

Calendar No. 379113TH CONGRESS
2^D SESSION**S. 2086****[Report No. 113-162]**

To address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2014

Mr. THUNE (for himself, Ms. KLOBUCHAR, Mr. COATS, Mr. BLUNT, Mr. HOEVEN, Ms. AYOTTE, Mr. CHAMBLISS, Mrs. FISCHER, Mrs. MCCASKILL, and Mr. JOHNSON of South Dakota) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MAY 20, 2014

Reported by Mr. ROCKEFELLER, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reliable Home Heating
3 Act”.

4 **SEC. 2. AUTHORITY TO EXTEND EMERGENCY DECLARA-**
5 **TIONS FOR PURPOSES OF TEMPORARILY EX-**
6 **EMPTING MOTOR CARRIERS PROVIDING**
7 **EMERGENCY RELIEF FROM CERTAIN SAFETY**
8 **REGULATIONS.**

9 (a) **DEFINED TERM.**—In this Act, the term “residen-
10 tial heating fuel” includes—

- 11 (1) heating oil;
12 (2) natural gas; and
13 (3) propane.

14 (b) **AUTHORIZATION.**—If the Governor of a State de-
15 clares a state of emergency caused by a shortage of resi-
16 dential heating fuel and, at the conclusion of the initial
17 30-day emergency period (or a second 30-day emergency
18 period authorized under this subsection), the Governor de-
19 termines that the emergency shortage has not ended, any
20 extension of such state of emergency by the Governor, up
21 to 2 additional 30-day periods, shall be recognized by the
22 Federal Motor Carrier Safety Administration as a period
23 during which parts 390 through 399 of chapter III of title
24 49, Code of Federal Regulations, shall not apply to any
25 motor carrier or driver operating a commercial motor vehi-

1 cle to provide residential heating fuel in the geographic
 2 area so designated as under a state of emergency.

3 (c) RULEMAKING.—The Secretary of Transportation
 4 shall amend section 390.23(a)(1)(ii) of title 49, Code of
 5 Federal Regulations, to conform to the provision set forth
 6 in subsection (b).

7 (d) SAVINGS PROVISION.—Nothing in this section
 8 may be construed to modify the authority granted to the
 9 Federal Motor Carrier Safety Administration’s Field Ad-
 10 ministrator under section 390.23(a) of title 49, Code of
 11 Federal Regulations, to offer temporary exemptions from
 12 parts 390 through 399 of such title.

13 **SEC. 3. ENERGY INFORMATION ADMINISTRATION NOTIFI-**
 14 **CATION REQUIREMENT.**

15 The Administrator of the Energy Information Ad-
 16 ministration, using data compiled from the Administra-
 17 tion’s Weekly Petroleum Status Reports, shall notify the
 18 Governor of each State in a Petroleum Administration for
 19 Defense District if the inventory of residential heating fuel
 20 within such district has been below the most recent 5-year
 21 average for more than 3 consecutive weeks.

22 **SEC. 4. PROPANE AND HOME HEATING FUEL EMERGENCY**
 23 **TRANSPORTATION.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
 25 sion of law, a covered emergency exemption issued by the

1 Federal Motor Carrier Safety Administration shall remain
 2 in effect until May 31, 2014, unless the Secretary of
 3 Transportation, after consultation with the Governors of
 4 affected States, determines that the emergency for which
 5 the exemption was provided ends before that date.

6 (b) ~~COVERED EMERGENCY EXEMPTION DEFINED.~~—
 7 In this section, the term “covered emergency exemption”
 8 means an exemption issued under section 390.23 of title
 9 49, Code of Federal Regulations, or extended under sec-
 10 tion 390.25 of such title that—

11 (1) was issued or extended during the period
 12 beginning on February 5, 2014, and ending on the
 13 date of enactment of this Act; and

14 (2) provided regulatory relief for commercial
 15 motor vehicle operations providing direct assistance
 16 supporting the delivery of propane and home heating
 17 fuels.

18 (c) ~~RULE OF CONSTRUCTION.~~—Nothing in sub-
 19 section (a) may be construed to prohibit the Federal
 20 Motor Carrier Safety Administration from issuing or ex-
 21 tending a covered emergency exemption beyond May 31,
 22 2014, under other Federal law.

23 **SECTION 1. SHORT TITLE.**

24 *This Act may be cited as the “Reliable Home Heating*
 25 *Act”.*

1 **SEC. 2. AUTHORITY TO EXTEND EMERGENCY DECLARA-**
 2 **TIONS FOR PURPOSES OF TEMPORARILY EX-**
 3 **EMPTING MOTOR CARRIERS PROVIDING**
 4 **EMERGENCY RELIEF FROM CERTAIN SAFETY**
 5 **REGULATIONS.**

6 (a) *DEFINED TERM.*—*In this Act, the term “residen-*
 7 *tial heating fuel” includes—*

- 8 (1) *heating oil;*
 9 (2) *natural gas; and*
 10 (3) *propane.*

11 (b) *AUTHORIZATION.*—*If the Governor of a State de-*
 12 *clares a state of emergency caused by a shortage of residen-*
 13 *tial heating fuel and, at the conclusion of the initial 30-*
 14 *day emergency period (or a second 30-day emergency period*
 15 *authorized under this subsection), the Governor determines*
 16 *that the emergency shortage has not ended, any extension*
 17 *of such state of emergency by the Governor, up to 2 addi-*
 18 *tional 30-day periods, shall be recognized by the Federal*
 19 *Motor Carrier Safety Administration as a period during*
 20 *which parts 390 through 399 of chapter III of title 49, Code*
 21 *of Federal Regulations, shall not apply to any motor carrier*
 22 *or driver operating a commercial motor vehicle to provide*
 23 *residential heating fuel in the geographic area so designated*
 24 *as under a state of emergency.*

25 (c) *RULEMAKING.*—*The Secretary of Transportation*
 26 *shall amend section 390.23(a)(1)(ii) of title 49, Code of Fed-*

1 *eral Regulations, to conform to the provision set forth in*
 2 *subsection (b).*

3 *(d) SAVINGS PROVISION.—Nothing in this section may*
 4 *be construed to modify the authority granted to the Federal*
 5 *Motor Carrier Safety Administration’s Field Administrator*
 6 *under section 390.23(a) of title 49, Code of Federal Regula-*
 7 *tions, to offer temporary exemptions from parts 390 through*
 8 *399 of such title.*

9 **SEC. 3. ENERGY INFORMATION ADMINISTRATION NOTIFI-**
 10 **CATION REQUIREMENT.**

11 *The Administrator of the Energy Information Admin-*
 12 *istration, using data compiled from the Administration’s*
 13 *Weekly Petroleum Status Reports, shall notify the Governor*
 14 *of each State in a Petroleum Administration for Defense*
 15 *District if the inventory of residential heating fuel within*
 16 *such district has been below the most recent 5-year average*
 17 *for more than 3 consecutive weeks.*

18 **SEC. 4. REVIEW.**

19 *Not later than 12 months after the date of enactment*
 20 *of this Act, the Secretary of Transportation shall conduct*
 21 *a study of, and transmit to the Committee on Commerce,*
 22 *Science, and Transportation of the Senate and the Com-*
 23 *mittee on Transportation and Infrastructure of the House*
 24 *of Representatives, a report on the impacts of safety from*
 25 *the extensions issued by Governors according to this Act.*

1 *In conducting the study, the Secretary shall review, at a*
2 *minimum—*

3 *(1) the safety implications of extending exemp-*
4 *tions; and*

5 *(2) a review of the exemption process to ensure*
6 *clarity and efficiency during emergencies.*

Calendar No. 379

113TH CONGRESS
2^D SESSION

S. 2086

[Report No. 113-162]

A BILL

To address current emergency shortages of propane and other home heating fuels and to provide greater flexibility and information for Governors to address such emergencies in the future.

MAY 20, 2014

Reported with an amendment