

109TH CONGRESS  
1ST SESSION

# S. 1868

To ensure gasoline affordability and security.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 7 (legislative day, OCTOBER 6), 2005

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on Finance

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## A BILL

To ensure gasoline affordability and security.

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 “Gasoline Affordability  
5 and Security Act” or the “GAS Act”.

6 **TITLE I—CONSUMER**  
7 **PROTECTION**

8 **SEC. 101. PROHIBITION ON GASOLINE PRICE GOUGING.**

9 (a) UNLAWFUL CONDUCT.—During the 30-day pe-  
10 riod beginning on the date on which the President deter-  
11 mines the existence of conditions warranting the draw-  
12 down and sale of petroleum products from the Strategic

1 Petroleum Reserve under subsection (d) or (h) of section  
2 161 of the Energy Policy and Conservation Act (42 U.S.C.  
3 6241), it shall be an unfair or deceptive act or practice  
4 in violation of section 5(a)(1) of the Federal Trade Com-  
5 mission Act (15 U.S.C. 45(a)(1)) for any person to sell  
6 gasoline or diesel fuel at a price which constitutes price  
7 gouging as defined by rule pursuant to subsection (b).

8 (b) ENFORCEMENT.—A violation of subsection (a)  
9 shall be treated as a violation of a rule defining an unfair  
10 or deceptive act or practice prescribed under section  
11 18(a)(1)(B) of the Federal Trade Commission Act (15  
12 U.S.C. 57a(a)(1)(B)) and shall be enforced by the Federal  
13 Trade Commission in accordance with all applicable terms  
14 and provisions of the Federal Trade Commission Act.

15 (c) PENALTIES.—Any person who violates subsection  
16 (a), or the rules promulgated pursuant to this section,  
17 shall be subject to a civil penalty in an amount not to  
18 exceed \$11,000 per day in which a violation occurs.

19 (d) RULEMAKING.—Not later than 90 days after the  
20 date of enactment of this Act, the Federal Trade Commis-  
21 sion shall promulgate rules, in accordance with section  
22 5(n) of the Federal Trade Commission Act (15 U.S.C.  
23 45(n)), that—

24 (1) define “price gouging” for purposes of this  
25 section; and

1           (2) carry out this section.

2 **SEC. 102. COMPETITIVE PRICING TASK FORCE.**

3           (a) ESTABLISHMENT.—Not later than 30 days after  
4 the date of enactment of this Act, the Federal Trade Com-  
5 mission shall establish a Competitive Pricing Task Force  
6 (referred to in this section as the “Task Force”).

7           (b) DUTIES.—The Task Force shall provide each  
8 State attorney general who requests assistance from the  
9 Task Force—

10           (1) with assistance in the investigation of al-  
11 leged price gouging affecting the consumers of the  
12 State; and

13           (2) such additional technical assistance as may  
14 be necessary in studying and drafting State laws to  
15 prohibit price gouging.

16           (c) DURATION.—The Task Force shall carry out the  
17 duties described in subsection (b) during the 2-year period  
18 beginning on the date on which the Task Force is estab-  
19 lished under subsection (a).

20 **SEC. 103. CONSUMER INFORMATION.**

21           (a) LIST.—The Federal Trade Commission shall pub-  
22 lish a list on its Web site containing the names of all per-  
23 sons penalized under section 101.

24           (b) INFORMATION ABOUT GASOLINE PRICES.—The  
25 Energy Information Administration of the Department of

1 Energy shall disseminate to all persons selling gasoline or  
 2 diesel fuel to retail consumers, in a manner suitable for  
 3 posting, information contained in the table on the Admin-  
 4 istration’s Web site entitled, “WHAT WE PAY FOR IN  
 5 A GALLON OF REGULAR GASOLINE”, to inform  
 6 such consumers of the factors contributing to the price  
 7 of gasoline.

8 **SEC. 104. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums  
 10 as may be necessary to carry out this title.

11 **TITLE II—INCREASING SUPPLY**

12 **SEC. 201. FUEL DIVERSIFICATION.**

13 Section 402 of the Energy Policy Act of 2005 (42  
 14 U.S.C. 15962) is amended—

15 (1) in subsection (b)(1)(A)—

16 (A) in clause (iv), by striking “and” at the  
 17 end;

18 (B) by redesignating clause (v) as clause  
 19 (vi); and

20 (C) by inserting after clause (iv) the fol-  
 21 lowing:

22 “(v) a Fischer-Tropsch technology  
 23 project to produce ultra-low sulfur liquid  
 24 transportation fuel; and”;

25 (2) by adding at the end the following:

1 “(j) ENERGY POLICY PRIORITY.—

2 “(1) ESTABLISHMENT.—Not later than 90 days  
3 after the date on which the Secretary provides funds  
4 for a Fischer-Tropsch technology project to produce  
5 ultra-low sulfur liquid transportation fuel under sub-  
6 section (b)(1)(A)(v), the Secretary shall establish as  
7 an energy policy priority the expedited, large-scale  
8 commercialization of that technology to promote the  
9 supply of affordable, clean, domestic gasoline and  
10 diesel fuel.

11 “(2) SUBSEQUENT PROJECTS.—

12 “(A) IN GENERAL.—In accordance with  
13 the energy policy priority established under  
14 paragraph (1), the Secretary shall provide  
15 funds for a subsequent Fischer-Tropsch tech-  
16 nology project to produce ultra-low sulfur liquid  
17 transportation fuel as soon as practicable after  
18 the date on which the priority is established.

19 “(B) CRITERIA FOR SELECTION.—In car-  
20 rying out subparagraph (A), the Secretary shall  
21 select the private sector recipient that is the  
22 most capable of designing and constructing a  
23 Fischer-Tropsch technology project with an out-  
24 put of not less than 50,000 barrels per day of

1 ultra-low sulfur transportation fuel, as deter-  
 2 mined by the Secretary.”.

3 **SEC. 202. FUEL TREATMENT.**

4 Not later than 60 days after the date of enactment  
 5 of this Act, the Administrator of the Environmental Pro-  
 6 tection Agency shall conduct an expedited review of any  
 7 fuel additive an application for verification for which has  
 8 been filed in accordance with the voluntary diesel retrofit  
 9 program.

10 **TITLE III—DECREASING**  
 11 **DEMAND**

12 **SEC. 301. CREDIT FOR TELEWORKING.**

13 (a) IN GENERAL.—Subpart B of part IV of sub-  
 14 chapter A of chapter 1 of the Internal Revenue Code of  
 15 1986 (relating to foreign tax credit, etc.) is amended by  
 16 adding at the end the following new section:

17 **“SEC. 30D. TELEWORKING CREDIT.**

18 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-  
 19 gible taxpayer, there shall be allowed as a credit against  
 20 the tax imposed by this chapter for the taxable year an  
 21 amount equal to the qualified teleworking expenses paid  
 22 or incurred by the taxpayer during such year.

23 “(b) MAXIMUM CREDIT.—

24 “(1) PER TELEWORKER LIMITATION.—The  
 25 credit allowed by subsection (a) for a taxable year

1 with respect to qualified teleworking expenses paid  
2 or incurred by or on behalf of an individual tele-  
3 worker shall not exceed—

4 “(A) in the case of an eligible taxpayer de-  
5 scribed in subsection (c)(1)(A), \$1,000, and

6 “(B) in the case of an eligible taxpayer de-  
7 scribed in subsection (c)(1)(B), \$2,000.

8 “(2) REDUCTION FOR TELEWORKING LESS  
9 THAN FULL YEAR.—In the case of an individual who  
10 is in a teleworking arrangement for less than a full  
11 taxable year, the dollar amount referred to subpara-  
12 graph (A) or (B) of paragraph (1) shall be reduced  
13 by an amount which bears the same ratio to such  
14 dollar amount as the number of months in which  
15 such individual is not in a teleworking arrangement  
16 bears to 12. For purposes of the preceding sentence,  
17 an individual shall be treated as being in a tele-  
18 working arrangement for a month if the individual  
19 is subject to such arrangement for any day of such  
20 month.

21 “(c) DEFINITIONS.—For purposes of this section—

22 “(1) ELIGIBLE TAXPAYER.—The term ‘eligible  
23 taxpayer’ means—

1           “(A) in the case of an individual, an indi-  
2           vidual who performs services for an employer  
3           under a teleworking arrangement, and

4           “(B) in the case of an employer, an em-  
5           ployer for whom employees perform services  
6           under a teleworking arrangement.

7           “(2) TELEWORKING ARRANGEMENT.—The term  
8           ‘teleworking arrangement’ means an arrangement  
9           under which an employee teleworks for an employer  
10          not less than 75 days per year.

11          “(3) QUALIFIED TELEWORKING EXPENSES.—  
12          The term ‘qualified teleworking expenses’ means ex-  
13          penses paid or incurred under a teleworking ar-  
14          rangement for furnishings and electronic information  
15          equipment which are used to enable an individual to  
16          telework.

17          “(4) TELEWORK.—The term ‘telework’ means  
18          to perform work functions, using electronic informa-  
19          tion and communication technologies, thereby reduc-  
20          ing or eliminating the physical commute to and from  
21          the traditional work site.

22          “(d) LIMITATION BASED ON AMOUNT OF TAX.—

23          “(1) LIABILITY FOR TAX.—The credit allowable  
24          under subsection (a) for any taxable year shall not  
25          exceed the excess (if any) of—

1           “(A) the regular tax for the taxable year,  
2           reduced by the sum of the credits allowable  
3           under subpart A and the preceding sections of  
4           this subpart, over

5           “(B) the tentative minimum tax for the  
6           taxable year.

7           “(2) CARRYFORWARD OF UNUSED CREDIT.—If  
8           the amount of the credit allowable under subsection  
9           (a) for any taxable year exceeds the limitation under  
10          paragraph (1) for the taxable year, the excess shall  
11          be carried to the succeeding taxable year and added  
12          to the amount allowable as a credit under subsection  
13          (a) for such succeeding taxable year.

14          “(e) SPECIAL RULES.—

15               “(1) BASIS REDUCTION.—The basis of any  
16               property for which a credit is allowable under sub-  
17               section (a) shall be reduced by the amount of such  
18               credit (determined without regard to subsection (d)).

19               “(2) RECAPTURE.—The Secretary shall, by reg-  
20               ulations, provide for recapturing the benefit of any  
21               credit allowable under subsection (a) with respect to  
22               any property which ceases to be property eligible for  
23               such credit.

24               “(3) PROPERTY USED OUTSIDE UNITED STATES  
25               NOT QUALIFIED.—No credit shall be allowed under

1 subsection (a) with respect to any property referred  
2 to in section 50(b)(1) or with respect to the portion  
3 of the cost of any property taken into account under  
4 section 179.

5 “(4) ELECTION TO NOT TAKE CREDIT.—No  
6 credit shall be allowed under subsection (a) for any  
7 expense if the taxpayer elects to not have this sec-  
8 tion apply with respect to such expense.

9 “(5) DENIAL OF DOUBLE BENEFIT.—No deduc-  
10 tion or credit (other than under this section) shall  
11 be allowed under this chapter with respect to any ex-  
12 pense which is taken into account in determining the  
13 credit under this section.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Subsection (a) of section 1016 of the Inter-  
16 nal Revenue Code of 1986 is amended by striking  
17 “and” at the end of paragraph (36), by striking the  
18 period at the end of paragraph (37) and inserting “,  
19 and”, and by adding at the end the following new  
20 paragraph:

21 “(38) to the extent provided in section  
22 30D(e)(1), in the case of amounts with respect to  
23 which a credit has been allowed under section  
24 30D.”.

1           (2) Section 55(c)(3) of such Code is amended  
2           by inserting “30D(d),” after “30(b)(3),”.

3           (3) Section 6501(m) of such Code is amended  
4           by inserting “30D(e)(4),” after “30C(e)(5),”.

5           (c) CLERICAL AMENDMENT.—The table of sections  
6 for subpart B of part IV of subchapter A of chapter 1  
7 of the Internal Revenue Code of 1986 is amended by add-  
8 ing at the end the following new item:

“Sec. 30D. Teleworking credit.”.

9           (d) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply to amounts paid or incurred after  
11 the date of the enactment of this Act, in taxable years  
12 ending after such date.

13 **SEC. 302. EMPLOYER-PROVIDED COMPUTER EQUIPMENT**  
14 **TREATED AS FRINGE BENEFIT.**

15           (a) IN GENERAL.—Subsection (a) of section 132 of  
16 the Internal Revenue Code of 1986 is amended by striking  
17 “or” at the end of paragraph (7), by striking the period  
18 at the end of paragraph (8) and inserting “, or”, and by  
19 adding at the end the following new paragraph:

20           “(9) qualified employer-provided computer  
21 equipment fringe.”.

22           (b) QUALIFIED EMPLOYER-PROVIDED COMPUTER  
23 EQUIPMENT FRINGE.—Section 132 of such Code is  
24 amended by redesignating subsection (o) as subsection (p)

1 and by inserting after subsection (n) the following new  
2 subsection:

3 “(o) QUALIFIED EMPLOYER-PROVIDED COMPUTER  
4 EQUIPMENT FRINGE.—For purposes of this section—

5 “(1) IN GENERAL.—The term ‘qualified em-  
6 ployer-provided computer equipment fringe’ means  
7 any computer and related equipment and services  
8 provided to an employee by an employer if—

9 “(A) such computer and related equipment  
10 and services are necessary for the employee to  
11 perform work for the employer from the em-  
12 ployee’s home, and

13 “(B) the employee makes substantial busi-  
14 ness use of the equipment in the performance  
15 of work for the employer.

16 “(2) SUBSTANTIAL USE.—For purposes of  
17 paragraph (1), the term ‘substantial business use’  
18 includes standby use for periods when work from  
19 home may be required by the employer such as dur-  
20 ing work closures caused by the threat of terrorism,  
21 inclement weather, or natural disasters.”.

22 (c) EFFECTIVE DATE.—The amendments made by  
23 this section shall apply to taxable years beginning after  
24 December 31, 2005.

1 **SEC. 303. SENSE OF CONGRESS.**

2       It is the sense of Congress that Congress and the em-  
3 ployees of the legislative branch of the Federal Govern-  
4 ment should—

5           (1) conserve gasoline, aviation, and diesel fuel  
6       by whatever means practicable; and

7           (2) as a part of such conservation efforts, pro-  
8       mote teleworking.

○