Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schiff
Schmidt
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Upton
Van Hollen
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (FL)

NAYS—63

Ackerman
Baird
Baldwin
Barrow
Berry
Brady (PA)
Capuano
Chandler
Costello
Davis (KY)
DeFazio
English (PA)
Evans
Filner
Fossella
Graves
Gutknecht
Hefley
Hinchey
Holt
Israel
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Latham
LoBiondo
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCotter
McDermott
McNulty
Miller, George
Moran (KS)
Oberstar
Ramstad
Sabo
Sanchez, Loretta
Schakowsky
Shuster
Slaughter
Stark
Strickland
Stupak
Sweeney
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson
Weller
Whitfield
Wu

NOT VOTING—22

Andrews
Beauprez
Boswell
Clay
Deal (GA)
Delahunt
Edwards
Fitzpatrick (PA)
Hastings (FL)
Lewis (CA)
Linder
Melancon
Neal (MA)
Norwood
Olver
Payne
Poe
Royce
Schwarz (MI)
Simmons
Wexler
Young (AK)

□ 1103

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SIMMONS. Mr. Speaker, I was regrettably delayed in a meeting at the Pentagon, and was unable to be on the House Floor for rollcall votes 515 and 516.

Had I been present, I would have voted "yea" on rollcall 515, the rule providing for consideration of the bill H.R. 3893 and "yea" on rollcall 516, approving the Journal.

GASOLINE FOR AMERICA'S SECURITY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, pursuant to House Resolution 481, I call up the bill (H.R. 3893) to expedite the construction of new refining capacity in the United States, to provide reliable and affordable energy for the American people, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 481, the bill is considered read.

The text of the bill is as follows:

H.R. 3893

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gasoline for America's Security Act of 2005".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.
Sec. 102. Process coordination and rules of procedure.
Sec. 103. Refinery revitalization repeal.
Sec. 104. Standby support for refineries.
Sec. 105. Military use refinery.
Sec. 106. New source review under Clean Air Act.
Sec. 107. Waiver authority for extreme fuel supply emergencies.
Sec. 108. List of fuel blends.
Sec. 109. Attainment dates for downwind ozone nonattainment areas.
Sec. 110. Northwest crude oil supply.
Sec. 111. Discounted sales of royalty-in-kind oil to qualified small refineries.
Sec. 112. Study and Report Relating to Streamlining Paperwork Requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Process coordination; hearings; rules of procedure.
Sec. 202. Issuance of Commission order.
Sec. 203. Backup power capacity.
Sec. 204. Sunset of loan guarantees.
Sec. 205. Offshore gathering pipelines.
Sec. 206. Savings clause.

TITLE III—CONSERVATION

Sec. 301. Department of Energy carpooling and vanpooling program.
Sec. 302. Evaluation and assessment of carpool and vanpool projects.
Sec. 303. Internet utilization.
Sec. 304. Fuel consumption education campaign.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. FTC investigation on price-gouging.
Sec. 402. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.
Sec. 502. Strategic petroleum reserve sale.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, impacting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of $1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under $15,000 (⅕ of all households) this year will spend, on average, more than ⅒ of their income just on gasoline.

(6) According to economic analysis, rural Americans will spend $2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the Environmental Protection Agency;

(2) the term "refinery" means a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; and

(3) the term "Secretary" means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations, that are appropriate for the purposes of siting a refinery. Any such designation may be based on an analysis of—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether such sites are in close proximity to substantial pipeline infrastructure, including both crude and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the Nation's domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have on the price and supply of gasoline to consumers;

(F) national defense; and

(G) such other factors as the President considers appropriate.

(2) MILITARY INSTALLATIONS.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 military installations closed pursuant to a base closure law (as defined in section 101(a)(17) of title 10, United States Code), as suitable for the construction of a refinery. Until the expiration of 2 years after the date of enactment of this Act, the Federal Government shall not sell or otherwise dispose of the military installations designated pursuant to this subsection.

(c) APPLICABILITY.—Section 102 shall only apply to refineries sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a) of this section; or

(2) on a site designated by the President under subsection (b).

(d) DEFINITION.—For purposes of this section—

(1) the term ''Federal lands'' means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System; and

(C) designated as a National Monument; and

(2) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term ''Federal refinery authorization''—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term ''authorization'' means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, and amounts deposited into the account, whether appropriated or received from a non-Federal source, shall be available to the Secretary, without further appropriation, for the payment of the costs specified in subsection (b)(3).

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section; or

(2) on a site designated by the President under section 101(a).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—The President may authorize the design of, obtain all necessary Federal refinery authorizations for, acquire an appropriate site for, and authorize the construction and operation of a refinery for the purpose of manufacturing petroleum products for consumption by the Armed Forces of the United States. A refinery constructed under this section shall be located at a site designated by the President under section 101(b).

(b) SOLICITATION FOR DESIGN AND CONSTRUCTION.—The President shall solicit proposals for the design and construction of a refinery under this section. In selecting a proposal under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) OPERATION.—When all design, Federal refinery authorization, acquisition, and construction activities are completed with respect to a refinery under this section, the President shall offer for sale or lease the rights to operate such refinery. If the President is unable to sell or lease the right to operate the refinery, it shall be operated by the Federal Government.

(e) USE OF PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), all petroleum products manufactured at a refinery constructed under this section shall be for use by the Armed Forces of the United States.

(2) EXCEPTION.—The Secretary of Energy, at the direction of the President, may sell any portion of the petroleum products manufactured at the refinery that are not needed for the purposes described in paragraph (1) in private markets at the products' fair market value.

SEC. 106. NEW SOURCE REVIEW UNDER CLEAN AIR ACT.

(a) RULEMAKING.—Considering the devastation brought about by the recent natural disasters, and the adverse impact of such disasters on the United States energy markets, including both the availability and the price of energy, the Administrator shall initiate a rulemaking, to issue guidance, and to take all other appropriate steps to reform, as expeditiously as practicable, the New Source Review programs under title I, parts C and D of the Clean Air Act. Taking into account the urgent need to increase the efficiency and availability and to improve the reliability of the energy supply to consumers and industrial sources, and to secure a decrease in energy prices, the Administrator, in undertaking these reform efforts, should utilize and draw upon the maximum legal flexibility available under existing law, in order to enable energy industry facilities, including, but not limited to, refineries, electric power generating stations, and compressor stations, to undertake without hindrance, promptly and in the least-cost manner, projects to maintain, to restore, and to improve the efficiency, the reliability, or the availability of such facilities.

(b) DEFINITION.—Section 302 of the Clean Air Act (42 U.S.C. 7602) is amended by adding the following new subsection at the end thereof:

''(aa) PHYSICAL CHANGE, OR CHANGE IN THE METHOD OF OPERATION OF EXISTING EMISSIONS UNIT.—For purposes of parts C and D of this title, the term 'physical change, or change in the method of operation of,' as applied to an existing emissions unit, means a 'modification' as defined in paragraphs (a), (b), (c), (e), and (h) of title 40 of the Code of Federal Regulations, section 60.14 (as in effect on September 22, 2005), except that paragraph (h) shall apply to all industrial categories and paragraph (e)(1) shall include all repairs and replacements covered by section 51.166(y) of title 40 of the Code of Federal Regulations (as in effect on December 31, 2004).''.

SEC. 107. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

''(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, the President, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Energy—

''(aa) may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this section; and

''(bb) may preempt and temporarily waive any related or equivalent control or prohibition respecting the use of a fuel or fuel additive prescribed by a State or local statute or regulation, including any such requirement in a State implementation plan.

''(II) The effective period of a waiver under this clause shall be the time period necessary to permit the correction of the extreme and unusual fuel or fuel additive supply emergency caused by the natural disaster.''; and

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

''(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).''.

SEC. 108. LIST OF FUEL BLENDS.

(a) LIST OF BLENDS.—Section 211(c)(4)(C)(viii) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)(viii)), as so redesignated by section 107(1) of this Act, is amended—

(1) by striking subclauses (I) through (V);

(2) by redesignating subclause (VI) as subclause (V); and

(3) by inserting the following before subclause (V), as so redesignated by paragraph (2) of this subsection:

''(I) The Administrator, in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of 6 gasoline and diesel fuel blends to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal diesel fuel, one alternative diesel fuel blend approved under this subparagraph before enactment of this subclause, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. None of the fuel blends identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

''(II) Gasoline and diesel fuel blends shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by

the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

''(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator's findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

''(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize the currently approved fuel blends in State implementation plans with the blends included on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.''.

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

''(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in the number of fuel blends to 6, including one Federal diesel fuel, one alternative diesel fuel blend, one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 additional gasoline blends with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.''.

SEC. 109. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C.7511) is amended by adding the following new subsection at the end thereof:

''(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

''(1) DEFINITIONS.—

''(A) The term 'upwind area' means an area that—

''(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

''(ii) is either—

''(I) a nonattainment area with a later attainment date than the downwind area, or

''(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

''(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph.

''(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

''(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

''(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

''(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

''(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

''(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

''(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

''(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area's ability to attain, from the area receiving the extension.

''(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection—

''(A) the plan revision for the downwind area complies with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

''(B) the plan includes any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this paragraph shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

''(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

''(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term 'affected by transport to a degree that affects an areas ability to attain' in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.''.

SEC. 110. NORTHWEST CRUDE OIL SUPPLY.

Section 5(b) of the Act entitled ''An Act to authorize appropriations for fiscal year 1978 to carry out the Marine Mammal Protection Act of 1972'', enacted October 18, 1977 (Public Law 95–136) is amended by striking ''for consumption in the State of Washington''.

SEC. 111. DISCOUNTED SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall charge a discounted price in any sale to a qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF DISCOUNT.—The regulations shall provide that the amount of any discount applied pursuant to this section in any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed $4.50 per barrel of oil sold.

(c) TERMINATION OF DISCOUNT.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(d) QUALIFIED SMALL REFINERY.—In this section the term ''qualified small refinery'' means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 112. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator of the Environmental Protection Agency shall study

ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. PROCESS COORDINATION; HEARINGS; RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term ''Commission'' means the Federal Energy Regulatory Commission; and

(2) the term ''Federal pipeline authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) COMMISSION AUTHORIZATION REQUIRED.—

(1) REQUIREMENT.—No person shall site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce without an order from the Commission authorizing such action.

(2) NOTICE AND HEARING.—Upon the filing of an application to site, construct, expand, or operate a crude oil or refined petroleum product pipeline facility in interstate commerce, the Commission shall—

(A) set the matter for hearing;

(B) give reasonable notice of the hearing to all interested persons;

(C) decide the matter in accordance with this title; and

(D) issue or deny the appropriate order accordingly.

(c) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and for the purposes of complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(d) SCHEDULE.—

(1) COMMISSION'S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (f).

(e) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (f) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(f) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (d) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (e).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 202. ISSUANCE OF COMMISSION ORDER.

(a) CRITERIA.—Upon application by a qualified applicant, the Commission shall issue an order authorizing, in whole or in part, the siting, construction, expansion, or operation of a crude oil or refined petroleum product pipeline facility in interstate commerce—

(1) unless the Commission finds that such actions or operations will not be consistent with the public interest; and

(2) if the Commission has found that the applicant is—

(A) able and willing to carry out the actions and operations proposed; and

(B) willing to conform to any terms, conditions, or other requirements of the Commission under this section.

(b) TERMS AND CONDITIONS.—The Commission may by its order grant an application, in whole or in part, with such modification and upon such terms and conditions as the Commission may find necessary or appropriate.

(c) RIGHTS-OF-WAY.—When any holder of an order from the Commission under this section cannot acquire by contract, or is unable to agree with the owner of property to the compensation to be paid for—

(1) the necessary right-of-way to site, construct, operate, and maintain a pipeline or pipelines for the transportation of crude oil or refined petroleum products; and

(2) the necessary land or other property for the location of compressor stations, pressure apparatus, or other stations or equipment necessary to the proper operation of such pipeline or pipelines,

the holder of the order may acquire such property by the exercise of the right of eminent domain in the district court of the United States for the district in which such property may be located, or in the State courts. The practice and procedure in any action or proceeding under this subsection in the district court of the United States shall conform as nearly as may be with the practice and procedure in similar action or proceeding in the courts of the State where the property is situated.

SEC. 203. BACKUP POWER CAPACITY.

(a) REQUIREMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations requiring the owners or operators of crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs to ensure the availability of sufficient backup power capacity, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados, to provide for the continued operation of the pipeline facilities in the event of any reasonably foreseeable emergency situation.

(b) SUSPENSION OF CERTAIN REQUIREMENTS.—The Administrator shall promulgate regulations providing for the temporary suspension, for the duration of an emergency described in subsection (a), of all or part of any requirement (including any Federal or State permitting requirement, emissions limit, or operations limit) in effect under the Clean Air Act or under any implementation plan in effect under that Act to the extent that such requirement applies to the process or equipment necessary to provide backup power capacity under subsection (a).

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 60 days after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska and all interested parties have not entered into an agreement pursuant to Alaska Stranded Gas Development Act which contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.''.

SEC. 205. OFFSHORE GATHERING PIPELINES.

Section 1(b) of the Natural Gas Act (15 U.S.C. 717(b)) is amended—

(1) by striking ''and to natural gas companies'' and inserting ''to natural gas companies'';

(2) by inserting ''gathering in Federal waters,'' after ''such transportation or sale''; and

(3) by striking ''the production or gathering of natural gas'' and inserting ''the production of natural gas or to the gathering onshore or in State waters of natural gas''.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and van pool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION.

The program established under section 301 shall include outreach activities and marketing programs, including the utilization of the Internet for marketing and outreach, to encourage, facilitate, provide incentives for, and maintain carpools and vanpools without regard to any limitation on operating costs.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) PARTNERSHIP.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) ACCESSIBILITY.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) COST SHARING.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,500,000 for carrying out this section.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. FTC INVESTIGATION ON PRICE-GOUGING.

(a) STUDY.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States; and

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere.

Chapter 35 of title 44, United States Code, does not apply to the collection of information for the investigation required by this section.

(b) SUBJECT COMPANIES.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of $500,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, to for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 402. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—Notwithstanding any other provision of law, the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''SPR Expansion Fund'' (in this section referred to as the ''Fund'') and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by

the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

(d) OFFSETTING COLLECTIONS.—The proceeds from any sale pursuant to subsection (a) shall be credited to the Fund as offsetting collections in amounts not to exceed the amounts annually appropriated from the Fund.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

''(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

''(A) not to resell the petroleum products before the products are refined; and

''(B) to refine the petroleum products primarily for consumption in the United States.''.

The SPEAKER pro tempore. The amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 109–245, is adopted.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 3893

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Gasoline for America's Security Act of 2005''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—INCREASING REFINERY CAPACITY

Sec. 101. State participation and presidential designation.
Sec. 102. Process coordination and rules of procedure.
Sec. 103. Refinery revitalization repeal.
Sec. 104. Standby support for refineries.
Sec. 105. Military use refinery.
Sec. 106. Waiver authority for extreme fuel supply emergencies.
Sec. 107. List of fuel blends.
Sec. 108. Attainment dates for downwind ozone nonattainment areas.
Sec. 109. Rebates for sales of royalty-in-kind oil to qualified small refineries.
Sec. 110. Study and report relating to streamlining paperwork requirements.
Sec. 111. Response to biomass debris emergency.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

Sec. 201. Federal-State regulatory coordination.
Sec. 202. Process coordination and rules of procedure.
Sec. 203. Backup power capacity study.
Sec. 204. Sunset of loan guarantees.
Sec. 205. Offshore pipelines.
Sec. 206. Savings clause.

TITLE III—CONSERVATION AND EDUCATION

Sec. 301. Department of Energy carpooling and vanpooling program.
Sec. 302. Evaluation and assessment of carpool and vanpool projects.
Sec. 303. Internet utilization study.
Sec. 304. Fuel consumption education campaign.
Sec. 305. Procurement of energy efficient lighting devices.
Sec. 306. Minority employment.

TITLE IV—GASOLINE PRICE REFORM

Sec. 401. Short title.
Sec. 402. Gasoline price gouging prohibited.
Sec. 403. FTC investigation on price-gouging.
Sec. 404. FTC study of petroleum prices on exchange.

TITLE V—STRATEGIC PETROLEUM RESERVE

Sec. 501. Strategic Petroleum Reserve capacity.
Sec. 502. Strategic Petroleum Reserve sale.
Sec. 503. Northeast Home Heating Oil Reserve capacity.

TITLE VI—COMMISSION FOR THE DEPLOYMENT OF THE HYDROGEN ECONOMY

Sec. 601. Establishment.
Sec. 602. Duties of Commission.
Sec. 603. Membership.
Sec. 604. Staff of Commission; experts and consultants.
Sec. 605. Powers of Commission.
Sec. 606. Report.

TITLE VII—CRITICAL ENERGY ASSURANCE

Sec. 701. Evacuation plan review.
Sec. 702. Disaster assistance.
Sec. 703. Critical Energy Assurance Account.
Sec. 704. Regulations.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) No new refinery has been constructed in the United States since 1976. There are 148 operating refineries in the United States, down from 324 in 1981. Refined petroleum product imports are currently projected to grow from 7.9 percent to 10.7 percent of total refined product by 2025 to satisfy increasing demand.

(2) While the number of American refineries in operation has reduced over the last 20 years, much of the resulting lost capacity has been replaced by gains from more efficient refineries.

(3) Hurricanes Katrina and Rita substantially disrupted petroleum production, refining, and pipeline systems in the Gulf Coast region, affecting energy prices and supply nationwide. In the immediate aftermath of Katrina alone, United States refining capacity was reduced by more than 2,000,000 barrels per day. However, before Hurricanes Katrina and Rita, United States refining capacity was already significantly strained by increased levels of production, with industry average utilization rates of 95 percent of capacity or higher.

(4) It serves the national interest to increase refinery capacity for gasoline, heating oil, diesel fuel, and jet fuel wherever located within the United States, to bring more reliable and economic supply to the American people.

(5) According to economic analysis, households are conservatively estimated to spend an average of $1,948 this year on gasoline, up 45 percent from 3 years ago, and households with incomes under $15,000 (1/5 of all households) this year will spend, on average, more than 1/10 of their income just on gasoline.

(6) According to economic analysis, rural American households will spend $2,087 on gasoline this year. Rural Americans are paying an estimated 22 percent more for gasoline than their urban counterparts because they must drive longer distances.

(7) A growing reliance on foreign sources of refined petroleum products impairs our national security interests and global competitiveness.

(8) Refiners are subject to significant environmental and other regulations and face several new Clean Air Act requirements over the next decade. New Clean Air Act requirements will benefit the environment but will also require substantial capital investment and additional government permits. These new requirements increase business uncertainty and dissuade investment in new refinery capacity.

(9) There is currently a lack of coordination in permitting requirements and other regulations affecting refineries at the Federal, State, and local levels. There is no consistent national permitting program for refineries, compared with the Federal Energy Regulatory Commission's lead agency role over interstate natural gas pipelines, liquefied natural gas, and hydroelectric power and the Nuclear Regulatory Commission's role over nuclear plant licensing. More regulatory certainty and coordination is needed for refinery owners to stimulate investment in increased refinery capacity.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) the term ''refinery'' means—

(A) a facility designed and operated to receive, load, unload, store, transport, process, and refine crude oil by any chemical or physical process, including distillation, fluid catalytic cracking, hydrocracking, coking, alkylation, etherification, polymerization, catalytic reforming, isomerization, hydrotreating, blending, and any combination thereof, in order to produce gasoline or other fuel; or

(B) a facility designed and operated to receive, load, unload, store, transport, process, and refine coal by any chemical or physical process, including liquefaction, in order to produce gasoline, diesel, or other liquid fuel as its primary output; and

(3) the term ''Secretary'' means the Secretary of Energy.

TITLE I—INCREASING REFINERY CAPACITY

SEC. 101. STATE PARTICIPATION AND PRESIDENTIAL DESIGNATION.

(a) FEDERAL-STATE REGULATORY COORDINATION AND ASSISTANCE.—

(1) GOVERNOR'S REQUEST.—The governor of a State may submit a request to the Secretary for the application of process coordination and rules of procedure under section 102 to the siting, construction, expansion, or operation of any refinery in that State.

(2) STATE ASSISTANCE.—The Secretary and the Administrator are authorized to provide financial assistance to State governments to facilitate the hiring of additional personnel with expertise in fields relevant to consideration of applications to site, construct, expand, or operate any refinery in that State.

(3) OTHER ASSISTANCE.—The Secretary and the Administrator shall provide technical, legal, or other assistance to State governments to facilitate their review of applications to site, construct, expand, or operate any refinery in that State.

(b) PRESIDENTIAL DESIGNATION.—

(1) DESIGNATION REQUIREMENT.—Not later than 90 days after the date of enactment of this Act, the President shall designate sites on Federal lands, including closed military installations ''subject to paragraph (3)'', that are appropriate for the purposes of siting a refinery.

(2) ANALYSIS OF REFINERY SITES.—IN CONSIDERING ANY SITE ON FEDERAL LANDS FOR POSSIBLE DESIGNATION UNDER THIS SUBJECTION, THE PRESIDENT SHALL CONDUCT AN ANALYSIS OF—

(A) the availability of crude oil supplies to the site, including supplies from domestic production of shale oil and tar sands and other strategic unconventional fuels;

(B) the distribution of the Nation's refined petroleum product demand;

(C) whether ''such sites is'' in close proximity to substantial pipeline infrastructure, including both crude oil and refined petroleum product pipelines, and potential infrastructure feasibility;

(D) the need to diversify the geographical location of the domestic refining capacity;

(E) the effect that increased refined petroleum products from a refinery on that site may have

on the price and supply of gasoline to consumers;

(F) ''the impact of locating a refinery on the site on the readiness and operations of the Armed Forces''; and

(G) such other factors as the President considers appropriate.

(3) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—

(A) DESIGNATION FOR CONSIDERATION AS REFINERY SITE.—Among the sites designated pursuant to this subsection, the President shall designate no less than 3 closed military installations, or portions thereof, as suitable for the construction of a refinery.

(B) EFFECT OF DESIGNATION.—In the case of a closed military installation, or portion thereof, designated by the President as a potentially suitable refinery site pursuant to this subsection—

(i) the redevelopment authority for the installation, in preparing or revising the redevelopment plan for the installation, shall consider the feasibility and practicability of siting a refinery on the installation; and

(ii) the Secretary of Defense, in a managing and disposing of real property at the installation pursuant to the base closure law applicable to the installation, shall given substantial deference to the recommendations of the redevelopment authority, as contained in the redevelopment plan for the installation, regarding the siting of a refinery on the installation.

(c) USE OF DESIGNATED SITES.—

(1) LEASE.—Except as provided in paragraph (2), the Federal Government shall offer for lease any site designated by the President under subsection (b) consistent with procedures for the disposition of such site under applicable Federal property laws. Notwithstanding any provision of such Federal property laws providing for the disposition or reuse of the site, a lease under this paragraph shall be deemed to be the appropriate disposition of the site. A site shall not be leased under this paragraph except for the purpose of construction of a refinery.

(2) SPECIAL RULES FOR CLOSED MILITARY INSTALLATIONS.—Paragraph (1) shall not apply to a closed military installation. The management and disposal of real property at a closed military installation, even a closed military installation or portion thereof found to be suitable for the siting of a refinery under subsection (b)(3), shall be carried out in the manner provided by the base closure law applicable to the installation.

(d) APPLICABILITY.—Section 102 shall only apply to a refinery sited or proposed to be sited or expanded or proposed to be expanded—

(1) in a State whose governor has requested applicability of such section pursuant to subsection (a);

(2) on a site (other than a closed military installation or portion thereof) designated by the President under subsection (b);

(3) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation; or

(4) on a site leased by the Secretary of a military department under section 2667 of title 10, United States Code, or by the Secretary of Defense under section 2667a of such title for the siting of a refinery.

(e) DEFINITION.—For purposes of this section—

(1) the term ''base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note);

(2) the term ''closed military installation'' means a military installation closed or approved for closure pursuant to a base closure law;

(3) the term ''Federal lands'' means all land owned by the United States, except that such term does not include land—

(A) within the National Park System;

(B) within the National Wilderness Preservation System;

(C) designated as a National Monument; or

(D) under the jurisdiction of the Department of Defense or withdrawn from the public domain for use by the Armed Forces (other than a closed military installation); and

(4) the term ''State'' means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

SEC. 102. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITION.—For purposes of this section and section 105, the term ''Federal refinery authorization''—

(1) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting, construction, expansion, or operation of a refinery; and

(2) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting, construction, expansion, or operation of a refinery.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Department of Energy shall act as the lead agency for the purposes of coordinating all applicable Federal refinery authorizations and related environmental reviews with respect to a refinery.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide a Federal refinery authorization shall cooperate with the Secretary and comply with the deadlines established by the Secretary.

(c) SCHEDULE.—

(1) SECRETARY'S AUTHORITY TO SET SCHEDULE.—The Secretary shall establish a schedule for all Federal refinery authorizations with respect to a refinery. In establishing the schedule, the Secretary shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal refinery authorization in accordance with the schedule established by the Secretary under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Secretary shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Secretary or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal refinery authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Secretary for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action, related to a Federal refinery authorization, by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal refinery authorization.

The failure of an agency or official to act on a Federal refinery authorization in accordance with the Secretary's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal refinery authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting, construction, expansion, or operation of the refinery, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) SECRETARY'S ACTION.—For any civil action brought under this subsection, the Secretary shall promptly file with the Court the consolidated record compiled by the Secretary pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal refinery authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal refinery authorization or failure to act on an application for a Federal refinery authorization.

SEC. 103. REFINERY REVITALIZATION REPEAL.

Subtitle H of title III of the Energy Policy Act of 2005 and the items relating thereto in the table of contents of such Act are repealed.

SEC. 104. STANDBY SUPPORT FOR REFINERIES.

(a) DEFINITION.—For purposes of this section, the term ''authorization'' means any authorization or permit required under State or Federal law.

(b) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary may enter into contracts under this section with non-Federal entities that the Secretary determines, at the sole discretion of the Secretary, to be the first non-Federal entities to enter into firm contracts after the date of enactment of this Act to construct new refineries in the United States or refurbish and return to commercial operation existing but nonoperating refineries in the United States. The Secretary may enter into contracts under this section with respect to new refineries or refurbished refineries that add a total of no more than 2,000,000 barrels per day of refining capacity to the refining capacity of the United States as in existence on the date of enactment of this Act.

(2) CONDITIONS.—Except as provided in paragraphs (4) and (5), under a contract authorized under paragraph (1), the Secretary shall pay to the non-Federal entity the costs specified in paragraph (3), using funds deposited in the Standby Refinery Support Account established under subsection (c), if—

(A) the non-Federal entity has substantially completed construction of the new refinery or the refurbished refinery and the initial commercial operation of the new refinery or of the refurbished refinery is delayed because of—

(i) litigation that could not have been reasonably foreseen by the non-Federal entity at the time the non-Federal entity entered into the firm contract to construct; or

(ii) a failure of an agency of the Federal Government or of a State government to grant an authorization within a period specified in the contract authorized by this section; or

(B) the throughput level of commercial operation of the new or refurbished refinery is substantially reduced due to—

(i) State or Federal law or regulations enacted or implemented after the firm contract was entered into; or

(ii) litigation, that could not have been reasonably foreseen by the non-Federal entity, disputing actions taken by the non-Federal entity

to conform with and satisfy Federal law or regulations enacted or implemented after the firm contract was entered into.

(3) COVERED COSTS.—Under a contract authorized under this section, the Secretary shall pay—

(A) in the case of a delay described in paragraph (2)(A), all costs of the delay in the initial commercial operation of a new refining or a refurbished refinery, including the principal or interest due on any debt obligation of the new refinery or of the refurbished refinery during the delay, and any consequential damages; and

(B) in the case of a substantial reduction described in paragraph (2)(B), all costs necessary to offset the costs of the reduced throughput and the costs of complying with the new State or Federal law or regulations.

(4) COSTS NOT COVERED.—The Secretary shall not enter into a contract under this section that would obligate the Secretary to pay any costs resulting from—

(A) except as provided in paragraph (3)(B), a failure of the non-Federal entity to take any action required by law or regulation; or

(B) events within the control of the non-Federal entity.

(5) DEPOSIT.—The Secretary shall not enter into a contract authorized under this section until the Secretary has deposited into the Standby Refinery Support Account amounts sufficient to cover the costs specified in paragraph (3).

(c) STANDBY REFINERY SUPPORT ACCOUNT.—There is established in the Treasury an account known as the Standby Refinery Support Account. The Secretary shall deposit into this account amounts appropriated, in advance of entering into a contract authorized by this section, to the Secretary for the purpose of carrying out this section and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this section. The Secretary may receive and accept payments from any non-Federal source, which shall be made available without further appropriation for the payment of the covered costs.

(d) REGULATIONS.—The Secretary may issue regulations necessary or appropriate to carry out this section.

(e) REPORTS.—The Secretary shall file with Congress annually a report of the Secretary's activities under this section and the activities of the non-Federal entity under any contract entered into under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

(g) APPLICABILITY.—This section shall only apply to refineries sited or proposed to be sited—

(1) in a State whose governor has requested applicability of this section pursuant to section 101(a)(1); or

(2) on a site designated by the President under section 101(b).

SEC. 105. MILITARY USE REFINERY.

(a) AUTHORIZATION.—If the President determines that there is not sufficient refining capacity in the United States, the President may authorize the design and construction of a refinery that will be—

(1) located at a site—

(A) designated by the President under section 101(b), other than a closed military installation or portion thereof; or

(B) on a closed military installation, or portion thereof, made available for the siting of a refinery in the manner provided by the base closure law applicable to the installation;

(2) disposed of in the manner provided in paragraph (1) of section 101(c) or, in the case of a closed military installation, or portion thereof, paragraph (2) of such section; and

(3) reserved for the exclusive purpose of manufacturing petroleum products for consumption by the Armed Forces.

(b) SOLICITATION FOR DESIGN, CONSTRUCTION, AND OPERATION.—The President shall solicit proposals for the design, construction, and operation of a refinery ''(or any combination thereof)'' under this section. In selecting a proposal or proposals under this subsection, the President shall consider—

(1) the ability of the applicant to undertake and complete the project;

(2) the extent to which the applicant's proposal serves the purposes of the project; and

(3) the ability of the applicant to best satisfy the criteria set forth in subsection (c).

(c) REFINERY CRITERIA.—A refinery constructed under this section shall meet or exceed the industry average for—

(1) construction efficiencies; and

(2) operational efficiencies, including cost efficiencies.

(d) USE OF PRODUCTS.—All petroleum products manufactured at a refinery constructed under this section shall be sold to the Federal Government at a price not to exceed the fair market value of the petroleum products,'' for use by the Armed Forces of the United States.

(e) FUNDING.—A contract for the design or construction of a refinery may not be entered into under this section in advance of the appropriation of funds sufficient for such purpose. Funds appropriated for the Department or Defense or for Department of Energy national security programs may not be used to enter into contracts under this section for the design, construction, or operation of a refinery. Funds appropriated for the Department of Defense may be used to purchase petroleum products manufactured at a refinery constructed under this section for use by the Armed Forces.

(f) DEFINITIONS.—For purposes of this section, the terms ''base closure law'' and ''closed military installation'' have the meanings given those terms in section 101.

SEC. 106. WAIVER AUTHORITY FOR EXTREME FUEL SUPPLY EMERGENCIES.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the second clause (v) as clause (viii);

(2) by redesignating clause (v) as clause (vii);

(3) by inserting after clause (iv) the following:

''(v)(I) For the purpose of alleviating an extreme and unusual fuel or fuel additive supply emergency resulting from a natural disaster, ''the President, in consultation with the Administrator and the Secretary of Energy may temporarily waive any control or prohibition respecting the use of a fuel or fuel additive required by this subsection or by subsection (h), (i), (k), or (m); and may, with respect to a State implementation plan, temporarily waive any equivalent control or prohibition respecting the use of a fuel or fuel additive required by this subparagraph. Nothing in this clause shall be construed to authorize the waiver of, or to affect in any way, any Federal or State law or regulation pertaining to ethanol or methyl tertiary butyl ether.''

(4) by inserting after clause (v) (as inserted by paragraph (3)) the following:

''(vi) A State shall not be subject to any finding, disapproval, or determination by the Administrator under section 179, no person may bring an action against a State or the Administrator under section 304, and the Administrator shall not take any action under section 110(c) to require the revision of an applicable implementation plan, because of any emissions attributable to a waiver granted by the Administrator under clause (ii) or by the President under clause (v).''.

SEC. 107. LIST OF FUELS.

(a) LIST OF FUELS.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended as follows:

(1) By redesignating subclause (VI) of clause (viii) (as so redesignated by section 107(1) of this Act) as clause (x).

(2) In such redesignated clause (x) by striking ''this clause'' and inserting ''clause (viii) or clause (ix)''.

(3) By inserting the following new subclause at the end of clause (viii) (as so redesignated by section 107(1) of this Act):

''(VI) The provisions of this clause, including the limitations of the authority of the Administrator and the limit on the total number of fuels permitted, shall remain in effect until the publication of the list under subclause (III) of clause (ix).''.

(4) By inserting the following new clause after clause (viii) (as so redesignated):

''(ix)(I) The Administrator'', in coordination with the Secretary of Energy (hereinafter in this clause referred to as the 'Secretary'), shall identify and publish in the Federal Register, within 12 months after the enactment of this subclause and after notice and opportunity for public comment, a list of ''6 gasoline and diesel fuels'' to be used in States that have not received a waiver under section 209(b) of this Act or any State dependent on refineries in such State for gasoline or diesel fuel supplies. The list shall be referred to as the 'Federal Fuels List' and shall include one Federal diesel fuel, ''one other diesel fuel'', one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and ''2 additional gasolines'' with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity. ''None of the fuels'' identified under this subclause shall control fuel sulfur or toxics levels beyond levels required by regulations of the Administrator.

''(II) Gasoline and ''diesel fuels'' shall be included on the Federal Fuels List based on the Administrator's analysis of their ability to reduce ozone emissions to assist States in attaining established ozone standards under this Act, and on an analysis by the Secretary that the adoption of the Federal Fuels List will not result in a reduction in supply or in producibility, including that caused by a reduction in domestic refining capacity triggered by this clause. In the event the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility, the Administrator and the Secretary shall report that conclusion to Congress, and suspend implementation of this clause. The Administrator and the Secretary shall conduct the study required under section 1541(c) of the Energy Policy Act of 2005 on the timetable required in that section to provide Congress with legislative recommendations for modifications to the proposed Federal Fuels List only if the Secretary concludes that adoption of the Federal Fuels List will result in a reduction in supply or in producibility.

''(III) Upon publication of the Federal Fuels List, the Administrator shall have no authority, when considering a State implementation plan or State implementation plan revision, to approve under this subparagraph any fuel included in such plan or plan revision if the fuel proposed is not one of the fuels included on the Federal Fuels List; or to approve such plan or revision unless, after consultation with the Secretary, the Administrator publishes in the Federal Register, after notice and opportunity for public comment, a finding that, in the Administrator's judgment, such revisions to newly adopt one of the fuels included on the Federal Fuels List will not cause fuel supply or distribution interruptions or have a significant adverse impact on fuel producibility in the affected area or contiguous area. The Administrator's findings shall include an assessment of reasonably foreseeable supply distribution emergencies that could occur in the affected area or contiguous area and how adoption of the particular fuel revision would effect supply opportunities during reasonably foreseeable supply distribution emergencies.

''(IV) The Administrator, in consultation with the Secretary, shall develop a plan to harmonize

the ''currently approved fuels'' in State implementation plans with ''the fuels included'' on the Federal Fuels List and shall promulgate implementing regulations for this plan not later than 18 months after enactment of this subclause. This harmonization shall be fully implemented by the States by December 31, 2008.''.

(b) STUDY.—Section 1541(c)(2) of the Energy Policy Act of 2005 is amended to read as follows:

''(2) FOCUS OF STUDY.—The primary focus of the study required under paragraph (1) shall be to determine how to develop a Federal fuels system that maximizes motor fuel fungibility and supply, preserves air quality standards, and reduces motor fuel price volatility that results from the proliferation of boutique fuels, and to recommend to Congress such legislative changes as are necessary to implement such a system. The study should include the impacts on overall energy supply, distribution, and use as a result of the legislative changes recommended. The study should include an analysis of the impact on ozone emissions and supply of a mandatory reduction in ''the number of fuels'' to 6, including one Federal diesel fuel, ''one other diesel fuel'', one conventional gasoline for ozone attainment areas, one reformulated gasoline (RFG) meeting the requirements of subsection (k), and 2 ''additional gasolines'' with Reid vapor pressure (RVP) controls for use in ozone nonattainment areas of varying degrees of severity.''.

SEC. 108. ATTAINMENT DATES FOR DOWNWIND OZONE NONATTAINMENT AREAS.

Section 181 of the Clean Air Act (42 U.S.C. 7511) is amended by adding the following new subsection at the end thereof:

''(d) EXTENDED ATTAINMENT DATE FOR CERTAIN DOWNWIND AREAS.—

''(1) DEFINITIONS.—In this subsection:

''(A) The term 'upwind area' means an area that—

''(i) affects nonattainment in another area, hereinafter referred to as a downwind area; and

''(ii) is either—

''(I) a nonattainment area with a later attainment date than the downwind area, or

''(II) an area in another State that the Administrator has found to be significantly contributing to nonattainment in the downwind area in violation of section 110(a)(2)(D) and for which the Administrator has established requirements through notice and comment rulemaking to eliminate the emissions causing such significant contribution.

''(B) The term 'current classification' means the classification of a downwind area under this section at the time of the determination under paragraph (2).

''(2) EXTENSION.—Notwithstanding the provisions of subsection (b)(2) of this section, a downwind area that is not in attainment within 18 months of the attainment deadline required under this section may seek an extension of time to come into attainment by petitioning the Administrator for such an extension. If the Administrator—

''(A) determines that any area is a downwind area with respect to a particular national ambient air quality standard for ozone;

''(B) approves a plan revision for such area as provided in paragraph (3) prior to a reclassification under subsection (b)(2)(A); and

''(C) determines that the petitioning downwind area has demonstrated that it is affected by transport from an upwind area to a degree that affects the area's ability to attain,

the Administrator, in lieu of such reclassification, may extend the attainment date for such downwind area for such standard in accordance with paragraph (5).

''(3) APPROVAL.—In order to extend the attainment date for a downwind area under this subsection, the Administrator may approve a revision of the applicable implementation plan for the downwind area for such standard that—

''(A) complies with all requirements of this Act applicable under the current classification of the downwind area, including any requirements applicable to the area under section 172(c) for such standard;

''(B) includes any additional measures needed to demonstrate attainment by the extended attainment date provided under this subsection, and provides for implementation of those measures as expeditiously as practicable; and

''(C) provides appropriate measures to ensure that no area downwind of the area receiving the extended attainment date will be affected by transport to a degree that affects the area's ability to attain, from the area receiving the extension.

''(4) PRIOR RECLASSIFICATION DETERMINATION.—If, after April 1, 2003, and prior to the time the 1-hour ozone standard no longer applies to a downwind area, the Administrator made a reclassification determination under subsection (b)(2)(A) for such downwind area, and the Administrator approves a plan consistent with subparagraphs (A) and (B) for such area, the reclassification shall be withdrawn and, for purposes of implementing the 8-hour ozone national ambient air quality standard, the area shall be treated as if the reclassification never occurred. Such plan must be submitted no later than 12 months following enactment of this subsection, and—

''(A) the plan revision for the downwind area must comply with all control and planning requirements of this Act applicable under the classification that applied immediately prior to reclassification, including any requirements applicable to the area under section 172(c) for such standard; and

''(B) the plan must include any additional measures needed to demonstrate attainment no later than the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the end of the first complete ozone season following the date on which the last reductions in pollution transport that have been found by the Administrator to significantly contribute to nonattainment are required to be achieved by the upwind area or areas.

''(5) EXTENDED DATE.—The attainment date extended under this subsection shall provide for attainment of such national ambient air quality standard for ozone in the downwind area as expeditiously as practicable but no later than the new date that the area would have been subject to had it been reclassified under subsection (b)(2).

''(6) RULEMAKING.—Within 12 months after the enactment of this subsection, the Administrator shall, through notice and comment, promulgate rules to define the term 'affected by transport to a degree that affects an areas ability to attain' in order to ensure that downwind areas are not unjustly penalized, and for purposes of paragraphs (2) and (3) of this subsection.''.

SEC. 110. REBATES FOR SALES OF ROYALTY-IN-KIND OIL TO QUALIFIED SMALL REFINERIES.

(a) REQUIREMENT.—The Secretary of the Interior shall issue and begin implementing regulations by not later than 60 days after the date of the enactment of this Act, under which the Secretary of the Interior shall pay to a qualified small refinery a rebate for any sale to the qualified small refinery of crude oil obtained by the United States as royalty-in-kind.

(b) AMOUNT OF REBATE.—The amount of any rebate paid pursuant to this section with respect to any sale of crude oil to a qualified small refinery—

(1) shall reflect the actual costs of transporting such oil from the point of origin to the qualified small refinery; and

(2) shall not exceed $4.50 per barrel of oil sold.

(c) SUBJECT TO APPROPRIATIONS.—The requirement to pay rebates under this section is subject to the availability of funds provided in advance in appropriations Acts.

(d) TERMINATION.—This section and any regulations issued under this section shall not apply on and after any date on which the Secretary of Energy determines that United States domestic refining capacity is sufficient.

(e) QUALIFIED SMALL REFINERY DEFINED.—In this section the term ''qualified small refinery'' means a refinery of a small business refiner (as that term is defined in section 45H(c)(1) of the Internal Revenue Code of 1986) that demonstrates to the Secretary of the Interior that it had unused crude oil processing capacity in 2004.

SEC. 111. STUDY AND REPORT RELATING TO STREAMLINING PAPERWORK REQUIREMENTS.

(a) STUDY.—The Administrator shall study ways to streamline the paperwork requirements associated with title V of the Clean Air Act and corresponding requirements under State laws, particularly with regard to States that have more stringent requirements than the Federal Government in this area.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Administrator shall report to Congress the results of the study made under subsection (a), together with recommendations on how to streamline those paperwork requirements.

SEC. 112. RESPONSE TO BIOMASS DEBRIS EMERGENCY.

(a) USE OF BIOMASS DEBRIS AS FUEL.—Notwithstanding any other provision of law, the Secretary of Energy may authorize any facility to use as fuel biomass debris if—

(1) the debris results from a major disaster declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170);

(2) the debris is located in the area for which the major disaster is declared; and

(3) the requirements of subsection (b) are met.

(b) CERTIFICATION.—A facility described in subsection (a)—

(1) shall certify to the State in which the facility is located that no significant impact on meeting national ambient air quality standards will result and shall propose emission limits adequate to support such certification; and

(2) may begin burning biomass debris fuel upon filing the certification required by paragraph (1) unless the State notifies the facility to the contrary.

(c) EMISSION LIMITS.—The State in which a facility described in subsection (a) is located shall—

(1) adopt (or as appropriate amend) the proposed emission limits for the biomass burning at the facility; and

(2) retain other existing emissions limits wherever they are necessary and reasonable.

(d) NEW SOURCE REVIEW.—No activities needed to qualify a facility to burn biomass debris as fuel in accordance with this section shall trigger the requirements of new source review or new source performance standards under the Clean Air Act.

TITLE II—INCREASING DELIVERY INFRASTRUCTURE

SEC. 201. FEDERAL-STATE REGULATORY COORDINATION.

(a) GOVERNOR'S REQUEST.—The Governor of a State may submit a request to the Commission for the application of process coordination and rules of procedure under section 202 to the siting of a crude oil or refined petroleum product pipeline facility in that State.

(b) APPLICABILITY.—Section 202 shall only apply to crude oil or refined petroleum product pipeline facilities sited or proposed to be sited in a State whose Governor has requested such applicability under subsection (a).

(c) INTERSTATE COMPACTS.—(1) The consent of Congress is given for 2 or more contiguous States to enter into an interstate compact, subject to approval by Congress, establishing regional pipeline siting agencies to facilitate siting of future crude oil or refined petroleum product pipeline facilities within those States.

(2) The Secretary may provide technical assistance to regional pipeline siting agencies established under this subsection.

SEC. 202. PROCESS COORDINATION AND RULES OF PROCEDURE.

(a) DEFINITIONS.—For purposes of this title—

(1) the term ''Commission'' means the Federal Energy Regulatory Commission; and

(2) the term ''Federal pipeline authorization''—

(A) means any authorization required under Federal law, whether administered by a Federal or State administrative agency or official, with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce; and

(B) includes any permits, special use authorizations, certifications, opinions, or other approvals required under Federal law with respect to siting of a crude oil or refined petroleum product pipeline facility in interstate commerce.

(b) DESIGNATION AS LEAD AGENCY.—

(1) IN GENERAL.—The Commission shall act as the lead agency for the purposes of coordinating all applicable Federal pipeline authorizations and related environmental reviews with respect to a crude oil or refined petroleum product pipeline facility.

(2) OTHER AGENCIES.—Each Federal and State agency or official required to provide Federal pipeline authorization shall cooperate with the Commission and comply with the deadlines established by the Commission.

(c) SCHEDULE.—

(1) COMMISSION'S AUTHORITY TO SET SCHEDULE.—The Commission shall establish a schedule for all Federal pipeline authorizations with respect to a crude oil or refined petroleum product pipeline facility. In establishing the schedule, the Commission shall—

(A) ensure expeditious completion of all such proceedings; and

(B) accommodate the applicable schedules established by Federal law for such proceedings.

(2) FAILURE TO MEET SCHEDULE.—If a Federal or State administrative agency or official does not complete a proceeding for an approval that is required for a Federal pipeline authorization in accordance with the schedule established by the Commission under this subsection, the applicant may pursue remedies under subsection (e).

(d) CONSOLIDATED RECORD.—The Commission shall, with the cooperation of Federal and State administrative agencies and officials, maintain a complete consolidated record of all decisions made or actions taken by the Commission or by a Federal administrative agency or officer (or State administrative agency or officer acting under delegated Federal authority) with respect to any Federal pipeline authorization. Such record shall be the record for judicial review under subsection (e) of decisions made or actions taken by Federal and State administrative agencies and officials, except that, if the Court determines that the record does not contain sufficient information, the Court may remand the proceeding to the Commission for further development of the consolidated record.

(e) JUDICIAL REVIEW.—

(1) IN GENERAL.—The United States Court of Appeals for the District of Columbia shall have original and exclusive jurisdiction over any civil action for the review of—

(A) an order or action related to a Federal pipeline authorization by a Federal or State administrative agency or official; and

(B) an alleged failure to act by a Federal or State administrative agency or official acting pursuant to a Federal pipeline authorization.

The failure of an agency or official to act on a Federal pipeline authorization in accordance with the Commission's schedule established pursuant to subsection (c) shall be considered inconsistent with Federal law for the purposes of paragraph (2) of this subsection.

(2) COURT ACTION.—If the Court finds that an order or action described in paragraph (1)(A) is inconsistent with the Federal law governing such Federal pipeline authorization, or that a failure to act as described in paragraph (1)(B) has occurred, and the order, action, or failure to act would prevent the siting of the crude oil or refined petroleum product pipeline facility, the Court shall remand the proceeding to the agency or official to take appropriate action consistent with the order of the Court. If the Court remands the order, action, or failure to act to the Federal or State administrative agency or official, the Court shall set a reasonable schedule and deadline for the agency or official to act on remand.

(3) COMMISSION'S ACTION.—For any civil action brought under this subsection, the Commission shall promptly file with the Court the consolidated record compiled by the Commission pursuant to subsection (d).

(4) EXPEDITED REVIEW.—The Court shall set any civil action brought under this subsection for expedited consideration.

(5) ATTORNEY'S FEES.—In any action challenging a Federal pipeline authorization that has been granted, reasonable attorney's fees and other expenses of litigation shall be awarded to the prevailing party. This paragraph shall not apply to any action seeking remedies for denial of a Federal pipeline authorization or failure to act on an application for a Federal pipeline authorization.

SEC. 203. BACKUP POWER CAPACITY STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report assessing the adequacy of backup power capacity in place as of the date of enactment of this Act, and the need for any additional capacity, to provide for the continuing operation during any reasonably foreseeable emergency situation, of those crude oil or refined petroleum product pipeline facilities that the Secretary finds to be significant to the Nation's supply needs, in areas that have historically been subject to higher incidents of natural disasters such as hurricanes, earthquakes, and tornados.

SEC. 204. SUNSET OF LOAN GUARANTEES.

Section 116(a) of the Alaska Natural Gas Pipeline Act is amended by adding at the end the following new paragraph:

''(4) The Secretary shall not enter into an agreement under paragraph (1) or (2) after the date that is 24 months after the date of enactment of the Gasoline for America's Security Act of 2005 if the State of Alaska has not entered into an agreement pursuant to the Alaska Stranded Gas Development Act which in good faith contractually binds the parties to deliver North Slope natural gas to markets via the proposed Alaska Natural Gas Pipeline.''.

SEC. 205. OFFSHORE PIPELINES.

The Natural Gas Act is amended—

(1) in section 1(b) 15 U.S.C. 717(b)) by inserting after ''to the production or'' the following: '', except as provided in section 4(g),''; and

(2) in section 4 (15 U.S.C. 717(b)) by adding at the end the following:

''(g)(1) For the purposes of this subsection—

''(A) the term 'gas service provider' means an entity that operates a facility located in the outer Continental Shelf that is used to ''gather or transport natural gas'' on or across the outer Continental Shelf; and

''(B) the term 'outer Continental Shelf' has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

''(2) All gas service providers shall submit to the Commission annually the conditions of service for each shipper served, consisting of—

''(A) the full legal name of the shipper receiving service;

''(B) a notation of shipper affiliation;

''(C) the type of service provided;

''(D) primary receipt points;

''(E) primary delivery points;

''(F) rates between each pair of points; and

''(G) other conditions of service deemed relevant by the gas service provider.

''(3) This subsection shall not apply to—

''(A) a gas service company that serves exclusively a single entity (either itself or one other party), until such time as—

''(i) the gas service provider agrees to serve a second shipper; or

''(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

''(B) a gas service provider that serves exclusively shippers with ownership interests in both the pipeline operated by the gas service provider and the gas produced from a field or fields connected to a single pipeline, until such time as—

''(i) the gas service provider offers to serve a nonowner shipper; or

''(ii) a determination is made that the gas service provider's denial of a request for service is unjustified;

''(C) service rendered over facilities that feed into a facility where natural gas is first collected, separated, dehydrated, or otherwise processed; and

''(D) gas service providers' facilities and service regulated by the Commission under section 7 of this Act.

''(4) When a gas service provider subject to this subsection alters its affiliates, customers, rates, conditions of service, or facilities, within any calendar quarter, it must then file with the Commission, on the first business day of the subsequent quarter, a revised report describing the status of its services and facilities.''.

SEC. 206. SAVINGS CLAUSE.

Nothing in this title shall be construed to amend, alter, or in any way affect the jurisdiction or responsibilities of the Department of Transportation with respect to pipeline safety issues under chapter 601 of title 49, United States Code, or any other law.

TITLE III—CONSERVATION AND EDUCATION

SEC. 301. DEPARTMENT OF ENERGY CARPOOLING AND VANPOOLING PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Metropolitan transit organizations have reported heightened interest in carpooling and vanpooling projects in light of recent increases in gasoline prices.

(2) The National Transportation Database reports that, in 2003, American commuters traveled over 440,000 miles using public transportation vanpools, an increase of 60 percent since 1996.

(3) According to the Natural Resource Defense Council, if each commuter car carried just one more passenger once a week, American gasoline consumption would be reduced by about 2 percent.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to encourage the use of carpooling and vanpooling to reduce the consumption of gasoline. The program shall focus on carpool and vanpool operations, outreach activities, and marketing programs, including utilization of the Internet for marketing and outreach.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—As part of the program established under subsection (b), the Secretary may make grants to State and local governments for carpooling or vanpooling projects. The Secretary may make such a grant only if at least 50 percent of the costs of the project will be provided by the State or local government. If a private sector entity provides vehicles for use in a carpooling or vanpooling project supported under this subsection, the value of those vehicles may be counted as part of the State or local contribution to the project.

(d) CONSIDERATIONS.—In making grants for projects under subsection (c), the Secretary shall consider each of the following:

(1) The potential of the project to promote oil conservation.

(2) The contribution of the project to State or local disaster evacuation plans.

(3) Whether the area in which the project is located is a nonattainment area (as that term is defined in section 171 of the Clean Air Act (42 U.S.C. 7501)).

SEC. 302. EVALUATION AND ASSESSMENT OF CARPOOL AND VANPOOL PROJECTS.

(a) IN GENERAL.—The Administrator, in consultation with the Secretary, shall evaluate and assess carpool and vanpool projects funded under the congestion mitigation and air quality program established under section 149 of title 23, United States Code, to—

(1) reduce consumption of gasoline;

(2) determine the direct and indirect impact of the projects on air quality and congestion levels; and

(3) ensure the effective implementation of the projects under such program.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Secretary, shall submit to Congress a report including recommendations and findings that would improve the operation and evaluation of carpool and vanpool projects funded under the congestion mitigation and air quality improvement program and shall make such report available to all State and local metropolitan planning organizations.

SEC. 303. INTERNET UTILIZATION STUDY.

(a) IN GENERAL.—The Secretary, under the program established in section 301, shall evaluate the capacity of the Internet to facilitate carpool and vanpool operations through—

(1) linking riders with local carpools and vanpools;

(2) providing real-time messaging communication between drivers and riders;

(3) assisting employers to establish intercompany vanpool and carpool programs; and

(4) marketing existing vanpool and carpool programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report including recommendations and findings that would improve Internet utilization in carpool and vanpool operations and shall make such report available to all State and local metropolitan planning organizations.

SEC. 304. FUEL CONSUMPTION EDUCATION CAMPAIGN.

(a) PARTNERSHIP.—The Secretary shall enter into a partnership with interested industry groups to create an education campaign that provides information to United States drivers about measures that may be taken to conserve gasoline.

(b) ACCESSIBILITY.—The public information campaign shall be designed to reach the widest audience possible. The education campaign may include television, print, Internet website, or any method designed to maximize the dissemination of gasoline savings information to drivers.

(c) COST SHARING.—The Secretary shall provide no more than 50 percent of the cost of the campaign created under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,500,000 for carrying out this section.

SEC. 305. PROCUREMENT OF ENERGY EFFICIENT LIGHTING DEVICES.

Section 553(d) of the National Energy Conservation Policy Act is amended by adding at the end the following new paragraph:

''(3) The head of an agency shall procure the most energy efficient and cost-effective light bulbs or other electrical lighting products, consistent with safety considerations, for use in that agency's facilities and buildings.''.

SEC. 306. MINORITY EMPLOYMENT.

Section 385 of the Energy Policy Act of 2005 is amended by adding at the end the following:

''(d) PROGRAM.—The Secretary of Energy is authorized and directed to establish a program to encourage minority students to study the earth sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. There are authorized to be appropriated for the program established under the preceding sentence $10,000,000.''.

TITLE IV—GASOLINE PRICE REFORM

SEC. 401. SHORT TITLE.

This title may be cited as the ''Gas Price Gouging Prevention Act''.

SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.

(a) UNLAWFUL CONDUCT.—During a period of a major disaster, it shall be unfair or deceptive act or practice in violation of section 5 of the Federal Trade Commission Act for any person to sell crude oil, gasoline, diesel fuel, or home heating oil at a price which constitutes price gouging as defined by rule pursuant to subsection (b).

(b) PRICE GOUGING.—Not later than 6 months after the date of the enactment of this Act, the Federal Trade Commission shall promulgate any rules necessary for the enforcement of this section. Such rules shall define ''price gouging'' for purposes of this section, and shall be consistent with the requirements for declaring unfair acts or practices in section 5(n) of the Federal Trade Commission Act (15 U.S.C. 45(n)).

(c) ENFORCEMENT BY FTC.—

(1) IN GENERAL.—A violation of subsection (a) shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)). The Federal Trade Commission shall enforce this section in the same manner, by the same means, and with the same jurisdiction as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section.

(2) EXCLUSIVE ENFORCEMENT.—Notwithstanding any other provision of law, no person or State or political subdivision of a State other than the Federal Trade Commission, or the Attorney General to the extent provided for in section 5 of the Federal Trade Commission Act, shall have any authority to enforce this section, or any rule prescribed pursuant to this section.

(d) PENALTIES.—Any person who violates subsection (a), or the rules promulgated pursuant to this section, shall be subject to a civil penalty of not more than $11,000 per violation.

(e) DEFINITION OF MAJOR DISASTER.—

(1) DETERMINATION.—As used in this section, and for purposes of any rule promulgated pursuant to this section, the term ''major disaster'' means a major disaster declared by the President as defined in section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) that the Secretary of Energy determines to have substantially disrupted the production, distribution, or supply of crude oil, gasoline, diesel fuel, or home heating oil.

(2) APPLICABLE AREA AND PERIOD.—The prohibition in subsection (a) shall apply to the United States or a specific geographic region of the United States as determined by the President and the Secretary of Energy at the time in which a determination under paragraph (1) is made, and for a period of 30 days after such determination is made. The President may extend the prohibition for such additional 30-day periods as the President determines necessary.

SEC. 403. FTC INVESTIGATION ON PRICE-GOUGING.

(a) STUDY.—The Federal Trade Commission shall conduct an investigation into nationwide gasoline prices in the aftermath of Hurricane Katrina, including any evidence of price-gouging by subject companies described in subsection (b). Such investigation shall include—

(1) a comparison of, and analysis of the reasons for changes in, profit levels of subject companies during the 12-month period ending on August 31, 2005, and their profit levels for the month of September, 2005, including information for particular companies on a basis that does not permit the identification of any company to which the information relates;

(2) a summary of tax expenditures (as defined in section 3(3) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(3)) for such companies;

(3) an examination of the effects of increased gasoline prices and gasoline price-gouging on economic activity in the United States;

(4) an analysis of the overall cost of increased gasoline prices and gasoline price-gouging to the economy, including the impact on consumers' purchasing power in both declared State and National disaster areas and elsewhere; and

(5) an analysis of the role and overall cost of credit card interchange rates on gasoline and diesel fuel retail prices.

(b) SUBJECT COMPANIES.—The companies subject to the investigation required by this section shall be—

(1) any company with total United States wholesale sales of gasoline and petroleum distillates for calendar year 2004 in excess of $500,000,000; and

(2) any retail distributor of gasoline and petroleum distillates against which multiple formal complaints (that identify the location of the particular retail distributor and provide contact information for the complainant) of price-gouging were filed in August or September 2005, with a Federal or State consumer protection agency.

(c) EVIDENCE OF PRICE-GOUGING.—In conducting its investigation, the Commission shall treat as evidence of price-gouging any finding that the average price of gasoline available for sale to the public in September, 2005, or thereafter in a market area located in an area designated as a State or National disaster area because of Hurricane Katrina, or in any other area where price-gouging complaints have been filed because of Hurricane Katrina with a Federal or State consumer protection agency, exceeded the average price of such gasoline in that area for the month of August, 2005, unless the Commission finds substantial evidence that the increase is substantially attributable to additional costs in connection with the production, transportation, delivery, and sale of gasoline in that area or to national or international market trends.

(d) REPORTS.—

(1) NOTIFICATION TO STATE AGENCIES.—In any areas of markets in which the Commission determines price increases are due to factors other than the additional costs, it shall also notify the appropriate State agency of its findings.

(2) PROGRESS AND FINAL REPORTS TO CONGRESS.—The Commission shall provide information on the progress of the investigation to the Appropriations Committees of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, every 30 days after the date of enactment of this Act. The Commission shall provide those Committees a written interim report 90 days after such date, and shall transmit a final report to those Committees, together with its findings and recommendations, no later than 180 days after the date of enactment of this Act. Such reports shall include recommendations, based on its findings, for any legislation necessary to protect consumers from gasoline price-gouging in both State and National disaster areas and elsewhere.

(e) EVIDENCE OF CRIMINAL MISCONDUCT.—If, during the investigation required by this section, the Commission obtains evidence that a person may have violated a criminal law, the Commission may transmit that evidence to appropriate Federal or State authorities.

SEC. 404. FTC STUDY OF PETROLEUM PRICES ON EXCHANGE.

Not later than 180 days after the date of enactment of this Act, the Federal Trade Commission shall transmit to Congress a report on the price of refined petroleum products on the New York Mercantile Exchange and the effects on such price, if any, of the following:

(1) The geographic size of the delivery market and the number of delivery points.

(2) The proximity of energy futures markets in relation to the source of supply.

(3) The specified grade of gasoline deliverable on the exchange.

(4) The control of the storage and delivery market infrastructure.

(5) The effectiveness of temporary trading halts and the monetary threshold for such temporary trading halts.

TITLE V—STRATEGIC PETROLEUM RESERVE

SEC. 501. STRATEGIC PETROLEUM RESERVE CAPACITY.

(a) AUTHORITY TO DRAWDOWN AND SELL PETROLEUM PRODUCTS FOR EXPANSION OF RESERVE.—''In addition to the authority provided under part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.),'' the Secretary may drawdown and sell petroleum products from the Strategic Petroleum Reserve to construct, purchase, lease, or otherwise acquire additional capacity sufficient to permit filling the Strategic Petroleum Reserve to its maximum authorized level.

(b) ESTABLISHMENT OF SPR EXPANSION FUND.—The Secretary of the Treasury shall establish in the Treasury of the United States an account to be known as the ''SPR Expansion Fund'' (in this section referred to as the ''Fund''), and the proceeds from any sale pursuant to subsection (a) shall be deposited into the Fund.

(c) OBLIGATION OF FUNDS FOR EXPANSION.—Amounts in the Fund may be obligated by the Secretary to carry out the purposes in subsection (a) to the extent and in such aggregate amounts as may be appropriated in advance in appropriations Acts for such purposes.

SEC. 502. STRATEGIC PETROLEUM RESERVE SALE.

Section 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6241(e)) is amended by inserting after paragraph (2) a new paragraph as follows:

''(3) Any contract under which petroleum products are sold under this section shall include a requirement that the person or entity that acquires the petroleum products agrees—

''(A) not to resell the petroleum products before the products are refined; and

''(B) to refine the petroleum products primarily for consumption in the United States.''.

SEC. 503. NORTHEAST HOME HEATING OIL RESERVE CAPACITY.

Section 181(a) of the Energy Policy and Conservation Act (42 U.S.C. 6250(a)) is amended by striking ''2 million barrels'' and inserting ''5 million barrels''.

TITLE VI—CRITICAL ENERGY ASSURANCE

SEC. 601. EVACUATION PLAN REVIEW.

Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit to the Congress a report of the Secretary's review of the fuel supply plan components of State evacuation plans and the National Capitol region. Such report shall determine the sufficiency of such plans, and shall include recommendations for improvements thereto. Annually after the transmittal of a report under the preceding sentence, the Secretary shall transmit a report to the Congress assessing plans found insufficient under previous reports.

SEC. 602. DISASTER ASSISTANCE.

(a) AUTHORITY.—During any federally declared emergency or disaster, the Secretary may provide direct assistance to private sector entities that operate critical energy infrastructure, including refineries.

(b) ASSISTANCE.—Assistance under this section may include emergency preparation and recovery assistance, including power generation equipment, other protective or emergency recovery equipment, assistance to restore access to water, power, or other raw materials, and transportation and housing for critical employees. The Secretary may request assistance from other Federal agencies in carrying out this section.

SEC. 603. CRITICAL ENERGY ASSURANCE ACCOUNT.

There is established in the Treasury an account known as the Critical Energy Assurance Account. The Secretary shall deposit into this account amounts appropriated to the Secretary for the purpose of carrying out this title and payments paid to the Secretary by any non-Federal source for the purpose of carrying out this title. The Secretary may receive and accept payments from any non-Federal source, which shall be available to the Secretary, without further appropriation, for carrying out this title.

SEC. 604. REGULATIONS.

The Secretary may issue regulations necessary or appropriate to carry out this title.

The SPEAKER pro tempore. After 1 hour of debate on the bill, as amended, it shall be in order to consider the further amendment printed in part B of the report, if offered by the gentleman from Michigan (Mr. STUPAK) or his designee, which shall be considered read, and shall be debatable for 40 minutes, equally divided and controlled by the proponent and an opponent.

The gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Texas (Mr. BARTON).

GENERAL LEAVE

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation before us and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS), the distinguished subcommittee chairman.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, let me say to all my colleagues that are concerned about this bill, within the bill is a gas price gouging prevention portion, the ''Gas Price Gouging Prevention Act,'' my amendment that was approved in Committee. Included in the manager's amendment, it will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice.

It will direct Federal Trade Commission expertise and resources in addition to existing State anti-gouging laws on eliminating retail and wholesale price gouging in a designated disaster area as well as any extended problem in the areas around the country, as determined by the President and the Secretary of Energy. Penalties include fines up to $11,000 for violation in addition to equitable remedies, like returning ill-gotten profits.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline, and diesel fuel. This has been extended. It is difficult to define price gouging. For the first time in this country, we are going to define it. We are going to prosecute it, and we are going to give the Federal Trade Commission the authority to do just that.

The amendment provides for the exclusive enforcement by the Federal Trade Commission of the provisions as a violation of a rule defining an unfair deceptive act or practice under the FTC Act. As I mentioned earlier, there are stiff penalties involved.

The bill is triggered for 30 days in the affected area, not just 1 or 2 weeks, but 30 days and beyond if the President of the United States, in consultation with the Secretary of Energy, deems it to be appropriate. When the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution or supply, then it is extended, it is enforced. As mentioned earlier, it includes not just crude oil, home heating oil, and gasoline and diesel fuel.

I urge my colleagues to look carefully at this bill. If you are going to vote against this bill, you are going to vote against a provision that establishes for the first time price gouging that is defined and prosecuted on a Federal level.

I urge all my colleagues to support the bill.

The amendment prohibits price gouging in the market for crude oil, home heating oil, gasoline and diesel fuel.

It is difficult to define ''price gouging.'' The existing State statutes in this area have vastly different definitions and interpretations. Therefore, the amendment directs the FTC to define price gouging within 6 months of enactment consistent with the requirements for declaring unfair acts or practices in Section 5 of the FTC Act.

The FTC's authority to define ''price gouging'' is tempered by the traditional unfairness principles under Section 5(n) of the FTC Act. Under this section, to be ''unfair'' a practice must: cause or be likely to cause substantial injury to consumers; not be reasonably avoidable by consumers themselves; and not be outweighed by countervailing benefits to consumers or to competition.

The amendment provides for the exclusive enforcement by the FTC of the provision as a violation of a rule defining an unfair or deceptive act or practice under the FTC Act.

The amendment provides for civil penalties of up to $11,000 per violation.

The bill is triggered for 30 days in the affected areas—and beyond if the President, in consultation with the Secretary of Energy, deems it to be appropriate—when the President declares a major disaster, and only for those major disasters that the Secretary has determined could significantly affect production, distribution, or supply. The President may

extend the prohibition for such additional 30-day periods as he or she determines necessary.

In addition, the issue of price gouging must be addressed. Unfortunately, the tremendous goodwill of the American people in helping their fellow citizens on the devastated gulf coast was marred by some now infamous instances of gasoline price gouging. Experts say the rapid rise in gasoline and diesel fuel prices nationwide following these natural disasters primarily resulted from a supply crisis. Yet, there were some specific gasoline price increases that the average American, and maybe even the experts, knows are gouging. Certain market situations, particularly those involving natural disasters like Hurricanes Katrina and Rita, require aggressive and targeted Federal prosecution of gasoline price gouging.

My amendment, the "Gas Price Gouging Prevention Act," which is included in the Manager's amendment, will for the first time direct the Federal Trade Commission to define price gouging and prosecute it as an unfair and deceptive trade practice. The "Gas Gouging Prevention Act" will direct FTC expertise and resources, in addition to existing state anti-gouging laws, on eliminating retail and wholesale price gouging in a designated disaster area, as well as any extended problem areas around the country as determined by the President and Secretary of Energy. Penalties include fines of up to $11,000 per violation, in addition to equitable remedies like returning ill-gotten profits.

It's time to flush out the gougers and protect consumers with a new Federal weapon to prosecute gasoline price gouging. I thank my colleagues, especially Mr. WALDEN, for their help in making the amendment even better and I urge that we pass "Gas Price Gouging Prevention Act" included in H.R. 3893, the "Gasoline for America's Security Act."

In closing, this legislation will go a long way to better protect the U.S. oil markets, as well as all consumers who depend on them. I urge my colleagues to support it.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, we have before us today a hastily crafted minimally reviewed bill of doubtful value and most curious circumstance. We have had no hearings on the specific measure before us. The major changes in language in the bill were revealed late last night, I believe at 11 p.m. We have not received a single response to the questions we asked of the Department of Energy and the Environmental Protection Agency.

We do not know whether the provisions in the energy bill passed less than 2 months ago to expedite refinery siting are working. We do not know what these new provisions on refinery sitings are going to do. We literally have before us a bill which is composed of scraps assembled from the waste baskets at the House Legislative Counsel, crafted together by my Republican colleagues to do something which they will have great difficulty in explaining today.

There can only be one explanation for this rush to the floor, and that is the desire of the Republican leadership of the House to use the hardship of the devastation of Hurricanes Katrina and Rita to push various parts of their agenda. The former majority leader, as is custom, has tried to blame Democrats for all ills, saying, and I quote, "[t]he Democrats made us drop many important issues out of the last energy bill that would have helped this situation that we have found ourselves in now, and it is time to go back and revisit those."

I would remind the House that it was widely pointed out when that legislation was before us what a remarkable example of bipartisanship and legislative cooperation it was. Of course, the committee chairman has offered to negotiate, and I want to express my affection and respect for him.

But the predetermined schedules of the goal meant that all the Republicans wished to negotiate for was political cover for themselves and perhaps surrender by the Democratic members. Now we have before us a poorly thought out and poorly vetted effort to pass the Republican and energy wish list. This is not the way to respond to energy issues raised by hurricanes.

If we decide to act on an expedited basis, we should be focusing on immediate problems of rising gasoline prices and anticipated increases in natural gas and home heating oil prices which are coming upon us in the fall. Democrats will today offer a sensible substitute that provides tough consequences for price gouging whenever it occurs in the industry, not just by the little corner gas station.

Our substitute will tackle the problem of limited refinery capacity head-on by creating a national Strategic Refinery Reserve patterned after the successful Strategic Petroleum Reserve. We direct the Secretary of Energy to establish and operate refineries that will help protect our national security and protect consumers from supply disruptions. The public interest demands no less.

I urge my colleagues to vote against the bill and for the Democratic substitute.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Appropriations Committee.

□ 1115

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman from Texas (Mr. BARTON), I appreciate the expeditious way he has responded to this crises. If there is a silver lining to the Hurricane Katrina crisis, it is that it has opened the eyes of Congress and our business community to the urgent need to add to the capacity of our oil refineries. The fact that gas prices shot up in the wake of this monstrous hurricane is a reflection of the reality that we do not have the capability to meet the sort of refining needs the country has that will put the kind of pressure on gas prices that are so important to our consuming public.

Hurricane Katrina is telling us very clearly that we have a challenge and an opportunity here to increase that capacity. In the last year, I met on several occasions with Adel Al-Jubeir, a representative of the country of Saudi Arabia. On any number of occasions he has rather smiled at me saying America does not have the capacity to provide the gasoline that your consuming public needs. You have not built a refinery in three generations.

We do have that opportunity by this action today, and I strongly urge the House to recognize it. This is the one chance for us to make a long-term commitment to reducing gasoline prices. I strongly urge an "aye" vote on this measure.

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to yield the remainder of my time to the gentleman from Virginia (Mr. BOUCHER), and that he be allowed to control the time for this side.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN), a senior member of the Committee on Energy and Commerce.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 3893 and in strong support of the Stupak substitute.

The Gulf Coast of the United States was devastated by a catastrophic hurricane. Hundreds of thousands of Americans lost their homes and their possessions. Gasoline prices jumped 46 cents per gallon overnight. Price gouging was rampant. The big oil companies charged more, simply because they could. The oil companies took shameless advantage of the disaster, and now Washington Republicans are trying to do the very same thing.

The Republican leadership is trying to use this tragedy and Missouri to undermine our environmental laws and pass more special interest giveaways to the oil industry. It wants to exploit Hurricane Katrina for a special interest bonanza. This is the legislative equivalent of price gouging, and it is unconscionable.

The bill before us is supposed to be a response to Hurricane Katrina. It is supposed to respond to the damage done to our Nation's energy infrastructure and address the Nation's runaway energy prices, but what it does is give the oil companies even more taxpayer subsidies and exemptions from environmental laws, and the bill is not even limited to the oil industry.

If this bill becomes law, the entire eastern half of the United States can suffer more pollution for years to come. The ideas in this bill are not

new. They are the same egregious environmental assaults that Republicans in Congress have tried unsuccessfully to pass for years. All that is new is the rationale. There is no excuse for this legislation to allow children with asthma to have to suffer more medical problems on the eastern coast of the United States in order to address a tragedy in the gulf coast of the United States.

Ten years ago, the gentleman from Texas (Mr. DELAY) introduced legislation to repeal the Clean Air Act piece by piece. Today, Washington Republicans are using hurricanes as a cover to enact his radical agenda. These were very bad ideas when they were first proposed. To pass them now in the guise of helping hurricane victims would be shameful.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the chairman for putting this bill together. I want to talk about one very important provision of this bill, and I want to endorse the passage of this legislation.

This legislation builds on progress we had in the energy bill dealing with boutique fuels, but what I want to do is explain the problem we have with boutique gasoline blends in America.

Today we have 18 different fuel types, which translates into 45 different fuel blends. This map of America looks like a piece of modern art and shows the different fuel blends we have to have running through America today. When we designed our pipeline and refinery system three generations ago, it was designed for one kind of gasoline: conventional gasoline. Today we have to pump 45 different blends of gasoline through that system.

Any time there is a problem with supply, a pipeline break, a hurricane, a refinery fire, what happens? The price of gas skyrockets. There are refineries that cannot even make the needed gasoline for particular areas. The problem is getting worse. This map is because we have 217 counties that have to have some kind of reformulated boutique fuel. Because of the new, 8-hour ozone regulations this year, 474 counties will have to adopt new blends of gasoline so the problem will get even worse if we do nothing. This bill fixes that.

This bill says that, over the next year, the EPA and the DOE will have to design a six-fuel-blend system. So we go from 18 different base blends with 45 different fuels down to six fuels, to make sure we can meet and exceed our Clean Air Act standards, no compromise on those, and have stable, fungible blends of gasoline.

Mr. Speaker, we can have cheap gas and clean gas at the same time in this country. We need to harmonize our gasoline blends so we have standard, stable blends of gasoline. If we do that, we stabilize the supply. If we do that, we stabilize the price. I urge passage of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the bill before us today was rushed through the committee. It did not receive a single legislative hearing. It would weaken environmental protections but would do nothing to reduce the price of gasoline.

There has been much attention given to the fact that our Nation's refinery capacity is limited, but there has been no substantial evidence presented to conclude that the reason for this shortage is difficulty in siting or obtaining the environmental permits necessary in order to build a new refinery. In fact, there has been some evidence that suggests the reason for the thin refinery capacity is that refiners are reluctant to build new facilities since they are enjoying record profits under the current regime.

The bill before us would seek to increase refinery capacity by easing environmental requirements and providing additional Federal authorities for siting new facilities. Based on the evidence before us, that would be the wrong remedy. There is a better approach.

Later today I will be joining with our colleague, the gentleman from Michigan (Mr. STUPAK), in offering a substitute for the bill. Our substitute would address the refinery capacity issue by creating a strategic refinery reserve. The new reserve would build on the success of the strategic petroleum reserve and would provide the Nation with a reserve refinery capacity that could be used in times of national emergency to increase the supply of gasoline and minimize supply disruptions and price spikes.

Given the choices that are before us today, the substitute that the gentleman from Michigan (Mr. STUPAK) and I will be offering is far more likely to address our real gasoline supply problems than the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, 1976 was a great year. We built our last refinery in this country, and I graduated from high school. That is too long for that to occur.

Our domestic demand for crude oil averages 21 million barrels a day. We refine only 17 million barrels a day. That means we import gasoline. People understand we have a dependence upon foreign oil. What they do not understand and find incredibly ridiculous is that we import refined product just making us more dependent on the industry.

This is a great piece of legislation, and anyone from coal country ought to support it. Coal to liquid, fisher trove technology developed during World War II is evident in production in South Africa today. What we have done in this bill is we have taken the definition of refinery and added coal to liquid, which means we can harvest the great coal reserves of this country. We can turn them into clean fuel and use that clean fuel to reduce our demand for foreign oil. We are also able to disburse our refinery assets around the country so we are not held hostage by having 47 percent of our refineries in hurricane alley.

This bill is a tremendous step forward in decreasing our reliance on foreign oil, new technology, diversifying our refinery portfolio, and I ask all of my colleagues to join me in support of this legislation.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong opposition to this bill.

It is ironic that this bill is called the Gasoline for America's Security Act, or GAS Act, because this bill is certainly filled with a lot of hot air.

This bill will do nothing to bring down the cost of gasoline. My constituents and millions of Americans want to know why they are paying $3 and more for gasoline. Just today in the newspaper it reported that Americans can expect to spend 45 to 90 percent more on home heating fuel this year than they did last winter. This is absolutely unconscionable.

We saw during Hurricane Katrina looters in New Orleans, but the real looters are the big oil companies. They are looting the American people. They are making record profits. What does this bill do? It does nothing to bring down the price of gasoline. That is what Americans want. They do not want rhetoric. They do not want more SOP to the oil and gas industry. They do not want more of the same.

Since I am from the Bronx, I will quote Yogi Berra of the Yankees: It is deja vu all over again.

Once again, the majority has presented us with legislation that purports to respond to skyrocketing gas prices, but does nothing of the sort. Under the guise of responding to Hurricane Katrina, we are voting on a bill that guts environmental and public health protections and does nothing to reduce our Nation's devastating dependence on Middle Eastern oil.

Further, we are once again witnessing the majority undermining States' rights on the floor of the House. This bill includes provisions that preempt State and local government's authority to decide where refinery facilities are placed in individual communities.

What this country critically needs, but was neither in the Energy Policy Act of 2005, which was signed into law, nor in this bill, is a policy to reduce our addiction to oil through the promotion of alternatives and clean renewables, automotive fuel efficiency

and the reduction of greenhouse gases. We must create policies that achieve these goals, and we need not destroy the environment and the rights of our citizens in doing so.

This is a sop to the industry. It gives us more of the same. It does nothing to lower gas prices. I urge a ''no'' vote.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON), a member of the Committee on Energy and Commerce and chairman of the Subcommittee on Telecommunications.

Mr. UPTON. Mr. Speaker, what have Members been hearing in their districts? I will tell Members what I have been hearing: There is a constant uproar and anguish about the gas prices across this country.

One of the home builders that I met with earlier this week, it cost him $94 to fill up his pickup. Sadly, I do not see that price going down any time soon. This is a long-term, not a short-term, problem.

Worldwide, we consume what we produce. This country uses 25 percent of the world's energy, yet we have only 2.5 percent of the world's energy reserves. And in fact in Alaska, we are getting 50 percent of what we got only 7 years ago.

The energy bill signed in August will help us in the long term, but it will not help us in the short term. This bill will help us in the long term, not in the short term.

We have heard the arguments. We have fewer refineries than we had 30 years ago. We have not built a new refinery in a generation. We need more, and this bill will bring that about.

We have dozens of boutique fuels, 45 different blends of gasoline to serve this country. That means we have a different blend for St. Louis than Milwaukee than Detroit than Los Angeles than Houston than Philadelphia than Washington. It is crazy.

□ 1130

This bill is going to reduce that from 45 blends to no more than six or eight.

The bottom line is if we are not happy with $3 gas, we need to vote ''yes'' on this bill. We need to send it to the Senate. I will remind my colleagues that this bill passed by a voice vote after 16 hours of markup, and I applaud the gentleman from Texas (Mr. BARTON), my chairman, for making sure we did it in a bipartisan way.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I have always believed something many politicians do not realize: the American people are not stupid. This winter, as their car gasoline prices remain high, their home heating bills from natural gas and heating oil go up, they are going to understand this bill has no connection to lowering gas prices and no connection to Hurricane Katrina.

What this bill does do is it rides roughshod over environmental laws, and it rides roughshod over local control of new refineries. Just wait for the public outcry if this bill passes when people find out that refineries can be put up in their backyards with no local input and especially when they find out that these refineries' profits went up 255 percent last year.

So what should we be doing? Number one, we should genuinely address price gouging. The provisions in this bill are toothless at best. If we really want to stop price gouging, what we should do is pass the Democratic substitute, which would actually beef up the FTC's ability to prosecute this practice.

Number two, I have been saying this for the 9 years I have been in Congress: we need a forward-looking energy policy that puts real teeth into conservation and renewables so that we can reduce our dependence on foreign oil.

What does this bill do about conservation? Members will be pleased to know it encourages carpooling and van pooling. I am going to tell the Members the other soccer moms at my kids' school would be appalled to know that this is all Congress is doing to encourage conservation.

What about renewables? Well, I offered an amendment both in committee and at the Committee on Rules which was denied. All this amendment says is let us increase the use of renewable energy in this country. I think that the majority of Coloradans who voted for an initiative on a ballot last year would agree with this along with the rest of Americans. What we need, Mr. Speaker, is a comprehensive energy policy that is more than a sop to Big Oil.

Vote for the substitute and ''no'' on final.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Mr. Speaker, I thank the chairman for his excellent work on this issue.

It is so interesting for me to stand here in this body and listen to people say it was rushed through committee, that we have not given proper thought to this issue.

Mr. Speaker, it seems this issue has been around for about 10 years, trying to get an energy bill through, and we did. We passed the Energy Policy Act of 2005. But this issue has been on the table for 10 years, and if former President Clinton had not vetoed drilling in ANWR in 1995, we might not be standing here having this discussion today. But that happened.

So this is not being rushed through. This is something that is the culmination of a decade's worth of talk. And the people in Tennessee, in my district, are tired of the talk, Mr. Speaker. They are ready for some action. This is a right step. It is the right time.

I want to hit two provisions that are included in this bill. One is streamlining the countless regulations, then helping to prevent some of the frivolous lawsuits. When we look at streamlining some of the process they have to go through to build a refinery, that is a good thing. It is going to help us to be able to move forward on refineries in a more expeditious manner. The other thing is establishing the Department of Energy as the lead agency for siting refineries and eliminating some of the unnecessary requirements on waiting on multiple bureaucracies to respond to a request to build one refinery. This is not about bureaucrats and building. It is about meeting real American needs of real families for energy uses on a daily basis.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in strong opposition to the wrongly named Gasoline for America's Security Act. It would be more appropriate to call this the Don't Hold Your Breath Act, as this bill will not do what my colleagues on the other side claim.

While it is clear to all of us that our Nation does not have the refinery capacity that we need, it is equally clear that the bill before us will not increase this shortfall. The idea that simply eliminating environmental standards and removing judicial control will solve this problem is absolutely wrong.

Over the past 30 years, there has been only one application filed to build a new refinery. I will say that again: only one application has been filed. We are not talking about permit after permit being thrown out. We are not talking about an industry trying time after time to site a facility and being denied.

What we are talking about is the fact that the gasoline industry makes the vast majority of their profits at the refinery level, and there is zero economic incentive for them to increase their capacity. As long as the refineries are operating at near 100 percent, their profit margins are through the roof. This bill ignores this obvious fact and instead focuses on eliminating environmental protections, which is nothing more than a scapegoat measure that will not do anything to address the basic problem.

So what does this bill actually do? It strips virtually all of the environmental protections of the Clean Air Act, the Clean Water Act, and the Endangered Species Act when they come into conflict with the siting of a refinery. The bill removes all cases challenging refinery siting from local State courts and forces communities to come to Washington, D.C. in order to challenge the selection of their hometown for a new refinery. And, further, if the local communities lose in court, they have to pay all of the industry's legal bills. This bill also will limit the Federal Trade Commission's ability to impose penalties when presented with evidence of price gouging, effectively incentivizing industry to take advantage of disasters like Katrina.

For these reasons, I ask my colleagues to reject this bill. Democrats

have a substitute that will address critical shortages during disasters without gutting our environmental laws, and it deserves our support.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), a member of the committee and the distinguished chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I appreciate the gentleman's comments, the speaker before me, because what he has really laid out is sort of the complaints that we hear from the Democrat side of the aisle, the complaints for years when they controlled Congress and laid out policies and rules and regulations that prevented, really, people to bring capital at risk to build refineries. So we hear a lot of complaints, but we do not hear of ideas and actions to help an industry that will help America.

This is a good bill. I support the bill. I want to compliment the chairman for his good work.

I also believe that Hurricane Katrina did reveal a weakness in our energy supply systems, highlighting the reliance this country has on the gulf coast for our energy resources. Approximately 47 percent of the U.S. refining capacity and 28 percent of oil production are located in the hurricane-prone region. So I think it is time for America to take steps to build more refineries and protect this country in time of natural disaster.

This is a good bill. It will address our growing need for gasoline, heating oil, and other fuels and will bring more supply to the market and for the American people. So despite the noise that we maybe hear on the floor, for the American people this is a good bill.

I am concerned, though, that a section of the bill was removed that dealt with the interchange rates, and what we wanted to do was to address the channels of trade to bring more transparency to how credit card companies actually apply these interchange rate fees and how the consumer then picks it up. I am pleased, in a conversation with the chairman and the gentleman from Florida (Mr. STEARNS), they are going to consider having a hearing on the issue; and I think that is a good thing.

I strongly support the Bush Administration's clean diesel rules, which will reduce air pollution from diesel engines by more than 90 percent, and reduce the sulfur content of diesel fuel by more than 95 percent. These rules will not only help clean the air, but they will also encourage greater use of highly fuel-efficient clean diesel engines. The use of highly fuel-efficient clean diesel engines is a mandates free way of making our existing domestic refining and oil production go further. In fact, according to the Department of Energy, if diesel vehicles made up 20 percent of our fleet in 15 years, we would save 350,000 barrels of oil a day.

I understand the challenges that so-called "boutique fuels" present. Section 108 takes steps towards addressing these challenges. However, I want to make it clear that I have been assured by the Chairman of the Energy and Commerce Committee, the Gentleman from Texas, that Section 108 of the legislation does not intend to alter or delay—in any way—the Bush Administration's on- and off-road diesel rules.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a member of the Committee on Energy and Commerce.

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this ill-conceived legislation.

This bill is a shameless attempt to use the tragedy of Katrina as an engine to drive bad policies into law. The purported reason behind the bill is the high cost of gas caused by Katrina, and this is the bill that is supposed to meet that challenge. But gas prices were at record highs before Katrina hit. Katrina merely ramped them up and provided an excuse to push more failed Republican energy ideas.

I guess the best thing we can say about the bill is what is not in it, namely, the repeal of the longstanding, bipartisan moratorium on new offshore drilling. But the bill, however, does gut public health and environmental laws. It does strip States and localities of the authority to protect their own citizens. And, bottom line, it fails to protect consumers from price gouging at the pump, which we have seen going on on a regular basis.

Mr. Speaker, the problem of high gas prices is a serious one. It affects businesses and families on a daily basis, and I should know because my gas prices in my district are usually among the highest in the Nation. Right now they hover around $3.50 a gallon. But this bill is not about trying to do something about that. It is about trying to distract the American people from a failed Republican energy strategy, a strategy that fails to realize that we have 3 percent of the world's oil reserves while we account for 25 percent of the world demand. This is a strategy that relies on increasing our supplies at all costs while conservation efforts are ridiculed by our Vice President as "signs of personal virtue." This is a strategy that says if laws that protect public health or environment get in the way, we should just waive them. It is a strategy that dooms America to never-ending energy crises that consistently enrich energy companies at the expense of hard-working American families and businesses.

Over the past several years, we have had repeated chances to craft commonsense, efficient, and effective energy legislation that would set America on a more stable future; but this Republican Congress has failed to do that and this, failure is once again realized in this bill.

So I urge my colleagues to vote for the alternative and to vote down this awful legislation.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I want to cut to the chase on this issue.

In 1981 there were 324 operating refineries in the boundaries of the United States of America. Today there are 148. Do the math: 184 is a smaller number by 176 than 324. There are a lot of reasons for it, but one of the reasons is this flow diagram to my left.

To the left we have all of the permits that are required for what is called "new source review." That is if they want to expand an existing refinery. Now, this is actually the permitting application to expand an existing refinery in the State that I live in, the State of Texas. In the new source review, every one of these steps has to go forward. On the right of the chart are additional permits in addition to the new source review.

This is not a made-up chart. This is the law as it exists today. What company's board of directors in their right minds would want to go through this process and tie up billions of dollars for years and years if they did not know that they would at least get a definite decision in a timely fashion?

The bill before us may not be the best bill. It may not be the only approach. But it is a fact that we use 21 million barrels of oil a day in this country and we only have the refining capacity for about 16 on a good day; and, unfortunately, since Katrina and Rita, we have had many good days. We are down to 14 million barrels of refinery capacity that is available, and we need 21 million barrels of refinery capacity to refine our consumer demands that we have right now in this country. So this bill before us today does not eliminate any of these requirements. It does not lower the standard.

What it does do is require the Environmental Protection Agency and the Department of Energy to appoint officials within their agencies to consolidate and to coordinate all of these reviews if, if, a State Governor wants them to or if the President of the United States wants them to on Federal property. If a Governor does not want it to expedite the review, they do not have to; and this stays in existence, which means in those States they will not get any new or existing refineries built or expanded.

□ 1145

But in some States, and I hope my State of Texas is one, I think Governor Perry would ask for this expedited review. If that happens, and if we can get a company that wants to invest in a new refinery or expand an existing refinery, you will actually get a decision in a timely fashion. I have reason to believe that if we pass this bill and if the Senate passes this bill within the next year, you are going to see America's systems step forward and actually ask to build new refineries in the United States of America.

This is a good bill. We should vote for it. We should send it to the Senate, encourage them to vote for a similar bill

and then go to conference and produce a conference report that the President can sign, and let us get our country moving again and at least begin to start the process to lower gasoline prices for every American in this country.

In the days right after Hurricane Katrina, gasoline prices shot up past the $3 dollar mark almost everywhere. Shortages caused some gasoline stations to run dry. Americans nationwide worried if the price would be higher on their way home from work than it was in the morning. Many consumers worried that they were getting gouged, and wondered if prices would ever go down again. Today, we take action. Today, the House of Representatives will support building new refineries, improving gasoline markets, and outlawing price gouging.

My committee was voting on the Gasoline for America's Security Act just 4 weeks after Hurricane Katrina crossed the coast. On that day, 11 refineries remained closed by flooding and power failures, and most had no restart dates. Roughly 18 percent of all U.S. gasoline production was still halted, and prices everywhere had spiked as a consequence.

Katrina damaged refineries all over Louisiana and Mississippi. Then Hurricane Rita came along and damaged refineries in Louisiana and Texas. Some have not restarted yet. We were all surprised to learn what happens when a chunk of our domestic capacity goes off line. Every driver in America has endured shortages and price spikes that still have not fully subsided.

This bill encourages new refineries to increase supply. We improve siting procedures, provide regulatory risk insurance, suggest non-park Federal lands for consideration, and give refiners more certainty about the rules they have to live under. Our Nation is more secure if refineries are spread more throughout the country.

This bill promotes new pipelines to get new crude oil and gasoline to consumers at lower prices. We encourage those who might build the Alaska Natural Gas Pipeline to speed up, by setting a deadline on their incentives. We require a study of whether pipelines should have backup power capability, so that they could operate during power outages.

The bill outlaws price gouging during emergencies for gasoline, crude oil, and home heating oil. We leave in place State measures against price gouging. We increase penalties to $11,000 per incident and expand the geographic scope of the provision. I want to thank Chairman CLIFF STEARNS of our Commerce, Trade and Consumer Protection Subcommittee and Congressman GREG WALDEN for their help on this provision.

We promote conservation with a DOE program to encourage carpooling and vanpooling. We also require evaluation of using CMAQ funds, Congestion Mitigation and Air Quality, for carpool and vanpool projects. We can make it easier for Americans to network and do these voluntary reductions of demand.

We authorize a refinery built for military use. If the President determines that there is insufficient refining capacity, the President can enter into contracts to permit, construct and operate a refinery with private industry to manufacture refined products for the military.

This bill doesn't do everything I think it should do. Last night, I agreed to drop very important New Source Review provisions that would give clarity to refiners and other energy providers. An operator of a refinery, a power plant, or an industrial facility should not feel scared to conduct routine maintenance or modernize the system without hurting emissions. A bipartisan majority of the Energy & Commerce Committee believes we should codify the Administration's return to a sensible NSR policy. Those who want to delay these sensible reforms are taking a step back from increasing supplies of gasoline, heating oil and other forms energy.

But I don't want this to get in the way of expanding refinery capacity after Hurricane Katrina, so I will set it aside for now until we can hold the additional hearings that some believe are needed. We will have a vote in the future on this policy, and when it passes, our Nation's supply of both energy supply and common sense will expand.

But today we have a chance to strike a blow against high gasoline prices. We can increase competition among refineries by seeing new ones built. We let any retail gasoline provider know the Federal government is watching—so don't gouge consumers in an emergency.

People everywhere expect us to do the right thing, and there's been honest and candid debate about what constitutes the right thing. According to some, doing nothing is not only right, but cheap and easy, too. The do-nothing plan is the one we've followed for decades. I think the two killer hurricanes have weakened the will to continue doing nothing, however. I hope so.

Our country needs more oil refineries because the people who work for a living need gasoline to get to work. These are people who earn paychecks and buy groceries at the Safeway and pay their bills, including their taxes. That means they use gasoline every day. They need it, and they need it at a price they can afford. They aren't activists and they don't contribute to campaigns or hire any lobbyists. Sometimes Washington forgets about them, but I haven't, and that's why we're taking up this bill.

Our cars, our jobs, our Nation's economic growth and our people's opportunity to prosper—they all rely on gasoline. Gasoline does not come from heaven, it comes from a refinery.

Let's send to the Senate and the President this antidote for high gasoline prices. Vote "yes" on this bill.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

(Mr. MARKEY asked and was given permission to revise and extend his remarks.)

Mr. MARKEY. I thank the gentleman for yielding me time.

We cannot begin to discuss how we are going to reduce our dependence upon imported oil unless we debate increasing the fuel economy standards for automobiles and SUVs in the United States. The gentleman from New York (Mr. BOEHLERT) and I have made this amendment for 4 years in a row. Now that the public's attention is on it, the Republican majority refuses to have a debate on how we can dramatically increase the fuel economy standards for SUVs and automobiles, and we put 70 percent of all the oil we consume into gasoline tanks.

We also are not having the debate out here on solar energy. Europe now outspends us on solar energy by four to one. Japan outspends us four to one. China is now passing us. No debate, however, under the Republican rules, on solar energy as a solution.

Instead, what we have here is new law which will allow for refineries to be built on closed-down military bases, on wildlife refuges, with a mayor or a State incapable of blocking it. In fact, if the State or city sues and loses, they must pay the legal bills of ExxonMobil. But if the city wins, ExxonMobil does not have to pay the legal bills of the city. That just shows you how backwards all of this is.

We should be debating a futuristic, innovative, energy strategy to cut in half our dependence upon imported oil, to use automotive technologies, to use solar and wind, to quadruple our expenditures, to surpass the world, to be number one looking over our shoulders at number two and three in the world, to do what President Kennedy did in responding to the Sputnik challenge of the Soviet Union.

Instead, our industry that engaged in a conspiracy to shut down 30 refineries in the last 10 years is now coming here and asking us to waive the Clean Air Act as the answer to their irresponsible actions. That is absolutely wrong. This bill must be defeated.

Mr. Speaker, I rise in opposition to this bill.

The race is on. It is a worldwide race among nations to embrace and own the energy technology of the future. Right now, the United States is not even at the starting line. We're not even tying up the laces on our running shoes.

Energy is the lifeblood of our economy, of our security, or our lives. Oil, black gold, runs our cars, machines, and planes and heats our homes—what if it just stopped coming? Think about it. It would take simply a decision of one or two oil producing nations to cut off critical supplies of oil to the U.S. tomorrow. The impact of such disruption to our economy would be crippling.

Al Qaeda has already identified this American vulnerability—our energy dependency Achilles heel. They call on jihadists everywhere to attack not just people, but also oil wells and pipelines, arguing that "the killing of 10 American soldiers is nothing compared to the impact of the rise in oil prices on America and the disruption that it causes in the international economy."

The decisions being made today by the Republican-controlled Congress are handicapping our nation at the starting line.

While this House is busying itself with the care and feeding of the industries of the last century—oil and gas production and refining, we are doing precious little to develop the energy technologies of the 21st Century. The only solution the Republican Leadership in Congress has to offer up to our current energy problems is giving oil companies more giveaways and more exemptions from environmental laws. Meanwhile, other nations around the world are beginning to race ahead of us.

The European Union already has set a target of meeting at least 20 percent of its overall

energy consumption with renewable energy technologies by 2020. They've just passed a resolution in the European Parliament to increase that target up to 25 percent.

Aggressive renewable energy policies have put Europe on track to increase electricity generated from wind ten-fold and from solar photovoltaics 45 times by 2020. A major factor making this rapid growth possible is the significant investments European governments have made in R&D. We spend a paltry $80 million on photovoltaics, for example, whereas Europe spends $300 million. So does Japan.

What's more, according to Christopher Flavin, Chairman of the World Watch Institute, China is set to overtake everyone. "In 5 years' time we see China as a world leader in this department. . . . Already, 35-million homes in China get their hot water from solar collectors. That is more than the rest of the world combined." China has also adopted CAFE standards that by 2008 will require cars to get 40 miles per gallon and trucks to get 21 miles per gallon. China is also purchasing Hybrids from abroad and developing hybrid production capabilities.

How do we expect to keep up, let alone lead, in these emerging innovative energy technology markets if we starve our R&D sector and refuse to set bold goals that stimulate creativity and achievement?

Americans know in their bones that we need to do more—that we are lagging behind in this race. Every time we pull up to the pump and watch the cost of the gasoline filling up our cars, ringing up to $40.00 for a tank that is barely full, we are reminded of the need to get out of this mess.

Consumers are paying the price for the Republican Congress' submissiveness to the Big Oil companies, for its lack of vision.

Consumers lose when the Republican Congress allows America to slip behind the pack of nations racing to lead the energy industries of the future. Right now, we have few choices but to return to the pump, fill our cars and hope that this spike that has lasted for over 2 years is going to break soon.

We owe our citizens a new vision for America's energy future to hang their hopes on. Hope without vision is a four letter word—our vision for restoring America's greatness through an energy challenge gives wings to the hopes of Americans wondering when this crunch will end.

This is a can-do Nation that has never stepped down from a challenge. Today we cannot afford to walk away from the challenge to lead the world in the future of energy technology.

In 1961, President Kennedy announced a goal of sending a Man to the Moon and returning him safely to Earth. By 1969, Neil Armstrong was standing on the Moon looking up at the earth. We need a similar visionary leadership today.

Instead of the bill before us now, we should be bringing a bill to the floor of this House which would:

Adopt a national policy of cutting our dependence on imported oil in half within the next decade.

Recognize that since we consume 25 percent of the world's energy but have only 3 percent of the world's oil reserves, we cannot drill our way into energy independence.

Embrace innovative energy technologies to improve the fuel efficiency of our cars and SUVs so that we make our motor vehicles at least 1 mile per gallon more efficient every year for the next 10 years.

Launch a Manhattan Project scale R&D initiative that is twice the size of comparable programs in the European Union, Japan, and China combined.

Mandate that at least 30 percent of our Nation's overall energy needs be met with solar, wind or other renewable energy sources, or with energy efficiency measures.

Create public and private partnerships to help rapidly commercialize and deploy a whole new generation of super-efficiency hybrid vehicles to deploy solar energy to our homes and businesses, to broadly deploy wind turbines around the country, to deploy Fuel Cells, clean-burning coal, more efficient natural gas and alternative fuels.

The U.S. is the technological engine of the world and we must lead the innovation in wind, solar energy and new fuel sources. We cannot, we must not lose this race.

If the Democrats were in charge of this House, we would be challenging America to establish a national oil savings goal, drive the future of the energy industry, and revolutionize our domestic use of fuels.

Democrats would be setting an agenda of innovation and establishing measurable goals to test the success of this to measure the success of their energy policy.

We would be demonstrating that a modern economy can grow and provide jobs to its citizens without sacrificing the quality of its air, its water or its most precious natural heritage areas.

That is what we need to be doing on the Floor of this House, and that is what the bill before us today entirely fails to do.

I urge the House to vote down this bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise today in vigorous support of H.R. 3893. This bill takes us back to Earth in reality. This bill recognizes the need for increased supplies of refined petroleum products and takes the necessary steps to increase refining capacity.

No new refinery has been constructed in the United States since 1976. We just heard the numbers earlier. The demand for gasoline exceeds domestic production by an average of 4 million barrels per day. This growing gap is met by importing refined petroleum from foreign sources, which is a threat to market stability and national security. Refining capacity is not being increased, due in part to a permitting process that is overly cumbersome and capital intensive.

The two hurricanes only further exposed the lack of a comprehensive national energy security policy. Currently, 20 percent of our Nation's refinery production is shut down. 600,000 barrels are off line in my southwest Louisiana district.

This bill makes the necessary commitments to expand and diversify the refining industry in this country. By reforming and expediting a permitting process that is excessively slow and nearly impossible to navigate, we will enable refiners to meets the energy needs of America's citizens.

This legislation would not circumvent or remove any environmental protection, but would simply coordinate and streamline the process. It would also encourage investment in new pipelines and expansion of existing infrastructure to transport petroleum products more efficiently and at a lower cost to consumers.

The farmers of Louisiana need to harvest crops. The industries of Louisiana need to rebuild, and families of Louisiana would like to return. Affordable energy is going to be an important factor in our ability to do that.

The people of my district have realized the responsibility of providing fuel for this Nation for a long time, and they are happy to do so. It is now time to give them the tools to meet this growing task and share it with others. I urge the passage of this bill.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), the distinguished chairman of the Committee on Science.

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Speaker, I rise in strong opposition to this bill. H.R. 3893 will increase the deficit, harm the environment, undermine the States and give charity to oil companies, while doing virtually nothing, virtually nothing, to help consumers.

The whole premise of this bill is faulty: Refining capacity in U.S. is increasing. Let me repeat that: Refining capacity in the U.S. is increasing, and it has been increasing for a decade.

Yes, the number of refineries has declined, but that is irrelevant. Saying that we have less refining capacity today because we have fewer refineries is like saying that we have fewer crops today than we did in 1920 because fewer Americans are farming. It just does not make sense. It does not pass the laugh test.

Not only that, the marketplace offers incentives, and plenty of them, for oil companies, all the incentives they need to build more refineries. They have record profits and demand for their products keeps increasing. Refining capacity is likely to increase even more with or without this bill responding to the market demand.

But with this bill, we burden taxpayers by sending their hard-earned tax dollars into the pockets of oil companies through rebates and special payments. With this bill, we interfere with environmental rules designed to improve public health. With this bill, we take away, take away, authority from the States and local governments.

What we do not do with this bill is take any steps to reduce demand for oil, the only step that will actually reduce the price of gasoline, not to mention to make our Nation more secure.

I urge opposition. The priorities are all wrong.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from New

Mexico (Mrs. WILSON), a member of the committee.

Mrs. WILSON of New Mexico. Mr. Speaker, one of the things that bothered me at the time of Katrina and then Rita was when you saw on the television long lines of cars at gas stations that were charging $5 or $6 for gas that you knew they did not pay that much to get in there. I do not believe that disasters should be a windfall for opportunists, and I appreciate the chairman and his staff working with us over the last week to strengthen the price-gouging provisions in this bill.

Currently, under current law, most price-gouging statutes are at the State level, and only 23 States in the Nation have price-gouging statutes. The only authority at the Federal level is through antitrust laws. You have to have two companies colluding in order to investigate it. With this bill, that will change for the first time.

For the first time, there will be Federal authority under the Federal Trade Commission to investigate price gouging after a disaster area has been declared. We have worked to strengthen this bill from the committee. The fines will be up to $11,000 per instance. It will apply in a disaster area and also beyond that disaster area if the President expands the area of coverage.

It covers any person or company, not just the retailers, but up and down the supply chain, and it applies to gasoline, crude oil, home heating oil and natural gas. It is quite a broad provision compared to what we had coming out of the committee.

I want to thank the chairman for his leadership and his staff for really strengthening the price-gouging provisions in this bill and, for the first time in this country, giving the Federal Government the tools they need to combat people who are taking advantage of terrible situations and take care of this problem of windfalls.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the bill and in support of the Democratic substitute. I would like to start out by saluting the gentleman from New York (Mr. BOEHLERT) for having the courage as a Republican to stand up and to take the position that he has.

I think it is a sad day when the Republican Party is no longer holding on to the environmental mantle. One of my predecessors, Pete McCloskey, was a great champion in the Congress on those issues, and I think it is regrettable that that is where the Republicans are today, because if there were more that would stand up, we would be able to put into place a bill that would really serve the American people well.

Hurricanes Katrina and Rita only exacerbated what has been happening to consumers in our country for the past year. Weeks before Katrina hit, consumers were paying higher and higher prices at the pump. In California, prices climbed $1 between January and August. They rose 50 cents in a month's time between July and August, with prices rising to well over $3 a gallon. I paid close to $4 a gallon in my congressional district just a week ago. Consumers in other parts of the country have seen similar hikes.

If we look at what the Washington Post recently reported, it is painfully evident that the oil industry and the refiners have profited handsomely. The money going to crude producers has climbed 46 percent over the last year. For refiners, revenues have increased 255 percent in one year, from September 2004 to September 2005.

The last time I remember seeing revenue increases like this was when Enron, Reliant and other gougers were raking in their profits during the so-called California energy crisis. And the explanations are also too familiar. We are being told again we are paying the price for having too little capacity. It is not the case, Mr. Speaker. The record shows otherwise. It is economics, not regulations, that have led to the shortfall in capacity.

I hope everyone will support the Democratic substitute. It is the legislation that will really put the gougers' feet to the fire and do something about it. I urge everyone to vote for the substitute and against the base bill.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS), a member of committee.

Mr. BASS. Mr. Speaker, I thank the chairman for yielding me time, and I want to thank the gentleman from Texas (Mr. BARTON) for working so hard to accommodate those of us who represent the northeastern part of this country in this bill. I rise in strong support of this legislation, and I do so having worked hard to make sure that those of us who represent the northeastern part of the country are satisfied with what we have before us today.

I wish to make three points. The first is that the issue of new source review is gone. It is a debate for another day, and I think that is an enormous improvement to the bill. The issue of pollution in this country needs to be addressed, and the Clean Air Act definitely needs to be amended, but I felt for a long time a refinery bill was not the place to do that, and I commend my leadership for being able to work that out. As the gentlewoman from New Mexico mentioned in her speech, there is a wonderful provision on price gouging that will protect consumers against price gouging from the refinery on down.

The third point is that the only cost in this bill is the cost associated with increasing the Northeast Home Heating Oil Reserve from 2 million to 5 million barrels a day, which is critical to the northeast.

The bottom line is, if you are satisfied with higher gas prices, if you are satisfied with the concentration of refinery capacity in hurricane-prone areas, if you are satisfied with the fact that we have not built a new refinery in so many years, if you are satisfied with the status quo and if you think your constituents are satisfied with that, if you think that 2 million barrels is enough for the Northeast Heating Oil Reserve, if you think this bill is going to cost money even though it will not, then vote against it.

□ 1200

But this is your opportunity to support an energy bill that you can tell your constituents will help, over the short term and the long term, provide gasoline and heating oil to your constituents who need it badly.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to this bill and in support of the Stupak-Boucher substitute.

This bill does nothing to help us gain energy independence, to increase refining capacity, or lower prices at the pump. And no Member, and particularly no one who represents the Midwest, should vote for this bill.

The Federal Energy Information Agency predicted that the price of natural gas would increase by 71 percent in the Midwest this winter. In Chicago, the average heating bill is predicted to be $1,475 per household. Yet, instead of addressing an impending heating crisis and protecting consumers, this bill is filled with giveaways to the same energy companies that are making record profits in the aftermath of the hurricanes.

This bill's attempt to prevent gasoline price gouging is little more than a charade. But this bill does not even pretend to prevent natural gas companies from gouging consumers. Even though natural gas prices are four times what they were in 2001, there is no mention of natural gas in the price gouging section of this bill. For natural gas suppliers and distributors, this bill is a green light to jack up the prices.

In Illinois, to qualify for the Low Income Home Energy Assistance Program, a family of four must earn under $29,000 a year, under that. Because of increasing energy costs, LIHEAP has covered a smaller share of a family's average heating bill over the last 4 years, and that share will be lower this year due to these record price spikes. This winter, millions more Americans may find that they cannot pay their home heating bills, not just poor Americans. What are we doing to protect them?

The Democratic substitute gives the FTC new authority to prevent and punish corporations that gouge consumers for the oil, gasoline, and natural gas they need to get to work, heat their homes, and run their businesses. It is

the only proposal before the House today that will address the impending heating crisis facing millions of Americans this winter.

Mr. Speaker, we were unprepared for Katrina. We cannot let that happen again. Members in this body are faced with a choice: representing consumers and small businesses, or big oil companies. We should not leave the American people in the cold this winter while energy companies are left with money to burn.

Mr. HALL. Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, today I rise in opposition to the anti-public health, anti-consumer ''GAS Act.'' The legislation is an insult to the American public which needs real relief, but this is an attack on our public health; and it is a giveaway to corporate America.

Their interests will harm, in my opinion, 5.5 million Latinos that live within 10 miles of coal-powered plants and the 68 percent of all African Americans that live within 30 miles of a coal-powered plant.

These changes will increase the risk of disease to schoolchildren in Texas who are exposed right now to 43.4 million tons of toxic pollutants in just 1 year because of almost 140 nearby industrial facilities. These changes will increase the risk of disease to over 207,000 children who go to schools within a 2-mile radius of a chemical plant or refinery in Texas. These changes will not help construct new refineries or guarantee an increase in refinery capacity and will do nothing to lower the cost of gasoline.

This is a Washington bill drafted on K Street by those lobbyists and is an attack on our public health. No State air boards were consulted, no mayors, no city managers, no land use planners, no attorneys general, not even mine from California.

There is a reason why the bill is opposed by the National Association of Counties, the National League of Cities, and nine attorneys general. The local air pollution program and control officers, the South Coast Air Quality Management District, the American Lung Association, and many others are in opposition to this bill.

It is time that the administration and the Republican leadership learn that public health and the environment and the voices of our communities are not exploitable commodities.

I will support the Democratic alternative which protects public health, protects consumers, and secures our refineries in times of emergency. I will not support the underlying legislation which gives Americans a false sense of hope and security. I urge my colleagues to join me in opposition. America deserves better.

Mr. HALL. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a member of the committee.

Mr. ROGERS of Michigan. Mr. Speaker, I am a little surprised by the discourse from my colleagues on the other side of the aisle, very 1960s rhetoric for a 2005 problem. You cannot regulate and put hurdles and tell the oil industry that is really global these days that you cannot build refining capacity in America. It is bad.

Most Americans, when they saw the hurricane strike, realized that 30 percent of our refineries were at risk, 30 percent. They understood that you cannot concentrate our refineries in one place and that you have to have more capacity.

The reason it is expensive is because we import refined product. Americans understand that. Your rhetoric today, the old-fashioned ideas of regulate and hinder and put hurdles up, will not solve these problems. It took 20 years to get here because we would not allow them to build refineries across this country to meet public demand.

I tell you, I have working families in my district that pull up to that pump and talk about mortgaging their house in order to get it completely full. This is a serious problem, and it needs serious solutions.

This bill goes a long way. It says we are going to protect the environment, we are encouraging some conservation, and we are going to build capacity so that we do not have to have this foreign dependence on refined product. I thank the chairman for doing this. This is the responsible thing to do, moving this country forward, and putting us in a place where we are not foreign-dependent and we have the ability to lower the prices and give stable prices in the future in this great country.

Mr. BOUCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to this bill, the so-called Gasoline For America's Security Act. Now, this is not a partisan rant. I am a Democrat, but I supported the last energy bill. It had considerable merit and a few flaws. This bill is very flawed and has very little merit.

Let us talk about refineries. Over the past 20 years, U.S. demand has increased 20 percent. No new refineries have been built. In fact, refining capacity has declined by 10 percent. But contrary to what my colleagues just heard, there are no barriers stopping the refining industry from building new refineries and expanding capacity. In fact, the key thing people need to understand in this debate is that the profit margins for the refineries has gone up 255 percent. They are making more money than anybody else. So there is no reason why we should give them some big subsidy or big benefit to encourage them to build refinery capacity.

This bill really is outrageous in terms of having the taxpayers pay the refineries to cover their unanticipated costs. It is in the bill and it is called stand-by support, stand-by support. What that means is if they encounter some sort of reasonable delay, government regulation, or something like that, and they suffer losses and they cannot open on time or they are delayed in their operations, we, the taxpayer, get to pay for that. That is not unusual. That is not a crisis situation. That is not the airlines after September 11. That is not an unusually high-risk situation. These are delays in the normal course of business; but, yet, this bill would have the taxpayer pay for those losses, and that does not make sense.

Let me take a minute and talk about price gouging. Now, they came out of committee with a very limited bill that basically talked about gasoline, and now they say, well, we want to broaden it a little bit. Let me suggest that the broadest possible protection for the American people in terms of price gouging comes from the Democratic substitute. It gives the broadest jurisdiction over the most types of fuel, including propane, home heating oil, crude oil. That is where we need to be, not with the limited approach of the Republicans.

They also do not deal with market manipulation, and market manipulation is where the consumer takes the hit. I urge rejection of the Republican bill and adoption of the Democratic alternative.

Mr. HALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is one of the two most important bills that has come before this Congress maybe in the last 10 years, one we passed a couple or 3 months ago. This bill is not just important to us in Congress that we pass something; it is not just important to companies that have to adhere to the contents of it; not just to the big oil companies, as they have been referred to, we need them, they need us, we need what they can do for us; but it is important to the youth of our Nation. This is really a generational bill because it affects your children and my children and my grandchildren.

I probably have asked myself a dozen times what is the primary duty of a Member of Congress. It is probably to prevent a war. And how do you do that? You do that by removing the causes of war, and energy or lack of energy is a major cause of most wars that I know anything about or remember.

Who fights wars? Your children do. They are today in school, juniors or seniors or maybe in junior college, totally unaware of what we are doing here, but so affected by what we do. Our children have to fight wars, not us anymore. About 64 years ago I was a senior in high school, and I heard Frank Roosevelt at that podium right there stand up and say in a speech after our Nation had been attacked, ''To some generations much is given, of some generations, much is expected,

but this generation has a rendezvous with destiny.'' That rendezvous was World War II. We do not want that rendezvous for our children. If we remove the causes of war, and energy is a major cause of war, if we pass this bill, we will have refinery capacity to prevent a war for this generation and those that are waiting.

So, Mr. Speaker, of course I rise today in support of H.R. 3893. While the impetus for the bill arose from tragedy, it opened our eyes to the vulnerability of our Nation's gasoline supply and causes us to act to prevent the price spikes and shortages from happening again, and everything we have said or done here on this floor is going to be in the CONGRESSIONAL RECORD for the American people to see. I would hate to say that I opposed everything that had been offered to solve the energy crisis.

There has not been a new refinery built in some 25 or 30 years, and the ones that are currently running are doing so at 95 percent of operating capacity and at peak times of the year, even higher.

The main thrust of this bill before us today encourages the building of new refineries, and in more diverse locations. It gives areas with closed military bases a chance to convert these bases into refineries so that they can keep their citizens employed and remain economically stable. I have one in my district at Texarkana, not subject to the vicissitudes of nature or the hurricanes; it is inland far enough. There are other areas in here. I hope consideration is given to them.

I encourage my colleagues to vote for H.R. 3893 insomuch as it is a bill that addresses head-on the high price of gasoline and provides solutions from supply to conservation. I am tired of seeing my constituents have to pay almost 3 bucks for a gallon of gas. If you want your constituents to keep on paying these exorbitant prices, then go ahead and vote against this bill. If you want to help them, like I do, I ask my colleagues to vote ''yes.''

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Washington (Mr. INSLEE), a member of the Committee on Energy and Commerce.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, this bill is a giant missed opportunity. We had an opportunity to do something significant. Kennedy said we were going to go to the Moon in 10 years; this bill will not get us to Cleveland. And the reason is it invests in old technology. Did Kennedy challenge the country to invest in propeller plane technology? Here we are simply investing in oil fossil fuel technology, a giveaway to the oil and gas industry of millions and billions of dollars of taxpayer money.

We need a new Apollo energy project. H.R. 2828 will get us there with new technologies and fuel-efficient cars, new technologies and new productive capabilities in wind and solar and wave power and a whole slew of other things. We need new ideas, we need a new vision, not an old giveaway to oil and gas.

Mr. Speaker, this bill is one small misstep for man and one giant leap backwards for mankind, and it should be defeated.

□ 1215

Mr. BOUCHER. Mr. Speaker, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN).

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Maine is recognized for 2 minutes.

Mr. ALLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893. This bill is a laundry list of giveaways to the oil industry, one of the most profitable industries in America and one that is right now gouging American consumers. Big oil and its supporters are exploiting the tragedy and human suffering caused by Hurricane Katrina to ram through Congress ideas so bad they were rejected just 2 months ago when Congress last approved a laundry list of giveaways to the oil industry.

For example, the bill guts key environmental and human health protections of the Clean Air Act by limiting the States ability to use specialized blends of gasoline to achieve their clean air goals, and permitting up-wind States to continue to send pollution downwind. The result: More dirty air at higher emissions rates for a longer period of time.

Supporters of this bill will tell you that environmental regulations make it impossible to build or expand refineries. But that simply is not true. Environmental regulations are not the problem. The truth is that the oil industry's profits will decline if the capacity is increased, so they have not really tried to keep up with demand. The oil companies are making billions these days. They do not need another subsidy.

Moreover, there are no offsets for subsidies to big oil in this bill. Apparently, the Republican operation offset applies only to programs that help poor people, like Medicaid and food stamps, and not to oil industry subsidies.

I am pleased that the manager's amendment appropriately modified the provision requiring the President to designate three closed military bases for construction of a refinery against the will of the local community. I am also pleased that the chairman deleted the section of the bill that eviscerated the Clean Air Act's new source review program.

But these welcome programs do not make the underlying bill a good one. I believe that we should act to increase refinery capacity, and that the Stupak-Boucher amendment is the right approach. Let us reject this bill and move forward on a better solution to our energy crisis.

Mr. LANGEVIN. Mr. Speaker, I rise today in opposition to H.R. 3893, which pretends to be a response to our Nation's exorbitant energy costs, but which is actually a giveaway to oil and gas companies that doesn't help America's struggling consumers. In fact, many of the provisions in this legislation are not new; we have seen them before, but they have proven so controversial that they were excluded from the energy bill that Congress passed earlier this year.

Rhode Islanders are paying an average of $2.86 for a gallon of gasoline, and high home heating oil and natural gas prices are causing families to wonder how they will be able to afford to stay warm in the coming winter months. In recent weeks, Rhode Islanders have learned of two utility rate increases for both electricity and gas. These proposed increases come at a time when the average price of gasoline at the pump is up 51 percent, compared with last year, and home heating oil is up 57 percent in the same period.

Congress must take swift action to reduce the cost of energy, but this bill benefits only the oil and gas industries, which have been reaping record profits in recent months. We have heard legitimate questions about how much of the recent increase in energy costs is the result of price fixing, yet this legislation's provisions to combat price gouging are insufficient and amount to no more than a slap on the wrist. Furthermore, it would reverse longstanding health and environmental protections, despite strong opposition nationwide to these proposals. In fact, one of the bill's original provisions—expanding loopholes for refineries and power plants to avoid compliance with the Clean Air Act—was deemed so controversial that it was removed in the dead of night.

I support the Democratic plan to establish strong federal laws and new penalties to crack down on price gouging. The Stupak-Boucher substitute empowers the Federal Trade Commission to combat price gouging for gasoline, diesel, natural gas, home heating oil, and propane. Unlike the Republican bill, the Democratic proposal includes real penalties for price gouging and energy market manipulation—up to $3 million per day. Additionally, the Democratic plan would create a Strategic Refinery Reserve, which like the Strategic Petroleum Reserve, would improve our Nation's ability to prevent oil and gasoline shortages in the wake of a natural disaster such as a hurricane.

Our Nation needs a new, long-term energy policy that encourages the use of renewable fuels and energy conservation efforts. To this end, I have cosponsored legislation to increase automobile fuel efficiency standards and have strongly supported Congressman INSLEE's New Apollo Energy Act, which would establish a nationwide commitment to developing and promoting new energy sources for the future. This strategy is important not only for our economy, but also for our national security.

Unfortunately, the Republican bill considered today does nothing to move us toward that goal, but instead offers us more of the failed policies of the past. I urge my colleagues to support the Stupak-Boucher substitute and to oppose H.R. 3893.

Mrs. WILSON of New Mexico. Mr. Speaker, times of tragedy should not be windfalls for opportunists in the wake of Hurricane Katrina gas prices fluctuated to upwards of $6.00 in some communities.

Prosecution for price gouging is generally a state matter unless it involves some form of collusion or other activity in violation of federal laws.

Only 23 states have anti-gouging laws on the books, and definitions vary widely. Only 13 of those states have emergency anti-gouging laws. The aftermath of Hurricane Katrina has shown that the patchwork of state anti-gouging laws does not work to deter opportunists.

While the Federal Trade Commission (FTC) monitors gas prices and investigates possible antitrust violations in the petroleum industry, there is no federal law to prohibit price gouging by individual bad actors.

I welcome H.R. 3893 the Gasoline for America's Security (GAS) Act of 2005 price gouging language. It incorporates penalties of up to $11,000 per violation and covers retail and wholesale sellers of crude oil, gasoline, diesel fuel and home heating oil.

The GAS Act Requires the FTC to enact a price gouging definition as soon as possible within six months, an improvement from the potential delay in the language reported out of Committee.

The House should pass a strong price gouging law that would be in effect in disaster areas. This bill includes a strong national policy providing stiff penalties for gasoline price gouging. Times of tragedy should not be windfalls for opportunists. I urge my colleagues to vote in favor of H.R. 3893, the Gasoline for America's Security Act of 2005.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong opposition to H.R. 3893, which in many ways is little more than a hastily assembled—and opportunistically revived—retread of discarded ideas from past energy debates.

Mr. Speaker, our constituents are asking for transparency in markets and price relief at the pump. So what does this bill do?

Rather than empowering the FTC to launch an aggressive investigation into recent reports of market manipulation, this legislation actually reduces the maximum penalty for price gouging from $11,000 per incident to $11,000 per day. So much for strengthening transparency and deterrence.

Instead of ensuring additional refining capacity, this bill blames and then proposes to eliminate key provisions of the Clean Air Act—as if public health protections are the barrier to additional refining capacity. They are not. The Government Accountability Office (GAO) has concluded—and industry representatives concede—that the decisive factor is economics. Indeed, far from cheering this legislation, Attorneys General from across the nation are sounding the alarm that H.R. 3893 will cripple states' ability to meet basic clean air standards for our citizens.

Finally, not content to relieve industry of its environmental obligations, H.R. 3893 extends the gravy train begun several months ago by lavishing oil companies with an additional $1.5 billion over and above the $4 billion they just received under the last energy bill. This—during a time of record deficits *and* industry profits.

Mr. Speaker, we do indeed have an energy crisis in this country—one that cannot begin to be solved by the kind of special interest wish list being passed off as legislation today. In the near term, we need to restore confidence and transparency to the marketplace by taking decisive steps to punish and deter market manipulation where necessary. Next, it is imperative we make long overdue improvements in automobile fuel economy while diversifying our fuel mix to include alternatives like cellulosic ethanol and biodiesel. Finally, we need to invest in the next generation of 21st century technologies that create jobs, protect the environment and move us towards energy independence.

I ask my colleagues to embrace that vision and to oppose this bill.

Mr. SKELTON. Mr. Speaker, the Gasoline for America's Security Act has a nice name, but it does little to help Missouri's farmers and rural commuters who are experiencing record high energy costs.

Motorists in Missouri and across the Nation are paying a premium for gasoline and diesel fuel, especially in the wake of severe weather in the Gulf of Mexico. Missouri's Fourth Congressional District is primarily rural, and residents rely heavily on transportation in going about their daily lives. This is especially true for farmers who are also facing additional costs for natural gas, propane, fertilizer, and pesticides.

As energy expenses have sky-rocketed over the past few weeks, many Missourians have expressed concern and skepticism about high prices and simultaneous reports of record oil industry profits.

In order to make sure consumers are being treated fairly, the Federal Trade Commission and the Justice Department should be given explicit authority to investigate collusion and price gouging within the oil industry. Penalties must have teeth and must be severe. And, importantly, the government must be guaranteed broader authority to look into potentially illegal behavior within other energy sectors, at least during times of national emergency.

The bill being considered by the House today contains scant assistance for the rural Americans I am privileged to represent. It will not lower their energy prices and it puts in place weak price gouging standards. It also does little to promote additional refining capacity, while gutting important environmental safeguards and creating additional corporate tax breaks.

Waiving environmental protections and offering federal tax breaks to oil companies will not entice them to build new oil refineries. While more refineries would certainly help produce more gasoline, oil companies have had the opportunity and financial capability for years to increase their refining capacity. Environmental regulations are not stopping them. Rather, the inability to build profitable refineries has led oil company executives away from constructing or resurrecting them.

An alternative to this bill is being offered by Mr. STUPAK of Michigan and others. The Stupak bill would strengthen the hands of the Federal Trade Commission and the Justice Department, targeting price gouging across the energy spectrum. It would also help Americans who are struggling to deal with high gas prices and bracing for record home heating bills this winter, while creating a Strategic Refinery Reserve to provide additional gas supplies during energy shortages like the one we are currently facing.

I urge my colleagues to oppose the Republican bill and support the more wisely drafted alternative.

Mr. PAYNE. Mr. Speaker, I come before you today to express my opposition to H.R. 3893, the so-called ''Gasoline for America's Security Act of 2005.''

I share my colleagues' concern for the rising costs of fuel in this country, and I too am outraged at the allegations of those who would profit through other Americans' misfortunes by price gouging. However, I do not feel that we should join in the exploitation of this tragedy by using it as an opportunity to pass unsound, short-sighted, and irresponsible legislation.

This bill will do virtually nothing to lower gasoline and other fuel costs. It will not get relief to those Americans who are currently bearing the burden of more expensive gas and those who will be facing much bigger home heating bills this winter.

In fact, as far as I can tell, the only ones who will see relief from this bill are the ones who need it least: the gas and oil industry who are currently enjoying record profits. We seem to be offering subsidies to big oil with one breath and excuses to the American people with the next.

Just last week I came before you and assured you that I could not and would not support a bill that ignores and endangers public health. I make that promise again today. This bill's weakening of environmental protections poses a great threat not only to the viability and sustainability of our environment, but also to the people who inhabit it. Limiting judicial review and EPA oversight, allowing increased air emissions, and permitting delays in meeting current deadlines under the Clean Air Act is irresponsible and dangerous.

In my own state of New Jersey, studies have shown that our air pollution levels cause 2,000 premature deaths every year. At this rate, pollution ranks as the 3rd most serious public health threat in the State. Only smoking and obesity kill more New Jerseyans each year. Air pollution has also been directly linked to the rise in child asthma rates, lung cancer, learning disabilities, and heart attacks.

I will not endanger the lives and health of the people of my State. I will not support the weakening of environmental protections that will lead to increased pollution and threats to public health. I will not participate in fiscal irresponsibility by giving the oil and gas industry subsidies that do nothing to ease the cost burden on the American people, especially those who can least afford it.

In other words, I will not support H.R. 3893.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in opposition to the Gasoline for America's Security Act and in strong support for the substitute offered by the gentleman from Michigan (Mr. STUPAK) and the gentleman from Virginia (Mr. BOUCHER).

Our Nation is facing a real energy crisis. The people of Connecticut, and millions of Americans, are paying record amounts to fill their gas tanks. The Energy Information Administration (EIA) estimates that in the upcoming winter, homeowners in the northeast can expect to pay almost 30 percent more to heat their homes. American families will pay hundreds, if not thousands, more in extra energy costs this year. This will be a hard year for too many Americans.

Yet, in the name of Hurricane Katrina the House majority leadership is pushing a bill that does nothing to reduce our dependence on oil, lower gas prices, or help Americans get through the upcoming winter. We cannot solve high gas prices by throwing money at oil companies. We need to bring some real transparency into the oil industry and shine the brightest possible light on how these companies—making billions in record profits are

squeezing every possible dollar out of the American people. It's our American families who are struggling to heat their homes and fill their tanks this winter that need relief, not big oil.

I was honored to join the gentlewoman from New York (Mrs. SLAUGHTER) in offering an amendment that would have ended the practice of wholesale price discrimination by prohibiting oil companies from restricting the source of a dealer's supply of gasoline. This amendment, based on legislation proposed by Connecticut Attorney General Richard Blumenthal, would have gotten straight to the heart of high gas prices by freeing our local gas stations from the hold of big oil companies. The hard truth is that our small local gas station owners are just as much at the whim of big oil companies as the rest of us. They are locked into restrictive franchising agreements that require them to purchase their supply from a single wholesaler. As a result many of these owners, who may own two or more stations in different towns, often have to pay different prices on the same gas on the same day, depending on where their stations are located. Our amendment would have simply freed station owners to find the most competitive and fair market price to purchase their supply and pass real savings on to their customers.

Last night, while I was waiting at the Rules Committee to testify on our amendment, I had the opportunity to listen to many of my colleagues offer amendments that would have significantly improved this bill. From increasing fuel efficiency, addressing the natural gas crisis and making our Nation energy independent, it was clear to me that there are many worthwhile ideas that deserve real debate on the House floor. Unfortunately, as they do time and again, the majority rejected these excellent amendments in favor of pushing a bill that will do nothing for Americans paying high energy costs.

Instead of throwing taxpayer dollars at an industry making record profits, let us debate the real issues that are driving up the cost of energy. Let us take on the price gouging and market manipulation that is happening at all levels of oil production and distribution. Let us have a real discussion on how we can free our nation from dependence on foreign oil and develop the hydrogen and fuel cell technologies that will lead our energy future.

These debates are not taking place on the House floor today. The American people deserve better.

Mr. BLUMENAUER. Mr. Speaker, I rise in strong opposition to H.R. 3893, the ''Second Energy Special Interest Act of 2005.'' The Bush administration's energy policy and the machinations of the Republican leadership on this subject have an Alice in Wonderland quality.

It was the Vice President, after all, who said that energy conservation may have been a virtue but it was no basis for a national energy policy. Yet just last week the President was compelled by circumstances to urge the only things that are really going to work to get us out of this energy crisis: conservation, the use of mass transit, and changing American driving habits. Unfortunately, the administration has not put forward any concrete proposals or recommendations for conservation initiatives. Instead, he has cut funding for the conservation and efficiency programs we already have in place.

It is unconscionable that this most recent energy bill completely misses the point. We're not going to drill, dig, and subsidize our way out of this energy crisis. Burning money is not an efficient way to produce energy. We must have an energy program for this century, not the 1950s. This new energy policy should consist of more efficiency, new technology, and less petroleum.

If we're going to spend more money, it should be invested in programs that actually help people. Higher fuel efficiency standards, public transit, and even bicycles, will do much more to reduce our dependence on foreign oil than what's in this bill. If just two percent of trips taken nationwide were taken by bikes, we would save more than two thirds of a billion gallons of gasoline a year and up to $5 billion in total consumer driving costs.

Increasing fuel economy standards by a mere 1.5 miles per gallon—less than 10 percent—over the next 10 years would save more oil than we currently import from the Persian Gulf and more than we could ever recover from the Arctic National Wildlife Refuge, combined.

Last but not least, this bill's focus on making it easier to build more refineries by limiting our environmental standards completely misses the point. The fact is, the energy industry makes more money by restricting refinery capacity; the refiners' profits have jumped 80 percent over the past 5 years. As long as the oil companies stand to make more money with limited supply, this approach is doomed to fail.

This energy bill is not only a missed opportunity, but it is a cynical effort by Washington Republicans to exploit the tragedy of Hurricanes Katrina and Rita to give more subsidies to oil companies and to roll back environmental laws.

Mrs. MALONEY. Mr. Speaker, I rise today in strong opposition to H.R. 3893, the Gasoline for America's Security Act of 2005. This legislation will do nothing to lower the high cost of gas or help families pay for home heating oil this winter. Rather, it's another taxpayer subsidy from the Republican Majority to the oil and gas companies while the American people continue to face the increasing burdens that the rising cost of fuel is placing on family budgets.

I urge my colleagues to oppose this legislation.

Mr. COSTA. Mr. Speaker, since the 1973 energy crisis, we are no more energy independent now than we were then, and this legislation will do nothing to resolve this Nation's bankrupt energy policy.

For those of you who support federalism, this measure goes in opposition to state rights!

Our current energy policy is bankrupt. If this Congress is to pass a real energy policy, here are some things what we must do: Open up ANWR; invest the revenue into renewable energy resources; and provide incentives to promote the ingenuity of Americans to develop energy measures that are progressive and will rid us of energy dependence. The President has it right, we must conserve, but we must go further like improve CAFE standards and provide incentives to build a High Speed Rail network. Conservation is an American value, and it is lacking from this bill.

This Congress must craft a real energy policy that goes beyond the status quo.

Therefore, I urge that we vote down this measure, and support the Democratic substitute.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 3893, the so-called Gasoline for America's Security Act of 2005.

This bill represents the worst of legislation written by and for corporations. In the name of helping the economy, it decimates environmental laws and eliminates the ability of state and local governments to decide what's best for them. It then reimburses oil companies for the inconvenience of having to act appropriately to protect our air and water. It is so far afield of economic reality that even the oil companies admit that refining capacity will increase without it. It is so environmentally reckless that one has to wonder if Republicans think that they, in addition to being exempt from our ethics rules, breathe different air than the rest of us.

While the Majority says that environmental regulations are the reason for high gas prices, the facts just don't support their claim. The reason that the cost of refining has increased is because oil companies voluntarily closed 30 refineries in the late eighties and early nineties to increase their profit margins. The scheme worked: Refinery revenues increased by 255 percent last year alone.

As one would expect, high profits are now encouraging companies to once again build and expand refineries. 1.4 million barrels per day of refining capacity were added between 1996 and 2003. Due to this expansion, even the American Petroleum Institute acknowledges that the Republican's bill is completely unnecessary.

This bill is shamefully using hurricanes and high gas prices as an excuse to advance the extreme anti-environment agenda of the Republican Party's corporate bankrollers. It would:

Allow the President to place new refineries in national forests, wildlife refuges, and closed military bases. The military base in my district would probably be an appealing target for this President:. It's the site of a planned National Wildlife Refuge. Like many communities around the country, the City of Alameda has undergone an extensive planning process to convert the base to civilian use, but if the President said the word, all that could be undone without any local recourse.

Give the Federal Government sole authority to place new refineries, even those not on federal land. Apparently the oil executives running the Bush Energy Department know better than your City Council where an oil refinery should be placed.

Requires the Federal Government to reimburse refinery operators for the cost of lawsuits and any new environmental regulations. Citizens beware: If the Bush Administration wants to put a refinery next to your child's preschool, you can sue to block it, but you'll have to pay back the oil company every cent the lawsuit costs them.

We could have raised fuel economy standards today—the one policy that would actually have a dramatic impact on gas prices—but the Majority blocked the House from even voting on the issue. Then again, it would hardly be germane to consider such an amendment on a bill that has nothing whatsoever to do with lowering gas prices. I vote no on this reckless bill.

Mr. GENE GREEN of Texas. Mr. Speaker, these are very hard times for energy consumers—from people on fixed incomes filling up their tanks to multi-billion dollar chemical

companies facing soaring natural gas feedstock costs.

I think we did a good job with the energy bill, which cannot provide immediate relief, but will allow prices to stabilize in the future and to become more affordable over time.

If the global market gives us $60 per barrel oil, we are going to pay a lot for gas.

People say there is no global spare oil capacity.

Well, there is a lot here in the U.S. but we aren't allowed to use it—that is why I support expanded oil and gas production offshore in the OCS.

Limited refining capacity is leading to higher prices, but it is not the refiners fault.

We have 12 refining companies that make over 500,000 barrels per day.

That is more competitive than the software operating system industry, the airline industry, the semiconductor industry, and many others.

In the refining business, historical profits are well below average—that's why no one invested in expansion until recently, when margins improved.

Throughout this process, I have been concerned with both parties' approach to consumer protection on gasoline prices.

The original refinery bill had no FTC authority to protect consumers, only a study.

However, I am grateful to Chairman BARTON for making significant improvements to the committee-passed version of this bill.

The Stupak substitute goes even further by expanding refining capacity and applying tougher and clearer consumer protection standards to this bill.

It is clear that some price increases should be investigated—especially given price spikes in Atlanta that topped $6 after Hurricane Katrina.

But, I object to singling out the energy industry.

If we need the FTC to investigate price spikes for gasoline during emergencies, it should have the authority to investigate price increases for any necessity during an emergency.

We should cover water supplies, financial services, clothing, food, and other things we need to survive in the modern world.

I also don't agree with critics of this bill who call it a give-away to the energy industry.

When the refining industry has historically low returns and lots of pollution control investments to make, there is not much we can do to force them to expand capacity.

I am particularly grateful to Chairman BARTON for eliminating the New Source Review reform provisions in the committee-passed version of the bill.

That language had the potential to hinder our efforts to improve air quality in Houston.

My constituents are extremely concerned with air pollution in our district, and we are working on solutions with the help of both industry and residents.

The elimination of this provision greatly improves this bill and ensures that it will do no environmental harm to the Houston area, which has long struggled to contain air pollution and smog.

The courts and the EPA are working to reform New Source Review, a highly complex and controversial program, and it is wise for Congress to let them address this issue.

For my part, I am thankful for the Chairman accepting my amendment to respond to the crisis that brought us here—gasoline shortages and prices spikes after Hurricane Katrina and now Rita.

The amendment added an Energy Assurance title to the bill to require the Department of Energy to review, approve, and offer recommendations of the fuel supply segments of State evacuation plans.

The amendment also specifically authorizes critical energy facilities like refineries to request direct help from the Department of Energy during a federally declared emergency or disaster. It is in the national interest for refineries not to go down, and if they do, to get back up quickly,

The Department of Energy is authorized to provide assistance with generation capacity, water service, critical employees, ensure raw materials can be accessed, and any other necessity.

Neither the base bill nor the Stupak amendment is a perfect answer to our problems with refining capacity.

However, it is clear that the American public is feeling an energy pinch and is looking to Congress for action.

At this time, some amount of positive action is better than no action—which is why I will ultimately support this bill and encourage my colleagues to do the same.

Mr. UDALL of Colorado. Mr. Speaker, I rise in strong opposition to this bill today.

This so-called GAS Act has nothing to do with bringing the prices of gasoline down—its ostensible purpose—and everything to do with the Republican leadership overreaching, exploiting the catastrophes of Hurricanes Katrina and Rita to their own advantage.

As I said earlier this year when the House passed the Energy Policy Act, there is nothing I'd rather vote for than a balanced energy bill that sets us on a forward-looking course—one that acknowledges that this country is overly dependent on a single energy source—fossil fuels—to the detriment of our environment, our national security, and our economy.

But like its predecessor, this bill is far from balanced.

Although there is bipartisan recognition that this bill should—at a minimum—address price-gouging that occurred in the wake of Katrina, this bill's price-gouging provisions are weak. They give the Federal Trade Commission (FTC) authority to pursue price gouging by sellers of gasoline or diesel fuel only in those areas where a natural disaster has occurred. And the provisions are directed at small gas station owners rather than at refiners, when recent studies show that refineries' prices have increased 255 percent—as compared to an increase of retailers' margin of about 5 percent.

The bill also includes subsidies for oil companies if a refinery is delayed because of litigation, even if the litigation results from the oil company violating the law. We shouldn't be using taxpayer dollars to help profitable oil companies evade local, state, and federal laws and regulations.

More problematic, the bill claims to solve a problem that doesn't exist. The Republicans would have us believe that environmental permit requirements are to blame for the fact that no new refineries have been built since 1976. In fact, the only refinery that industry has attempted to build since 1976—a facility in Arizona—received its permit in just nine months. The truth is that over the last ten years, 30 existing refineries have been closed, but our refining capacity has been increasing. Refining capacity has become tight in recent years—so now companies can use their substantial profits to increase that capacity. But there is no reason to think that market forces cannot solve the current problem, and no reason to believe that "burdensome" environmental rules had anything to do with industry decisions not to add to refining capacity in recent years.

The Republicans tell us we need a smaller federal government and greater local government control. Yet this bill is yet another example of where their message doesn't mesh with reality. The reality is that this bill preempts state and local government responsibilities and relaxes environmental laws. The National Association of Counties, National Conference of State Legislatures, National League of Cities, and U.S. Conference of Mayors oppose this bill—and for good reason."

H.R. 3893 gives federal bureaucrats at the Department of Energy sole authority over the location of new refineries, taking away the primary permitting and oversight authority from all other state and local agencies. The bill also gives the D.C. Appeals Court exclusive jurisdiction over states' actions related to refineries or pipelines, as opposed to allowing state and local agencies review refinery and pipeline construction. And even though the energy bill passed earlier this year limited the number of gasoline and diesel fuel blends, H.R. 3893 would limit them even further, undermining the ability of states and localities that already cannot meet national air quality goals to clean up the air their constituents breathe.

The bill instructs the president to designate sites on Federal lands, including closed military installations, for the purposes of siting a refinery. The bill excludes national parks, national monuments, and wilderness areas, but wildlife refuges and wilderness-quality lands such as Wilderness Study Areas and National Forest roadless areas are fair game.

I share the concerns of Thomas Markham, the Executive Director of the Lowry Redevelopment Authority in Colorado who also serves as the president of the Association of Defense Communities, about how this provision might affect former military bases. As he writes in a letter on behalf of the ADC, "Shifting the responsibility to the federal government for planning how closed military installation will be reused would interfere with the time-tested approach developed over the past two decades. The conversion of military property to civilian uses is the responsibility of the community. Communities must be in charge when planning for life after closure."

I realize that the rule as adopted today improved the bill language slightly to give communities more voice in the proposed process. But the essence of the bill language is the same. Again, this provision is a solution in search of a problem. There is nothing in the BRAC statute or in new DoD regulations that prevents a local community, through its redevelopment authority, from building or permitting an oil refinery on a military base.

And then there are the things the bill would not do. It fails on the "demand side" by not increasing vehicle fuel economy standards, which have been frozen since 1996. Raising CAFE standards is the single biggest step we can take to reduce oil consumption, since about half of the oil used in the U.S. goes into the gas tanks of our passenger vehicles.

I support legislation that would actually help lower gas prices.

I support the substitute introduced by Representative BART STUPAK that gives explicit authority to the FTC to define, for the first time, price gouging—not just for gasoline and diesel, but for natural gas, home heating oil, and propane. And the provisions are directed at the entire chain of gasoline production and distribution, including refineries. The substitute also authorizes new civil penalties of up to three times the amount of unjust profits gained by companies who engage in price gouging. The substitute would also increase our nation's refinery capacity by establishing a federal Strategic Refinery Reserve, patterned after the Strategic Petroleum Reserve, with capacity equal to 5 percent of the total U.S. demand for gasoline, home heating oil and other refined petroleum products.

Hurricanes Katrina and Rita did highlight a serious problem this country faces—our excessive reliance on fossil fuels. But the solution isn't to give still more incentives to oil and gas companies to drill. Instead, we should act to wean our nation from its dependence on fossil fuels, especially foreign oil. The Republican leadership claims this bill will help us reduce our dependence on foreign oil by stimulating domestic development and production. Yet with only 3% of the world's known oil reserves, we are not in a position to solve our energy vulnerability by drilling at home.

Our excessive dependence on fossil energy is a pressing matter of national security. We have an energy security crisis. We need to think anew to devise an energy security strategy that will give future generations of Americans an economy less dependent on oil and fossil fuels.

Unfortunately, this bill does not even begin to address this problem. For that reason, I cannot vote for it.

Ms. KILPATRICK of Michigan. Mr. Speaker, the spike in gasoline prices after hurricanes Katrina and Rita has drawn national attention to domestic energy supplies, as well as fuel efficiency standards. Instead of the Bush Administration and the Republican Congress offering a bill reducing gas prices, home heating prices, declare our Nation's energy independence, protect the environment, and put funds into increasing energy research and development, this Republican Congress promotes a bill that includes massive subsidies to oil companies at the expense of Americans.

Hurricanes Katrina and Rita devastated much of the energy infrastructure in the Gulf of Mexico. The region contains 47 percent of the Nation's oil refining capacity, and 19 percent of the Nation's natural gas production. Immediately after Hurricane Katrina the national average price for gasoline increased 46 cents to $3.07 per gallon.

Home heating costs, including home heating oil, natural gas and electricity are predicted to increase 50–90 percent over last year's prices. Since 2001, home heating oil costs have nearly tripled, and natural gas costs have more than doubled, nearing crisis levels for homeowners and Americans on a fixed and low income.

President Bush recently gave a speech calling on consumers to conserve gasoline and other fuels. I have yet to hear the President urge oil, coal, utility, and energy companies to reduce their costs. During a time oil and refinery company profits are more than 200 percent, the Republican solution is to offer subsidies to a profitable industry, to rollback environmental regulations, and to increase gasoline and home heating prices to Americans.

This bill is anti-consumer and anti-environment. The American people need real relief at the gas pump and with their heating bills. Democrats support an energy policy that helps Americans by stopping price gouging and increasing refinery capacity to keep gas and home heating prices low. The bill before us today will do nothing to lower gas prices at the pump or lower home heating costs.

If the alternative offered by my Michigan colleague, Representative BART STUPAK is accepted, we would have a strong energy bill. The Stupak substitute gives the Federal Trade Commission new powers to prohibit price gouging for gasoline, diesel, natural gas, home heating oil, and propane. The substitute also creates a new Strategic Refinery Reserve that would give our country the ability to produce refined oil products during extreme energy situations. This approach is more favorable and will help Americans at this most difficult time.

The underlying legislation is a bad deal for America. I urge my colleagues to join me in voting against passage of the energy bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it goes with out saying that we are facing a serious energy crisis in this country. Since the beginning of the year, crude oil prices have been continuously escalating, and most recently have exceeded $70 dollars a barrel. Many factors, ranging from the war in Iraq, to increased demand from China and India have caused the spike in prices. While the factors may vary, the results are constant. Many Americans are suffering from the high cost of gasoline which has exceeded $3 dollars a gallon in some areas. In addition, as winter approaches the price of natural gas is also expected to be exceedingly high which will further increase the burden Americans, particularly those who fall into low income brackets, will have to shoulder as they figure out how to pay for gas to get to work and electricity to heat their homes.

Unfortunately, Hurricane Katrina and Rita did not help the situation. With their devastating power, Katrina caused U.S. oil and refinery operations in the Gulf of Mexico to shut down an estimated 1 million barrels of refining capacity. With Louisiana and Mississippi being such a crucial part of the U.S. energy infrastructure, these interruptions played a vital role in spiking prices. Both hurricane Katrina and Rita should serve as flashing light that we need more refineries in this country. While this may be the case, we as policy makers must go about it in smart way that gives us the capacity we need, but also does not jeopardize the environment and health of the American people. This means ensuring that we have sound environmental laws that protect, but not restrict development. While I realize this can be difficult to achieve at first sight, I believe this goal can be achieved if party lines are dropped and the needs and concerns of the American people are put first. I hope this will be the course followed as we move through conference.

While I am pleased that the New Standard Review provision has been removed from the Barton bill, it is still not perfect. For example it does not list factors that the FTC must use when defining price gouging. In addition, the bill does not provide any additional penalties for those who engage in price gouging, and does not direct penalties collected back to consumers. Further, the bill does not event mention market manipulation or price transparency.

In contrast, the Stupak/Boucher substitute list factors that the FTC must use when defining price gouging. It also applies to all crude and refined petroleum products including propane and Natural Gas. The substitute also strengthens enforcement against those who price gouge by providing new civil penalties with up to triple damages of the profits gained by the violation. In addition, it directs penalties collected from price gougers to go towards LIHEAP. Further, it provides the FTC with authority to stop market manipulation and provide information on price transparency. Finally, the bill builds on the proven success of the Strategic Petroleum Reserve by requiring the Federal Government to operate Strategic Refinery Reserve to ensure adequate supply of refined products in emergency situations. Most importantly, the bill maintains environmental standards.

Before closing let me take a few moments to mention my amendment that was adopted by voice vote during the Full Committee Markup. I appreciate Chairman BARTON's willingness to work with me on this issue. In essence, the provision would authorize and direct the Secretary of Energy to establish a program at Historically Black Universities, Hispanic serving institutions, and community colleges to encourage minority students to study the earth and other sciences and enter the field of geology in order to qualify for employment in the oil, gas, and mineral industries. As we continue to deal with the energy crises we are facing, we need qualified individuals in the fields who can assist with providing new information as to the location of reserves. As we are all aware, there has been a great deal of talk about where the next source of oil will come from that will sustain this country. If we do not encourage individuals to study the earth sciences we may never find this country's next source of oil. Geology is more than the study of rocks; it has become the corner stone of this country's oil supply.

Today, HBCU's remain one of the surest ways for an African American, or student of any race, to receive a high quality education. Seven of the top eleven producers of African American baccalaureates in engineering were HBCU's, including #1 North Carolina A&T State University. The top three producers of African American baccalaureates in health professions (#1 Southern University and A&M College, #2 Florida A&M University and #3 Howard University) were HBCU's. The twelve top producers of African American baccalaureates in the physical sciences, including #1 Xavier University of Louisiana, were all HBCU's. While, Hispanic Serving Institutions (HIS's) have also produced great leaders in this country, according to the Hispanic Association of Colleges and Universities Hispanics are historically underrepresented in the areas of science, technology, engineering and mathematics. HIS's receive only half the federal funding per student, on average, accorded to every other degree-granting institution. This provision would seek to encourage all minorities to study the earth sciences and geology to better equip them for jobs in the oil and gas and minerals industries.

Mr. MORAN of Virginia. Mr. Speaker, I rise in opposition to this rule and this legislation.

This legislation is a corruption of special energy interests, it displays an abject disregard for human health and the environment, and it fails completely to find consensus to address the impending energy crisis.

Today, we have the opportunity to lead and help the people of this country in a genuine and lasting manner.

Instead, we are turning our back on the people and are catering to the self-interests of the highest bidders.

History will not look favorably on the actions of this administration and this Congress.

Confirmation of this criticism is contained in today's rule.

The rule corrects an overreach by some within the oil and gas and electric utility industries.

It seems the majority could not muster the votes to perpetrate a complete gutting of the Clean Air Act's New Source Review provisions.

Under the pretext of lowering the cost of building new refineries by waiving certain environmental laws designed to protect the public, a few bad electric utilities operators tried to hitch a ride and enact what they have been trying for years to achieve: enable their older coal-fired power plants to operate without adding modern emission controls to reduce harmful emissions.

Given the refinery industry's high profits and cash reserves, I find it hard to believe that we need to endanger the public's health to increase refinery capacity, but why should electric utilities be granted the same exemption from the New Source Review provisions?

Despite the full support of the Bush administration, the utility companies' goals have been blocked by the courts and enforcement actions by the Justice Department which has continued to uphold the law and prosecute violators.

The bill approved by the Energy and Commerce Committee would have enabled refineries and utilities making physical changes that do not increase emissions above a maximum level the plant could have theoretically once emitted to be exempt from the New Source Review requirements.

The late Senator John Chaffee, when crafting the New Source Review provisions, stated:

> [O]lder plants are operating well below their maximum capacity. To allow a refurbished utility to emit at its old potential levels could permit an almost twofold increase in emissions. * * * So this amendment could permit a powerplant, even one where its emissions directly affected a national park, for example, to refurbish or add a new boiler, to double its $NO_{[x]}$ and particulate emissions, triple its SO_2 emissions and cover these SO_2 emissions by purchasing allowances and never have to demonstrate what impact this would have on visibility or other air quality standards. Similarly, a powerplant * * * could increase emissions in one of these nonattainment areas and neither have to demonstrate air quality impacts nor be required to offset these increases of emissions as they are required to do under existing law.

Beyond making it easier and cheaper to increase refining capacity and to prosecute for price gouging, what does this legislation do to wean our dependency from oil and from a growing worldwide shortage in oil?

Nothing.

In fact, this rule blocks us from even considering what is clearly one greatest opportunities to reduce the country's dependence of imported oil.

My colleagues Representatives BOEHLERT and MARKEY had an amendment that this rule does not allow us to consider that would require auto manufacturers to improve the fuel efficiency of their automobiles by raising the Corporate Fuel Economy Standards (CAFE) for SUVs and minivans.

Had the current President's father adopted tougher CAFE standards, put us on a gradual path to 27 miles per gallon for light trucks and 34 gallons for cars, we would have displaced all oil we import from the Persian Gulf today.

Of course we would still be importing oil from the Persian Gulf, but our economy and our transportation sector and today's auto manufacturers would not be reeling from the consequences of $60 barrels of oil and $3.00 gallons of gasoline.

We are an oil-based economy, with about 60 percent of our oil imported from abroad. While coal, uranium and some renewable sources such as wind and hydro comprise a majority of the fuel used to generate electricity, most of our economy is dependent or exclusively reliant on oil, from fertilizers for agriculture, plastics for manufacturing to gasoline and diesel for transportation.

You would think that, in light of world events and the vulnerabilities Hurricane Katrina and Rita illuminated, we would have a different bill. World oil supplies have tightened, the price of oil has shot up to over $60 a barrel and many of our foreign sources of oil, the Middle East, in particular, but Africa and Venezuela as well, have grown even less stable.

This bill, while better than what was approved by the Energy and Commerce last week, is woefully deficient and heads our country in the wrong direction. It rushes us closer to the day oil shortages occur and sets us backward on our ability to address it.

Oppose today's rule and oppose this bill.

Mr. WOLF. Mr. Speaker, Hurricane Katrina may not only have been one of the most destructive natural disasters in our nation's history, the argument could be made that Katrina was the perfect storm in exposing our nation's vulnerabilities in supplying oil and gas to meet our energy needs.

There is absolutely no doubt that our country must become energy independent. Today we rely on foreign sources of oil to supply 60 percent of our energy needs. We are at the mercy of the Oil Producing Export Countries. Disruption in our energy supply—whether through OPEC polices to reduce production, disruption in domestic drilling and shipping caused by hurricanes, or limited refining capacity—energy security is a matter of national security.

I understand the serious impact that rising fuel prices have on the everyday lives of people and the strength of our economy. It is an issue which impacts everyone who drives or uses oil and every sector of our economy. We must find ways to improve conservation of oil resources, increase domestic production and oil refining capacity. Progress also needs to be made in developing alternative fuels as well as making the machines we use more energy efficient.

The argument has been made that our nation's ability to refine both imported and domestic sources of oil is limited because no new oil refineries have opened in the United States in almost 30 years. Additionally, just under half our refinery capacity or 47 percent is concentrated in the Gulf of Mexico. If every refinery is operating at full capacity, 17 million barrels per day are refined, however, demand averages at 21 million barrels a day. The legislation before the House today, H.R. 3893, the Gasoline for America's Security Act of 2005, attempts to increase refining capacity through provisions to encourage new refinery construction and streamline the regulatory path to build new refineries, among other provisions.

Mr. Speaker, I am giving the benefit of the doubt to Chairman BARTON and the Energy and Commerce Committee on this bill and I will vote for it, albeit reluctantly, to help move the process forward. But I believe we need more debate, especially on the issue of making certain we maintain strong environmental protections for clean air and water and endangered species when siting refineries, and I am hopeful that the House can negotiate with the Senate to come up with a more balanced bill. I am glad to see that the provisions modifying the New Source Review Program and the New Source Performance Standards Programs, which would reduce protections against pollutants, were removed from the final version of the bill.

I also am pleased that the bill authorizes the president to have a refinery permitted, constructed and operated for the sole consumption of the United States Armed Forces. It is absolutely necessary that we do everything possible to ensure that our ability to defend our citizens is inhibited by a simple lack of oil and refined gas.

If our nation ever hopes to reduce its dependence on imported oil, we also must increase automobile fuel economy standards. I was very disappointed that the Rules Committee failed to make in order an amendment to H.R. 3893 to increase Corporate Average Fuel Economy (CAFE) standards. I enclose for the record a copy of the text of the letter I signed with Representatives BOEHLERT, SHAYS, GILCHREST and others to the Rules Committee. We must have fuel efficient automobiles that do not waste gasoline. I support boosting CAFE standards for U.S. auto makers to 33 mpg over 10 years (by 2015), consistent with the findings of the National Academy of Sciences, in order to save 10 percent of the gasoline the nation would otherwise consume by 2015. The current standard of 27.5 miles per gallon has been in effect for nearly two decades despite proven technology that promises to stretch engine efficiency to much higher levels. I believe such a reasonable approach is needed to put U.S. auto makers on notice that they must work to produce more fuel efficient vehicles.

I am also disappointed that, although the bill establishes a program to encourage the use of carpooling and vanpooling to save energy, there is absolutely no mention of telework. Ridesharing is important, but telework is the most efficient way to reduce gasoline consumption and reduce pollutants by taking commuters off the roads and allowing them to work at home or at a telework center close to home. Allowing all eligible federal employees to telework is the law of the land. Why is telework not included in this bill?

I also believe we must have tough penalties on price gouging. I am very concerned when

I hear from my constituents who don't understand how the price of gasoline at the pump can jump 25 cents in one day or how the same brand of gasoline can be selling at widely different prices at gas stations only a few miles apart. Then we hear the major oil companies reporting record profits while consumers deal with skyrocketing gas prices.

This is far from a perfect bill. In the wake of the perfect storm that Katrina brought to our nation, we need to take action to both increase our energy supply and to become more energy and fuel efficient. Congress has an opportunity to craft a fair and balanced bill. I hope the legislation that is brought to the House after conference with the Senate is a bill that protects consumers, protects the environment and moves our nation to energy efficiency and is a final bill that I can support.

Hon. DAVID DREIER,
Chairman, House Committee on Rules,
The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to urge that the Rules Committee make in order Congressman Boehlert's amendment to increase Corporate Average Fuel Economy (CAFE) standards when it reports out a rule for the consideration of H.R. 3893, the ''Gasoline for America's Security Act of 2005.''

The amendment, a version of which has been made in order in each of the last three Energy Bill debates in the House, is germane to H.R. 3893. Indeed, it is difficult to see how the House could be seen to have a complete debate on the availability of gasoline without a discussion of fuel economy standards. In the wake of Hurricane Katrina and $3 per gallon gasoline prices, more Americans are becoming aware of the need to address the demand, as well as the supply side of our gasoline crisis—to protect their own family pocketbooks, as well as to enhance the nation's energy security. Indeed one recent poll found that 86 percent of Americans favor higher fuel economy standards, more than the percentage favoring any other approach to the current energy pinch. At this time when both the public and their representatives are becoming more open to toughening fuel economy standards, fairness dictates that a serious amendment on fuel economy standards be part of the debate about how the nation will ensure that gasoline remains affordable and accessible.

The transportation sector is the nation's single largest consumer of oil, yet it is also the only sector of the economy that is less fuel efficient than it was 20 years ago. A debate on gasoline needs to include measures that will address that fact, especially when the National Academy of Sciences concluded four years ago that the technology exists to accomplish fuel economy goals cost-effectively and safely. And the study did not even consider three important technologies that automakers have since begun to introduce in the marketplace that can achieve even greater fuel economies: hybrid engine technologies, clean diesel technologies and high-strength, lightweight composites and steels.

The House needs and deserves to have a discrete debate on fuel economy, just as it has had during the debate on past energy bills. The issue must not get lost in disputes about other aspects of H.R. 3893, which deals with a wide variety of legal and regulatory issues. We urge you to allow a clear, full and open debate on the single measure that would do the most to reduce the U.S. demand for oil.

Sincerely, ———

Mr. ETHERIDGE. Mr. Speaker, I rise today in opposition to H.R. 3893.

Our country is facing a painful energy crisis under the policies of this Administration and Congressional leadership. Just last week, I received a letter from a constituent of mine, Paul Perry of Dunn, North Carolina, a small businessman struggling to make ends meet. He wrote: ''We just broke ground on a new brick plant and should be in operation by August of 2006. I just hope gas prices don't break us before we get the new plant in production.'' The American people desperately need effective new energy policies, but H.R. 3893 is simply more of the same failed giveaways to Big Oil.

The bill on the floor today is nothing more than a giveaway to big oil companies; and on top of this, it contains environmental rollbacks that the Administration has been unsuccessfully pursuing for years for gas and coal fired power plants. These provisions would relax existing pollution controls on thousands of industrial facilities across the country in what one energy industry official even called the most blatant attack on state and local environmental authority that he's ever seen.

This legislation would throw out provisions my state of North Carolina implemented when we passed our own clean smokestacks legislation. This legislation would cap penalties levied against big oil companies and refineries caught price gouging to meager amounts at a time when they are recording record profits. Finally, this bill would give tax breaks to those same oil companies at a time of record budget deficits.

I urge my colleagues to vote against this bill, and to support the substitute that provides real provisions to crack down on price gouging. The substitute bill provides real help to the American people. It punishes price gougers, not just the gas stations but the refineries, the wholesalers, and any of the big oil companies if they are caught taking advantage of the American people.

The substitute also creates a strategic refining capacity for the country in times of a national emergency, without jeopardizing the environmental safeguards put in place by the Congress to protect our air, water, land, and public health.

Again, I urge my colleagues to support the Democratic substitute.

Mr. HONDA. Mr. Speaker, I rise today to express my opposition to H.R. 3893. Hurricanes Katrina and Rita caused tremendous devastation along the Gulf coast, and I appreciate the need to address the suffering and destruction that resulted. However, I am appalled at this effort by the Republican majority to exploit this national tragedy to weaken environmental, public health, and consumer protections under the guise of lower gasoline prices; and protect consumers from price-gouging on gasoline. Sadly, the bill will accomplish none of these things, while being loaded down with controversial unrelated provisions. This is why it was opposed by every Democrat on the Committee on Energy and Commerce.

While claiming to protect consumers, this bill actually weakens the Federal Trade Commission's authority to deal with price gouging, at a time when we have seen gasoline prices rise at astronomical rates. It focuses all price gouging efforts on mom-and-pop retailers, rather than the big oil companies and refiners who are actually reaping enormous profits. This bill limits the areas that can be investigated for price-gouging, and there is no real enforcement authority to prosecute bad behavior.

The bill gives new regulatory subsidies to the refining industry at a time when that industry's profits are breaking records. The Washington Post reported last month that over the past year, refinery profit margins on a gallon of gasoline have increased over 255 percent. Yet the bill could also put taxpayers on the hook for unlimited damages if a refinery is stalled in litigation or must meet new regulatory standards. The fact is that refineries are not being built in this country because the companies do not want to build them for economic reasons.

And this bill will undermine local control by forcing some communities with closed military bases to accept refineries without having any input in the process. These communities will not be able to develop sites for years even if the Federal Government does not ultimately build refineries on them.

I was at a roundtable with high tech leaders last weekend, and the one thing they talked most about was energy. They emphasized the need for new alternative energy supplies and highlighted the role that new technologies can play in using energy more efficiently and generating it in new ways. Sadly, the Republican bill will do nothing in this area. And one amendment that would have led to real strides in efficiency, the Boehlert-Markey amendment which would have increased fuel economy standards for cars and trucks to 33 miles per gallon by 2015, was not even allowed by the Rules Committee. I am incredulous as to how we could be considering a bill that is supposed to address high gasoline prices and not have a debate on increasing the efficiency with which vehicles use fuel. Even the President is now advocating conservation, which his own Vice President once claimed was a virtue but not a policy.

That is why I oppose H.R. 3893 and support the Democratic substitute, which will provide real enforcement against energy price gouging and establish a Strategic Refinery Reserve, patterned on the successful Strategic Petroleum Reserve, to protect against loss of refinery capacity.

Mr. CASTLE. Mr. Speaker, more than ever in the wake of the recent hurricanes, Congress and the American people are focused on meeting our energy needs. Whether it's the rise in gas prices at the pump or the anticipation of expensive home heating bills this winter, all Americans are feeling the pinch.

We have already signed into law an energy bill that sought to expand domestic production of oil and other sources of energy, but we have done very little to reduce demand. Yet again, we are considering a bill that will only address the supply end of the equation. Even if increasing refinery capacity were to positively affect gasoline prices, as the The Gasoline for America's Security Act of 2005 (H.R. 3893) purports, it would do so at the expense of our environment and public health, and by trumping state law.

While I am pleased that the manager's amendment strikes changes to the ''New Source Review'' program, provisions remain that ill hurt taxpayers, pollute our environment, supersede state law, and give unnecessary payments to the oil companies. This bill outlines erroneous solutions to our current energy challenges, and ultimately fails to ''secure'' Americans from energy price surges.

Whereas intended to respond to temporary refinery shortages caused by recent hurricanes and to address high gasoline prices, the bill weakens environmental laws and undermines states' rights by limiting the kinds of

cleaner fuels states can require to meet their clean air targets; federalizing many siting and permitting decisions relating to refineries; limiting the kinds of diesel fuel that can be required and interfering with the low sulfur diesel rule that was championed by the Bush Administration; rewriting the permitting process for refineries to limit environmental reviews without any evidence that current processes are at all a problem; and enabling cities with harmful levels of ozone air pollutants to delay improving air quality.

Adoption of this bill would constitute a major setback for air quality across the nation. The longterm costs for backtracking on important pollution measures will be far greater than the short terms gains from this bill. Our states have worked aggressively to ensure that improvements are made to air quality and it is our duty to support, not hinder, such efforts.

Instead of only meeting our energy needs by increasing supply, we need to continue to improve conservation methods and our R&D efforts in renewable sources of energy like wind and solar power. And, we must take a hard look at automotives, from creating additional consumer incentives for domestic production and purchase of efficient hybrid-electric vehicles to the possibility of increasing fuel economy standards, so cars can go further on a tank of gas. A diversified approach, based on a variety of resources, will truly save consumers money at the pump and help to reduce our dependence on foreign oil.

The legislation before us today can only hurt our states and our environment and I urge a no vote on this legislation.

Mr. BARTON of Texas. Mr. Speaker, I submit the following exchange of letters for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, October 5, 2005.

Hon. JOE BARTON,
Chairman, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN BARTON: On September 28, 2005, the Committee on Energy and Commerce ordered reported H.R. 3893, the ''Gasoline for America's Security Act of 2005.'' In recognition of the desire to expedite floor consideration of H.R. 3893, the Committee on the Judiciary hereby waives any consideration of the bill.

Several sections of H.R. 3893 contain matters within the Committee on the Judiciary's rule X jurisdiction. A summary of principal provisions within the Committee on the Judiciary's jurisdiction follows.

Section 102(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. Section 202(e) grants original and exclusive Federal court jurisdiction to adjudicate civil actions filed under this section. These matters fall within the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) (''The judiciary and judicial proceedings, civil and criminal'').

Section 605(f) grants members of the ''Commission for the Deployment of the Hydrogen Economy,'' as creted under Title VI of the bill, the authority to issue subpoenas without requesting the assistance of the Attorney General. This matter falls within the Committee on the Judiciary's jurisdiction under rule X(1)(l)(1) (''The judiciary and judicial proceedings, civil and criminal'').

The Committee on the Judiciary agrees to waive any formal consideration of the bill with the understanding that its jurisdiction over these and other provisions contained in the legislation is no way altered or diminished. This waiver is further conditioned upon the understanding between our Committees that there are no provisions contained in H.R. 3893 that could be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any fuel additive, including ethanol and MTBE. The Committee on the Judiciary also reserves the right to seek appointment to any House-Senate conference on this legislation. I would appreciate your including this letter in the Congressional Record during consideration of H.R. 3893 on the House floor. Thank you for your attention to these matters.

Sincerely,
F. JAMES SENSENBRENNER, JR.,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 4, 2005.

Hon. F. JAMES SENSENBRENNER, JR.,
Chairman, Committee on the Judiciary, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SENSENBRENNER: I write in regards to H.R. 3893, Gasoline for America's Security Act of 2005.

While the Committee on the Judiciary did not receive a referral of the bill upon introduction, I appreciate your willingness not to seek a referral on H.R. 3893. I agree that your decision to forego action on the bill will not prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this or future legislation.

Further, knowing of your interest in the debate surrounding fuel additive liability, nothing in H.R. 3893 should be construed or interpreted to alter, modify, or to have any effect on any laws or regulations pertaining to any additive, including ethanol and MTBE.

I will include our exchange of letters in the Committee's report on H.R. 3893, and I look forward to working with you as we prepare to pass this important energy legislation for the American people.

Sincerely,
JOE BARTON,
Chairman.

Mr. HALL. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the bill has expired.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2360) ''An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.''.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. STUPAK:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Response to Energy Emergencies Act of 2005''.

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

Sec. 1 Short title; table of contents.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

Sec. 101. Unconscionable pricing of gasoline, oil, natural gas, and petroleum distillates during emergencies.
Sec. 102. Declaration of energy emergency.
Sec. 103. Enforcement by the Federal Trade Commission.
Sec. 104. Enforcement at retail level by State attorneys general.
Sec. 105. Low Income energy assistance.
Sec. 106. Effect on other laws.
Sec. 107. Market transparency for crude oil, gasoline, and petroleum distillates.
Sec. 108. Report on United States energy emergency preparedness.
Sec. 109. Protective action to prevent future disruptions of supply.
Sec. 110. Authorization of Appropriations.

TITLE II—ENSURING EMERGENCY SUPPLY OF REFINED PETROLEUM PRODUCTS

Sec. 201. Refineries.

TITLE I—PROTECTING CONSUMERS FROM ENERGY PRICE GOUGING

SEC. 101. UNCONSCIONABLE PRICING OF GASOLINE, OIL, NATURAL GAS, AND PETROLEUM DISTILLATES DURING EMERGENCIES.

(a) UNCONSCIONABLE PRICING.—

(1) IN GENERAL.—During any energy emergency declared by the President under section 102, it is unlawful for any person to sell crude oil, gasoline, natural gas, or petroleum distillates in, or for use in, the area to which that declaration applies at a price that—

(A) is unconscionably excessive; or

(B) indicates the seller is taking unfair advantage of the circumstances to increase prices unreasonably.

(2) FACTORS CONSIDERED.—In determining whether a violation of paragraph (1) has occurred, there shall be taken into account, among other factors, whether—

(A) the amount charged represents a gross disparity between the price of the crude oil, gasoline, natural gas, or petroleum distillate sold and the price at which it was offered for sale in the usual course of the seller's business immediately prior to the energy emergency; or

(B) the amount charged grossly exceeds the price at which the same or similar crude oil, gasoline, natural gas, or petroleum distillate was readily obtainable by other purchasers in the area to which the declaration applies.

(3) MITIGATING FACTORS.—In determining whether a violation of paragraph (1) has occurred, there also shall be taken into account, among other factors, whether the price at which the crude oil, gasoline, natural gas, or petroleum distillate was sold reasonably reflects additional costs, not within the control of the seller, that were paid or incurred by the seller.

(b) FALSE PRICING INFORMATION.—It is unlawful for any person to report information related to the wholesale price of crude oil, gasoline, natural gas, or petroleum distillates to the Federal Trade Commission if—

(1) that person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and