

REFERENCES IN TEXT

The International Emergency Economic Powers Act, referred to in subsec. (c), is title II of Pub. L. 95-223, Dec. 28, 1977, 91 Stat. 1626, which is classified generally to chapter 35 (§1701 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 50 and Tables.

The National Emergencies Act, referred to in subsec. (c), is Pub. L. 94-412, Sept. 14, 1976, 90 Stat. 1255, which is classified principally to chapter 34 (§1601 et seq.) of Title 50, War and National Defense. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 50 and Tables.

The Energy Policy and Conservation Act, referred to in subsec. (c), is Pub. L. 94-163, Dec. 22, 1975, 89 Stat. 871. Part B of title II of the Act is classified generally to part B (§6271 et seq.) of subchapter II of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 6201 of this title and Tables.

The Trading With the Enemy Act, referred to in subsec. (c), is act Oct. 6, 1917, ch. 106, 40 Stat. 411, which was classified to sections 1 to 6, 7 to 39 and 41 to 44 of the former Appendix to Title 50, War and National Defense, prior to editorial reclassification and renumbering as chapter 53 (§4301 et seq.) of Title 50. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (d)(1)(C)(i), is div. O of Pub. L. 114-113, Dec. 18, 2015, 129 Stat. 2986. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Consolidated Appropriations Act, 2016, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

Section is comprised of section 101 of div. O of Pub. L. 114-113. Subsec. (a) of section 101 of div. O of Pub. L. 114-113 repealed section 6212 of this title. Subsec. (e) of section 101 of div. O of Pub. L. 114-113 amended sections 53106 and 53111 of Title 46, Shipping.

§ 6213. Certain lease bidding arrangements prohibited

(a) Promulgation of rule by Secretary of the Interior

The Secretary of the Interior shall, not later than 30 days after December 22, 1975, prescribe and make effective a rule which prohibits the bidding for any right to develop crude oil, natural gas, and natural gas liquids on any lands located on the Outer Continental Shelf by any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. Such rule shall define affiliate relationships and significant ownership interests.

(b) Definitions

As used in this section:

(1) The term "major oil company" means any person who, individually or together with any other person with respect to which such person has an affiliate relationship or significant ownership interest, produced during a prior 6-month period specified by the Secretary, an average daily volume of 1,600,000 barrels of crude oil, natural gas liquids equivalents, and natural gas equivalents.

(2) One barrel of natural gas equivalent equals 5,626 cubic feet of natural gas measured at 14.73 pounds per square inch (MSL) and 60 degrees Fahrenheit.

(3) One barrel of natural gas liquids equivalent equals 1.454 barrels of natural gas liquids at 60 degrees Fahrenheit.

(c) Exemptions

The Secretary may, 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. In considering any such request, the Secretary may exempt bidding for leases for lands in any area only if the Secretary finds, on the record after opportunity for an agency hearing, that—

(1) such lands have extremely high cost exploration or development problems; and

(2) exploration and development will not occur on such lands unless such exemption is granted.

Findings of the Secretary under this subsection shall be final, and shall not be invalidated unless found to be arbitrary or capricious.

(d) Unitization of producing fields

This section shall not be construed to prohibit the unitization of producing fields to increase production or maximize ultimate recovery of oil or natural gas, or both.

(e) Report to Congress covering extension of restrictions on joint bidding

The Secretary shall study and report to the Congress, not later than 6 months after December 22, 1975, with respect to the feasibility and desirability of extending the prohibition on joint bidding to—

(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 max-

imum 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), 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).

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