

- (1) bidding for any right to develop crude oil, natural gas, and natural gas liquids on Federal lands other than those located on the Outer Continental Shelf; and
- (2) bidding for any right to develop coal and oil shale on such lands.

(Pub. L. 94-163, title I, § 105, Dec. 22, 1975, 89 Stat. 879; Pub. L. 95-372, title II, § 205(c), Sept. 18, 1978, 92 Stat. 646.)

#### AMENDMENTS

1978—Subsec. (c). Pub. L. 95-372 substituted “in his discretion, consider a request from any person described in subsection (a) of this section for an exemption from the prohibition of this section” for “by amendment to the rule, exempt bidding for leases for lands located in frontier or other areas determined by the Secretary to be extremely high risk lands or to present unusually high cost exploration, or development, problems” in existing provisions and inserted provisions setting out the requisite finding of the Secretary and making arbitrariness and capriciousness of the Secretary’s findings the only bases for invalidation of those findings.

#### TRANSFER OF FUNCTIONS

Functions of Secretary of the Interior to promulgate regulations under this chapter relating to fostering of competition for Federal leases and to implementation of alternative bidding systems authorized for award of Federal leases transferred to Secretary of Energy by section 7152(b) of this title. Section 7152(b) of this title repealed by Pub. L. 97-100, title II, § 201, Dec. 23, 1981, 95 Stat. 1407, and functions of Secretary of Energy returned to Secretary of the Interior. See House Report No. 97-315, pp. 25, 26, Nov. 5, 1981.

#### **§ 6214. Repealed. Pub. L. 106-469, title I, § 103(3), Nov. 9, 2000, 114 Stat. 2029**

Section, Pub. L. 94-163, title I, § 106, Dec. 22, 1975, 89 Stat. 880, related to production of oil or gas at the maximum efficient rate and temporary emergency production rate.

#### **§ 6215. Major fuel burning stationary source**

##### **(a) Restrictions on issuance of orders or rules by Governor pursuant to section 7425 of this title**

No Governor of a State may issue any order or rule pursuant to section 7425 of this title to any major fuel burning stationary source (or class or category thereof)—

- (1) prohibiting such source from using fuels other than locally or regionally available coal or coal derivatives, or
- (2) requiring such source to enter into a contract (or contracts) for supplies of locally or regionally available coal or coal derivatives.

##### **(b) Petition to President**

(1) The Governor of any State may petition the President to exercise the President’s authorities pursuant to section 7425 of this title with respect to any major fuel burning stationary source located in such State.

(2) Any petition under paragraph (1) shall include documentation which could support a finding that significant local or regional economic disruption or unemployment would result from use by such source of—

- (A) coal or coal derivatives other than locally or regionally available coal,
- (B) petroleum products,

(C) natural gas, or

(D) any combination of fuels referred to in subparagraphs (A) through (C), to comply with the requirements of a State implementation plan pursuant to section 7410 of this title.

##### **(c) Action to be taken by President**

Within 90 days after the submission of a Governor’s petition under subsection (b) of this section, the President shall either issue an order or rule pursuant to section 7425 of this title or deny such petition, stating in writing his reasons for such denial. In making his determination to issue such an order or rule pursuant to this subsection, the President must find that such order or rule would—

- (1) be consistent with section 7425 of this title;
- (2) result in no significant increase in the consumption of energy;
- (3) not subject the ultimate consumer to significantly higher energy costs; and
- (4) not violate any contractual relationship between such source and any supplier or transporter of fuel to such source.

##### **(d) Effect on authority of President to allocate coal or coal derivatives**

Nothing in subsection (a) or (b) of this section shall affect the authority of the President or the Secretary of the Department of Energy to allocate coal or coal derivatives under any provision of law.

##### **(e) Definitions**

The terms “major fuel burning stationary source (or class or category thereof)” and “locally or regionally available coal or coal derivatives” shall have the meanings assigned to them for the purposes of section 7425 of this title.

(Pub. L. 94-163, title I, § 107, as added Pub. L. 95-619, title VI, § 661, Nov. 9, 1978, 92 Stat. 3285; amended Pub. L. 106-469, title VI, § 605(b)(2), Nov. 9, 2000, 114 Stat. 2043.)

#### AMENDMENTS

2000—Pub. L. 106-469 inserted section catchline.

#### **§ 6216. Annual Home Heating Readiness Reports**

##### **(a) In general**

On or before September 1 of each year, the Secretary, acting through the Administrator of the Energy Information Agency, shall submit to Congress a Home Heating Readiness Report on the readiness of the natural gas, heating oil and propane industries to supply fuel under various weather conditions, including rapid decreases in temperature.

##### **(b) Contents**

The Home Heating Readiness Report shall include—

- (1) estimates of the consumption, expenditures, and average price per gallon of heating oil and propane and thousand cubic feet of natural gas for the upcoming period of October through March for various weather conditions, with special attention to extreme weather, and various regions of the country;
- (2) an evaluation of—
  - (A) global and regional crude oil and refined product supplies;

(B) the adequacy and utilization of refinery capacity;

(C) the adequacy, utilization, and distribution of regional refined product storage capacity;

(D) weather conditions;

(E) the refined product transportation system;

(F) market inefficiencies; and

(G) any other factor affecting the functional capability of the heating oil industry and propane industry that has the potential to affect national or regional supplies and prices;

(3) recommendations on steps that the Federal, State, and local governments can take to prevent or alleviate the impact of sharp and sustained increases in the price of natural gas, heating oil, and propane; and

(4) recommendations on steps that companies engaged in the production, refining, storage, transportation of heating oil or propane, or any other activity related to the heating oil industry or propane industry, can take to prevent or alleviate the impact of sharp and sustained increases in the price of heating oil and propane.

**(c) Information requests**

The Secretary may request information necessary to prepare the Home Heating Readiness Report from companies described in subsection (b)(4) of this section.

(Pub. L. 94-163, title I, §108, as added Pub. L. 106-469, title VI, §605(a), Nov. 9, 2000, 114 Stat. 2042.)

**§ 6217. Scientific inventory of oil and gas reserves**

**(a) In general**

The Secretary of the Interior, in consultation with the Secretaries of Agriculture and Energy, shall conduct an inventory of all onshore Federal lands. The inventory shall identify—

(1) the United States Geological Survey estimates of the oil and gas resources underlying these lands;

(2) the extent and nature of any restrictions or impediments to the development of the resources, including—

(A) impediments to the timely granting of leases;

(B) post-lease restrictions, impediments, or delays on development for conditions of approval, applications for permits to drill, or processing of environmental permits; and

(C) permits or restrictions associated with transporting the resources for entry into commerce; and

(3) the quantity of resources not produced or introduced into commerce because of the restrictions.

**(b) Regular update**

Once completed, the USGS resource estimates and the surface availability data as provided in subsection (a)(2) of this section shall be regularly updated and made publicly available.

**(c) Inventory**

The inventory shall be provided to the Committee on Resources of the House of Representa-

tives and to the Committee on Energy and Natural Resources of the Senate within 2 years after November 9, 2000.

**(d) Assessments**

Using the inventory, the Secretary of Energy shall make periodic assessments of economically recoverable resources accounting for a range of parameters such as current costs, commodity prices, technology, and regulations.

(Pub. L. 106-469, title VI, §604, Nov. 9, 2000, 114 Stat. 2041; Pub. L. 109-58, title III, §364(a), Aug. 8, 2005, 119 Stat. 723.)

CODIFICATION

Section was enacted as part of the Energy Act of 2000, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

AMENDMENTS

2005—Subsec. (a)(1). Pub. L. 109-58, §364(a)(1)(A), struck out “reserve” before “estimates” and “and” after the semicolon.

Subsec. (a)(2), (3). Pub. L. 109-58, §364(a)(1)(B), added pars. (2) and (3) and struck out former par. (2) which read as follows: “the extent and nature of any restrictions or impediments to the development of such resources.”

Subsec. (b). Pub. L. 109-58, §364(a)(2), substituted “resource” for “reserve” and “publicly” for “publically”.

Subsec. (d). Pub. L. 109-58, §364(a)(3), added subsec. (d) and struck out heading and text of former subsec. (d). Text read as follows: “There are authorized to be appropriated such sums as may be necessary to implement this section.”

CHANGE OF NAME

Committee on Resources of House of Representatives changed to Committee on Natural Resources of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

PART B—STRATEGIC PETROLEUM RESERVE

**§ 6231. Congressional finding and declaration of policy**

(a) The Congress finds that the storage of substantial quantities of petroleum products will diminish the vulnerability of the United States to the effects of a severe energy supply interruption, and provide limited protection from the short-term consequences of interruptions in supplies of petroleum products.

(b) It is the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products to reduce the impact of disruptions in supplies of petroleum products, to carry out obligations of the United States under the international energy program, and for other purposes as provided for in this chapter.

(Pub. L. 94-163, title I, §151, Dec. 22, 1975, 89 Stat. 881; Pub. L. 106-469, title I, §103(4), Nov. 9, 2000, 114 Stat. 2029.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871, as amended, known as the Energy Policy and Conservation Act. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-469 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as fol-