AMENDMENT TO H.R. 7688
OFFERED BY MR. PALLONE OF NEW JERSEY

Add at the end of the bill the following:


(a) Application to Transportation Fuel.—Subtitle B of title VIII of the Energy Independence and Security Act of 2007 (42 U.S.C. 17301 et seq.) is amended—

(1) in section 811, by striking “gasoline or petroleum distillates” and inserting “or transportation fuel”;

(2) in section 812—

(A) in the matter preceding paragraph (1), by striking “gasoline or petroleum distillates” and inserting “or transportation fuel”; and

(B) in paragraph (3), by striking “, gasoline, or petroleum distillates” and inserting “or transportation fuel”; and

(3) by adding at the end the following new section:
“SEC. 816. DEFINITION OF TRANSPORTATION FUEL.

“In this subtitle, the term ‘transportation fuel’ includes gasoline, distillate fuels (including heating oil), jet fuel, aviation gasoline, and biofuel (including ethanol, biomass-based diesel and distillates, and renewable blending components).”.

(b) PROHIBITION ON FALSE INFORMATION.—Section 812 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17302) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “wholesale” and inserting “supply of, operational actions related to, output related to, or wholesale”; and

(B) by striking “to a Federal department or agency”;

(2) in paragraph (1), by adding “and” at the end;

(3) by striking paragraph (2) and redesignating paragraph (3), as amended by subsection (a), as paragraph (2); and

(4) in paragraph (2), as so redesignated, by striking “the person intended the false or misleading data to affect data compiled by the department or agency” and inserting “the false or misleading information reported by the person affected analyses or
data compiled by a Federal department or agency or a private sector price-reporting agency”.

(c) ENFORCEMENT.—Section 813(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17303(a)) is amended by striking “This subtitle” and inserting “Except as otherwise provided in section 814, this subtitle”.

(d) PENALTIES.—Section 814 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17304) is amended—

(1) in subsection (a), by striking “$1,000,000” and inserting “$2,000,000”; and


SEC. 4. TRANSPORTATION FUEL MARKET TRANSPARENCY.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

“(n) TRANSPORTATION FUEL MARKET TRANSPARENCY.—

“(1) DEFINITIONS.—In this subsection:

“(A) ENERGY COMPANY.—The term ‘energy company’ means a person (as defined in
section 11(e) of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796(e))) that—

“(i) owns or controls commercial amounts of crude oil or transportation fuel; or

“(ii) is engaged in—

“(I) exploration for, or development of, crude oil;

“(II) extraction of crude oil;

“(III) refining or otherwise processing crude oil or transportation fuel;

“(IV) commercial storage of crude oil or transportation fuel;

“(V) transportation by any means of commercial amounts of crude oil or transportation fuel; or

“(VI) wholesale or retail distribution of crude oil or transportation fuel.

“(B) TRANSPORTATION FUEL.—The term ‘transportation fuel’ means—

“(i) gasoline;

“(ii) distillate fuels, including heating oil;
“(iii) jet fuel;

“(iv) aviation gasoline; and

“(v) biofuel, including ethanol, biomass-based diesel and distillates, and renewable blending components.

“(2) PURPOSE.—The purpose of this subsection is to collect data necessary to facilitate transparent and competitive transportation fuel markets, determine adherence to relevant international sanctions, and protect consumers.

“(3) SURVEYS.—

“(A) IN GENERAL.—The Administrator shall conduct surveys of energy companies to collect detailed and timely information on United States crude oil and transportation fuel markets.

“(B) EXEMPTION.—The Administrator shall exempt an energy company from participating in the surveys conducted under subparagraph (A) if the energy company has a de minimis market presence or impact, as determined by the Administrator.

“(4) DATA COLLECTED.—

“(A) IN GENERAL.—The surveys conducted under paragraph (3) shall collect infor-
mation on a national, regional, State, and energy company basis.

“(B) INFORMATION.—The surveys conducted under paragraph (3) shall collect the following information with respect to crude oil and transportation fuel, as applicable:

“(i) The quantity of crude oil and transportation fuel imported and exported.

“(ii) The quantity of crude oil and transportation fuel refined, stored, and transported.

“(iii) The quantity of crude oil and transportation fuel entering final retail and commercial commerce.

“(iv) The quantity of crude oil and transportation fuel purchased and sold at any upstream point between energy companies, including off-exchange bilateral sales and sales between subsidiaries of the same energy company.

“(v) Market price data for the transactions described in clauses (i) through (iv).

“(vi) Submissions to relevant price reporting entities.
“(vii) Any other such data, analyses, or evaluations that the Administrator determines is necessary to achieve the purpose described in paragraph (2).

“(C) ORIGIN OF FUEL.—In obtaining the information described in subparagraph (B), the Administrator shall, to the maximum extent practicable, track and publish the country of original production of crude oil and transportation fuel that may have been resold, refined, blended, stored, or otherwise been exchanged or sold before being imported or exported into the United States.

“(D) OTHER SOURCES.—The Administrator may, when practicable and determined reliable by the Administrator, obtain information described in subparagraph (B) from private price publishers and providers of trade processing services.

“(5) MINIMIZING REPORTING BURDENS.—The Administrator shall seek to minimize any burdens on energy companies in reporting information to the Administrator, including by automating data submission practices for data collected under the surveys conducted under paragraph (3).
“(6) PUBLIC DISTRIBUTION.—

“(A) IN GENERAL.—To the maximum extent practicable, subject to this paragraph, the Administrator shall consistently and promptly make publicly available analyses of the results of the data collected pursuant to this subsection in a form and manner easily adaptable for public use and machine analysis.

“(B) GEOGRAPHICAL SPECIFICITY.—Analyses published under subparagraph (A)—

“(i) shall be geographically specific enough to provide meaningful differentiation between fuel markets; and

“(ii) shall not organize geographical data in the form of Petroleum Administration for Defense Districts or other geographic aggregations lacking sufficient resolution to ascertain regionally specific market trends or disparities.

“(C) NONDISCLOSURE.—Any analysis published under subparagraph (A) shall not disclose matters exempted from mandatory disclosure under section 552(b) of title 5, United States Code.

“(7) DATA-SHARING AGREEMENTS.—
“(A) FEDERAL TRADE COMMISSION.—Notwithstanding subchapter III of chapter 35 of title 44, United States Code (commonly known as the ‘Confidential Information Protection and Statistical Efficiency Act of 2018’), not later than 1 year after the date of enactment of this subsection, the Administrator shall enter into a data-sharing agreement with the Federal Trade Commission that shall allow any information collected pursuant to this subsection to be requested by and transferred to the Federal Trade Commission without limitation or delay.

“(B) OTHER FEDERAL AGENCIES.—The Administrator may enter into data-sharing agreements with other Federal agencies that have energy-related policy decision-making responsibilities, including the Commodity Futures Trading Commission, the Federal Energy Regulatory Commission, and the Securities and Exchange Commission.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section such sums as
are necessary for each of fiscal years 2022 through 2027.”