

113TH CONGRESS  
1ST SESSION

# S. 1073

To amend the Energy Independence and Security Act of 2007 to improve the coordination of refinery outages, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 23, 2013

Ms. KLOBUCHAR (for herself, Mr. FRANKEN, and Mr. HOEVEN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Energy Independence and Security Act of 2007 to improve the coordination of refinery outages, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Gas Price and Refinery  
5 Capacity Relief Act of 2013”.

6 **SEC. 2. COORDINATION OF REFINERY OUTAGES.**

7 Section 804 of the Energy Independence and Security  
8 Act of 2007 (42 U.S.C. 17283) is amended to read as  
9 follows:

1 **“SEC. 804. COORDINATION OF REFINERY OUTAGES.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ADMINISTRATOR.—The term ‘Adminis-  
4 trator’ means the Administrator of the Energy In-  
5 formation Administration.

6 “(2) PLANNED REFINERY OUTAGE.—The term  
7 ‘planned refinery outage’ means a removal, sched-  
8 uled before the date on which the removal occurs, of  
9 a refinery, or any unit of a refinery, from service for  
10 maintenance, repair, or modification.

11 “(3) REFINED PETROLEUM PRODUCT.—The  
12 term ‘refined petroleum product’ means any gaso-  
13 line, diesel fuel, fuel oil, lubricating oil, liquid petro-  
14 leum gas, or other petroleum distillate that is pro-  
15 duced through the refining or processing of crude oil  
16 or an oil derived from tar sands, shale, or coal.

17 “(4) REFINERY.—The term ‘refinery’ means a  
18 facility used in the production of a refined petroleum  
19 product through distillation, cracking, or any other  
20 process.

21 “(5) UNPLANNED REFINERY OUTAGE.—The  
22 ‘unplanned refinery outage’ means the removal of a  
23 refinery, or any unit of a refinery, from service that  
24 is not scheduled in advance.

1       “(b) REPORTING REQUIREMENT.—The owner or op-  
2 erator of a refinery shall submit to the Administrator in-  
3 formation describing—

4               “(1) the schedule of the refinery for any  
5 planned refinery outage, including—

6                       “(A) the dates for the planned refinery  
7 outage at least 1 year in advance of the date of  
8 the expected outage or the date the outage is  
9 scheduled; and

10                      “(B) the estimated inventories and produc-  
11 tion of refined petroleum products during the  
12 period described in subparagraph (A); and

13               “(2) any unplanned refinery outages as soon as  
14 practicable

15       “(c) REVIEW AND ANALYSIS OF AVAILABLE INFOR-  
16 MATION.—The Administrator shall, on an ongoing basis—

17               “(1) review information on planned refinery  
18 outages and unplanned refinery outages—

19                       “(A) reported by refineries under sub-  
20 section (b); and

21                       “(B) that is available from commercial re-  
22 porting services;

23               “(2) analyze that information to determine  
24 whether the scheduling of a planned refinery outage  
25 or an unplanned refinery outage may nationally or

1 regionally substantially affect the price or supply of  
2 any refined petroleum product by—

3 “(A) decreasing the production of the re-  
4 fined petroleum product; and

5 “(B) causing or contributing to a retail or  
6 wholesale supply shortage or disruption; and

7 “(3) alert the Secretary of any refinery outage  
8 that the Administrator determines may nationally or  
9 regionally substantially affect the price or supply of  
10 a refined petroleum product.

11 “(d) ACTION BY SECRETARY.—On a determination  
12 by the Secretary that a refinery outage may affect the  
13 price or supply of a refined petroleum product, the Sec-  
14 retary shall make available to refinery operators informa-  
15 tion on planned refinery outages or unplanned refinery  
16 outages to prevent significant market disruptions.

17 “(e) LIMITATION.—Nothing in this section—

18 “(1) alters any existing legal obligation or re-  
19 sponsibility of a refinery operator;

20 “(2) creates any legal right of action; or

21 “(3) authorizes the Secretary—

22 “(A) to prohibit a refinery operator from  
23 conducting a planned refinery outage; or

24 “(B) to require a refinery operator to con-  
25 tinue to operate a refinery.

1       “(f) STUDY ON NATIONAL STRATEGIC REFINED PE-  
2 TROLEUM PRODUCTS RESERVE.—

3           “(1) IN GENERAL.—Not later than 180 days  
4 after the date of enactment of this subsection, the  
5 Secretary shall study and submit to Congress a re-  
6 port on the costs and benefits of creating a national  
7 strategic refined petroleum products reserve for re-  
8 fined petroleum products.

9           “(2) INFORMATION.—The report required  
10 under paragraph (1) shall include information on—

11           “(A) the days of existing storage capabili-  
12 ties within the different petroleum administra-  
13 tion defense districts based on normal usage of  
14 refined petroleum products;

15           “(B) the feasibility of increasing storage  
16 capacity for refined petroleum products on a re-  
17 gional basis; and

18           “(C) the impact additional storage capacity  
19 would have on the retail price of refined petro-  
20 leum products for consumers in the event of a  
21 supply shortage or market disruption from a  
22 natural disaster or refinery outage.”.

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