

**AMENDMENT TO H.R. 3893, AS REPORTED**  
**OFFERED BY MR. BARTON OF TEXAS**

Amendment No. 1: In section 101(b)(1), strike the paragraph heading and insert the following: “DESIGNATION REQUIREMENT.—”.

Amendment No. 2: In section 101(b)(1), insert “subject to paragraph (3)” after “including closed military installations”.

Amendment No. 3: In section 101(b)(1), strike “Any such designation may be based on” and insert the following:

1           (2) ANALYSIS OF REFINERY SITES.—In consid-  
2           ering any site on Federal lands for possible designa-  
3           tion under this subsection, the President shall con-  
4           duct

Amendment No. 4: In section 101(b)(2)(C), as so redesignated by the previous amendment, strike “such sites are” and insert “such site is”.

Amendment No. 5: In section 101(b)(2)(D), as so redesignated, strike “Nation’s”.



Amendment No. 6: In section 101(b)(2)(F), as so redesignated, strike “national defense” and insert “the impact of locating a refinery on the site on the readiness and operations of the Armed Forces”.

Amendment No. 7: Strike the second paragraph (2) of section 101(b) and insert the following:

1           (3) SPECIAL RULES FOR CLOSED MILITARY IN-  
2           STALLATIONS.—

3           (A) DESIGNATION FOR CONSIDERATION AS  
4           REFINERY SITE.—Among the sites designated  
5           pursuant to this subsection, the President shall  
6           designate no less than 3 closed military installa-  
7           tions, or portions thereof, as potentially suitable  
8           for the construction of a refinery.

9           (B) EFFECT OF DESIGNATION.—In the  
10          case of a closed military installation, or portion  
11          thereof, designated by the President as a poten-  
12          tially suitable refinery site pursuant to this  
13          subsection—

14                 (i) the redevelopment authority for  
15                 the installation, in preparing or revising  
16                 the redevelopment plan for the installation,  
17                 shall consider the feasibility and practica-  
18                 bility of siting a refinery on the installa-  
19                 tion; and



1 (ii) the Secretary of Defense, in man-  
2 aging and disposing of real property at the  
3 installation pursuant to the base closure  
4 law applicable to the installation, shall give  
5 substantial deference to the recommenda-  
6 tions of the redevelopment authority, as  
7 contained in the redevelopment plan for  
8 the installation, regarding the siting of a  
9 refinery on the installation.

Amendment No. 8: Strike section 101(c) and insert  
the following:

10 (c) USE OF DESIGNATED SITES.—

11 (1) LEASE.—Except as provided in paragraph  
12 (2), the Federal Government shall offer for lease any  
13 site designated by the President under subsection  
14 (b) consistent with procedures for the disposition of  
15 such site under applicable Federal property laws.  
16 Notwithstanding any provision of such Federal prop-  
17 erty laws providing for the disposition or reuse of  
18 the site, a lease under this paragraph shall be  
19 deemed to be the appropriate disposition of the site.  
20 A site shall not be leased under this paragraph ex-  
21 cept for the purpose of construction of a refinery.

22 (2) SPECIAL RULES FOR CLOSED MILITARY IN-  
23 STALLATIONS.—Paragraph (1) shall not apply to a



1 closed military installation. The management and  
2 disposal of real property at a closed military installa-  
3 tion, even a closed military installation or portion  
4 thereof found to be suitable for the siting of a refin-  
5 ery under subsection (b)(3), shall be carried out in  
6 the manner provided by the base closure law applica-  
7 ble to the installation.

Amendment No. 9: Strike section 101(d) and insert  
the following:

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

11 (1) in a State whose governor has requested ap-  
12 plicability of such section pursuant to subsection (a);

13 (2) on a site (other than a closed military in-  
14 stallation or portion thereof) designated by the  
15 President under subsection (b);

16 (3) on a closed military installation, or portion  
17 thereof, made available for the siting of a refinery in  
18 the manner provided by the base closure law applica-  
19 ble to the installation; or

20 (4) on a site leased by the Secretary of a mili-  
21 tary department under section 2667 of title 10,  
22 United States Code, or by the Secretary of Defense



1 under section 2667a of such title for the siting of a  
2 refinery.

Amendment No. 10: In section 101(e), redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively.

Amendment No. 11: In section 101(e), strike paragraph (1) and insert the following:

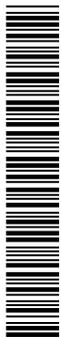
3 (1) the term “base closure law” means the De-  
4 fense Base Closure and Realignment Act of 1990  
5 (part A of title XXIX of Public Law 101–510; 10  
6 U.S.C. 2687 note) and title II of the Defense Au-  
7 thorization Amendments and Base Closure and Re-  
8 alignment Act (Public Law 100–526; 10 U.S.C.  
9 2687 note);

10 (2) the term “closed military installation”  
11 means a military installation closed or approved for  
12 closure pursuant to a base closure law;

Amendment No. 12: In section 101(e)(3), as so redesignated—

(1) strike “and” at the end of subparagraph (B);

(2) strike “and” and insert “or” at the end of subparagraph (C); and



(3) add at the end the following new subparagraph:

1 (D) under the jurisdiction of the Department of Defense or withdrawn from the public  
2 domain for use by the Armed Forces (other  
3 than a closed military installation); and  
4

Amendment No. 13: Amend section 105(a) to read as follows:

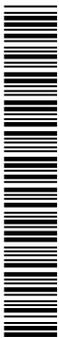
5 (a) AUTHORIZATION.—If the President determines  
6 that there is not sufficient refining capacity in the United  
7 States, the President may authorize the design and construction of a refinery that will be—  
8

9 (1) located at a site—

10 (A) designated by the President under section 101(b), other than a closed military installation or portion thereof; or  
11  
12

13 (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;  
14  
15  
16

17 (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  
18  
19  
20



1           (3) reserved for the exclusive purpose of manu-  
2           facturing petroleum products for consumption by the  
3           Armed Forces.

Amendment No. 14: In section 105(b), insert “(or  
any combination thereof)” after “operation of a refin-  
ery”.

Amendment No. 15: In section 105(d), strike “at a  
price not to exceed their fair market value” and insert “,  
at a price not to exceed the fair market value of the pe-  
troleum products,”.

Amendment No. 16: In section 105, add at the end  
the following new subsections:

4           (e) FUNDING.—A contract for the design or construc-  
5           tion of a refinery may not be entered into under this sec-  
6           tion in advance of the appropriation of funds sufficient  
7           for such purpose. Funds appropriated for the Department  
8           of Defense or for Department of Energy national security  
9           programs may not be used to enter into contracts under  
10          this section for the design, construction, or operation of  
11          a refinery. Funds appropriated for the Department of De-  
12          fense may be used to purchase petroleum products manu-  
13          factured at a refinery constructed under this section for  
14          use by the Armed Forces.



1 (f) DEFINITIONS.—For purposes of this section, the  
2 terms “base closure law” and “closed military installa-  
3 tion” have the meanings given those terms in section 101.

Amendment No. 17: Strike section 106, redesignate sections 107 through 113 as section 106 through 112 respectively, and make the necessary conforming changes in the table of contents.

Amendment No. 18: In subclause (I) of clause (v) of the quoted matter in section 107(3), strike “the President, in consultation with” and all that follows through the end of the subclause and insert “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.”.

Amendment No. 19: In section 108, strike so much of subsection (a) as precedes the quoted material and insert the following:



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

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

7 (2) In such redesignated clause (x) by striking  
8 “this clause” and inserting “clause (viii) or clause  
9 (ix)”.

10 (3) By inserting the following new subclause at  
11 the end of clause (viii) (as so redesignated by section  
12 107(1) of this Act):

13 “(VI) The provisions of this clause, including the lim-  
14 itations of the authority of the Administrator and the limit  
15 on the total number of fuels permitted, shall remain in  
16 effect until the publication of the list under subclause (III)  
17 of clause (ix).”.

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

Amendment No. 20: In section 108, in the quoted  
material, strike “(I) The Administrator” and insert  
“(ix)(I) The Administrator”.

Amendment No. 21: In section 108—

(1) in the section heading, strike “**FUEL**  
**BLENDS**” and insert “**FUELS**”;



(2) in subclause (I) in the quoted matter in subsection (a)(3)—

(A) strike “6 gasoline and diesel fuel blends” and insert “6 gasoline and diesel fuels”;

(B) strike “one alternative diesel fuel blend approved under this subparagraph before enactment of this subclause” and insert “one other diesel fuel”;

(C) strike “2 additional gasoline blends” and insert “2 additional gasolines”; and

(D) strike “None of the fuel blends” and insert “None of the fuels”;

(3) in subclause (II) in the quoted matter in subsection (a)(3), strike “diesel fuel blends” and insert “diesel fuels”;

(4) in subclause (IV) in the quoted matter in subsection (a)(3)—

(A) strike “currently approved fuel blends” and insert “currently approved fuels”; and

(B) strike “the blends included” and insert “the fuels included”; and

(5) in the quoted matter in subsection (b)—

(A) strike “the number of fuel blends” and insert “the number of fuels”;



(B) strike “one alternative diesel fuel blend” and insert “one other diesel fuel”; and

(C) strike “additional gasoline blends” and insert “additional gasolines”.

Amendment No. 21A: Strike section 110 (relating to northwest crude oil supply) and make the necessary conforming changes in the table of contents.

Amendment No. 22: Amend section 111 to read as follows (and amend the table of contents accordingly):

1 **SECTION 111. REBATES FOR SALES OF ROYALTY-IN-KIND**  
2 **OIL TO QUALIFIED SMALL REFINERIES.**

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

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

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

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



1 (c) SUBJECT TO APPROPRIATIONS.—The require-  
2 ment to pay rebates under this section is subject to the  
3 availability of funds provided in advance in appropriations  
4 Acts.

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

9 (e) QUALIFIED SMALL REFINERY DEFINED.—In this  
10 section the term “qualified small refinery” means a refin-  
11 ery of a small business refiner (as that term is defined  
12 in section 45H(c)(1) of the Internal Revenue Code of  
13 1986) that demonstrates to the Secretary of the Interior  
14 that it had unused crude oil processing capacity in 2004.

Amendment No. 23: In section 204, in the proposed paragraph (4), insert “the” after “agreement pursuant to”.

Amendment No. 24: In section 205(2), in the proposed subsection (g)(1)(A), strike “move natural gas” and insert “gather or transport natural gas”.

Amendment No. 25: In section 205(2), in the proposed subsection (g)(3)(A), strike “gas service company” and insert “gas service provider”.



Amendment No. 25A: Strike section 207 and make the necessary conforming changes in the table of contents.

Amendment No. 26: Amend section 402 to read as follows:

1 **SEC. 402. GASOLINE PRICE GOUGING PROHIBITED.**

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

9 (b) PRICE GOUGING.—Not later than 6 months after  
10 the date of the enactment of this Act, the Federal Trade  
11 Commission shall promulgate any rules necessary for the  
12 enforcement of this section. Such rules shall define “price  
13 gouging” for purposes of this section, and shall be con-  
14 sistent with the requirements for declaring unfair acts or  
15 practices in section 5(n) of the Federal Trade Commission  
16 Act (15 U.S.C. 45(n)).

17 (c) ENFORCEMENT BY FTC.—

18 (1) IN GENERAL.—A violation of subsection (a)  
19 shall be treated as a violation of a rule defining an  
20 unfair or deceptive act or practice prescribed under



1 section 18(a)(1)(B) of the Federal Trade Commis-  
2 sion Act (15 U.S.C. 57a(a)(1)(B)). The Federal  
3 Trade Commission shall enforce this section in the  
4 same manner, by the same means, and with the  
5 same jurisdiction as though all applicable terms and  
6 provisions of the Federal Trade Commission Act  
7 were incorporated into and made a part of this sec-  
8 tion.

9 (2) EXCLUSIVE ENFORCEMENT.—Notwith-  
10 standing any other provision of law, no person or  
11 State or political subdivision of a State other than  
12 the Federal Trade Commission, or the Attorney  
13 General to the extent provided for in section 5 of the  
14 Federal Trade Commission Act, shall have any au-  
15 thority to enforce this section, or any rule prescribed  
16 pursuant to this section.

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

21 (e) DEFINITION OF MAJOR DISASTER.—

22 (1) DETERMINATION.—As used in this section,  
23 and for purposes of any rule promulgated pursuant  
24 to this section, the term “major disaster” means a  
25 major disaster declared by the President as defined



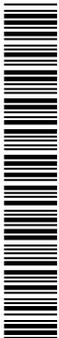
1 in section 102(2) of the Robert T. Stafford Disaster  
2 Relief and Emergency Assistance Act (42 U.S.C  
3 5122(2)) that the Secretary of Energy determines to  
4 have substantially disrupted the production, distribu-  
5 tion, or supply of crude oil, gasoline, diesel fuel, or  
6 home heating oil.

7 (2) APPLICABLE AREA AND PERIOD.—The pro-  
8 hibition in subsection (a) shall apply to the United  
9 States or to a specific geographic region of the  
10 United States as determined by the President and  
11 the Secretary of Energy at the time in which a de-  
12 termination under paragraph (1) is made, and for a  
13 period of 30 days after such determination is made.  
14 The President may extend the prohibition for such  
15 additional 30-day periods as the President deter-  
16 mines necessary.

Amendment No. 27: Amend section 403(a)(5) to  
read as follows:

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

Amendment No. 28: In section 501(a), strike “Not-  
withstanding any other provision of law,” and insert “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.),”.

Amendment No. 29: Strike title VI and redesignate title VII as title VI and redesignate sections 701 through 704 as section 601 though 604 respectively.

