

110TH CONGRESS  
2D SESSION

# S. 3442

To reauthorize the National Oilheat Reliance Alliance Act of 2000, and  
for other purposes.

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IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2008

Mr. REED (for himself and Ms. SNOWE) 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 reauthorize the National Oilheat Reliance Alliance Act  
of 2000, 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. NATIONAL OILHEAT RESEARCH ALLIANCE ACT**

4 **OF 2000.**

5 (a) FINDINGS.—Section 702 of the National Oilheat  
6 Research Alliance Act of 2000 (42 U.S.C. 6201 note; Pub-  
7 lic Law 106–469) is amended by striking “oilheat” each  
8 place it appears and inserting “oilheat fuel”.

1 (b) DEFINITIONS.—Section 703 of the National  
2 Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201  
3 note; Public Law 106–469) is amended—

4 (1) by striking “oilheat” each place it appears  
5 (other than paragraph (10)) and inserting “oilheat  
6 fuel”;

7 (2) by striking paragraph (7) and inserting the  
8 following:

9 “(7) OILHEAT FUEL.—The term ‘oilheat fuel’  
10 means distillate liquid that is used as a fuel for non-  
11 industrial commercial or residential space or hot  
12 water heating.”;

13 (3) in paragraph (8), by striking “OILHEAT”  
14 and inserting “OILHEAT FUEL”;

15 (4) in paragraph (14)—

16 (A) by striking “No. 1 distillate or No. 2  
17 dyed distillate” each place it appears and in-  
18 serting “distillate liquid”; and

19 (B) in subparagraph (B), by striking “sells  
20 the distillate” and inserting “sells the distillate  
21 liquid”;

22 (5) by redesignating paragraphs (3) through  
23 (13) and (14) as paragraphs (4) through (14) and  
24 (16), respectively, and moving paragraph (16) (as so  
25 redesignated) to appear after paragraph (15); and

1           (6) by inserting after paragraph (2) the fol-  
2           lowing:

3           “(3) DISTILLATE LIQUID.—The term ‘distillate  
4           liquid’ means—

5                     “(A) No. 1 distillate;

6                     “(B) No. 2 dyed distillate; or

7                     “(C) a liquid blended with No. 1 distillate  
8                     or No. 2 dyed distillate.”.

9           (c) REFERENDA.—Section 704 of the National  
10          Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201  
11          note; Public Law 106–469) is amended—

12                   (1) by striking “oilheat” each place it appears  
13                   and inserting “oilheat fuel”;

14                   (2) by striking “No. 1 distillate and No. 2 dyed  
15                   distillate” each place it appears in subsections (a)  
16                   and (c) and inserting “distillate liquid”;

17                   (3) in subsection (a)—

18                             (A) in paragraph (5)(B), by striking “Ex-  
19                             cept as provided in subsection (b), the” and in-  
20                             serting “The”; and

21                             (B) in paragraph (6), by striking “, No. 1  
22                             distillate, or No. 2 dyed distillate” and inserting  
23                             “or distillate liquid”; and

24                   (4) in subsection (b), by striking “under” and  
25                   inserting “consistent with”.

1 (d) MEMBERSHIP.—Section 705 of the National  
2 Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201  
3 note; Public Law 106–469) is amended—

4 (1) by striking “oilheat” each place it appears  
5 and inserting “oilheat fuel”;

6 (2) in subsection (b)(2), by striking “No. 1 dis-  
7 tillate and No. 2 dyed distillate” and inserting “dis-  
8 tillate liquid”; and

9 (3) by striking subsection (c) and inserting the  
10 following:

11 “(c) NUMBER OF MEMBERS.—

12 “(1) IN GENERAL.—The membership of the Al-  
13 liance shall be as follows:

14 “(A) 1 member representing each State  
15 participating in the Alliance.

16 “(B) 5 representatives of retail marketers,  
17 of whom 1 shall be selected by each of the  
18 qualified State associations of the 5 States with  
19 the highest volume of annual oilheat fuel sales.

20 “(C) 5 additional representatives of retail  
21 marketers.

22 “(D) 21 representatives of wholesale dis-  
23 tributors.

24 “(E) 6 public members, who shall be rep-  
25 resentatives of significant users of oilheat fuel,

1 the oilheat fuel research community, State en-  
2 ergy officials, or other groups with expertise in  
3 oilheat fuel.

4 “(2) FULL-TIME OWNERS OR EMPLOYEES.—

5 “(A) IN GENERAL.—Except as provided in  
6 subparagraph (B), other than the public mem-  
7 bers of the Alliance, Alliance members shall be  
8 full-time managerial owners or employees of  
9 members of the oilheat fuel industry.

10 “(B) EMPLOYEES.—Members described in  
11 subparagraphs (B), (C), and (D) of paragraph  
12 (1) may be employees of the qualified industry  
13 organization or an industry trade association.”.

14 (e) FUNCTIONS.—Section 706 of the National  
15 Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201  
16 note; Public Law 106–469) is amended by striking  
17 “oilheat” each place it appears and inserting “oilheat  
18 fuel”.

19 (f) ASSESSMENTS.—Section 707 of the National  
20 Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201  
21 note; Public Law 106–469) is amended—

22 (1) by striking “oilheat” each place it appears  
23 and inserting “oilheat fuel”;

24 (2) by striking subsection (a) and inserting the  
25 following:

1 “(a) RATE.—

2 “(1) IN GENERAL.—The assessment rate for  
3 calendar years 2008 and 2009 shall be equal to  $\frac{2}{10}$   
4 of 1 cent per gallon of distillate liquid.

5 “(2) SUBSEQUENT ASSESSMENTS.—Subject to  
6 paragraphs (3) and (4), beginning with calendar  
7 year 2010, the annual assessment rate shall be suffi-  
8 cient to cover the costs of the plans and programs  
9 developed by the Alliance.

10 “(3) MAXIMUM RATE.—The annual assessment  
11 rate shall not exceed  $\frac{1}{2}$  of 1 cent per gallon of dis-  
12 tillate liquid.

13 “(4) LIMITATIONS ON INCREASE.—

14 “(A) IN GENERAL.—The annual assess-  
15 ment shall not be increased by more than  $\frac{1}{2}$  of  
16 1 cent per gallon in any 1 year.

17 “(B) APPROVAL.—No increase in the as-  
18 sessment may occur unless the increase is ap-  
19 proved by  $\frac{2}{3}$  of the members voting at a regu-  
20 larly scheduled meeting of the Alliance.

21 “(C) NOTICE.—The Alliance shall provide  
22 notice of a change in assessment at least 90  
23 days before the date on which the change is to  
24 take effect.”;

25 (3) in subsection (b)—

1 (A) by striking “No. 1 distillate or No. 2  
2 dyed distillate” each place it appears and in-  
3 serting “distillate liquid”; and

4 (B) in paragraphs (2)(B) and (5)(B), by  
5 striking “fuel” each place it appears and insert-  
6 ing “distillate liquid”; and

7 (4) in subsection (c), by striking “No. 1 dis-  
8 tillate and No. 2 dyed distillate” and inserting “Dis-  
9 tillate liquid”.

10 (g) MARKET SURVEY AND CONSUMER PROTEC-  
11 TION.—Section 708 of the National Oilheat Research Alli-  
12 ance Act of 2000 (42 U.S.C. 6201 note; Public Law 106–  
13 469) is amended by striking “oilheat” each place it ap-  
14 pears and inserting “oilheat fuel”.

15 (h) VIOLATIONS.—Section 712(a) of the National  
16 Oilheat Research Alliance Act of 2000 (42 U.S.C. 6201  
17 note; Public Law 106–469) is amended—

18 (1) in paragraph (2), by striking “oilheat” and  
19 inserting “oilheat fuel”; and

20 (2) by striking paragraph (3) and inserting the  
21 following:

22 “(3) a direct reference to a competing prod-  
23 uct.”.

1           (i) REPEAL OF SUNSET.—Section 713 of the Na-  
2 tional Oilheat Research Alliance Act of 2000 (42 U.S.C.  
3 6201 note; Public Law 106–469) is repealed.

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