

93<sup>d</sup> CONGRESS  
1<sup>st</sup> SESSION

# H. R. 11031

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 1973

Mr. STAGGERS introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

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## A BILL

To authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "National Emergency
- 4 Petroleum Act".



# TITLE I—STATEMENT OF FINDINGS AND PURPOSES

## FINDINGS

SEC. 101. The Congress hereby determines that—

(a) shortages of crude oil, residual fuel oil, and refined petroleum products caused by inadequate domestic production, environmental constraints, and the unavailability of imports sufficient to satisfy domestic demand, now exist or are imminent;

(b) such shortages have created or will create severe economic dislocations and hardships, including loss of job, closing of factories and businesses, reduction of crop plantings and harvesting, and curtailment of vital public services, including the transportation of food and other essential goods;

(c) such hardships and dislocations jeopardize the normal flow of commerce and constitute a critical national energy crisis which is a threat to the public health, safety, and welfare and can be averted or minimized most efficiently and effectively through prompt action by the executive branch of Government;

(d) political disruptions in the world petroleum supply and distribution system can be expected to cause supply interruptions of imports from foreign sources;

(e) such supply interruptions will result in short-

ages far greater than any previously anticipated, and could create extremely critical shortage conditions as a result of unduly cold weather, reductions in refinery operations for mechanical or other reasons, and intensified worldwide competition for scarce petroleum;

(f) because of the diversity of conditions, climate and available fuel mix in different areas of the Nation, the primary governmental responsibility for developing and enforcing emergency fuel shortage contingency plans lies with the States and with the local governments of major metropolitan areas.

## PURPOSES

SEC. 102. The purpose of this Act is to—

(a) grant to the President of the United States, and direct him to exercise, specific temporary authority to deal with shortages of crude oil, residual fuel oil, and refined petroleum products, or dislocations in their national distribution system. The authority granted under this Act shall be exercised for the purpose of minimizing the adverse impacts of such shortages or dislocations on the American people and the domestic economy;

(b) protect the public health, safety, and welfare and the national security, and to assure the continuation of vital public services and full employment in the face of critical energy shortages;



(c) provide a national program to conserve scarce energy resources, through mandatory and voluntary rationing and conservation measures, implemented by Federal, State, and local governments;

(d) direct the President and State and local governments to develop and demonstrate contingency plans which shall have the practical capability of reducing United States petroleum consumption by 10 per centum within ten days, and by 25 per centum within four weeks of any interruption of normal supply.

## TITLE II—EMERGENCY FUEL SHORTAGE

### CONTINGENCY PROGRAMS

#### PRESIDENTIAL AUTHORIZATION

SEC. 201. (a) The President is hereby authorized to declare a national or regional emergency requiring implementation of emergency fuel shortage contingency programs as provided for in this title. For the purposes of this Act, the term "emergency fuel shortage" means a disparity of 5 per centum or more between energy requirements and energy supply, or between the available supply of petroleum and petroleum products and requirements for such fuels.

(b) The President may, at his discretion, extend or renew the declared emergency fuel shortage as long as the shortage conditions, described in subsection (a) above, continue to exist.

### EMERGENCY FUEL SHORTAGE CONTINGENCY PLANS

SEC. 202. (a) Not later than thirty days after the date of enactment of this Act, the President shall promulgate requirements for emergency rationing, conservation, and contingency programs to be developed by each State and major metropolitan government, and to be implemented for the President by such State and local governments in the event the President determines there is an emergency fuel shortage. Such programs, which must be developed within ninety days after the date of enactment of this Act, shall assure that all vital services will be maintained and that unnecessary energy consumption will be curtailed.

(b) The rationing and conservation programs provided for in subsection (a) above shall include the following conservation measures:

(1) an established priority system and plan for rationing of scarce fuels among distributors and consumers during periods of critical shortages, and

(2) measures to reduce energy consumption in the affected area by 10 per centum within ten days, and 25 per centum within four weeks after implementation.

(c) In the event that a State or major metropolitan area fails to design and implement a contingency program as provided for in subsection (a), the President shall implement



1 for such State or metropolitan area a Federal rationing and  
2 energy conservation program which will include the follow-  
3 ing mandatory measures:

4 (1) reduction in maximum speed limits on all roads  
5 to fifty miles per hour or less;

6 (2) a program to require regular engine tuneups  
7 for all automotive vehicles;

8 (3) discontinuation of all advertising encouraging  
9 increased energy consumption;

10 (4) regular inspection and maintenance of com-  
11 mercial and industrial heating and air-conditioning units;

12 (5) maximum winter thermostat settings of not  
13 more than sixty-five degrees Fahrenheit and minimum  
14 summer settings of not less than eighty degrees Fahren-  
15 heit in all buildings owned or leased by the Federal  
16 Government;

17 (6) increased average occupancy of private auto-  
18 mobile through the use of carpools. During commuter  
19 rush hours and at other specified times, parking and  
20 access in certain critical areas may be limited to cars  
21 with three or more occupants;

22 (7) a program of public education to encourage  
23 energy conservation measures in private homes and in  
24 the private sector, including:

1 (A) regular inspection and maintenance of  
2 home heating and air-conditioning units, and

3 (B) reductions in heating, hot water and  
4 electricity consumption.

#### 5 MANDATORY FEDERAL ACTION FOR FUEL CONSERVATION

6 SEC. 203. Notwithstanding any action taken on the part  
7 of State or local governments pursuant to section 202, the  
8 President shall in time of actual or impending emergency  
9 fuel shortage:

10 (a) require that existing electrical powerplants  
11 which now burn petroleum or natural gas and which have  
12 the capability to reconvert to coal shall convert the neces-  
13 sary plant equipment and revert to burning coal as their  
14 primary energy source. If necessary, the President may  
15 grant temporary variances from air quality emissions  
16 standards on a plant-by-plant basis, for the duration of the  
17 emergency fuel shortage only, to permit the burning of  
18 coal if the only available coal, when burned, will exceed  
19 established air quality standards.

20 (b) authorize independent regulatory authorities,  
21 such as the Civil Aeronautics Board and the Interstate  
22 Commerce Commission, to permit variances from exist-  
23 ing schedules and routings to increase load factors, reduce  
24 the number of scheduled trips, or shorten distances trav-



1 eled, in order to conserve fuel. In particular, airlines shall  
2 be required to operate at maximum capacity wherever  
3 possible.

4 (c) develop and implement federally sponsored in-  
5 centives for the use of public transportation, including  
6 priority rationing of fuel for mass transit systems, and  
7 Federal subsidies for reduced fares and additional ex-  
8 penses incurred because of increased service, for the dura-  
9 tion of the emergency fuel shortage.

10 MANDATORY FEDERAL ACTIONS TO INCREASE AVAILABLE  
11 DOMESTIC PETROLEUM SUPPLIES

12 SEC. 204. In the event an emergency fuel shortage is  
13 declared pursuant to section 201, the President shall also ini-  
14 tiate the following measures to supplement domestic energy  
15 supplies for the duration of the emergency:

16 (a) Require production of certain designated existing  
17 domestic oilfields at rates in excess of their current estab-  
18 lished maximum efficient rates (MER). Fields to be so des-  
19 ignated, by the appropriate State governments or by the  
20 Office of Oil and Gas, shall be those where the types and  
21 quality of reservoirs are such as to permit production at rates  
22 in excess of the currently assigned sustainable MER for peri-  
23 ods of ninety days or more without excessive risk of losses in  
24 recovery.

25 (b) Authorize the Office of Oil and Gas to require—

1 (1) a program of mandatory allocation of crude  
2 supplies to insure that all refineries are operating at  
3 maximum possible capacity, and

4 (2) the adjustment of processing operations of  
5 domestic refineries to produce refined products in pro-  
6 portions commensurate with national needs and con-  
7 sistent with the priorities established in accordance  
8 with section 202. The Office of Oil and Gas shall make  
9 projections of anticipated product requirements and man-  
10 date the necessary adjustments in domestic refinery  
11 runs accordingly.

12 EXTENSION AND DEVELOPMENT OF CONTINGENCY  
13 SUPPLIES

14 SEC. 205. The President is hereby authorized to—

15 (a) (1) Require production of oil and gas from  
16 currently developed resources of the Naval Petroleum  
17 Reserves numbered 1, 2, 3, and 4; and

18 (2) require expeditious exploration and further  
19 development of these reserves to:

20 (A) determine the full extent of the oil and  
21 gas reserves located thereon; and

22 (B) make possible the production of oil and  
23 gas from the reserves at or in excess of their maxi-  
24 mum efficient rate.

25 (b) Require electric powerplants in the planning



1 process or under construction, which are designed to  
2 burn oil or gas, to be designed and constructed with  
3 the ready capability to burn coal as well as oil and gas  
4 as a primary fuel.

5 (c) Develop and implement such plans and pro-  
6 grams as may be necessary to facilitate and expedite the  
7 greatest possible expansion of existing domestic pro-  
8 duction and refinery capacity.

### 9 TITLE III—ADMINISTRATION AND

#### 10 AUTHORIZATIONS

##### 11 CONGRESSIONAL APPROVAL

12 SEC. 301. Within thirty days after the date of enact-  
13 ment of this Act, the President shall submit to Congress  
14 requirements for the emergency fuel shortage contingency  
15 programs provided for in title II of this Act. These require-  
16 ments will be approved by Congress unless, within fifteen  
17 days of such submission, seven of which must have been in  
18 legislative session, the Congress specifically disapproves of  
19 all or part of the program, and concurrently offers specific  
20 alternative provisions for those portions disapproved.

##### 21 ECONOMIC INCENTIVES

22 SEC. 302. The Cost of Living Council is hereby author-  
23 ized and directed to develop incentives to encourage private  
24 industry and individual persons to subscribe to the goals of  
25 this Act and to comply with the requirements of programs  
26 developed and implemented pursuant to this Act.

#### STATE LAWS

1  
2 SEC. 303. (a) No State law or program in effect on the  
3 date of enactment of this Act, or which may become ef-  
4 fective thereafter, shall be superseded by any provision  
5 of this Act or any program issued pursuant thereto except  
6 insofar as such State law or program is inconsistent with the  
7 provisions of this Act.

8 (b) Any provision of any State law or program in  
9 effect upon the date of enactment of this Act, or which may  
10 become effective thereafter, which provides for more stringent  
11 energy conservation and more efficient allocation than do the  
12 provisions of this Act or any program implemented pursuant  
13 thereto shall not be construed to be inconsistent with this  
14 Act. Any provision of any State law or program in effect  
15 on the date of enactment of this Act, or which may become  
16 effective thereafter, which provides for the conservation or  
17 allocation of energy for which no provision is contained in  
18 this Act shall not be construed to be inconsistent with this  
19 Act.

#### GRANTS TO STATES

20  
21 SEC. 304. The President is hereby authorized to make  
22 grants to any State or major metropolitan government, for  
23 the purpose of assisting such State or local government in de-  
24 veloping, administering, and enforcing emergency fuel short-  
25 age contingency plans under this Act.



## AUTHORIZATIONS

SEC. 305. There are hereby authorized to be appropriated \$150,000,000 for the purposes of this Act.

## SEPARABILITY

SEC. 306. If any provision of this Act or the applicability thereof is held invalid, the remainder of this Act shall not be affected thereby.

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