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1ST SESSION

H. R. 11882

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 1973

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

A BILL

To assure, through energy conservation, end-use allocation of fuels, and other means, that the essential energy needs of the United States are met, 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, including the following table of contents, may
4 be cited as the "Energy Emergency Act".

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1 TITLE I—ENERGY EMERGENCY AUTHORITIES

2 SEC. 101. PURPOSE.

3 The purpose of this Act is to call for proposals for energy
 4 emergency conservation measures and to authorize specific
 5 temporary emergency actions to be exercised to assure that
 6 the essential needs of the United States for fuels will be met
 7 in a manner which, to the fullest extent practicable, (1) is
 8 consistent with existing national commitments to protect and
 9 improve the environment, (2) minimizes any adverse impact

1 on employment, (3) provides for equitable treatment of all
 2 sectors of the economy, and (4) maintains vital services
 3 necessary to health, safety, and public welfare.

4 SEC. 102. DEFINITIONS.

5 For purposes of this Act:

6 (1) The term "State" means a State, the District of
 7 Columbia, Puerto Rico, or any territory or possession of
 8 the United States.

9 (2) The term "petroleum product" means crude
 10 oil, residual fuel oil, or any refined petroleum product
 11 (as defined in the Emergency Petroleum Allocation Act
 12 of 1973).

13 (3) The term "United States" when used in the
 14 geographical sense means the States, the District of
 15 Columbia, Puerto Rico, and the territories and posses-
 16 sions of the United States.

17 (4) The term "Administrator" means the Adminis-
 18 trator of the Federal Energy Administration.

19 SEC. 103. AMENDMENTS TO THE EMERGENCY PETROLEUM
20 ALLOCATION ACT OF 1973.

21 (a) Section 4 of the Emergency Petroleum Allocation
 22 Act of 1973 is amended by adding at the end thereof the
 23 following new subsections:

24 "(h) (1) If the President finds that, without such
 25 action, the objectives of subsection (b) cannot be attained,

1 he may promulgate a rule which shall be deemed a part of
 2 the regulation under subsection (a) and which shall pro-
 3 vide, consistent with the objectives of subsection (b), an
 4 ordering of priorities among users of crude oil, residual
 5 fuel oil, or any refined petroleum product, and for the as-
 6 signment to such users of rights entitling them to obtain any
 7 such oil or product in precedence to other users not similarly
 8 entitled. A top priority in such ordering shall be the main-
 9 tenance of vital services (including, but not limited to new
 10 housing construction, education, health care, hospitals, pub-
 11 lic safety, energy production, agriculture, and transporta-
 12 tion services, which are necessary to the preservation of
 13 health, safety, and the public welfare) . (3)
 14 “(2) The President shall, by order, in furtherance of
 15 the rule authorized pursuant to paragraph (1) of this sub-
 16 section and consistent with the attainment of the objectives in
 17 subsection (b) of this section, cause such adjustments in the
 18 allocations made pursuant to the regulation under subsection
 19 (a) as may be necessary to provide for the allocation of
 20 crude oil, residual fuel oil, or any refined petroleum product
 21 in such manner and in such amounts to permit such users
 22 to obtain any such oil or product based upon such entitle-
 23 ments.

24 “(3) The President shall provide for procedures by
 25 which any user of such oil or product for which priorities

1 and entitlements are established under paragraphs (1) and
 2 (2) of this subsection may petition for review and reclassi-
 3 fication or modification of any determination made under
 4 such paragraphs with respect to his priority or entitlement.
 5 Such procedures may include procedures with respect to local
 6 boards as may be established pursuant to section 109 (c)
 7 of the Energy Emergency Act.

8 “(4) The President may, by order or rule (which rule
 9 shall be deemed a part of the regulation under subsection
 10 (a)) require adjustments in the processing operations of
 11 any refinery in the United States with respect to the propor-
 12 tions of residual fuel oil or any refined petroleum products
 13 produced through such operations if he finds that such adjust-
 14 ments are necessary to assure the production of residual fuel
 15 oil or any refined petroleum product in such proportions
 16 necessary to attain the objectives of subsection (b) of this
 17 section.

18 “(5) The President shall consult with the Department
 19 of Labor, and if there is an increase in the level of unem-
 20 ployment from the level of unemployment in 1973 based
 21 upon the average 1973 figures and such increase reasonably
 22 results from energy shortages, then the President is urged
 23 to take such actions consistent with the provisions of this Act,
 24 as he is authorized to take under this Act and any other
 25 Acts to encourage full production by the domestic energy

1 industry at levels of investment return which make possible
2 the expansion of facilities required to assure against a pro-
3 traction in any such increased levels of unemployment.

4 “(6) For purposes of this subsection, the term ‘alloca-
5 tion’ shall not be construed to exclude the end-use allocation
6 of gasoline to individual consumers.

7 “(i) (1) The President may, by order, require the pro-
8 duction of crude oil at the producer level at the maximum
9 efficient rate of production.

10 “(2) The President shall consult with the Department
11 of the Interior and with appropriate State governments
12 in order to determine which producers should be reasonably
13 required to produce crude oil at the rates specified in para-
14 graph (1) of this subsection.

15 “(3) For purposes of this subsection, maximum efficient
16 rate with respect to any oilfield other than oilfields on
17 Federal lands shall be such rate as is determined by the State
18 in which such oilfield is located, and with respect to any oil-
19 field on Federal land shall be such rate as is determined by
20 the Department of the Interior, except that the President may
21 establish after consultation with such State (or with the De-
22 partment of the Interior, in the case of any oilfield on Fed-
23 eral lands) a maximum efficient rate higher than the rate
24 established by the State or by the Department of the Interior
25 if he determines that such higher maximum efficient rate will

1 not unreasonably impair the ultimate recovery of crude oil
2 or natural gas from any such oilfield under sound engi-
3 neering and economic principles.

4 “(4) The President shall direct the appropriate Federal
5 agency to require that all existing and future development
6 plans for oilfields involving Federal leases, permits or
7 other arrangements for production of crude oil on Federal
8 lands shall include or be amended to include effective provi-
9 sions for the secondary recovery of crude oil, and, to the great-
10 est extent technologically possible consistent with sound engi-
11 neering and economic principles, for the tertiary recovery of
12 crude oil, before the well is abandoned.

13 “(j) Notwithstanding any other provision of this Act,
14 or any provision of State or local law with respect to the
15 allocation of gasoline or diesel fuel, there shall be provision
16 for adequate supplies of gasoline, diesel fuel related products
17 for essential and purposeful mobility of persons in the armed
18 services of the United States on military orders, for house-
19 hold moves related to employment or displacement due to
20 unemployment, and for moves due to health, educational
21 opportunities, or other good and sufficient reasons.”

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

24 “(G) allocation of residual fuel oil and refined
25 petroleum products in such amounts and in such manner

1 as may be necessary for the maintenance of exploration
2 for, and production or extraction of—

3 “(1) fuels, and

4 “(2) minerals essential to the requirements of
5 the United States,

6 and for required transportation related thereto;”.

7 (c) Section 4 (c) (3) of the Emergency Petroleum Al-
8 location Act of 1973 is amended by striking out “or” imme-
9 diately before “(B)” and by inserting immediately before
10 the period at the end thereof the following: “, or (C) to take
11 into account lessened use of crude oil, residual fuel oil, and
12 refined petroleum products prior to the date of enactment of
13 this Act as a result of unusual regional climatic variations
14 within the United States”.

15 (d) Section 4 (g) (1) of the Emergency Petroleum Al-
16 location Act of 1973 is amended by striking out “February
17 28, 1975” in each case the term appears and inserting in
18 each case “May 15, 1975”.

19 **SEC. 104. FEDERAL ENERGY ADMINISTRATION.**

20 (a) There is hereby established a Federal Energy Ad-
21 ministration, to be headed by a Federal Energy Adminis-
22 trator, who shall be appointed by the President by and with
23 the advice and consent of the Senate. The Administrator
24 may be removed by the President for cause. The Adminis-
25 trator shall serve for a term ending on May 15, 1975.

1 Vacancies in the office of Administrator shall be filled for
2 the remainder of the term of the original Administrator, in
3 the same manner as the original appointment.

4 (b) The Administrator shall be compensated at the rate
5 provided for level II of the Executive Schedule. Subject to
6 the Civil Service and Classification provisions of title 5,
7 United States Code, the Administrator may employ such
8 personnel as he deems necessary to carry out his functions.

9 (c) Effective on the date on which the Administrator
10 first takes office (or, if later, on January 1, 1974), all func-
11 tions, powers, and duties of the President under sections 4,
12 5, 6, and 9 of the Emergency Petroleum Allocation Act of
13 1973 (as amended by sections 103, 117, and 118 of this
14 Act), and of any officer, department, agency, or State (or
15 officer thereof) under such sections (other than functions
16 vested by section 6 of such Act in the Federal Trade Com-
17 mission, the Attorney General, or the Antitrust Division of
18 the Department of Justice), are transferred to the Admin-
19 istrator. All personnel, property, records, obligations, and
20 commitments used primarily with respect to functions trans-
21 ferred under the preceding sentence shall be transferred to
22 the Administrator.

23 (d) Section 27 (k) of the Consumer Product Safety Act
24 shall apply to the Administrator. The Federal Energy Ad-
25 ministration shall be considered an independent regulatory

1 agency for purposes of chapter 35 of title 44, United States
2 Code.

3 **SEC. 105. ENERGY CONSERVATION PLANS.**

4 (a) Within 30 days of the date of enactment of this Act
5 and from time to time thereafter, the Administrator shall pro-
6 pose one or more energy conservation plans which shall be
7 designed to supplement and be coordinated with actions taken
8 and proposed to be taken under other authority of this or
9 other Acts to result in a reduction of energy consumption to
10 a level which can be supplied by available energy resources.

11 For purposes of this section the term "energy conservation
12 plan" means proposed plans for transportation controls (in-
13 cluding highway speed limits, and plans for maximizing car
14 pooling arrangements in all communities and business where
15 applicable), priority allocation plans for energy conserving
16 recyclable raw materials for use within the United States,
17 or such other restrictions on the public or private use of
18 energy (including limitations on energy consumption of busi-
19 nesses) which are necessary to reduce energy consumption.
20 The Administrator shall submit such plans to the Congress
21 for appropriate action.

22 (b) Energy conservation plans shall provide for the
23 maintenance of vital services (including new housing con-
24 struction, education, health care, hospitals, public safety,
25 energy production, agriculture, and transportation services,

1 which are necessary to the preservation of health, safety, and
2 the public welfare).

3 (c) Plans submitted by the Administrator pursuant to
4 subsection (a) of this section shall provide that, to the max-
5 imum extent practicable, proposed restrictions on the use of
6 energy shall be designed to be carried out in such manner so
7 as to be fair and to create a reasonable distribution of the
8 burden of such restrictions on all sectors of the economy,
9 without imposing an unreasonably disproportionate share of
10 such burden on any specific industry, business or commercial
11 enterprise, or on any individual segment thereof.

12 **SEC. 106. COAL CONVERSION AND ALLOCATION.**

13 (a) **PROHIBITION OF USE OF NATURAL GAS AND**
14 **PETROLEUM PRODUCTS BY CERTAIN USERS.**—The Ad-
15 ministrator shall, to the extent practicable and consistent
16 with the objectives of this Act, by order, after balancing on
17 a plant-by-plant basis the environmental effects of use of
18 coal against the need to fulfill the purposes of this Act, pro-
19 hibit, as its primary energy source, the burning of natural
20 gas or petroleum products by any major fuel-burning in-
21 stallation (including any existing electric powerplant)
22 which, on the date of enactment of this Act, has the capa-
23 bility and necessary plant equipment to burn coal. Any
24 installation to which such an order applies shall be permitted
25 to continue to use coal as provided in subsection (b) of this

1 section until January 1, 1980. To the extent coal supplies
 2 are limited to less than the aggregate amount of coal sup-
 3 plies which may be necessary to satisfy the requirements of
 4 those installations which can be expected to use coal (in-
 5 cluding installations to which orders may apply under this
 6 subsection), the Administrator shall prohibit the use of
 7 natural gas and petroleum products for those installations
 8 where the use of coal will have the least adverse environ-
 9 mental impact.

10 A prohibition on use of natural gas and petroleum prod-
 11 ucts under this subsection shall be contingent upon the avail-
 12 ability of coal, coal transportation facilities, and the mainte-
 13 nance of reliability of service in a given service area. The
 14 Administrator may require that fossil-fuel-fired electric
 15 powerplants in the early planning process, other than com-
 16 bustion gas turbine and combined cycle units, be designed
 17 and constructed so as to be capable of using coal as a primary
 18 energy source instead of or in addition to other fossil fuels.
 19 No fossil-fuel-fired electric powerplant may be required under
 20 this section to be so designed and constructed, if (1) to do so
 21 would be unreasonable or would result in an impairment of
 22 reliability or adequacy of service, or (2) if an adequate and
 23 reliable supply of coal is not available and is not expected to
 24 be available. In considering whether a conversion require-
 25 ment under this subsection is unreasonable, the Administrator

1 shall consider the existence and effects of any contractual
 2 commitment for the construction of such facilities and the
 3 availability of compensation or tax relief for any capital loss
 4 incurred through such conversion requirement.

5 (b) USE OF COAL.—

6 (1) Except as provided in paragraph (2), any
 7 electric powerplant (A) which is prohibited from using
 8 petroleum products or natural gas by reason of an order
 9 issued under subsection (a), and (B) which converts to
 10 the use of coal, shall not, until January 1, 1980, be
 11 prohibited from burning coal which is available to such
 12 source by any fuel or emission limitation, if the Adminis-
 13 trator of the Environmental Protection Agency approves,
 14 after notice to interested persons and opportunity for
 15 presentation of views (including oral presentation), a
 16 plan submitted by the person who operates such plant.
 17 A plan submitted under the preceding sentence shall be
 18 approved only if it provides (A) that such plant shall
 19 make such use of control technology as may be necessary
 20 to enable such plant to come into compliance with the
 21 fuel or emission limitation to which the suspension ap-
 22 plied, as expeditiously as practicable; (B) for a schedule
 23 described in section 119 (a) (2) (A) (iii) of the Clean
 24 Air Act (excluding section 119 (a) (2) (B) (i)); and
 25 (C) that such plan will, during the period beginning on

1 the effective date of the approval of the plan and ending
 2 at the time such plant complies with such stationary
 3 source of fuel or emission limitation, comply with in-
 4 terim requirements which the Administrator of the En-
 5 vironmental Protection Agency shall prescribe to assure
 6 that such source will not materially contribute to a
 7 significant risk to public health. Such Administrator shall
 8 approve any such plan before May 15, 1974, or if later
 9 60 days after such plan is submitted.

10 (2) Nothing in paragraph (1) shall prohibit the
 11 Administrator of the Environmental Protection Agency
 12 or a State or local agency, to the extent practicable after
 13 notice to interested persons and opportunity for presenta-
 14 tion of views (including oral presentations), (A) from
 15 prohibiting the use of coal by such a source to which
 16 paragraph (1) applies if such Administrator or any
 17 such agency determines that the use of coal by such
 18 source is likely to materially contribute to a significant
 19 risk to public health; or (B) from requiring such source
 20 to use a particular grade of coal of any particular type,
 21 grade, or pollution characteristic, if such coal is avail-
 22 able to such source.

23 (3) For purposes of this subsection, the term "fuel
 24 or emission limitation" means any emission limitation,
 25 schedule, or timetable for compliance, or other require-

1 ment, which is prescribed under any Federal, State, or
 2 local law or regulation (including the Clean Air Act)
 3 and which is designed to limit stationary source emissions
 4 resulting from combustion of fuels (including a restric-
 5 tion on the use or content of fuels).

6 (c) COAL ALLOCATION AUTHORITY.—The Adminis-
 7 trator may by rule prescribe a system for allocation of coal to
 8 users thereof in order to attain the objectives specified in
 9 section 4 (b) of the Emergency Petroleum Allocation Act of
 10 1973 and of section 205 of this Act. Any rule prescribed
 11 under this subsection shall be deemed to be part of the
 12 regulation.

13 (d) EXPIRATION.—The authority under this section
 14 (other than subsection (b)) shall expire on May 15, 1975.

15 SEC. 107. REGULATED CARRIERS.

16 (a) AGENCY AUTHORITY.—The Interstate Commerce
 17 Commission (with respect to common or contract carriers
 18 subject to economic regulation under the Interstate Com-
 19 merce Act), the Civil Aeronautics Board, and the Fed-
 20 eral Maritime Commission shall, for the duration of the
 21 period beginning on the date of enactment of this Act and
 22 ending on May 15, 1975, have authority to take any action
 23 for the purpose of conserving energy consumption in a
 24 manner found by such Commission or Board to be con-
 25 sistent with the objectives and purposes of the Acts admin-

1 istered by such Commission or Board on its own motion or
2 on the petition of the Administrator which existing law per-
3 mits such Commission or Board to take upon the motion
4 or petition of any regulated common or contract carrier or
5 other person.

6 (b) The Interstate Commerce Commission shall, by ex-
7 pedited proceedings, adopt appropriate rules under the In-
8 terstate Commerce Act which eliminate restrictions on the
9 operating authority of any motor common carrier of prop-
10 erty which require excessive travel between points with re-
11 spect to which such motor common carrier is authorized by
12 the Commission to provide service. Such rules shall assure
13 continuation of essential service to communities served by
14 any such motor common carrier.

15 (c) REPORTS.—Within sixty days after the date of en-
16 actment of this Act, the Civil Aeronautics Board, the Federal
17 Maritime Commission, and the Interstate Commerce Com-
18 mission shall report separately to the appropriate commit-
19 tees of the Congress on the need for additional regulatory
20 authority in order to conserve fuel during the period begin-
21 ning on the date of enactment of this Act and ending on May
22 15, 1975 while continuing to provide for the public con-
23 venience and necessity. Each such report shall identify with
24 specificity—

25 (1) the type of regulatory authority needed;

1 (2) the reasons why such authority is needed;
2 (3) the probable impact on fuel conservation of such
3 (4) authority;
4 (4) the probable effect on the public convenience
5 and necessity of such authority; and
6 (5) the competitive impact, if any, of such
7 authority.

8 Each such report shall further make recommendations with
9 respect to changes in any existing fuel allocation programs
10 which are deemed necessary to provide for the public con-
11 venience and necessity during such period.

12 SEC. 108. DELEGATION OF AUTHORITY.

13 The Administrator may delegate all or any of his func-
14 tions under this Act or the Emergency Petroleum Allocation
15 Act of 1973 to any officer or employee of the Federal Energy
16 Administration as he deems appropriate. The Administrator
17 may delegate any of his functions relative to implementation
18 of regulations and energy conservation plans under this Act
19 or the Emergency Petroleum Allocation Act of 1973 to
20 officers of a State, or to State or local boards of balanced
21 composition reflecting the makeup of the community as a
22 whole. Section 5 (b) of the Emergency Petroleum Alloca-
23 tion Act of 1973 is repealed, effective on the effective date
24 of transfer of functions under such Act to the Administrator.

1 **SEC. 109. ADMINISTRATION.**

2 (a) **ADMINISTRATIVE PROCEDURE.—**

3 (1) Subject to paragraphs (2), (3), and (4) of
4 this subsection, the provisions of subchapter II of chap-
5 ter 5 of title 5, United States Code, shall apply to any
6 rule or order (including a rule or order issued by a State
7 or officer thereof) under this title except with respect to
8 any rule or order pursuant to section 107 of this Act,
9 section 205 (a), (b), (c), and (d) of this Act, or sec-
10 tion 4 (h) or 4 (i) of the Emergency Petroleum Alloca-
11 tion Act of 1973, or under the authority of any energy
12 conservation plan.

13 (2) Notice of any proposed rule or order described
14 in paragraph (1) shall be given by publication of such
15 proposed rule or order in the Federal Register. In each
16 case, a minimum of ten days following such publication
17 shall be provided for opportunity to comment; except
18 that the requirements of this paragraph as to time of
19 notice and opportunity to comment may be waived
20 where strict compliance is found to cause serious impair-
21 ment to the operation of the program to which such
22 rule or order relates and such findings are set out in
23 detail in such rule or order.

24 (3) In addition to the requirements of paragraph

1 (2), if any rule or order described in paragraph (1) is
2 likely to have a substantial impact on the Nation's econ-
3 omy or large numbers of individuals or businesses, an
4 opportunity for oral presentation of views, data, and
5 arguments shall be afforded. To the maximum extent
6 practicable, such opportunity shall be afforded prior to
7 the implementation of such rule or order, but in all cases
8 such opportunity shall be afforded no later than 45 days
9 after the implementation of any such rule or order. A
10 transcript shall be kept of any oral presentation.

11 (4) Any officer or agency authorized to issue rules
12 or orders described in paragraph (1) shall provide
13 for the making of such adjustments, consistent with the
14 other purposes of this Act or the Emergency Petroleum
15 Allocation Act of 1973 (as the case may be), as may be
16 necessary to prevent special hardships, inequity, or an
17 unfair distribution of burdens and shall in rules pre-
18 scribed by it establish procedures which are available to
19 any person for the purpose of seeking an interpretation,
20 modification, or rescission of, or an exception to or ex-
21 emption from, such rules and orders. If such person is
22 aggrieved or adversely affected by the denial of a request
23 for such action under the preceding sentence, he may re-
24 quest a review of such denial by the officer or agency and
25 may obtain judicial review in accordance with subsection

1 (b) when such denial becomes final. The officer or
 2 agency shall, in rules prescribed by it, establish appro-
 3 priate procedures, including a hearing where deemed ad-
 4 visable, for considering such requests for action under this
 5 paragraph.

6 (b) JUDICIAL REVIEW.—Any interested person (in-
 7 cluding a State or political subdivision thereof) may obtain
 8 judicial review of any rule or order described in subsection
 9 (a) (1) of this section in accordance with chapter 7 of title 5,
 10 United States Code. Review of a rule may be obtained in the
 11 Temporary Emergency Court of Appeals. Review of a rule
 12 or order shall be pursuant to the procedures of section 211 of
 13 the Economic Stabilization Act of 1970.

14 (c) LOCAL BOARDS.—

15 (1) The Administrator may by rule prescribe
 16 procedures for State or local boards which carry out
 17 functions under this Act or the Emergency Petroleum
 18 Allocation Act of 1973. Such procedures shall apply to
 19 such boards in lieu of subsection (a), and shall require
 20 that prior to taking any action, such boards shall take
 21 steps reasonably calculated to provide notice to persons
 22 who may be affected by the action, and shall afford an
 23 opportunity for presentation of views (including oral
 24 presentation of views where practicable) at least 10 days
 25 before taking the action. Such boards shall be of balanced

1 composition reflecting the makeup of the community as
 2 a whole.

3 SEC. 110. PROHIBITED ACTS.

4 It shall be unlawful—

5 (1) for any person, who is engaged in the business
 6 of marketing or distributing diesel fuel to trucks on bona
 7 fide cargo runs, to deny to such trucks full fill-ups of
 8 fuel, unless—

9 (A) there is in effect under this Act, the Emer-
 10 gency Petroleum Allocation Act of 1973, or any
 11 other Act an end-use allocation regulation which re-
 12 stricts such full fill-ups by such person to such trucks,
 13 or

14 (B) such person has no such fuel available for
 15 sale;

16 (2) to violate any order under section 106;

17 (3) to violate any rule under the first sentence of
 18 section 123; or

19 (4) to violate any order of the Renegotiation Board
 20 issued pursuant to its authority under section 117 of this
 21 Act.

22 SEC. 111. ENFORCEMENT.

23 (a) CRIMINAL PENALTY.—Whoever willfully violates
 24 any provision of section 110 shall be fined not more than
 25 \$5,000 for each violation.

1 (b) CIVIL PENALTY.—Whoever violates any provision
2 of section 110 shall be subject to a civil penalty of not more
3 than \$2,500 for each violation.

4 (c) INJUNCTIVE AND OTHER RELIEF.—Whenever it
5 appears to any person authorized by the Administrator to
6 exercise authority under this Act that any individual or orga-
7 nization has engaged, is engaged, or is about to engage in
8 acts or practices constituting a violation of any provision of
9 section 110, such person may request the Attorney General
10 to bring an action in the appropriate district court of the
11 United States to enjoin such acts or practices, and upon a
12 proper showing a temporary restraining order or a prelim-
13 inary or permanent injunction shall be granted without bond.
14 Any such court may also issue mandatory injunctions com-
15 manding any person to comply with such provision of section
16 110.

17 (d) PRIVATE RELIEF.—Any person suffering legal
18 wrong because of any act or practice arising out of any vio-
19 lation of section 110 may bring an action in a district court
20 of the United States, without regard to the amount in con-
21 troversy, for appropriate relief, including an action for a
22 declaratory judgment or writ of injunction. Nothing in this
23 subsection shall authorize any person to recover damages.

24 SEC. 112. GRANTS TO STATES.

25 There are authorized to be appropriated such sums as

1 may be necessary for the purpose of making grants to States
2 to which the Federal Energy Administrator has delegated
3 authority under section 109 of this Act. The Administrator
4 shall make such grants upon such terms and conditions as
5 he may prescribe.

6 SEC. 113. FAIR MARKETING OF PETROLEUM PRODUCTS.

7 The Emergency Petroleum Allocation Act of 1973 is
8 amended by adding at the end thereof the following new
9 section:

10 "FAIR MARKETING OF REFINED PETROLEUM PRODUCTS

11 "SEC. 8. (a) As used in this section:

12 "(1) The term 'commerce' means commerce be-
13 tween a State and a point outside such State.

14 "(2) The term 'marketing agreement' means that
15 portion of an agreement or contract between a refiner
16 and a branded independent marketer (A) which au-
17 thORIZES such marketer to market or distribute refined pe-
18 troleum products using a trademark, trade name, service
19 mark, or other identifying symbol or name owned by
20 such refiner, or (B) which authorizes such marketer to
21 occupy premises owned, leased, or in any way controlled
22 by a refiner, for the purposes of marketing or distributing
23 refined petroleum products, or (C) which authorizes
24 both.

25 "(3) The term 'person' means an individual or

1 a corporation, partnership, joint-stock company, busi-
 2 ness trust, association, or any organized group of indi-
 3 viduals whether or not incorporated.

4 “(4) The term ‘refiner’ includes any person (other
 5 than a branded independent marketer) who controls,
 6 is controlled by, or under common control with, a re-
 7 finer. For purposes of the preceding sentence, the term
 8 ‘control’ does not include control solely by means of a
 9 supply contract.

10 “(5) The term ‘State’ means any State, the District
 11 of Columbia, the Commonwealth of Puerto Rico, and
 12 any organized territory or possession of the United
 13 States.

14 “(6) The term ‘to terminate’ includes to cancel or
 15 to fail to renew.

16 “(b) The following conduct is prohibited:

17 “(1) A refiner shall not terminate a marketing
 18 agreement unless he furnishes prior notification pursu-
 19 ant to this paragraph to each branded independent mar-
 20 keter to which such termination applies. Such notifica-
 21 tion shall be in writing and shall be accomplished by cer-
 22 tified mail to each such marketer; shall be furnished not
 23 less than ninety days prior to the date on which such
 24 agreement will be terminated; and shall contain a state-
 25 ment of intention to terminate together with the reasons

1 therefor, the date on which such termination shall take
 2 effect, and a statement of any remedy or remedies avail-
 3 able to such marketer under this section, together with a
 4 summary of the provisions of this section.

5 “(2) A refiner shall not terminate a marketing
 6 agreement unless the branded independent marketer to
 7 which such termination applies failed to comply substan-
 8 tially with one or more essential and reasonable require-
 9 ments of such marketing agreement or failed to act in
 10 good faith in carrying out the terms of such agreement;
 11 except that such refiner may terminate such agreement if
 12 he does not, during the 3-year period which begins on the
 13 date of such termination, engage in the sale of any refined
 14 petroleum product in commerce for sale other than for
 15 resale in any relevant market within such branded inde-
 16 pendent marketer operated.

17 “(c) (1) A branded independent marketer may main-
 18 tain a suit under this section against a refiner who engages in
 19 conduct prohibited by subsection (b), whose actions affect
 20 commerce, and whose products he sells or has sold, directly
 21 or indirectly, under a marketing agreement.

22 “(2) The court may award to any branded independent
 23 marketer actual damages resulting from the termination of
 24 a marketing agreement together with such equitable relief
 25 (including interim equitable relief and punitive damages) as

1 may be appropriate, including declaratory judgments and
2 mandatory or prohibitive injunctive relief. The court may,
3 unless such suit is frivolous, direct that costs, including a
4 reasonable attorney's fee, be paid by the defendant.

5 “(d) A suit under this section may be brought in the
6 district court of the United States for any district in which
7 the plaintiff resides, is found, or is doing business, without
8 regard to the amount in controversy. No suit shall be main-
9 tained under this section unless commenced within four years
10 after the date of the termination of such marketing agree-
11 ment.”.

12 **SEC. 114. VOLUNTARY ENERGY CONSERVATION AGREE-**
13 **MENTS.**

14 (a) Within fifteen days of the date of enactment of this
15 Act, the Administrator, in consultation with the Attorney
16 General and the Federal Trade Commission, shall promul-
17 gate, by rule, standards and procedures by which retail or
18 service establishments may develop and implement voluntary
19 agreements to promote energy conservation by limiting the
20 operating hours of such retail or service establishments, ad-
21 justing retail store delivery schedules, and by taking such
22 other actions as the Administrator, after consultation with the
23 Attorney General and the Federal Trade Commission, by
24 rule determines to be necessary and appropriate to accom-
25 plish the objectives of this Act.

1 (b) The standards and procedures under subsection (a)
2 shall be promulgated pursuant to section 553 of title 5,
3 United States Code. They shall provide, among other things,
4 that—

5 (i) A written copy of any agreement under this
6 section shall be submitted to the Attorney General and
7 the Federal Trade Commission and be available for
8 public inspection;

9 (ii) Meetings held to develop and implement an
10 agreement under this section shall permit attendance
11 by interested persons and shall be preceded by timely
12 notice to the Attorney General, the Federal Trade Com-
13 mission, and to the public in the affected community;

14 (iii) Interested persons shall be afforded an op-
15 portunity to present, in writing and orally, data, views,
16 and arguments at such meetings; and

17 (iv) A written summary of the proceedings of any
18 such meeting together with copies of any written data,
19 views, and arguments presented by interested persons
20 shall be submitted to the Attorney General and the Fed-
21 eral Trade Commission and be available for public
22 inspection.

23 (c) Actions taken in good faith, in accordance with this
24 section and rules promulgated hereunder, to develop and
25 implement a voluntary energy conservation agreement shall

1 not be construed to be within the prohibitions of the antitrust
2 laws of the United States, the Federal Trade Commission
3 Act, or similar State statutes.

4 (d) Any voluntary agreement entered into pursuant to
5 this section shall be submitted in writing to the Attorney
6 General 10 days before being implemented. The Attorney
7 General, at any time, on his motion or upon the request of
8 any interested person, may disapprove any such voluntary
9 agreement and thereby withdraw prospectively the immunity
10 conferred by subsection (c).

11 (e) As used in this section—

12 (i) The term “voluntary agreement” shall not per-
13 tain to, or govern the conduct of, activities relating to the
14 marketing and distribution of any petroleum product.

15 (ii) The term “retail or service establishment” shall
16 mean an establishment 75 per centum of whose annual
17 dollar volume of sales of goods or services (or both) is
18 not for resale and is recognized as retail sales or serv-
19 ices in the particular industry, as determined by the At-
20 torney General.

21 (f) The Attorney General and the Federal Trade Com-
22 mission shall each submit to the Congress and to the President
23 at least once every six months a report on the impact on com-
24 petition and on small business of the voluntary agreements
25 authorized by this section.

1 (g) The authority granted by this section (including
2 any immunity under subsection (c)) shall terminate on
3 May 15, 1975.

4 **SEC. 115. PROHIBITIONS ON UNREASONABLE ALLOCATION** 5 **REGULATIONS.**

6 Action taken under authority of this Act, the Emergency
7 Petroleum Allocation Act of 1973, or other Federal law re-
8 sulting in the allocation of refined petroleum products and
9 electrical energy among users or resulting in restrictions on
10 use of refined petroleum products and electrical energy, shall
11 be equitable, shall not be arbitrary or capricious, and shall
12 not unreasonably discriminate among users.

13 **SEC. 116. USE OF CARPOOLS.**

14 (a) The Secretary of Transportation shall encourage
15 the creation and expansion of the use of carpools as a viable
16 component of our nationwide transportation system. It is the
17 intent of this section to maximize the level of carpool partici-
18 pation in the United States.

19 (b) The Secretary of Transportation is directed to es-
20 tablish within the Department of Transportation an “Office
21 of Carpool Promotion” whose purpose and responsibilities
22 shall include—

23 (1) responding to any and all requests for informa-
24 tion and technical assistance on carpooling and carpool-

ing systems from units of State and local governments
and private groups and employees;

(2) promoting greater participation in carpooling
through public information and the preparation of such
materials for use by State and local governments;

(3) encouraging and promoting private organiza-
tions to organize and operate carpool systems for
employees;

(4) promoting the cooperation and sharing of re-
sponsibilities between separate, yet proximately close,
units of government in coordinating the operations of
carpool systems; and

(5) promoting other such measures that the Secre-
tary determines appropriate to achieve the goal of this
subsection.

(c) The Secretary of Transportation shall encourage
and promote the use of incentives such as special parking
privileges, special roadway lanes, toll adjustments, and other
incentives as may be found beneficial and administratively
feasible to the furtherance of carpool ridership, and consistent
with the obligations of the State and local agencies which
provide transportation services.

(d) The Secretary of Transportation shall allocate the
funds appropriated pursuant to the authorization of sub-
section (f) according to the following distribution between

the Federal and State or local units of government:

(1) The initial planning process—up to 100 percent
Federal.

(2) The systems design process—up to 100 per-
cent Federal.

(3) The initial startup and operation of a given
system—60 percent Federal and 40 percent State or
local with the Federal portion not to exceed 1 year.

(e) Within 12 months of the date of enactment of
this Act, the Secretary of Transportation shall make a re-
port to Congress of all his activities and expenditures pur-
suant to this section. Such report shall include any recom-
mendations as to future legislation concerning carpooling.

(f) The sum of \$25,000,000 is authorized to be appro-
priated for the conduct of programs designed to achieve the
goals of this section, such authorization to remain available
for 2 years.

(g) As an example to the rest of our Nation's automo-
bile users, the President of the United States shall take such
action as is necessary to require all agencies of Government,
where practical, to use economy model motor vehicles.

(h) (1) The President shall take action to require that
no Federal official or employee in the executive branch below
the level of Cabinet officer be furnished a limousine for indi-
vidual use. The provisions of this subsection shall not apply

1 to limousines furnished for use by officers or employees of
2 the Federal Bureau of Investigation, or to those persons
3 whose assignments necessitate transportation by limousines
4 because of diplomatic assignment by the Secretary of State.

5 (2) For purposes of this subsection, the term "limousine"
6 means a type 6 vehicle as defined in the Interim Federal
7 Specifications issued by the General Services Administra-
8 tion, December 1, 1973.

9 **SEC. 117. RESTRICTIONS ON WINDFALL PROFITS.**

10 (a) Section 4 of the Emergency Petroleum Allocation
11 Act of 1973 (as amended by section 103 of this Act) is
12 further amended by adding at the end thereof the following
13 new subsection:

14 "(k) (1) The President shall exercise his authority un-
15 der this Act and under the Economic Stabilization Act of
16 1970 so as to specify prices for sales of crude oil, refined
17 petroleum products, residual fuel oil, and coal, produced
18 in or imported into the United States, which avoid windfall
19 profits by sellers.

20 "(2) Any interested person, who has reason to believe
21 that any price (specified under any of the authorities referred
22 to in paragraph (1) of this subsection) of crude oil, refined
23 petroleum products, residual fuel oil, or coal, permits a seller
24 thereof any windfall profits, may petition the Renegotiation
25 Board (created by section 107 (a) of the Renegotiation Act

1 of 1951 and hereinafter in this subsection referred to as the
2 'Board') for a determination under subparagraph (A) or
3 (B) or paragraph (3).

4 "(3) (A) Upon petition of any interested person, the
5 Board may by rule determine, after opportunity for oral
6 presentation of views, data, and arguments, whether the price
7 (specified under any of the authorities referred to in para-
8 graph (1)) of crude oil, any refined petroleum product,
9 residual fuel oil, or coal, permits sellers thereof to receive
10 windfall profits. Upon a final determination of the Board
11 that such price permits windfall profits to be so received, it
12 shall specify a price for the sales of such item which will not
13 permit such profits to be received by such sellers. After such
14 a final determination, no higher price may be specified for
15 sales of such item (under any of the authorities specified in
16 paragraph (1)) except with the approval of the Board.

17 "(B) Upon petition of any interested person and not-
18 withstanding any proceeding or determination under sub-
19 paragraph (A), the Board may determine whether the price
20 charged by a particular seller of crude oil, any refined
21 petroleum product, residual fuel oil, or coal, permitted such
22 seller to receive windfall profits. If, on the basis of such peti-
23 tion, the Board has reason to believe that such price has
24 permitted such seller to receive windfall profits, it may order
25 such seller to take such actions (including the escrowing of

1 funds) as it may deem appropriate to assure that sufficient
 2 funds will be available for the refund of windfall profits in
 3 the event there is a final determination by the Board under
 4 this subparagraph that such seller has received windfall
 5 profits. Prior to a final determination under this subpara-
 6 graph, such seller shall be afforded a hearing in accordance
 7 with the procedures required by section 554 of title 5, United
 8 States Code. Upon a final determination of the Board that
 9 such price permitted such seller to receive windfall profits,
 10 the Board shall order such seller to refund an amount equal
 11 to such windfall profits to the persons who have purchased
 12 from such seller the items the price of which resulted in
 13 such windfall profits. If such persons are not reasonably
 14 ascertainable, the Board shall order, for the purpose of
 15 refunding such profits, the seller to reduce the price for
 16 future sales of the item the price of which resulted in wind-
 17 fall profits, to create a fund against which previous pur-
 18 chases of such item may file a claim under rules which shall
 19 be prescribed by the Board, or to take such other action as
 20 the Board may deem appropriate.

21 “(C) Notwithstanding section 108 of the Renegotiation
 22 Act of 1951 and section 211 of the Economic Stabilization
 23 Act of 1970, any final determination under subparagraph
 24 (A) or (B) shall be subject to judicial review in accord-
 25 ance with sections 701 through 706 of title 5, United States
 26 Code.

1 “(4) (A) The Board may provide, in its discretion
 2 under regulations prescribed by the Board, for such con-
 3 solidation as may be necessary or appropriate to carry out
 4 the purposes of this subsection.

5 “(B) The Board may make such rules, regulations,
 6 and orders as it deems necessary or appropriate to carry out
 7 its functions under this subsection.

8 “(5) The determination and approval authority of the
 9 Board under this paragraph may not be delegated or re-
 10 delegated pursuant to section 107(d) of the Renegotiation
 11 Act of 1951 to any agency of the Government other than
 12 an agency established by the Board.

13 “(6) For the purposes of subparagraph (B) of para-
 14 graph (3), the term ‘windfall profits’ means that profit
 15 (during an appropriate accounting period as determined by
 16 the Board) derived from the sale of crude oil, any refined
 17 petroleum product, residual fuel oil, or coal, determined by
 18 the Board to be in excess of the lesser of—

19 “(A) a reasonable profit with respect to the par-
 20 ticular seller as determined by the Board upon consider-
 21 ation of—

22 “(i) the reasonableness of its costs and profits
 23 with particular regard to volume of production;

24 “(ii) the net worth, with particular regard to
 25 the amount and source of capital employed;

1 “(iii) the extent of risk assumed;
 2 “(iv) the efficiency and productivity, particu-
 3 larly with regard to cost reduction techniques and
 4 economies of operation; and

5 “(v) other factors the consideration of which
 6 the public interest and fair and equitable dealing
 7 may require which may be established and published
 8 by the Board; or

9 “(B) the greater of—
 10 “(i) the average profit obtained by all sellers
 11 for the particular item during the calendar years
 12 1967 through 1971; or

13 “(ii) the average profit obtained by the partic-
 14 ular seller for the particular item during such calen-
 15 dar years.

16 “(7) Except as provided in paragraph (4), for the
 17 purposes of this subsection, the term ‘windfall profits’ means
 18 profit in excess of the average profit obtained by all sellers
 19 for the particular item during the calendar years 1967
 20 through 1971.

21 “(8) For the purposes of this subsection, the term ‘in-
 22 terested person’ includes the United States, any State, and
 23 the District of Columbia.”

24 (b) Notwithstanding any other provision of law, ad-
 25 ministrative proceedings before the Board under section

1 () of the Emergency Petroleum Allocation Act of 1973
 2 shall be governed by subchapter II of chapter 5 of title 5,
 3 United States Code, and such proceeding shall be reviewed
 4 in accordance with chapter 7 of such title.

5 SEC. 118. IMPORTATION OF LIQUIFIED NATURAL GAS.

6 The Emergency Petroleum Allocation Act of 1973 is
 7 amended by adding at the end thereof the following new
 8 section:

9 “SEC. 9. Notwithstanding the provisions of section 3
 10 of the Natural Gas Act (or any other provisions of law) the
 11 President may by order, on a finding that such action would
 12 be consistent to the public interest, authorize on a shipment-
 13 by-shipment basis the importation of liquified natural gas
 14 from a foreign country: *Provided, however,* That the au-
 15 thority to act under this section shall not permit the importa-
 16 tion of liquified natural gas which had not been authorized
 17 prior to the date of expiration of this Act and which is in
 18 transit on such date.”

19 SEC. 119. DEVELOPMENT OF ADDITIONAL ELECTRIC 20 POWER RESOURCES.

21 Not later than ninety days after the date of enactment
 22 for this Act, the President shall prepare and submit to Con-
 23 gress a plan for the development of the hydroelectric power,
 24 solar energy, and geothermal resources of the United States
 25 by Federal and non-Federal interests. Such a plan shall pro-

1 vide for the expeditious completion of projects already au-
 2 thorized by Congress and for the planning of other projects
 3 designed to utilize available hydroelectric power, solar engery,
 4 and geothermal resources, including tidal power and pumped
 5 storage.

6 SEC. 120. ANTITRUST PROVISIONS.

7 (a) Except as specifically provided in this section, no
 8 provision of this Act shall be deemed to confer any immunity
 9 from civil or criminal liability, or to create defenses to ac-
 10 tions, under the antitrust laws.

11 (b) As used in this section, the term "antitrust laws" in-
 12 cludes—

13 (1) the Act entitled "An Act to protect trade and
 14 commerce against unlawful restraints and monopolies",
 15 approved July 2, 1890 (15 U.S.C. 1 et seq.) ;

16 (2) the Act entitled "An Act to supplement exist-
 17 ing laws against unlawful restraints and monopolies,
 18 and for other purposes", approved October 14, 1914 (15
 19 U.S.C. 12 et seq.) ;

20 (3) sections 73 and 74 of the Act entitled "An Act
 21 to reduce taxation, to provide revenue for the Govern-
 22 ment, and for other purposes", approved August 27,
 23 1894 (15 U.S.C. 8 and 9) ; and

24 (4) the Act of June 19, 1936, chapter 592 (15
 25 U.S.C. 13, 13a, 13b, and 21a).

1 (c) (1) To achieve the purposes of this Act, the Admin-
 2 istrator may provide for the establishment of such advisory
 3 committees as he determines are necessary. Any such
 4 advisory committees shall be subject to the provisions of the
 5 Federal Advisory Committee Act of 1972 (5 U.S.C. app.
 6 1), shall in all cases be chaired by a regular full-time Federal
 7 employee, and shall include representatives of the public. The
 8 meetings of such committees shall be open to the public.

9 (2) A representative of the Federal Government shall
 10 be in attendance at all meetings of any advisory committee
 11 established pursuant to this section. The Attorney General
 12 and the Federal Trade Commission shall have advance no-
 13 tice of any meeting and may have an official representative
 14 attend and participate in any such meeting.

15 (3) A full and complete verbatim transcript shall be
 16 kept of all advisory committee meetings and shall be taken
 17 and deposited with the Attorney General and the Federal
 18 Trade Commission. Such transcript shall be available for
 19 public inspection in accordance with the provisions of section
 20 552 of title 5 of the United States Code.

21 (d) The Administrator, subject to the approval of the
 22 Attorney General and the Federal Trade Commission shall
 23 promulgate, by rule, standards and procedures by which per-
 24 sons engaged in the business of producing, refining, market-
 25 ing, or distributing any petroleum product may develop and

1 implement voluntary agreements and plans of action to carry
 2 out such agreements which the Administrator determines are
 3 necessary to accomplish the objectives stated in section 4 (b)
 4 of the Emergency Petroleum Allocation Act of 1973.

5 (e) The standards and procedures under subsection (d)
 6 shall be promulgated pursuant to section 553 of title 5,
 7 United States Code. They shall provide, among other things,
 8 that—

9 (i) Such voluntary agreements and plans of action
 10 shall be developed by committees, councils, or other
 11 groups which include representatives of the public, and
 12 shall in all cases be chaired by a regular full-time Fed-
 13 eral employee;

14 (ii) Meetings held to develop a voluntary agreement
 15 or a plan of action under this subsection shall permit
 16 attendance by interested persons and shall be preceded by
 17 timely notice with identification of the agenda of such
 18 meeting to the Attorney General, the Federal Trade
 19 Commission, and to the public in the affected community;

20 (iii) Interested persons shall be afforded an oppor-
 21 tunity to present, in writing and orally, data, views, and
 22 arguments at such meetings;

23 (iv) Except as provided in (v) below, a full and
 24 complete verbatim transcript shall be kept of any meeting
 25 held to develop a voluntary agreement or a plan of action

1 under this subsection and shall be taken and deposited
 2 with the Attorney General and the Federal Trade Com-
 3 mission. Such transcript shall be available for public in-
 4 spection in accordance with the provisions of section 552
 5 of title 5 of the United States Code; and

6 (v) In the case of meetings held for the sole purpose
 7 of developing a voluntary agreement or a plan of action
 8 which governs the retail marketing or distribution of
 9 refined petroleum products, a written summary of the
 10 proceedings of any such meeting together with copies of
 11 any written data, views and arguments presented by in-
 12 terested persons shall be submitted to the Attorney Gen-
 13 eral and the Federal Trade Commission and be available
 14 for public inspection in accordance with the provisions of
 15 section 552 of title 5 of the United States Code.

16 (f) The Administrator, upon approval of the Attorney
 17 General and the Federal Trade Commission, may exempt
 18 types or classes of meetings, conferences, or communications
 19 from the requirements of subsection (e) where such types
 20 or classes of meetings, conferences, or communications are
 21 determined to be necessary to implement any such agree-
 22 ment or plan of action. Such meeting, conference, or com-
 23 munication may take place and be recorded in accordance
 24 with such requirements as the Administrator may prescribe
 25 by rule, subject to the approval of the Attorney General

1 and the Federal Trade Commission, as consistent with the
2 purposes of this section.

3 (g) Actions taken in good faith, by persons engaged in
4 the business of producing, refining, marketing, or distribut-
5 ing any petroleum product, in accordance with this section
6 and rules promulgated hereunder, to develop and implement
7 a voluntary agreement or a plan of action to carry out a
8 voluntary agreement shall not be construed to be within the
9 prohibitions of the antitrust laws of the United States, the
10 Federal Trade Commission Act, or similar State and local
11 statutes.

12 (h) Any voluntary agreement or plan of action entered
13 into pursuant to subsection (d) and (e) of this section shall
14 be submitted in writing to the Attorney General and the
15 Federal Trade Commission 10 days before being imple-
16 mented. Such agreement or plan of action shall be available
17 for public inspection in accordance with the provisions of
18 section 552 of title 5, United States Code. The Attorney
19 General or the Federal Trade Commission, at any time, on
20 motion or upon the request of any interested person, may
21 modify, amend, disapprove or revoke any such voluntary
22 agreement or plan of action and, if revoked, thereby with-
23 draw prospectively the immunity conferred by subsection
24 (g) of this section.

25 (i) The Attorney General and the Federal Trade Com-

1 mission shall each submit to the Congress and to the Presi-
2 dent at least once every six months a report of the impact
3 of competition and on small business of actions authorized
4 by this section.

5 (j) The authority granted by this section (including
6 any immunity under subsection (g)) shall terminate on
7 May 15, 1975.

8 (k) Effective on the date of enactment of this Act, this
9 section shall apply in lieu of section 6 (c) of the Emergency
10 Petroleum Allocation Act of 1973 and all actions taken and
11 any authority or immunity granted under such section 6 (c)
12 shall be hereafter taken or granted as the case may be pur-
13 suant to this section.

14 (l) Section 708 of the Defense Production Act of 1950,
15 as amended, shall not apply to any action taken to imple-
16 ment the authority contained in this Act or the Emergency
17 Petroleum Allocation Act of 1973.

18 **SEC. 121. COMPREHENSIVE REVIEW OF EXPORT AND FOR-**
19 **EIGN INVESTMENT POLICIES.**

20 The Secretary of the Interior and the Secretary of Com-
21 merce are directed to prepare a comprehensive report of
22 (1) United States exports of petroleum products and other
23 energy sources, and (2) foreign investment in production of
24 petroleum products and other energy sources to determine
25 the consistency or lack thereof of the Nation's trade policy

1 and foreign investment policy with domestic energy conser-
 2 vation efforts. Such report shall include recommendations
 3 for legislation and shall be submitted to Congress within
 4 ninety days after the date of enactment of this Act."

5 **SEC. 122. EMPLOYMENT IMPACT AND WORKER ASSIST-**
 6 **ANCE.**

7 (a) Carrying out his responsibilities under this Act, the
 8 President shall take into consideration and shall minimize, to
 9 the fullest extent practicable, any adverse impact of actions
 10 taken pursuant to this Act upon employment. All agencies
 11 of government shall cooperate fully under their existing stat-
 12 utory authority to minimize any such adverse impact.

13 (b) On or before the sixtieth day following the date of
 14 enactment of this Act, the President shall report to the Con-
 15 gress concerning the present and prospective impact of energy
 16 shortages upon employment. Such report shall contain an
 17 assessment of the adequacy of existing programs in meeting
 18 the needs of adversely affected workers and shall include
 19 legislative recommendations which the President deems ap-
 20 propriate to meet such needs, including revisions in the un-
 21 employment insurance laws.

22 **SEC. 123. EXPORTS.**

23 To the extent necessary to carry out the purpose of
 24 this Act, the Administrator may under authority of this
 25 Act, by rule, restrict exports of coal, petroleum products,

1 and petrochemical feedstocks, under such terms as he
 2 deems appropriate. In the administration of such restric-
 3 tions, the Administrator may use existing statutory authorities
 4 and regulations including, but not limited to, the Export
 5 Administration Act of 1969. Rules under this section shall
 6 take into account the historical trading relations of the United
 7 States with Canada and Mexico and shall not be inconsistent
 8 with subsections (b) and (d) of section 4 of the Emergency
 9 Petroleum Allocation Act of 1973.

10 **SEC. 124. REPORT AND TERMINATION DATE.**

11 (a) No later than September 1, 1974, the President shall
 12 submit to Congress an interim report on the implementation
 13 of this Act, together with such recommendations as he deems
 14 necessary for amending or extending the authorities granted
 15 in this Act or in the Emergency Petroleum Allocation Act
 16 of 1973.

17 (b) Notwithstanding any other provisions of title I of
 18 this Act or of the Emergency Petroleum Allocation Act of
 19 1973, any authorities granted in title I of this Act or by the
 20 Emergency Petroleum Allocation Act of 1973 which, but for
 21 this section would expire on December 31, 1974, one year
 22 after the date of enactment of this Act, or on February 28,
 1975, shall expire on May 15, 1975.

TITLE II—COORDINATION WITH ENVIRONMENTAL PROTECTION REQUIREMENTS

SEC. 201. SUSPENSION AUTHORITY.

Title I of the Clean Air Act (42 U.S.C. 1857 et seq.) is amended by adding at the end thereof the following new section:

“TEMPORARY AUTHORITY TO SUSPEND CERTAIN STATIONARY SOURCE EMISSION AND FUEL LIMITATIONS

“SEC. 119. (a) (1) The Administrator may, for any period beginning on or after the date of enactment of this section and ending on or before May 15, 1974, temporarily suspend any stationary source fuel or emission limitation as it applies to any person, if the Administrator finds that such person will be unable to comply with such limitation during such period solely because of unavailability of types or amounts of fuels. Any suspension under this paragraph and any interim requirement on which such suspension is conditioned under subsection (b) shall be exempted from any procedural requirements set forth in this Act or in any other provision of local, State, or Federal law. The granting or denial of such suspension and the imposition of an interim requirement shall be subject to judicial review only on the grounds specified in paragraphs (2) (B) and (2) (C) of section 706 of title 5, United States Code, and shall not be subject to any proceeding under section 304 (a) (2) of this Act.

“(2) (A) After public notice and public hearing, the Administrator may, for any period beginning after May 15, 1974, and ending not later than June 30, 1979, temporarily suspend any stationary source fuel or emission limitation as it applies to any person if the Administrator finds—

“(i) that such person will be unable to comply with such limitation solely because of the unavailability of types and amounts of fuels,

“(ii) that such suspension (in conjunction with interim requirements under subsection (b)) will not, after the applicable implementation plan deadline, result in or contribute to a level of air pollutants which is greater than that specified in a national primary ambient air quality standard, and

“(iii) that such person has been placed on a schedule which provides for the use of methods which the Administrator determines will assure continuing compliance with the stationary source fuel or emission limitation as soon as practicable (but no later than June 30, 1979), which schedule shall include increments of progress toward compliance with such limitation by such date.

“(B) (i) Any schedule under subparagraph (A) (iii) shall include a date by which a contractual obligation shall be entered into for an emission reduction system which has been determined by the Administrator to be adequately

1 demonstrated (except that in the case of a person wishing to
 2 construct and install such system himself as soon as practica-
 3 ble, but not later than June 30, 1979, the Administrator may
 4 approve detailed plans and specifications and increments of
 5 progress for construction and installation of such a system).
 6 Before the earliest date on which a person is required to
 7 take any action under the preceding sentence (but not later
 8 than May 15, 1977) any source may elect to have the
 9 preceding sentence not apply to it; but if such election is
 10 made, no suspension under this section may apply to such
 11 source after May 15, 1977.

12 “(ii) For purposes of subparagraph (A) (ii) and of
 13 subsection (b), the term ‘applicable implementation plan
 14 deadline’ means the date on which (as of the date of enact-
 15 ment of the Energy Emergency Act) a national primary
 16 ambient air quality standard is required by an applicable
 17 implementation plan to be attained in an air quality control
 18 region.

19 “(C) Any person may obtain judicial review of a grant
 20 or denial of a suspension under this paragraph and of any
 21 interim requirement on which such suspension is conditioned
 22 under subsection (b) by filing a petition with the United
 23 States district court for any judicial district in which is lo-
 24 cated any stationary source to which the action of the Ad-
 25 ministrator applies. The second and third sentences of clause

1 (ii), and clauses (iii) and (iv) of section 206 (b) (2) (B)
 2 of this Act shall apply to judicial review under this para-
 3 graph. No proceeding under section 304 (a) (2) may be
 4 commenced with respect to any action or failure to act
 5 under this paragraph.

6 “(3) In issuing any suspension under this subsection,
 7 the Administrator is authorized to act on his own motion
 8 without application by any source or State.

9 “(b) Any suspension under subsection (a) shall be
 10 conditioned upon compliance with such interim requirements
 11 as the Administrator determines necessary for minimizing
 12 the threat to public health which may exist prior to the
 13 applicable implementation plan deadline and for assuring
 14 maintenance of the national primary ambient air quality
 15 standards during any portion of such suspension which may
 16 be authorized after the applicable implementation plan dead-
 17 line. Such interim requirements and section 110 shall not be
 18 construed to preclude use of alternative or intermittent con-
 19 trol measures which the Administrator determines are reliable
 20 and enforceable and which he determines will permit attain-
 21 ment and maintenance of the national primary ambient air
 22 quality standards during the period of the suspension. Such
 23 interim requirements shall include, but not be limited to,
 24 (A) a requirement that the source receiving the suspension
 25 comply with such monitoring and reporting requirements as

1 the Administrator determines may be necessary to determine
 2 the effect on health or air quality of such suspension, (B)
 3 such measures as the Administrator determines are necessary
 4 to avoid an imminent and substantial endangerment to health
 5 of persons, and (C) requirements that the suspension shall
 6 be inapplicable during any period during which fuels or
 7 emission reduction systems which would enable compliance
 8 with the suspended fuel or emission limitations are in fact
 9 available to that person (as determined by the Adminis-
 10 trator). Such fuel shall not be required to be used if the
 11 Administrator determines that the costs of changes necessary
 12 to use such fuel during such period are unreasonable.

13 “(c) The Administrator may by rule establish priorities
 14 under which manufacturers of emission reduction systems
 15 shall provide such systems to users thereof, if he finds that
 16 priorities must be imposed in order to assure that such sys-
 17 tems are first provided to users in air quality control regions
 18 with the most severe air pollution.

19 “(d) The Administrator shall study, and report to Con-
 20 gress not later than March 31, 1974, with respect to—

21 “(1) the present and projected impact on the pro-
 22 gram under this Act of fuel shortages and of allocation
 23 and end-use allocation programs;

24 “(2) availability of scrubber technology (including
 25 projections respecting the time, cost, and number of

1 units available) and the effects that scrubbers would have
 2 on the total environment and on supplies of fuel and
 3 electricity;

4 “(3) number of sources and locations which must
 5 use such technology based on projected fuel availability
 6 data;

7 “(4) priority schedule for implementation of scrub-
 8 ber technology, based on public health or air quality;

9 “(5) evaluation of availability of technology to
 10 burn municipal solid waste in these sources; including
 11 time schedules, priorities, analysis of unregulated pol-
 12 lutants which will be emitted and balancing of health
 13 benefits and detriments from burning solid waste and
 14 of economic costs;

15 “(6) projections of air quality impact of fuel short-
 16 ages and allocations;

17 “(7) evaluation of alternative control strategies for
 18 the attainment and maintenance of national ambient air
 19 quality standards for sulfur oxides within the time frames
 20 prescribed in the Act, including associated considerations

21 of cost, time frames, feasibility, and effectiveness of such
 22 alternative control strategies as compared to stationary
 23 source fuel and emission regulations;

24 “(8) proposed allocations of scrubber technology for
 25 nonsolid waste producing systems to sources which are

1 least able to handle solid waste byproduct, technologi-
 2 cally, economically, and without hazard to public health,
 3 safety, and welfare; and

4 “(9) plans for monitoring or requiring variance-
 5 receiving sources to monitor impact of variances on con-
 6 centration of sulfur dioxide in the ambient air.

7 “(e) No State or political subdivision may require any
 8 person to whom a suspension has been granted under sub-
 9 section (a) to use any fuel the unavailability of which is
 10 the basis of such person's suspension (except that this pre-
 11 emption shall not apply to requirements identical to Federal
 12 interim requirements under subsection (b) or a compliance
 13 schedule under subsection (a) (2) (A) (iii), including any
 14 requirement under subsection (a) (2) (B) (i)). No State or
 15 political subdivision may require any person to use an emis-
 16 sion reduction system for which priorities have been estab-
 17 lished under subsection (c) except in accordance with such
 18 priorities.

19 “(f) (1) It shall be unlawful for any person to whom a
 20 suspension has been granted under subsection (a) to violate
 21 any requirement on which the suspension is conditioned
 22 pursuant to subsection (b) .

23 “(2) It shall be unlawful for any person to violate any
 24 rule under subsection (c) .

25 “(3) It shall be unlawful for any person to fail to com-

1 ply with a schedule of compliance under subsection (a) (2)
 2 (A) (iii), including any requirement under subsection (a)
 3 (2) (B) (i) .

4 “(g) For purposes of this section:

5 “(1) The term ‘stationary source fuel or emission
 6 limitation’ means any emission limitation, schedule, or
 7 timetable for compliance, or other requirement, which is
 8 prescribed under this Act (other than section 303 111
 9 (b), or 112) or contained in an applicable implementa-
 10 tion plan and which is designed to limit stationary source
 11 emissions resulting from combustion of fuels, including a
 12 prohibition on or specification of the use of any fuel of
 13 any type or grade or pollution characteristic.

14 “(2) the term ‘stationary source’ has the same
 15 meaning as such term has under section 111 (a) (3) .

16 “(h) Beginning 60 days after the enactment of this sec-
 17 tion, the Administrator shall publish at no less than 180-day
 18 intervals, in the Federal Register the following:

19 “(1) Up-to-date findings on the emission reduction
 20 systems determined to be adequately demonstrated for
 21 the purposes of subsection (a) (2) (B) .

22 “(2) A concise summary of progress reports which
 23 are required to be filed by any person operating under
 24 a suspension pursuant to subsection (a) (2) . Such
 25 progress reports shall report on the status of compliance

1) (a) with all requirements which have been imposed by the
 2) Administrator as a condition for receiving the suspension.

3) “(3) Up-to-date findings on the impact of the sus-
 4) pensions granted upon—

5) “(A) applicable implementation plans, and

6) “(B) ambient air quality in areas where any
 7) person has received a suspension under subsection
 8) (a) (2) of this section.”

9) **SEC. 202. IMPLEMENTATION PLAN REVISIONS.**

10) (a) **REVISIONS TO REFLECT SUSPENSIONS.**—Section
 11) 110 (a) of the Clean Air Act is amended—

12) (1) in paragraph (2) (B) by inserting before the
 13) semicolon at the end thereof “, and provision for energy
 14) conservation measures”; and

15) (2) in paragraph (3), by inserting “(A)” after
 16) “(3)” and by adding at the end thereof the following
 17) new subparagraph:

18) “(B) The Administrator shall review each applicable
 19) implementation plan and no later than May 1, 1974, deter-
 20) mine for each State whether its plan must be revised in order
 21) to achieve the national primary or secondary standard which
 22) the plan implements within the deadlines established under
 23) paragraph (2) (A) of this subsection. In making such deter-
 24) mination the Administrator shall consider any current or
 25) anticipated suspensions under section 119, any action under

1) section 106 (b), and any projected shortages of fuels or
 2) emission reduction systems. Plan revisions for any State
 3) for which the Administrator determines its plan is inadequate
 4) shall be submitted not later than July 1, 1974, and shall be
 5) approved or disapproved by the Administrator, after public
 6) notice and opportunity for hearing, but not later than Septem-
 7) ber 1, 1974. If a plan revision (or portion thereof) is dis-
 8) approved (or if a State fails to submit a plan revision),
 9) the Administrator shall, after public notice and opportunity
 10) for a hearing, promulgate a revised plan (or portion thereof)
 11) not later than November 1, 1974.”

12) (b) **LIMITATION ON PARKING SURCHARGES.**—Subsec-
 13) tion (c) of section 110 of the Clean Air Act, as amended
 14) (42 U.S.C. 1857 C-5) is amended by inserting “(1)”
 15) after “(c)”; by redesignating paragraphs (1), (2), and
 16) (3) as subparagraphs (A), (B), and (C), respectively;
 17) and by adding the following new paragraph:

18) “(2) (A) The Administrator shall conduct a study and
 19) shall submit a report to the Committee on Interstate and
 20) Foreign Commerce of the United States House of Repre-
 21) sentatives and the Committee on Public Works of the United
 22) States Senate within 6 months after the enactment of this
 23) paragraph on the necessity of parking surcharge regulations
 24) in order to achieve national primary ambient air quality
 25) standards. The study shall include an assessment of the eco-

1 nomic impact of such regulations, consideration of alter-
 2 native means of reducing total vehicle miles traveled, and an
 3 assessment of the impact of such regulations on other Federal
 4 and State programs dealing with transportation. In the course
 5 of such study, the Administrator shall consult with other
 6 Federal officials including, but not limited to, the Secretary
 7 of Transportation, the Administrator of the Federal Energy
 8 Administration, and the Chairman of the Council on En-
 9 vironmental Quality.

10 “(B) No parking surcharge regulation may be promul-
 11 gated by the Administrator under paragraph (1) of this
 12 subsection as a part of an implementation plan. All parking
 13 surcharge regulations previously promulgated by the Ad-
 14 ministrator shall be null and void upon the date of enact-
 15 ment of this subsection. This subparagraph shall not prevent
 16 the Administrator from approving parking surcharges if they
 17 are adopted and submitted by a State as part of an imple-
 18 mentation plan. The Administrator may not condition ap-
 19 proval of any implementation plan submitted by a State on
 20 such plan's including a parking surcharge regulation.

21 “(C) For purposes of this paragraph, the terms ‘parking
 22 surcharge regulation’ means a regulation imposing or
 23 requiring the imposition of any tax, surcharge, fee, or other
 24 charge on parking spaces, or any other area used for the
 25 temporary storage of motor vehicles.”

1 SEC. 203. MOTOR VEHICLE EMISSIONS.

2 (a) Section 202 (b) (1) (A) of the Clean Air Act is
 3 amended by inserting after “(A)” the following: “The regu-
 4 lations under subsection (a) applicable to emissions of car-
 5 bon monoxide and hydrocarbons from light-duty vehicles and
 6 engines manufactured during model years 1975 and 1976
 7 shall contain standards which are identical to the interim
 8 standards which were prescribed (as of December 1, 1973)
 9 under paragraph (5) (A) of this subsection for light-duty
 10 vehicles and engines manufactured during model year 1975.”.

11 (b) Section 202 (b) (1) (A) of such Act is amended by
 12 striking out “1975” and inserting in lieu thereof “1977”.

13 (c) Section 202 (b) (1) (B) of such Act is amended by
 14 inserting after “(B)” the following: “The regulations under
 15 subsection (a) applicable to emissions of oxides of nitrogen
 16 from light-duty vehicles and engines manufactured during
 17 model year 1976 shall contain standards which provide that
 18 emissions of such vehicles and engines may not exceed 3.1
 19 grams per vehicle mile. The regulations under subsection (a)
 20 applicable to emissions of oxides of nitrogen from light-duty
 21 vehicles and engines manufactured during model year 1977
 22 shall contain standards which provide that emissions of such
 23 vehicles and engines may not exceed 2.0 grams per vehicle
 24 mile.”

25 (d) Section 202 (b) (1) (B) of such Act is amended by

1 striking out "1976" and inserting in lieu thereof "1978".

2 (e) Section 202 (b) (5) (A) and (B) of such Act are
3 amended to read as follows:

4 "(5) (A) At any time after September 15, 1974, and
5 before January 15, 1975, any manufacturer may file with
6 the Administrator an application requesting the suspension
7 for one year only of the effective date of any emission stand-
8 ard required by paragraph (1) (A) with respect to such
9 manufacturer for light-duty vehicles and engines manu-
10 factured in model year 1977. The Administrator shall make
11 his determination with respect to any such application within
12 60 days. If he determines, in accordance with the provisions
13 of this subsection, that such suspension should be granted,
14 he shall simultaneously with such determination prescribe
15 by regulation interim emission standards which shall apply
16 (in lieu of the standards required to be prescribed, by para-
17 graph (1) (A)) to emissions of carbon monoxide or hydro-
18 carbons (or both) from such vehicles and engines manu-
19 factured during model year 1977.

20 "(B) At any time after January 1, 1975, any man-
21 ufacturer may file with the Administrator an application
22 requesting the suspension for one year of the effective date
23 of any emission standard required by paragraph (1) (B)
24 with respect to such manufacturer for light-duty vehicles and
25 engines manufactured in model year 1978. The Administra-

1 tor shall make his determination with respect to any such
2 application within 60 days. If he determines, in accordance
3 with the provisions of this subsection, that such suspension
4 should be granted, he shall simultaneously with such deter-
5 mination prescribe by regulation interim emission standards
6 which shall apply (in lieu of the standards required to be
7 prescribed by paragraph (1) (B)) to emissions of oxides
8 of nitrogen from such vehicles and engines manufactured
9 during the model year for which such suspension is granted.
10 Any manufacturer may request additional 1 year suspensions
11 until model year 1983, beyond which no suspension may be
12 granted. Each additional request for suspension shall be
13 treated as a separate suspension decision."

14 (f) Paragraph (b) (5) (D) of section 202 of the Clean
15 Air Act is amended by adding the following new sentence:
16 "Notwithstanding the requirements of paragraphs (i) through
17 (iv) of this paragraph, the Administrator shall grant any
18 suspension requested pursuant to paragraph (5) (A) or
19 (5) (B) of this paragraph if he determines that application
20 of such standard would result in significant increase in fuel
21 consumption for such vehicles and engines."

22 (g) Section 202 (b) (5) (E) of the Clean Air Act is
23 repealed.

24 SEC. 204. CONFORMING AMENDMENTS.

25 (a) (1) Section 113 (a) (3) of the Clean Air Act is

1 amended by striking out "or" before "112 (c)", by inserting
2 a comma in lieu thereof, and by inserting after "hazardous
3 emissions)" the following: ", or 119 (f) (relating to certain
4 requirements during suspensions and priorities)."

5 (2) Section 113 (b) (3) of such Act is amended by
6 striking out "or 112 (c)" and inserting in lieu thereof
7 ", 112 (c), or 119 (f)".

8 (3) Section 113 (c) (1) (C) of such Act is amended
9 by striking out "or section 112 (c)" and inserting in lieu
10 thereof ", section 112 (c), or section 119 (f)".

11 (4) Section 113 of such Act is amended by inserting
12 at the end thereof the following new subsection:

13 "(d) For the purpose of this section, the violation of
14 any provision of an approved plan under section 106 (b)
15 of the Energy Emergency Act shall be deemed a violation
16 of a 'requirement of an applicable implementation plan dur-
17 ing any period of federally assumed enforcement'."

18 (5) Section 114 (a) of such Act is amended by insert-
19 ing "119 or" before "303".

20 (b) Section 116 of the Clean Air Act is amended by
21 inserting "119 (f)" before "209".

22 **SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRON-**
23 **MENT.**

24 (a) Any allocation program provided for in title I of
25 this Act or in the Emergency Petroleum Allocation Act of

1 1973, shall, to the maximum extent practicable, include
2 measures to assure that available low sulfur fuel will be dis-
3 tributed on a priority basis to those areas of the country
4 designated by the Administrator of the Environmental Pro-
5 tection Agency as requiring low sulfur fuel to avoid or
6 minimize adverse impact on public health.

7 (b) (1) For the period beginning May 15, 1974, the
8 Administrator of the Environmental Protection Agency
9 may, after public notice and opportunity for presentation of
10 views in accordance with section 553 of title 5, United
11 States Code, and consultation with the Federal Energy
12 Administrator, issue exchange orders to any person or per-
13 sons requiring the exchange of any fuel subject to any allo-
14 cation program under title I of this Act or such Act of 1973.
15 The purpose of such exchange orders shall be to avoid or
16 minimize the adverse impact of any such allocation program
17 on public health in those areas of the country designated by
18 the Administrator of the Environmental Protection Agency
19 under subsection (a). Such Administrator may issue an
20 order under this subsection only if he finds that (A) sub-
21 stantial emission reductions will be afforded for one or more
22 emission sources in areas designated under subsection (a),
23 and (B) the costs and fuel availability impact of such order
24 will not be excessive.

25 (2) Violation of any exchange order issued under para-

graph (1) of this subsection shall be a prohibited act and shall be subject to enforcement action and sanctions in the same manner and to the same extent as a violation of any requirement of an energy conservation and rationing program under title I of this Act.

(c) In order to determine the health effects of emissions of sulfur oxides to the air resulting from any conversions to burning coal pursuant to section 106, the Department of Health, Education, and Welfare shall, in cooperation with the Environmental Protection Agency, conduct a study of acute and chronic effects among exposed populations. The sum of \$2,000,000 is authorized to be appropriated for such a study.

(d) No action taken under this Act shall, for a period of 1 year after initiation of such action, be deemed a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (83 Stat. 856). However, before any action under this Act that has a significant impact on the environment is taken, if practicable, or in any event within 60 days after such action is taken, an environmental evaluation with analysis equivalent to that required under section 102 (2) (C) of the National Environmental Policy Act, to the greatest extent practicable within this time constraint, shall be prepared and circulated to appropriate Federal, State, and

local government agencies and to the public for a 30-day comment period after which a public hearing shall be held upon request to review outstanding environmental issues. Such an evaluation shall not be required where the action in question has been preceded by compliance with the National Environmental Policy Act by the appropriate Federal agency. Any action taken under this Act which will be in effect for more than a 6-month period (other than action taken pursuant to subsection (e) of this section), or any action to extend an action taken under this Act to a total period of more than 1 year shall be subject to the full provisions of the National Environmental Policy Act notwithstanding any other provision of this Act.

(e) Notwithstanding subsection (d) of this section, in order to expedite the prompt construction of facilities for the importation of hydroelectric energy thereby helping to reduce the shortage of petroleum products in the United States, the Federal Power Commission is hereby authorized and directed to issue a Presidential permit pursuant to Executive Order 10485 of September 3, 1953, for the construction, operation, maintenance, and connection of facilities for the transmission of electric energy at the borders of the United States without preparing an environmental impact statement pursuant to section 102 of the National Environmental Policy Act of 1969 (83 Stat. 856) for facilities for the

1 transmission of electric energy between Canada and the
 2 United States in the vicinity of Fort Covington, New York,
 3 and for any other facilities for the transmission of electric
 4 energy between a foreign country and the United States
 5 which the Federal Power Commission finds will be subject to
 6 adequate environmental review conducted by a State agency
 7 pursuant to State law.

8 **SEC. 206. ENERGY CONSERVATION STUDY.**

9 The Administrator of the Federal Energy Administra-
 10 tion shall conduct a study on potential methods of energy
 11 conservation and, not later than 6 months after the date
 12 of enactment of this Act, shall submit to Congress a report
 13 on the results of such study. The study shall include, but
 14 not be limited to, the following:

15 (1) the energy conservation potential of restricting
 16 exports of fuels or energy-intensive products or goods,
 17 including an analysis of balance of payments and foreign
 18 relations implications of any such restrictions;

19 (2) federally sponsored incentives for the use of
 20 public transit, including the need for authority to re-
 21 quire additional production of buses or other means
 22 of public transit and Federal subsidies for the dura-
 23 tion of the energy emergency for reduced fares and addi-
 24 tional expenses incurred because of increased service;

25 (3) alternative requirements, incentives, or disin-

1 centives for increasing industrial recycling and resource
 2 recovery in order to reduce energy demand, including
 3 the economic costs and fuel consumption trade-off which
 4 may be associated with such recycling and resource re-
 5 covery in lieu of transportation and use of virgin
 6 materials;

7 (4) the costs and benefits of electrifying rail lines
 8 in the United States with a high density of traffic; in-
 9 cluding (A) the capital costs of such electrification, the
 10 oil fuel economies derived from such electrification, the
 11 ability of existing power facilities to supply the additional
 12 power load, and the amount of coal or other fossil fuels
 13 required to generate the power required for railroad elec-
 14 trification, and (B) the advantages to the environment of
 15 electrification of railroads in terms of reduced fuel con-
 16 sumption and air pollution and disadvantages to the en-
 17 vironment from increased use of fossil fuel such as coal;
 18 and

19 (5) means for incentives or disincentives to increase
 20 efficiency of industrial use of energy.

21 **SEC. 207. REPORTS.**

22 The Administrator of the Environmental Protection
 23 Agency shall report to Congress not later than January 31,
 24 1975, on the implementation of sections 201 through 205 of
 25 this title.

1 **SEC. 208. RECOMMENDATIONS FOR SITING OF ENERGY**
 2 **FACILITIES.**

3 The President shall, within 90 days after the date of
 4 enactment of this Act, recommend to the Congress actions to
 5 be taken by the executive branch and the Congress regard-
 6 ing the problem of the siting of all types of energy produc-
 7 ing facilities.

8 **SEC. 209. FUEL ECONOMY STUDY.**

9 Title II of the Clean Air Act is amended by redesignat-
 10 ing section 213 as section 214 and by adding the following
 11 new section:

12 **"FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR**
 13 **VEHICLES**

14 **"SEC. 213. (a) (1)** The Administrator shall conduct a
 15 study, and shall report to the Committee on Interstate and
 16 Foreign Commerce of the United States House of Repre-
 17 sentatives and the Committee on Public Works of the United
 18 States Senate within 120 days following the date of enactment
 19 of this section, concerning the practicability of establishing
 20 a fuel economy improvement standard of 20 percent for new
 21 motor vehicles manufactured during and after model year
 22 1980. Such study and report shall include, but not be
 23 limited to, the technological problems of meeting any such
 24 standard, including the leadtime involved; the test proce-
 25 dures required to determine compliance; the economic costs

1 associated with such standard, including any beneficial eco-
 2 nomic impact; the various means of enforcing such stand-
 3 ard; the effect on consumption of natural resources, includ-
 4 ing energy consumed; and the impact of applicable safety
 5 and emission standards. In the course of performing such
 6 study, the Administrator shall consult with the Secretary of
 7 Transportation, the Administrator of the Federal Energy
 8 Administration, the Chairman of the Council on Environ-
 9 mental Quality, and the Secretary of the Treasury. The Of-
 10 fice of Management and Budget may review such report be-
 11 fore its submission to Congress but the Office may not revise
 12 the report or delay its submission beyond the date prescribed
 13 for its submission, and may submit to Congress its comments
 14 respecting such report. In connection with such study, the
 15 Administrator may utilize the authority provided in section
 16 307 (a) of this Act to obtain necessary information.

17 **"(2)** For the purpose of this section, the term 'fuel econ-
 18 omy improvement standard' means a requirement of a per-
 19 centage increase in the number of miles of transportation pro-
 20 vided by a manufacturer's entire annual production of new
 21 motor vehicles per unit of fuel consumed, as determined by
 22 the Administrator for each manufacturer. Such term shall
 23 not include any requirement for any design standard or any
 24 other requirement specifying or otherwise limiting the manu-
 25 facturer's discretion in deciding how to comply with the
 26 fuel economy improvement standard by any lawful means."

A BILL

To assure, through energy conservation, end-use allocation of fuels, and other means, that the essential energy needs of the United States are met, and for other purposes.

By Mr. STAGGERS

DECEMBER 11, 1973

Referred to the Committee on Interstate and Foreign
Commerce