

110TH CONGRESS
1ST SESSION

S. 1631

To establish an emergency fuel assistance grant program for small businesses during energy emergencies.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2007

Mr. KERRY (for himself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish an emergency fuel assistance grant program for small businesses during energy emergencies.

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 “Small Business Emer-
5 gency Fuel Assistance Act of 2007”.

6 **SEC. 2. EMERGENCY FUEL ASSISTANCE PROGRAM.**

7 There is established within the Economic Develop-
8 ment Administration of the Department of Commerce, an
9 emergency assistance program for small businesses and
10 small farms dependent on fuel.

1 **SEC. 3. PRESIDENTIAL DECLARATION OF ENERGY EMER-**
2 **GENCY.**

3 (a) IN GENERAL.—If the President determines that
4 the health, safety, welfare, or economic well-being of the
5 citizens of the United States is at risk because of a short-
6 age or imminent shortage of adequate supplies of crude
7 oil, gasoline or petroleum distillates due to a disruption
8 in the national distribution system for crude oil, gasoline
9 or petroleum distillates (including such a shortage related
10 to a major disaster (as defined in section 102(2) of the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 5122(2))), or significant pricing
13 anomalies in national energy markets for crude oil, gaso-
14 line, or petroleum distillates, the President may declare
15 that a Federal energy emergency exists.

16 (b) SCOPE AND DURATION.—The emergency declara-
17 tion declared pursuant to subsection (a) shall specify—

18 (1) the period, not to exceed 30 days, for which
19 the declaration applies;

20 (2) the circumstance or condition necessitating
21 the declaration;

22 (3) the area or region to which it applies which
23 may not be limited to a single State; and

24 (4) the product or products to which it applies.

25 (c) EXTENSIONS.—The President may—

- 1 (1) extend a declaration under subsection (a)
- 2 for a period of not more than 30 days;
- 3 (2) extend such a declaration more than once;
- 4 and
- 5 (3) discontinue such a declaration before its ex-
- 6 piration.

7 **SEC. 4. AUTHORIZATION OF GRANTS.**

8 (a) **IN GENERAL.**—During any energy emergency de-

9 clared by the President under section 3, the Secretary of

10 Commerce is authorized to award grants to States under

11 a declaration of fuel supply interruption in accordance

12 with this Act.

13 (b) **ALLOCATION FORMULA.**—Subject to subsection

14 (c), the Secretary shall award grants to States, in accord-

15 ance with an allocation formula established by the Sec-

16 retary, that is based on the pro rata share of each State

17 of the total need among all States, as applicable, for emer-

18 gency assistance for fuel interruption, as determined on

19 the basis of—

- 20 (1) the number and percentage of qualifying
- 21 small businesses and small farms operating within a
- 22 State;
- 23 (2) the increase in price of fuel in a State; and
- 24 (3) such other factors as the Secretary deter-
- 25 mines to be appropriate.

1 (c) STATE ALLOCATION PLAN.—Each State shall es-
2 tablish, after giving notice to the public, an opportunity
3 for public comment, and consideration of public comments
4 received, an allocation plan for the distribution of financial
5 assistance under this section, which shall be submitted to
6 the Secretary and shall be made available to the public
7 by the State, and shall include—

8 (1) application requirements for qualifying
9 small businesses and small farms seeking to receive
10 financial assistance under this section, including a
11 requirement that each application include—

12 (A) demonstration of need for assistance
13 under this section;

14 (B) a plan to decrease the total commercial
15 energy usage of the small business through en-
16 ergy efficiency measures, such as those pro-
17 moted through the Energy Star Program; and

18 (C) if a small business or small farm has
19 previously received assistance under this sec-
20 tion, evidence that the small business or small
21 farm has implemented the plan previously docu-
22 mented under subparagraph (B); and

23 (2) factors for selecting among small businesses
24 and small farms that meet the application require-
25 ments, with preference given to small businesses and

1 small farms based on the percentage of operating
2 costs expended on fuel.

3 **SEC. 5. ELIGIBILITY.**

4 A small business or small farm is eligible for a grant
5 under this Act if—

6 (a) the average gross receipts of the small business
7 or small farm for the 3 preceding taxable years does not
8 exceed \$5,000,000; or

9 (b) the small business or small farm employed an av-
10 erage of more than 1 and fewer than 50 qualified employ-
11 ees on business days during the preceding taxable year.

12 **SEC. 6. DEFINED TERM.**

13 In this Act, the term “aggregate gross assets” has
14 the meaning given such term in section 1202(d)(2) of the
15 Internal Revenue Code of 1986.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

17 There are authorized to be appropriated to the De-
18 partment of Commerce \$100,000,000 for each of the fiscal
19 years 2008 through 2012 to carry out this Act.

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