

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

Add at the end of the bill the following:

1 **SECTION 3. AMENDMENTS TO THE PROHIBITIONS ON MAR-**  
2 **KET MANIPULATION AND FALSE INFORMA-**  
3 **TION PROVISIONS OF THE ENERGY INDE-**  
4 **PENDENCE AND SECURITY ACT OF 2007.**

5 (a) APPLICATION TO TRANSPORTATION FUEL.—Sub-  
6 title B of title VIII of the Energy Independence and Secu-  
7 rity Act of 2007 (42 U.S.C. 17301 et seq.) is amended—

8 (1) in section 811, by striking “gasoline or pe-  
9 troleum distillates” and inserting “or transportation  
10 fuel”;

11 (2) in section 812—

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

15 (B) in paragraph (3), by striking “, gaso-  
16 line, or petroleum distillates” and inserting “or  
17 transportation fuel”; and

18 (3) by adding at the end the following new sec-  
19 tion:

1 **“SEC. 816. DEFINITION OF TRANSPORTATION FUEL.**

2 “In this subtitle, the term ‘transportation fuel’ in-  
3 cludes gasoline, distillate fuels (including heating oil), jet  
4 fuel, aviation gasoline, and biofuel (including ethanol, bio-  
5 mass-based diesel and distillates, and renewable blending  
6 components).”.

7 (b) PROHIBITION ON FALSE INFORMATION.—Section  
8 812 of the Energy Independence and Security Act of 2007  
9 (42 U.S.C. 17302) is amended—

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

11 (A) by striking “wholesale” and inserting  
12 “supply of, operational actions related to, out-  
13 put related to, or wholesale”; and

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

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

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

21 (4) in paragraph (2), as so redesignated, by  
22 striking “the person intended the false or misleading  
23 data to affect data compiled by the department or  
24 agency” and inserting “the false or misleading infor-  
25 mation reported by the person affected analyses or

1 data compiled by a Federal department or agency or  
2 a private sector price-reporting agency”.

3 (c) ENFORCEMENT.—Section 813(a) of the Energy  
4 Independence and Security Act of 2007 (42 U.S.C.  
5 17303(a)) is amended by striking “This subtitle” and in-  
6 serting “Except as otherwise provided in section 814, this  
7 subtitle”.

8 (d) PENALTIES.—Section 814 of the Energy Inde-  
9 pendence and Security Act of 2007 (42 U.S.C. 17304) is  
10 amended—

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

13 (2) in subsection (b), by striking “section 5 of  
14 the Federal Trade Commission Act (15 U.S.C. 45)”  
15 and inserting “section 5(m)(1)(A) of the Federal  
16 Trade Commission Act (15 U.S.C. 45(m)(1)(A))”.

17 **SEC. 4. TRANSPORTATION FUEL MARKET TRANSPARENCY.**

18 Section 205 of the Department of Energy Organiza-  
19 tion Act (42 U.S.C. 7135) is amended by adding at the  
20 end the following:

21 “(n) TRANSPORTATION FUEL MARKET TRANS-  
22 PARENCY.—

23 “(1) DEFINITIONS.—In this subsection:

24 “(A) ENERGY COMPANY.—The term ‘en-  
25 ergy company’ means a person (as defined in

1 section 11(e) of the Energy Supply and Envi-  
2 ronmental Coordination Act of 1974 (15 U.S.C.  
3 796(e)) that—

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

7 “(ii) is engaged in—

8 “(I) exploration for, or develop-  
9 ment of, crude oil;

10 “(II) extraction of crude oil;

11 “(III) refining or otherwise proc-  
12 essing crude oil or transportation fuel;

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

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

18 “(VI) wholesale or retail distribu-  
19 tion of crude oil or transportation  
20 fuel.

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

23 “(i) gasoline;

24 “(ii) distillate fuels, including heating  
25 oil;

1 “(iii) jet fuel;

2 “(iv) aviation gasoline; and

3 “(v) biofuel, including ethanol, bio-  
4 mass-based diesel and distillates, and re-  
5 newable blending components.

6 “(2) PURPOSE.—The purpose of this subsection  
7 is to collect data necessary to facilitate transparent  
8 and competitive transportation fuel markets, deter-  
9 mine adherence to relevant international sanctions,  
10 and protect consumers.

11 “(3) SURVEYS.—

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

17 “(B) EXEMPTION.—The Administrator  
18 shall exempt an energy company from partici-  
19 pating in the surveys conducted under subpara-  
20 graph (A) if the energy company has a de mini-  
21 mis market presence or impact, as determined  
22 by the Administrator.

23 “(4) DATA COLLECTED.—

24 “(A) IN GENERAL.—The surveys con-  
25 ducted under paragraph (3) shall collect infor-

1           mation on a national, regional, State, and en-  
2           ergy company basis.

3           “(B) INFORMATION.—The surveys con-  
4           ducted under paragraph (3) shall collect the fol-  
5           lowing information with respect to crude oil and  
6           transportation fuel, as applicable:

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

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

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

15                  “(iv) The quantity of crude oil and  
16                  transportation fuel purchased and sold at  
17                  any upstream point between energy compa-  
18                  nies, including off-exchange bilateral sales  
19                  and sales between subsidiaries of the same  
20                  energy company.

21                  “(v) Market price data for the trans-  
22                  actions described in clauses (i) through  
23                  (iv).

24                  “(vi) Submissions to relevant price re-  
25                  porting entities.

1                   “(vii) Any other such data, analyses,  
2                   or evaluations that the Administrator de-  
3                   termines is necessary to achieve the pur-  
4                   pose described in paragraph (2).

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

14                  “(D) OTHER SOURCES.—The Adminis-  
15                  trator may, when practicable and determined  
16                  reliable by the Administrator, obtain informa-  
17                  tion described in subparagraph (B) from pri-  
18                  vate price publishers and providers of trade  
19                  processing services.

20                  “(5) MINIMIZING REPORTING BURDENS.—The  
21                  Administrator shall seek to minimize any burdens on  
22                  energy companies in reporting information to the  
23                  Administrator, including by automating data sub-  
24                  mission practices for data collected under the sur-  
25                  veys conducted under paragraph (3).

1 “(6) PUBLIC DISTRIBUTION.—

2 “(A) IN GENERAL.—To the maximum ex-  
3 tent practicable, subject to this paragraph, the  
4 Administrator shall consistently and promptly  
5 make publicly available analyses of the results  
6 of the data collected pursuant to this subsection  
7 in a form and manner easily adaptable for pub-  
8 lic use and machine analysis.

9 “(B) GEOGRAPHICAL SPECIFICITY.—Anal-  
10 yses published under subparagraph (A)—

11 “(i) shall be geographically specific  
12 enough to provide meaningful differentia-  
13 tion between fuel markets; and

14 “(ii) shall not organize geographical  
15 data in the form of Petroleum Administra-  
16 tion for Defense Districts or other geo-  
17 graphic aggregations lacking sufficient res-  
18 olution to ascertain regionally specific mar-  
19 ket trends or disparities.

20 “(C) NONDISCLOSURE.—Any analysis pub-  
21 lished under subparagraph (A) shall not dis-  
22 close matters exempted from mandatory disclo-  
23 sure under section 552(b) of title 5, United  
24 States Code.

25 “(7) DATA-SHARING AGREEMENTS.—



1           “(A) FEDERAL TRADE COMMISSION.—Not-  
2           withstanding subchapter III of chapter 35 of  
3           title 44, United States Code (commonly known  
4           as the ‘Confidential Information Protection and  
5           Statistical Efficiency Act of 2018’), not later  
6           than 1 year after the date of enactment of this  
7           subsection, the Administrator shall enter into a  
8           data-sharing agreement with the Federal Trade  
9           Commission that shall allow any information  
10          collected pursuant to this subsection to be re-  
11          quested by and transferred to the Federal  
12          Trade Commission without limitation or delay.

13          “(B) OTHER FEDERAL AGENCIES.—The  
14          Administrator may enter into data-sharing  
15          agreements with other Federal agencies that  
16          have energy-related policy decision-making re-  
17          sponsibilities, including the Commodity Futures  
18          Trading Commission, the Federal Energy Regu-  
19          latory Commission, and the Securities and Ex-  
20          change Commission.

21          “(8) AUTHORIZATION OF APPROPRIATIONS.—  
22          There are authorized to be appropriated to the Ad-  
23          ministrator to carry out this section such sums as

1 are necessary for each of fiscal years 2022 through  
2 2027.”.

