AMENDMENT TO H.R. 7688

OFFERED BY M .

Add at the end of the bill the following:

SEC. 3. TRANSPORTATION FUEL MONITORING AND ENFORCEMENT WITHIN THE FEDERAL TRADE COMMISSION.

(a) Establishment of the Transportation Fuel Monitoring and Enforcement Unit.—

(1) In general.—The Commission shall establish within the Commission the Transportation Fuel Monitoring and Enforcement Unit (in this section referred to as the “Unit”).

(2) Duties of the Unit.—

(A) Primary responsibility.—The primary responsibility of the Unit shall be to assist the Commission in protecting the public interest by continuously and comprehensively collecting, monitoring, and analyzing crude oil and transportation fuel market data in order to—

(i) support transparent and competitive market practices;

(ii) identify any market manipulation, reporting of false information, use of mar-
ket power to disadvantage consumers, or
other unfair method of competition; and

(iii) facilitate enforcement of penalties
against persons in violation of relevant
statutory prohibitions.

(B) Specific Duties.—In order to carry
out the responsibility under subparagraph (A),
the Unit shall assist the Commission in car-
rying out the following duties:

(i) Receiving, compiling, and ana-
lyzing relevant buying and selling activity
in order to identify and investigate anom-
alous market trends and suspicious behav-
ior.

(ii) Determining whether excessive
concentration or exclusive control of en-
ergy-related infrastructure may allow or
result in anti-competitive behaviors.

(iii) Gathering evidence of wrongdoing
against any person in violation of the stat-
utory prohibitions on market manipulation
and false information established in, and
consistent with, subtitle B of title VIII of
the Energy Independence and Security Act
of 2007 or any other applicable provisions

(iv) Obtaining a data-sharing agreement with the Energy Information Administration that includes the data collected in accordance with section 205(n) of the Department of Energy Organization Act (42 U.S.C. 7135).

(v) Obtaining data-sharing agreements with the Commodities Futures Trading Commission, the Federal Energy Regulatory Commission, and as necessary and practicable, State energy offices or commissions, and relevant public and private data sources that will allow the Commission to receive and archive information on—

(I) crude oil and transportation fuel buying and selling activity;

(II) individual physical and financial market positions of market participants regarding crude oil and transportation fuel;
(III) refinery output, capacity, and inventory levels of crude oil and transportation fuel;

(IV) imports and exports of crude oil and transportation fuel within regions and at levels that could impact prices faced by consumers;

(V) public announcements by energy companies of planned pricing or output decisions regarding crude oil and transportation fuel; and

(VI) other relevant market information that will facilitate the gathering of evidence described in clause (iii), including sufficient market information necessary to monitor for cross-market manipulations that may include multiple financial and physical market positions.

(vi) Any other information determined appropriate by the Commission to carry out the responsibility under subparagraph (A).

(b) DEFINITIONS.—In this section:
(1) **COMMISSION.**—Other than in subsection (a)(2)(B)(v), the term “Commission” means the Federal Trade Commission.

(2) **TRANSPORTATION FUEL.**—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).

(e) **REGULATIONS.**—Not later than 90 days after the date of enactment of this Act, the Commission shall promulgate regulations to carry out this section.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Commission such sums as may be necessary for each of fiscal years 2022 through 2027 to carry out this section.