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1 available, for use in complying with the reporting require-
2 ments under subsection (a), a simple form which shall be
3 designed in such a way as to avoid imposing an undue burden
4 on any corporation which is required to submit reports under
5 subsection (a).

6 (c) The Administrator shall prepare and submit to the
7 Congress and to the President, and shall cause to be pub-
8 lished, an annual report on the industrial energy efficiency
9 program established under section 372. Each such report
10 shall include—

11 (1) a summary of the progress made toward the
12 achievement of the industrial energy efficiency improve-
13 ment targets set by the Administrator; and

14 (2) a summary of the progress made toward meet-
15 ing such industrial energy efficiency improvement tar-
16 gets since the date of publication of the previous such
17 report, if any.

18 GENERAL PROVISIONS

19 SEC. 376. (a) The district courts of the United States
20 shall have jurisdiction, upon petition, to issue an order to
21 the chief executive officer of any corporation subject to the
22 reporting requirements of section 375(a), requiring such
23 person to comply forthwith. Failure to obey such an order
24 shall be treated by any such court as a contempt thereof.

25 (b) In addition to the exercise of authority under this

1 available, for use in complying with the reporting require-
2 ments under subsection (a), a simple form which shall be
3 designed in such a way as to avoid imposing an undue burden
4 on any corporation which is required to submit reports under
5 subsection (a).

6 (c) The Administrator shall prepare and submit to the
7 Congress and to the President, and shall cause to be pub-
8 lished, an annual report on the industrial energy efficiency
9 program established under section 372. Each such report
10 shall include—

11 (1) a summary of the progress made toward the
12 achievement of the industrial energy efficiency improve-
13 ment targets set by the Administrator; and

14 (2) a summary of the progress made toward meet-
15 ing such industrial energy efficiency improvement tar-
16 gets since the date of publication of the previous such
17 report, if any.

18 GENERAL PROVISIONS

19 SEC. 376. (a) The district courts of the United States
20 shall have jurisdiction, upon petition, to issue an order to
21 the chief executive officer of any corporation subject to the
22 reporting requirements of section 375(a), requiring such
23 person to comply forthwith. Failure to obey such an order
24 shall be treated by any such court as a contempt thereof.

25 (b) In addition to the exercise of authority under this

1 *part, the Administrator may exercise any authority he has*
2 *under any provision of law (other than this part) to obtain*
3 *information with respect to industrial energy efficiency*
4 *and industrial energy conservation as is necessary or appro-*
5 *priate to the attainment of the objectives of the program es-*
6 *tablished under section 372.*

7 *(c) The Administrator shall afford interested persons*
8 *an opportunity to submit written and oral data, views, and*
9 *arguments prior to the establishment of any industrial energy*
10 *efficiency improvement target under section 374 and prior*
11 *to publication of any reporting requirements under section*
12 *375.*

13 *(d) Any information submitted by a corporation to the*
14 *Administrator under this part shall not be considered energy*
15 *information as defined by section 11(e)(1) of the Energy*
16 *Supply and Environmental Coordination Act of 1974 for*
17 *purposes of any verification examination authorized to be*
18 *conducted by the Comptroller General under section 501 of*
19 *this Act.*

20 *(e) The Administrator may not disclose any information*
21 *obtained under this part which is a trade secret or other*
22 *matter described in section 552(b)(4) of title 5, United*
23 *States Code, disclosure of which may cause significant com-*
24 *petitive damage; except to committees of Congress upon*

1 request of such committees. Prior to disclosing any informa-
2 tion described in such section 552(b)(4), the Administrator
3 shall afford the person who provided such information an
4 opportunity to comment on the proposed disclosure.

5 (f) No liability shall attach, and no civil or criminal
6 penalties may be imposed, for any failure to meet any in-
7 dustrial energy efficiency improvement target established
8 under section 374 of this Act.

9 (g)(1) The Administrator shall exempt a corporation
10 from the requirements of section 375(a) if such corpora-
11 tion is in an industry which has an adequate voluntary
12 reporting program, as determined by the Administrator an-
13 nually after notice and opportunity for interested persons to
14 comment. An industry's voluntary reporting program shall be
15 determined to be adequate only if—

16 (A) each corporation within such industry which is
17 identified under section 373 fully participates in such
18 program;

19 (B) all information deemed necessary by the Ad-
20 ministrator for purposes of evaluating the progress made
21 by such industry in achieving the industry energy effi-
22 ciency improvement target set forth under section 374 is
23 provided to the Administrator; and

24 (C) reports made to a trade association or other
25 person, in connection with such program, are retained for

1 *efficiency standards and insulation requirements, restrictions*
2 *on hours of operation, thermostat controls, and other condi-*
3 *tions of operation, and plans for replacing or retrofitting to*
4 *meet such standards.*

5 *(b) The Administrator shall establish and carry out a*
6 *public education program to encourage energy conservation*
7 *and energy efficiency.*

8 *(c) The President shall submit to the Congress an annual*
9 *report concerning all steps taken under subsections (a) and*
10 *(b).*

11 *ENERGY CONSERVATION IN POLICIES AND PRACTICES*
12 *OF CERTAIN FEDERAL AGENCIES*

13 *SEC. 382. (a)(1) The Civil Aeronautics Board, the*
14 *Interstate Commerce Commission, the Federal Maritime*
15 *Commission, the Federal Power Commission, and the Fed-*
16 *eral Aviation Administration shall each conduct a study*
17 *and shall each report to the Congress within 60 days after*
18 *the date of enactment of this Act with respect to energy con-*
19 *servation policies and practices which such agencies have*
20 *instituted subsequent to October 1973.*

21 *(2) Each of the agencies specified in paragraph (1)*
22 *shall, within 120 days after the date of enactment of this*
23 *Act, report to the Congress with respect to the content and*
24 *feasibility of programs for additional savings in energy*
25 *consumption by the persons regulated by each such agency*

1 *which have as a minimum goal a 10-percent reduction,*
2 *within 12 months of the institution of such programs, in*
3 *energy consumption from the amount of energy consumed*
4 *during calendar 1972, including any legislative recommen-*
5 *dations each such agency finds are necessary to achieve such*
6 *goal.*

7 *(3) Each of the agencies specified in paragraph (1), in*
8 *consultation with the Federal Energy Administration and*
9 *with such other Federal agencies as are appropriate, shall*
10 *conduct a study and prepare a report with respect to any*
11 *requirement of any law administered by such agency or any*
12 *major regulatory action which the agency determines has*
13 *the effect of requiring, permitting, or inducing the inefficient*
14 *use of petroleum products, coal, natural gas, electricity, and*
15 *other forms of energy, together with a statement of the need,*
16 *purpose, or justification of any such requirement or such*
17 *action. Each such report shall be submitted to the Congress*
18 *within one year after the date of enactment of this Act.*

19 *(b) Except as provided in subsection (c), each of the*
20 *agencies specified in subsection (a)(1) shall, to the maximum*
21 *extent practicable within the exercise of their authority under*
22 *law, include in any major regulatory action (as defined by*
23 *rule by each such agency) taken by each such agency, a state-*
24 *ment of the probable impact of such major regulatory action*
25 *on energy consumption and supply.*

1 (c) Subsection (b) shall not apply to any authority exer-
2 cised under any provision of law designed to protect the health
3 or safety of individuals.

4 FEDERAL ACTIONS WITH RESPECT TO RECYCLED OIL

5 SEC. 383. (a) The purposes of this section are—

6 (1) to promote the use of recycled oil;

7 (2) to encourage the recycling of used oil;

8 (3) to reduce consumption of new oil by promoting
9 increased utilization of recycled oil; and

10 (4) to reduce environmental hazards and wasteful
11 practices associated with the disposal of used oil.

12 (b) As used in this section:

13 (1) The term “used oil” means any oil which has
14 been used and as a result of such use has been contam-
15 inated by any physical or chemical impurities.

16 (2) The term “recycled oil” means—

17 (A) used oil from which any physical and
18 chemical contaminants acquired through use have
19 been removed by re-refining or other processing, or

20 (B) any blend of oil, consisting of such re-
21 refined or otherwise processed used oil and new oil
22 or additives,

23 which re-refined or otherwise processed used oil or
24 blend containing such oil has been determined, pursuant

1 to the rule promulgated under subsection (c), to be sub-
2 stantially equivalent to new oil intended for the same
3 purpose.

4 (3) The term "new oil" means any oil which has
5 been refined from crude oil and has not been used, and
6 which may or may not contain additives. Such term
7 does not include used oil or recycled oil.

8 (4) The term "lubricating oil" means any oil, re-
9 gardless of origin, which—

10 (A) is suitable for use as a lubricant, and

11 (B) is sold for use as a lubricant.

12 (5) The term "hydraulic oil" means any oil which
13 is used primarily to transmit power or pressure, but
14 which may also be used for other purposes.

15 (6) The term "cutting oil" means any oil which is
16 used primarily in cutting, milling, and machining oper-
17 ations (including forging, drawing, rolling, shearing,
18 punching, and stamping), but which may also be used
19 for other purposes.

20 (7) The term "automotive oil" means any oil, in-
21 cluding lubricating oil and hydraulic oil, which is used
22 in automobiles, trucks, buses, motorcycles, and other vehi-
23 cles which travel on roads and highways.

1 (8) The term "Commission" means the Federal
2 Trade Commission.

3 (c) The National Bureau of Standards shall, by rule,
4 promulgate performance standards, specifications, and test-
5 ing procedures to facilitate comparison of re-refined or other-
6 wise processed used oil with new oil for the purpose of
7 determining whether such re-refined or otherwise processed
8 used oil is substantially equivalent to new oil intended for
9 the same purpose.

10 (d) (1) Within 60 days of the date of promulgation of
11 the performance standards, specifications, and testing stand-
12 ards pursuant to subsection (c), the Commission shall, by
13 rule, prescribe labeling standards applicable to containers
14 of recycled oil in order to carry out the purposes of this
15 section. Such standards shall permit any container of re-
16 cycled oil to bear a label indicating the intended purpose
17 of the contents and the fact of the determination, pursuant
18 to the rule promulgated under subsection (c), of substantial
19 equivalency of the contents with new oil intended for the
20 same purpose.

21 (2) Not later than the expiration of such 60-day period,
22 the Administrator of the Environmental Protection Agency
23 shall, by rule, prescribe labeling standards applicable to con-
24 tainers of automotive, lubricating, hydraulic and cutting
25 oils relating to the proper disposal of such oils after use.

1 *Such standards shall be designed to reduce environmental*
2 *hazards and wasteful practices associated with the disposal*
3 *of used oil.*

4 *(e) Beginning on the effective date of the standards*
5 *prescribed pursuant to subsection (c)—*

6 *(1) no regulation, other than the labeling regulation*
7 *required to be promulgated pursuant to subsection (d)*
8 *(1), or order of the Commission and no law, regulation,*
9 *or order of any State or political subdivision thereof*
10 *may remain in effect if such law, regulation, or order*
11 *requires any container of recycled oil which container*
12 *bears a label in accordance with the terms of the rule*
13 *promulgated pursuant to subsection (d)(1), to bear any*
14 *label with respect to the comparative characteristics of*
15 *such recycled oil with new oil intended for the same*
16 *purpose; and*

17 *(2) no regulation or order of the Commission may*
18 *require any container of recycled oil to also bear a*
19 *label containing the words "used oil" or any other term*
20 *or phrase which connotes less than substantial equiva-*
21 *lency of such recycled oil with new oil intended for the*
22 *same purpose.*

23 *(f) Upon promulgation of the performance standards,*
24 *specifications, and testing standards pursuant to subsection*
25 *(c)—*

1 (1) all Federal officials shall act within their
2 authority to encourage the use of recycled oil, including—

3 (A) procuring recycled oil for use as auto-
4 motive, lubricating, hydraulic, and cutting oil for
5 military and nonmilitary Federal uses whenever such
6 recycled oil is available at prices competitive with
7 those of new oil used for the same purposes;

8 (B) educating persons employed by Federal
9 and State governments and private sectors of the
10 economy as to the merits of recycled oil, and the need
11 for its use in order to reduce the drain on the Nation's
12 oil reserves, and educating such persons as to ap-
13 propriate means of disposal of used oil to avoid
14 waste of such oil and to minimize environmental
15 hazards;

16 (C) assisting in and encouraging the devel-
17 opment of performance standards, specifications, and
18 systematic and economical testing procedures to
19 facilitate the comparison of recycled oil and other
20 oils with new oil; and

21 (2) the General Services Administration, the De-
22 partment of Defense, and other Federal agencies shall
23 revise their procurement regulations and specifications
24 to promote the use of recycled oil, encourage the pro-
25 duction of recycled oil by the re-refining or other proc-

1 *TITLE IV—PETROLEUM PRICING POLICY AND*
2 *OTHER AMENDMENTS TO THE ALLOCA-*
3 *TION ACT*

4 *PART A—PRICING POLICY*

5 *OIL PRICING POLICY*

6 *SEC. 401. (a) The Emergency Petroleum Allocation*
7 *Act of 1973 is amended by adding at the end thereof the*
8 *following new sections:*

9 *“OIL PRICING POLICY*

10 *“SEC. 8. (a) Not later than the first day of the second*
11 *full calendar month following the date of enactment of this*
12 *section, the President shall promulgate and make effective*
13 *an amendment to the regulation under section 4(a) of this Act*
14 *which regulation, as amended, shall establish ceiling prices*
15 *(or the manner of determining ceiling prices) appli-*
16 *cable to first sales of crude oil produced in the United States,*
17 *such that the resulting actual weighted average first sale*
18 *price for all such crude oil during such calendar month and*
19 *each of the 39 months thereafter shall not exceed a maximum*
20 *of \$7.66 per barrel (hereinafter in this section referred to*
21 *as the “maximum weighted average first sale price”), except*
22 *as may be adjusted pursuant to this section.*

23 *“(b) (1) The regulation under section 4(a), as amended*
24 *pursuant to subsection (a) of this section or by any subse-*
25 *quent amendment thereto, may, subject to the limitations*

1 *related to the maximum weighted average first sale price and*
2 *other requirements of this section, provide for different ceil-*
3 *ing prices (or manner of determining ceiling prices) for*
4 *different classifications of crude oil produced in the United*
5 *States. In providing for different ceiling prices (or the man-*
6 *ner for determining such ceiling prices) and classifications*
7 *for such crude oil, the President shall determine that such*
8 *ceiling prices (or the manner for determining such ceiling*
9 *prices) and such classifications—*

10 “(A) *are administratively feasible; and*

11 “(B) *justified on the basis that such prices and such*
12 *classifications are consistent with obtaining optimum pro-*
13 *duction of crude oil in the United States.*

14 “(2) *No amendment to the regulation under section 4(a)*
15 *made after the date of enactment of this section may permit*
16 *in any subsequent month an increase in the price for any*
17 *volume of old crude oil production from any properties,*
18 *unless the President finds that such amendment—*

19 “(A) *will give positive incentives for (i) enhanced*
20 *recovery techniques, or (ii) deep horizon development,*
21 *from such properties; or*

22 “(B) *is necessary to take into account declining*
23 *production, or increased costs of production, from such*
24 *properties; and*

25 “(C) *is likely to result in a level of production from*

1 *such properties beyond that which would otherwise occur*
2 *if no such amendment were made.*

3 *“(3) As used in paragraph (2), the term ‘old crude*
4 *oil production’ means that volume of crude oil produced and*
5 *sold from a property in a month which is equal to or less*
6 *than the volume of old crude oil, as defined in section 212.72*
7 *of title 10, Code of Federal Regulations (as in effect on*
8 *November 1, 1975), produced and sold from such property*
9 *in the months of September, October, and November of 1975,*
10 *divided by 3.*

11 *“(c)(1) Not later than 6 months after the effective date*
12 *of the amendment promulgated under subsection (a), and*
13 *not later than every 6 months thereafter, the President shall,*
14 *on the basis of a valid and reliable sample of actual first sale*
15 *prices of domestic crude oil, determine whether and the extent*
16 *to which the actual weighted average first sale price for crude*
17 *oil produced in the United States during any 6-month period*
18 *or portion thereof for which data are available following the*
19 *effective date of the amendment promulgated under subsection*
20 *(a) of this section, exceeded or was less than the maximum*
21 *weighted average first sale price of such crude oil specified in*
22 *subsection (a) as adjusted pursuant to this section.*

23 *“(2) If the President finds, pursuant to paragraph (1)*
24 *of this subsection, that the regulation under section 4(a), as*
25 *amended, resulted in an actual weighted average first sale*

1 price in excess of the maximum weighted average first sale
2 price specified in subsection (a) as adjusted pursuant to this
3 section, he shall amend the regulation to make such compen-
4 sating adjustments as are necessary to result in a correspond-
5 ing period in an actual weighted average first sale price for
6 domestic crude oil sufficient to offset such excess.

7 “(3) If the President finds, pursuant to paragraph (1)
8 of this subsection, that the regulation under section 4(a), as
9 amended, resulted in an actual weighted average first sale
10 price less than the maximum weighted average first sale price
11 specified in subsection (a) as adjusted pursuant to this sec-
12 tion, he may, notwithstanding the requirements of this section
13 pertaining to such maximum weighted average first sale price,
14 amend the regulation to make such compensating adjustments
15 in the regulation as are necessary in a corresponding period
16 to offset the deficiency.

17 “(d)(1) The amendment promulgated pursuant to sub-
18 section (a) of this section (or any subsequent amendment to
19 the regulation under section 4(a)) may provide for an ad-
20 justment to the maximum weighted average first sale price
21 specified in subsection (a), such adjustment to begin no earlier
22 than in the calendar month following the first month the
23 amendment is in effect—

24 “(A) to take into account the impact of inflation as
25 measured by the adjusted GNP deflator; and

1 “(B) as a production incentive;
2 except that, unless modified pursuant to this section, any
3 adjustment to provide for an incentive for production shall
4 not permit an increase in the maximum weighted average
5 first sale price in excess of 3 per centum per annum (com-
6 pounded annually), and the combined effect of any such
7 modifications referred to in subparagraphs (A) and (B)
8 shall not result in an increase in the maximum weighted
9 average first sale price in excess of 10 per centum per annum
10 (compounded annually).

11 “(2) As used in this subsection, the term ‘adjusted GNP
12 deflator’ means the first revision of the quarterly percent
13 change, seasonally adjusted at annual rates, of the most
14 recent implicit price deflator for the gross national product
15 which shall be computed and published for each calendar
16 quarter by the Department of Commerce, subject to such
17 additional modification as the President shall make to exclude
18 therefrom any amount which he determines is attributable
19 solely and directly to increases which occur after the date of
20 enactment of this section in prices of imported crude oil,
21 residual fuel oil, or any refined petroleum product resulting
22 from concerted action of two or more petroleum exporting
23 countries.

24 “(3) The production incentive adjustment provided in
25 paragraph (1) may be made only on a finding by the Presi-

1 dent that such an adjustment is likely to provide positive
2 incentive for—

3 “(A) the discovery or development of high cost and
4 high risk properties (including new wildcat properties,
5 and properties located on the Outer Continental Shelf,
6 properties located north of the Arctic Circle, deep wells
7 and deep horizons in onshore or offshore properties, and
8 properties operated by independent producers);

9 “(B) the application of enhanced recovery tech-
10 niques to producing properties to obtain a level of pro-
11 duction higher than would otherwise occur from those
12 properties but for such adjustment; or

13 “(C) sustaining production from marginal wells,
14 including production from stripper wells.

15 “(e)(1) Not earlier than 90 days after the effective
16 date of the amendment promulgated under subsection (a)
17 and not earlier than 90 days after the date of any previous
18 submission under this subsection, the President may submit
19 to the Congress, in accordance with the procedures specified
20 in section 551 of the Energy Policy and Conservation Act,
21 an amendment to the regulation promulgated under section
22 4(a) which provides for (A) a production incentive adjust-
23 ment to the maximum weighted average first sale price in
24 excess of the 3 per centum limitation provided in subsection
25 (d)(1), (B) a combined adjustment limitation in excess

1 of the 10 per centum limitation provided in such subsection, or
2 (C) both.

3 “(2) Any such amendment shall be accompanied by
4 a finding that an additional adjustment as an incentive for
5 production, or a combined adjustment limitation greater
6 than permitted by subsection (d)(1), or both, is necessary
7 to provide a more adequate incentive with respect to the
8 matters referred to in subparagraphs (A), (B), or (C)
9 of subsection (d)(3).

10 “(3) Any such amendment shall not take effect if
11 either House of Congress disapproves such amendment in
12 accordance with the procedures specified in section 551 of
13 the Energy Policy and Conservation Act.

14 “(f)(1) On February 15, 1977, the President shall
15 submit to the Congress a report containing an analysis of the
16 impact of any amendment adopted pursuant to this section on
17 the economy and on the supply of crude oil, residual fuel oil,
18 and refined petroleum products.

19 “(2) The President may submit with such report to the
20 Congress, in accordance with the procedures specified in sec-
21 tion 551 of the Energy Policy and Conservation Act, an
22 amendment to the regulation promulgated under section 4(a)
23 which—

24 “(A) provides for the continuation or modification

1 of the production incentive (referred to in subsection (d)
2 as may have been amended pursuant to subsection (e));

3 “(B) provides for a modification of the combined
4 adjustment limitation (referred to in subsection (d) of
5 this section, as may have been amended pursuant to sub-
6 section (e)); or

7 “(C) provides for adjustments under both subpara-
8 graphs (A) and (B).

9 “(3) Such amendment shall not take effect if either House
10 of Congress disapproves such amendment in accordance with
11 the procedures specified in section 551 of the Energy Policy
12 and Conservation Act.

13 “(4) If any such amendment is disapproved by either
14 House of Congress, the President may, not later than 30 days
15 after the date of such disapproval, submit one additional
16 amendment in accordance with paragraph (2), which amend-
17 ment shall not take effect if either House of Congress dis-
18 approves such amendment in accordance with the procedures
19 specified in section 551 of the Energy Policy and Conserva-
20 tion Act.

21 “(5) If no amendment to continue or modify the ad-
22 justment as an incentive for production submitted under
23 paragraph (2) or (4) takes effect, or if the President fails
24 to submit an amendment to continue such an adjustment, no
25 such further adjustment thereafter may be taken into account

1 *in computing the maximum weighted average first sale price*
2 *for domestic crude oil under this section in any month fol-*
3 *lowing (A) the date on which a submission could have been*
4 *made under paragraph (2) but was not, or (B) the last date*
5 *on which a submission was disapproved and no further sub-*
6 *mission pursuant to paragraph (4) could be made, except*
7 *that the President may, pursuant to the procedures under*
8 *subsection (e), submit an amendment to the regulation to*
9 *provide for a reinstatement, or modification, of an adjustment*
10 *as an incentive for production.*

11 *“(g)(1) On April 15, 1977, the President shall submit*
12 *to the Congress a report as to whether the regulation promul-*
13 *gated under section 4(a) and in effect on such date will pro-*
14 *vide positive price incentives for the development of the*
15 *domestic crude oil production referred to in paragraph*
16 *(2)(A) without lessening needed incentives for sustaining*
17 *or enhancing crude oil production in the remainder of*
18 *the United States.*

19 *“(2) If the President determines that a price required to*
20 *provide a positive incentive for the development of the*
21 *domestic crude oil production referred to in paragraph*
22 *(2)(A) would, because of the maximum weighted average*
23 *first sale price specified in subsection (a) of this section,*
24 *as adjusted, have the effect of reducing or limiting ceiling*
25 *prices permitted for crude oil produced in the remainder*

1 of the United States to levels which would result in less
2 production of such crude oil than would otherwise occur,
3 the President may, together with such report, or at any time
4 thereafter not earlier than 90 days after any previous
5 submission under this subsection, except as provided in
6 paragraph (4), submit to the Congress in accordance with
7 the procedures specified in section 551 of the Energy Policy
8 and Conservation Act an amendment to the regulation
9 promulgated under section 4(a) which—

10 “(A) excludes up to two million barrels a day of
11 crude oil production transported through the trans-
12 Alaska pipeline from the computation of the maximum
13 weighted average first sale price specified in subsection
14 (a); and

15 “(B) establishes ceiling prices (or a manner of
16 determining prices) for the first sale of crude oil pro-
17 duction referred to in subparagraph (A) such that the
18 actual weighted average price for such production will
19 not exceed the highest actual weighted average first sale
20 price permitted under the regulation for significant vol-
21 umes of any other classification of domestic crude oil.

22 “(3) Any such amendment shall be accompanied by such
23 findings and supporting rationale as the President determines
24 justify such ceiling prices (or manner for determining such
25 prices). Any amendment submitted to the Congress pursuant

1 *to this subsection shall not take effect if either House of Con-*
2 *gress disapproves such amendment in accordance with the*
3 *procedures specified in section 551 of the Energy Policy*
4 *and Conservation Act.*

5 “(4) *If any such amendment is disapproved by either*
6 *House of Congress, the President may not later than 30 days*
7 *after the date of such disapproval submit one additional*
8 *amendment in accordance with paragraphs (2) and (3),*
9 *which amendment shall not take effect if either House of Con-*
10 *gress disapproves such amendment in accordance with the*
11 *procedures specified in section 551 of the Energy Policy and*
12 *Conservation Act.*

13 “(5) *If any amendment submitted by the President to*
14 *the Congress pursuant to this subsection becomes effective,*
15 *such amendment may thereafter be further amended by the*
16 *President, subject to the procedures and requirements of*
17 *paragraphs (2) and (3) of this subsection, except that no*
18 *such further amendment shall be submitted earlier than Jan-*
19 *uary 1, 1978, and thereafter no earlier than 90 days after*
20 *the date of any previous submission made under this para-*
21 *graph.*

22 “(h) *In any judicial review of an amendment required*
23 *by this section to be submitted to the Congress in accordance*
24 *with the procedures specified in section 551 of the Energy*
25 *Policy and Conservation Act, the reviewing court may not*

1 hold unlawful or set aside any such amendment on the ground
2 that any findings made by the President were not adequate
3 to meet the requirements of such subsections or of subpara-
4 graph (A), (E), or (F) of section 706(2) of title 5, United
5 States Code.

6 "PASSTHROUGHS OF PRICE DECREASES

7 "SEC. 9. Not later than the first day of the second full
8 calendar month following the date of enactment of this sec-
9 tion, the regulation under section 4(a) shall provide for a
10 dollar-for-dollar passthrough in prices at all levels of distri-
11 bution from the producer through the retail level of decreases
12 in the costs of crude oil, residual fuel oil, and refined petro-
13 leum products (including decreases in costs which result from
14 a reduction in the price of crude oil produced in the United
15 States because of the amendment to such regulation required
16 under section 8(a)).".

17 (b)(1) Subsections (d) and (e) of Section 4 of the
18 Emergency Petroleum Allocation Act of 1973 are repealed,
19 and subsections (f) and (g) of such section 4 are redesignated
20 as subsections "(d)" and "(e)" of such section 4.

21 2 Section 4(a) of such Act is amended by (A) striking
22 out "Subject to subsection (f)" and inserting in lieu thereof
23 "Subject to subsection (d)"; and (B) striking out "Except as
24 provided in subsection (e) such" and inserting in lieu thereof
25 "Such".

1 (3) Section 4(c) of such Act is amended in paragraphs
2 (1), (4), and (5) thereof by striking out "subsections (b)
3 and (d)" wherever it appears and by inserting in lieu thereof
4 in each case "subsection (b)".

5 (4) Section 406 of Public Law 93-153 is repealed.

6 (5) The amendments made by paragraphs (1) and (2)
7 of this subsection shall take effect on the effective date of the
8 amendment promulgated under section 8(a) of the Emer-
9 gency Petroleum Allocation Act of 1973, as amended by
10 subsection (a) of this section.

11 LIMITATIONS ON PRICING POLICY

12 SEC. 402. (a) Paragraph (2) of section 4(b) of the
13 Emergency Petroleum Allocation Act of 1973 is amended
14 to read as follows:

15 “(2) In specifying prices (or prescribing the manner
16 for determining them), the regulation under subsection (a)—

17 “(A) shall provide for a dollar-for-dollar pass-
18 through of net increases in the cost of crude oil, residual
19 fuel oil, and refined petroleum products at all levels
20 of distribution from the producer through the retail
21 level;

22 “(B) (i) shall not permit any net crude oil cost in-
23 creases—

24 “(I) which are incurred by a refiner during

1 any calendar month following the effective date of
2 this paragraph, and

3 “(II) which are not passed through in prices
4 charged pursuant to such regulation in the two
5 calendar months following the calendar month in
6 which such crude oil cost increases were incurred,
7 to be passed through by such refiner in any month sub-
8 sequent to the 2 calendar months following the calendar
9 month in which such crude oil cost increases were in-
10 curred, unless the President makes the findings specified
11 in clause (ii)(II)(aa), and such passthrough is con-
12 sistent with the requirements specified in clause (ii)
13 (II)(bb).

14 “(ii) shall not permit, except as otherwise provided
15 with respect to net crude oil costs passed through in prices
16 within the 2 calendar months following the calendar
17 month in which such crude oil cost increases were in-
18 curred, the passthrough in any month of—

19 “(I) any net cost increases incurred and not
20 passed through prior to the effective date of this para-
21 graph unless such passthrough in any month is not
22 in excess of 10 percent of the total amount of in-
23 creased costs not passed through as of the last day
24 prior to the effective date of the amendment promul-
25 gated under section 8(a); and

1 “(II) any net crude oil cost increases incurred
2 after the effective date of this paragraph, which net
3 increases were not passed through within the 2
4 calendar months following the calendar month in
5 which such crude oil cost increases were incurred,
6 unless—

7 “(aa) the President finds, and reports to
8 the Congress with respect to such finding, that
9 a passthrough of such net cost increases is
10 necessary to alleviate the impact on refiners,
11 marketers, or consumers of significant increases
12 in costs, to provide for equitable cost recovery
13 consistent with the attainment, to the maximum
14 extent practicable, of the objectives specified in
15 paragraph (1), or to avoid competitive
16 disadvantage; and

17 “(bb) such passthrough in any month of
18 such net cost increases is not in excess of 10
19 percent of the total amount of such net cost
20 increases;

21 “(C) shall provide for the use of the same date in
22 the computation of markup, margin, and posted price
23 for all marketers or distributors of crude oil, residual
24 fuel, and refined petroleum products at all levels of
25 marketing and distribution; and

1 “(D) shall not permit more than a direct propor-
2 tionate distribution (by volume) to Number 2 oils
3 (Number 2 heating oil and Number 2-D diesel fuel),
4 aviation fuel of a kerosene or naphtha type, and pro-
5 pane produced from crude oil, of any increased costs
6 of crude oil incurred by a refiner; except that the Presi-
7 dent may, by amendment to the regulation under sub-
8 section (a) or by order, permit deviation from such
9 proportionate distribution of costs, if the President finds
10 that refinery operations justify such deviation and fur-
11 ther finds that to permit such deviation is consistent
12 with the attainment of the objectives in paragraph (1)
13 and would not result in inequitable prices for any class
14 of users of such product.

15 As used in this paragraph, the term ‘effective date of this
16 paragraph’ means the effective date specified in section 402
17 (b) of the Energy Policy and Conservation Act.”.

18 (b) The amendment made by this section to the Emer-
19 gency Petroleum Allocation Act of 1973 shall take effect on
20 the effective date of the amendment promulgated under sec-
21 tion 8(a) of such Act, as amended by section 401 of this Act.

22 (c) The Emergency Petroleum Allocation Act of 1973,
23 as amended by this Act, is further amended by adding at
24 the end thereof the following new section:

1 exceed 100,000 barrels per day. The preceding sentence shall
 2 not affect any provisions of the regulation under subsection
 3 (a) of this section with respect to the receipt by any small
 4 refiner as defined in section 3(4) of payments for entitlements
 5 or any other similar cash transfer arrangement.”.

6 (b) Subsection (a) of this section shall apply with re-
 7 spect to payments due on or after the last day of the month
 8 during which the date of enactment of this Act occurs.

9 PART B—OTHER AMENDMENTS TO THE ALLOCATION ACT
 10 AMENDMENTS TO THE OBJECTIVES OF THE ALLOCATION
 11 ACT

12 SEC. 451. (a) Section 4(b)(1)(A) of the Emergency
 13 Petroleum Allocation Act of 1973 is amended to read as
 14 follows:

15 “(A) protection of public health (including the pro-
 16 duction of pharmaceuticals), safety and welfare (includ-
 17 ing maintenance of residential heating, such as individual
 18 homes, apartments and similar occupied dwelling units),
 19 and the national defense;”.

20 (b) Section 4(b)(1)(G) of the Emergency Petroleum
 21 Allocation Act of 1973 is amended to read as follows:

22 “(G) allocation of residual fuel oil and refined
 23 petroleum products in such amounts and in such manner
 24 as may be necessary for the maintenance of exploration
 25 for, and production or extraction of—

1 “(i) fuels, and
2 “(ii) minerals essential to the requirements of
3 the United States,
4 and for required transportation related thereto,”.

5 PENALTIES UNDER THE ALLOCATION ACT

6 SEC. 452. Section 5 of the Emergency Petroleum Allo-
7 cation Act of 1973 is amended:

8 (1) by striking out “sections 205 through 211” in
9 subsection (a)(1) of such section and inserting in lieu
10 thereof “sections 205 through 207 and sections 209
11 through 211”; and

12 (2) by adding at the end of subsection (a) of such
13 section the following:

14 “(3)(A) Whoever violates any provision of the regu-
15 lation under section 4(a) of this Act, or any order under this
16 Act shall be subject to a civil penalty—

17 “(i) with respect to activities relating to the pro-
18 duction or refining of crude oil, of not more than
19 \$20,000 for each violation;

20 “(ii) with respect to activities relating to the dis-
21 tribution of residual fuel oil or any refined petroleum
22 product (other than at the retail level), of not more
23 than \$10,000 for each violation; and

24 “(iii) with respect to activities relating to the dis-
25 tribution of residual fuel oil or any refined petroleum

1 *product at the retail level or any other person, of not*
2 *more than \$2,500 for each violation.*

3 *“(B) Whoever willfully violates any provision of such*
4 *regulation, or any such order shall be imprisoned not more*
5 *than 1 year, or—*

6 *“(i) with respect to activities relating to the produc-*
7 *tion or refining of crude oil, shall be fined not more than*
8 *\$40,000 for each violation;*

9 *“(ii) with respect to activities relating to the distri-*
10 *bution of residual fuel oil or any refined petroleum prod-*
11 *uct (other than at the retail level), shall be fined not*
12 *more than \$20,000 for each violation;*

13 *“(iii) with respect to activities relating to the distri-*
14 *bution of residual fuel oil or any refined petroleum prod-*
15 *uct at the retail level or any other person shall be fined*
16 *not more than \$10,000 for each violation;*

17 *or both.*

18 *“(4) Any individual director, officer, or agent of a cor-*
19 *poration who knowingly and willfully authorizes, orders, or*
20 *performs any of the acts or practices constituting in whole*
21 *or in part a violation of paragraph (3), shall be subject to*
22 *penalties under this subsection without regard to any penal-*
23 *ties to which that corporation may be subject under para-*
24 *graph (3) except that no such individual director, officer,*
25 *or agent shall be subject to imprisonment under paragraph*

1 (3), unless he also has knowledge, or reasonably should have
2 known, of notice of noncompliance received by the corpora-
3 tion from the President.”.

4 ANTITRUST PROVISION IN ALLOCATION ACT

5 SEC. 453. Section 6(c) of the Emergency Petroleum
6 Allocation Act of 1973 is amended to read as follows:

7 “(c) There shall be available as a defense to any action
8 brought for breach of contract in any Federal or State court
9 arising out of delay or failure to provide, sell, or offer for
10 sale or exchange petroleum, that such delay or failure was
11 caused solely by compliance with the provisions of this Act or
12 with the regulation or any order under this Act.”.

13 EVALUATION OF REGULATION UNDER THE ALLOCATION ACT

14 SEC. 454. The Emergency Petroleum Allocation Act of
15 1973, as amended by this Act, is further amended by adding
16 at the end thereof the following new section:

17 “REEVALUATION OF SECTION 4(a) REGULATION

18 “SEC. 11. (a) Not later than 60 days after the date of
19 enactment of this section, the President shall give appropri-
20 ate notice and afford interested persons an opportunity to pre-
21 sent written and oral data, views, and arguments respecting
22 the appropriateness of, or the continuing need for, the appli-
23 cation of the regulation promulgated under section 4(a) to
24 provide, to the maximum extent practicable, for the attain-
25 ment of the objectives specified in section 4(b)(1) of sec-

1 *tion 4. A transcript shall be kept of any such oral presenta-*
2 *tion of data, views, and argument.*

3 *“(b) The President shall, after consideration of such*
4 *written and oral presentations and such other information*
5 *as may be available to him—*

6 *“(1) analyze such presentations and report thereon*
7 *to the Congress within 120 days after the date of enact-*
8 *ment of this section; and*

9 *“(2) shall promulgate, pursuant to the limitations*
10 *and authority under section 12, such amendment, or*
11 *amendments, to the regulation promulgated under section*
12 *4(a) as he determines are necessary or appropriate—*

13 *“(A) to modify provisions in a manner which*
14 *is consistent with the attainment, to the maximum*
15 *extent practicable, of objectives specified in section*
16 *4(b)(1); or*

17 *“(B) to eliminate provisions no longer necessary*
18 *to provide for the attainment of such objectives.”.*

19 *CONVERSION TO STANDBY AUTHORITIES*

20 *SEC. 455. The Emergency Petroleum Allocation Act of*
21 *1973, as amended by this Act, is further amended by adding*
22 *at the end thereof the following new section:*

23 *“CONVERSION MECHANISM TO STANDBY AUTHORITIES*

24 *“SEC. 12. (a) The President may not amend the regu-*
25 *lation under section 4(a) in any manner which—*

1 “(1) exempts crude oil produced in the United
2 States from such regulation as required to be amended
3 pursuant to section 8; or

4 “(2) results in making such regulation, as so
5 amended, inconsistent with any limitation or other re-
6 quirement specified in section 8.

7 “(b) Except as provided in subsection (a), the Presi-
8 dent may amend the regulation under section 4(a) if he de-
9 termines that such amendment is consistent with the attain-
10 ment, to the maximum extent practicable, of the objectives
11 specified in section 4(b)(1) and that the regulation, as
12 amended, provides for the attainment, to the maximum extent
13 practicable, of such objectives.

14 “(c)(1) Any such amendment which, with respect to
15 a class of persons or class of transactions (including any
16 transactions within any market level), exempts crude oil,
17 residual fuel oil, or any refined petroleum product or refined
18 product category from the provisions of the regulation under
19 section 4(a) as such provisions pertain to either (A) the
20 allocation of amounts of any such oil or product, or (B)
21 the specification of price or the manner for determining the
22 price of any such oil or product, or both of the matters
23 described in subparagraphs (A) and (B), may take effect
24 only pursuant to the provisions of this subsection.

25 “(2) The President shall submit any amendment re-

1 *ferred to in paragraph (1) to the Congress in accordance*
2 *with the procedures specified in section 551 of the Energy*
3 *Policy and Conservation Act. Any such amendment shall*
4 *be accompanied by a specific statement of the President's*
5 *rationale for such amendment and the matter described in*
6 *subsection (d) of this section. Such an amendment may—*

7 *(A) apply only to one oil or one refined product*
8 *category;*

9 *(B) may apply to the matters specified in either sub-*
10 *paragraph (A) or (B) of paragraph (1) of this sub-*
11 *section, or both; and*

12 *(C) may provide for scheduled or phased imple-*
13 *mentation.*

14 *“(3) As used in this section the term ‘refined product*
15 *category’ means—*

16 *“(A) motor gasoline;*

17 *“(B) Number 2 oils (Number 2 heating oil and*
18 *Number 2-D diesel fuel);*

19 *“(C) propane; or*

20 *“(D) all or any portion of other refined petroleum*
21 *products as a class (including natural gas liquids and*
22 *natural gas liquid products, other than propane).*

23 *“(4) Such an amendment shall not take effect if either*
24 *House of Congress disapproves such amendment in accord-*

1 *ance with the procedures specified in section 551 of the*
2 *Energy Policy and Conservation Act.*

3 *“(d)(1) The President shall support any amendment*
4 *to the regulation under subsection (a) which is transmitted*
5 *to the Congress under subsection (c) of this section with a*
6 *finding that such amendment is consistent with the attain-*
7 *ment of the objectives specified in subsection 4(b)(1) and*
8 *in the case of—*

9 *“(A) any exemption described in subsection (c)(1)*
10 *(A), with a finding that such oil or refined product*
11 *category is no longer in short supply and that exempt-*
12 *ing such oil or refined product category will not have*
13 *an adverse impact on the supply of any other oil or*
14 *refined petroleum product subject to this Act; and*

15 *“(B) any exemption described in subsection (c)(1)*
16 *(B), with a finding that competition and market forces*
17 *are adequate to protect consumers and that exempting*
18 *such oil or refined product category will not result in*
19 *inequitable prices for any class of users of such oil*
20 *or product.*

21 *“(2) Any amendment which the President submits to*
22 *the Congress under subsection (c) of this section shall be*
23 *accompanied—*

24 *“(A) by a statement of the President’s views as to*

1 *the potential economic impacts (if any) of such amend-*
2 *ment which, where practicable, shall include his views*
3 *as to—*

4 “(i) *the State and regional impacts of such*
5 *amendment (including effects on governmental*
6 *units);*

7 “(ii) *the effects of such amendment on the*
8 *availability of consumer goods and services; the*
9 *gross national product; competition; small business;*
10 *and the supply and availability of energy resources*
11 *for use as fuel or as feedstock for industry; and*

12 “(iii) *the effects on employment and consumer*
13 *prices; and*

14 “(B) *in the case of an exemption described in*
15 *subsection (c)(1)(B) of this section, by an analysis*
16 *of the effects of such amendment on the rate of unem-*
17 *ployment for the United States, the Consumer Price*
18 *Index for the United States, and the implicit price de-*
19 *flator for the gross national product.*

20 “(e) *In any judicial review of an amendment required*
21 *by this section to be submitted to Congress in accordance*
22 *with the procedures specified in section 551 of the Energy*
23 *Policy and Conservation Act, the reviewing court may not*
24 *hold unlawful or set aside any such amendment on the*
25 *ground that any findings made by the President were not*

1 adequate to meet the requirements of subsection (c) of this
2 section or subparagraph (A), (E), or (F), of section
3 706(2) of title 5, United States Code.

4 “(f) With respect to any oil or refined product cate-
5 gory which is exempted pursuant to the provisions of this
6 subsection the President shall have authority at any time
7 thereafter to prescribe a regulation or issue an order respect-
8 ing either the allocation of amounts, or the specification of
9 price or the manner for determining the price, of any such
10 oil or refined product category upon a determination by
11 him that such regulation or order is necessary to attain, and
12 is consistent with, the objectives specified in section 4(b)(1).
13 Any such oil or refined product category for which allo-
14 cation or price requirements are reimposed under authority
15 of this subsection may subsequently be exempted without
16 regard to the provisions of subsection (b) of this section.

17 “(g) Notwithstanding the provisions of subsection (g) of
18 section 4, the President may, if he determines that the exemp-
19 tion from payments for certain small refiners required by
20 such subsection—

21 (1) results in unfair economic or competitive advan-
22 tage with respect to other small refiners; or

23 (2) otherwise has the effect of seriously impairing
24 the President's ability to provide in the regulation under
25 section 4(a) for the attainment of the objective specified

1 in section 4(b)(1)(D) and for the attainment of those
2 other objectives specified in section 4(b)(1);
3 submit, in accordance with the procedures specified in section
4 551 of the Energy Policy and Conservation Act, an amend-
5 ment to modify the regulation under section 4(a) with respect
6 to the provisions of such regulation as they relate to such
7 exemption. Such amendment shall not take effect if disap-
8 proved by either House of Congress under the procedures
9 specified in such section 551.”.

10 *TECHNICAL PURCHASE AUTHORITY*

11 *SEC. 456. The Emergency Petroleum Allocation Act of*
12 *1973, as amended by this Act, is further amended by adding*
13 *at the end thereof the following new section:*

14 “*TECHNICAL PURCHASE AUTHORITY*

15 “*SEC. 13. (a) The President may, by amendment to*
16 *the regulation under section 4(a) of this Act, provide for and*
17 *implement a procedure pursuant to which the United States*
18 *may exercise the exclusive right to import and purchase all*
19 *or any part of the crude oil, residual fuel oil, and refined*
20 *petroleum products of foreign origin for resale in the United*
21 *States.*

22 “*(b) The authorities granted under this section shall*
23 *not be used for the purpose, or with the effect, of providing*
24 *a subsidy or preference to any importer, purchaser, or user.*

25 “*(c) In exercising any authorities granted under this*

1 *section, the President shall endeavor to buy and sell without*
2 *profit or loss, except that the President may, in individual*
3 *cases, sell, on a competitive bid basis, crude oil, residual fuel*
4 *oil, or any refined petroleum product at a price above or below*
5 *the cost of such oil or product if, in the judgment of the*
6 *President, such sales may result in progress toward a lower*
7 *price for oil sold in international commerce.*

8 “(d) *Any amendment to the regulation proposed to be*
9 *implemented under this section shall be submitted to Congress*
10 *for review under section 551 of the Energy Policy and Con-*
11 *servation Act, together with a detailed explanation of the*
12 *procedure to be employed and the need therefor and shall*
13 *be supported by findings by the President that the exercise*
14 *of such authority is likely to reduce prices for imported oils*
15 *and products. Such amendment shall not take effect if dis-*
16 *approved by either House of the Congress in accordance with*
17 *the procedures specified in section 551 of such Act and any*
18 *authority to purchase shall be subject to appropriations Acts.*

19 “(e) *The President shall submit, within 90 days after*
20 *the date of enactment of this section, a report which evaluates*
21 *the feasibility of reducing the price of crude oil, residual fuel*
22 *oil, or refined petroleum products of foreign origin for resale*
23 *in the United States by providing incentives for domestic*
24 *producers who also import such oils or products into the*
25 *United States, to work for the reduction of the price of such*

1 oils or product. The report shall specifically discuss whether
2 increasing aggregate old crude oil prices by an amount re-
3 lated to any decrease in aggregate prices for such imported
4 oils and products would serve as an incentive for domestic
5 producers to reduce the price of such imported oils and
6 products.”.

7 *DIRECT CONTROLS ON REFINERY OPERATIONS*

8 *SEC. 457. The Emergency Petroleum Allocation Act of*
9 *1973, as amended by this Act, is further amended by adding*
10 *at the end thereof the following new section:*

11 *“DIRECT CONTROLS ON REFINERY OPERATIONS*

12 *“SEC. 14. The President may, by amendment to the*
13 *regulation under section 4(a) of this Act or by order, as may*
14 *be consistent with the attainment, to the maximum extent*
15 *practicable, of the objectives specified in section 4(b)(1) of*
16 *this Act, require adjustments in the operations of any re-*
17 *finery in the United States with respect to the proportions*
18 *of residual fuel oil or any refined petroleum product pro-*
19 *duced through such operations if he determines such ad-*
20 *justments are necessary to assure the production of residual*
21 *fuel oil or any refined petroleum product in such propor-*
22 *tions necessary or appropriate to attain, to the maximum*
23 *extent practicable, the objectives specified in section 4(b)*
24 *(1).”.*

1

INVENTORY CONTROLS

2

SEC. 458. The Emergency Petroleum Allocation Act of
3 *1973, as amended by this Act, is further amended by adding*
4 *at the end thereof the following new section:*

5

“INVENTORY CONTROLS

6

“*SEC. 15. (a) In addition to other authority provided*
7 *for in this Act to alleviate shortages of crude oil, residual*
8 *fuel oil, and refined petroleum products, the President may,*
9 *if he finds an existing or impending regional or national*
10 *supply shortage of any fuel, by amendment to the regulation*
11 *under section 4(a) of this Act or by order, consistent with*
12 *the attainment, to the maximum extent practicable, of the*
13 *objectives specified in section 4(b)(1), require adjustments*
14 *in the amounts of crude oil, residual fuel oil or any refined*
15 *petroleum product which are held in inventory by persons*
16 *who are engaged in the business of importing, producing,*
17 *refining, marketing, or distributing such oils or products.*

18

“(b) *The authority specified in subsection (a) may be*
19 *exercised to require either—*

20

“(1) *a distribution from such inventories to speci-*
21 *fied persons or classes of persons at specified rates of*
22 *distribution or to specified levels of inventory accumula-*
23 *tion; or*

“HOARDING PROHIBITIONS

1
2 *“SEC. 16. Except as may be otherwise provided with*
3 *respect to persons engaged in the business of producing,*
4 *refining, distributing, or marketing crude oil, residual fuel*
5 *oil, or any refined petroleum product pursuant to section*
6 *15 or pursuant to requirements under section 156 of the*
7 *Energy Policy and Conservation Act (relating to the Indus-*
8 *trial Strategic Petroleum Reserve), the regulation under*
9 *section 4(a) shall prohibit any person, during a severe*
10 *energy supply interruption (as defined in section 3 of the*
11 *Energy Policy and Conservation Act) from willfully*
12 *accumulating crude oil, residual fuel oil, or any refined*
13 *petroleum product in inventories, or otherwise, in amounts*
14 *which are in excess of such person’s reasonable needs (as*
15 *such term shall be defined in such regulation).”.*

ASPHALT ALLOCATION AUTHORITY

16
17 *SEC. 460. The Emergency Petroleum Allocation Act of*
18 *1973, as amended by this Act, is further amended by adding*
19 *at the end thereof the following new section:*

“ASPHALT ALLOCATION AUTHORITY

20
21 *“SEC. 17. (a) The President may amend the regula-*
22 *tion under section 4(a) of this Act to provide, in a manner*
23 *which he finds is consistent with the attainment, to the*

1 *maximum extent practicable, of the objectives specified in*
2 *section 4(b)(1) of this Act, for the mandatory allocation*
3 *of asphalt in amounts specified in (or determined in the*
4 *manner prescribed by), or at prices specified in (or deter-*
5 *mined in a manner prescribed by) such amendment to the*
6 *regulation, or both.*

7 *“(b) If the President exercises the authority under this*
8 *section, he may thereafter amend the regulation under sec-*
9 *tion 4(a) to exempt asphalt from such regulation without*
10 *regard to the provisions of section 12 of this Act.”.*

11 *EXPIRATION OF AUTHORITIES*

12 *SEC. 461. The Emergency Petroleum Allocation Act*
13 *of 1973 is amended by adding to the end of such Act, as*
14 *amended by this Act, the following new section:*

15 *“SEC. 18. Notwithstanding any other provision of this*
16 *Act, at midnight on the conclusion of the 39th month which*
17 *follows the first month in which the amendment under sec-*
18 *tion 8(a) is in effect, the President’s authority to promul-*
19 *gate, make effective, and amend a regulation pursuant to*
20 *section 4(a) of this Act shall become discretionary rather*
21 *than mandatory, and the limitations on the President’s au-*
22 *thority contained in sections 4(b)(2), 8, and 9 of this Act*
23 *shall terminate. The authority to promulgate and amend any*
24 *regulations or to issue any order under section 4 of this Act*
25 *shall expire at midnight September 30, 1981, but such*

1 expiration shall not affect any action or pending proceed-
2 ings, administrative, civil, or criminal, not finally deter-
3 mined on such date, nor any administrative, civil, or criminal
4 action or proceeding, whether or not pending, based upon
5 any act committed or liability incurred prior to such expira-
6 tion date.”.

7 REIMBURSEMENT TO STATES

8 SEC. 462. *The Emergency Petroleum Allocation Act of*
9 *1973, as amended by this Act, is further amended by adding*
10 *at the end thereof the following new section:*

11 “REIMBURSEMENT TO STATES

12 “SEC. 19. (a) *The President is authorized to reimburse*
13 *any State for expenses incurred by such State in carrying*
14 *out any responsibilities delegated to such State by the Presi-*
15 *dent under the provisions of this Act,*

16 “(b) *Such reimbursements for the first fiscal year which*
17 *begins after the date of enactment of this section shall be paid*
18 *from funds authorized under this section and appropriated*
19 *for such purpose.*

20 “(c) *Not later than June 1, 1976, the President shall*
21 *submit a report to the Congress analyzing and detailing the*
22 *amount and nature of any reimbursements made to any State*
23 *for expenses described in subsection (a) incurred prior to*
24 *such date and specifically recommending whether authoriza-*
25 *tions of additional funds for direct grants to States are neces-*

1 *sary or appropriate for the continued operation of the reim-*
2 *bursement provisions authorized by this section.”.*

3 *EFFECTIVE DATE OF ALLOCATION ACT AMENDMENTS*

4 *SEC. 463. Except as otherwise provided, the amendments*
5 *made by this Act to the Emergency Petroleum Allocation Act*
6 *of 1973 shall take effect at midnight, December 15, 1975.*

7 *tribution (at other than the retail level) of energy*
8 *resources—*

9 *(A) if such person has furnished, directly or*
10 *indirectly, energy information (without regard to*
11 *whether such information was furnished pursuant to*
12 *legal requirements) to any Federal agency (other*
13 *than the Internal Revenue Service), and*

14 *(B) if the Comptroller General of the United*
15 *States determines that such information has been*
16 *or is being used or taken into consideration, in*
17 *whole or in part, by a Federal agency in carrying*
18 *out responsibilities committed to such agency; or*

19 *(3) any vertically integrated petroleum company*
20 *with respect to financial information of such company*
21 *related to energy resource exploration, development, and*
22 *production and the transportation, refining and market-*
23 *ing of energy resources and energy products.*

24 *(b) The Comptroller General shall conduct verification*
25 *examinations of any person or company described in sub-*

1 section (a), if requested to do so by any duly established
2 committee of the Congress having legislative or oversight
3 responsibilities under the rules of the House of Representa-
4 tives or of the Senate, with respect to energy matters or any
5 of the laws administered by the Department of the Interior
6 (or the Secretary thereof), the Federal Power Commission,
7 or the Federal Energy Administration.

8 (c) For the purposes of this title—

9 (1) The term “verification examination” means an
10 examination of such books and records of a person or
11 company as the Comptroller General determines neces-
12 sary and appropriate to assess the accuracy, reliability,
13 and adequacy of the energy information or financial
14 information, referred to in subsection (a).

15 (2) The term “energy information” has the same
16 meaning as such term has in section 11(e)(1) of the
17 Energy Supply and Environmental Coordination Act of
18 1974.

19 (3) The term “person” has the same meaning as
20 such term has in section 11(e)(2) of the Energy Supply
21 and Environmental Coordination Act of 1974.

22 (4) The term “vertically integrated petroleum com-
23 pany” means any person which itself, or through a per-
24 son which is controlled by, controls, or is under common

1 control with such person, is engaged in the production,
2 refining, and marketing of petroleum products.

3 *POWERS OF THE COMPTROLLER GENERAL AND REPORTS*

4 *SEC. 502. (a) For the purpose of carrying out his*
5 *authority under section 501—*

6 (1) *the Comptroller General may—*

7 (A) *sign and issue subpoenas for the attend-*
8 *ance and testimony of witnesses and the production*
9 *of books, records, papers, and other documents;*

10 (B) *require any person, by general or special*
11 *order, to submit answers in writing to interroga-*
12 *tories, to submit books, records, papers, or other*
13 *documents, or to submit any other information or*
14 *reports, and such answers or other submissions shall*
15 *be made within such reasonable period, and under*
16 *oath or otherwise, as the Comptroller General may*
17 *determine; and*

18 (C) *administer oaths.*

19 (2) *the Comptroller General, or any officer or em-*
20 *ployee duly designated by the Comptroller General, upon*
21 *presenting appropriate credentials and a written notice*
22 *from the Comptroller General to the owner, operator, or*
23 *agent in charge, may—*

24 (A) *enter, at reasonable times, any business*
25 *premise or facility; and*

1 (B) inspect, at reasonable times and in a rea-
2 sonable manner, any such premise or facility, inven-
3 tory and sample any stock of energy resources
4 therein, and examine and copy books, records,
5 papers, or other documents, relating to any energy
6 information, or any financial information in the
7 case of a vertically integrated petroleum company.

8 (b) The Comptroller General shall have access to any
9 energy information within the possession of any Federal
10 agency (other than the Internal Revenue Service) as is neces-
11 sary to carry out his authority under this section.

12 (c) (1) Except as provided in subsections (d) and
13 (e), the Comptroller General shall transmit a copy of the
14 results of any verification examination conducted under sec-
15 tion 501 to the Federal agency to which energy information
16 which was subject to such examination was furnished.

17 (2) Any report made pursuant to paragraph (1) shall
18 include the Comptroller General's findings with respect to the
19 accuracy, reliability, and adequacy of the energy informa-
20 tion which was the subject of such examination.

21 (d) If the verification examination was conducted at the
22 request of any committee of the Congress, the Comptroller
23 General shall report his findings as to the accuracy, relia-
24 bility, or adequacy of the energy information which was
25 the subject of such examination, or financial information in

1 the case of a vertically integrated petroleum company, di-
2 rectly to such committee of the Congress and any such infor-
3 mation obtained and such report shall be deemed the prop-
4 erty of such committee and may not be disclosed except in
5 accordance with the rules of the committee and the rules of
6 the House of Representatives for the Senate and as permitted
7 by law.

8 (e)(1) Any information obtained by the Comptroller
9 General or any officer or employee of the General Accounting
10 Office pursuant to the exercise of responsibilities or
11 authorities under this section which relates to geological or geo-
12 physical information, or any estimate or interpretation there-
13 of, the disclosure of which would result in significant com-
14 petitive disadvantage or significant loss to the owner thereof
15 shall not be disclosed except to a committee of Congress. Any
16 such information so furnished to a committee of the Congress
17 shall be deemed the property of such committee and may not
18 be disclosed except in accordance with the rules of the com-
19 mittee and the rules of the House of Representatives or the
20 Senate and as permitted by law.

21 (2) Any person who knowingly discloses information in
22 violation of paragraph (1) shall be subject to the penalties
23 specified in section 5(a) (3)(B) and (4) of the Emergency
24 Petroleum Allocation Act of 1973, as amended by section 452
25 of this Act.

1 (f) *The Comptroller General shall prepare and submit*
2 *to the Congress an annual report with respect to the exercise*
3 *of its authorities under this part, which report shall specifi-*
4 *cally identify any deficiencies in energy information or finan-*
5 *cial information reviewed by the Comptroller General and*
6 *include a discussion of action taken by the person or company*
7 *so examined, if any, to correct any such deficiencies.*

8 *ACCOUNTING PRACTICES*

9 *SEC. 503. (a) For purposes of developing a reliable*
10 *energy data base related to the production of crude oil and*
11 *natural gas, the Securities and Exchange Commission shall*
12 *take such steps as may be necessary to assure the development*
13 *and observance of accounting practices to be followed in the*
14 *preparation of accounts by persons engaged, in whole or in*
15 *part, in the production of crude oil or natural gas in the*
16 *United States. Such practices shall be developed not later than*
17 *24 months after the date of enactment of this Act and shall*
18 *take effect with respect to the fiscal year of each such person*
19 *which begins 3 months after the date on which such practices*
20 *are prescribed or made effective under authority of subsection*
21 *(b)(2).*

22 *(b) In carrying out its responsibilities under subsection*
23 *(a), the Securities and Exchange Commission shall—*

24 *(1) consult with the Federal Energy Administra-*
25 *tion, the General Accounting Office, and the Federal*

1 *Power Commission with respect to accounting practices*
2 *to be developed under subsection (a), and*

3 *(2) have authority to prescribe rules applicable to*
4 *persons engaged in the production of crude oil or natural*
5 *gas, or make effective by recognition, or by other appro-*
6 *priate means indicating a determination to rely on, ac-*
7 *counting practices developed by the Financial Accounting*
8 *Standards Board, if the Securities and Exchange Com-*
9 *mission is assured that such practice will be observed by*
10 *persons engaged in the production of crude oil or natural*
11 *gas to the same extent as would result if the Securities and*
12 *Exchange Commission had prescribed such practices by*
13 *rule.*

14 *The Securities and Exchange Commission shall afford inter-*
15 *ested persons an opportunity to submit written comment with*
16 *respect to whether it should exercise its discretion to recognize*
17 *or otherwise rely on such accounting practice in lieu of pre-*
18 *scribing such practices by rule and may extend the 24-month*
19 *period referred to in subsection (a) as it determines may be*
20 *necessary to allow for a meaningful comment period with*
21 *respect to such determination.*

22 *(c) The Securities and Exchange Commission shall as-*
23 *sure that accounting practices developed pursuant to this sec-*
24 *tion, to the greatest extent practicable, permit the compilation,*

1 *treating domestic and foreign operations as separate catego-*
2 *ries, of an energy data base consisting of:*

3 *(1) The separate calculation of capital, revenue,*
4 *and operating cost information pertaining to—*

5 *(A) prospecting*

6 *(B) acquisition,*

7 *(C) exploration,*

8 *(D) development, and*

9 *(E) production,*

10 *including geological and geophysical costs, carrying*
11 *costs, unsuccessful exploratory drilling costs, intangible*
12 *drilling and development costs on productive wells, the*
13 *cost of unsuccessful development wells, and the cost of*
14 *acquiring oil and gas reserves by means other than de-*
15 *velopment. Any such calculation shall take into account*
16 *disposition of capitalized costs, contractual arrangements*
17 *involving special conveyance of rights and joint op-*
18 *erations, differences between book and tax income, and*
19 *prices used in the transfer of products or other assets*
20 *from one person to any other person, including a person*
21 *controlled by controlling or under common control with*
22 *such person.*

23 *(2) The full presentation of the financial informa-*

1 shall not be liable with respect to any period during which
2 the effectiveness of the order with respect to such person was
3 stayed.

4 (b) Any action to enjoin or set aside an order issued
5 under section 502(a)(1)(B) may be brought only before
6 the United States Court of Appeals for the District of
7 Columbia. Any action to collect a civil penalty for violation
8 of any general or special order may be brought only in the
9 United States District Court for the District of Columbia.
10 In any action brought under subsection (a) to collect a
11 civil penalty, process may be served in any judicial district
12 of the United States.

13 (c) Upon petition by the Comptroller General through
14 any attorney employed by the General Accounting Office or
15 designated by the Comptroller General, or, upon request of
16 the Comptroller General, the Attorney General, any United
17 States district court within the jurisdiction of which any
18 inquiry under this part is carried on may, in the case of
19 refusal to obey a subpoena of the Comptroller General issued
20 under this part, issue an order requiring compliance there-
21 with; and any failure to obey the order of the court may be
22 treated by the court as a contempt thereof.

1 AMENDMENT TO ENERGY SUPPLY AND ENVIRONMENTAL
2 COORDINATION ACT OF 1974

3 SEC. 505. (a) Section 11(c) of The Energy Supply
4 and Environmental Coordination Act of 1974 is amended
5 by adding at the end thereof the following:

6 “(3) In order to carry out his responsibilities under
7 subsection (a) of this section, the Federal Energy Ad-
8 ministrator shall require, pursuant to subsection (b)(1)
9 (A) of this section, that persons engaged, in whole or in
10 part, in the production of crude oil or natural gas—

11 (A) keep energy information in accordance
12 with the accounting practices developed pursuant to
13 section 503 of the Omnibus Energy Policy and Con-
14 servation Act of 1975, and

15 (B) submit reports with respect to energy in-
16 formation kept in accordance with such practices.
17 The Administrator shall file quarterly energy data base
18 reports with the President and the Congress compiled
19 from accounts kept in accordance with such section 503
20 and submitted to the Administrator in accordance with
21 this paragraph. Such reports shall present energy in-
22 formation in the categories specified in subsection (c) of
23 such section 503 to the extent that such information may
24 be compiled from such accounts. Such energy informa-
25 tion shall be collected and such quarterly reports made for

1 each calendar quarter which begins 6 months after the
2 effective date of the accounting practices developed pur-
3 suant to such section 503.”.

4 (b) The amendment made by subsection (a) to section
5 11(c) of the Energy Supply and Environmental Coordina-
6 tion Act of 1974 shall take effect on the first day of the
7 first accounting quarter to which such practices apply.

8 EXTENSION OF ENERGY INFORMATION GATHERING

9 AUTHORITY

10 SEC. 506. Section 11(g)(2) of the Energy Supply and
11 Environmental Coordination Act of 1974 is amended by
12 striking out “June 30, 1975” wherever it appears and in-
13 serting in lieu thereof “December 31, 1979”.

14 PART B—GENERAL PROVISIONS

15 PROHIBITION ON CERTAIN ACTIONS

16 SEC. 521. (a) Action taken under the authorities to
17 which this section applies, resulting in the allocation of
18 petroleum products or electrical energy among classes of
19 users or resulting in restrictions on use of petroleum prod-
20 ucts and electrical energy shall not be based upon un-
21 reasonable classifications of, or unreasonable differentiations
22 between, classes of users. In making any such allocation the
23 President, or any agency of the United States to which such
24 authority is delegated, shall give consideration to the need
25 to foster reciprocal and nondiscriminatory treatment by

1 *Energy Administration or of the Department of the Interior*
2 *who—*

3 *(1) performs any function or duty under this Act;*

4 *and*

5 *(2) has any known financial interest—*

6 *(A) in any person engaged in the business of ex-*
7 *ploring, developing, producing, refining, transporting by*
8 *pipeline, or distributing (other than at the retail level)*
9 *coal, natural gas, or petroleum products, or*

10 *(B) in property from which coal, natural gas, or*
11 *crude oil is commercially produced;*

12 *shall, beginning on February 1, 1977, annually file with the*
13 *Administrator or the Secretary of the Interior, as the case*
14 *may be, a written statement disclosing all such interests held*
15 *by such officer or employee during the preceding calendar*
16 *year. Such statement shall be subject to examination; and*
17 *available for copying, by the public upon request.*

18 *(b) The Administrator and the Secretary of the Interior*
19 *shall each—*

20 *(1) act, within 90 days after the date of enactment*
21 *of this Act, in accordance with section 553 of title 5,*
22 *United States Code—*

23 *(A) to define the term “known financial in-*
24 *terest” for purposes of subsection (a); and*

1 (B) to establish the methods by which the
2 requirement to file written statements specified in
3 subsection (a) will be monitored and enforced,
4 including appropriate provisions for the filing by
5 such officers and employees of such statements and
6 the review by the Administrator or the Secretary of
7 the Interior, as the case may be, of such statements;
8 and

9 (2) report to the Congress on June 1 of each
10 calendar year with respect to such disclosures and the
11 actions taken in regard thereto during the preceding
12 calendar year.

13 (c) In the rules prescribed in subsection (b), the Ad-
14 ministrator and the Secretary of the Interior each may
15 identify specific positions, or classes thereof within the Fed-
16 eral Energy Administration or Department of the Interior,
17 as the case may be, which are of a nonregulatory and non-
18 policymaking nature and provide that officers or employees
19 occupying such positions shall be exempt from the require-
20 ments of this section.

21 (d) Any officer or employee who is subject to, and
22 knowingly violates, subsection (a) shall be fined not more
23 than \$2,500 or imprisoned not more than one year, or both.

24 ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

25 SEC. 523. (a) (1) Subject to paragraphs (2), (3), and

1 (4) of this subsection, the provisions of subchapter II of
2 chapter 5 of title 5, United States Code, shall apply to any
3 rule, regulation, or order having the applicability and effect
4 of a rule as defined in section 551(4) of title 5, United
5 States Code, issued under title I (other than section 103
6 thereof) and title II of this Act, or this title (other than
7 any provision of such titles which amends another law).

8 (2)(A) Notice of any proposed rule, regulation, or
9 order described in paragraph (1) which is substantive and
10 of general applicability shall be given by publication of such
11 proposed rule, regulation, or order in the Federal Register.
12 In each case, a minimum of 30 days following the date of
13 such publication and prior to the effective date of the rule
14 shall be provided for opportunity to comment; except that the
15 30-day period for opportunity to comment prior to the effec-
16 tive date of the rule may be—

17 (i) reduced to no less than 10 days if the President
18 finds that strict compliance would seriously impair the
19 operation of the program to which such rule, regulation,
20 or order relates and such findings are set out in such
21 rule, regulation, or order, or

22 (ii) waived entirely, if the President finds that such
23 waiver is necessary to act expeditiously during an
24 emergency affecting the national security of the United
25 States.

1 (B) Public notice of any rule, regulation, or order
2 which is substantive and of general applicability which is
3 promulgated by officers of a State or political subdivision
4 thereof or to State or local boards which have been delegated
5 authority pursuant to title I or II of this Act or this title
6 (other than any provision of such title) which amend an-
7 other law shall, to the maximum extent practicable, be
8 achieved by publication of such rules, regulations, or orders
9 in a sufficient number of newspapers of general circulation
10 calculated to receive widest practicable notice.

11 (3) In addition to the requirements of paragraph (2)
12 and to the maximum extent practicable, an opportunity for
13 oral presentation of data, views, and arguments shall be
14 afforded and such opportunity shall be afforded prior to the
15 effective date of such rule, regulation, or order, but in all
16 cases such opportunity shall be afforded no later than 45
17 days, and no later than 10 days (in the case of a waiver
18 of the entire comment period under paragraph (2)(ii)),
19 after such date. A transcript shall be made of any oral
20 presentation.

21 (4) Any officer or agency authorized to issue rules,
22 regulations, or orders described in paragraph (1) shall
23 provide for the making of such adjustments, consistent with
24 the other purposes of this Act as may be necessary to prevent
25 special hardship, inequity, or an unfair distribution of bur-

1 *dens and shall in rules prescribed by it establish procedures*
2 *which are available to any person for the purpose of seeking*
3 *an interpretation, modification, or rescission of, or an excep-*
4 *tion to or exemption from, such rules, regulations, and orders.*
5 *If such person is aggrieved or adversely affected by the de-*
6 *denial of a request for such action under the preceding sentence,*
7 *he may request a review of such denial by the officer or agency*
8 *and may obtain judicial review in accordance with subsection*
9 *(b) or other applicable law when such denial becomes final.*
10 *The officer or agency shall, by rule, establish appropriate*
11 *procedures, including a hearing where deemed advisable, for*
12 *considering such requests for action under this paragraph.*

13 *(b) The procedures for judicial review established by*
14 *section 211 of the Economic Stabilization Act of 1970 shall*
15 *apply to proceedings to which subsection (a) applies, as if*
16 *such proceedings took place under such Act. Such procedures*
17 *for judicial review shall apply notwithstanding the expiration*
18 *of the Economic Stabilization Act of 1970.*

19 *(c) Any agency authorized to issue any rule, regulation,*
20 *or order described in subsection (a)(1) shall, upon written*
21 *request of any person, which request is filed after any grant or*
22 *denial of a request for exception or exemption from any such*
23 *rule, regulation, or order, furnish such person, within 30*
24 *days after the date on which such request is filed, with a writ-*

1 *ten opinion setting forth applicable facts and the legal basis in*
2 *support of such grant or denial.*

3 *PROHIBITED ACTS*

4 *SEC. 524. It shall be unlawful for any person to violate—*

5 *(1) any provision of title I or title II, of this Act*
6 *or this title (other than any provision of such titles which*
7 *amends another law),*

8 *(2) to violate any rule, regulation, or order issued*
9 *pursuant to any such provision; or*

10 *(3) fail to comply with any provision prescribed in,*
11 *or pursuant to, an energy conservation contingency plan*
12 *which is in effect.*

13 *ENFORCEMENT*

14 *SEC. 525. (a) Whoever violates section 524 shall be*
15 *subject to a civil penalty of not more than \$5,000 for each*
16 *violation.*

17 *(b) Whoever willfully violates section 524 shall be fined*
18 *not more than \$10,000 for each violation.*

19 *(c) Any person who knowingly and willfully violates*
20 *section 524 with respect to the sale, offer of sale, or distribu-*
21 *tion in commerce of a product or commodity after having been*
22 *subjected to a civil penalty for a prior violation of section 524*
23 *with respect to the sale, offer of sale, or distribution in com-*
24 *merce of such product or commodity shall be fined not more*
25 *than \$50,000 or imprisoned not more than 6 months, or both.*

1 (d) Whenever it appears to any officer or agency of the
2 United States in whom is vested, or to whom is delegated,
3 authority under this Act that any person has engaged, is
4 engaged, or is about to engage in acts or practices constituting
5 a violation of section 524, such officer or agency may request
6 the Attorney General to bring an action in an appropriate
7 district court of the United States to enjoin such acts or
8 practices, and upon a proper showing a temporary re-
9 straining order or a preliminary or permanent injunction
10 shall be granted without bond. Any such court may also issue
11 mandatory injunctions commanding any person to comply
12 with any rule, regulation, or order described in section 524.

13 (e) (1) Any person suffering legal wrong because of any
14 act or practice arising out of any violation of any provision
15 of this Act described in paragraph (2), may bring an action
16 in an appropriate district court of the United States without
17 regard to the amount in controversy, for appropriate relief,
18 including an action for a declaratory judgment or writ of
19 injunction. Nothing in this subsection shall authorize any
20 person to recover damages.

21 (2) The provisions of this Act referred to in paragraph
22 (1) are as follows:

23 (A) Section 202 (relating to energy conservation
24 plans).

1 other law) and any rule, regulation, or order issued pur-
2 suant to such authority, shall expire at midnight, June 30,
3 1985, but such expiration shall not affect any action or
4 pending proceedings, civil or criminal, not finally deter-
5 mined on such date, nor any action or proceeding based
6 upon any act committed prior to midnight, June 30, 1985.

7 *PART C—CONGRESSIONAL REVIEW*

8 *PROCEDURE FOR CONGRESSIONAL REVIEW OF PRESIDEN-*
9 *TIAL REQUESTS TO IMPLEMENT CERTAIN AUTHORITIES*

10 *SEC. 551: (a) For purposes of this section, the term*
11 *“energy action” means any matter required to be submitted*
12 *to the Congress in accordance with the procedures of this*
13 *section and which may not take effect except in accordance*
14 *with the provisions of this section.*

15 *(b) The President shall transmit any energy action*
16 *(bearing an identification number) to both Houses of Con-*
17 *gress on the same day. If both Houses are not in session on*
18 *the day any energy action is received by the appropriate*
19 *officers of each House, for purposes of this section such en-*
20 *ergy action shall be deemed to have been received on the*
21 *first succeeding day on which both Houses are in session.*

22 *(c)(1) Except as provided in paragraph (2) of this*
23 *subsection, if energy action is transmitted to the Houses of*
24 *Congress, such action shall take effect at the end of the*
25 *first period of 15 calendar days of continuous session of*

1 Congress after the date on which such action is transmitted
2 to such Houses, unless between the date of transmittal and
3 the end of such 15-day period, either House passes a reso-
4 lution stating in substance that such House does not favor
5 such action.

6 (2) An energy action described in paragraph (1) may
7 take effect prior to the expiration of the 15-calendar-day
8 period after the date on which such action is transmitted,
9 if each House of Congress approves a resolution affirmatively
10 stating in substance that such House does not object to such
11 action.

12 (d) For the purpose of subsection (c) of this section—

13 (1) continuity of session is broken only by an
14 adjournment of Congress sine die; and

15 (2) the days on which either House is not in
16 session because of an adjournment of more than 3
17 days to a day certain are excluded in the computation of
18 the 15-calendar-day period.

19 (e) Under provisions contained in an energy action, a
20 provision of such an action may take effect on a date later
21 than the date on which such action otherwise takes effect
22 pursuant to the provisions of this section.

23 (f) (1) This subsection is enacted by Congress—

24 (A) as an exercise of the rulemaking power of the
25 Senate and the House of Representatives, respectively,

1 and as such it is deemed a part of the rules of each
 2 House, respectively, but applicable only with respect to
 3 the procedure to be followed in that House in the case
 4 of resolutions described by paragraph (2) of this sub-
 5 section; and it supersedes other rules only to the extent
 6 that it is inconsistent therewith; and

7 (B) with full recognition of the constitutional right
 8 of either House to change the rules (so far as relating to
 9 the procedure of that House) at any time, in the same
 10 manner and to the same extent as in the case of any
 11 other rule of the House.

12 (2) For purposes of this subsection, the term "resolu-
 13 tion" means only a resolution of either House of Congress
 14 described in subparagraph (A) or (B) of this paragraph.

15 (A) A resolution the matter after the resolving
 16 clause of which is as follows: "That the -----
 17 does not object to the energy action numbered -----
 18 submitted to the Congress on -----, 19 .", the
 19 first blank space therein being filled with the name of
 20 the resolving House and the other blank spaces being
 21 appropriately filled; but does not include a resolution
 22 which specifies more than one energy action.

23 (B) A resolution the matter after the resolving
 24 clause of which is as follows: "That the -----
 25 does not favor the energy action numbered -----

1 transmitted to Congress on -----, 19 .", the
2 first blank space therein being filled with the name of the
3 resolving House and the other blank spaces therein
4 being appropriately filled; but does not include a resolu-
5 tion which specifies more than one energy action.

6 (3) A resolution once introduced with respect to an
7 energy action shall immediately be referred to a committee
8 (and all resolutions with respect to the same plan shall be
9 referred to the same committee) by the President of the
10 Senate or the Speaker of the House of Representatives, as
11 the case may be.

12 (4)(A) If the committee to which a resolution with
13 respect to an energy action has been referred has not
14 reported it at the end of 5 calendar days after its refer-
15 ral, it shall be in order to move either to discharge the com-
16 mittee from further consideration of such resolution or to
17 discharge the committee from further consideration of any
18 other resolution with respect to such energy action which
19 has been referred to the committee.

20 (B) A motion to discharge may be made only by an
21 individual favoring the resolution, shall be highly privileged
22 (except that it may not be made after the committee has
23 reported a resolution with respect to the same energy
24 action), and debate thereon shall be limited to not more
25 than one hour, to be divided equally between those favoring

1 and those opposing the resolution. An amendment to the
2 motion shall not be in order, and it shall not be in order
3 to move to reconsider the vote by which the motion was
4 agreed to or disagreed to.

5 (C) If the motion to discharge is agreed to or disagreed
6 to, the motion may not be renewed, nor may another motion
7 to discharge the committee be made with respect to any other
8 resolution with respect to the same energy action.

9 (5)(A) When the committee has reported, or has been
10 discharged from further consideration of, a resolution, it shall
11 be at any time thereafter in order (even though a previous
12 motion to the same effect has been disagreed to) to move to
13 proceed to the consideration of the resolution. The motion
14 shall be highly privileged and shall not be debatable. An
15 amendment to the motion shall not be in order, and it shall
16 not be in order to move to reconsider the vote by which the
17 motion was agreed to or disagreed to.

18 (B) Debate on the resolution referred to in subparagraph
19 (A) of this paragraph shall be limited to not more than 10
20 hours, which shall be divided equally between those favoring
21 and those opposing such resolution. A motion further to limit
22 debate shall not be debatable. An amendment to, or motion to
23 recommit, the resolution shall not be in order, and it shall not

1 be in order to move to reconsider the vote by which such
2 resolution was agreed to or disagreed to; except that it shall
3 be in order to substitute a resolution described in paragraph
4 (2)(A) of this subsection with respect to an energy action
5 for a resolution described in paragraph (2)(B) of this sub-
6 section with respect to the same such action, or a resolution
7 described in paragraph (2)(B) of this subsection with
8 respect to an energy action for a resolution described in
9 paragraph (2)(A) of this subsection with respect to the
10 same such action.

11 (6)(A) Motions to postpone, made with respect to the
12 discharge from committee, or the consideration of a resolution
13 and motions to proceed to the consideration of other business,
14 shall be decided without debate.

15 (B) Appeals from the decision of the Chair relating
16 to the application of the rules of the Senate or the House
17 of Representatives, as the case may be, to the procedure
18 relating to a resolution shall be decided without debate.

19 (7) Notwithstanding any of the provisions of this sub-
20 section, if a House has approved a resolution with respect
21 to an energy action, then it shall not be in order to consider
22 in that House any other resolution with respect to the same
23 such action.

1 *EXPEDITED PROCEDURE FOR CONGRESSIONAL CONSIDERA-*
2 *TION OF CERTAIN AUTHORITIES*

3 *SEC. 552. (a) Any contingency plan transmitted to the*
4 *Congress pursuant to section 201(a)(1) shall bear an identi-*
5 *fication number and shall be transmitted to both Houses of*
6 *Congress on the same day and to each House while it is in*
7 *session.*

8 *(b) No such contingency plan may be considered ap-*
9 *proved for purposes of section 201(a)(2) of this Act unless*
10 *between the date of transmittal and the end of the first period*
11 *of 60 calendar days of continuous session of Congress after*
12 *the date on which such action is transmitted to such House,*
13 *each House of Congress passes a resolution described in sub-*
14 *section (d)(2).*

15 *(c) For the purpose of subsection (b) of this section—*

16 *(1) continuity of session is broken only by an*
17 *adjournment of Congress sine die; and*

18 *(2) the days on which either House is not in ses-*
19 *sion because of an adjournment of more than 3 days*
20 *to a day certain are excluded in the computation of the*
21 *60-calendar-day period.*

22 *(d)(1) This subsection is enacted by Congress—*

23 *(A) as an exercise of the rulemaking power of the*
24 *Senate and the House of Representatives, respectively,*
25 *and as such it is deemed a part of the rules of each House,*

1 *respectively, but applicable only with respect to the pro-*
 2 *cedure to be followed in that House in the case of resolu-*
 3 *tions described by paragraph (2) of this subsection; and*
 4 *it supersedes other rules only to the extent that it is in-*
 5 *consistent therewith; and*

6 *(B) with full recognition of the constitutional right*
 7 *of either House to change the rules (so far as relating to*
 8 *the procedure of that House) at any time, in the same*
 9 *manner and to the same extent as in the case of any other*
 10 *rule of the House.*

11 *(2) For purposes of this subsection, the term "resolu-*
 12 *tion" means only a resolution of either House of Congress the*
 13 *matter after the resolving clauses of which is as follows: "That*
 14 *the _____ approves the contingency plan numbered*
 15 *_____ submitted to the Congress on _____,*
 16 *19 .", the first blank space therein being filled with the name*
 17 *of the resolving House and the other blank spaces being ap-*
 18 *propriately filled; but does not include a resolution which*
 19 *specifies more than one contingency plan.*

20 *(3) A resolution once introduced with respect to a con-*
 21 *tingency plan shall immediately be referred to a committee*
 22 *(and all resolutions with respect to the same contingency plan*
 23 *shall be referred to the same committee) by the President of*
 24 *the Senate or the Speaker of the House of Representatives,*
 25 *as the case may be.*

1 (4)(A) *If the committee to which a resolution with*
2 *respect to a contingency plan has been referred has not re-*
3 *ported it at the end of 20 calendar days after its referral, it*
4 *shall be in order to move either to discharge the committee*
5 *from further consideration of such resolution or to discharge*
6 *the committee from further consideration of any other resolu-*
7 *tion with respect to such contingency plan which has been*
8 *referred to the committee.*

9 (B) *A motion to discharge may be made only by an*
10 *individual favoring the resolution, shall be highly privileged*
11 *(except that it may not be made after the committee has*
12 *reported a resolution with respect to the same contingency*
13 *plan), and debate thereon shall be limited to not more than*
14 *1 hour, to be divided equally between those favoring and*
15 *those opposing the resolution. An amendment to the motion*
16 *shall not be in order, and it shall not be in order to move to*
17 *reconsider the vote by which the motion was agreed to or*
18 *disagreed to.*

19 (C) *If the motion to discharge is agreed to or disagreed*
20 *to, the motion may not be renewed, nor may another motion*
21 *to discharge the committee be made with respect to any other*
22 *resolution with respect to the same contingency plan.*

23 (5)(A) *When the committee has reported, or has been*
24 *discharged from further consideration of, a resolution, it shall*
25 *be at any time thereafter in order (even though a previous*

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

7 (B) Debate on the resolution referred to in subparagraph
8 (A) of this paragraph shall be limited to not more than 10
9 hours, which shall be divided equally between those favoring
10 and those opposing such resolution. A motion further to limit
11 debate shall not be debatable. An amendment to, or motion to
12 recommit the resolution shall not be in order, and it shall not
13 be in order to move to reconsider the vote by which such
14 resolution was agreed to or disagreed to; except that it shall
15 be in order to substitute a resolution to disapprove such con-
16 tingency plan with respect to the same contingency plan.

17 (6)(A) Motions to postpone, made with respect to the
18 discharge from committee, or the consideration of a resolution
19 and motions to proceed to the consideration of other business,
20 shall be decided without debate.

21 (B) Appeals from the decision of the Chair relating
22 to the application of the rules of the Senate or the House of
23 Representatives, as the case may be, to the procedures relat-
24 ing to a resolution shall be decided without debate.