

93d CONGRESS
1ST SESSION

H. R. 12128

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 21, 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 rationing 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 TITLE I—ENERGY EMERGENCY 4 AUTHORITIES

5 SEC. 100. SHORT TITLE.

6 Titles I, II, and III of this Act may be cited as the
7 “Energy Emergency Act”.

8 SEC. 101. FINDINGS AND PURPOSES.

9 (a) (1) The Congress hereby determines that—

10 (A) shortages of crude oil, residual fuel oil, and

1 refined petroleum products caused by insufficient domes-
 2 tic refining capacity, inadequate domestic production,
 3 environmental constraints, and the unavailability of
 4 imports sufficient to satisfy domestic demand, now exists;

5 (B) such shortages have created or will create
 6 severe economic dislocations and hardships;

7 (C) such shortages and dislocations jeopardize the
 8 normal flow of interstate and foreign commerce and con-
 9 stitute an energy emergency which can be averted or
 10 minimized most efficiently and effectively through
 11 prompt action by the executive branch of Government;

12 (D) disruptions in the availability of imported
 13 energy supplies, particularly crude oil and petroleum
 14 products, pose a serious risk to national security, eco-
 15 nomic well-being, and health and welfare of the Ameri-
 16 can people;

17 (E) because of the diversity of conditions, climate,
 18 and available fuel mix in different areas of the Nation,
 19 a primary governmental responsibility for developing
 20 and enforcing energy emergency measures lies with the
 21 States and with the local governments of major metro-
 22 politan areas acting in accord with the provisions of its
 23 Act; and

24 (F) the protection and fostering of competition and
 25 the prevention of anticompetitive practices and effects
 26 are vital during the energy emergency.

1 (2) On the basis of the determinations specified in
 2 subparagraphs (A) through (F) of paragraph (1) of this
 3 subsection, the Congress hereby finds that current and
 4 imminent fuel shortages have created a nationwide energy
 5 emergency.

6 (b) The purposes of this Act are to call for proposals
 7 for energy emergency rationing and conservation measures
 8 and to authorize specific temporary emergency actions to be
 9 exercised, subject to congressional review and right of ap-
 10 proval or disapproval, to assure that the essential needs of the
 11 United States for fuels will be met in a manner which, to
 12 the fullest extent practicable: (1) is consistent with existing
 13 national commitments to protect and improve the environ-
 14 ment; (2) minimizes any adverse impact on employment;
 15 (3) provides for equitable treatment of all sectors of the
 16 economy; (4) maintains vital services necessary to health,
 17 safety, and public welfare; and (5) insures against anti-
 18 competitive practices and effects and preserves, enhances, and
 19 facilitates competition in the development, production, trans-
 20 portation, distribution, and marketing of energy resources.

21 SEC. 102. DEFINITIONS.

22 For purposes of this Act:

23 (1) The term "State" means a State, the District
 24 of Columbia, Puerto Rico, or any territory or possession
 25 of the United States.

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

(3) The term "United States" when used in the geographical sense means the States, the District of Columbia, Puerto Rico, and the territories and possessions of the United States.

(4) The term "Administrator" means the Administrator of the Federal Energy Emergency Administration.

SEC. 103. FEDERAL ENERGY EMERGENCY ADMINISTRATION.

(a) There is hereby established until May 15, 1975, unless superseded prior to that date by law, a Federal Energy Emergency Administration which shall be temporary and shall be headed by a Federal Energy Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies in the office of Administrator shall be filled in the same manner as the original appointment.

(b) The Administrator shall be compensated at the rate provided for level II of the Executive Schedule. Subject to the civil service and classification provisions of title 5,

United States Code, the Administrator may employ such personnel as he deems necessary to carry out his functions.

(c) Effective on the date on which the Administrator first takes office (or, if later, on January 1, 1974), all functions, powers, and duties of the President under sections 4, 5, 6, and 9 of the Emergency Petroleum Allocation Act of 1973 (as amended by this Act), and of any officer, department, agency, or State (or officer thereof) under such sections (other than functions vested by section 6 of such Act in the Federal Trade Commission, the Attorney General, or the Antitrust Division of the Department of Justice), are transferred to the Administrator. All personnel, property, records, obligations, and commitments used primarily with respect to functions transferred under the preceding sentence shall be transferred to the Administrator.

SEC. 104. END-USE RATIONING.

Section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(h) (1) The President may promulgate a rule which shall be deemed a part of the regulation under subsection (a) and which shall provide, consistent with the objectives of subsection (b), for the establishment of a program for the rationing and ordering of priorities among classes of end-

1 users of crude oil, residual fuel oil, or any refined petroleum
2 product, and for the assignment to end-users of such prod-
3 ucts of rights, and evidence of such rights, entitling them to
4 obtain such products in precedence to other classes of end-
5 users not similarly entitled.

6 “(2) The rule under this subsection shall take effect only
7 if the President finds that, without such rule, all other prac-
8 ticable and authorized methods to limit energy demand will
9 not achieve the objectives of section 4 (b) of this Act and
10 of the Energy Emergency Act.

11 “(3) The President shall, by order, in furtherance of
12 the rule authorized pursuant to paragraph (1) of this sub-
13 section and consistent with the attainment of the objectives
14 in subsection (b) of this section, cause such adjustments
15 in the allocations made pursuant to the regulation under
16 subsection (a) as may be necessary to carry out the pur-
17 poses of this subsection.

18 “(4) The President shall provide for procedures by
19 which any end-user of crude oil, residual fuel oil, or refined
20 petroleum products for which priorities and entitlements
21 are established under paragraph (1) of this subsection may
22 petition for review and reclassification or modification of any
23 determination made under such paragraph with respect to
24 his rationing priority or entitlement. Such procedures may
25 include procedures with respect to such local boards as may

1 be authorized to carry out functions under this subsection
2 pursuant to section 122 of the Energy Emergency Act.

3 “(5) No rule or order under this section may impose
4 any tax or user fee, or provide for a credit or deduction in
5 computing any tax.”

6 SEC. 105. ENERGY CONSERVATION PLANS.

7 (a) (1) (A) Pursuant to the provisions of this section,
8 the Administrator is authorized to promulgate by regulation
9 one or more energy conservation plans in accord with this
10 section which shall be designed (together with actions taken
11 and proposed to be taken under other authority of this or
12 other Acts) to result in a reduction of energy consumption
13 to a level which can be supplied by available energy re-
14 sources. For purposes of this section, the term “energy con-
15 servation plan” means a plan for transportation controls (in-
16 cluding but not limited to highway speed limits) or such
17 other reasonable restrictions on the public or private use of
18 energy (including limitations on energy consumption of
19 businesses) which are necessary to reduce energy consump-
20 tion and which are authorized by this Act.

21 (B) No energy conservation plan promulgated by reg-
22 ulation under this section may impose rationing or any tax or
23 user fee, or provide for a credit or deduction in computing
24 any tax.

(2) An energy conservation plan shall become effective as provided for in subsection (b). Such a plan shall apply in each State, except as otherwise provided in an exemption granted pursuant to the plan in cases where a comparable State or local program is in effect, or where the Administrator finds special circumstances exist.

(3) An energy conservation plan may not deal with more than one logically consistent subject matter.

(4) An amendment to an energy conservation plan, if it has significant substantive effect, shall be transmitted to Congress and shall be effective only in accordance with subsection (b). Any amendment which does not have significant substantive effect and any rescission of a plan may be made effective in accordance with section 553 of title 5, United States Code.

(5) Subject to subsection (b) (3), provision of an energy conservation plan shall remain in effect for a period specified in the plan unless earlier rescinded by the Administrator, but shall terminate in any event no later than April 1, 1974.

(b) (1) For purposes of this subsection, the term "energy conservation plan" means a plan promulgated by regulation proposed under subsection (a) of this section or an amendment thereto which has significant substantive effect.

(2) The Administrator shall transmit any energy conservation plan (bearing an identification number) to each House of Congress on the date on which it is promulgated.

(3) (A) If an energy conservation plan is transmitted to Congress before March 1, 1974, and provides for an effective date earlier than March 1, 1974, such plan shall take effect on the date provided in the plan; but if either House of the Congress, before the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it, passes a resolution stating in substance that such House does not favor such plan, such plan shall cease to be effective on the date of passage of such resolution.

(B) If an energy conservation plan is transmitted to the Congress and provides for an effective date on or after March 1, 1974, and before April 1, 1974, such plan shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which such plan is transmitted to it unless, between the date of transmittal and the end of the 15-day period, either House passes a resolution stating in substance that such House does not favor such plan.

(C) An energy conservation plan proposed to be made effective on or after April 1, 1974, shall take effect only if approved by Act of Congress.

1 (4) For the purpose of paragraph (3) of this subsec-
2 tion—

3 (A) continuity of session is broken only by an ad-
4 journment of Congress sine die; and

5 (B) the days on which either House is not in session
6 because of an adjournment of more than 3 days to a
7 day certain are excluded in the computation of the 15-day
8 period.

9 (5) Under provisions contained in an energy conserva-
10 tion plan, a provision of the plan may take effect at a time
11 later than the date on which such plan otherwise is effective.

12 (c) (1) This subsection is enacted by Congress—

13 (A) as an exercise of the rulemaking power of the
14 Senate and the House of Representatives, respectively,
15 and as such it is deemed a part of the rules of each House,
16 respectively, but applicable only with respect to the pro-
17 cedure to be followed in that House in the case of resolu-
18 tions described by paragraph (2) of this subsection; and
19 it supersedes other rules only to the extent that it is in-
20 consistent therewith; and

21 (B) with full recognition of the constitutional right
22 of either House to change the rules (so far as relating to
23 the procedure of that House) at any time, in the same
24 manner and to the same extent as in the case of any other
25 rule of that House.

1 (2) For the purpose of this subsection, "resolution"
2 means only a resolution of either House of Congress, the
3 matter after the resolving clause of which is as follows: "That
4 the _____ does not favor the energy conservation plan
5 numbered _____ transmitted to Congress by the Admin-
6 istrator of the Federal Energy Emergency Administration
7 on _____, 19—.", the first blank space therein being
8 filled with the name of the resolving House and the other
9 blank spaces therein being appropriately filled; but does not
10 include a resolution which specifies more than one energy
11 conservation plan.

12 (3) A resolution with respect to an energy conserva-
13 tion plan shall be referred to a committee (and all resolu-
14 tions with respect to the same plan shall be referred to the
15 same committee) by the President of the Senate or the
16 Speaker of the House of Representatives, as the case may be.

17 (4) (A) If the committee to which a resolution with re-
18 spect to an energy conservation plan has been referred has
19 not reported it at the end of 5 calendar days after its intro-
20 duction, it is in order to move either to discharge the com-
21 mittee from further consideration of the resolution or to dis-
22 charge the committee from further consideration of any
23 other resolution with respect to such energy conservation plan
24 which has been referred to the committee.

25 (B) A motion to discharge may be made only by an

1 individual favoring the resolution, is highly privileged (ex-
 2 cept that it may not be made after the committee has reported
 3 a resolution with respect to the same energy conservation
 4 plan), and debate thereon shall be limited to not more than
 5 1 hour, to be divided equally between those favoring and
 6 those opposing the resolution. An amendment to the motion
 7 is not in order, and it is not in order to move to reconsider
 8 the vote by which the motion is agreed to or disagreed to.

9 (C) If the motion, to discharge is agreed to or disagreed
 10 to, the motion may not be renewed, nor may another motion
 11 to discharge the committee be made with respect to any
 12 other resolution with respect to the same plan.

13 (5) (A) When the committee has reported, or has been
 14 discharged from further consideration of, a resolution with
 15 respect to an energy conservation plan, it is at any time
 16 thereafter in order (even though a previous motion to the
 17 same effect has been disagreed to) to move to proceed to
 18 the consideration of the resolution. The motion is highly
 19 privileged and is not debatable. An amendment to the mo-
 20 tion is not in order, and it is not in order to move to recon-
 21 sider the vote by which the motion is agreed to or disagreed
 22 to.

23 (B) Debate on the resolution shall be limited to not
 24 more than 10 hours, which shall be divided equally between
 25 those favoring and those opposing the resolution. A motion

1 further to limit debate is not debatable. An amendment to,
 2 or motion to recommit, the resolution is not in order, and
 3 it is not in order to move to reconsider the vote by which the
 4 resolution is agreed to or disagreed to.

5 (6) (A) Motions to postpone, made with respect to
 6 the discharge from committee, or the consideration of a
 7 resolution with respect to an energy conservation plan, and
 8 motions to proceed to the consideration of other business,
 9 shall be decided without debate.

10 (B) Appeals from the decisions of the Chair relating
 11 to the application of the rules of the Senate or the House of
 12 Representatives, as the case may be, to the procedure relat-
 13 ing to a resolution with respect to an energy conservation
 14 plan shall be decided without debate.

15 (d) (1) In carrying out the provisions of this Act, the
 16 Administrator shall, to the greatest extent practicable, eval-
 17 uate the potential economic impacts of proposed regulatory
 18 and other actions including but not limited to the prepara-
 19 tion of an analysis of the effect of such actions on—

20 (A) the fiscal integrity of State and local govern-
 21 ment;

22 (B) vital industrial sectors of the economy;

23 (C) employment, by industrial and trade sector,
 24 as well as on a national, regional, State, and local basis;

1 (D) the economic vitality of regional, State, and
2 local areas;

3 (E) the availability and price of consumer goods
4 and services;

5 (F) the gross national product;

6 (G) competition in all sectors of industry; and

7 (H) small business.

8 (2) The Administrator shall develop analyses of the
9 economic impact of any energy conservation plan on States
10 or significant sectors thereof, considering the impact on en-
11 ergy resources as fuel and as feedstock for industry.

12 (3) Such analysis shall, wherever possible, be made ex-
13 plicit and, to the extent practicable, other Federal agencies
14 and agencies of State and local governments which have
15 special knowledge and expertise relevant to the impact of
16 proposed regulatory or other actions shall be consulted in
17 making the analyses, and all Federal agencies shall cooperate
18 with the Administrator in preparing such analyses except
19 that the Administrator's actions pursuant to this subsection
20 shall not create any right of review or cause of action except
21 as otherwise exist under other provisions of law.

22 (4) The Administrator, together with the Secretaries of
23 Labor and Commerce, shall monitor the economic impact of
24 any energy actions taken by the Administrator, and shall
25 provide the Congress with separate reports every thirty days

1 on the impact of the energy shortage and such emergency
2 actions on employment and the economy.

3 (e) Any energy conservation plan which the Adminis-
4 trator submits to the Congress pursuant to subsection (b) of
5 this section shall include findings of fact and a specific state-
6 ment explaining the rationale for each provision contained
7 in such plan.

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

9 (a) The Administrator shall, to the extent practicable
10 and consistent with the objectives of this Act, by order, after
11 balancing on a plant-by-plant basis the environment effects
12 of use of coal against the need to fulfill the purposes of this
13 Act, prohibit, as its primary energy source, the burning of
14 natural gas or petroleum products by any major fuel-burning
15 installation (including any existing electric powerplant)
16 which, on the date of enactment of this Act, has the capa-
17 bility and necessary plant equipment to burn coal. Any
18 installation to which such an order applies shall be permitted
19 to continue to use coal as provided in section 119 (b) of the
20 Clean Air Act. To the extent coal supplies are limited to less
21 than the aggregate amount of coal supplies which may be
22 necessary to satisfy the requirements of those installations
23 which can be expected to use coal (including installations to
24 which orders may apply under this subsection), the Admin-
25 istrator shall prohibit the use of natural gas and petroleum

1 products for those installations where the use of coal will have
 2 the least adverse environmental impact. A prohibition on use
 3 of natural gas and petroleum products under this subsection
 4 shall be contingent upon the availability of coal, coal trans-
 5 portation facilities, and the maintenance of reliability of serv-
 6 ice in a given service area. The Administrator shall require
 7 that fossil-fuel-fired electric powerplants in the early plan-
 8 ning process, other than combustion gas turbine and combined
 9 cycle units, be designed and constructed so as to be capable
 10 of using coal as a primary energy source instead of or in
 11 addition to other fossil fuels. No fossil-fuel-fired electric
 12 powerplant may be required under this section to be so
 13 designed and constructed, if (1) to do so would result in
 14 an impairment of reliability or adequacy of service, or (2)
 15 if an adequate and reliable supply of coal is not available
 16 and is not expected to be available. In considering whether
 17 to impose a design and construction requirement under this
 18 subsection, the Administrator shall consider the existence
 19 and effects of any contractual commitment for the con-
 20 struction of such facilities and the capability of the owner
 21 or operator to recover any capital investment made as a
 22 result of the conversion requirements of this section.
 23 (b) The Administrator may by rule prescribe a sys-
 24 tem for allocation of coal to users thereof in order to attain
 25 the objectives specified in this section.

1 SEC. 107. MATERIALS ALLOCATION. (i) designated, by

2 (a) The Administrator shall, within 30 days after the
 3 date of enactment of this Act, propose (in the nature of a
 4 proposed rule affording an opportunity for the presentation
 5 of views) and publish (and may from time to time amend)
 6 a contingency plan for allocation of supplies of materials and
 7 equipment necessary for exploration, production, refining,
 8 and required transportation of energy supplies and for the
 9 construction and maintenance of energy facilities. At such
 10 time as he finds that it is necessary to put all or part of such
 11 plan into effect, he shall transmit such plan or portion thereof
 12 to each House of Congress and such plan or portion thereof
 13 shall take effect in the same manner as an energy conserva-
 14 tion plan prescribed under section 105 and to which section
 15 105 (b) (3) (B) applies (except that such plan may be sub-
 16 mitted at any time after the date of enactment of this Act
 17 and before May 15, 1975).

18 (b) Section 4 (b) (1) (G) of the Emergency Petro-
 19 leum Allocation Act of 1973 is amended to read as follows:

20 “(G) allocation of residual fuel oil and refined pe-
 21 troleum products in such amounts and in such manner
 22 as may be necessary for the maintenance of exploration
 23 for, and production or extraction of—

24 “(i) fuels, and

“ (ii) minerals essential to the requirements of the United States, and for required transportation related thereto,”

SEC. 108. FEDERAL ACTIONS TO INCREASE AVAILABLE DOMESTIC PETROLEUM SUPPLIES.

(a) The Administrator may initiate the following measures to supplement domestic energy supplies for the duration of the emergency:

(1) require, by order or rule, the production of designated existing domestic oilfields, at their maximum efficient rate of production, which is the maximum rate at which production may be sustained without detriment to the ultimate recovery of oil and gas under sound engineering and economic principles. Such fields are to be designated by the Secretary of the Interior, after consultation with the appropriate State regulatory agency.

Data to determine the maximum efficient rate of production shall be supplied to the Secretary of the Interior by the State regulatory agency which determines the maximum efficient rate of production and by the operators who have drilled wells in, or are producing oil and gas from such fields;

(2) require, if necessary to meet essential energy needs, production of certain designated existing domestic oilfields at rates in excess of their currently assigned

maximum efficient rates. Fields to be so designated, by the Secretary of the Interior or the Secretary of the Navy as to the Federal lands or as to Federal interests in lands under their respective jurisdiction, shall be those fields where the types and quality of reservoirs are such as to permit production at rates in excess of the currently assigned sustainable maximum efficient rate for periods of ninety days or more without excessive risk of losses in recovery;

(3) require the adjustment of processing operations of domestic refineries to produce refined products in proportions commensurate with national needs and consistent with the objectives of section 4 (b) of the Emergency Petroleum Allocation Act of 1973.

(b) Nothing in this section shall be construed to authorize the production of any naval petroleum reserve now subject to the provisions of chapter 641 of title 10 of the United States Code.

SEC. 109. OTHER AMENDMENTS TO THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973.

(a) Section 4 of the Emergency Petroleum Allocation Act of 1973 as amended by section 104 of this Act is amended by adding at the end of such section the following new subsection:

“(i) If any provision of the regulation under sub-

1 section (a) provides that any allocation of residual fuel
 2 oil or refined petroleum products is to be based on use
 3 of such a product or amounts of such product supplied
 4 during a historical period, the regulation shall contain
 5 provisions designed to assure that the historical period
 6 can be adjusted (or other adjustments in allocations can
 7 be made) in order to reflect regional disparities in use,
 8 population growth or unusual factors influencing use
 9 (including unusual changes in climatic conditions), of
 10 such oil or product in the historical period. This subsec-
 11 tion shall take effect 30 days after the date of enactment
 12 of the Energy Emergency Act. Adjustments for such
 13 purposes shall take effect no later than 6 months after
 14 the date of enactment of this subsection. Adjustments to
 15 reflect population growth shall be based upon the most
 16 current figures available from the United States Bureau
 17 of the Census."

18 (b) Section 4 (g) (1) of the Emergency Petroleum
 19 Allocation Act of 1973 is amended by striking out "Febru-
 20 ary 28, 1975" in each case the term appears and inserting
 21 in each case "May 15, 1975".

22 **SEC. 110. PROHIBITION ON WINDFALL PROFITS—PRICE**
 23 **GOUGING.**

24 (a) (1) The President shall exercise his authority un-
 25 der the Emergency Petroleum Allocation Act of 1973 and

1 under the Economic Stabilization Act of 1970 so as to spec-
 2 ify prices for sales of petroleum products produced in or im-
 3 ported into the United States, which avoid windfall profits
 4 by sellers.

5 (2) Any interested person, who has reason to believe
 6 that any price (specified under any of the authorities re-
 7 ferred to in paragraph (1) of this subsection) of petroleum
 8 products permits a seller thereof any windfall profits, may
 9 petition the Attorney General for a determination under sub-
 10 paragraph (A) or (B) of paragraph (3).

11 (3) (A) Upon petition of any interested person, the
 12 Attorney General may by rule determine, after opportunity
 13 for oral presentation of views, data, and arguments, whether
 14 the price (specified under any of the authorities referred to
 15 in paragraph (1)) of petroleum product permits sellers
 16 thereof to receive windfall profits. Upon a final determina-
 17 tion of the Attorney General that such price permits wind-
 18 fall profits to be so received, it shall specify a price for such
 19 sales which will not permit such profits to be received by
 20 such sellers. After such a final determination, no higher price
 21 may be specified (under any of the authorities specified in
 22 paragraph (1)) except with the approval of the Attorney
 23 General.

24 (B) Upon petition of any interested person and not-
 25 withstanding any proceeding or determination under sub-

1 paragraph (A), the Attorney General may determine
 2 whether the price charged by a particular seller of any petro-
 3 leum product permitted such seller to receive windfall profits.
 4 If, on the basis of such petition, the Attorney General has
 5 reason to believe that such price has permitted such seller to
 6 receive windfall profits, it may order such seller to take such
 7 actions (including the escrowing of funds) as it may deem
 8 appropriate to assure that sufficient funds will be available for
 9 the refund of windfall profits in the event there is a final
 10 determination by the Attorney General under this subpara-
 11 graph that such seller has received windfall profits. Prior
 12 to a final determination under this subparagraph, such seller
 13 shall be afforded a hearing in accordance with the procedures
 14 required by section 554 of title 5, United States Code. Upon
 15 a final determination of the Attorney General that such price
 16 permitted such seller to receive windfall profits, the Attorney
 17 General shall order such seller to refund an amount equal
 18 to such windfall profits to the persons who have purchased
 19 from such seller at prices which resulted in such windfall
 20 profits. If such persons are not reasonably ascertainable, the
 21 Attorney General shall order the sellers for the purpose of
 22 refunding such profits, to reduce the price for future sales,
 23 to create a fund against which previous purchasers of such
 24 item may file a claim under rules which shall be prescribed

1 (by the Attorney General, or to take such other action as
 2 the Attorney General may deem appropriate.

3 (C) Any final determination under subparagraph (A)
 4 or (B) shall be subject to judicial review in accordance with
 5 sections 701 through 706 of title 5, United States Code.

6 (4) (A) The Attorney General may provide, in his
 7 discretion under regulations prescribed by the Attorney Gen-
 8 eral, for such consolidation as may be necessary or appro-
 9 priate to carry out the purposes of this subsection.

10 (B) The Attorney General may make such rules, regula-
 11 tions, and orders as he deems necessary or appropriate to
 12 carry out his functions under this subsection.

13 (5) For the purposes of this section, the term "wind-
 14 fall profits" means profits which are unreasonable or ex-
 15 cessive, taking into consideration normal profits.

16 (6) For the purposes of this subsection, the term "in-
 17 terested person" includes the United States, any State, and
 18 the District of Columbia.

19 (7) This subsection shall not apply to the first sale of
 20 crude oil described in section 4(e)(2) of the Emergency
 21 Petroleum Allocation Act of 1973 (relating to stripper
 22 wells).

23 (8) This section shall take effect on January 1, 1975,
 24 and shall apply to profits attributable to any price (specified

1 under any of the authorities referred to in paragraph (1) of
2 this subsection) of crude oil, residual fuel oil, and refined
3 petroleum products in effect after December 31, 1973.

4 (b) Notwithstanding any other provision of law, ad-
5 ministrative proceedings before the Attorney General under
6 this section shall be governed by subchapter II of chapter
7 5 of title 5, United States Code, and such proceedings shall
8 be reviewed in accordance with chapter 7 of such title.

9 **SEC. 111. PROTECTION OF FRANCHISED DEALERS.**

10 (a) As used in this section:

11 (1) The term "distributor" means a person en-
12 gaged in the sale, consignment, or distribution of petro-
13 leum products to wholesale or retail outlets whether or
14 not it owns, leases, or in any way controls such outlets.

15 (2) The term "franchise" means any agreement
16 or contract between a refiner or a distributor and a re-
17 tailer or between a refiner and a distributor under which
18 such retailer or distributor is granted authority to use a
19 trademark, trade name, service mark, or other identify-
20 ing symbol or name owned by such refiner or distribu-
21 tor, or any agreement or contract between such parties
22 under which such retailer or distributor is granted au-
23 thority to occupy premises owned, leased, or in any way
24 controlled by a party to such agreement or contract, for

1 the purpose of engaging in the distribution or sale of
2 petroleum products for purposes other than resale.

3 (3) The term "notice of intent" means a written
4 statement of the alleged facts which, if true, constitute
5 a violation of subsection (b) of this section.

6 (4) The term "refiner" means a person engaged
7 in the refining or importing of petroleum products.

8 (5) The term "retailer" means a person engaged
9 in the sale of any refined petroleum product for pur-
10 poses other than resale within any State, either under a
11 franchise or independent of any franchise, or who was
12 so engaged at any time after the start of the base period.

13 (b) (1) A refiner or distributor shall not cancel, fail to
14 renew, or otherwise terminate a franchise unless he furnishes
15 prior notification pursuant to this paragraph to each distribu-
16 tor or retailer affected thereby. Such notification shall be in
17 writing and sent to such distributor or retailer by certified
18 mail not less than ninety days prior to the date on which such
19 franchise will be canceled, not renewed, or otherwise termi-
20 nated. Such notification shall contain a statement of intention
21 to cancel, not renew, or to terminate together with the reasons
22 therefor, the date on which such action shall take effect, and
23 a statement of the remedy or remedies available to such

H.R. 12128—4

1 distributor or retailer under this section together with a sum-
2 mary of the applicable provisions of this section.

3 (2) A refiner or distributor shall not cancel, fail to
4 renew, or otherwise terminate a franchise unless the retailer
5 or distributor whose franchise is terminated failed to comply
6 substantially with any essential and reasonable requirement
7 of such franchise or failed to act in good faith in carrying
8 out the terms of such franchise, or unless such refiner or
9 distributor withdraws entirely from the sale of refined petro-
10 leum products in commerce for sale other than resale in the
11 United States.

12 (c) (1) If a refiner or distributor engages in conduct
13 prohibited under subsection (b) of this section, a retailer
14 or a distributor may maintain a suit against such refiner or
15 distributor. A retailer may maintain such suit against a dis-
16 tributor or a refiner whose actions affect commerce and
17 whose products with respect to conduct prohibited under
18 paragraph (1) or (2) of subsection (b) of this section, he
19 sells or has sold, directly or indirectly, under a franchise. A
20 distributor may maintain such suit against a refiner whose
21 actions affect commerce and whose products he purchases or
22 has purchased or whose products he distributes or has dis-
23 tributed to retailers.

24 (2) The court shall grant such equitable relief as is
25 necessary to remedy the effects of conduct prohibited under

1 subsection (b) of this section which it finds to exist in-
2 cluding declaratory judgment and mandatory or prohibitive
3 injunctive relief. The court may grant interim equitable
4 relief, and actual and punitive damages (except for actions
5 for a failure to renew) where indicated, in suits under this
6 section, and may, unless such suit is frivolous, direct that
7 costs, including reasonable attorney and expert witness fees,
8 be paid by the defendant. In the case of actions for a failure
9 to renew damages shall be limited to actual damages includ-
10 ing the value of the dealer's equity.

11 (3) A suit under this section may be brought in the
12 district court of the United States for any judicial district in
13 which the distributor or the refiner against whom such suit
14 is maintained resides, is found, or is doing business, without
15 regard to the amount in controversy. No such suit shall be
16 maintained unless commenced within three years after the
17 cancellation, failure to renew, or termination of such fran-
18 chise or the modification thereof.

19 SEC. 112. PROHIBITIONS ON UNREASONABLE ACTIONS.

20 (a) Action taken under authority of this Act, the
21 Emergency Petroleum Allocation Act of 1973, or other Fed-
22 eral law resulting in the allocation of petroleum products and
23 electrical energy among classes of users or resulting in re-
24 strictions on use of petroleum products and electrical energy,
25 shall be equitable, shall not be arbitrary or capricious, and

1 shall not unreasonably discriminate among classes of users:
 2 *Provided*, That with respect to allocations of petroleum prod-
 3 ucts applicable to the foreign trade and commerce of the
 4 United States, no foreign corporation or entity shall receive
 5 more favorable treatment in the allocation of petroleum prod-
 6 ucts than that which is accorded by its home country to
 7 United States citizens engaged in the same line of commerce,
 8 and allocations shall contain provisions designed to foster
 9 reciprocal and non-discriminatory treatment by foreign coun-
 10 tries of United States citizens engaged in foreign commerce.

11 (b) To the maximum extent practicable, any restriction
 12 on the use of energy shall be designed to be carried out in
 13 such manner so as to be fair and to create a reasonable dis-
 14 tribution of the burden of such restriction on all sectors of the
 15 economy, without imposing an unreasonably disproportionate
 16 share of such burden on any specific industry, business or
 17 commercial enterprise, or on any individual segment thereof
 18 and shall give due consideration to the needs of commercial,
 19 retail, and service establishments whose normal function is to
 20 supply goods and services of an essential convenience nature
 21 during times of day other than conventional daytime working
 22 hours.

23 SEC. 113. REGULATED CARRIERS.

24 (a) The Interstate Commerce Commission (with re-
 25 spect to common or contract carriers subject to economic

1 regulation under the Interstate Commerce Act), the Civil
 2 Aeronautics Board, and the Federal Maritime Commission
 3 shall, for the duration of the period beginning on the date of
 4 enactment of this Act and ending on May 15, 1975, have
 5 authority to take any action for the purpose of conserving
 6 energy consumption in a manner found by such Commission
 7 or Board to be consistent with the objectives and purposes of
 8 the Acts administered by such Commission or Board on its
 9 own motion or on the petition of the Administrator which ex-
 10 isting law permits such Commission or Board to take upon
 11 the motion or petition of any regulated common or contract
 12 carrier or other person.

13 (b) The Interstate Commerce Commission shall, by ex-
 14 pedited proceedings, adopt appropriate rules under the Inter-
 15 state Commerce Act which eliminate restrictions on the oper-
 16 ating authority of any motor common carrier of property
 17 which require excessive travel between points with respect to
 18 which such motor common carrier has regularly performed
 19 service under authority issued by the Commission. Such rules
 20 shall assure continuation of essential service to communities
 21 served by any such motor common carrier.

22 (c) Within 45 days after the date of enactment of this
 23 Act, the Civil Aeronautics Board, the Federal Maritime
 24 Commission, and the Interstate Commerce Commission shall
 25 report separately to the appropriate committees of the Con-

gress on the need for additional regulatory authority in order to conserve fuel during the period beginning on the date of enactment of this Act and ending on May 15, 1975 while continuing to provide for the public convenience and necessity. Each such report shall identify with specificity—

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

Each such report shall further make recommendations with respect to changes in any existing fuel allocation programs which are deemed necessary to provide for the public convenience and necessity during such period.

SEC. 114. ANTITRUST PROVISIONS.

(a) Except as specifically provided in subsection (i), no provision of this Act shall be deemed to convey to any person subject to this Act any immunity from civil and criminal liability or to create defenses to actions, under the antitrust laws.

(b) As used in this section, the term "antitrust laws" means—

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

(2) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12 et seq.), as amended;

(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.), as amended;

(4) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purposes", approved August 27, 1894 (15 U.S.C. 8 and 9), as amended; and

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

(c) (1) To achieve the purposes of this Act, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. Any such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. App. I), whether or not such Act or any of its provisions expires or terminates during the term of this Act or of such committees, and in all cases shall be chaired by a regular full-time Federal employee and shall include representatives of

1 the public. The meetings of such committees shall be open to
2 the public.

3 (2) A representative of the Federal Government shall
4 be in attendance at all meetings of any advisory committee
5 established pursuant to this section. The Attorney General
6 and the Federal Trade Commission shall have adequate ad-
7 vance notice of any meeting and may have an official rep-
8 resentative attend and participate in any such meeting.

9 (3) A full and complete verbatim transcript shall be
10 kept of all advisory committee meetings, and shall be taken
11 and deposited, together with any agreement resulting there-
12 from, with the Attorney General and the Federal Trade
13 Commission. Such transcript and agreement shall be made
14 available for public inspection and copying, subject to the
15 provisions of sections 552 (b) (1) and (b) (3) of title 5,
16 United States Code.

17 (d) The Administrator, subject to the approval of the
18 Attorney General and the Federal Trade Commission, shall
19 promulgate, by rule, standards and procedures by which
20 persons engaged in the business of producing, refining,
21 marketing, or distributing crude oil, residual fuel oil, or any
22 refined petroleum product may develop and implement vol-
23 untary agreements and plans of action to carry out such
24 agreements which the Administrator determines are neces-

1 sary to accomplish the objectives stated in section 4 (b) of
2 the Emergency Petroleum Allocation Act of 1973.

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

7 (1) Such agreements and plans of action shall be
8 developed by meetings of committees, councils, or other
9 groups which include representatives of the public, of
10 interested segments of the petroleum industry, and of
11 industrial, municipal, and private consumers, and shall
12 in all cases be chaired by a regular full-time Federal
13 employee;

14 (2) Meetings held to develop a voluntary agree-
15 ment or a plan of action under this subsection shall per-
16 mit attendance by interested persons and shall be pre-
17 ceded by timely and adequate notice with identification
18 of the agenda of such meeting to the Attorney General,
19 the Federal Trade Commission, and to the public in the
20 affected community;

21 (3) Interested persons shall be afforded an opportu-
22 nity to present, in writing and orally, data, views, and
23 arguments at such meetings;

24 (4) A full and complete verbatim transcript shall be

1 (d) kept of any meeting, conference, or communication held
 2 to develop, implement, or carry out a voluntary agree-
 3 ment or a plan of action under this subsection and shall
 4 be taken and deposited, together with any agreement
 5 resulting therefrom, with the Attorney General and the
 6 Federal Trade Commission. Such transcript and agree-
 7 ment shall be available for public inspection and copy-
 8 ing, subject to provisions of section 552 (b) (1) and
 9 (b) (3) of title 5, United States Code.

10 (f) The Federal Trade Commission may exempt types
 11 or classes of meetings, conferences, or communications from
 12 the requirements of subsections (c) (3) and (e) (4) pro-
 13 vided such meetings, conferences, or communications are
 14 ministerial in nature and are for the sole purpose of imple-
 15 menting or carrying out a voluntary agreement or plan of
 16 action authorized pursuant to this section. Such ministerial
 17 meeting, conference, or communication may take place in
 18 accordance with such requirements as the Federal Trade
 19 Commission may prescribe by rule. Such persons participat-
 20 ing in such meeting, conference, or communication shall cause
 21 a record to be made specifying the date such meeting, con-
 22 ference, or communication took place and the persons in-
 23 volved, and summarizing the subject matter discussed. Such
 24 record shall be filed with the Federal Commission and the

1 Attorney General, where it shall be made available for public
 2 inspection and copying.

3 (g) (1) The Attorney General and the Federal Trade
 4 Commission shall participate from the beginning in the
 5 development, implementation, and carrying out of voluntary
 6 agreements and plans of action authorized under this sec-
 7 tion. Each may propose any alternative which would avoid
 8 or overcome, to the greatest extent practicable, possible
 9 anticompetitive effects while achieving substantially the
 10 purposes of this Act. Each shall have the right to review,
 11 amend, modify, disapprove, or prospectively revoke, on its
 12 own motion or upon the request of any interested person,
 13 any plan of action or voluntary agreement at any time, and,
 14 if revoked, thereby withdraw prospectively the immunity
 15 conferred by subsection (i) of this section.

16 (2) Any voluntary agreement or plan of action entered
 17 into pursuant to this section shall be submitted in writing
 18 to the Attorney General and the Federal Trade Commission
 19 twenty days before being implemented, where it shall be
 20 made available for public inspection and copying.

21 (h) (1) The Attorney General and the Federal Trade
 22 Commission shall monitor the development, implementation,
 23 and carrying out of plans of action and voluntary agreements
 24 authorized under this section to assure the protection and

1 fostering of competition and the prevention of anticompeti-
2 tive practices and effects.

3 (2) The Attorney General and the Federal Trade
4 Commission shall promulgate joint regulations concerning
5 the maintenance of necessary and appropriate documents,
6 minutes, transcripts, and other records related to the devel-
7 opment, implementation, or carrying out of plans of action
8 or voluntary agreements authorized pursuant to this Act.

9 (3) Persons developing, implementing, or carrying out
10 plans of action or voluntary agreements authorized pursuant
11 to this Act shall maintain those records required by such
12 joint regulations. The Attorney General and the Federal
13 Trade Commission shall have access to and the right to copy
14 such records at reasonable times and upon reasonable notice.

15 (4) The Federal Trade Commission and the Attorney
16 General may each prescribe such rules and regulations as
17 may be necessary or appropriate to carry out their responsi-
18 bilities under this Act. They may both utilize for such pur-
19 poses and for purposes of enforcement, any and all powers
20 conferred upon the Federal Trade Commission or the De-
21 partment of Justice, or both, by any other provision of law,
22 including the antitrust laws; and wherever such provision of
23 law refers to "the purposes of this Act" or like terms, the
24 reference shall be understood to be this Act.

25 (i) There shall be available as a defense to any civil

1 or criminal action brought under the antitrust laws in respect
2 of actions taken in good faith to develop and implement a
3 voluntary agreement or plan of action to carry out a volun-
4 tary agreement by persons engaged in the business of pro-
5 ducing, refining, marketing, or distributing crude oil, residual
6 fuel oil, or any refined petroleum product that—

7 (1) such action was—

8 (A) authorized and approved pursuant to this
9 section, and

10 (B) undertaken and carried out solely to
11 achieve the purposes of this section and in compli-
12 ance with the terms and conditions of this section,
13 and the rules promulgated hereunder; and

14 (2) such persons fully complied with the require-
15 ments of this section and the rules and regulations pro-
16 mulgated hereunder.

17 (j) No provision of this Act shall be construed as grant-
18 ing immunity for, nor as limiting or in any way affecting any
19 remedy or penalty which may result from any legal action
20 or proceeding arising from, any acts or practices which oc-
21 curred: (1) prior to the enactment of this Act, (2) outside
22 the scope and purpose or not in compliance with the terms
23 and conditions of this Act and this section, or (3) subse-
24 quent to its expiration or repeal.

25 (k) Effective on the date of enactment of this Act, this

1 section shall apply in lieu of section 6 (c) of the Emergency
 2 Petroleum Allocation Act of 1973. All actions taken and any
 3 authority or immunity granted under such section 6 (c)
 4 shall be hereafter taken or granted, as the case may be, pur-
 5 suant to this section.

6 (l) The provisions of section 708 of the Defense Pro-
 7 duction Act of 1950, as amended, shall not apply to any
 8 action authorized to be taken under this Act or the Emer-
 9 gency Petroleum Allocation Act of 1973.

10 (m) The Attorney General and the Federal Trade
 11 Commission shall each submit to the Congress and to the
 12 President, at least once every 6 months, a report on the
 13 impact on competition and on small business of actions au-
 14 thorized by this section.

15 (n) The authority granted by this section (including
 16 any immunity under subsection (i)) shall terminate on
 17 May 15, 1975.

18 (o) The exercise of the authority provided in section
 19 113 shall not have as a principal purpose or effect the sub-
 20 stantial lessening of competition among carriers affected.
 21 Actions taken pursuant to that subsection shall be taken
 22 only after providing from the beginning an adequate op-
 23 portunity for participation by the Federal Trade Commis-
 24 sion and the Assistant Attorney General in charge of the
 25 Antitrust Division, who shall propose any alternative which

1 would avoid or overcome, to the greatest extent practicable,
 2 any anticompetitive effects while achieving the purposes of
 3 this Act.

4 SEC. 115. EXPORTS.

5 To the extent necessary to carry out the purpose of this
 6 Act, the Administrator may under authority of this Act, by
 7 rule, restrict exports of coal, petroleum products, and petro-
 8 chemical feedstocks, under such terms as he deems appro-
 9 priate: *Provided*, That the Administrator shall restrict ex-
 10 ports of coal, petroleum products, or petrochemical feed-
 11 stocks if either the Secretary of Commerce or the Secretary
 12 of Labor certifies that such exports would contribute to un-
 13 employment in the United States. The Secretary of Com-
 14 merce, pursuant to the Export Administration Act of 1969
 15 (but without regard to the phrase "and to reduce the serious
 16 inflationary impact of abnormal foreign demand" in section
 17 3 (2) (A) of such Act), may restrict the exports of coal,
 18 petroleum products, and petrochemical feedstocks, and of ma-
 19 terials and equipment essential to the production, transport,
 20 or processing of fuels to the extent necessary to carry out
 21 the purpose of this Act and sections 4 (b) and 4 (d) of the
 22 Emergency Petroleum Allocation Act of 1973: *Provided*,
 23 That in the event that the Administrator certifies to the Sec-
 24 retary of Commerce that export restrictions of products enu-
 25 merated in this section are necessary to carry out the pur-

pose of this Act, the Secretary of Commerce shall impose such export restrictions. Rules under this section by the Administrator and actions by the Secretary of Commerce under the Export Administration Act of 1969 shall take into account the historical trading relations of the United States with Canada and Mexico and shall not be inconsistent with subsections (b) and (d) of section 4 of the Emergency Petroleum Allocation Act of 1973.

SEC. 116. EMPLOYMENT IMPACT AND UNEMPLOYMENT ASSISTANCE.

(a) The President shall take into consideration and shall minimize, to the fullest extent practicable, any adverse impact of actions taken pursuant to this Act upon employment. All agencies of government shall cooperate fully under their existing statutory authority to minimize any such adverse impact.

(b) The President shall make grants to States to provide to any individual unemployed, if such unemployment resulted from the administration and enforcement of this Act and was in no way due to the fault of such individual, such assistance as the President deems appropriate while such individual is unemployed. Such assistance as a State shall provide under such a grant shall be available to individuals not otherwise eligible for unemployment compensation and individuals who have otherwise exhausted their eligibility

for such unemployment compensation, and shall continue as long as unemployment in the area caused by such administration and enforcement continues (but not less than six months) or until the individual is reemployed in a suitable position, but not longer than two years after the individual becomes eligible for such assistance. Such assistance shall not exceed the maximum weekly amount under the unemployment compensation program of the State in which the employment loss occurred.

(c) On or before the sixtieth day following the date of enactment of this Act, the President shall report to the Congress concerning the present and prospective impact of energy shortages upon employment. Such report shall contain an assessment of the adequacy of existing programs in meeting the needs of adversely affected workers and shall include legislative recommendations which the President deems appropriate to meet such needs, including revisions in the unemployment insurance laws.

SEC. 117. USE OF CARPOOLS.

(a) The Secretary of Transportation shall encourage the creation and expansion of the use of carpools as a viable component of our nationwide transportation system. It is the intent of this section to maximize the level of carpool participation in the United States.

(b) The Secretary of Transportation is directed to establish within the Department of Transportation an "Office of Carpool Promotion" whose purpose and responsibilities shall include—

(1) responding to any and all requests for information and technical assistance on carpooling and carpooling 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 organizations to organize and operate carpool systems for employees;

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

(5) promoting other such measures that the Secretary 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 subsection (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 100 percent 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 report to Congress of all his activities and expenditures pursuant to this section. Such report shall include any recommendations as to future legislation concerning carpooling.

(f) The sum of \$5,000,000 is authorized to be appropriated for the conduct of programs designed to achieve the goals of this section, such authorization to remain available for 2 years.

(g) For purposes of this section, the terms "local governments" and "local units of government" include any

1 metropolitan transportation organization designated as being
2 responsible for carrying out section 134 of title 23, United
3 States Code.

4 (h) As an example to the rest of our Nation's auto-
5 mobile users, the President of the United States shall take
6 such action as is necessary to require all agencies of Govern-
7 ment, where practical, to use economy model motor vehicles.

8 (i) (1) The President shall take action to require that
9 no Federal official or employee in the executive branch below
10 the level of Cabinet officer be furnished a limousine for indi-
11 vidual use. The provisions of this subsection shall not apply
12 to limousines furnished for use by officers or employees of
13 the Federal Bureau of Investigation, or to those persons
14 whose assignments necessitate transportation by limousines
15 because of diplomatic assignment by the Secretary of State.

16 (2) For purposes of this subsection, the term "limou-
17 sine" means a type 6 vehicle as defined in the Interim Fed-
18 eral Specifications issued by the General Services Adminis-
19 tration December 1, 1973.

20 **SEC. 118. ADMINISTRATIVE PROCEDURE AND JUDICIAL**

21 **REVIEW.**

22 (a) (1) Subject to paragraphs (2), (3), and (4) of
23 this subsection, the provisions of subchapter II of chapter
24 5 of title 5, United States Code, shall apply to any rule or
25 order (including a rule or order issued by a State or officer

1 thereof) under this title (except with respect to any rule
2 or order pursuant to sections 108 and 113 of this Act,
3 section 205 (a), (b), and (c), of this Act, or section 4 (h)
4 of the Emergency Petroleum Allocation Act of 1973) or
5 under the authority of any energy conservation plan.

6 (2) Notice of any proposed rule or order described in
7 paragraph (1) shall be given by publication of such pro-
8 posed rule or order in the Federal Register. In each case, a
9 minimum of 10 days following such publication shall be
10 provided for opportunity to comment; except that the re-
11 quirements of this paragraph as to time of notice and op-
12 portunity to comment may be waived where strict compli-
13 ance is found to cause serious impairment to the operation
14 of the program to which such rule or order relates and such
15 findings are set out in detail in such rule or order. In addition,
16 public notice of all rules or orders promulgated by officers
17 of a State or political subdivision thereof or to State or local
18 boards pursuant to this Act shall to the maximum extent
19 practicable be achieved by publication of such rules or
20 orders in a sufficient number of newspapers of statewide
21 circulation calculated to receive widest possible notice.

22 (3) In addition to the requirements of paragraph (2),
23 if any rule or order described in paragraph (1) is likely
24 to have a substantial impact on the Nation's economy or
25 large numbers of individuals or businesses, an opportunity

1 for oral presentation of views, data, and arguments shall be
 2 afforded. To the maximum extent practicable, such opportu-
 3 nity shall be afforded prior to the implementation of such
 4 rule or order, but in all cases such opportunity shall be
 5 afforded no later than 45 days after the implementation of
 6 any such rule or order. A transcript shall be kept of any
 7 oral presentation.

8 (4) Any officer or agency authorized to issue rules or
 9 orders described in paragraph (1) shall provide for the mak-
 10 ing of such adjustments, consistent with the other purposes
 11 of this Act or the Emergency Petroleum Allocation Act of
 12 1973 (as the case may be), as may be necessary to prevent
 13 special hardships, inequity, or an unfair distribution of bur-
 14 dens and shall in rules prescribed by it establish procedures
 15 which are available to any person for the purpose of seeking
 16 an interpretation, modification, or rescission of, or an excep-
 17 tion to or exemption from, such rules and orders. If such per-
 18 son is aggrieved or adversely affected by the denial of a re-
 19 quest for such action under the preceding sentence, he may
 20 request a review of such denial by the officer or agency and
 21 may obtain judicial review in accordance with subsection (b)
 22 when such denial becomes final. The officer or agency shall,
 23 in rules prescribed by it, establish appropriate procedures, in-
 24 cluding a hearing where deemed advisable, for considering
 25 such requests for action under this paragraph.

1 (5) In addition to the requirements of section 552 of
 2 title 5, United States Code, any agency authorized by this
 3 Act or the Emergency Petroleum Allocation Act of 1973 to
 4 issue rules or orders shall make available to the public all in-
 5 ternal rules and guidelines which may form the basis, in
 6 whole or in part, for any rule or order with such modifications
 7 as are necessary to insure confidentiality protected under such
 8 section 552. Such agency shall, upon written request of a peti-
 9 tioner filed after any grant or denial of a request for exception
 10 or exemption from rules or orders furnish the petitioner with
 11 a written opinion setting forth applicable facts and the legal
 12 basis in support of such grant or denial. Such opinions shall
 13 be made available to the petitioner and the public within
 14 thirty days of such request and with such modifications as are
 15 necessary to insure confidentiality of information protected
 16 under such section 552.

17 (b) (1) Judicial review of administrative rulemaking
 18 of general and national applicability done under this Act
 19 may be obtained only by filing a petition for review in the
 20 United States Court of Appeals for the District of Columbia
 21 within thirty days from the date of promulgation of any such
 22 rule or regulation, and judicial review of administrative rule-
 23 making of general, but less than national, applicability done
 24 under this Act may be obtained only by filing a petition for
 25 review in the United States Court of Appeals for the appro-

1 puate circuit within thirty days from the date of promul-
 2 gation of any such rule or regulation, the appropriate circuit
 3 being defined as the circuit which contains the area or the
 4 greater part of the area within which the rule or regulation
 5 is to have effect.

6 (2) Notwithstanding the amount in controversy, the
 7 district courts of the United States shall have exclusive
 8 original jurisdiction of all other cases or controversies arising
 9 under this Act, or under regulations or orders issued there-
 10 under, except any actions taken by the Civil Aeronautics
 11 Board, the Interstate Commerce Commission, Federal Power
 12 Commission, or the Federal Maritime Commission, or any
 13 actions taken to implement or enforce any rule or order by
 14 any officer of a State or political subdivision thereof or State
 15 or local board which has been delegated authority under
 16 section 122 of this Act except that nothing in this section
 17 affects the power of any court of competent jurisdiction to
 18 consider, hear, and determine in any proceeding before it
 19 any issue raised by way of defense (other than a defense
 20 based on the constitutionality of this title or the validity of
 21 action taken by any agency under this Act. If in any such
 22 proceeding an issue by way of defense is raised based on the
 23 constitutionality of this Act or the validity of agency action
 24 under this Act, the case shall be subject to removal by either
 25 party to a district court of the United States in accordance

1 with the applicable provisions of chapter 89 of title 28,
 2 United States Code. Cases or controversies arising under any
 3 rule or order of any officer of a State or political subdivision
 4 thereof or a State or local board may be heard in either
 5 (1) any appropriate State court, and (2) without regard
 6 to the amount in controversy, the district courts of the United
 7 States.

8 (c) The Administrator may by rule prescribe proce-
 9 dures for State or local boards which carry out functions
 10 under this Act or the Emergency Petroleum Allocation Act
 11 of 1973. Such procedures shall apply to such boards in lieu
 12 of subsection (a), and shall require that prior to taking any
 13 action, such boards shall take steps reasonably calculated to
 14 provide notice to persons who may be affected by the action,
 15 and shall afford an opportunity for presentation of views (in-
 16 cluding oral presentation of views where practicable) at least
 17 10 days before taking the action. Such boards shall be of
 18 balanced composition reflecting the makeup of the com-
 19 munity as a whole.

20 SEC. 119. PROHIBITED ACTS.

21 It shall be unlawful for any person to violate any provi-
 22 sion of title I of this Act (other than provisions of this Act
 23 which make amendments to the Emergency Petroleum Al-
 24 location Act of 1973 and section 113) or to violate any rule,

1 regulation (including an energy conservation plan) or order
2 issued pursuant to any such provision.

3 **SEC. 120. ENFORCEMENT.**

4 (a) Whoever violates any provision of section 119 shall
5 be subject to a civil penalty of not more than \$2,500 for each
6 violation.

7 (b) Whoever willfully violates any provision of section
8 119 shall be fined not more than \$5,000 for each violation.

9 (c) It shall be unlawful for any person to offer for sale
10 or distribute in commerce any product or commodity in vio-
11 lation of an applicable order or regulation issued pursuant to
12 this Act. Any person who knowingly and willfully violates
13 this subsection after having been subjected to a civil penalty
14 for a prior violation of the same provision of any order or
15 regulation issued pursuant to this Act shall be fined not more
16 than \$50,000 or imprisoned not more than six months, or
17 both.

18 (d) Whenever it appears to any person authorized by
19 the Administrator to exercise authority under this Act that
20 any individual or organization has engaged, is engaged, or
21 is about to engage in acts or practices constituting a viola-
22 tion of section 119, such person may request the Attorney
23 General to bring an action in the appropriate district court
24 of the United States to enjoin such acts or practices, and
25 upon a proper showing a temporary restraining order or

1 a preliminary or permanent injunction shall be granted
2 without bond. Any such court may also issue mandatory
3 injunctions commanding any person to comply with any
4 provision, the violation of which is prohibited by section
5 119.

6 (e) Any person suffering legal wrong because of any
7 act or practice arising out of any violation of section 119 may
8 bring an action in a district court of the United States, with-
9 out regard to the amount in controversy, for appropriate
10 relief, including an action for a declaratory judgment or writ
11 of injunction. Nothing in this subsection shall authorize any
12 person to recover damages.

13 **SEC. 121. USE OF FEDERAL FACILITIES.**

14 Whenever practicable, and for the purpose of facilitating
15 the transportation and storage of fuel, agencies or depart-
16 ments of the United States are authorized, during the period
17 beginning on the date of enactment of this Act and ending
18 May 15, 1975, to enter into arrangements for the acquisition
19 or use by domestic public entities and private industries of
20 equipment or facilities which are surplus to the needs of such
21 agency or department and appropriate to the transportation
22 and storage of fuel, except that such arrangements may be
23 made (1) only after the Administrator finds that such equip-
24 ment or facilities are not available from private sources and
25 (2) only on the basis of compensation for the acquisition or

1 use of such equipment or facilities at fair market value prices
2 or rentals.

3 **SEC. 122. DELEGATION OF AUTHORITY AND EFFECT ON**
4 **STATE LAW.**

5 (a) The Administrator may delegate any of his func-
6 tions under the Emergency Petroleum Allocation Act of
7 1973 or this Act to any officer or employee of the Federal
8 Energy Emergency Administration as he deems appropriate.
9 The Administrator may delegate any of his functions relative
10 to implementation and enforcement of the Emergency Petro-
11 leum Allocation Act of 1973 or this Act to officers of a State
12 or political subdivision thereof or to State or local boards of
13 balanced composition reflecting the makeup of the commu-
14 nity as a whole. Such officers or boards shall be designated
15 and established in accordance with regulations as the Admin-
16 istration shall promulgate under this Act. Section 5 (b) of
17 the Emergency Petroleum Allocation Act of 1973 is repealed
18 effective on the effective date of the transfer of functions un-
19 der such Act to the Administrator pursuant to section 103
20 of this Act.

21 (b) No State law or State program in effect on the date
22 of enactment of this Act, or which may become effective
23 thereafter, shall be superseded by any provision of this Act or
24 any regulation, order, or energy conservation plan issued
25 pursuant to this Act except insofar as such State law or State

1 program is inconsistent with the provisions of this Act, or
2 such a regulation, order, or plan.

3 **SEC. 123. GRANTS TO STATES.**

4 Any funds authorized to be appropriated under section
5 127 (b) shall be available for the purpose of making grants
6 to States to which the Administrator has delegated authority
7 under section 122 of this Act, or for the administration of
8 appropriate State or local energy conservation programs
9 which are the basis of an exemption made pursuant to sec-
10 tion 105 (a) (2) of this Act from a Federal energy con-
11 servation plan which has taken effect under section 105 of
12 this Act. The Administrator shall make such grants upon
13 such terms and conditions as he may prescribe by rule.

14 **SEC. 124. REPORTS ON NATIONAL ENERGY RESOURCES.**

15 (a) For the purpose of providing to the Congress and
16 the Departments of Interior and Justice, the States, and the
17 public, to the maximum extent possible, reliable data on
18 reserves, production, distribution, and use of petroleum prod-
19 ucts, natural gas, and coal, the Attorney General or the
20 Secretary of the Interior, or both, shall promptly publish
21 for public comment a regulation requiring that persons doing
22 business in the United States, who, on the effective date of
23 this Act, are engaged in exploring, developing, processing,
24 refining, or transporting by pipeline, any petroleum prod-
25 uct, natural gas, or coal, shall provide detailed reports to the

1 Attorney General or the Secretary of the Interior, or both,
 2 every sixty calendar days. Such reports shall show for the
 3 preceding sixty calendar days such person's (1) reserves of
 4 crude oil, natural gas, and coal; (2) production and destina-
 5 tion of any petroleum product, natural gas, and coal; (3)
 6 refinery runs byproduct; and (4) other data required by the
 7 Attorney General or the Secretary of the Interior for such
 8 purpose. Such regulation shall also require that such persons
 9 provide to the Attorney General or the Secretary of the
 10 Interior such reports for the period from January 1, 1970,
 11 to the date of such person's first sixty-day report. Such regu-
 12 lation shall be promulgated 30 days after such publication.
 13 The Attorney General or the Secretary of the Interior shall
 14 publish quarterly in the Federal Register a meaningful sum-
 15 mary analysis of the data provided by such reports.

16 (b) The reporting requirements of this section shall not
 17 apply to the retail operations of persons required to file such
 18 reports. Where a person shows that all or part of the data
 19 required by this section is being reported by such person
 20 to another Federal agency, the Attorney General or the
 21 Secretary of the Interior may exempt such person from re-
 22 porting all or part of such data directly to him, and upon
 23 such exemption, such agency shall, notwithstanding any
 24 other provision of law, provide such data to the Attorney
 25 General or the Secretary of the Interior. The district courts

1 of the United States are authorized, upon application of the
 2 Attorney General or the Secretary of the Interior, to require
 3 enforcement of such reporting requirements.

4 (c) Upon a showing satisfactory to the Attorney Gen-
 5 eral or the Secretary of the Interior by any person that any
 6 report or part thereof obtained under this section from such
 7 person or from a Federal agency would, if made public, di-
 8 vulge methods or processes entitled to protection as trade
 9 secrets or other proprietary information of such person, such
 10 report, or portion thereof, shall be confidential in accordance
 11 with the provisions of section 1905 of title 18 of the United
 12 States Code, except that such report or part thereof shall
 13 not be deemed confidential for purposes of disclosure to (1)
 14 any delegate of the Federal Energy Emergency Administra-
 15 tion for the purpose of carrying out this Act, (2) the At-
 16 torney General or the Secretary of the Interior (or both)
 17 when necessary to carry out those agencies' duties and re-
 18 sponsibilities under this and other statutes, and (3) the
 19 Congress or any Committee of Congress upon request of
 20 the Chairman. The provisions of this section shall expire on
 21 May 15, 1975.

22 SEC. 125. INTRASTATE GAS.

23 Nothing in this Act shall expand the authority of the
 24 Federal Power Commission with respect to sales of non-
 25 jurisdictional natural gas.

SEC. 126. EXPIRATION.

The authority under this title to prescribe any rule or order or take other action under this title, or to enforce any such rule or order, shall expire at midnight, May 15, 1975 (April 1, 1974, in the case of section 105), but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, May 15, 1975 (April 1, 1974, in the case of section 105).

SEC. 127. AUTHORIZATION OF APPROPRIATIONS.

(a) There are authorized to be appropriated to the Federal Energy Emergency Agency to carry out its functions under this Act and under other laws, and to make grants to States under section 123, \$75,000,000 for the fiscal year ending June 30, 1974, and \$75,000,000 for the fiscal year ending June 30, 1975.

(b) For the purpose of making payments under grants to States under section 123, there are authorized to be appropriated \$50,000,000 for the fiscal year ending June 30, 1974, and \$75,000,000 for the fiscal year ending June 30, 1975.

(c) For the purpose of making payments under grants to States under section 116, there is authorized to be ap-

propriated \$500,000,000 for the fiscal year ending June 30, 1974.

SEC. 128. SEVERABILITY.

If any provision of this Act, or the application of any such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 129. PRICE AUTHORITY.

The President shall exercise his authority under the Economic Stabilization Act of 1970, as amended, and the Emergency Petroleum Allocation Act of 1973 to specify prices for sales of crude oil, residual fuel oil, or refined petroleum products in or imported into the United States which avoid windfall profits by sellers. For purposes of this section, windfall profits shall be defined as those profits which are excessive or unreasonable, taking into consideration normal profit levels. This section shall be effective only until December 31, 1974.

SEC. 130. IMPORTATION OF LIQUEFIED NATURAL GAS.

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

"SEC. 8. Notwithstanding the provisions of section 3 of

1 the Natural Gas Act (or any other provisions of law) the
 2 President may by order, on a finding that such action would
 3 be consistent to the public interest, authorize on a ship-
 4 ment-by-shipment basis the importation of liquefied natural
 5 gas from a foreign country: *Provided, however,* That the
 6 authority to act under this section shall not permit the
 7 importation of liquefied natural gas which had not been
 8 authorized prior to the date of expiration of this Act and
 9 which is in transit on such date."

10 **TITLE II—COORDINATION WITH** 11 **ENVIRONMENTAL PROTECTION** 12 **REQUIREMENTS**

13 **SEC. 201. SUSPENSION AUTHORITY.**

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

17 **"ENERGY EMERGENCY AUTHORITY**

18 "Sec. 119. (a) (1) (A) The Administrator may, for
 19 any period beginning on or after the date of enactment of
 20 this section and ending on or before November 1, 1974,
 21 temporarily suspend any stationary source fuel or emission
 22 limitation as it applies to any person, if the Administrator
 23 finds that such person will be unable to comply with such
 24 limitation during such period solely because of unavailability
 25 of types or amounts of fuels. Any suspension under this

1 paragraph and any interim requirement on which such sus-
 2 pension is conditioned under paragraph (3) shall be
 3 exempted from any procedural requirements set forth in
 4 this Act or in any other provision of local, State, or Federal
 5 law; except as provided in subparagraph (B).

6 "(B) The Administrator shall give notice to the pub-
 7 lic of a suspension and afford the public an opportunity
 8 for written and oral presentation of views prior to granting
 9 such suspension unless otherwise provided by the Admin-
 10 istrator for good cause found and published in the Federal
 11 Register. In any case, before granting such a suspension,
 12 he shall give actual notice to the Governor of the State, and
 13 to the chief executive officer of the local government entity
 14 in which the affected source or sources are located. The
 15 granting or denial of such suspension and the imposition of
 16 an interim requirement shall be subject to judicial review
 17 only on the grounds specified in paragraphs (2) (B) and
 18 (2) (C) of section 706 of title 5, United States Code, and
 19 shall not be subject to any proceeding under section 304
 20 (a) (2) or 307 (b) and (c) of this Act.

21 "(2) In issuing any suspension under paragraph (1)
 22 the Administrator is authorized to act on his own motion
 23 without application by any source or State.

24 "(3) Any suspension under paragraph (1) shall be
 25 conditioned upon compliance with such interim requirements

1 as the Administrator determines are reasonable and practica-
 2 ble. Such interim requirements shall include, but need not be
 3 limited to, (A) a requirement that the source receiving the
 4 suspension comply with such reporting requirements as the
 5 Administrator determines may be necessary, (B) such meas-
 6 ures as the Administrator determines are necessary to avoid
 7 an imminent and substantial endangerment to health of per-
 8 sons, and (C) requirements that the suspension shall be in-
 9 applicable during any period during which fuels which would
 10 enable compliance with the suspended stationary source fuel
 11 or emission limitations are in fact reasonably available to that
 12 person (as determined by the Administrator). For purposes
 13 of clause (C) of this paragraph, availability of natural gas or
 14 petroleum products which enable compliance shall not make
 15 a suspension inapplicable to a source described in subsection
 16 (b) (1) of this section.

17 “(4) For purposes of this section:

18 “(A) The term ‘stationary source fuel or emission
 19 limitation’ means any emission limitation, schedule, or
 20 timetable for compliance, or other requirement, which is
 21 prescribed under this Act (other than section 303, 111
 22 (b), or 112) or contained in an applicable implementa-
 23 tion plan and which is designed to limit stationary source
 24 emissions resulting from combustion of fuels, including

1 a prohibition on, or specification of, the use of any fuel of
 2 any type or grade or pollution characteristic thereof.

3 “(B) The term ‘stationary source’ has the same
 4 meaning as such term has under section 111 (a) (3).

5 “(b) (1) Except as provided in paragraph (2) of this
 6 subsection, any fuel-burning stationary source (A) which is
 7 prohibited from using petroleum products or natural gas as
 8 fuel by reason of an order issued under section 106 (a) of
 9 the Energy Emergency Act, or which the Administrator de-
 10 termines began conversion to the use of coal as fuel during
 11 the 90-day period ending on December 15, 1973, and (B)
 12 which converts to the use of coal as fuel, shall not, until
 13 January 1, 1979, be prohibited, by reason of the application
 14 of any air pollution requirement, from burning coal which
 15 is available to such source.

16 “(2) (A) Paragraph (1) of this subsection shall apply
 17 to a source only if the Administrator finds that emissions
 18 from the source will not materially contribute to a signif-
 19 icant risk to public health and if the source has submitted
 20 to the Administrator a plan for compliance for such source
 21 which the Administrator has approved, after notice to in-
 22 terested persons and opportunity for presentation of views
 23 (including oral presentations of views). A plan submitted
 24 under the preceding sentence shall be approved only if it

1 provides (i) for compliance by means, and in accordance
 2 with a schedule which meets the requirements of subpara-
 3 graph (B); and (ii) that such source will comply with
 4 requirements which the Administrator shall prescribe to as-
 5 sure that emissions from such source will not materially con-
 6 tribute to a significant risk to public health. The Adminis-
 7 trator shall approve or disapprove any such plan within 60
 8 days after such plan is submitted.

9 “(B) The Administrator shall prescribe regulations re-
 10 quiring that any source to which this subsection applies sub-
 11 mit and obtain approval of its means for and schedule of
 12 compliance. Such regulations shall include requirements that
 13 such schedules shall include dates by which such source must
 14 (i) enter into contracts or other enforceable obligations for
 15 obtaining a long-term supply of coal or coal byproducts
 16 (which contracts or obligations must have received prior ap-
 17 proval of the Administrator), and (ii) take steps to obtain
 18 continuous emission reduction systems necessary to permit
 19 such source to burn such coal or coal byproducts and to
 20 achieve the degree of emission reduction required by the fol-
 21 lowing sentence (which steps and systems must have re-
 22 ceived prior approval of the Administrator). Such regula-
 23 tions shall also require that the source achieve as expedi-
 24 tiously as practicable considering the type of coal to be
 25 used (but not later than January 1, 1979) the same degree

1 of emission reduction as it was required to achieve by the
 2 applicable implementation plan in effect on the date of en-
 3 actment of this section. Such regulations shall also include
 4 such interim requirements as the Administrator determines
 5 are reasonable and practicable including requirements de-
 6 scribed in clauses (A) and (B) of subsection (a) (3).

7 “(C) The Administrator (after notice to interested per-
 8 sons and opportunity for presentation of views, including
 9 oral presentations of views, to the extent practicable) (i)
 10 may, prior to November 1, 1974, and shall thereafter, pro-
 11 hibit the use of coal by a source to which paragraph (1) ap-
 12 plies if he determines that the use of coal by such source is
 13 likely to materially contribute to a significant risk to public
 14 health; and (ii) may require such source to use coal of any
 15 particular type, grade, or pollution characteristic if such coal
 16 is available to such source. Nothing in this subsection (b)
 17 shall prohibit a State or local agency from taking action
 18 which the Administrator is authorized to take under this
 19 paragraph.

20 “(3) For purposes of this subsection, the term ‘air pol-
 21 lution requirement’ means any emission limitation, schedule,
 22 or timetable for compliance, or other requirement, which is
 23 prescribed under any Federal, State, or local law or regula-
 24 tion, including this Act (except for any requirement pre-
 25 scribed under this subsection or section 303), and which is

1 designed to limit stationary source emissions resulting from
 2 combustion of fuels (including a restriction on the use or
 3 content of fuels). A conversion to coal to which this subsec-
 4 tion applies shall not be deemed to be a modification for pur-
 5 poses of section 111 (a) (2) and (4) of this Act.

6 “(4) A source to which this subsection applies may,
 7 upon the expiration of the exemption under paragraph (1),
 8 obtain a one-year postponement of the application of any
 9 requirement of an applicable implementation plan under the
 10 conditions and in the manner provided in section 110 (f).

11 “(c) The Administrator may by rule establish priorities
 12 under which manufacturers of continuous emission reduction
 13 systems shall provide such systems to users thereof, if he
 14 finds that priorities must be imposed in order to assure that
 15 such systems are first provided to users in air quality control
 16 regions with the most severe air pollution. No rule under this
 17 subsection may impair the obligation of any contract entered
 18 into before enactment of this section. No State or political
 19 subdivision may require any person to use a continuous emis-
 20 sion reduction system for which priorities have been estab-
 21 lished under this subsection except in accordance with such
 22 priorities.

23 “(d) The Administrator shall study, and report to Con-
 24 gress not later than May 31, 1974, with respect to—

25 “(1) the present and projected impact on the pro-

1 gram under this Act of fuel shortages and of allocation
 2 and end-use allocation programs;

3 “(2) availability of continuous emission reduction
 4 technology (including projections respecting the time,
 5 cost, and number of units available) and the effects that
 6 continuous emission reduction systems would have on the
 7 total environment and on supplies of fuel and electricity;

8 “(3) the number of sources and locations which
 9 must use such technology based on projected fuel avail-
 10 ability data;

11 “(4) priority schedule for implementation of con-
 12 tinuous emission reduction technology, based on public
 13 health or air quality;

14 “(5) evaluation of availability of technology to burn
 15 municipal solid waste in these sources; including time
 16 schedules, priorities analysis of unregulated pollutants
 17 which will be emitted and balancing of health benefits
 18 and detriments from burning solid waste and of eco-
 19 nomic costs;

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

22 “(7) evaluation of alternative control strategies for
 23 the attainment and maintenance of national ambient air
 24 quality standards for sulfur oxides within the time
 25 frames prescribed in the Act, including associated con-

1 considerations of cost, time frames, feasibility, and effective-
 2 ness of such alternative control strategies as compared
 3 to stationary source fuel and emission regulations;

4 “(8) proposed allocations of continuous emission
 5 reduction technology for nonsolid waste producing sys-
 6 tems to sources which are least able to handle solid waste
 7 byproduct, technologically, economically, and without
 8 hazard to public health, safety, and welfare; and

9 “(9) plans for monitoring or requiring sources to
 10 which this section applies to monitor the impact of ac-
 11 tions under this section on concentration of sulfur dioxide
 12 in the ambient air.

13 “(e) No State or political subdivision may require any
 14 person to whom a suspension has been granted under subsec-
 15 tion (a) to use any fuel the unavailability of which is the
 16 basis of such person's suspension (except that this preemp-
 17 tion shall not apply to requirements identical to Federal
 18 interim requirements under subsection (a) (1)).

19 “(f) (1) It shall be unlawful for any person to whom a
 20 suspension has been granted under subsection (a) (1) to
 21 violate any requirement on which the suspension is condi-
 22 tioned pursuant to subsection (a) (3).

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

25 “(3) It shall be unlawful for the owner or operator of

1 any source to fail to comply with any requirement under
 2 subsection (b) or any regulation, plan, or schedule there-
 3 under.

4 “(4) It shall be unlawful for any person to fail to com-
 5 ply with an interim requirement under subsection (i) (3).

6 “(g) Beginning January 1, 1975, the Administrator
 7 shall publish, at no less than 180-day intervals, in the Fed-
 8 eral Register the following:

9 “(1) A concise summary of progress reports
 10 which are required to be filed by any person or source
 11 owner or operator to which subsection (b) applies. Such
 12 progress reports shall report on the status of compliance
 13 with all requirements which have been imposed by the
 14 Administrator under such subsections.

15 “(2) Up-to-date findings on the impact of this sec-
 16 tion upon—

17 “(A) applicable implementation plans, and

18 “(B) ambient air quality.

19 “(h) Nothing in this section shall affect the power of
 20 the Administrator to deal with air pollution presenting an
 21 imminent and substantial endangerment to the health of
 22 persons under section 303 of this Act.

23 “(i) (1) In order to reduce the likelihood of early phase-
 24 out of existing electric generating facilities during the energy
 25 emergency, any electric generating powerplant (A) which,

1 because of the age and condition of the plant, is to be taken
 2 out of service permanently no later than January 1, 1980,
 3 according to the power supply plan (in existence on the
 4 date of enactment of the Energy Emergency Act) of the
 5 operator of such plant, (B) for which a certification to that
 6 effect has been filed by the operator of the plant with the
 7 Environmental Protection Agency and the Federal Power
 8 Commission, and (C) for which the Commission has deter-
 9 mined that the certification has been made in good faith
 10 and that the plan to cease operations no later than January
 11 1, 1980, will be carried out as planned in light of existing
 12 and prospective power supply requirements, shall be eligible
 13 for a single one-year postponement as provided in para-
 14 graph (2).

15 “(2) Prior to the date on which any plant eligible under
 16 paragraph (1) is required to comply with any requirement
 17 of any applicable implementation plan, such source may
 18 apply (with the concurrence of the Governor of the State in
 19 which the plant is located) to the Administrator to postpone
 20 the applicability of such requirement to such source for not
 21 more than one year. If the Administrator determines, after
 22 balancing the risk to public health and welfare which may
 23 be associated with a postponement, that compliance with any
 24 such requirement is not reasonable in light of the projected
 25 useful life of the plant, the availability of rate base increases

1 to pay for such costs, and other appropriate factors, then the
 2 Administrator shall grant a postponement of any such
 3 requirements.

4 “(3) The Administrator shall, as a condition of any
 5 postponement under paragraph (2), prescribe such interim
 6 requirements as are practicable and reasonable in light of
 7 the criteria in paragraph (2).

8 “(j) (1) The Administrator may, after public notice and
 9 opportunity for presentation of views in accordance with
 10 section 553 of title 5, United States Code, and after consulta-
 11 tion with the Federal Energy Emergency Administration des-
 12 ignate persons to whom fuel exchange orders should be
 13 issued. The purpose of such designation shall be to avoid or
 14 minimize the adverse impact on public health and welfare
 15 of any suspension under subsection (a) of this section or
 16 conversion to coal to which subsection (b) applies or of
 17 any allocation under the Energy Emergency Act or the
 18 Emergency Petroleum Allocation Act.

19 “(2) The Administrator of the Federal Energy Ad-
 20 ministration shall issue exchange orders to such persons as
 21 are designated by the Administrator under paragraph (1)
 22 requiring the exchange of any fuel subject to allocation under
 23 the preceding Acts effective no later than 45 days after the
 24 date of designation under paragraph (1), unless the Ad-
 25 ministrator of the Federal Energy Administration determines,

1 after consultation with the Administrator, that the costs or
2 consumption of fuel, resulting from such exchange order
3 will be excessive.

4 “(3) Violation of any exchange order issued under
5 paragraph (2) shall be a prohibited act and shall be subject
6 to enforcement action and sanctions in the same manner and
7 to the same extent as a violation of any requirement of the
8 regulation under section 4 of the Emergency Petroleum Allo-
9 cation Act of 1973.”

10 SEC. 202. IMPLEMENTATION PLAN REVISIONS.

11 (a) Section 110 (a) of the Clean Air Act is amended in
12 paragraph (3) by inserting “(A)” after “(3)” and by
13 adding at the end thereof the following new subparagraph:

14 “(B) (1) For any air quality control region in which
15 there has been a conversion to coal under section 119 (b),
16 the Administrator shall review the applicable implementa-
17 tion plan and no later than 1 year after the date of such
18 conversion determine whether such plan must be revised in
19 order to achieve the national primary standard which the
20 plan implements. If the Administrator determines that any
21 such plan is inadequate, he shall require that a plan revision
22 be submitted by the State within 3 months after the
23 date of notice to the State of such determination. Any plan
24 revision which is submitted by the State after notice and
25 public hearing shall be approved or disapproved by the Ad-

1 ministrator, after public notice and opportunity for public
2 hearing, but no later than 3 months after the date re-
3 quired for submission of the revised plan. If a plan provi-
4 sion (or portion thereof) is disapproved (or if a State fails
5 to submit a plan revision), the Administrator shall, after
6 public notice and opportunity for a public hearing, promul-
7 gate a revised plan (or portion thereof) not later than 3
8 months after the date required for approval or disapproval.

9 “(2) Any requirement for a plan revision under para-
10 graph (1) and any plan requirement promulgated by the
11 Administrator under such paragraph shall include reasonable
12 and practicable measures to minimize the effect on the public
13 health of any conversion to which section 119 (b) applies.”

14 (b) Subsection (c) of section 110 of the Clean Air
15 Act (42 U.S.C. 1857 C-5) is amended by inserting “(1)”
16 after “(c)”; by redesignating paragraphs (1), (2), and
17 (3) as subparagraphs (A), (B), and (C), respectively;
18 and by adding the following new paragraph;

19 “(2) (A) The Administrator shall conduct a study and
20 shall submit a report to the Committee on Interstate and
21 Foreign Commerce of the United States House of Repre-
22 sentatives and the Committee on Public Works of the United
23 States Senate not later than May 1, 1974, on the necessity of
24 parking surcharge, management of parking supply, and pref-
25 erential bus/carpool lane regulations as part of the applicable

1 implementation plans required under this section to achieve
 2 and maintain national primary ambient air quality standards.
 3 The study shall include an assessment of the economic impact
 4 of such regulations, consideration of alternative means of
 5 reducing total vehicle miles traveled, and an assessment of
 6 the impact of such regulations on other Federal and State
 7 programs dealing with energy or transportation. In the
 8 course of such study, the Administrator shall consult with
 9 other Federal officials including, but not limited to, the Sec-
 10 retary of Transportation, the Administrator of the Federal
 11 Energy Administration, and the Chairman of the Council on
 12 Environmental Quality.

13 “(B) No parking surcharge regulation may be required
 14 by the Administrator under paragraph (1) of this subsection
 15 as a part of an applicable implementation plan. All parking
 16 surcharge regulations previously required by the Administra-
 17 tor shall be void upon the date of enactment of this subsec-
 18 tion. This subparagraph shall not prevent the Administrator
 19 from approving parking surcharges if they are adopted and
 20 submitted by a State as part of an applicable implementation
 21 plan. The Administrator may not condition approval of any
 22 applicable implementation plan submitted by a State on such
 23 plan's including a parking surcharge regulation.

24 “(C) The Administrator is authorized to suspend until
 25 January 1, 1975, the effective date or applicability of any

1 regulations for the management of parking supply or any
 2 requirement that such regulation be a part of an applicable
 3 implementation plan approved or promulgated under this
 4 section. The exercise of the authority under this subpara-
 5 graph shall not prevent the Administrator from approving
 6 such regulations if they are adopted and submitted by a
 7 State as part of an applicable implementation plan. If the
 8 Administrator exercises the authority under this subpara-
 9 graph, regulations requiring a review or analysis of the im-
 10 pact of proposed parking facilities before construction which
 11 take effect on or after January 1, 1975, shall not apply to
 12 parking facilities on which construction has been initiated
 13 before January 1, 1975.

14 “(D) For purposes of this paragraph, the term ‘parking
 15 surcharge regulation’ means a regulation imposing or requir-
 16 ing the imposition of any tax, surcharge, fee, or other charge
 17 on parking spaces, or any other area used for the temporary
 18 storage of motor vehicles. The term ‘management of parking
 19 supply’ shall include any requirement providing that any
 20 new facility containing a given number of parking spaces
 21 shall receive a permit or other prior approval, issuance of
 22 which is to be conditioned on air quality considerations. The
 23 term ‘preferential bus/carpool lane’ shall include any require-
 24 ment for the setting aside of one or more lanes of a street or

1 highway on a permanent or temporary basis for the exclusive
2 use of buses and/or carpools.”

3 **SEC. 203. MOTOR VEHICLE EMISSIONS.**

4 (a) Section 202 (b) (1) (A) of the Clean Air Act is
5 amended by striking out “1975” and inserting in lieu thereof
6 “1977”; and by inserting after “(A)” the following: “The
7 regulations under subsection (a) applicable to emissions of
8 carbon monoxide and hydrocarbons from light-duty vehicles
9 and engines manufactured during model years 1975 and
10 1976 shall contain standards which are identical to the in-
11 terim standards which were prescribed (as of December 1,
12 1973) under paragraph (5) (A) of this subsection for light-
13 duty vehicles and engines manufactured during model year
14 1975.”

15 (b) Section 202 (b) (1) (B) of such Act is amended by
16 striking out “1976” and inserting in lieu thereof “1978”; and
17 by inserting after “(B)” the following: “The regulations
18 under subsection (a) applicable to emissions of oxides of
19 nitrogen from light-duty vehicles and engines manufactured
20 during model years 1975 and 1976 shall contain standards
21 which are identical to the standards which were prescribed
22 (as of December 1, 1973) under subsection (a) for light-
23 duty vehicles and engines manufactured during model year
24 1975. The regulations under subsection (a) applicable to
25 emissions of oxides of nitrogen from light-duty vehicles and

1 engines manufactured during model year 1977 shall contain
2 standards which provide that emissions of such vehicles and
3 engines may not exceed 2.0 grams per vehicle mile.”

4 (c) Section 202 (b) (5) (A) of such Act is amended to
5 read as follows:

6 “(5) (A) At any time after January 1, 1975, any man-
7 ufacturer may file with the Administrator an application re-
8 questing the suspension for one year only of the effective
9 date of any emission standard required by paragraph (1)
10 (A) with respect to such manufacturer for light-duty vehi-
11 cles and engines manufactured in model year 1977. The
12 Administrator shall make his determination with respect to
13 any such application within 60 days. If he determines, in
14 accordance with the provisions of this subsection, that such
15 suspension should be granted, he shall simultaneously with
16 such determination prescribe by regulation interim emission
17 standards which shall apply (in lieu of the standards required
18 to be prescribed by paragraph (1) (A) of this subsection)
19 to emissions of carbon monoxide or hydrocarbons (or both)
20 from such vehicles and engines manufactured during model
21 year 1977.”

22 (d) Section 202 (b) (5) (B) of the Clean Air Act is
23 repealed and the following subparagraphs redesignated
24 accordingly.

SEC. 204. CONFORMING AMENDMENTS.

(a) (1) Section 113 (a) (3) of the Clean Air Act is amended by striking out "or" before "112 (c)", by inserting a comma in lieu thereof, and by inserting after "hazardous emissions)" the following: ", or 119 (f) (relating to priorities and certain other requirements)".

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

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

(4) Section 114 (a) of such Act is amended by inserting "119 or" before "303".

(b) Section 116 of the Clean Air Act is amended by inserting "119 (b), (c), and (e)," before "209".

SEC. 205. PROTECTION OF PUBLIC HEALTH AND ENVIRONMENT.

(a) Any allocation program provided for in title I of this Act or in the Emergency Petroleum Allocation Act of 1973 shall, to the maximum extent practicable, include measures to assure that available low sulfur fuel will be distributed on a priority basis to those areas of the country designated by the Administrator of the Environmental Protection Agency

as requiring low sulfur fuel to avoid or minimize adverse impact on public health.

(b) 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, through the National Institute of Environmental Health Sciences and in cooperation with the Environmental Protection Agency, conduct a study of chronic effects among exposed populations. The sums of \$3,500,000 is authorized to be appropriated for such a study. In order to assure that long-term studies can be conducted without interruption, such sums as are appropriated shall be available until expended.

(c) 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 con-

1 straint, shall be prepared and circulated to appropriate Fed-
 2 eral, State, and local government agencies and to the public
 3 for a 30-day comment period after which a public hearing
 4 shall be held upon request to review outstanding environ-
 5 mental issues. Such an evaluation shall not be required
 6 where the action in question has been preceded by compli-
 7 ance with the National Environmental Policy Act by the
 8 appropriate Federal agency. Any action taken under this
 9 Act which will be in effect for more than a one-year period
 10 (other than action taken pursuant to subsection (d) of this
 11 section) or any action to extend an action taken under this
 12 Act to a total period of more than 1 year shall be subject to
 13 the full provisions of the National Environmental Policy Act
 14 notwithstanding any other provision of this Act.

15 (d) Notwithstanding subsection (c) of this section, in
 16 order to expedite the prompt construction of facilities for the
 17 importation of hydroelectric energy thereby helping to re-
 18 duce the shortage of petroleum products in the United States,
 19 the Federal Power Commission is hereby authorized and
 20 directed to issue a Presidential permit pursuant to Executive
 21 Order 10485 of September 3, 1953, for the construction, op-
 22 eration, maintenance, and connection of facilities for the
 23 transmission of electric energy at the borders of the United
 24 States without preparing an environmental impact state-
 25 ment pursuant to section 102 of the National Environmental

1 Policy Act of 1969 (83 Stat. 856) for facilities for the trans-
 2 mission of electric energy between Canada and the United
 3 States in the vicinity of Fort Covington, New York.

4 SEC. 206. ENERGY CONSERVATION STUDY.

5 (a) The Administrator of the Federal Energy Adminis-
 6 tration shall conduct a study on potential methods of energy
 7 conservation and, not later than 6 months after the date of
 8 enactment of this Act, shall submit to Congress a report on
 9 the results of such study. The study shall include, but not
 10 be limited to, the following:

11 (1) the energy conservation potential of restricting
 12 exports of fuels or energy-intensive products or goods,
 13 including an analysis of balance-of-payments and for-
 14 eign relations implications of any such restrictions;

15 (2) federally sponsored incentives for the use of
 16 public transit, including the need for authority to re-
 17 quire additional production of buses or other means of
 18 public transit and Federal subsidies for the duration of
 19 the energy emergency for reduced fares and additional
 20 expenses incurred because of increased service;

21 (3) alternative requirements, incentives, or disin-
 22 centives for increasing industrial recycling and resource
 23 recovery in order to reduce energy demand, including
 24 the economic costs and fuel consumption trade-off which
 25 may be associated with such recycling and resource re-

1 covery in lieu of transportation and use of virgin
2 materials;

3 (4) the costs and benefits of electrifying rail lines
4 in the United States with a high density of traffic, in-
5 cluding (A) the capital costs of such electrification, the
6 oil fuel economies derived from such electrification, the
7 ability of existing power facilities to supply the addi-
8 tional power load, and the amount of coal or other fossil
9 fuels required to generate the power required for rail-
10 road electrification, and (B) the advantages to the en-
11 vironment of electrification of railroads in terms of
12 reduced fuel consumption and air pollution and disad-
13 vantages to the environment from increased use of fossil
14 fuel such as coal; and

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

17 (b) Within 90 days of the date of enactment of this Act,
18 the Secretary of Transportation, after consultation with the
19 Federal Energy Administrator, shall submit to the Congress
20 for appropriate action an "Emergency Mass Transporta-
21 tion Assistance Plan" for the purpose of conserving energy
22 by expanding and improving public mass transportation sys-
23 tems and encouraging increased ridership as alternatives to
24 automobile travel.

25 (c) Such plan shall include, but shall not be limited to—

1 (1) recommendations for emergency temporary
2 grants to assist States and local public bodies and agen-
3 cies thereof in the payment of operating expenses in-
4 curred in connection with the provision of expanded
5 mass transportation service in urban areas;

6 (2) recommendations for additional emergency as-
7 sistance for the purchase of buses and rolling stock for
8 fixed rail, including the feasibility of accelerating the
9 timetable for such assistance under section 142 (a) (2)
10 of title 23, United States Code (the "Federal-Aid
11 Highway Act of 1973"), for the purpose of providing
12 additional capacity for and encouraging increased use of
13 public mass transportation systems;

14 (3) recommendations for a program of demonstra-
15 tion projects to determine the feasibility of fare-free and
16 low-fare urban mass transportation systems, including
17 reduced rates for elderly and handicapped persons during
18 nonpeak hours of transportation;

19 (4) recommendations for additional emergency as-
20 sistance for the construction of fringe and transportation
21 corridor parking facilities to serve bus and other mass
22 transportation passengers;

23 (5) recommendations on the feasibility of providing
24 tax incentives for persons who use public mass trans-
25 portation systems.

(d) In consultation with the Federal Energy Administrator, the Secretary of Transportation shall make an investigation and study for the purpose of conserving energy and assuring that the essential fuel needs of the United States will be met by developing a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California. In carrying out such investigation and study the Secretary shall consider, but shall not be limited to—

(1) the efficiency of energy utilization and impact on energy resources of such a system, including the future impact of existing transportation systems on energy resources if such a system is not established;

(2) coordination with other studies undertaken on the State and local level; and

(3) such other matters as he deems appropriate.

The Secretary of Transportation shall report the results of the study and investigation pursuant to this Act, together with his recommendations, to the Congress and the President no later than December 31, 1974.

SEC. 207. REPORTS.

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

SEC. 208. FUEL ECONOMY STUDY.

Title II of the Clean Air Act is amended by redesignating section 213 as section 214 and by adding the following new section:

“FUEL ECONOMY IMPROVEMENT FROM NEW MOTOR VEHICLES

“SEC. 213. (a) (1) The Administrator and the Secretary of Transportation shall conduct a joint study, and shall report to the Committee on Interstate and Foreign Commerce of the United States House of Representatives and the Committees on Public Works and Commerce of the United States Senate within 120 days following the date of enactment of this section, concerning the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. Such study and report shall include, but not be limited to, the technological problems of meeting any such standard, including the leadtime involved; the test procedures required to determine compliance; the economic costs associated with such standard, including any beneficial

1 economic impact; the various means of enforcing such stand-
 2 ard; the effect on consumption of natural resources, includ-
 3 ing energy consumed; and the impact of applicable safety
 4 and emission standards. In the course of performing such
 5 study, the Administrator and the Secretary of Transporta-
 6 tion shall utilize the research previously performed in the
 7 Department of Transportation, and the Administrator and
 8 the Secretary shall consult with the Administrator of the
 9 Federal Energy Administration, the Chairman of the Coun-
 10 cil on Environmental Quality, and the Secretary of the
 11 Treasury. The Office of Management and Budget may review
 12 such report before its submission to Congress but the Office
 13 may not revise the report or delay its submission beyond
 14 the date prescribed for its submission, and may submit to
 15 Congress its comments respecting such report. In connec-
 16 tion with such study, the Administrator may utilize the
 17 authority provided in section 307 (a) of this Act to obtain
 18 necessary information.

19 “(2) For the purpose of this section, the term ‘fuel
 20 economy improvement standard’ means a requirement of a
 21 percentage increase in the number of miles of transportation
 22 provided by a manufacturer’s entire annual production of new
 23 motor vehicles per unit of fuel consumed, as determined for
 24 each manufacturer in accordance with test procedures estab-
 25 lished by the Administrator pursuant to this Act. Such term

1 shall not include any requirement for any design standard
 2 or any other requirement specifying or otherwise limiting
 3 the manufacturer’s discretion in deciding how to comply with
 4 the fuel economy improvement standard by any lawful
 5 means.”

6 **TITLE III—STUDIES AND REPORTS**

7 **SEC. 301. AGENCY STUDIES.**

8 The following studies shall be conducted, with reports
 9 on their results submitted to the Congress:

10 (1) Within 30 days after the date of enactment of this
 11 Act:

12 (A) The Administrator of the Federal Energy
 13 Emergency Administration shall conduct a review of all
 14 rulings and regulations issued pursuant to the Economic
 15 Stabilization Act to determine if such rulings and regula-
 16 tions are contributing to the shortage of fuels and of ma-
 17 terials associated with the production of energy supplies.

18 (B) All Federal departments and agencies, includ-
 19 ing the Federal regulatory agencies, are directed to
 20 undertake a survey of all activities over which they
 21 have special expertise or jurisdiction and identify and
 22 recommend to the Congress and to the President specific
 23 proposals to significantly increase energy supply or to
 24 reduce energy demand through conservation programs.

25 (C) The Secretary of the Treasury and the Director

1 of the Cost of Living Council shall recommend to the
 2 Congress specific incentives to increase energy supply,
 3 reduce demand, to encourage private industry and indi-
 4 vidual persons to subscribe to the goals of this Act. This
 5 study shall also include an analysis of the price-elasticity
 6 of demand for gasoline.

7 (D) The Administrator shall report to the Con-
 8 gress concerning the present and prospective impact of
 9 energy shortages upon employment. Such report shall
 10 contain an assessment of the adequacy of existing pro-
 11 grams in meeting the needs of adversely affected
 12 workers, together with legislative recommendations
 13 appropriate to meet such needs, including revisions in
 14 the unemployment insurance laws.

15 (E) The Secretary of the Interior and the Secretary
 16 of Commerce are directed to prepare a comprehensive
 17 report of (1) United States exports of petroleum prod-
 18 ucts and other energy sources, and (2) foreign invest-
 19 ment in production of petroleum products and other
 20 energy sources to determine the consistency or lack
 21 thereof of the Nation's trade policy and foreign invest-
 22 ment policy with domestic energy conservation efforts.
 23 Such report shall include recommendations for legisla-
 24 tion.

1 (2) Within 6 months after the date of enactment of this
 2 Act:

3 (A) The Administrator shall develop and submit
 4 to the Congress no later than May 15, 1974, a plan
 5 for providing incentives for the increased use of public
 6 transportation and Federal subsidies for maintained or
 7 reduced fares and additional expenses incurred because
 8 of increased service for the duration of the Act. For the
 9 purposes of section 105, the plan provided for in this
 10 section shall be considered an energy conservation plan.

11 (B) The Administrator of the FEEA shall recom-
 12 mend to the Congress actions to be taken regarding the
 13 problem of the siting of energy producing facilities.

14 (C) The Administrator of the FEEA shall conduct
 15 a study of the further development of the hydroelectric
 16 power resources of the Nation, including an assessment
 17 of present and proposed projects already authorized by
 18 Congress and the potential of other hydroelectric power
 19 resources, including tidal power and geothermal steam.

20 (D) The Administrator shall prepare and submit
 21 to Congress a plan for encouraging the conversion of
 22 coal to crude oil and other liquid and gaseous hydro-
 23 carbons.

24 (E) The Secretary of the Interior shall study meth-

1 ods for accelerating leases of energy resources on public
2 land including oil and gas leasing onshore and offshore,
3 and geothermal energy leasing.

4 **SEC. 302. REPORTS OF THE PRESIDENT TO CONGRESS.**

5 The President shall report to the Congress every 60
6 days, beginning February 1, 1974, on the implementation
7 and administration of this Act and the Emergency Petroleum
8 Allocation Act of 1973, together with an assessment of the
9 results attained thereby. Each report shall include specific in-
10 formation, nationally and by region and State, concerning
11 staffing and other administrative arrangements taken to carry
12 out programs under these Acts and may include such recom-
13 mendations as he deems necessary for amending or extending
14 the authorities granted in this Act or in the Emergency
15 Petroleum Allocation Act of 1973.

93^d CONGRESS
1ST SESSION

H. R. 12128

A BILL

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

By Mr. STAGGERS

DECEMBER 21, 1973

Referred to the Committee on Interstate and Foreign
Commerce