Public Law 96-102
96th Congress

An Act

To establish an emergency program for the conservation of energy and to provide for a standby rationing plan for motor fuel.

Nov. 5, 1979
[S. 1030]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Emergency Energy Conservation Act of 1979. 42 USC 8501 note.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Energy Conservation Act of 1979".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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TITLE I—STANDBY MOTOR FUEL RATIONING

SEC. 101. FINDINGS.

42 USC 6261 note.

The Congress finds that—

(1) a standby rationing plan for gasoline and diesel fuel should provide, to the maximum extent practicable, that the burden of reduced supplies of gasoline and diesel fuel be shared by all persons in a fair and equitable manner and that the economic and social impacts of such plan be minimized; and

(2) such a plan should be sufficiently flexible to respond to changed conditions and sufficiently simple to be effectively administered and enforced.

SEC. 102. REPORT ON PLAN DEVELOPMENT.

42 USC 6261 note.

(a) REPORT.—As soon as practicable after the date of the enactment of this Act (but in no event later than 120 days after such date of enactment), the President shall prepare, and transmit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, a report describing the measures taken after such date of enactment (and the costs thereof) to establish a system of rationing of gasoline and diesel fuel pursuant to sections 201 and 203 of the Energy Policy and Conservation Act (42 U.S.C. 6261, 6263), together with a description of the additional measures to be taken in establishing such system, a timetable for completion of such measures, and an estimate of the costs thereof.

(b) SPECIFIC ISSUES TO BE ADDRESSED IN REPORT.—The report under subsection (a) shall include—

(1) a description of the extent to which ration coupons or other evidences of right under such a rationing system would be distributed to each end-user of gasoline or diesel fuel on the basis of such end-user's needs, and an explanation of the extent to which such distribution would not be based on such end-user's needs;

(2) an analysis of having the entitlement under the rationing system to such end-user rights be granted on the basis of individuals licensed to operate motor vehicles on the public roads and highways, and an explanation of the extent to which such entitlement will be granted on that basis;

(3) a description of the extent to which the rationing system would meet the needs and hardships of end-users by the use of local boards as provided for under section 203(d) of such Act (42 U.S.C. 6263(d)), and an explanation of the extent to which such boards would not be used;

Handicapped persons.

(4) a description of how the rationing system complies with the objective of providing for the mobility needs of handicapped persons (including means for their obtaining such end-user rights) as required under section 203(a)(2)(A) of such Act (42 U.S.C. 6263(a)(2)(A)); and

(5) a description of the steps to be taken to provide adequate end-user allocation under the rationing system for the needs of those in suburban and rural areas, particularly mid-sized cities, small towns, and rural communities, not adequately served by any public transportation system.

(c) COMMITTEES TO BE KEPT CURRENTLY INFORMED.—The President shall keep such committees fully and currently informed about the progress in establishing and administering a system of rationing and of any problems and delays in establishing and administering the system.

(d) ADDITIONAL REPORT.—90 days after the report is transmitted under subsection (a), the President shall prepare and transmit to each such committee another report unless a rationing contingency plan has been prescribed and transmitted to each House of the Congress during the preceding 90-day period. Such report shall contain the same information as required for the report under subsection (a), except that such information shall be made current to the date of the report.

(e) PUBLIC NOTICE OF REPORTS.—The President shall provide public notice of any report under subsection (a) or (d) at the time of its transmittal, shall make such report available to the public, and shall transmit copies of such report to the Governors of the various States.

SEC. 103. PROCEDURES FOR DEVELOPING AND IMPLEMENTING RATIONING PLAN.

(a) PLAN DEVELOPMENT.—Section 203(a)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6263(a)) is amended by striking out "The President shall prescribe," and inserting in lieu thereof "As soon as practicable after the date of the enactment of the Emergency Energy Conservation Act of 1979, the President shall prescribe,", and by adding at the end thereof the following new sentence: "The President, to the maximum extent practicable, shall consult with the Governors of the various States (or the representatives of such Governors) during the development of any rationing contingency plan under this section.".

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Consultation with Governors.

(b) PLAN APPROVAL AND IMPLEMENTATION.—(1) Section 201(e) of such Act (42 U.S.C. 6261(e)) is amended to read as follows:

"(e)(1) For purposes of this subsection, any rationing contingency plan shall be considered to be approved if—

"(A) the President has transmitted such rationing contingency plan to the Congress in accordance with section 552, and

42 USC 6422.

"(B) such rationing contingency plan has not been disapproved by a joint resolution adopted into law after passage by both Houses of the Congress in accordance with section 552.

"(2)(A) Except to the extent provided under subparagraph (B), the President may put into effect a rationing contingency plan which is considered approved under the preceding provisions of this subsection only if—

"(i) the President has found, in his discretion, that putting such rationing contingency plan into effect is required by a severe energy supply interruption or is necessary to comply with obligations of the United States under the international energy program, subject to paragraph (3);

"(ii) the President has transmitted such finding to the Congress in accordance with section 551, together with a request to put such rationing contingency plan into effect; and

42 USC 6421.

"(iii) neither House of the Congress has disapproved (or both Houses have approved) such request in accordance with the procedures specified in section 551.

"(B)(i) The President may put into effect such an approved rationing plan without the finding required under subparagraph (A)(i) (and without regard to the requirements of subparagraph (A) (ii) and (iii)) if—

"(I) the President has transmitted to the Congress in accordance with section 552 a request to waive such requirements; and

"(II) such request has been approved by a resolution by each House of the Congress within 30 days of continuous session of Congress after the date of its transmittal, in accordance with the

42 USC 6422.

provisions of section 552 applicable thereunder to energy conservation contingency plans.

"(ii) Any authority to put a rationing contingency plan into effect under clause (i) pursuant to a request under such clause shall terminate on the 60th calendar day after the date on which a resolution approving that request is adopted by the second House to have so approved that request.

"(iii) In applying the provisions of section 552 for purposes of this subparagraph—

"(I) subsections (b), (d)(2)(B), and (d)(7) shall not apply;

"(II) the references to 60 calendar days and 20 calendar days shall be considered to refer to 30 calendar days and 10 calendar days, respectively; and

"(III) the references to any contingency plan shall be considered to refer to a request under this subparagraph.

"(3) For purposes of paragraph (2)—

"Severe energy supply interruption."

"(A) The term 'severe energy supply interruption' means a national energy supply shortage which the President determines—

"(i) has resulted or is likely to result in a daily shortfall in the United States of gasoline, diesel fuel, and No. 2 heating oil supplies for a period in excess of 30 days (including reductions as a result of an allocation away from the United States under the international energy program) of an amount equal to 20 percent or more of projected daily demand for such supplies;

"(ii) is not manageable under other energy emergency authorities, including any energy conservation contingency plans approved under subsection (b) and any emergency conservation authority available under title II of the Emergency Energy Conservation Act of 1979;

Post, p. 757.

"(iii) is expected to persist for a period of time sufficient to seriously threaten the adequacy of domestic stocks of gasoline, diesel fuel, and No. 2 heating oil; and

"(iv) is having or can reasonably be expected to have a major adverse impact on national health or safety or the national economy.

Projected daily demand.

"(B) For purposes of determining the shortfall of supplies under subparagraph (A)(i), the projected daily demand for gasoline, diesel fuel, and No. 2 heating oil supplies shall be the amount of such supplies that were available during any consecutive period of 12 calendar months which the President considers appropriate and which occurred during the 36 calendar month period which immediately precedes the month in which such finding is made, such amount to be adjusted—

"(i) to take into account, for the period between the base period and the month in which the determination is made, the normal growth in demand for gasoline, diesel fuel, and No. 2 heating oil, as determined by the President on the basis of growth experienced during the 36-month period from which the base period was selected; and

"(ii) to take into account seasonal variations in demand for such fuels, as determined by the President.

"Necessary to comply with obligations of the United States under the international energy program."

"(C) The term 'necessary to comply with obligations of the United States under the international energy program' refers to a necessity which the President determines to have impacts comparable to those provided for in subparagraph (A) of this paragraph.

"(4)(A) A rationing contingency plan may not be amended after it is transmitted to the Congress and before it is considered approved under paragraph (1).

"(B) Except as provided in subparagraphs (C) and (D), a rationing contingency plan which is considered approved under this subsection may not be amended other than by an amendment with respect to which—

"(i) a period of 15 calendar days of continuous session (within the meaning of section 552(c)) has passed after the receipt of the proposed amendment by the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate; or 42 USC 6422.

"(ii) each such committee before the expiration of such period has transmitted to the President written notice stating in substance that such committee has no objection to the proposed amendment.

"(C) Except as provided in subparagraph (D), a rationing contingency plan may not be amended during any period in which such plan is in effect pursuant to paragraph (2) unless the President has transmitted such amendment to the Congress in accordance with section 551(b), and neither House of Congress has disapproved (or both Houses have approved) such amendment in accordance with the procedures specified in section 551. 42 USC 6421.

"(D) The requirements of subparagraphs (B) and (C) shall not apply with respect to any amendment which is a technical or clerical amendment.".

(2)(A) Section 552(b) of such Act (42 U.S.C. 6422(b)) is amended—

(i) by striking out "No such contingency plan" and inserting in lieu thereof "(1) No such energy conservation contingency plan";

(ii) by striking out "(d)(2)" and inserting in lieu thereof "(d)(2)(A)"; and

(iii) by adding at the end thereof the following new paragraph:

"(2)(A) Subject to subparagraph (B), any such rationing contingency plan shall be considered approved for purposes of section 201(d) only if such plan is not disapproved by a resolution described in subsection (d)(2)(B)(i) which passes each House of the Congress during the 30-calendar-day period of continuous session after the plan is transmitted to such Houses and which thereafter becomes law. 42 USC 6261.

"(B) A rationing contingency plan may be considered approved prior to the expiration of the 30-calendar-day period after such plan is transmitted if a resolution described in subsection (d)(2)(B)(ii) is passed by each House of the Congress and thereafter becomes law.".

(B) Section 552(c)(2) of such Act (42 U.S.C. 6422(c)(2)) is amended by striking out "60-calendar-day period" and insert in lieu thereof "calendar-day period involved".

(C) Section 552(d)(2) of such Act (42 U.S.C. 6422(d)(2)) is amended—

(i) by striking out "For purposes of this subsection," and inserting in lieu thereof "(A) For purposes of applying this section with respect to any energy conservation contingency plan,"; and

(ii) by adding at the end thereof the following new subparagraph:

"(B) For purposes of applying this subsection with respect to any rationing contingency plan (other than pursuant to section 201(d)(2)(B)), the term 'resolution' means only a joint resolution described in clause (i) or (ii) of this subparagraph with respect to such plan. "Resolution."

"(i) A joint resolution of either House of the Congress (I) which is entitled: 'Joint resolution relating to a rationing contingency plan.', (II) which does not contain a preamble, and (III) the matter

after the resolving clause of which is: 'That the Congress of the United States disapproves the rationing contingency plan transmitted to the Congress on , 19 .', the blank spaces therein appropriately filled.

"(ii) A joint resolution of either House of the Congress (I) which is entitled: 'Joint resolution relating to a rationing contingency plan.', (II) which does not contain a preamble, and (III) the matter after the resolving clause of which is: 'That the Congress of the United States does not object to the rationing contingency plan transmitted to the Congress on , 19 .', the blank spaces therein appropriately filled.".

(D) Section 552(d)(4)(A) of such Act (42 U.S.C. 6422(d)(4)(A)) is amended by inserting after "after its referral" the following: "in the case of any energy conservation contingency plan or at the end of 10 calendar days after its referral in the case of any rationing contingency plan".

(E) Section 552(d)(4)(B) of such Act (42 U.S.C. 6422(d)(4)(B)) is amended by striking out "An amendment" in the second sentence and inserting in lieu thereof "Except to the extent provided in paragraph (7)(A), an amendment".

(F) Section 552(d)(5)(B) of such Act (42 U.S.C. 6422(d)(5)(B)) is amended by striking out "An amendment" in the third sentence and inserting in lieu thereof "Except to the extent provided in paragraph (7)(B), an amendment".

(G) Section 552(d) of such Act (42 U.S.C. 6422(d)) is amended by adding at the end thereof the following new paragraph:

"(7) With respect to any rationing contingency plan—

"(A) In the consideration of any motion to discharge any committee from further consideration of any resolution on any such plan, it shall be in order after debate allowed for under paragraph (4)(B) to offer an amendment in the nature of a substitute for such motion—

"(i) consisting of a motion to discharge such committee from further consideration of a resolution described in paragraph (2)(B)(i) with respect to any rationing contingency plan, if the discharge motion sought to be amended relates to a resolution described in paragraph (2)(B)(ii) with respect to the same such plan, or

"(ii) consisting of a motion to discharge such committee from further consideration of a resolution described in paragraph (2)(B)(ii) with respect to any rationing contingency plan, if the discharge motion sought to be amended relates to a resolution described in paragraph (2)(B)(i) with respect to the same such plan.

An amendment described in this subparagraph shall not be amendable. Debate on such an amendment shall be limited to not more than 1 hour, which shall be divided equally between those favoring and those opposing the amendment.

"(B) In the consideration of any resolution on any such plan which has been reported by a committee, it shall be in order at any time during the debate allowed for under paragraph (5)(B) to offer an amendment in the nature of a substitute for such resolution—

"(i) consisting of the text of a resolution described in paragraph (2)(B)(i) with respect to any rationing contingency plan, if the resolution sought to be amended is a resolution described in paragraph (2)(B)(ii) with respect to the same such plan, or

"(ii) consisting of the text of a resolution described in paragraph (2)(B)(ii) with respect to any rationing contingency plan, if the resolution sought to be amended is a resolution described in paragraph (2)(B)(i) with respect to the same such plan.

An amendment described in this subparagraph shall not be amendable.

"(C) If one House receives from the other House a resolution with respect to a rationing contingency plan, then the following procedure applies:

"(i) the resolution of the other House with respect to such plan shall not be referred to a committee;

"(ii) in the case of a resolution of the first House with respect to such plan—

"(I) the procedure with respect to that or other resolutions of such House with respect to such plan shall be the same as if no resolution from the other House with respect to such plan had been received; but

"(II) on any vote on final passage of a resolution of the first House with respect to such plan a resolution from the other House with respect to such plan which has the same effect shall be automatically substituted for the resolution of the first House.

"(D) Notwithstanding any of the preceding provisions of this subsection, if a House has approved a resolution with respect to a rationing contingency plan, then it shall not be in order to consider in that House any other resolution under this section with respect to the approval of such plan.".

(c) ELIMINATION OF CERTAIN ADMINISTRATIVE REQUIREMENTS.—(1) Section 201(f) of such Act (42 U.S.C. 6261(f)) is amended by adding at the end thereof the following new sentence: "Notwithstanding the preceding provisions of this subsection, such economic analysis and evaluation is not required to be performed, or transmitted to the Congress, under this subsection in the case of any rationing contingency plan.".

(2) Section 203 of such Act (42 U.S.C. 6263) is amended by adding at the end thereof the following new subsection:

"(g) Any authority of the President with respect to a rationing contingency plan under this Act which is delegated to the Secretary shall be exercised by the Secretary without regard to section 404 of the Department of Energy Organization Act (42 U.S.C. 7174).".

SEC. 104. REQUIRED ELEMENTS OF RATIONING PLAN.

Section 203(a) of the Energy Policy and Conservation Act (42 U.S.C. 6263(a)), as amended by section 103, is further amended by adding at the end thereof the following new paragraph:

"(3) Any rationing contingency plan prescribed under this section shall provide that—

"(A) the end-user rights specified in paragraph (1) shall be distributed on a State-to-State basis that results in the degree of shortfall from the base period use being equally shared among the various States, considering the most recent base period use data available;

"(B) to the maximum extent practicable, such rights shall be made available to classes of end-users on a basis which takes into account fairly the relative needs of such end-users; and

"(C) adequate end-user rights are available to carry out paragraph (1) (A) and (B) as required under paragraph (1).".

SEC. 105. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENTS.—(1) Section 201 of the Energy Policy and Conservation Act (42 U.S.C. 6261), as amended by section 103, is further amended by striking out subsection (c) and by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) Section 201(b) of such Act (42 U.S.C. 6261(b)) is amended by striking out "Except as otherwise provided in subsection (d) or (e) and subject to the requirements of subsection (c), no contingency plan may become effective" and inserting in lieu thereof "Except as otherwise provided in subsection (c), no energy conservation contingency plan may become effective".

(3) Section 201(c) (as redesignated) of such Act (42 U.S.C. 6261(d)) is amended by striking out "a contingency plan" each place it appears and inserting in lieu thereof "an energy conservation contingency plan".

(4) Section 552(d)(2)(A) of such Act (42 U.S.C. 6422(d)(2)) is amended by inserting "energy conservation" before "contingency plan" each place such term appears.

(5) Section 201(e) (as redesignated) of such Act (42 U.S.C. 6261(f)) is amended by striking out "or (e)(1)(B)" and inserting in lieu thereof "or (d)(1)".

(b) TECHNICAL AMENDMENTS.—(1) Section 203(d)(2) of such Act (42 U.S.C. 6263(d)(2)) is amended—

(A) by striking out all that precedes subparagraph (A) and inserting in lieu thereof the following:

"(2) Any rationing contingency plan under this section shall set forth—"; and

(B) by striking out "his" in subparagraph (A) and inserting in lieu thereof "the President's".

(2) Section 203(d)(3)(A) of such Act (42 U.S.C. 6263(d)(3)(A)) is amended by striking out "following the establishment of criteria and procedures under paragraph (2)" and inserting in lieu thereof "beginning 30 days (or such earlier date as the President considers appropriate) after a rationing contingency plan is considered approved under this section".

(3) Section 203 of such Act (42 U.S.C. 6263) is amended by striking out "paragraph (1)" where it appears in subsections (d)(1)(B) and (e)(3) and inserting in lieu thereof "subsection (a)(1)".

(4) Section 203 of such Act (42 U.S.C. 6263) is further amended—

(A) in subsection (a)(1) thereof, by striking out "in accordance with section 523(a) of this Act"; and

42 USC 6393.

(B) by adding at the end thereof the following new subsection:

"(h) Any rationing contingency plan, or any amendment thereto, as well as any regulation thereunder, shall be prescribed in accordance with section 523(a), except that the period for any oral or written comments on any such proposed plan, amendment, or regulation may not extend beyond the 45th day after the date of the publication of the notice of the proposed plan, amendment, or regulation.".

42 USC 6263.

(5) Section 203 of such Act, as amended by paragraph (4), is further amended by adding at the end thereof the following new subsection:

"(i) Any ration coupon or any other evidence of right prepared by or on behalf of the United States for use in connection with a rationing contingency plan shall be considered to be an obligation or other security of the United States for purposes of title 18, United States Code.".

42 USC 6422.
42 USC 6261.

(6) Section 552(b)(1) of such Act is amended by striking out "section 201(a)(2)" and inserting in lieu thereof "section 201(b)".

TITLE II—EMERGENCY ENERGY CONSERVATION

SEC. 201. FINDINGS AND PURPOSES.

42 USC 8501.

(a) FINDINGS.—The Congress finds that—

(1) serious disruptions have recently occurred in the gasoline and diesel fuel markets of the United States;

(2) it is likely that such disruptions will recur;

(3) interstate commerce is significantly affected by those market disruptions;

(4) an urgent need exists to provide for emergency conservation and other measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources in potentially short supply in order to cope with market disruptions and protect interstate commerce; and

(5) up-to-date and reliable information concerning the supply and demand of gasoline, diesel fuel, and other related data is not available to the President, the Congress, or the public.

(b) PURPOSES.—The purposes of this title are to—

(1) provide a means for the Federal Government, States, and units of local government to establish emergency conservation measures with respect to gasoline, diesel fuel, home heating oil, and other energy sources which may be in short supply;

(2) establish other emergency measures to alleviate disruptions in gasoline and diesel fuel markets;

(3) obtain data concerning such fuels; and

(4) protect interstate commerce.

SEC. 202. DEFINITIONS.

42 USC 8502.

For purposes of this title—

(1) The term "severe energy supply interruption", when used with respect to motor fuel or any other energy source, means a national energy supply shortage of such energy source which the President determines—

(A) is, or is likely to be, of significant scope and duration;

(B) may cause major adverse impact on national security or the national economy; and

(C) results, or is likely to result, from an interruption in the energy supplies of the United States, including supplies of imported petroleum products, or from sabotage or an act of God.

(2) The term "international energy program" has the meaning given that term in section 3(7) of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(3) The term "motor fuel" means gasoline and diesel fuel.

(4) The term "person" includes (A) any individual, (B) any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, and (C) the government or any agency of the United States or any State or political subdivision thereof.

(5) The term "vehicle" means any vehicle propelled by motor fuel and manufactured primarily for use on public streets, roads, and highways.

(6) The term "Secretary" means the Secretary of Energy.

(7) The term "Governor" means the chief executive officer of a State.

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

Part A—Emergency Energy Conservation Program

SEC. 211. NATIONAL AND STATE EMERGENCY CONSERVATION TARGETS.

42 USC 8511.

(a) DETERMINATION AND PUBLICATION OF TARGETS.—(1) Whenever the President finds, with respect to any energy source for which the President determines a severe energy supply interruption exists or is imminent or that actions to restrain domestic energy demand are required in order to fulfill the obligations of the United States under the international energy program, the President, in furtherance of the purposes of this title, may establish monthly emergency conservation targets for any such energy source for the Nation generally and for each State.

Transmittal to Congress.

(2) Any finding of the President under paragraph (1) shall be promptly transmitted to the Congress, accompanied by such information and analysis as is necessary to provide the basis for such finding, and shall be disseminated to the public.

(3)(A) The State conservation target for any energy source shall be equal to (i) the State base period consumption reduced by (ii) a uniform national percentage.

"State base period consumption."

(B) For the purposes of this subsection, the term "State base period consumption" means, for any month, the product of the following factors, as determined by the President:

(i) the consumption of the energy source for which a target is established during the corresponding month in the 12-month period prior to the first month for which the target is established; and

(ii) a growth adjustment factor, which shall be determined on the basis of the trends in the use in that State of such energy source during the 36-month period prior to the first month for which the target is established.

(C)(i) The President shall adjust, to the extent he determines necessary, any State base period consumption to insure that achievement of a target established for that State under this subsection will not impair the attainment of the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(b)(1)).

(ii) The President may, to the extent he determines appropriate, further adjust any State base period consumption to reflect—

(I) reduction in energy consumption already achieved by energy conservation programs;

(II) energy shortages which may affect energy consumption; and

(III) variations in weather from seasonal norms.

(D) For purposes of this subsection, the uniform national percentage shall be designed by the President to minimize the impact on the domestic economy of the projected shortage in the energy source for which a target is established by saving an amount of such energy source equivalent to the projected shortage, taking into consideration such other factors related to that shortage as the President considers appropriate.

Publication in Federal Register.

(b) NOTIFICATION AND PUBLICATION OF TARGETS.—The President shall notify the Governor of each State of each target established under subsection (a) for that State, and shall publish in the Federal Register, the targets, the base period consumption for each State and other data on which the targets are based, and the factors considered under subsection (a)(3).

(c) ESTABLISHMENT OF TARGETS FOR FEDERAL AGENCIES.—In connection with the establishment of any national target under subsection (a) the President shall make effective an emergency energy conservation plan for the Federal Government, which plan shall be designed

to achieve an equal or greater reduction in use of the energy source for which a target is established than the national percentage referred to in subsection (a)(3)(D). Such plan shall contain measures which the President will implement, in accordance with other applicable provisions of law, to reduce on an emergency basis the use of energy by the Federal Government. In developing such plan the President shall consider the potential for emergency reductions in energy use—

(1) by buildings, facilities, and equipment owned, leased, or under contract by the Federal Government; and

(2) by Federal employees and officials through increased use of car and van pooling, preferential parking for multipassenger vehicles, and greater use of mass transit.

(d) REVIEW OF TARGETS.—(1) From time to time, the President shall review and, consistent with subsection (a), modify to the extent the President considers appropriate the national and State energy conservation targets established under this subsection.

(2) Any modification under this paragraph shall be accompanied by such information and analysis as is necessary to provide the basis therefor and shall be available to the Congress and the public.

(3)(A) Before the end of the 12th month following the establishment of any conservation target under this section, and annually thereafter while such target is in effect, the President shall determine, for the energy source for which that target was established, whether a severe energy supply interruption exists or is imminent or that actions to restrain domestic energy demand are required in order to fulfill the obligations of the United States under the international energy program. The President shall transmit to the Congress and make public the information and other data on which any determination under this subparagraph is based.

Transmittal to Congress.

(B) If the President determines such an energy supply interruption does not exist or is not imminent or such actions are not required, the conservation targets established under this section with respect to such energy source shall cease to be effective.

(e) DETERMINATION AND PUBLICATION OF ACTUAL CONSUMPTION NATIONALLY AND STATE-BY-STATE.—Each month the Secretary shall determine and publish in the Federal Register (1) the level of consumption for the most recent month for which the President determines accurate data is available, nationally and for each State, of any energy source for which a target under subsection (a) is in effect, and (2) whether the targets under subsection (a) have been substantially met or are likely to be met.

Publication in Federal Register.

(f) PRESIDENTIAL AUTHORITY NOT TO BE DELEGATED.—Notwithstanding any other provision of law, the authority vested in the President under this section may not be delegated.

SEC. 212. STATE EMERGENCY CONSERVATION PLAN.

(a) STATE EMERGENCY CONSERVATION PLANS.—(1)(A) Not later than 45 days after the date of the publication of an energy conservation target for a State under section 211(b), the Governor of that State shall submit to the Secretary a State emergency conservation plan designed to meet or exceed the emergency conservation target in effect for that State under section 211(a). Such plan shall contain such information as the Secretary may reasonably require. At any time, the Governor may, with the approval of the Secretary, amend a plan established under this section.

42 USC 8512.

(B) The Secretary may, for good cause shown, extend to a specific date the period for the submission of any State's plan under subpara-

Publication in Federal Register.

graph (A) if the Secretary publishes in the Federal Register notice of that extension together with the reasons therefor.

(2) Each State is encouraged to submit to the Secretary a State emergency conservation plan as soon as possible after the date of the enactment of this Act and in advance of such publication of any such target. The Secretary may tentatively approve such a plan in accordance with the provisions of this section. For the purposes of this part such tentative approval shall not be construed to result in a delegation of Federal authority to administer or enforce any measure contained in a State plan.

(b) CONSERVATION MEASURES UNDER STATE PLANS.—(1) Each State emergency conservation plan under this section shall provide for emergency reduction in the public and private use of each energy source for which an emergency conservation target is in effect under section 211. Such State plan shall contain adequate assurances that measures contained therein will be effectively implemented in that State. Such plan may provide for reduced use of that energy source through voluntary programs or through the application of one or more of the following measures described in such plan:

(A) measures which are authorized under the laws of that State and which will be administered and enforced by officers and employees of the State (or political subdivisions of the State) pursuant to the laws of such State (or political subdivisions); and

(B) measures—

(i) which the Governor requests, and agrees to assume, the responsibility for administration and enforcement in accordance with subsection (d);

(ii) which the attorney general of that State has found that (I) absent a delegation of authority under Federal law, the Governor lacks the authority under the laws of the State to invoke, (II) under applicable State law, the Governor and other appropriate State officers and employees are not prevented from administering and enforcing under a delegation of authority pursuant to Federal law; and (III) if implemented, would not be contrary to State law; and

(iii) which either the Secretary determines are contained in the standby Federal conservation plan established under section 213 or are approved by the Secretary, in his discretion.

(2) In the preparation of such plan (and any amendment to the plan) the Governor shall, to the maximum extent practicable, provide for consultation with representatives of affected businesses and local governments and provide an opportunity for public comment.

(3) Any State plan submitted to the Secretary under this section may permit persons affected by any measure in such plan to use alternative means of conserving at least as much energy as would be conserved by such measure. Such plan shall provide an effective procedure, as determined by the Secretary, for the approval and enforcement of such alternative means by such State or by any political subdivision of such State.

(c) APPROVAL OF STATE PLANS.—(1) As soon as practicable after the date of the receipt of any State plan, but in no event later than 30 days after such date, the Secretary shall review such plan and shall approve it unless the Secretary finds—

(A) that, taken as a whole, the plan is not likely to achieve the emergency conservation target established for that State under section 211(a) for each energy source involved,

(B) that, taken as a whole, the plan is likely to impose an unreasonably disproportionate share of the burden of restric-

tions of energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof,

(C) that the requirements of this part regarding the plan have not been met, or

(D) that a measure described in subsection (b)(1) is—

(i) inconsistent with any otherwise applicable Federal law (including any rule or regulation under such law),

(ii) an undue burden on interstate commerce, or

(iii) a tax, tariff, or user fee not authorized by State law.

(2) Any measure contained in a State plan shall become effective in that State on the date the Secretary approves the plan under this subsection or such later date as may be prescribed in, or pursuant to, the plan.

(d) STATE ADMINISTRATION AND ENFORCEMENT.—(1) The authority to administer and enforce any measure described in subsection (b)(1)(B) which is in a State plan approved under this section is hereby delegated to the Governor of the State and the other State and local officers and employees designated by the Governor. Such authority includes the authority to institute actions on behalf of the United States for the imposition and collection of civil penalties under subsection (e).

(2) All delegation of authority under paragraph (1) with respect to any State shall be considered revoked effective upon a determination by the President that such delegation should be revoked, but only to the extent of that determination.

Statement to Governor and President.

(3) If at any time the conditions of subsection (b)(1)(B)(ii) are no longer satisfied in any State with respect to any measure for which a delegation has been made under paragraph (1), the attorney general of that State shall transmit a written statement to that effect to the Governor of that State and to the President. Such delegation shall be considered revoked effective upon receipt by the President of such written statement and a determination by the President that such conditions are no longer satisfied, but only to the extent of that determination and consistent with such attorney general's statement.

(4) Any revocation under paragraph (2) or (3) shall not affect any action or pending proceedings, administrative or civil, not finally determined on the date of such revocation, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such revocation.

(e) CIVIL PENALTY.—(1) Whoever violates the requirements of any measure described in subsection (b)(1)(B) which is in a State plan in effect under this section shall be subject to a civil penalty of not to exceed $1,000 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided in paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of measures the authority for which is delegated under subsection (d).

SEC. 213. STANDBY FEDERAL CONSERVATION PLAN.

42 USC 8513.

(a) ESTABLISHMENT OF STANDBY CONSERVATON PLAN.—(1) Within 90 days after the date of the enactment of this part, the Secretary, in accordance with section 501 of the Department of Energy Organization Act (42 U.S.C. 7191), shall establish a standby Federal emergency conservation plan. The Secretary may amend such plan at any time, and shall make such amendments public upon their adoption.

(2) The plan under this section shall be consistent with the attainment of the objectives of section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 753(b)(1)), and shall provide for the emergency reduction in the public and private use of each energy source for which an emergency conservation target is in effect or may be in effect under section 211.

(b) IMPLEMENTATION OF STANDBY CONSERVATION PLAN.—(1) If the President finds—

(A) after a reasonable period of operation, but not less than 90 days, that a State emergency conservation plan approved and implemented under section 212 is not substantially meeting a conservation target established under section 211(a) for such State and it is likely that such target will continue to be unmet; and

(B) a shortage exists or is likely to exist in such State for the 60-day period beginning after such finding that is equal to or greater than 8 percent of the projected normal demand, as determined by the President, for an energy source for which such conservation target has been established under section 211(a);

then the President shall, after consultation with the Governor of such State, make effective in such State all or any part of the standby Federal conservation plan established under subsection (a) for such period or periods as the President determines appropriate to achieve the target in that State.

(2) If the President finds after a reasonable period of time, that the conservation target established under section 211(a) is not being substantially met and it is likely that such target will continue to be unmet in a State which—

(A) has no emergency conservation plan approved under section 212; or

(B) the President finds has substantially failed to carry out the assurances regarding implementation set forth in the plan approved under section 212,

then the President shall, after consultation with the Governor of such State, make effective in such State all or any part of the standby Federal conservation plan established under subsection (a) for such period or periods as the President determines appropriate to achieve the target in that State.

(c) BASIS FOR FINDINGS.—Any finding under subsection (b) shall be accompanied by such information and analysis as is necessary to provide a basis therefor and shall be available to the Congress and the public.

(d) SUBMISSION OF STATE EMERGENCY CONSERVATION PLAN.—(1) The Governor of a State in which all or any portion of the standby Federal conservation plan is or will be in effect may submit at any time a State emergency conservation plan, and if it is approved under section 212(c), all or such portion of the standby Federal conservation plan shall cease to be effective in that State. Nothing in this paragraph shall affect any action or pending proceedings, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based

upon any act committed or liability incurred prior to such cessation of effectiveness.

(e) STATE SUBSTITUTE EMERGENCY CONSERVATION MEASURES.—(1) After the President makes all or any part of the standby Federal conservation plan effective in any State or political subdivision under subsection (b), the Secretary shall provide procedures whereby such State or any political subdivision thereof may submit to the Secretary for approval one or more measures under authority of State or local law to be implemented by such State or political subdivision and to be substituted for any Federal measure in the Federal plan. The measures may include provisions whereby persons affected by such Federal measure are permitted to use alternative means of conserving at least as much energy as would be conserved by such Federal measure. Such measures shall provide effective procedures, as determined by the Secretary, for the approval and enforcement of such alternative means by such State or by any political subdivision thereof.

(2) The Secretary may approve the measures under paragraph (1) if he finds—

(A) that such measures when in effect will conserve at least as much energy as would be conserved by such Federal measure which would have otherwise been in effect in such State or political subdivision;

(B) such measures otherwise meet the requirements of this paragraph; and

(C) such measures would be approved under section 212(c)(1)(B), (C), and (D).

(3) If the Secretary approves measures under this subsection such Federal measure shall cease to be effective in that State or political subdivision. Nothing in this paragraph shall affect any action or pending proceedings, administrative or civil, not finally determined on the date the Federal measure ceases to be effective in that State or political subdivision, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such cessation of effectiveness.

(4) If the Secretary finds after a reasonable period of time that the requirements of this subsection are not being met under the measures in effect under this subsection he may reimpose the Federal measure referred to in paragraph (1).

(f) STATE AUTHORITY TO ADMINISTER PLAN.—At the request of the Governor of any State, the President may provide that the administration and enforcement of all or a portion of the standby Federal conservation plan made effective in that State under subsection (b) be in accordance with section 212(d)(1), (2), and (4).

(g) PRESIDENTIAL AUTHORITY NOT TO BE DELEGATED.—Notwithstanding any other provision of law (other than subsection (f)), the authority vested in the President under this section may not be delegated.

(h) REQUIREMENTS OF PLAN.—The plan established under subsection (a) shall—

(1) taken as a whole, be designed so that the plan, if implemented, would be likely to achieve the emergency conservation target under section 211 for which it would be implemented,

(2) taken as a whole, be designed so as not to impose an unreasonably disproportionate share of the burden of restrictions on energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof, and

(3) not contain any measure which the Secretary finds—

(A) is inconsistent with any otherwise applicable Federal law (including any rule or regulation under such law),

(B) is an undue burden on interstate commerce,

(C) is a tax, tariff, or user fee, or

(D) is a program for the assignment of rights for end-user purchases of gasoline or diesel fuel, as described in section 203(a)(1) (A) and (B) of the Energy Policy and Conservation Act (42 U.S.C. 6263).

(i) PLAN MAY NOT AUTHORIZE WEEKEND CLOSINGS OF RETAIL GASOLINE STATIONS.—(1) Except as provided in paragraph (2), the plan established under subsection (a) may not provide for the restriction of hours of sale of motor fuel at retail at any time between Friday noon and Sunday midnight.

(2) Paragraph (1) shall not preclude the restriction on such hours of sale if that restriction occurs in connection with a program for restricting hours of sale of motor fuel each day of the week on a rotating basis.

(j) CIVIL PENALTIES.—(1) Whoever violates the requirements of such a plan implemented under subsection (b) shall be subject to a civil penalty not to exceed $1,000 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided under paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of that portion of the standby Federal conservation plan for which authority is delegated to that State under subsection (f).

SEC. 214. JUDICIAL REVIEW.

42 USC 8514.

(a) STATE ACTIONS.—(1) Any State may institute an action in the appropriate district court of the United States, including actions for declaratory judgment, for judicial review of—

(A) any target established by the President under section 211(a);

(B) any finding by the President under section 213(b)(1)(A), relating to the achievement of the emergency energy conservation target of such State, or 213(b)(2), relating to the achievement of the emergency energy conservation target of such State or the failure to carry out the assurances regarding implementation contained in an approved plan of such State; or

(C) any determination by the Secretary disapproving a State plan under section 212(c), including any determination by the Secretary under section 212(c)(1)(B) that the plan is likely to impose an unreasonably disproportionate share of the burden of restrictions of energy use on any specific class of industry, business, or commercial enterprise, or any individual segment thereof.

Such action shall be barred unless it is instituted within 30 calendar days after the date of publication of the establishment of a target referred to in subparagraph (A), the finding by the President referred to in subparagraph (B), or the determination by the Secretary referred to in subparagraph (C), as the case may be.

(2) The district court shall determine the questions of law and upon such determination certify such questions immediately to the United

States court of appeals for the circuit involved, which shall hear the matter sitting en banc.

(3) Any decision by such court of appeals on a matter certified under paragraph (2) shall be reviewable by the Supreme Court upon attainment of a writ of certiorari. Any petition for such a writ shall be filed no later than 20 days after the decision of the court of appeals.

(b) COURT OF APPEALS DOCKET.—It shall be the duty of the court of appeals to advance on the docket and to expedite to the greatest possible extent the disposition of any matter certified under subsection (a)(2).

(c) INJUNCTIVE RELIEF.—With respect to judicial review under subsection (a)(1)(A), the court shall not have jurisdiction to grant any injunctive relief except in conjunction with a final judgment entered in the case.

SEC. 215. REPORTS.

(a) MONITORING.—The Secretary shall monitor the implementation of State emergency conservation plans and of the standby Federal conservation plan and make such recommendations to the Governor of each affected State as he deems appropriate for modification to such plans. 42 USC 8515.

(b) ANNUAL REPORT.—The President shall report annually to the Congress on any activities undertaken pursuant to this part and include in such report his estimate of the energy saved in each State and the performance of such State in relation to this part. Such report shall contain such recommendations as the President considers appropriate.

Part B—Other Automobile Fuel Purchase Measures

SEC. 221. MINIMUM AUTOMOBILE FUEL PURCHASES.

(a) GENERAL RULE.—If the provisions of this subsection are made applicable under subsection (c), no person shall purchase motor fuel from a motor fuel retailer in any transaction for use in any automobile or other vehicle unless— 42 USC 8521.

(1) the price for the quantity purchased and placed into the fuel tank of that vehicle equals or exceeds $5.00; or

(2) in any case in which the amount paid for the quantity of motor fuel necessary to fill the fuel tank of that vehicle to capacity is less than $5.00, such person pays to the retailer an additional amount so that the total amount paid in that transaction equals $5.00.

Any person selling motor fuel in transactions to which the provisions of this subsection apply shall display at the point of sale notice of such provisions in accordance with regulations prescribed by the Secretary.

(b) $7.00 TO BE APPLICABLE IN THE CASE OF 8-CYLINDER VEHICLES.—In applying subsection (a) in the case of any vehicle with an engine having 8 cylinders (or more), "$7.00" shall be substituted for "$5.00".

(c) APPLICABILITY.—(1) Unless applicable pursuant to paragraph (2), the requirements of subsection (a) shall apply in any State and shall be administered and enforced as provided in subsection (g) only if—

(A) the Governor of that State submits a request to the Secretary to have such requirements applicable in that State; and

(B) the attorney general of that State has found that (i) absent a delegation of authority under a Federal law, the Governor lacks the authority under the laws of the State to invoke

comparable requirements, (ii) under applicable State law, the Governor and other appropriate State officers and employees are not prevented from administering and enforcing such requirements under a delegation of authority pursuant to Federal law, and (iii) if implemented such requirements would not be contrary to State law.

Subject to paragraph (2), such provisions shall cease to apply in any State if the Governor of the State withdraws any request under subparagraph (A).

(2) The requirements of subsection (a) shall apply in every State if there is in effect a finding by the President that nationwide implementation of such requirements would be appropriate and consistent with the purposes of this title.

Publication in Federal Register.

(3) Such requirements shall take effect in any State beginning on the 5th day after the Secretary or the President (as the case may be) publishes notice in the Federal Register of the applicability of the requirements to the State pursuant to paragraph (1) or (2).

(4) Notwithstanding any other provision of law, the authority vested in the President under paragraph (2) may not be delegated.

(d) EXEMPTIONS.—The requirements of subsection (a) shall not apply to any motorcycle or motorpowered bicycle, or to any comparable vehicle as may be determined by the Secretary by regulation.

(e) ADJUSTMENT OF MINIMUM LEVELS.—The Secretary may increase the $5.00 and $7.00 amounts specified in subsections (a) and (b) if the Secretary considers it appropriate. Adjustments under this subsection shall be only in even dollar amounts.

(f) CIVIL PENALTIES.—(1) Whoever violates the requirements of subsection (a) shall be subject to a civil penalty of not to exceed $100 for each violation.

(2) Any penalty under paragraph (1) may be assessed by the court in any action under this section brought in any appropriate United States district court or any other court of competent jurisdiction. Except to the extent provided in paragraph (3), any such penalty collected shall be deposited into the general fund of the United States Treasury as miscellaneous receipts.

(3) The Secretary may enter into an agreement with the Governor of any State under which amounts collected pursuant to this subsection may be collected and retained by the State to the extent necessary to cover costs incurred by that State in connection with the administration and enforcement of the requirements of subsection (a) the authority for which is delegated under subsection (g).

(g) ADMINISTRATION AND ENFORCEMENT DELEGATED TO STATES.—(1) There is hereby delegated to the Governor of any State, and other State and local officers and employees designated by the Governor, the authority to administer and enforce, within that State, any provision of this part which is to be administered and enforced in accordance with this section. Such authority includes the authority to institute actions on behalf of the United States for the imposition and collection of civil penalties under subsection (f).

(2)(A) All delegation of authority under paragraph (1) with respect to any State shall be considered revoked effective (i) upon the receipt of a written waiver of authority signed by the Governor of such State or (ii) upon a determination by the President that such delegation should be revoked, but only to the extent of that determination.

(B) If at any time the conditions of subsection (c)(1)(B) are no longer satisfied in any State to which a delegation has been made under paragraph (1), the attorney general of that State shall transmit a written statement to that effect to the Governor of that State and to the President. Such delegation shall be considered revoked effective

upon receipt by the President of such written statement and a determination by the President that such conditions are no longer satisfied, but only to the extent of that determination and consistent with such attorney general's statement.

(C) Any revocation under subparagraph (A) or (B) shall not affect any action or pending proceedings, administrative or civil, not finally determined on the date of such revocation, nor any administrative or civil action or proceeding, whether or not pending, based on any act committed or liability incurred prior to such revocation.

(D) The Secretary shall administer and enforce any provision of this part which has been made effective under subsection (c)(2) and for which a delegation of authority is considered revoked under subparagraph (A).

(h) COORDINATION WITH OTHER LAW.—The charging and collecting of amounts referred to in subsection (a)(2) under the requirements of subsection (a), or similar amounts collected under comparable requirements under any State law, shall not be considered a violation of—

(1) the Emergency Petroleum Allocation Act of 1973 or any regulation thereunder; or 15 USC 751 note.

(2) any Federal or State law requiring the labeling or disclosure of the maximum price per gallon of any fuel.

SEC. 222. OUT-OF-STATE VEHICLES TO BE EXEMPTED FROM ODD-EVEN MOTOR FUEL PURCHASE RESTRICTIONS.

(a) GENERAL RULE.—Notwithstanding any provision of any Federal, State, or local law, any odd-even fuel purchase plan in effect in any State may not prohibit the sale of motor fuel to any person for use in a vehicle bearing a license plate issued by any authority other than that State or a State contiguous to that State. 42 USC 8522.

(b) DEFINITIONS.—For purposes of this section the term "odd-even fuel purchase plan" means any motor fuel sales restriction under which a person may purchase motor fuel for use in any vehicle only on days (or other periods of time) determined on the basis of a number or letter appearing on the license plate of that vehicle (or on any similar basis).

Part C—Building Temperature Restrictions

SEC. 231. AMENDMENT TO ENERGY POLICY AND CONSERVATION ACT.

Section 202 of the Energy Policy and Conservation Act (42 U.S.C. 6262) is amended by adding at the end thereof the following new subsection:

"(d)(1) In the case of an energy conservation contingency plan that regulates building temperatures, any State or political subdivision thereof may submit to the President a comparable plan, as described in subsection (b)(1), and include in such plan procedures permitting any person affected by such contingency plan to use alternative means of conserving at least as much energy in affected buildings as would be conserved by the energy conservation contingency plan that regulates building temperatures. Such plan shall include effective procedures for the approval and enforcement of such alternative plans by such State or such political subdivision thereof.

"(2) The alternative plan under paragraph (1) need not conserve energy in the same fashion as the energy conservation contingency plan that regulates building temperatures.

"(3) Nothing in this subsection shall preclude any political subdivision of a State from applying directly to the President for approval of a comparable plan under paragraph (1).".

Part D—Studies

SEC. 241. STUDIES.

Report to Congress. 42 USC 8531.

(a) STUDY OF COMMERCIAL AND INDUSTRIAL STORAGE OF FUEL.—Not later than 180 days after the date of the enactment of this part, the Secretary shall conduct a study and report to the Congress regarding the commercial and industrial storage of gasoline and middle distillates (other than storage in facilities which have capacities of less than 500 gallons or storage used exclusively and directly for agricultural, residential, petroleum refining, or pipeline transportation purposes).

(b) CONTENTS OF REPORT.—Such report shall—

(1) indicate to what extent storage activities have increased since November 1, 1978, and what business establishments (including utilities) have been involved;

(2) the estimated amount of gasoline and middle distillates (in the aggregate and by type and region) which are in storage within the United States at the time of the study, the amounts which were in storage at the same time during the calendar year preceding the study, and the purposes for which such storage is maintained; and

(3) contain such findings and recommendations for legislation and administrative action as the Secretary considers appropriate, including recommendations for improving the availability and quality of data concerning such storage.

SEC. 242. MIDDLE DISTILLATE MONITORING PROGRAM.

42 USC 8532.

(a) MONITORING PROGRAM.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall establish and maintain a data collection program for monitoring, at the refining, wholesale, and retail levels, the supply and demand levels of middle distillates on a periodic basis in each State.

(2) The program to be established under paragraph (1) shall provide for—

(A) the prompt collection of relevant demand and supply data under the authority available to the Secretary under other law; and

Reports to Congress.

(B) the submission to Congress of periodic reports each containing a concise narrative analysis of the most recent data which the Secretary determines are accurate, and a discussion on a State-by-State basis of trends in such data which the Secretary determines are significant.

(3) All data and information collected under this program shall be available to the Congress and committees of the Congress, and, in accordance with otherwise applicable law, to appropriate State and Federal agencies and the public.

(4) Nothing in this subsection authorizes the direct or indirect regulation of the price of any middle distillate.

"Middle distillate."

(5) For purposes of this section, the term "middle distillate" has the same meaning as given that term in section 211.51 of title 10, Code of Federal Regulations, as in effect on the date of the enactment of this section.

Report to Congress.

(b) REPORT.—Before December 31, 1979, the President shall submit a report to Congress in which the President shall examine the middle distillate situation, summarizing the data, information, and analyses described in subsection (a) and discussing in detail matters required to be addressed in findings made pursuant to section 12(d)(1) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 760(d)(1)).

15 USC 760a.

Part E—Administrative Provisions

SEC. 251. ADMINISTRATION.

(a) INFORMATION.—(1) The Secretary shall use the authority provided under section 11 of the Energy Supply and Environmental Coordination Act of 1974 for the collection of such information as may be necessary for the enforcement of the provisions of parts A and B of this title. 42 USC 8541. 15 USC 796.

(2) In carrying out his responsibilities under this title, the Secretary shall insure that timely and adequate information concerning the supplies, pricing, and distribution of motor fuels (and other energy sources which are the subject of targets in effect under section 211) is obtained, analyzed, and made available to the public. Any Federal agency having responsibility for collection of such information under any other authority shall cooperate fully in facilitating the collection of such information.

(b) EFFECT ON OTHER LAWS.—No State law or State program in effect on the date of the enactment of this title, or which may become effective thereafter, shall be superseded by any provision of this title, or any rule, regulation, or order thereunder, except insofar as such State law or State program is in conflict with any such provision of section 213 or 221 (or any rule, regulation, or order under this part relating thereto) in any case in which measures have been implemented in that State under the authority of section 213 or 221 (as the case may be).

(c) TERMINATION.—(1) The provisions of parts A, B, D, and E of this title, including any actions taken thereunder, shall cease to have effect on July 1, 1983.

(2) Such expiration shall not affect any action or pending proceeding, administrative or civil, not finally determined on such date, nor any administrative or civil action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such expiration date.

TITLE III—GENERAL PROVISIONS

SEC. 301. FUNDING FOR FISCAL YEARS 1979 AND 1980.

For purposes of any law relating to appropriations or authorizations for appropriations as such law relates to the fiscal year ending September 30, 1979, or the fiscal year ending September 30, 1980, the provisions of this Act (including amendments made by this Act) shall be treated as if it were a contingency plan under section 202 or 203 of the Energy Policy and Conservation Act which was approved in accordance with the procedures under that Act or as otherwise provided by law, and funds made available pursuant to such appropriations shall be available to carry out the provisions of this Act and the amendments made by this Act. 42 USC 8501 note. 42 USC 6262, 6263.

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SEC. 302. EFFECTIVE DATE.

42 USC 6261 note.

The amendments made by this Act shall take effect on the date of the enactment of this Act.

Approved November 5, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-373 (Comm. on Interstate and Foreign Commerce) and No. 96-516 (Comm. of Conference).

SENATE REPORTS: No. 96-117 (Comm. on Energy and Natural Resources) and No. 96-366 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 125 (1979):

June 5, considered and passed Senate.

July 25, 31, Aug. 1, considered and passed House, amended.

Oct. 17, Senate agreed to conference report.

Oct. 23, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 15, No. 45:

Nov. 5, Presidential statement.