

1985—Subsec. (b). Pub. L. 99-58, §103(b)(2), inserted reference to subsec. (g) of this section.

Subsec. (g). Pub. L. 99-58, §103(a), added subsec. (g).

1978—Subsecs. (a), (e), (f). Pub. L. 95-619 substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-388, §9(c), Nov. 13, 1998, 112 Stat. 3484, provided that: “The amendment made by subsection (a) [amending this section] takes effect on the earlier of—

“(1) the date that is 180 days after the date of enactment of this Act [Nov. 13, 1998]; or

“(2) the date that final regulations are issued under subsection (b) [set out as a note below].”

REGULATIONS

Pub. L. 105-388, §9(b), Nov. 13, 1998, 112 Stat. 3484, provided that:

“(1) IN GENERAL.—The Secretary of Energy shall issue such regulations as are necessary to carry out the amendment made by subsection (a) [amending this section].

“(2) ADMINISTRATIVE PROCEDURE.—Regulations issued to carry out the amendment made by subsection (a) shall not be subject to—

“(A) section 523 of the Energy Policy and Conservation Act (42 U.S.C. 6393); or

“(B) section 501 of the Department of Energy Organization Act (42 U.S.C. 7191).”

STRATEGIC PETROLEUM RESERVE DRAWDOWN AND SALE

Pub. L. 115-97, title II, §20003, Dec. 22, 2017, 131 Stat. 2237, provided that:

“(a) DRAWDOWN AND SALE.—

“(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall draw down and sell from the Strategic Petroleum Reserve 7,000,000 barrels of crude oil during the period of fiscal years 2026 through 2027.

“(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

“(b) EMERGENCY PROTECTION.—The Secretary of Energy shall not draw down and sell crude oil under subsection (a) in a quantity that would limit the authority to sell petroleum products under subsection (h) of section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) in the full quantity authorized by that subsection.

“(c) LIMITATION.—The Secretary of Energy shall not draw down or conduct sales of crude oil under subsection (a) after the date on which a total of \$600,000,000 has been deposited in the general fund of the Treasury from sales authorized under that subsection.”

Pub. L. 114-255, div. A, title V, §5010(a), (b), Dec. 13, 2016, 130 Stat. 1197, 1198, provided that:

“(a) DRAWDOWN AND SALE.—

“(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c) [subsec. (c) amended this section], the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

“(A) 10,000,000 barrels of crude oil during fiscal year 2017;

“(B) 9,000,000 barrels of crude oil during fiscal year 2018; and

“(C) 6,000,000 barrels of crude oil during fiscal year 2019.

“(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

“(b) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this section in

quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full quantity authorized by that subsection.”

Pub. L. 114-94, div. C, title XXXII, §32204, Dec. 4, 2015, 129 Stat. 1740, provided that:

“(a) DRAWDOWN AND SALE.—

“(1) IN GENERAL.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsections (b) and (c), the Secretary of Energy shall drawdown and sell from the Strategic Petroleum Reserve—

“(A) the quantity of barrels of crude oil that the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers for each of fiscal years 2016 and 2017;

“(B) 16,000,000 barrels of crude oil during fiscal year 2023;

“(C) 25,000,000 barrels of crude oil during fiscal year 2024; and

“(D) 25,000,000 barrels of crude oil during fiscal year 2025.

“(2) DEPOSIT OF AMOUNTS RECEIVED FROM SALE.—Amounts received from a sale under paragraph (1) shall be deposited in the general fund of the Treasury during the fiscal year in which the sale occurs.

“(b) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this section in quantities that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full quantity authorized by that subsection.

“(c) INCREASE; LIMITATION.—

“(1) INCREASE.—The Secretary of Energy may increase the drawdown and sales under subparagraphs (A) through (I) of subsection (a)(1) as the Secretary of Energy determines to be appropriate to maximize the financial return to United States taxpayers.

“(2) LIMITATION.—The Secretary of Energy shall not drawdown or conduct sales of crude oil under this section after the date on which a total of \$6,200,000,000 has been deposited in the general fund of the Treasury from sales authorized under this section.”

Pub. L. 114-74, title IV, §403, Nov. 2, 2015, 129 Stat. 589, provided that:

“(a) DRAWDOWN AND SALE.—Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), except as provided in subsection (b), the Secretary of Energy shall draw down and sell—

“(1) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2018;

“(2) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2019;

“(3) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2020;

“(4) 5,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2021;

“(5) 8,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2022;

“(6) 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2023;

“(7) 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2024; and

“(8) 10,000,000 barrels of crude oil from the Strategic Petroleum Reserve during fiscal year 2025.

“(b) EMERGENCY PROTECTION.—The Secretary shall not draw down and sell crude oil under this section in amounts that would limit the authority to sell petroleum products under section 161(h) of the Energy Policy and Conservation Act (42 U.S.C. 6241(h)) in the full amount authorized by that subsection.

“(c) PROCEEDS.—Proceeds from a sale under this section shall be deposited into the general fund of the Treasury during the fiscal year in which the sale occurs.”

§ 6242. Coordination with import quota system

No quantitative restriction on the importation of any petroleum product into the United

States imposed by law shall apply to volumes of any such petroleum product imported into the United States for storage in the Reserve.

(Pub. L. 94-163, title I, §162, Dec. 22, 1975, 89 Stat. 889.)

§ 6243. Records and accounts

(a) Preparation and maintenance

The Secretary may require any person to prepare and maintain such records or accounts as the Secretary, by rule, determines necessary to carry out the purposes of this part.

(b) Audit of operations of storage facility

The Secretary may audit the operations of any storage facility in which any petroleum product is stored or required to be stored pursuant to the provisions of this part.

(c) Access to and inspection of records or accounts and storage facilities

The Secretary may require access to, and the right to inspect and examine, at reasonable times, (1) any records or accounts required to be prepared or maintained pursuant to subsection (a) and (2) any storage facilities subject to audit by the United States under the authority of this part.

(Pub. L. 94-163, title I, §163, Dec. 22, 1975, 89 Stat. 889; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288.)

AMENDMENTS

1978—Pub. L. 95-619 substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

§ 6244. Repealed. Pub. L. 106-469, title I, § 103(16), Nov. 9, 2000, 114 Stat. 2032

Section, Pub. L. 94-163, title I, §164, Dec. 22, 1975, 89 Stat. 889; Pub. L. 94-258, title I, §105(a), Apr. 5, 1976, 90 Stat. 305; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288, required a report on development of Naval Petroleum Reserve Number 4.

§ 6245. Annual report

The Secretary shall report annually to the President and the Congress on actions taken to implement this part. This report shall include—

(1) the status of the physical capacity of the Reserve and the type and quantity of petroleum products in the Reserve;

(2) an estimate of the schedule and cost to complete planned equipment upgrade or capital investment in the Reserve, including upgrades and investments carried out as part of operational maintenance or extension of life activities;

(3) an identification of any life-limiting conditions or operational problems at any Reserve facility, and proposed remedial actions including an estimate of the schedule and cost of implementing those remedial actions;

(4) a description of current withdrawal and distribution rates and capabilities, and an identification of any operational or other limitations on those rates and capabilities;

(5) a listing of petroleum product acquisitions made in the preceding year and planned in the following year, including quantity, price, and type of petroleum;

(6) a summary of the actions taken to develop, operate, and maintain the Reserve;

(7) a summary of the financial status and financial transactions of the Strategic Petroleum Reserve and Strategic Petroleum Reserve Petroleum Accounts for the year;

(8) a summary of expenses for the year, and the number of Federal and contractor employees;

(9) the status of contracts for development, operation, maintenance, distribution, and other activities related to the implementation of this part;

(10) a summary of foreign oil storage agreements and their implementation status;

(11) any recommendations for supplemental legislation or policy or operational changes the Secretary considers necessary or appropriate to implement this part.

(Pub. L. 94-163, title I, §165, Dec. 22, 1975, 89 Stat. 889; Pub. L. 95-619, title VI, §691(b)(2), Nov. 9, 1978, 92 Stat. 3288; Pub. L. 97-35, title X, §1035(a), Aug. 13, 1981, 95 Stat. 620; Pub. L. 99-509, title III, §3203, Oct. 21, 1986, 100 Stat. 1890; Pub. L. 104-66, title I, §1051(j), Dec. 21, 1995, 109 Stat. 717; Pub. L. 106-469, title I, §103(17), Nov. 9, 2000, 114 Stat. 2032.)

AMENDMENTS

2000—Pub. L. 106-469 amended section generally. Prior to amendment, section required the Secretary to report to the President and to Congress, not later than one year after the transmittal of the Strategic Petroleum Reserve Plan to the Congress and each year thereafter, on all actions taken to implement this part.

1995—Pub. L. 104-66 struck out subsec. (a) designation before “The Secretary shall”, and struck out subsec. (b) which directed Secretary to report to Congress on activities undertaken with respect to Strategic Petroleum Reserve under the amendments made by Strategic Petroleum Reserve Amendments Act of 1981.

1986—Subsec. (a)(1). Pub. L. 99-509 amended par. (1) generally, inserting “, including” in introductory text and adding subpars. (A) to (G).

1981—Pub. L. 97-35 designated existing provisions as subsec. (a) and added subsec. (b).

1978—Pub. L. 95-619 substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, wherever appearing.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Aug. 13, 1981, see section 1038 of Pub. L. 97-35, set out as a note under section 6240 of this title.

REPORTS TO CONGRESS ON PETROLEUM SUPPLY INTERRUPTIONS

Pub. L. 97-229, §6, Aug. 3, 1982, 96 Stat. 253, provided that:

“(a) IMPACT ANALYSIS.—(1) The Secretary of Energy shall analyze the impact on the domestic economy and on consumers in the United States of reliance on market allocation and pricing during any substantial reduction in the amount of petroleum products available to the United States. In making such analysis, the Secretary of Energy may consult with the Secretary of the Treasury, the Secretary of Agriculture, the Director of the Office of Management and Budget, and the heads of other appropriate Federal agencies. Such analysis shall—

“(A) examine the equity and efficiency of such reliance,

“(B) distinguish between the impacts of such reliance on various categories of business (including small business and agriculture) and on households of different income levels,