

Calendar No. 379

113TH CONGRESS }
2d Session }

SENATE

{ REPORT
113-162 }

RELIABLE HOME HEATING ACT

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 2086



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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

SECOND SESSION

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Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, submitted the following

R E P O R T

[To accompany S. 2086]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 2086) 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, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill (as amended) do pass.

PURPOSE OF THE BILL

S. 2086 would provide States greater flexibility to extend certain Federal exemptions for commercial motor vehicles transporting home heating fuels.

BACKGROUND AND NEEDS

Under current Federal law, the Governor of a State can declare a state of emergency due to shortages of home heating fuels, such as propane and heating oil. Such a declaration would provide a 30-day exemption from several Federal motor carrier regulations, including hours-of-service requirements, for commercial vehicles transporting home heating fuels. At the conclusion of the 30-day exemption period, the emergency order expires unless extended by the Federal Motor Carrier Safety Administration (FMCSA) or otherwise addressed by a Presidential disaster declaration.

Due to extremely cold temperatures, record setting home heating fuel prices, and regional supply disruptions in the winter of 2013-14, FMCSA extended State emergency orders to 36 States. The Reliable Home Heating Act is intended to provide more certainty for

States to ensure that individuals would receive the heating fuel they need for their homes, farms, and businesses.

SUMMARY OF PROVISIONS

S. 2086 would give the Governor of a State the authority to extend a state of emergency order for two additional 30-day periods, for a total of 90 days, without the need for a Federal disaster declaration or FMCSA action. Additionally, the legislation would require the Energy Information Administration to provide status reports to Governors should the inventory of residential heating fuel in a given district fall below the five-year average for more than three consecutive weeks. Effectively, this early warning indicator would better assist States so they are able to declare a state of emergency before a larger supply disruption occurs. Finally, the legislation would require the Department of Transportation to complete a report on the safety impacts of the extensions issued by Governors.

LEGISLATIVE HISTORY

Senator Thune, along with Senator Klobuchar, introduced S. 2086 on March 6, 2014. This legislation is cosponsored by eight Senators: Ayotte, Blunt, Chambliss, Coats, Fischer, Hoeven, Johnson (D-SD), and McCaskill. On April 9, 2014, the Committee met in Executive Session during which S. 2086 was considered. One amendment, in the nature of a substitute, was offered by Senator Thune that added the safety impact report. The bill, as amended, was reported favorably by voice vote.

Similar legislation, the Home Heating Emergency Assistance Through Transportation Act of 2014, H.R. 4076, was introduced by Representative Bill Shuster and thirty-six cosponsors in the House on February 25, 2014. That legislation extended the emergency orders for 36 States through May 31, 2014. H.R. 4076 passed the House of Representatives on March 4, 2014, and passed the Senate on March 13, 2014. H.R. 4076 became Public Law 113-90 on March 21, 2014.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

S. 2086—Reliable Home Heating Act

S. 2086 would require the Federal Motor Carrier Safety Administration (FMCSA) to exempt motor carriers that transport home heating oil from certain federal regulations if the Governor of a state declares a state of emergency caused by a shortage of residential heating fuel. The bill also would require the Energy Information Administration (EIA) to notify states if certain petroleum reserves fall below historical averages. Based on information from the affected agencies, CBO estimates that implementing the bill would have no significant effect on the federal budget. Enacting S. 2086 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

S. 2086 would require FMCSA to exempt commercial motor carriers that transport home heating oil from some federal regulations for up to 90 days in states where the Governor has declared a state of emergency caused by a shortage of residential heating fuel. Under current law, FMCSA may make such exemptions for up to 30 days. The bill also would require FMCSA to complete a rule-making implementing the new authority and to study the effects of extending the regulatory exemptions. EIA would be required to notify states if certain petroleum reserves fall below the most recent five-year average for more than three consecutive weeks. Based on information from the agencies involved, CBO estimates that implementing the bill would not have any significant costs.

S. 2086 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

REGULATORY IMPACT

In accordance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported:

NUMBER OF PERSONS COVERED

S. 2086, as amended, reduces the current Federal regulatory burden placed on the shipment of home heating fuels during emergencies. As such, the legislation will have no further effect on the number or types of individuals and businesses regulated.

ECONOMIC IMPACT

S. 2086 is expected to have a positive impact on the U.S. economy. Commercial motor vehicles are an integral part of the Nation's economy, and limited exemptions to Federal motor carrier regulations would enable the effective and efficient transportation of home heating fuels during winter months.

PRIVACY

The reported bill is not expected to have any impact on the privacy rights of individuals.

PAPERWORK

It is not anticipated that there would be a major increase in paperwork burdens resulting from the enactment of S. 2086.

CONGRESSIONALLY DIRECTED SPENDING

In compliance with paragraph 4(b) of rule XLIV of the Standing Rules of the Senate, the Committee provides that no provisions contained in the bill, as reported, meet the definition of congressionally directed spending items under the rule.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

This section would provide that the Act be cited as the “Reliable Home Heating Act”.

Section 2. Authority to extend emergency declarations for purposes of temporarily exempting motor carriers providing emergency relief from certain safety regulations

Under current Federal law, the Governor of a State can declare a state of emergency due to shortages of home heating fuel. Such a declaration would provide a 30-day exemption from several Federal motor carrier regulations, including hours-of-service requirements, for commercial vehicles transporting home heating fuels. At the conclusion of the 30-day exemption period, the emergency order expires unless extended by the FMCSA or otherwise addressed by a Presidential disaster declaration. This section would give the Governor of a State the authority to extend the state of emergency for two additional 30-day periods, for a total of 90 days, without the need for a Federal disaster declaration or FMCSA action.

Section 3. Energy Information Administration notification requirement

This section requires the Administrator of the Energy Information Administration to notify the Governor of each State in a Petroleum Administration for Defense District if the inventory of residential heating fuel within that district falls below the most recent five-year average for more than three consecutive weeks.

Section 4. Review

This section requires the Secretary of Transportation to conduct a study of, and report on, the safety impacts from the extensions issued by Governors under this Act.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee states that the bill as reported would make no change to existing law.