

**AMENDMENT**  
**OFFERED BY MR. BROWN OF OHIO**

At the end of subtitle E of title II of division A, insert the following new section:

1 **SEC. 12405. GASOLINE AVAILABILITY STABILIZATION RE-**

2 **SERVE.**

3 (a) **ESTABLISHMENT.—**

4 (1) **AUTHORITY.—**The Secretary shall establish  
5 a Gasoline Availability Stabilization Reserve (in this  
6 section referred to as the “GAS Reserve”) system  
7 with a total capacity of 20,000,000 barrels of reg-  
8 ular unleaded gasoline.

9 (2) **RESERVE SITES.—**Not later than 1 year  
10 after the date of enactment of this Act, the Sec-  
11 retary shall determine a site for one GAS Reserve  
12 each in the Northeast and Midwest regions of the  
13 United States, and one in California. Such reserve  
14 sites shall be operational within 2 years after the  
15 date of enactment of this Act. The Secretary may  
16 establish two additional GAS Reserve sites at loca-  
17 tions selected by the Secretary.

18 (3) **SECURITY.—**In establishing the GAS Re-  
19 serve under this section, the Secretary shall obtain  
20 the concurrence of the Secretary of Homeland Secu-

1 rity with respect to physical design security and  
2 operational security.

3 (b) TRANSPORTATION PLAN.—Not later than 2 years  
4 after the date of enactment of this Act, the Secretary shall  
5 transmit to the Congress, the Secretary of Homeland Se-  
6 curity, and the Governor of each State in which a reserve  
7 will be sited a plan for the transportation of the contents  
8 of the GAS Reserve under this section to consumers in  
9 the event of an emergency sale under subsection (d).

10 (c) FILL DATE.—The Secretary shall complete the  
11 process of filling the GAS Reserve under this section by  
12 March 1, 2006.

13 (d) EMERGENCY SALE AUTHORIZATION.—The Sec-  
14 retary shall sell gasoline from the GAS Reserve if—

15 (1) the Governor of a State transmits to the  
16 Secretary a written request for GAS Reserve emer-  
17 gency sales assistance which—

18 (A) cites a physical disruption in the sys-  
19 tem supplying gasoline to the Governor's State;  
20 and

21 (B) demonstrates to the satisfaction of the  
22 Secretary that such disruption is likely to result  
23 in price volatility for retail gasoline markets in  
24 the Governor's State; and

25 (2) the Secretary determines that—

1 (A) GAS Reserve emergency sales would  
2 mitigate gasoline price volatility in the Gov-  
3 ernor's State;

4 (B) GAS Reserve emergency sales would  
5 not have an adverse effect on the long-term eco-  
6 nomic viability of retail gasoline markets in the  
7 Governor's State and adjacent States;

8 (C) the physical disruption described in  
9 paragraph (1)(A) is likely to result in general  
10 economic disruption in the Governor's State  
11 and adjacent States; and

12 (D) GAS Reserve emergency sales would  
13 serve to stabilize gasoline prices, not suppress  
14 prices below long-term market trend levels.

15 (e) PROCEDURE.—

16 (1) SECRETARY'S RESPONSE.—The Secretary  
17 shall respond to a request transmitted under sub-  
18 section (d)(1) within 10 days of receipt of a request  
19 by—

20 (A) approving the request;

21 (B) denying the request; or

22 (C) requesting additional supporting infor-  
23 mation.

1           (2) APPROVAL.—If the Secretary approves a re-  
2           quest, the Secretary shall provide to the Governor a  
3           written notice of approval that includes—

4                   (A) a description of the GAS Reserve  
5                   emergency sale plan; and

6                   (B) an explanation of the Secretary's deci-  
7                   sion.

8           (3) DENIAL.—If the Secretary denies a request,  
9           the Secretary shall provide to the Governor a written  
10          notice of denial that includes an explanation of the  
11          Secretary's decision.

12          (4) ADDITIONAL INFORMATION.—If the Sec-  
13          retary requests additional information and the Gov-  
14          ernor does not respond for a period of 10 days, the  
15          Governor's request shall be denied. If the Governor  
16          provides all requested additional information in  
17          timely manner, the Secretary shall approve or deny  
18          the request within 10 days after receipt of such in-  
19          formation.

20          (f) MAINTENANCE TRANSACTIONS.—The Secretary is  
21          authorized to conduct purchases and sales of gasoline at  
22          wholesale for maintenance of the GAS Reserve system. In  
23          conducting maintenance transactions, the Secretary shall  
24          ensure that—

1           (1) the GAS Reserve is available to respond to  
2 emergencies during periods of the annual gasoline  
3 market cycle when the Secretary expects demand to  
4 be highest;

5           (2) the GAS Reserve does not contain gasoline  
6 for a period of time so long as to jeopardize its qual-  
7 ity; and

8           (3) maintenance transactions are timed so as to  
9 minimize their impact on the retail price of gasoline.

10          (g) REPORTS.—Not later than November 1 of each  
11 year, the Secretary shall transmit to the Committee on  
12 Energy and Commerce of the House of Representatives  
13 and to the Committee on Energy and Natural Resources  
14 of the Senate a report on the GAS Reserve program, de-  
15 scribing the physical status of GAS Reserve facilities, the  
16 program's financial outlook, and the disposition of any  
17 emergency sales request received and any emergency sales  
18 conducted since the last report, and recommending any  
19 additional appropriations or technical changes appropriate  
20 to improve the program's operation.

21          (h) AUTHORIZATION OF APPROPRIATIONS.—There  
22 are authorized to be appropriated to the Secretary such  
23 sums as may be necessary for construction and operation  
24 of the GAS Reserve for fiscal years 2004 through 2009.

