal law or regulations enacted
4 or implemented after the firm contract was
5 entered into.

6 (3) COVERED COSTS.—Under a contract au-
7 thORIZED under this section, the Secretary shall
8 pay—

9 (A) in the case of a delay described in
10 paragraph (2)(A), all costs of the delay in the
11 initial commercial operation of a new refining
12 or a refurbished refinery, including the prin-
13 cipal or interest due on any debt obligation of
14 the new refinery or of the refurbished refinery
15 during the delay, and any consequential dam-
16 ages; and

17 (B) in the case of a substantial reduction
18 described in paragraph (2)(B), all costs nec-
19 essary to offset the costs of the reduced
20 throughput and the costs of complying with the
21 new State or Federal law or regulations.

22 (4) COSTS NOT COVERED.—The Secretary shall
23 not enter into a contract under this section that
24 would obligate the Secretary to pay any costs result-
25 ing from—



1 (A) except as provided in paragraph
2 (3)(B), a failure of the non-Federal entity to
3 take any action required by law or regulation;
4 or

5 (B) events within the control of the non-
6 Federal entity.

7 (5) DEPOSIT.—The Secretary shall not enter
8 into a contract authorized under this section until
9 the Secretary has deposited into the Standby Refin-
10 ery Support Account amounts sufficient to cover the
11 costs specified in paragraph (3).

12 (c) STANDBY REFINERY SUPPORT ACCOUNT.—There
13 is established in the Treasury an account known as the
14 Standby Refinery Support Account. The Secretary shall
15 deposit into this account amounts appropriated, in ad-
16 vance of entering into a contract authorized by this sec-
17 tion, to the Secretary for the purpose of carrying out this
18 section and payments paid to the Secretary by any non-
19 Federal source for the purpose of carrying out this section.
20 The Secretary may receive and accept payments from any
21 non-Federal source, which shall be made available without
22 further appropriation for the payment of the covered costs.

23 (d) REGULATIONS.—The Secretary may issue regula-
24 tions necessary or appropriate to carry out this section.



1 (e) REPORTS.—The Secretary shall file with Con-
2 gress annually a report of the Secretary's activities under
3 this section and the activities of the non-Federal entity
4 under any contract entered into under this section.

5 (f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary such
7 sums as are necessary to carry out this section.

8 (g) APPLICABILITY.—This section shall only apply to
9 refineries sited or proposed to be sited—

10 (1) in a State whose governor has requested ap-
11 plicability of this section pursuant to section
12 101(a)(1); or

13 (2) on a site designated by the President under
14 section 101(b).

15 **SEC. 105. MILITARY USE REFINERY.**

16 (a) AUTHORIZATION.—If the President determines
17 that there is not sufficient refining capacity in the United
18 States, the President, to the extent provided in advance
19 in appropriations Acts, may authorize the design and con-
20 struction of and select an appropriate site for, a refinery
21 for the exclusive purpose of manufacturing petroleum
22 products for consumption by the Armed Forces of the
23 United States. A refinery constructed under this section
24 shall be located at a site designated by the President
25 under section 101(b). Such site shall be leased, for its fair



1 market value, to the applicant selected to operate the re-
2 finery pursuant to subsection (b).

3 (b) SOLICITATION FOR DESIGN, CONSTRUCTION, AND
4 OPERATION.—The President shall solicit proposals for the
5 design, construction, and operation of a refinery under
6 this section. In selecting a proposal or proposals under this
7 subsection, the President shall consider—

8 (1) the ability of the applicant to undertake and
9 complete the project;

10 (2) the extent to which the applicant's proposal
11 serves the purposes of the project; and

12 (3) the ability of the applicant to best satisfy
13 the criteria set forth in subsection (c).

14 (c) REFINERY CRITERIA.—A refinery constructed
15 under this section shall meet or exceed the industry aver-
16 age for—

17 (1) construction efficiencies; and

18 (2) operational efficiencies, including cost effi-
19 ciencies.

20 (d) USE OF PRODUCTS.—All petroleum products
21 manufactured at a refinery constructed under this section
22 shall be sold to the Federal Government at a price not
23 to exceed their fair market value for use by the Armed
24 Forces of the United States.



1 **SEC. 106. NEW SOURCE REVIEW UNDER CLEAN AIR ACT.**

2 (a) RULEMAKING.—Considering the devastation
3 brought about by the recent natural disasters, and the ad-
4 verse impact of such disasters on the United States energy
5 markets, including both the availability and the price of
6 energy, the Administrator shall initiate a rulemaking,
7 issue guidance, and take all other appropriate steps to re-
8 form, as expeditiously as practicable, the New Source Re-
9 view programs under title I, parts C and D of the Clean
10 Air Act. Taking into account the urgent need to increase
11 the efficiency and availability and to improve the reliability
12 of the energy supply to consumers and industrial sources,
13 and to secure a decrease in energy prices, the Adminis-
14 trator, in undertaking these reform efforts, shall utilize
15 and draw upon the maximum legal flexibility available
16 under existing law, in order to enable energy industry fa-
17 cilities, including, but not limited to, refineries, electric
18 power generating stations, and compressor stations, to un-
19 dertake without hindrance, promptly and in the least-cost
20 manner, projects to maintain, to restore, and to improve
21 the efficiency, the reliability, or the availability of such fa-
22 cilities.

23 (b) DEFINITION.—Section 302 of the Clean Air Act
24 (42 U.S.C. 7602) is amended by adding the following new
25 subsection at the end thereof:



1 “(aa) PHYSICAL CHANGE, OR CHANGE IN THE
2 METHOD OF OPERATION OF EXISTING EMISSIONS
3 UNIT.—For purposes of parts C and D of this title, the
4 term ‘physical change, or change in the method of oper-
5 ation of,’ as applied to an existing emissions unit, means
6 a ‘modification’ as defined in paragraphs (a), (b), (c), (e),
7 and (h) of title 40 of the Code of Federal Regulations,
8 section 60.14 (as in effect on September 22, 2005), except
9 that paragraph (h) shall apply to all industrial categories
10 and paragraph (e)(1) shall include all repairs and replace-
11 ments covered by section 51.166(y) of title 40 of the Code
12 of Federal Regulations (as in effect on December 31,
13 2004).”.

14 **SEC. 107. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY**
15 **EMERGENCIES.**

16 Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C.
17 7545) is amended—

18 (1) by redesignating the second clause (v) as
19 clause (viii);

20 (2) by redesignating clause (v) as clause (vii);

21 (3) by inserting after clause (iv) the following:

22 “(v)(I) For the purpose of alleviating an extreme and
23 unusual fuel or fuel additive supply emergency resulting
24 from a natural disaster, the President, in consultation
25 with the Administrator and the Secretary of Energy—



1 “(aa) may temporarily waive any control or pro-
2 hibition respecting the use of a fuel or fuel additive
3 required by this section; and

4 “(bb) may preempt and temporarily waive any
5 related or equivalent control or prohibition respect-
6 ing the use of a fuel or fuel additive prescribed by
7 a State or local statute or regulation, including any
8 such requirement in a State implementation plan.

9 “(II) The effective period of a waiver under this
10 clause shall be the time period necessary to permit the
11 correction of the extreme and unusual fuel or fuel additive
12 supply emergency caused by the natural disaster, except
13 that such period shall not be longer than 90 days.

14 “(III) A temporary waiver issued under this clause
15 shall not permit an alteration of the properties of the fuel
16 to the extent that the use of the fuel prevents the normal
17 functioning of the vehicle, engine, component, system, or
18 equipment in which the fuel is used or would materially
19 degrade such functioning over the useful life of the vehicle,
20 engine, component, system, or equipment.”; and

21 (4) by inserting after clause (v) (as inserted by
22 paragraph (3)) the following:

23 “(vi) A State shall not be subject to any finding, dis-
24 approval, or determination by the Administrator under
25 section 179, no person may bring an action against a



1 State or the Administrator under section 304, and the Ad-
2 ministrator shall not take any action under section 110(c)
3 to require the revision of an applicable implementation
4 plan, because of any emissions attributable to a waiver
5 granted by the Administrator under clause (ii) or by the
6 President under clause (v).”.

7 **SEC. 108. LIST OF FUEL BLENDS.**

8 (a) LIST OF BLENDS.—Section 211(c)(4)(C)(viii) of
9 the Clean Air Act (42 U.S.C. 7545(c)(4)(C)(viii)), as so
10 redesignated by section 107(1) of this Act, is amended—

11 (1) by striking subclauses (I) through (V);

12 (2) by redesignating subclause (VI) as sub-
13 clause (V); and

14 (3) by inserting the following before subclause
15 (V), as so redesignated by paragraph (2) of this sub-
16 section:

17 “(I) The Administrator, in coordination with the Sec-
18 retary of Energy (hereinafter in this clause referred to as
19 the ‘Secretary’), shall identify and publish in the Federal
20 Register, within 12 months after the enactment of this
21 subclause and after notice and opportunity for public com-
22 ment, a list of 6 gasoline and diesel fuel blends to be used
23 in States that have not received a waiver under section
24 209(b) of this Act or any State dependent on refineries
25 in such State for gasoline or diesel fuel supplies. The list



1 shall be referred to as the ‘Federal Fuels List’ and shall
2 include one Federal diesel fuel, one alternative diesel fuel
3 blend approved under this subparagraph before enactment
4 of this subclause, one conventional gasoline for ozone at-
5 tainment areas, one reformulated gasoline (RFG) meeting
6 the requirements of subsection (k), and 2 additional gaso-
7 line blends with Reid vapor pressure (RVP) controls for
8 use in ozone nonattainment areas of varying degrees of
9 severity. None of the fuel blends identified under this sub-
10 clause shall control fuel sulfur or toxics levels beyond lev-
11 els required by regulations of the Administrator.

12 “(II) Gasoline and diesel fuel blends shall be included
13 on the Federal Fuels List based on the Administrator’s
14 analysis of their ability to reduce ozone emissions to assist
15 States in attaining established ozone standards under this
16 Act, and on an analysis by the Secretary that the adoption
17 of the Federal Fuels List will not result in a reduction
18 in supply or in producibility, including that caused by a
19 reduction in domestic refining capacity triggered by this
20 clause. In the event the Secretary concludes that adoption
21 of the Federal Fuels List will result in a reduction in sup-
22 ply or in producibility, the Administrator and the Sec-
23 retary shall report that conclusion to Congress, and sus-
24 pend implementation of this clause. The Administrator
25 and the Secretary shall conduct the study required under



1 section 1541(c) of the Energy Policy Act of 2005 on the
2 timetable required in that section to provide Congress with
3 legislative recommendations for modifications to the pro-
4 posed Federal Fuels List only if the Secretary concludes
5 that adoption of the Federal Fuels List will result in a
6 reduction in supply or in producibility.

7 “(III) Upon publication of the Federal Fuels List,
8 the Administrator shall have no authority, when consid-
9 ering a State implementation plan or State implementa-
10 tion plan revision, to approve under this subparagraph any
11 fuel included in such plan or plan revision if the fuel pro-
12 posed is not one of the fuels included on the Federal Fuels
13 List; or to approve such plan or revision unless, after con-
14 sultation with the Secretary, the Administrator publishes
15 in the Federal Register, after notice and opportunity for
16 public comment, a finding that, in the Administrator’s
17 judgment, such revisions to newly adopt one of the fuels
18 included on the Federal Fuels List will not cause fuel sup-
19 ply or distribution interruptions or have a significant ad-
20 verse impact on fuel producibility in the affected area or
21 contiguous area. The Administrator’s findings shall in-
22 clude an assessment of reasonably foreseeable supply dis-
23 tribution emergencies that could occur in the affected area
24 or contiguous area and how adoption of the particular fuel



1 revision would effect supply opportunities during reason-
2 ably foreseeable supply distribution emergencies.

3 “(IV) The Administrator, in consultation with the
4 Secretary, shall develop a plan to harmonize the currently
5 approved fuel blends in State implementation plans with
6 the blends included on the Federal Fuels List and shall
7 promulgate implementing regulations for this plan not
8 later than 18 months after enactment of this subclause.
9 This harmonization shall be fully implemented by the
10 States by December 31, 2008.”.

11 (b) STUDY.—Section 1541(c)(2) of the Energy Policy
12 Act of 2005 is amended to read as follows:

13 “(2) FOCUS OF STUDY.—The primary focus of
14 the study required under paragraph (1) shall be to
15 determine how to develop a Federal fuels system
16 that maximizes motor fuel fungibility and supply,
17 preserves air quality standards, and reduces motor
18 fuel price volatility that results from the prolifera-
19 tion of boutique fuels, and to recommend to Con-
20 gress such legislative changes as are necessary to
21 implement such a system. The study should include
22 the impacts on overall energy supply, distribution,
23 and use as a result of the legislative changes rec-
24 ommended. The study should include an analysis of
25 the impact on ozone emissions and supply of a man-



1 datory reduction in the number of fuel blends to 6,
2 including one Federal diesel fuel, one alternative die-
3 sel fuel blend, one conventional gasoline for ozone
4 attainment areas, one reformulated gasoline (RFG)
5 meeting the requirements of subsection (k), and 2
6 additional gasoline blends with Reid vapor pressure
7 (RVP) controls for use in ozone nonattainment areas
8 of varying degrees of severity. ”.

9 **SEC. 109. ATTAINMENT DATES FOR DOWNWIND OZONE**
10 **NONATTAINMENT AREAS.**

11 Section 181 of the Clean Air Act (42 U.S.C. 7511)
12 is amended by adding the following new subsection at the
13 end thereof:

14 “(d) EXTENDED ATTAINMENT DATE FOR CERTAIN
15 DOWNWIND AREAS.—

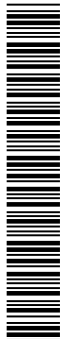
16 “(1) DEFINITIONS.—In this subsection:

17 “(A) The term ‘upwind area’ means an
18 area that—

19 “(i) affects nonattainment in another
20 area, hereinafter referred to as a downwind
21 area; and

22 “(ii) is either—

23 “(I) a nonattainment area with a
24 later attainment date than the down-
25 wind area, or



1 “(II) an area in another State
2 that the Administrator has found to
3 be significantly contributing to non-
4 attainment in the downwind area in
5 violation of section 110(a)(2)(D) and
6 for which the Administrator has es-
7 tablished requirements through notice
8 and comment rulemaking to eliminate
9 the emissions causing such significant
10 contribution.

11 “(B) The term ‘current classification’
12 means the classification of a downwind area
13 under this section at the time of the determina-
14 tion under paragraph (2).

15 “(2) EXTENSION.—Notwithstanding the provi-
16 sions of subsection (b)(2) of this section, a down-
17 wind area that is not in attainment within 18
18 months of the attainment deadline required under
19 this section may seek an extension of time to come
20 into attainment by petitioning the Administrator for
21 such an extension. If the Administrator—

22 “(A) determines that any area is a down-
23 wind area with respect to a particular national
24 ambient air quality standard for ozone;



1 “(B) approves a plan revision for such
2 area as provided in paragraph (3) prior to a re-
3 classification under subsection (b)(2)(A); and

4 “(C) determines that the petitioning down-
5 wind area has demonstrated that it is affected
6 by transport from an upwind area to a degree
7 that affects the area’s ability to attain,
8 the Administrator, in lieu of such reclassification,
9 may extend the attainment date for such downwind
10 area for such standard in accordance with paragraph
11 (5).

12 “(3) APPROVAL.—In order to extend the attain-
13 ment date for a downwind area under this sub-
14 section, the Administrator may approve a revision of
15 the applicable implementation plan for the downwind
16 area for such standard that—

17 “(A) complies with all requirements of this
18 Act applicable under the current classification
19 of the downwind area, including any require-
20 ments applicable to the area under section
21 172(c) for such standard;

22 “(B) includes any additional measures
23 needed to demonstrate attainment by the ex-
24 tended attainment date provided under this
25 subsection, and provides for implementation of



1 those measures as expeditiously as practicable;
2 and

3 “(C) provides appropriate measures to en-
4 sure that no area downwind of the area receiv-
5 ing the extended attainment date will be af-
6 fected by transport to a degree that affects the
7 area’s ability to attain, from the area receiving
8 the extension.

9 “(4) PRIOR RECLASSIFICATION DETERMINA-
10 TION.—If, after April 1, 2003, and prior to the time
11 the 1-hour ozone standard no longer applies to a
12 downwind area, the Administrator made a reclassi-
13 fication determination under subsection (b)(2)(A)
14 for such downwind area, and the Administrator ap-
15 proves a plan consistent with subparagraphs (A) and
16 (B) for such area, the reclassification shall be with-
17 drawn and, for purposes of implementing the 8-hour
18 ozone national ambient air quality standard, the
19 area shall be treated as if the reclassification never
20 occurred. Such plan must be submitted no later than
21 12 months following enactment of this subsection,
22 and—

23 “(A) the plan revision for the downwind
24 area must comply with all control and planning
25 requirements of this Act applicable under the



1 classification that applied immediately prior to
2 reclassification, including any requirements ap-
3 plicable to the area under section 172(c) for
4 such standard; and

5 “(B) the plan must include any additional
6 measures needed to demonstrate attainment no
7 later than the date on which the last reductions
8 in pollution transport that have been found by
9 the Administrator to significantly contribute to
10 nonattainment are required to be achieved by
11 the upwind area or areas.

12 The attainment date extended under this subsection
13 shall provide for attainment of such national ambi-
14 ent air quality standard for ozone in the downwind
15 area as expeditiously as practicable but no later than
16 the end of the first complete ozone season following
17 the date on which the last reductions in pollution
18 transport that have been found by the Administrator
19 to significantly contribute to nonattainment are re-
20 quired to be achieved by the upwind area or areas.

21 “(5) EXTENDED DATE.—The attainment date
22 extended under this subsection shall provide for at-
23 tainment of such national ambient air quality stand-
24 ard for ozone in the downwind area as expeditiously
25 as practicable but no later than the new date that



1 the area would have been subject to had it been re-
2 classified under subsection (b)(2).

3 “(6) RULEMAKING.—Within 12 months after
4 the enactment of this subsection, the Administrator
5 shall, through notice and comment, promulgate rules
6 to define the term ‘affected by transport to a degree
7 that affects an areas ability to attain’ in order to en-
8 sure that downwind areas are not unjustly penalized,
9 and for purposes of paragraphs (2) and (3) of this
10 subsection.”.

11 **SEC. 110. NORTHWEST CRUDE OIL SUPPLY.**

12 Section 5(b) of the Act entitled “An Act to authorize
13 appropriations for fiscal year 1978 to carry out the Marine
14 Mammal Protection Act of 1972”, enacted October 18,
15 1977 (Public Law 95–136) is amended by striking “for
16 consumption in the State of Washington”.

17 **SEC. 111. DISCOUNTED SALES OF ROYALTY-IN-KIND OIL TO**
18 **QUALIFIED SMALL REFINERIES.**

19 (a) REQUIREMENT.—The Secretary of the Interior
20 shall issue and begin implementing regulations by not
21 later than 60 days after the date of the enactment of this
22 Act, under which the Secretary of the Interior shall charge
23 a discounted price in any sale to a qualified small refinery
24 of crude oil obtained by the United States as royalty-in-
25 kind.



1 (b) AMOUNT OF DISCOUNT.—The regulations shall
2 provide that the amount of any discount applied pursuant
3 to this section in any sale of crude oil to a qualified small
4 refinery—

5 (1) shall reflect the actual costs of transporting
6 such oil from the point of origin to the qualified
7 small refinery; and

8 (2) shall not exceed \$4.50 per barrel of oil sold.

9 (c) TERMINATION OF DISCOUNT.—This section and
10 any regulations issued under this section shall not apply
11 on and after any date on which the Secretary of Energy
12 determines that United States domestic refining capacity
13 is sufficient.

14 (d) QUALIFIED SMALL REFINERY.—In this section
15 the term “qualified small refinery” means a refinery of
16 a small business refiner (as that term is defined in section
17 45H(c)(1) of the Internal Revenue Code of 1986) that
18 demonstrates to the Secretary of the Interior that it had
19 unused crude oil processing capacity in 2004.

20 **SEC. 112. STUDY AND REPORT RELATING TO STREAM-**
21 **LINING PAPERWORK REQUIREMENTS.**

22 (a) STUDY.—The Administrator shall study ways to
23 streamline the paperwork requirements associated with
24 title V of the Clean Air Act and corresponding require-
25 ments under State laws, particularly with regard to States



1 that have more stringent requirements than the Federal
2 Government in this area.

3 (b) REPORT.—Not later than one year after the date
4 of the enactment of this Act, the Administrator shall re-
5 port to Congress the results of the study made under sub-
6 section (a), together with recommendations on how to
7 streamline those paperwork requirements.

8 **SEC. 113. RESPONSE TO BIOMASS DEBRIS EMERGENCY.**

9 (a) USE OF BIOMASS DEBRIS AS FUEL.—Notwith-
10 standing any other provision of law, the Secretary of En-
11 ergy may authorize any facility to use as fuel biomass de-
12 bris if—

13 (1) the debris results from a major disaster de-
14 clared in accordance with section 401 of the Robert
15 T. Stafford Disaster Relief and Emergency Assist-
16 ance Act (42 U.S.C. 5170);

17 (2) the debris is located in the area for which
18 the major disaster is declared; and

19 (3) the requirements of subsection (b) are met.

20 (b) CERTIFICATION.—A facility described in sub-
21 section (a)—

22 (1) shall certify to the State in which the facil-
23 ity is located that no significant impact on meeting
24 national ambient air quality standards will result



1 and shall propose emission limits adequate to sup-
2 port such certification; and

3 (2) may begin burning biomass debris fuel upon
4 filing the certification required by paragraph (1) un-
5 less the State notifies the facility to the contrary.

6 (c) EMISSION LIMITS.—The State in which a facility
7 described in subsection (a) is located shall—

8 (1) adopt (or as appropriate amend) the pro-
9 posed emission limits for the biomass burning at the
10 facility; and

11 (2) retain other existing emissions limits wher-
12 ever they are necessary and reasonable.

13 (d) NEW SOURCE REVIEW.—No activities needed to
14 qualify a facility to burn biomass debris as fuel in accord-
15 ance with this section shall trigger the requirements of
16 new source review or new source performance standards
17 under the Clean Air Act.

18 **TITLE II—INCREASING**
19 **DELIVERY INFRASTRUCTURE**

20 **SEC. 201. FEDERAL-STATE REGULATORY COORDINATION.**

21 (a) GOVERNOR’S REQUEST.—The Governor of a
22 State may submit a request to the Commission for the
23 application of process coordination and rules of procedure
24 under section 202 to the siting of a crude oil or refined
25 petroleum product pipeline facility in that State.



1 (b) APPLICABILITY.—Section 202 shall only apply to
2 crude oil or refined petroleum product pipeline facilities
3 sited or proposed to be sited in a State whose Governor
4 has requested such applicability under subsection (a).

5 (c) INTERSTATE COMPACTS.—(1) The consent of
6 Congress is given for 2 or more contiguous States to enter
7 into an interstate compact, subject to approval by Con-
8 gress, establishing regional pipeline siting agencies to fa-
9 cilitate siting of future crude oil or refined petroleum
10 product pipeline facilities within those States.

11 (2) The Secretary may provide technical assistance
12 to regional pipeline siting agencies established under this
13 subsection.

14 **SEC. 202. PROCESS COORDINATION AND RULES OF PROCE-**
15 **DURE.**

16 (a) DEFINITIONS.—For purposes of this title—

17 (1) the term “Commission” means the Federal
18 Energy Regulatory Commission; and

19 (2) the term “Federal pipeline authorization”—

20 (A) means any authorization required
21 under Federal law, whether administered by a
22 Federal or State administrative agency or offi-
23 cial, with respect to siting of a crude oil or re-
24 fined petroleum product pipeline facility in
25 interstate commerce; and



1 (B) includes any permits, special use au-
2 thorizations, certifications, opinions, or other
3 approvals required under Federal law with re-
4 spect to siting of a crude oil or refined petro-
5 leum product pipeline facility in interstate com-
6 merce.

7 (b) DESIGNATION AS LEAD AGENCY.—

8 (1) IN GENERAL.—The Commission shall act as
9 the lead agency for the purposes of coordinating all
10 applicable Federal pipeline authorizations and re-
11 lated environmental reviews with respect to a crude
12 oil or refined petroleum product pipeline facility.

13 (2) OTHER AGENCIES.—Each Federal and
14 State agency or official required to provide Federal
15 pipeline authorization shall cooperate with the Com-
16 mission and comply with the deadlines established by
17 the Commission.

18 (c) SCHEDULE.—

19 (1) COMMISSION'S AUTHORITY TO SET SCHED-
20 ULE.—The Commission shall establish a schedule
21 for all Federal pipeline authorizations with respect
22 to a crude oil or refined petroleum product pipeline
23 facility. In establishing the schedule, the Commission
24 shall—



1 (A) ensure expeditious completion of all
2 such proceedings; and

3 (B) accommodate the applicable schedules
4 established by Federal law for such proceedings.

5 (2) FAILURE TO MEET SCHEDULE.—If a Fed-
6 eral or State administrative agency or official does
7 not complete a proceeding for an approval that is re-
8 quired for a Federal pipeline authorization in ac-
9 cordance with the schedule established by the Com-
10 mission under this subsection, the applicant may
11 pursue remedies under subsection (e).

12 (d) CONSOLIDATED RECORD.—The Commission
13 shall, with the cooperation of Federal and State adminis-
14 trative agencies and officials, maintain a complete consoli-
15 dated record of all decisions made or actions taken by the
16 Commission or by a Federal administrative agency or offi-
17 cer (or State administrative agency or officer acting under
18 delegated Federal authority) with respect to any Federal
19 pipeline authorization. Such record shall be the record for
20 judicial review under subsection (e) of decisions made or
21 actions taken by Federal and State administrative agen-
22 cies and officials, except that, if the Court determines that
23 the record does not contain sufficient information, the
24 Court may remand the proceeding to the Commission for
25 further development of the consolidated record.



1 (e) JUDICIAL REVIEW.—

2 (1) IN GENERAL.—The United States Court of
3 Appeals for the District of Columbia shall have
4 original and exclusive jurisdiction over any civil ac-
5 tion for the review of—

6 (A) an order or action related to a Federal
7 pipeline authorization by a Federal or State ad-
8 ministrative agency or official; and

9 (B) an alleged failure to act by a Federal
10 or State administrative agency or official acting
11 pursuant to a Federal pipeline authorization.

12 The failure of an agency or official to act on a Fed-
13 eral pipeline authorization in accordance with the
14 Commission's schedule established pursuant to sub-
15 section (c) shall be considered inconsistent with Fed-
16 eral law for the purposes of paragraph (2) of this
17 subsection.

18 (2) COURT ACTION.—If the Court finds that an
19 order or action described in paragraph (1)(A) is in-
20 consistent with the Federal law governing such Fed-
21 eral pipeline authorization, or that a failure to act
22 as described in paragraph (1)(B) has occurred, and
23 the order, action, or failure to act would prevent the
24 siting of the crude oil or refined petroleum product
25 pipeline facility, the Court shall remand the pro-



1 ceeding to the agency or official to take appropriate
2 action consistent with the order of the Court. If the
3 Court remands the order, action, or failure to act to
4 the Federal or State administrative agency or offi-
5 cial, the Court shall set a reasonable schedule and
6 deadline for the agency or official to act on remand.

7 (3) COMMISSION'S ACTION.—For any civil ac-
8 tion brought under this subsection, the Commission
9 shall promptly file with the Court the consolidated
10 record compiled by the Commission pursuant to sub-
11 section (d).

12 (4) EXPEDITED REVIEW.—The Court shall set
13 any civil action brought under this subsection for ex-
14 pedited consideration.

15 (5) ATTORNEY'S FEES.—In any action chal-
16 lenging a Federal pipeline authorization that has
17 been granted, reasonable attorney's fees and other
18 expenses of litigation shall be awarded to the pre-
19 vailing party. This paragraph shall not apply to any
20 action seeking remedies for denial of a Federal pipe-
21 line authorization or failure to act on an application
22 for a Federal pipeline authorization.

23 **SEC. 203. BACKUP POWER CAPACITY STUDY.**

24 Not later than 6 months after the date of enactment
25 of this Act, the Secretary shall transmit to the Congress



1 a report assessing the adequacy of backup power capacity
2 in place as of the date of enactment of this Act, and the
3 need for any additional capacity, to provide for the con-
4 tinuing operation during any reasonably foreseeable emer-
5 gency situation, of those crude oil or refined petroleum
6 product pipeline facilities that the Secretary finds to be
7 significant to the Nation's supply needs, in areas that have
8 historically been subject to higher incidents of natural dis-
9 asters such as hurricanes, earthquakes, and tornados.

10 **SEC. 204. SUNSET OF LOAN GUARANTEES.**

11 Section 116(a) of the Alaska Natural Gas Pipeline
12 Act is amended by adding at the end the following new
13 paragraph:

14 “(4) The Secretary shall not enter into an agreement
15 under paragraph (1) or (2) after the date that is 24
16 months after the date of enactment of the Gasoline for
17 America's Security Act of 2005 if the State of Alaska has
18 not entered into an agreement pursuant to Alaska Strand-
19 ed Gas Development Act which in good faith contractually
20 binds the parties to deliver North Slope natural gas to
21 markets via the proposed Alaska Natural Gas Pipeline.”.

22 **SEC. 205. OFFSHORE PIPELINES.**

23 The Natural Gas Act is amended—



1 (1) in section 1(b) 15 U.S.C. 717(b)) by insert-
2 ing after “to the production or” the following: “, ex-
3 cept as provided in section 4(g),”; and

4 (2) in section 4 (15 U.S.C. 717(b)) by adding
5 at the end the following:

6 “(g)(1) For the purposes of this subsection—

7 “(A) the term ‘gas service provider’ means an
8 entity that operates a facility located in the outer
9 Continental Shelf that is used to move natural gas
10 on or across the outer Continental Shelf; and

11 “(B) the term ‘outer Continental Shelf’ has the
12 meaning given that term in section 2(a) of the Outer
13 Continental Shelf Lands Act (43 U.S.C. 1331(a)).

14 “(2) All gas service providers shall submit to the
15 Commission annually the conditions of service for each
16 shipper served, consisting of—

17 “(A) the full legal name of the shipper receiving
18 service;

19 “(B) a notation of shipper affiliation;

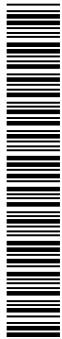
20 “(C) the type of service provided;

21 “(D) primary receipt points;

22 “(E) primary delivery points;

23 “(F) rates between each pair of points; and

24 “(G) other conditions of service deemed rel-
25 evant by the gas service provider.



1 “(3) This subsection shall not apply to—

2 “(A) a gas service company that serves exclu-
3 sively a single entity (either itself or one other
4 party), until such time as—

5 “(i) the gas service provider agrees to
6 serve a second shipper; or

7 “(ii) a determination is made that the gas
8 service provider’s denial of a request for service
9 is unjustified;

10 “(B) a gas service provider that serves exclu-
11 sively shippers with ownership interests in both the
12 pipeline operated by the gas service provider and the
13 gas produced from a field or fields connected to a
14 single pipeline, until such time as—

15 “(i) the gas service provider offers to serve
16 a nonowner shipper; or

17 “(ii) a determination is made that the gas
18 service provider’s denial of a request for service
19 is unjustified;

20 “(C) service rendered over facilities that feed
21 into a facility where natural gas is first collected,
22 separated, dehydrated, or otherwise processed; and

23 “(D) gas service providers’ facilities and service
24 regulated by the Commission under section 7 of this
25 Act.



1 “(4) When a gas service provider subject to this sub-
2 section alters its affiliates, customers, rates, conditions of
3 service, or facilities, within any calendar quarter, it must
4 then file with the Commission, on the first business day
5 of the subsequent quarter, a revised report describing the
6 status of its services and facilities.”.

7 **SEC. 206. SAVINGS CLAUSE.**

8 Nothing in this title shall be construed to amend,
9 alter, or in any way affect the jurisdiction or responsibil-
10 ities of the Department of Transportation with respect to
11 pipeline safety issues under chapter 601 of title 49, United
12 States Code, or any other law.

13 **SEC. 207. CARBON-BASED FUEL CELL DEVELOPMENT.**

14 (a) GRANT AUTHORITY.—The Secretary is author-
15 ized to make a single grant to a qualified institution to
16 design and fabricate a 5-kilowatt prototype coal-based fuel
17 cell with the following performance objectives:

18 (1) A current density of 600 milliamps per
19 square centimeter at a cell voltage of 0.8 volts.

20 (2) An operating temperature range not to ex-
21 ceed 900 degrees Celsius.

22 (b) QUALIFIED INSTITUTION.—For the purposes of
23 subsection (a), a qualified institution is a research-inten-
24 sive institution of higher education with demonstrated ex-
25 pertise in the development of carbon-based fuel cells allow-



1 ing the direct use of high sulfur content coal as fuel, and
2 which has produced a laboratory-scale carbon-based fuel
3 cell with a proven current density of 100 milliamps per
4 square centimeter at a voltage of 0.6 volts.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Secretary for car-
7 rying out this section \$850,000 for fiscal year 2006.

8 **TITLE III—CONSERVATION AND**
9 **EDUCATION**

10 **SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND**
11 **VANPOOLING PROGRAM.**

12 (a) FINDINGS.—Congress finds the following:

13 (1) Metropolitan transit organizations have re-
14 ported heightened interest in carpooling and van-
15 pooling projects in light of recent increases in gaso-
16 line prices.

17 (2) The National Transportation Database re-
18 ports that, in 2003, American commuters traveled
19 over 440,000 miles using public transportation van-
20 pools, an increase of 60 percent since 1996.

21 (3) According to the Natural Resource Defense
22 Council, if each commuter car carried just one more
23 passenger once a week, American gasoline consump-
24 tion would be reduced by about 2 percent.



1 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
2 shall establish and carry out a program to encourage the
3 use of carpooling and vanpooling to reduce the consump-
4 tion of gasoline. The program shall focus on carpool and
5 vanpool operations, outreach activities, and marketing
6 programs, including utilization of the Internet for mar-
7 keting and outreach.

8 (c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—
9 As part of the program established under subsection (b),
10 the Secretary may make grants to State and local govern-
11 ments for carpooling or vanpooling projects. The Secretary
12 may make such a grant only if at least 50 percent of the
13 costs of the project will be provided by the State or local
14 government. If a private sector entity provides vehicles for
15 use in a carpooling or vanpooling project supported under
16 this subsection, the value of those vehicles may be counted
17 as part of the State or local contribution to the project.

18 (d) CONSIDERATIONS.—In making grants for
19 projects under subsection (c), the Secretary shall consider
20 each of the following:

21 (1) The potential of the project to promote oil
22 conservation.

23 (2) The contribution of the project to State or
24 local disaster evacuation plans.



1 (3) Whether the area in which the project is lo-
2 cated is a nonattainment area (as that term is de-
3 fined in section 171 of the Clean Air Act (42 U.S.C.
4 7501)).

5 **SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND**
6 **VANPOOL PROJECTS.**

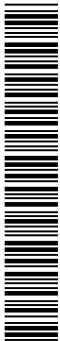
7 (a) IN GENERAL.—The Administrator, in consulta-
8 tion with the Secretary, shall evaluate and assess carpool
9 and vanpool projects funded under the congestion mitiga-
10 tion and air quality program established under section 149
11 of title 23, United States Code, to—

12 (1) reduce consumption of gasoline;

13 (2) determine the direct and indirect impact of
14 the projects on air quality and congestion levels; and

15 (3) ensure the effective implementation of the
16 projects under such program.

17 (b) REPORT.—Not later than 180 days after the date
18 of enactment of this Act, the Administrator, in consulta-
19 tion with the Secretary, shall submit to Congress a report
20 including recommendations and findings that would im-
21 prove the operation and evaluation of carpool and vanpool
22 projects funded under the congestion mitigation and air
23 quality improvement program and shall make such report
24 available to all State and local metropolitan planning orga-
25 nizations.



1 **SEC. 303. INTERNET UTILIZATION STUDY.**

2 (a) IN GENERAL.—The Secretary, under the program
3 established in section 301, shall evaluate the capacity of
4 the Internet to facilitate carpool and vanpool operations
5 through—

6 (1) linking riders with local carpools and van-
7 pools;

8 (2) providing real-time messaging communica-
9 tion between drivers and riders;

10 (3) assisting employers to establish intercom-
11 pany vanpool and carpool programs; and

12 (4) marketing existing vanpool and carpool pro-
13 grams.

14 (b) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, the Secretary shall submit to
16 Congress a report including recommendations and find-
17 ings that would improve Internet utilization in carpool and
18 vanpool operations and shall make such report available
19 to all State and local metropolitan planning organizations.

20 **SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.**

21 (a) PARTNERSHIP.—The Secretary shall enter into a
22 partnership with interested industry groups to create an
23 education campaign that provides information to United
24 States drivers about measures that may be taken to con-
25 serve gasoline.



1 (b) ACCESSIBILITY.—The public information cam-
2 paign shall be designed to reach the widest audience pos-
3 sible. The education campaign may include television,
4 print, Internet website, or any method designed to maxi-
5 mize the dissemination of gasoline savings information to
6 drivers.

7 (c) COST SHARING.—The Secretary shall provide no
8 more than 50 percent of the cost of the campaign created
9 under this section.

10 (d) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary
12 \$2,500,000 for carrying out this section.

13 **SEC. 305. PROCUREMENT OF ENERGY EFFICIENT LIGHTING**
14 **DEVICES.**

15 Section 553(d) of the National Energy Conservation
16 Policy Act is amended by adding at the end the following
17 new paragraph:

18 “(3) The head of an agency shall procure the most
19 energy efficient and cost-effective light bulbs or other elec-
20 trical lighting products, consistent with safety consider-
21 ations, for use in that agency’s facilities and buildings.”.

22 **SEC. 306. MINORITY EMPLOYMENT.**

23 Section 385 of the Energy Policy Act of 2005 is
24 amended by adding at the end the following:



1 “(d) PROGRAM.—The Secretary of Energy is author-
2 ized and directed to establish a program to encourage mi-
3 nority students to study the earth sciences and enter the
4 field of geology in order to qualify for employment in the
5 oil, gas, and mineral industries. There are authorized to
6 be appropriated for the program established under the
7 preceding sentence \$10,000,000.”.

8 **TITLE IV—GASOLINE PRICE**
9 **REFORM**

10 **SEC. 401. SHORT TITLE.**

11 This title may be cited as the “Gas Price Gouging
12 Prevention Act”.

13 **SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.**

14 (a) UNLAWFUL CONDUCT.—During a period and in
15 an area of a major disaster, it shall be an unfair or decep-
16 tive act or practice in violation of section 5 of the Federal
17 Trade Commission Act for any person to sell gasoline or
18 diesel fuel at a price which constitutes price gouging as
19 defined by rule pursuant to subsection (b).

20 (b) PRICE GOUGING.—Not later than 1 year after the
21 date of the enactment of this Act, the Commission shall
22 promulgate any rules necessary for the enforcement of this
23 section. Based on its findings from the investigation re-
24 quired by section 403, the Commission shall, in such rules,
25 define “price gouging” for purposes of this section. Such



1 rules shall be consistent with the requirements for declar-
2 ing unfair acts or practices in section 5(n) of the Federal
3 Trade Commission Act (15 U.S.C. 45(n)).

4 (c) ENFORCEMENT BY FTC.—A violation of sub-
5 section (a) shall be treated as a violation of a rule defining
6 an unfair or deceptive act or practice prescribed under sec-
7 tion 18(a)(1)(B) of the Federal Trade Commission Act
8 (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission
9 shall enforce this Act in the same manner, by the same
10 means, and with the same jurisdiction as though all appli-
11 cable terms and provisions of the Federal Trade Commis-
12 sion Act were incorporated into and made a part of this
13 Act.

14 (d) PENALTIES.—Any person who violates subsection
15 (a), or the rules promulgated pursuant to this section,
16 shall be subject to a civil penalty of not more than \$11,000
17 per person per day in which a violation occurs.

18 (e) DEFINITION OF MAJOR DISASTER.—

19 (1) DETERMINATION.—As used in this section,
20 and for purposes of any rule promulgated pursuant
21 to this section, the term “major disaster” means a
22 major disaster declared by the President as defined
23 in section 102(2) of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C.
25 5122(2)) that the Secretary of Energy determines to



1 have substantially disrupted the production, distribu-
2 tion, or supply of gasoline or diesel fuel.

3 (2) APPLICABLE AREA AND PERIOD.—The pro-
4 hibition in subsection (a) shall apply in an area de-
5 termined to be a major disaster under paragraph (1)
6 and for a period of 30 days after such determination
7 is made.

8 **SEC. 403. FTC INVESTIGATION ON PRICE-GOUGING.**

9 (a) STUDY.—The Federal Trade Commission shall
10 conduct an investigation into nationwide gasoline prices
11 in the aftermath of Hurricane Katrina, including any evi-
12 dence of price-gouging by subject companies described in
13 subsection (b). Such investigation shall include—

14 (1) a comparison of, and analysis of the reasons
15 for changes in, profit levels of subject companies
16 during the 12-month period ending on August 31,
17 2005, and their profit levels for the month of Sep-
18 tember, 2005, including information for particular
19 companies on a basis that does not permit the iden-
20 tification of any company to which the information
21 relates;

22 (2) a summary of tax expenditures (as defined
23 in section 3(3) of the Congressional Budget and Im-
24 poundment Control Act of 1974 (2 U.S.C. 622(3))
25 for such companies;



1 (3) an examination of the effects of increased
2 gasoline prices and gasoline price-gouging on eco-
3 nomic activity in the United States;

4 (4) an analysis of the overall cost of increased
5 gasoline prices and gasoline price-gouging to the
6 economy, including the impact on consumers' pur-
7 chasing power in both declared State and National
8 disaster areas and elsewhere; and

9 (5) an analysis of—

10 (A) the role and overall cost of credit card
11 interchange rates on gasoline and diesel fuel re-
12 tail prices; and

13 (B) the varying cost of credit card inter-
14 change rates that are applied to different chan-
15 nels of trade.

16 (b) SUBJECT COMPANIES.—The companies subject to
17 the investigation required by this section shall be—

18 (1) any company with total United States
19 wholesale sales of gasoline and petroleum distillates
20 for calendar year 2004 in excess of \$500,000,000;
21 and

22 (2) any retail distributor of gasoline and petro-
23 leum distillates against which multiple formal com-
24 plaints (that identify the location of the particular
25 retail distributor and provide contact information for



1 the complainant) of price-gouging were filed in Au-
2 gust or September 2005, with a Federal or State
3 consumer protection agency.

4 (c) EVIDENCE OF PRICE-GOUGING.—In conducting
5 its investigation, the Commission shall treat as evidence
6 of price-gouging any finding that the average price of gas-
7 oline available for sale to the public in September, 2005,
8 or thereafter in a market area located in an area des-
9 ignated as a State or National disaster area because of
10 Hurricane Katrina, or in any other area where price-
11 gouging complaints have been filed because of Hurricane
12 Katrina with a Federal or State consumer protection
13 agency, exceeded the average price of such gasoline in that
14 area for the month of August, 2005, unless the Commis-
15 sion finds substantial evidence that the increase is sub-
16 stantially attributable to additional costs in connection
17 with the production, transportation, delivery, and sale of
18 gasoline in that area or to national or international market
19 trends.

20 (d) REPORTS.—

21 (1) NOTIFICATION TO STATE AGENCIES.—In
22 any areas of markets in which the Commission de-
23 termines price increases are due to factors other
24 than the additional costs, it shall also notify the ap-
25 propriate State agency of its findings.



1 (2) PROGRESS AND FINAL REPORTS TO CON-
2 GRESS.—The Commission shall provide information
3 on the progress of the investigation to the Appro-
4 priations Committees of the House of Representa-
5 tives and the Senate, the Committee on Energy and
6 Commerce of the House of Representatives, and the
7 Committee on Commerce, Science, and Transpor-
8 tation of the Senate, every 30 days after the date of
9 enactment of this Act. The Commission shall provide
10 those Committees a written interim report 90 days
11 after such date, and shall transmit a final report to
12 those Committees, together with its findings and
13 recommendations, no later than 180 days after the
14 date of enactment of this Act. Such reports shall in-
15 clude recommendations, based on its findings, for
16 any legislation necessary to protect consumers from
17 gasoline price-gouging in both State and National
18 disaster areas and elsewhere.

19 (e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, dur-
20 ing the investigation required by this section, the Commis-
21 sion obtains evidence that a person may have violated a
22 criminal law, the Commission may transmit that evidence
23 to appropriate Federal or State authorities.



1 **SEC. 404. FTC STUDY OF PETROLEUM PRICES ON EX-**
2 **CHANGE.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Federal Trade Commission shall transmit
5 to Congress a report on the price of refined petroleum
6 products on the New York Mercantile Exchange and the
7 effects on such price, if any, of the following:

8 (1) The geographic size of the delivery market
9 and the number of delivery points.

10 (2) The proximity of energy futures markets in
11 relation to the source of supply.

12 (3) The specified grade of gasoline deliverable
13 on the exchange.

14 (4) The control of the storage and delivery mar-
15 ket infrastructure.

16 (5) The effectiveness of temporary trading halts
17 and the monetary threshold for such temporary
18 trading halts.

19 **TITLE V—STRATEGIC**
20 **PETROLEUM RESERVE**

21 **SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.**

22 (a) **AUTHORITY TO DRAWDOWN AND SELL PETRO-**
23 **LEUM PRODUCTS FOR EXPANSION OF RESERVE.**—Not-
24 withstanding any other provision of law, the Secretary
25 may drawdown and sell petroleum products from the Stra-
26 tegic Petroleum Reserve to construct, purchase, lease, or



1 otherwise acquire additional capacity sufficient to permit
2 filling the Strategic Petroleum Reserve to its maximum
3 authorized level.

4 (b) ESTABLISHMENT OF SPR EXPANSION FUND.—

5 The Secretary of the Treasury shall establish in the Treas-
6 ury of the United States an account to be known as the
7 “SPR Expansion Fund” (in this section referred to as the
8 “Fund”), and the proceeds from any sale pursuant to sub-
9 section (a) shall be deposited into the Fund.

10 (c) OBLIGATION OF FUNDS FOR EXPANSION.—

11 Amounts in the Fund may be obligated by the Secretary
12 to carry out the purposes in subsection (a) to the extent
13 and in such aggregate amounts as may be appropriated
14 in advance in appropriations Acts for such purposes.

15 **SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.**

16 Section 161(e) of the Energy Policy and Conservation
17 Act (42 U.S.C. 6241(e)) is amended by inserting after
18 paragraph (2) a new paragraph as follows:

19 “(3) Any contract under which petroleum products
20 are sold under this section shall include a requirement that
21 the person or entity that acquires the petroleum products
22 agrees—

23 “(A) not to resell the petroleum products before
24 the products are refined; and



1 “(B) to refine the petroleum products primarily
2 for consumption in the United States.”.

3 **SEC. 503. NORTHEAST HOME HEATING OIL RESERVE CA-**
4 **PACITY.**

5 Section 181(a) of the Energy Policy and Conserva-
6 tion Act (42 U.S.C. 6250(a)) is amended by striking “2
7 million barrels” and inserting “5 million barrels”.

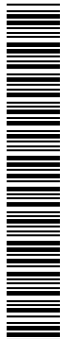
8 **TITLE VI—COMMISSION FOR**
9 **THE DEPLOYMENT OF THE**
10 **HYDROGEN ECONOMY**

11 **SEC. 601. ESTABLISHMENT.**

12 There is established a commission to be known as the
13 “Commission for the Deployment of the Hydrogen Econ-
14 omy” (in this title referred to as the “Commission”).

15 **SEC. 602. DUTIES OF COMMISSION.**

16 The Commission shall develop a strategic plan that
17 identifies the best methods available to marshal the re-
18 sources of the Federal Government, State governments,
19 local governments, the private sector, and academia to
20 achieve the mass commercialization of hydrogen as an en-
21 ergy source for stationary fuel cells and vehicle fuel cells
22 at the soonest possible date. Such plan shall take into ac-
23 count actions previously taken by the Federal Govern-
24 ment, State governments, local governments, the private
25 sector, and academia. The Commission shall also examine



1 ways to ensure that the United States can use all available
2 feedstocks for hydrogen production, and shall make rec-
3 ommendations for an appropriate entity to monitor ongo-
4 ing progress in implementing the strategic plan.

5 **SEC. 603. MEMBERSHIP.**

6 (a) NUMBER AND APPOINTMENT.—The Commission
7 shall be composed of 8 members appointed as follows:

8 (1) 2 members appointed by the Speaker of the
9 House of Representatives.

10 (2) 2 members appointed by the minority leader
11 of the House of Representatives.

12 (3) 2 members appointed by the majority leader
13 of the Senate.

14 (4) 2 members appointed by the minority leader
15 of the Senate.

16 (b) QUALIFICATIONS.—Individuals appointed under
17 subsection (a) shall have at least 5 years of professional-
18 level experience in science, technology, engineering, or
19 public policy. The appointing officials shall coordinate
20 their appointments so as to ensure that the Commission
21 has a diverse range of such experience.

22 (c) APPOINTMENT DATE.—Appointments under sub-
23 section (a) shall be made not later than 2 months after
24 the date of enactment of this Act.



1 (d) VACANCIES.—A vacancy in the Commission shall
2 be filled in the manner in which the original appointment
3 was made.

4 (e) BASIC PAY.—

5 (1) RATES OF PAY.—Members shall each be
6 paid at a rate not to exceed the daily rate of basic
7 pay for level V of the Executive Schedule for each
8 day (including travel time) during which they are en-
9 gaged in the actual performance of duties vested in
10 the Commission.

11 (2) PROHIBITION OF COMPENSATION OF FED-
12 ERAL EMPLOYEES.—Members of the Commission
13 who are full-time officers or employees of the United
14 States may not receive additional pay, allowances, or
15 benefits by reason of their service on the Commis-
16 sion.

17 (f) TRAVEL EXPENSES.—Each member shall receive
18 travel expenses, including per diem in lieu of subsistence,
19 in accordance with applicable provisions under subchapter
20 I of chapter 57 of title 5, United States Code.

21 (g) QUORUM.—Five members of the Commission
22 shall constitute a quorum but a lesser number may hold
23 hearings.

24 (h) CHAIRPERSON; VICE CHAIRPERSON.—The Chair-
25 person and Vice Chairperson of the Commission shall be



1 elected by the members. The Vice Chairperson shall be
2 a member of the Commission appointed by an appointing
3 official of a different political party than the official who
4 appointed the Chairperson to the Commission.

5 **SEC. 604. STAFF OF COMMISSION; EXPERTS AND CONSULT-**
6 **ANTS.**

7 (a) **STAFF.**—Subject to rules prescribed by the Com-
8 mission, the Commission may appoint and fix the pay of
9 personnel as it considers appropriate.

10 (b) **APPLICABILITY OF CERTAIN CIVIL SERVICE**
11 **LAWS.**—The staff of the Commission shall be appointed
12 subject to the provisions of title 5, United States Code,
13 governing appointments in the competitive service, and
14 shall be paid in accordance with the provisions of chapter
15 51 and subchapter III of chapter 53 of that title relating
16 to classification and General Schedule pay rates.

17 (c) **EXPERTS AND CONSULTANTS.**—The Commission
18 may procure temporary and intermittent services under
19 section 3109(b) of title 5, United States Code.

20 (d) **STAFF OF FEDERAL AGENCIES.**—Upon request
21 of the Commission, the head of any Federal department
22 or agency may detail, on a reimbursable basis, any of the
23 personnel of that department or agency to the Commission
24 to assist it in carrying out its duties under this title.



1 **SEC. 605. POWERS OF COMMISSION.**

2 (a) HEARINGS AND SESSIONS.—The Commission
3 may, for the purpose of carrying out this title, hold hear-
4 ings, sit and act at times and places, take testimony, and
5 receive evidence as the Commission considers appropriate.
6 The Commission may administer oaths or affirmations to
7 witnesses appearing before it.

8 (b) POWERS OF MEMBERS AND AGENTS.—Any mem-
9 ber or agent of the Commission may, if authorized by the
10 Commission, take any action which the Commission is au-
11 thorized to take by this section.

12 (c) OBTAINING OFFICIAL DATA.—The Commission
13 may secure directly from any department or agency of the
14 United States information necessary to enable it to carry
15 out this title. Upon request of the Chairperson or Vice
16 Chairperson of the Commission, the head of that depart-
17 ment or agency shall furnish that information to the Com-
18 mission.

19 (d) MAILS.—The Commission may use the United
20 States mails in the same manner and under the same con-
21 ditions as other departments and agencies of the United
22 States.

23 (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon
24 the request of the Commission, the Administrator of Gen-
25 eral Services shall provide to the Commission, on a reim-
26 bursable basis, the administrative support services nec-



1 essary for the Commission to carry out its responsibilities
2 under this title.

3 (f) SUBPOENA POWER.—

4 (1) IN GENERAL.—The Commission may issue
5 subpoenas requiring the attendance and testimony of
6 witnesses and the production of any evidence relat-
7 ing to any matter under investigation by the Com-
8 mission. The attendance of witnesses and the pro-
9 duction of evidence may be required from any place
10 within the United States at any designated place of
11 hearing within the United States.

12 (2) FAILURE TO OBEY A SUBPOENA.—If a per-
13 son refuses to obey a subpoena issued under para-
14 graph (1), the Commission may apply to a United
15 States district court for an order requiring that per-
16 son to appear before the Commission to give testi-
17 mony, produce evidence, or both, relating to the
18 matter under investigation. The application may be
19 made within the judicial district where the hearing
20 is conducted or where that person is found, resides,
21 or transacts business. Any failure to obey the order
22 of the court may be punished by the court as civil
23 contempt.

24 (3) SERVICE OF SUBPOENAS.—The subpoenas
25 of the Commission shall be served in the manner



1 provided for subpoenas issued by a United States
2 district court under the Federal Rules of Civil Pro-
3 cedure for the United States district courts.

4 (4) SERVICE OF PROCESS.—All process of any
5 court to which application is made under paragraph
6 (2) may be served in the judicial district in which
7 the person required to be served resides or may be
8 found.

9 **SEC. 606. REPORT.**

10 The Commission shall transmit a report to the Con-
11 gress not later than 8 months after the date of enactment
12 of this Act. The report shall contain a detailed statement
13 of the findings and conclusions of the Commission, to-
14 gether with its recommendations for legislation, adminis-
15 trative actions, and such other actions as the Commission
16 considers appropriate.

17 **TITLE VII—CRITICAL ENERGY**
18 **ASSURANCE**

19 **SEC. 701. EVACUATION PLAN REVIEW.**

20 Not later than 6 months after the date of enactment
21 of this Act, the Secretary shall transmit to the Congress
22 a report of the Secretary's review of the fuel supply plan
23 components of State evacuation plans and the National
24 Capitol region. Such report shall determine the sufficiency
25 of such plans, and shall include recommendations for im-



1 improvements thereto. Annually after the transmittal of a
2 report under the preceding sentence, the Secretary shall
3 transmit a report to the Congress assessing plans found
4 insufficient under previous reports.

5 **SEC. 702. DISASTER ASSISTANCE.**

6 (a) **AUTHORITY.**—During any federally declared
7 emergency or disaster, the Secretary may provide direct
8 assistance to private sector entities that operate critical
9 energy infrastructure, including refineries.

10 (b) **ASSISTANCE.**—Assistance under this section may
11 include emergency preparation and recovery assistance, in-
12 cluding power generation equipment, other protective or
13 emergency recovery equipment, assistance to restore ac-
14 cess to water, power, or other raw materials, and transpor-
15 tation and housing for critical employees. The Secretary
16 may request assistance from other Federal agencies in
17 carrying out this section.

18 **SEC. 703. CRITICAL ENERGY ASSURANCE ACCOUNT.**

19 There is established in the Treasury an account
20 known as the Critical Energy Assurance Account. The
21 Secretary shall deposit into this account amounts appro-
22 priated to the Secretary for the purpose of carrying out
23 this title and payments paid to the Secretary by any non-
24 Federal source for the purpose of carrying out this title.
25 The Secretary may receive and accept payments from any



1 non-Federal source, which shall be available to the Sec-
2 retary, without further appropriation, for carrying out this
3 title.

4 **SEC. 704. REGULATIONS.**

5 The Secretary may issue regulations necessary or ap-
6 propriate to carry out this title.

