

93<sup>RD</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 12129

## 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 re-



1     fined petroleum products caused by insufficient domestic  
2     refining capacity, inadequate domestic production, en-  
3     vironmental constraints, and the unavailability of imports  
4     sufficient to satisfy domestic demand, now exist;

5     (B) such shortages have created or will create se-  
6     vere 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 en-  
13    ergy supplies, particularly crude oil and petroleum prod-  
14    ucts, pose a serious risk to national security, economic  
15    well-being, and health and welfare of the American  
16    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 this  
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 for  
7     energy emergency rationing and conservation measures and  
8     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  
11    the United States for fuels will be met in a manner which,  
12    to the fullest extent practicable: (1) is consistent with exist-  
13    ing national commitments to protect and improve the  
14    environment; (2) minimizes any adverse impact on employ-  
15    ment; (3) provides for equitable treatment of all sectors of  
16    the economy; (4) maintains vital services necessary to  
17    health, safety, and public welfare; and (5) insures against  
18    anticompetitive practices and effects and preserves, enhances,  
19    and facilitates competition in the development, production,  
20    transportation, distribution, and marketing of energy  
21    resources.

## 22    SEC. 102. DEFINITIONS.

23    For purposes of this Act:

24    (1) The term "State" means a State, the District  
25    of Columbia, Puerto Rico, or any territory or possession  
26    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 Emergency 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-users of crude oil, residual fuel oil, or any refined petroleum product, and for the assignment to end-users of such products of rights, and evidence of such rights, en-



1 titling them to obtain such products in precedence to other  
2 classes of end-users not similarly entitled.

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

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

15 “(4) The President shall provide for procedures by  
16 which any end-user of crude oil, residual fuel oil, or refined  
17 petroleum products for which priorities and entitlements  
18 are established under paragraph (1) of this subsection may  
19 petition for review and reclassification or modification of any  
20 determination made under such paragraph with respect to  
21 his rationing priority or entitlement. Such procedures may  
22 include procedures with respect to such local boards as may  
23 be authorized to carry out functions under this subsection  
24 pursuant to section 122 of the Energy Emergency Act.

25 “(5) No rule or order under this section may im-

1 pose any tax or user fee, or provide for a credit or deduction  
2 in computing any tax.”

### 3 SEC. 105. ENERGY CONSERVATION PLANS.

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

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

22 (2) An energy conservation plan shall become effec-  
23 tive as provided for in subsection (b). Such a plan shall  
24 apply in each State, except as otherwise provided in an  
25 exemption granted pursuant to the plan in cases where a



1 comparable State or local program is in effect, or where the  
2 Administrator finds special circumstances exist.

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

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

12 (5) Subject to subsection (b) (3), provision of an en-  
13 ergy conservation plan shall remain in effect for a period  
14 specified in the plan unless earlier rescinded by the Admin-  
15 istrator, but shall terminate in any event no later than  
16 April 1, 1974.

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

22 (2) The Administrator shall transmit any energy con-  
23 servation plan (bearing an identification number) to each  
24 House of Congress on the date on which it is promulgated.

25 (3) (A) If an energy conservation plan is transmitted

1 to Congress before March 1, 1974, and provides for an  
2 effective date earlier than March 1, 1974, such plan shall  
3 take effect on the date provided in the plan; but if either  
4 House of the Congress, before the end of the first period of  
5 15 calendar days of continuous session of Congress after the  
6 date on which such plan is transmitted to it, passes a resolu-  
7 tion stating in substance that such House does not favor  
8 such plan, such plan shall cease to be effective on the date  
9 of passage of such resolution.

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

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

22 (4) For the purpose of paragraph (3) of this subsec-  
23 tion—

24 (A) continuity of session is broken only by an  
25 adjournment of Congress sine die; and



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

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

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

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

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

(2) For the purpose of this subsection, "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the \_\_\_\_\_ does not favor the energy conservation plan

numbered \_\_\_\_\_ transmitted to Congress by the Administrator of the Federal Energy Emergency Administration on \_\_\_\_\_, 19—.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy conservation plan.

(3) A resolution with respect to an energy conservation plan shall be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If the committee to which a resolution with respect to an energy conservation plan has been referred has not reported it at the end of 5 calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution with respect to such energy conservation plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy conservation plan), and debate thereon shall be limited to not



1 more than 1 hour, to be divided equally between those  
2 favoring and those opposing the resolution. An amendment  
3 to the motion is not in order, and it is not in order to move  
4 to reconsider the vote by which the motion is agreed to  
5 or disagreed to.

6 (C) If the motion to discharge is agreed to or disagreed  
7 to, the motion may not be renewed, nor may another mo-  
8 tion to discharge the committee be made with respect to  
9 any other resolution with respect to the same plan.

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

19 (B) Debate on the resolution shall be limited to not  
20 more than 10 hours, which shall be divided equally between  
21 those favoring and those opposing the resolution. A motion  
22 further to limit debate is not debatable. An amendment to, or  
23 motion to recommit, the resolution is not in order, and it is  
24 not in order to move to reconsider the vote by which the res-  
25 olution is agreed to or disagreed to.

1 (6) (A) Motions to postpone, made with respect to the  
2 discharge from committee, or the consideration of a resolu-  
3 tion with respect to an energy conservation plan, and mo-  
4 tions to proceed to the consideration of other business, shall  
5 be decided without debate.

6 (B) Appeals from the decisions of the Chair relating to  
7 the application of the rules of the Senate or the House of  
8 Representatives, as the case may be, to the procedure re-  
9 lating to a resolution with respect to an energy conservation  
10 plan shall be decided without debate.

11 (d) (1) In carrying out the provisions of this Act, the  
12 Administrator shall, to the greatest extent practicable, evalu-  
13 ate the potential economic impacts of proposed regulatory  
14 and other actions including but not limited to the preparation  
15 of an analysis of the effect of such actions on—

16 (A) the fiscal integrity of State and local govern-  
17 ment;

18 (B) vital industrial sectors of the economy;

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

21 (D) the economic vitality of regional, State, and  
22 local areas;

23 (E) the availability and price of consumer goods  
24 and services;

25 (F) the gross national product;



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

2 (H) small business.

3 (2) The Administrator shall develop analyses of the  
4 economic impact of any energy conservation plan on States  
5 or significant sectors thereof, considering the impact on  
6 energy resources as fuel and as feedstock for industry.

7 (3) Such analyses shall, wherever possible, be made  
8 explicit and, to the extent practicable, other Federal agencies  
9 and agencies of State and local governments which have spe-  
10 cial knowledge and expertise relevant to the impact of pro-  
11 posed regulatory or other actions shall be consulted in making  
12 the analyses, and all Federal agencies shall cooperate with  
13 the Administrator in preparing such analyses except that the  
14 Administrator's actions pursuant to this subsection shall not  
15 create any right of review or cause of action except as other-  
16 wise exist under other provisions of law.

17 (4) The Administrator, together with the Secretaries of  
18 Labor and Commerce, shall monitor the economic impact of  
19 any energy actions taken by the Administrator, and shall pro-  
20 vide the Congress with separate reports every 30 days on  
21 the impact of the energy shortage and such emergency ac-  
22 tions on employment and the economy.

23 (e) Any energy conservation plan which the Admin-  
24 istrator submits to the Congress pursuant to subsection (b)  
25 of this section shall include findings of fact and a specific

1 statement explaining the rationale for each provision con-  
2 tained in such plan.

### 3 SEC. 106. COAL CONVERSION AND ALLOCATION.

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



1 coal, coal transportation facilities, and the maintenance of  
 2 reliability of service in a given service area. The Administra-  
 3 tor shall require that fossil-fuel-fired electric powerplants in  
 4 the early planning process, other than combustion gas tur-  
 5 bine and combined cycle units, be designed and constructed  
 6 so as to be capable of using coal as a primary energy source  
 7 instead of or in addition to other fossil fuels. No fossil-fuel-  
 8 fired electric powerplant may be required under this section  
 9 to be so designed and constructed, if (1) to do so would  
 10 result in an impairment of reliability or adequacy of service,  
 11 or (2) if an adequate and reliable supply of coal is not avail-  
 12 able and is not expected to be available. In considering  
 13 whether to impose a design and construction requirement  
 14 under this subsection, the Administrator shall consider the  
 15 existence and effects of any contractual commitment for the  
 16 construction of such facilities and the capability of the  
 17 owner or operator to recover any capital investment made  
 18 as a result of the conversion requirements of this section.

19 (b) The Administrator may by rule prescribe a system  
 20 for allocation of coal to users thereof in order to attain the ob-  
 21 jectives specified in this section.

## 22 SEC. 107. MATERIALS ALLOCATION.

23 (a) The Administrator shall, within 30 days after the  
 24 date of enactment of this Act, propose (in the nature of a

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

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

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

21 “(i) fuels, and

22 “(ii) minerals essential to the requirements of  
 23 the United States,  
 24 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 subsection (a) provides that any allocation of residual fuel oil or refined petroleum products is to be based on use of such a product or amounts of such product supplied



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

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

#### 19 SEC. 110. PROTECTION OF FRANCHISED DEALERS.

20 (a) As used in this section:

21 (1) The term "distributor" means a person engaged  
 22 in the sale, consignment, or distribution of petroleum  
 23 products to wholesale or retail outlets whether or not  
 24 it owns, leases, or in any way controls such outlets.

25 (2) The term "franchise" means any agreement or

1 contract between a refiner or a distributor and a retailer  
 2 or between a refiner and a distributor, under which such  
 3 retailer or distributor is granted authority to use a trade-  
 4 mark, trade name, service mark, or other identifying  
 5 symbol or name owned by such refiner or distributor, or  
 6 any agreement or contract between such parties under  
 7 which such retailer or distributor is granted authority  
 8 to occupy premises owned, leased, or in any way con-  
 9 trolled by a party to such agreement or contract, for  
 10 the purpose of engaging in the distribution or sale of  
 11 petroleum products for purposes other than resale.

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

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

17 (5) The term "retailer" means a person engaged in  
 18 the sale of any refined petroleum product for purposes  
 19 other than resale within any State, either under a fran-  
 20 chise or independent of any franchise, or who was so  
 21 engaged at any time after the start of the base period.

22 (b) (1) A refiner or distributor shall not cancel, fail to  
 23 renew, or otherwise terminate a franchise unless he furnishes  
 24 prior notification pursuant to this paragraph to each distribu-  
 25 tor or retailer affected thereby. Such notification shall be in



1 writing and sent to such distributor or retailer by certified  
 2 mail not less than 90 days prior to the date on which such  
 3 franchise will be canceled, not renewed, or otherwise termi-  
 4 nated. Such notification shall contain a statement of intention  
 5 to cancel, not renew, or to terminate together with the rea-  
 6 sons therefor, the date on which such action shall take effect,  
 7 and a statement of the remedy or remedies available to such  
 8 distributor or retailer under this section together with a sum-  
 9 mary of the applicable provisions of this section.

10 (2) A refiner or distributor shall not cancel, fail to re-  
 11 new, or otherwise terminate a franchise unless the retailer or  
 12 distributor whose franchise is terminated failed to comply  
 13 substantially with any essential and reasonable requirement  
 14 of such franchise or failed to act in good faith in carrying  
 15 out the terms of such franchise, or unless such refiner or  
 16 distributor withdraws entirely from the sale of refined petro-  
 17 leum products in commerce for sale other than resale in the  
 18 United States.

19 (c) (1) If a refiner or distributor engages in conduct  
 20 prohibited under subsection (b) of this section, a retailer  
 21 or a distributor may maintain a suit against such refiner or  
 22 distributor. A retailer may maintain such suit against a  
 23 distributor or a refiner whose actions affect commerce and  
 24 whose products with respect to conduct prohibited under  
 25 paragraph (1) or (2) of subsection (b) of this section,

1 he sells or has sold, directly or indirectly, under a franchise.  
 2 A distributor may maintain such suit against a refiner whose  
 3 actions affect commerce and whose products he purchases  
 4 or has purchased or whose products he distributes or has  
 5 distributed to retailers.

6 (2) The court shall grant such equitable relief as is  
 7 necessary to remedy the effects of conduct prohibited under  
 8 subsection (b) of this section which it finds to exist includ-  
 9 ing declaratory judgment and mandatory or prohibitive in-  
 10 junctive relief. The court may grant interim equitable relief,  
 11 and actual and punitive damages (except for actions for a  
 12 failure to renew) where indicated, in suits under this  
 13 section, and may, unless such suit is frivolous, direct that  
 14 costs, including reasonable attorney and expert witness fees,  
 15 be paid by the defendant. In the case of actions for a failure  
 16 to renew damages shall be limited to actual damages includ-  
 17 ing the value of the dealer's equity.

18 (3) A suit under this section may be brought in the  
 19 district court of the United States for any judicial district  
 20 in which the distributor or the refiner against whom such  
 21 suit is maintained resides, is found, or is doing business, with-  
 22 out regard to the amount in controversy. No such suit shall  
 23 be maintained unless commenced within 3 years after  
 24 the cancellation, failure to renew, or termination of such fran-  
 25 chise or the modification thereof.



1 **SEC. 111. PROHIBITIONS ON UNREASONABLE ACTIONS.**

2 (a) Action taken under authority of this Act, the Emer-  
 3 gency Petroleum Allocation Act of 1973, or other Federal  
 4 law resulting in the allocation of petroleum products and elec-  
 5 trical energy among classes of users or resulting in restric-  
 6 tions on use of petroleum products and electrical energy,  
 7 shall be equitable, shall not be arbitrary or capricious, and  
 8 shall not unreasonably discriminate among classes of users:  
 9 *Provided*, That with respect to allocations of petroleum  
 10 products applicable to the foreign trade and commerce of the  
 11 United States, no foreign corporation or entity shall receive  
 12 more favorable treatment in the allocation of petroleum  
 13 products than that which is accorded by its home country to  
 14 United States citizens engaged in the same line of commerce,  
 15 and allocations shall contain provisions designed to foster  
 16 reciprocal and nondiscriminatory treatment by foreign coun-  
 17 tries of United States citizens engaged in foreign commerce.  
 18 (b) To the maximum extent practicable, any restric-  
 19 tion on the use of energy shall be designed to be carried  
 20 out in such manner so as to be fair and to create a reasonable  
 21 distribution of the burden of such restriction on all sectors  
 22 of the economy, without imposing an unreasonably dispro-  
 23 portionate share of such burden on any specific industry,  
 24 business, or commercial enterprise, or on any individual  
 25 segment thereof and shall give due consideration to the

1 needs of commercial, retail, and service establishments whose  
 2 normal function is to supply goods and services of an essen-  
 3 tial convenience nature during times of day other than  
 4 conventional daytime working hours.

5 **SEC. 112. REGULATED CARRIERS.**

6 (a) The Interstate Commerce Commission (with re-  
 7 spect to common or contract carriers subject to economic  
 8 regulation under the Interstate Commerce Act), the Civil  
 9 Aeronautics Board, and the Federal Maritime Commission  
 10 shall, for the duration of the period beginning on the date  
 11 of enactment of this Act and ending on May 15, 1975,  
 12 have authority to take any action for the purpose of con-  
 13 serving energy consumption in a manner found by such  
 14 Commission or Board to be consistent with the objectives  
 15 and purposes of the Acts administered by such Commission  
 16 or Board on its own motion or on the petition of the Ad-  
 17 ministrator which existing law permits such Commission or  
 18 Board to take upon the motion or petition of any regulated  
 19 common or contract carrier or other person.

20 (b) The Interstate Commerce Commission shall, by  
 21 expedited proceedings, adopt appropriate rules under the  
 22 Interstate Commerce Act which eliminate restrictions on  
 23 the operating authority of any motor common carrier of  
 24 property which require excessive travel between points with



1 respect to which such motor common carrier has regularly  
 2 performed service under authority issued by the Commission.  
 3 Such rules shall assure continuation of essential service to  
 4 communities served by any such motor common carrier.

5 (c) Within 45 days after the date of enactment of this  
 6 Act, the Civil Aeronautics Board, the Federal Maritime  
 7 Commission, and the Interstate Commerce Commission shall  
 8 report separately to the appropriate committees of the Con-  
 9 gress on the need for additional regulatory authority in order  
 10 to conserve fuel during the period beginning on the date of  
 11 enactment of this Act and ending on May 15, 1975 while  
 12 continuing to provide for the public convenience and nec-  
 13 essity. Each such report shall identify with specificity—

- 14 (1) the type of regulatory authority needed;
- 15 (2) the reasons why such authority is needed;
- 16 (3) the probable impact on fuel conservation of
- 17 such authority;
- 18 (4) the probable effect on the public convenience
- 19 and necessity of such authority; and
- 20 (5) the competitive impact, if any, of such author-
- 21 ity.

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

# 1 SEC. 113. ANTITRUST PROVISIONS.

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

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

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

13 (2) the Act entitled "An Act to supplement ex-  
 14 isting laws against unlawful restraints and monopolies,  
 15 and for other purposes", approved October 15, 1914  
 16 (15 U.S.C. 12 et seq.), as amended;

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

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

23 (5) the Act of June 19, 1936, chapter 592 (15  
 24 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 the public. The meetings of such committees shall be open to the public.

(2) A representative of the Federal Government shall be in attendance at all meetings of any advisory committee established pursuant to this section. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

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

(d) The Administrator, subject to the approval of the Attorney General and the Federal Trade Commission, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil or any refined petroleum product may develop and implement voluntary agreements and plans of action to carry out such agreements which the Administrator determines are necessary to accomplish the objectives stated in section 4 (b) of the Emergency Petroleum Allocation Act of 1973.

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

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

(2) Meetings held to develop a voluntary agreement or a plan of action under this subsection shall permit attendance by interested persons and shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney



1 General, the Federal Trade Commission, and to the pub-  
2 lic in the affected community;

3 (3) Interested persons shall be afforded an oppor-  
4 tunity to present, in writing and orally, data, views, and  
5 arguments at such meetings;

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

16 (f) The Federal Trade Commission may exempt types  
17 or classes of meetings, conferences, or communications from  
18 the requirements of subsection (e) (3) and (e) (4) provided  
19 such meetings, conferences, or communications are ministerial  
20 in nature and are for the sole purpose of implementing or  
21 carrying out a voluntary agreement or plan of action author-  
22 ized pursuant to this section. Such ministerial meeting, con-  
23 ference, or communication may take place in accordance with  
24 such requirements as the Federal Trade Commission may  
25 prescribe by rule. Such persons participating in such meet-

1 ing, conference, or communication shall cause a record to  
2 be made specifying the date such meeting, conference, or  
3 communication took place and the persons involved, and  
4 summarizing the subject matter discussed. Such record shall  
5 be filed with the Federal Trade Commission and the At-  
6 torney General, where it shall be made available for public  
7 inspection and copying.

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

21 (2) Any voluntary agreement or plan of action entered  
22 into pursuant to this section shall be submitted in writing  
23 to the Attorney General and the Federal Trade Commission  
24 20 days before being implemented, where it shall be made  
25 available for public inspection and copying.



(h) (1) The Attorney General and the Federal Trade Commission shall monitor the development, implementation and carrying out of plans of action and voluntary agreements authorized under this section to assure the protection and fostering of competition and the prevention of anticompetitive practices and effects.

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

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

(4) The Federal Trade Commission and the Attorney General may each prescribe such rules and regulations as may be necessary or appropriate to carry out their responsibilities under this Act. They may both utilize for such purposes and for purposes of enforcement any and all powers conferred upon the Federal Trade Commission or the De-

partment of Justice, or both, by any other provision of law, including the antitrust laws; and wherever such provision of law refers to "the purposes of this Act" or like terms, the reference shall be understood to be this Act.

(i) There shall be available as a defense to any civil or criminal action brought under the antitrust laws in respect of actions taken in good faith to develop and implement a voluntary agreement or plan of action to carry out a voluntary agreement by persons engaged in the business of producing, refining, marketing, or distributing crude oil, residual fuel oil, or any refined petroleum product that—

(1) such action was—

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

(B) undertaken and carried out solely to achieve the purposes of this section and in compliance with the terms and conditions of this section, and the rules promulgated hereunder; and

(2) such persons fully complied with the requirements of this section and the rules and regulations promulgated hereunder.

(j) No provision of this Act shall be construed as granting immunity for, nor a limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which oc-



1 curred: (1) prior to the enactment of this Act, (2) outside  
2 the scope and purpose or not in compliance with the terms  
3 and conditions of this Act and this section, or (3) subse-  
4 quent to its expiration or repeal.

5 (k) Effective on the date of enactment of this Act, this  
6 section shall apply in lieu of section 6 (c) of the Emergency  
7 Petroleum Allocation Act of 1973. All actions taken and any  
8 authority or immunity granted under such section 6 (c) shall  
9 be hereafter taken or granted, as the case may be, pursuant to  
10 this section.

11 (l) The provisions of section 708 of the Defense Pro-  
12 duction Act of 1950, as amended, shall not apply to any ac-  
13 tion authorized to be taken under this Act or the Emergency  
14 Petroleum Allocation Act of 1973.

15 (m) The Attorney General and the Federal Trade Com-  
16 mission shall each submit to the Congress and to the Presi-  
17 dent, at least once every six months, a report on the impact  
18 on competition and on small business of actions authorized by  
19 this section.

20 (n) The authority granted by this section (including  
21 any immunity under subsection (i) ) shall terminate on May  
22 15, 1975.

23 (o) The exercise of the authority provided in section  
24 113 shall not have as a principal purpose or effect the sub-  
25 stantial lessening of competition among carriers affected. Ac-

1 tions taken pursuant to that subsection shall be taken only  
2 after providing from the beginning an adequate opportunity  
3 for participation by the Federal Trade Commission and the  
4 Assistant Attorney General in charge of the Antitrust Divi-  
5 sion, who shall propose any alternative which would avoid  
6 or overcome, to the greatest extent practicable, any anticom-  
7 petitive effects while achieving the purposes of this Act.

#### 8 SEC. 114. EXPORTS.

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



1 the Emergency Petroleum Allocation Act of 1973: *Pro-*  
 2 *vided*, That in the event that the Administrator certifies to  
 3 the Secretary of Commerce that export restrictions of prod-  
 4 ucts enumerated in this section are necessary to carry out  
 5 the purposes of this Act, the Secretary of Commerce shall  
 6 impose such export restrictions. Rules under this section by  
 7 the Administrator and actions by the Secretary of Commerce  
 8 under the Export Administration Act of 1969 shall take into  
 9 account the historical trading relations of the United States  
 10 with Canada and Mexico and shall not be inconsistent with  
 11 subsections (b) and (d) of section 4 of the Emergency  
 12 Petroleum Allocation Act of 1973.

13 **SEC. 115. EMPLOYMENT IMPACT AND UNEMPLOYMENT**  
 14 **ASSISTANCE.**

15 (a) The President shall take into consideration and  
 16 shall minimize, to the fullest extent practicable, any adverse  
 17 impact of actions taken pursuant to this Act upon employ-  
 18 ment. All agencies of government shall cooperate fully  
 19 under their existing statutory authority to minimize any  
 20 such adverse impact.

21 (b) The President shall make grants to States to pro-  
 22 vide to any individual unemployed, if such unemployment  
 23 resulted from the administration and enforcement of this  
 24 Act and was in no way due to the fault of such individual,  
 25 such assistance as the President deems appropriate while

1 such individual is unemployed. Such assistance as a State  
 2 shall provide under such a grant shall be available to indi-  
 3 viduals not otherwise eligible for unemployment compensa-  
 4 tion and individuals who have otherwise exhausted their  
 5 eligibility for such unemployment compensation, and shall  
 6 continue as long as unemployment in the area caused by  
 7 such administration and enforcement continues (but not less  
 8 than 6 months) or until the individual is reemployed in  
 9 a suitable position, but not longer than two years after the  
 10 individual becomes eligible for such assistance. Such assist-  
 11 ance shall not exceed the maximum weekly amount under  
 12 the unemployment compensation program of the State in  
 13 which the employment loss occurred.

14 (c) On or before the 60th day following the date of  
 15 enactment of this Act, the President shall report to the  
 16 Congress concerning the present and prospective impact of  
 17 energy shortages upon employment. Such report shall con-  
 18 tain an assessment of the adequacy of existing programs in  
 19 meeting the needs of adversely affected workers and shall  
 20 include legislative recommendations which the President  
 21 deems appropriate to meet such needs, including revisions  
 22 in the unemployment insurance laws.

23 **SEC. 116. USE OF CARPOOLS.**

24 (a) The Secretary of Transportation shall encourage the  
 25 creation and expansion of the use of carpools as a viable



1 component of our nationwide transportation system. It is the  
2 intent of this section to maximize the level of carpool partic-  
3 ipation in the United States.

4 (b) The Secretary of Transportation is directed to  
5 establish within the Department of Transportation an "Of-  
6 fice of Carpool Promotion" whose purpose and responsibili-  
7 ties shall include—

8 (1) responding to any and all requests for in-  
9 formation and technical assistance on carpooling and  
10 carpooling systems from units of State and local govern-  
11 ments and private groups and employees;

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

15 (3) encouraging and promoting private organiza-  
16 tions to organize and operate carpool systems for em-  
17 ployees;

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

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

25 (c) The Secretary of Transportation shall encourage  
26 and promote the use of incentives such as special parking

1 privileges, special roadway lanes, toll adjustments, and other  
2 incentives as may be found beneficial and administratively  
3 feasible to the furtherance of carpool ridership, and consistent  
4 with the obligations of the State and local agencies which  
5 provide transportation services.

6 (d) The Secretary of Transportation shall allocate the  
7 funds appropriated pursuant to the authorization of subsec-  
8 tion (f) according to the following distribution between the  
9 Federal and State or local units of government:

10 (1) The initial planning process—up to 100 per-  
11 cent Federal.

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

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

17 (e) Within 12 months of the date of enactment of this  
18 Act, the Secretary of Transportation shall make a report to  
19 Congress of all his activities and expenditures pursuant to  
20 this section. Such report shall include any recommendations  
21 as to future legislation concerning carpooling.

22 (f) The sum of \$5,000,000 is authorized to be appro-  
23 priated for the conduct of programs designed to achieve the  
24 goals of this section, such authorization to remain available  
25 for 2 years.



(g) For purposes of this section, the terms "local governments" and "local units of government" include any metropolitan transportation organization designated as being responsible for carrying out section 134 of title 23, United States Code.

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

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

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

## **SEC. 117. ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW.**

(a) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5

of title 5, United States Code, shall apply to any rule or order (including a rule or order issued by a State or officer thereof) under this title (except with respect to any rule or order pursuant to sections 108 and 113 of this Act, section 205 (a), (b), and (c), of this Act, or section 4 (h) of the Emergency Petroleum Allocation Act of 1973) or under the authority of any energy conservation plan.

(2) Notice of any proposed rule or order described in paragraph (1) shall be given by publication of such proposed rule or order in the Federal Register. In each case, a minimum of ten days following such publication shall be provided for opportunity to comment; except that the requirements of this paragraph as to time of notice and opportunity to comment may be waived where strict compliance is found to cause serious impairment to the operation of the program to which such rule or order relates and such findings are set out in detail in such rule or order. In addition, public notice of all rules or orders promulgated by officers of a State or political subdivision thereof or to State or local boards pursuant to this Act shall to the maximum extent practicable be achieved by publication of such rules or orders in a sufficient number of newspapers of statewide circulation calculated to receive widest possible notice.

(3) In addition to the requirements of paragraph (2), if any rule or order described in paragraph (1) is likely to



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

9 (4) Any officer or agency authorized to issue rules or  
 10 orders described in paragraph (1) shall provide for the  
 11 making of such adjustments, consistent with the other pur-  
 12 poses of this Act or the Emergency Petroleum Allocation  
 13 Act of 1973 (as the case may be), as may be necessary to  
 14 prevent special hardships, inequity, or an unfair distribution  
 15 of burdens and shall in rules prescribed by it establish proce-  
 16 dures which are available to any person for the purpose of  
 17 seeking an interpretation, modification, or rescission of, or  
 18 an exception to or exemption from, such rules and orders. If  
 19 such person is aggrieved or adversely affected by the denial  
 20 of a request for such action under the preceding sentence, he  
 21 may request a review of such denial by the officer or agency  
 22 and may obtain judicial review in accordance with subsec-  
 23 tion (b) when such denial becomes final. The officer or  
 24 agency shall, in rules prescribed by it, establish appropriate

1 procedures, including a hearing where deemed advisable,  
 2 for considering such requests for action under this paragraph.

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

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



1 of general, but less than national, applicability done under  
 2 this Act may be obtained only by filing a petition for review  
 3 in the United States Court of Appeals for the appropriate  
 4 circuit within thirty days from the date of promulgation of  
 5 any such rule or regulation, the appropriate circuit being de-  
 6 fined as the circuit which contains the area or the greater  
 7 part of the area within which the rule or regulation is to  
 8 have effect.

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

1 based on the constitutionality of this Act or the validity of  
 2 agency action under this Act, the case shall be subject to re-  
 3 moval by either party to a district court of the United States  
 4 in accordance with the applicable provisions of chapter 89 of  
 5 title 28, United States Code. Cases or controversies arising  
 6 under any rule or order of any officer of a State or political  
 7 subdivision thereof or a State or local board may be heard in  
 8 either (1) any appropriate State court, and (2) without re-  
 9 gard to the amount in controversy, the district courts of the  
 10 United States.

11 (c) The Administrator may by rule prescribe proce-  
 12 dures for State or local boards which carry out functions  
 13 under this Act or the Emergency Petroleum Allocation Act  
 14 of 1973. Such procedures shall apply to such boards in lieu  
 15 of subsection (a), and shall require that prior to taking any  
 16 action, such boards shall take steps reasonably calculated to  
 17 provide notice to persons who may be affected by the action,  
 18 and shall afford an opportunity for presentation of views (in-  
 19 cluding oral presentation of views where practicable) at least  
 20 10 days before taking the action. Such boards shall be of bal-  
 21 anced composition reflecting the makeup of the community  
 22 as a whole.

# 23 SEC. 118. PROHIBITED ACTS.

24 It shall be unlawful for any person to violate any provi-  
 25 sion of title I of this Act (other than provisions of this Act



1 which make amendments to the Emergency Petroleum Allo-  
 2 cation Act of 1973 and section 113) or to violate any rule,  
 3 regulation (including an energy conservation plan), or order  
 4 issued pursuant to any such provision.

5 **SEC. 119. ENFORCEMENT.**

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

9 (b) Whoever willfully violates any provision of section  
 10 119 shall be fined not more than \$5,000 for each violation.

11 (c) It shall be unlawful for any person to offer for sale  
 12 or distribute in commerce any product or commodity in vio-  
 13 lation of an applicable order or regulation issued pursuant to  
 14 this Act. Any person who knowingly and willfully violates  
 15 this subsection after having been subjected to a civil penalty  
 16 for a prior violation of the same provision of any order or  
 17 regulation issued pursuant to this Act shall be fined not more  
 18 than \$50,000 or imprisoned not more than 6 months, or  
 19 both.

20 (d) Whenever it appears to any person authorized by  
 21 the Administrator to exercise authority under this Act that  
 22 any individual or organization has engaged, is engaged, or is  
 23 about to engage in acts or practices constituting a violation  
 24 of section 119, such person may request the Attorney Gen-  
 25 eral to bring an action in the appropriate district court of

1 the United States to enjoin such acts or practices, and upon  
 2 a proper showing a temporary restraining order or a prelim-  
 3 inary or permanent injunction shall be granted without  
 4 bond. Any such court may also issue mandatory injunctions  
 5 commanding any person to comply with any provision, the  
 6 violation of which is prohibited by section 119.

7 (e) Any person suffering legal wrong because of any  
 8 act or practice arising out of any violation of section 119  
 9 may bring an action in a district court of the United States,  
 10 without regard to the amount in controversy, for appropriate  
 11 relief, including an action for a declaratory judgment or writ  
 12 of injunction. Nothing in this subsection shall authorize any  
 13 person to recover damages.

14 **SEC. 120. USE OF FEDERAL FACILITIES.**

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



1 sources and (2) only on the basis of compensation for the  
2 acquisition or use of such equipment or facilities at fair  
3 market value prices or rentals.

4 **SEC. 121. DELEGATION OF AUTHORITY AND EFFECT ON**  
5 **STATE LAW.**

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

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

1 pursuant to this Act except insofar as such State law or State  
2 program is inconsistent with the provisions of this Act, or  
3 such a regulation, order, or plan.

4 **SEC. 122. GRANTS TO STATES.**

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

15 **SEC. 123. REPORTS ON NATIONAL ENERGY RESOURCES.**

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



1 product, natural gas, or coal, shall provide detailed reports to  
 2 the Attorney General or the Secretary of the Interior, or  
 3 both, every 60 calendar days. Such reports shall  
 4 show for the preceding 60 calendar days such per-  
 5 son's (1) reserves of crude oil, natural gas, and  
 6 coal; (2) production and destination of any petroleum  
 7 product, natural gas, and coal; (3) refinery runs by product;  
 8 and (4) and other data required by the Attorney General  
 9 or the Secretary of the Interior for such purpose. Such  
 10 regulation shall also require that such persons provide to  
 11 the Attorney General or the Secretary of the Interior such  
 12 reports for the period from January 1, 1970, to the date of  
 13 such person's first 60-day report. Such regulation shall  
 14 be promulgated 30 days after such publication. The Attorney  
 15 General or the Secretary of the Interior shall publish quar-  
 16 terly in the Federal Register a meaningful summary analysis  
 17 of the data provided by such reports.

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

1 other provision of law, provide such data to the Attorney  
 2 General or the Secretary of the Interior. The district courts  
 3 of the United States are authorized, upon application of the  
 4 Attorney General or the Secretary of the Interior, to require  
 5 enforcement of such reporting requirements.

6 (c) Upon a showing satisfactory to the Attorney Gen-  
 7 eral or the Secretary of the Interior by any person that  
 8 any report or part thereof obtained under this section from  
 9 such person or from a Federal agency would, if made public,  
 10 divulge methods or processes entitled to protection as trade  
 11 secrets or other proprietary information of such person, such  
 12 report, or portion thereof, shall be confidential in accord-  
 13 ance with the provisions of section 1905 of title 18 of the  
 14 United States Code, except that such report or part thereof  
 15 shall not be deemed confidential for purposes of disclosure to  
 16 (1) any delegate of the Federal Energy Emergency Ad-  
 17 ministration for the purpose of carrying out this Act, (2)  
 18 the Attorney General or the Secretary of the Interior (or  
 19 both) when necessary to carry out those agencies' duties and  
 20 responsibilities under this and other statutes, and (3) the  
 21 Congress or any committee of Congress upon request of the  
 22 chairman. The provisions of this section shall expire on May  
 23 15, 1975.

#### 24 SEC. 124. INTRASTATE GAS.

25 Nothing in this Act shall expand the authority of the



1 Federal Power Commission with respect to sales of non-  
2 jurisdictional natural gas.

### 3 SEC. 125. EXPIRATION.

4 The authority under this title to prescribe any rule or  
5 order or take other action under this title, or to enforce any  
6 such rule or order, shall expire at midnight, May 15, 1975  
7 (April 1, 1974, in the case of section 105), but such  
8 expiration shall not affect any action or pending proceed-  
9 ings, civil or criminal, not finally determined on such date,  
10 nor any action or proceeding based upon any act com-  
11 mitted prior to midnight, May 15, 1975 (April 1, 1974, in  
12 the case of section 105).

### 13 SEC. 126. AUTHORIZATION OF APPROPRIATIONS.

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

20 (b) For the purpose of making payments under grants  
21 to States under section 123, there are authorized to be ap-  
22 propriated \$50,000,000 for the fiscal year ending June 30,  
23 1974, and \$75,000,000 for the fiscal year ending June 30,  
24 1975.

25 (c) For the purpose of making payments under grants

1 to States under section 116, there is authorized to be appro-  
2 priated \$500,000,000 for the fiscal year ending June 30,  
3 1974.

### 4 SEC. 127. SEVERABILITY.

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

### 10 SEC. 128. PRICE AUTHORITY.

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

### 21 SEC. 129. IMPORTATION OF LIQUEFIED NATURAL GAS.

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

25 "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 shipment-  
 4 by-shipment basis the importation of liquefied natural gas  
 5 from a foreign country: *Provided, however,* That the author-  
 6 ity to act under this section shall not permit the importation  
 7 of liquefied natural gas which had not been authorized prior  
 8 to the date of expiration of this Act and which is in transit on  
 9 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 ex-  
 3 empted from any procedural requirements set forth in this  
 4 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 public  
 7 of a suspension and afford the public an opportunity for  
 8 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 he  
 12 shall give actual notice to the Governor of the State, and to  
 13 the chief executive officer of the local government entity in  
 14 which the affected source or sources are located. The grant-  
 15 ing or denial of such suspension and the imposition of an  
 16 interim requirement shall be subject to judicial review only  
 17 on the grounds specified in paragraphs (2) (B) and (2)  
 18 (C) of section 706 of title 5, United States Code, and shall  
 19 not be subject to any proceeding under section 304 (a) (2)  
 20 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 practi-  
 2 cable. Such interim requirements shall include, but need not  
 3 be limited to, (A) a requirement that the source receiving  
 4 the suspension comply with such reporting requirements as  
 5 the Administrator determines may be necessary, (B) such  
 6 measures as the Administrator determines are necessary to  
 7 avoid an imminent and substantial endangerment to health  
 8 of persons, and (C) requirements that the suspension shall  
 9 be inapplicable during any period during which fuels which  
 10 would enable compliance with the suspended stationary  
 11 source fuel or emission limitations are in fact reasonably  
 12 available to that person (as determined by the Administra-  
 13 tor). For purposes of clause (C) of this paragraph, avail-  
 14 ability of natural gas or petroleum products which enable  
 15 compliance shall not make a suspension inapplicable to a  
 16 source described in subsection (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 implemen-  
 23 tation plan and which is designed to limit stationary  
 24 source emissions resulting from combustion of fuels, in-  
 25 cluding a prohibition on, or specification of, the use of

1 any fuel of any type or grade or pollution characteristic  
 2 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  
 10 determines 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 Jan-  
 13 uary 1, 1979, be prohibited, by reason of the application of  
 14 any air pollution requirement, from burning coal which is  
 15 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 significant  
 19 risk to public health and if the source has submitted to the  
 20 Administrator a plan for compliance for such source which  
 21 the Administrator has approved, after notice to interested  
 22 persons and opportunity for presentation of views (includ-  
 23 ing oral presentations of views). A plan submitted under the  
 24 preceding sentence shall be approved only if it provides (i)  
 25 for compliance by the means, and in accordance with a



1 schedule which meets the requirements of subparagraph (B),  
 2 and (ii) that such source will comply with requirements  
 3 which the Administrator shall prescribe to assure that emis-  
 4 sions from such source will not materially contribute to a sig-  
 5 nificant risk to public health. The Administrator shall ap-  
 6 prove or disapprove any such plan within 60 days after such  
 7 plan is submitted.

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

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

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

18 “(3) For purposes of this subsection, the term “air pol-  
 19 lution requirement” means any emission limitation, schedule,  
 20 or timetable for compliance, or other requirement, which is  
 21 prescribed under any Federal, State, or local law or regula-  
 22 tion, including this Act (except for any requirement pre-  
 23 scribed under this subsection or section 303), and which is  
 24 designed to limit stationary source emissions resulting from  
 25 combustion of fuels (including a restriction on the use or con-



1 tent of fuels). A conversion to coal to which this subsection  
2 applies shall not be deemed to be a modification for purposes  
3 of section 111 (a) (2) and (4) of this Act.

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

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

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

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

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

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

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

12 “(5) evaluation of availability of technology to  
13 burn municipal solid waste in these sources; including  
14 time schedules, priorities analysis of unregulated pollut-  
15 ants which will be emitted and balancing of health bene-  
16 fits and detriments from burning solid waste and of  
17 economic costs;

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

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



ness of such alternative control strategies as compared to stationary source fuel and emission regulations;

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

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

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

“(f) (1) It shall be unlawful for any person to whom a suspension has been granted under subsection (a) (1) to violate any requirement on which the suspension is conditioned pursuant to subsection (a) (3).

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

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

any source to fail to comply with any requirement under subsection (b) or any regulation, plan, or schedule thereunder.

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

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

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

“(2) Up-to-date findings on the impact of this section upon—

“(A) applicable implementation plans, and  
“(B) ambient air quality.

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

“(i) (1) In order to reduce the likelihood of early phaseout of existing electric generating facilities during the



1 energy emergency, any electric generating power plant (A)  
 2 which, because of the age and condition of the plant, is to be  
 3 taken out of service permanently no later than January 1,  
 4 1980, according to the power supply plan (in existence on  
 5 the date of enactment of the Energy Emergency Act) of the  
 6 operator of such plant, (B) for which a certification to that  
 7 effect has been filed by the operator of the plant with the  
 8 Environmental Protection Agency and the Federal Power  
 9 Commission, and (C) for which the Commission has deter-  
 10 mined that the certification has been made in good faith and  
 11 that the plan to cease operations no later than January 1,  
 12 1980, will be carried out as planned in light of existing and  
 13 prospective power supply requirements, shall be eligible for  
 14 a single 1-year postponement as provided in paragraph  
 15 (2)."

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

1 useful life of the plant, the availability of rate base increases  
 2 to pay for such costs, and other appropriate factors, then the  
 3 Administrator shall grant a postponement of any such re-  
 4 quirements.

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

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

20 "(2) The Administrator of the Federal Energy Admin-  
 21 istration shall issue exchange orders to such persons as are  
 22 designated by the Administrator under paragraph (1) re-  
 23 quiring the exchange of any fuel subject to allocation under  
 24 the preceding Acts effective no later than 45 days after  
 25 the date of the designation under paragraph (1), unless the



1 Administrator of the Federal Energy Administration deter-  
 2 mines, after consultation with the Administrator, that the  
 3 costs or consumption of fuel, resulting from such exchange  
 4 order will be excessive.

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

#### 11 SEC. 202. IMPLEMENTATION PLAN REVISIONS.

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

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

1 ing shall be approved or disapproved by the Administrator,  
 2 after public notice and opportunity for public hearing, but no  
 3 later than 3 months after the date required for submission  
 4 of the revised plan. If a plan provision (or portion thereof)  
 5 is disapproved (or if a State fails to submit a plan revision),  
 6 the Administrator shall, after public notice and opportunity  
 7 for a public hearing, promulgate a revised plan (or portion  
 8 thereof) not later than three months after the date required  
 9 for approval or disapproval.

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

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

21 “(2) (A) The Administrator shall conduct a study and  
 22 shall submit a report to the Committee on Interstate and  
 23 Foreign Commerce of the United States House of Represent-  
 24 atives and the Committee on Public Works of the United  
 25 States Senate not later than May 1, 1974, on the necessity of



1 parking surcharge, management of parking supply, and  
 2 preferential bus/carpool lane regulations as part of the ap-  
 3 plicable implementation plans required under this section  
 4 to achieve and maintain national primary ambient air quality  
 5 standards. The study shall include an assessment of the eco-  
 6 nomic impact of such regulations, consideration of alternative  
 7 means of reducing total vehicle miles traveled, and an assess-  
 8 ment of the impact of such regulations on other Federal and  
 9 State programs dealing with energy or transportation. In the  
 10 course of such study, the Administrator shall consult with  
 11 other Federal officials including, but not limited to, the Sec-  
 12 retary of Transportation, the Administrator of the Federal  
 13 Energy Administration, and the Chairman of the Council on  
 14 Environmental Quality.

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

1 “(C) The Administrator is authorized to suspend until  
 2 January 1, 1975, the effective date or applicability of any  
 3 regulations for the management of parking supply or any  
 4 requirement that such regulations be a part of an applicable  
 5 implementation plan approved or promulgated under this  
 6 section. The exercise of the authority under this subpara-  
 7 graph shall not prevent the Administrator from approving  
 8 such regulations if they are adopted and submitted by a State  
 9 as part of an applicable implementation plan. If the Ad-  
 10 ministrator exercises the authority under this subparagraph,  
 11 regulations requiring a review or analysis of the impact of  
 12 proposed parking facilities before construction which the  
 13 effect on or after January 1, 1975, shall not apply to parking  
 14 facilities on which construction has been initiated before  
 15 January 1, 1975.

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



1 for the setting aside of one or more lanes of a street or high-  
2 way on a permanent or temporary basis for the exclusive  
3 use of buses and/or carpools.”

4 **SEC. 203. MOTOR VEHICLE EMISSIONS.**

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

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

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

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

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

23 (d) Section 202 (b) (5) (B) of the Clean Air Act is  
24 repealed and the following subparagraphs redesignated  
25 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 Protec-

tion 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 sum 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 constraint, shall be prepared and circulated to appropriate



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

14 (d) Notwithstanding subsection (c) of this section, in  
 15 order to expedite the prompt construction of facilities for  
 16 the importation of hydroelectric energy thereby helping to  
 17 reduce the shortage of petroleum products in the United  
 18 States, the Federal Power Commission is hereby authorized  
 19 and directed to issue a Presidential permit pursuant to Ex-  
 20 ecutive Order 10485 of September 3, 1953, for the con-  
 21 struction, operation, maintenance, and connection of facilities  
 22 for the transmission of electric energy at the borders of the  
 23 United States without preparing an environmental impact  
 24 statement pursuant to section 102 of the National Environ-  
 25 mental Policy Act of 1969 (83 Stat. 856) for facilities for

1 the transmission of electric energy between Canada and the  
 2 United States in the vicinity of Fort Covington, New York.

### 3 SEC. 206. ENERGY CONSERVATION STUDY.

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

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

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

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



1 recovery 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 railroad  
10 electrification, and (B) the advantages to the environ-  
11 ment of electrification of railroads in terms of reduced  
12 fuel consumption and air pollution and disadvantages  
13 to the environment from increased use of fossil fuel such  
14 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  
18 Act, the Secretary of Transportation, after consultation with  
19 the Federal Energy Administrator, shall submit to the Con-  
20 gress for appropriate action an "Emergency Mass Trans-  
21 portation Assistance Plan" for the purpose of conserving  
22 energy by expanding and improving public mass transporta-  
23 tion systems and encouraging increased ridership as alter-  
24 natives to 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 High-  
11 way Act of 1973"), for the purpose of providing addi-  
12 tional 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 dur-  
18 ing 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 transpor-  
25 tation 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



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

20 “(2) For the purpose of this section, the term ‘fuel  
 21 economy improvement standard’ means a requirement of  
 22 a percentage increase in the number of miles of transporta-  
 23 tion provided by a manufacturer’s entire annual production  
 24 of new motor vehicles per unit of fuel consumed, as deter-  
 25 mined for each manufacturer in accordance with test proce-

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

## 7 **TITLE III—STUDIES AND REPORTS**

### 8 **SEC. 301. AGENCY STUDIES.**

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

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

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

19 (B) All Federal departments and agencies, includ-  
 20 ing the Federal regulatory agencies, are directed to un-  
 21 dertake a survey of all activities over which they have  
 22 special expertise or jurisdiction and identify and recom-  
 23 mend to the Congress and to the President specific pro-  
 24 posals to significantly increase energy supply or to re-  
 25 duce energy demand through conservation programs.



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

8 (D) The Administrator shall report to the Congress  
 9 concerning the present and prospective impact of energy  
 10 shortages upon employment. Such report shall contain  
 11 an assessment of the adequacy of existing programs in  
 12 meeting the needs of adversely affected workers, to-  
 13 gether with legislative recommendations appropriate to  
 14 meet such needs, including revisions in the unemploy-  
 15 ment insurance laws.

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

1 (2) Within 6 months after the date of enactment of  
 2 this 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 to  
 21 Congress a plan for encouraging the conversion of coal to  
 22 crude oil and other liquid and gaseous hydrocarbons.

23 (E) The Secretary of the Interior shall study meth-  
 24 ods for accelerating leases of energy resources on public



land including oil and gas leasing onshore and offshore,  
and geothermal energy leasing.

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

The President shall report to the Congress every 60 days, beginning February 1, 1974, on the implementation and administration of this Act and the Emergency Petroleum Allocation Act of 1973, together with an assessment of the results attained thereby. Each report shall include specific information, nationally and by region and State, concerning staffing and other administrative arrangements taken to carry out programs under these Acts and may include such recommendations as he deems necessary for amending or extending the authorities granted in this Act or in the Emergency Petroleum Allocation Act of 1973.



93D CONGRESS  
1ST SESSION

# H. R. 12129

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## 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.

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By Mr. STAGGERS

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DECEMBER 21, 1973

Referred to the Committee on Interstate and Foreign  
Commerce