

(Pub. L. 94-163, title I, §181, as added Pub. L. 106-469, title II, §201(a)(3), Nov. 9, 2000, 114 Stat. 2034.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (a), 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.

#### PRIOR PROVISIONS

A prior section 181 of Pub. L. 94-163 was renumbered section 191 and was classified to section 6251 of this title, prior to repeal by Pub. L. 109-58.

#### § 6250a. Authority

To the extent necessary or appropriate to carry out this part, the Secretary may—

- (1) purchase, contract for, lease, or otherwise acquire, in whole or in part, storage and related facilities, and storage services;
- (2) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired under this part;
- (3) acquire by purchase, exchange (including exchange of petroleum products from the Strategic Petroleum Reserve or received as royalty from Federal lands), lease, or otherwise, petroleum distillate for storage in the Northeast Home Heating Oil Reserve;
- (4) store petroleum distillate in facilities not owned by the United States; and
- (5) sell, exchange, or otherwise dispose of petroleum distillate from the Reserve established under this part, including to maintain the quality or quantity of the petroleum distillate in the Reserve or to maintain the operational capability of the Reserve.

(Pub. L. 94-163, title I, §182, as added Pub. L. 106-469, title II, §201(a)(3), Nov. 9, 2000, 114 Stat. 2034.)

#### § 6250b. Conditions for release; plan

##### (a) Finding

The Secretary may sell products from the Reserve only upon a finding by the President that there is a severe energy supply interruption. Such a finding may be made only if he determines that—

- (1) a dislocation in the heating oil market has resulted from such interruption; or
- (2) a circumstance, other than that described in paragraph (1), exists that constitutes a regional supply shortage of significant scope and duration and that action taken under this section would assist directly and significantly in reducing the adverse impact of such shortage.

##### (b) Definition

For purposes of this section a “dislocation in the heating oil market” shall be deemed to occur only when—

- (1) The price differential between crude oil, as reflected in an industry daily publication such as “Platt’s Oilgram Price Report” or “Oil Daily” and No. 2 heating oil, as reported in the Energy Information Administration’s retail price data for the Northeast, increases by more than 60 percent over its 5-year rolling

average for the months of mid-October through March (considered as a heating season average), and continues for 7 consecutive days; and

- (2) The price differential continues to increase during the most recent week for which price information is available.

##### (c) Continuing evaluation

The Secretary shall conduct a continuing evaluation of the residential price data supplied by the Energy Information Administration for the Northeast and data on crude oil prices from published sources.

##### (d) Release of petroleum distillate

After consultation with the heating oil industry, the Secretary shall determine procedures governing the release of petroleum distillate from the Reserve. The procedures shall provide that—

- (1) the Secretary may—
  - (A) sell petroleum distillate from the Reserve through a competitive process, or
  - (B) enter into exchange agreements for the petroleum distillate that results<sup>1</sup> in the Secretary receiving a greater volume of petroleum distillate as repayment than the volume provided to the acquirer;
- (2) in all such sales or exchanges, the Secretary shall receive revenue or its equivalent in petroleum distillate that provides the Department with fair market value. At no time may the oil be sold or exchanged resulting in a loss of revenue or value to the United States; and
- (3) the Secretary shall only sell or dispose of the oil in the Reserve to entities customarily engaged in the sale and distribution of petroleum distillate.

##### (e) Plan

Within 45 days of November 9, 2000, the Secretary shall transmit to the President and, if the President approves, to the Congress a plan describing—

- (1) the acquisition of storage and related facilities or storage services for the Reserve, including the potential use of storage facilities not currently in use;
- (2) the acquisition of petroleum distillate for storage in the Reserve;
- (3) the anticipated methods of disposition of petroleum distillate from the Reserve;
- (4) the estimated costs of establishment, maintenance, and operation of the Reserve;
- (5) efforts the Department will take to minimize any potential need for future drawdowns and ensure that distributors and importers are not discouraged from maintaining and increasing supplies to the Northeast; and
- (6) actions to ensure quality of the petroleum distillate in the Reserve.

(Pub. L. 94-163, title I, §183, as added Pub. L. 106-469, title II, §201(a)(3), Nov. 9, 2000, 114 Stat. 2035; amended Pub. L. 109-58, title III, §301(d), Aug. 8, 2005, 119 Stat. 684.)

#### AMENDMENTS

2005—Subsec. (b)(1). Pub. L. 109-58 substituted “by more than 60 percent over its 5-year rolling average for

<sup>1</sup> So in original. Probably should be “result”.

the months of mid-October through March (considered as a heating season average)” for “by more than 60 percent over its 5 year rolling average for the months of mid-October through March”.

**§ 6250c. Northeast Home Heating Oil Reserve Account**

**(a) Establishment**

Upon a decision of the Secretary of Energy to establish a Reserve under this part, the Secretary of the Treasury shall establish in the Treasury of the United States an account known as the “Northeast Home Heating Oil Reserve Account” (referred to in this section as the “Account”).

**(b) Deposits**

the<sup>1</sup> Secretary of the Treasury shall deposit in the Account any amounts appropriated to the Account and any receipts from the sale, exchange, or other disposition of petroleum distillate from the Reserve.

**(c) Obligation of amounts**

The Secretary of Energy may obligate amounts in the Account to carry out activities under this part without the need for further appropriation, and amounts available to the Secretary of Energy for obligation under this section shall remain available without fiscal year limitation.

(Pub. L. 94-163, title I, §184, as added Pub. L. 106-469, title II, §201(a)(3), Nov. 9, 2000, 114 Stat. 2036.)

**§ 6250d. Exemptions**

An action taken under this part is not subject to the rulemaking requirements of section 6393 of this title, section 7191 of this title, or section 553 of title 5.

(Pub. L. 94-163, title I, §185, as added Pub. L. 106-469, title II, §201(a)(3), Nov. 9, 2000, 114 Stat. 2036.)

**§ 6250e. Repealed. Pub. L. 109-58, title III, § 301(a)(2), Aug. 8, 2005, 119 Stat. 683**

Section, Pub. L. 94-163, title I, §186, as added Pub. L. 106-469, title II, §201(a)(3), Nov. 9, 2000, 114 Stat. 2036; amended Pub. L. 108-7, div. F, title III, §339(a)(2), Feb. 20, 2003, 117 Stat. 278, authorized appropriations for this part.

**§ 6250f. Limit on amount of petroleum distillate**

Notwithstanding section 6250 of this title, for fiscal year 2012 and hereafter, the [Northeast Home Heating Oil] Reserve shall contain no more than 1 million barrels of petroleum distillate.

(Pub. L. 112-74, div. B, title III, Dec. 23, 2011, 125 Stat. 869.)

CODIFICATION

Section was enacted as part of the Energy and Water Development and Related Agencies Appropriations Act, 2012, and also as part of the Consolidated Appropriations Act, 2012, and not as part of the Energy Policy and Conservation Act which comprises this chapter.

<sup>1</sup> So in original. Probably should be capitalized.

PART E—EXPIRATION

**§ 6251. Repealed. Pub. L. 109-58, title III, § 301(a)(3), Aug. 8, 2005, 119 Stat. 683**

Section, Pub. L. 94-163, title I, §191, formerly §171, as added Pub. L. 99-58, title I, §101(a), July 2, 1985, 99 Stat. 102; amended Pub. L. 101-46, §1(1), June 30, 1989, 103 Stat. 132; Pub. L. 101-262, §2(b), Mar. 31, 1990, 104 Stat. 124; Pub. L. 101-360, §2(b), Aug. 10, 1990, 104 Stat. 421; renumbered §181 and amended Pub. L. 101-383, §§2(2), 6(a)(3), Sept. 15, 1990, 104 Stat. 727, 729; Pub. L. 103-406, title I, §102, Oct. 22, 1994, 108 Stat. 4209; Pub. L. 104-306, §1(2), Oct. 14, 1996, 110 Stat. 3810; Pub. L. 105-177, §1(2), June 1, 1998, 112 Stat. 105; Pub. L. 106-64, §1(2), Oct. 5, 1999, 113 Stat. 511; renumbered §191 and amended Pub. L. 106-469, title I, §103(23), title II, §201(a)(2), Nov. 9, 2000, 114 Stat. 2033, 2034; Pub. L. 108-7, div. F, title III, §339(a)(3), Feb. 20, 2003, 117 Stat. 278, provided for the expiration of all authority under this subchapter at midnight Sept. 30, 2008.

SUBCHAPTER II—STANDBY ENERGY AUTHORITIES

PART A—GENERAL EMERGENCY AUTHORITIES

**§§ 6261 to 6264. Repealed. Pub. L. 106-469, title I, § 104(1), Nov. 9, 2000, 114 Stat. 2033**

Section 6261, Pub. L. 94-163, title II, §201, Dec. 22, 1975, 89 Stat. 890; Pub. L. 96-102, title I, §§103(b)(1), (c)(1), 105(a)(1)-(3), (5), Nov. 5, 1979, 93 Stat. 751, 755, 756; H. Res. 549, Mar. 25, 1980, required the President to transmit to Congress energy conservation contingency plans and rationing contingency plans and provided requirements for plans to become effective and for amendment, approval, and implementation of plans.

Section 6262, Pub. L. 94-163, title II, §202, Dec. 22, 1975, 89 Stat. 892; Pub. L. 96-102, title II, §231, Nov. 5, 1979, 93 Stat. 767, provided requirements for energy conservation contingency plans.

Section 6263, Pub. L. 94-163, title II, §203, Dec. 22, 1975, 89 Stat. 892; Pub. L. 96-102, title I, §§103(a), (c)(2), 104, 105(b)(1)-(5), Nov. 5, 1979, 93 Stat. 751, 755, 756, provided requirements for rationing contingency plan, and in subsec. (f) provided that all authority to carry out a plan would expire on same date as authority to issue and enforce rules and orders under the Emergency Petroleum Allocation Act of 1973, 15 U.S.C. 751 et seq.

Section 6264, Pub. L. 94-163, title II, §204, as added Pub. L. 99-58, title I, §104(b), July 2, 1985, 99 Stat. 104, provided that except as provided in section 6263(f) of this title, authority to carry out the provisions of sections 6261 to 6264 of this title and any rule, regulation, or order issued pursuant to such sections expired at midnight, June 30, 1985.

PART B—AUTHORITIES WITH RESPECT TO INTERNATIONAL ENERGY PROGRAM

**§ 6271. International oil allocations**

**(a) Authority of President to prescribe rules for implementation of obligations of United States relating to international allocation of petroleum products; amounts of allocation and prices; petroleum products subject to rule; term of rule**

The President may, by rule, require that persons engaged in producing, transporting, refining, distributing, or storing petroleum products, take such action as he determines to be necessary for implementation of the obligations of the United States under chapters III and IV of the international energy program insofar as such obligations relate to the international allocation of petroleum products. Allocation under