

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 350) TO AUTHORIZE DEDICATED DOMESTIC TERRORISM OFFICES WITHIN THE DEPARTMENT OF HOMELAND SECURITY, THE DEPARTMENT OF JUSTICE, AND THE FEDERAL BUREAU OF INVESTIGATION TO ANALYZE AND MONITOR DOMESTIC TERRORIST ACTIVITY AND REQUIRE THE FEDERAL GOVERNMENT TO TAKE STEPS TO PREVENT DOMESTIC TERRORISM; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7688) TO PROTECT CONSUMERS FROM PRICE-GOUGING OF CONSUMER FUELS, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7790) MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO ADDRESS THE SHORTAGE OF INFANT FORMULA IN THE UNITED STATES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, AND FOR OTHER PURPOSES

MAY 17, 2022.—Referred to the House Calendar and ordered to be printed

Mr. MORELLE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1124]

The Committee on Rules, having had under consideration House Resolution 1124, by a record vote of 8 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 350, the Domestic Terrorism Prevention Act of 2022, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill, modified by the amendment printed in part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit. The resolution further provides for consideration of H.R. 7688, the Consumer Fuel Price Gouging Prevention Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Com-

merce or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in part B of this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments to H.R. 7688 printed in part C of this report. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. The resolution waives all points of order against the amendments printed in part C of the report. The resolution provides for one motion to recommit. The resolution further provides for consideration of H.R. 7790, the Infant Formula Supplemental Appropriations Act, 2022, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit. The resolution provides that at any time through the legislative day of Thursday, May 19, 2022, the Speaker may entertain motions offered by the Majority Leader or a designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on May 16, 2022, May 17, 2022, May 18, 2022, or May 19, 2022, and on which the yeas and nays were ordered and further proceedings postponed. The Chair shall put the question on any such motion without debate or intervening motion, and the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 350, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 350, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 7688 includes a waiver of clause 12 of rule XXI, which prohibits consideration of a bill pursuant to a special order of business reported by the Committee on Rules that has not been reported by a committee.

Although the resolution waives all points of order against provisions in H.R. 7688, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part C of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 7790 includes waivers of the following:

—Clause 11 of rule XXI, which prohibits consideration of a bill which has not been reported by a committee until such measure has been available to Members, Delegates, and the Resident Commissioner for 72 hours.

—Clause 12 of rule XXI, which prohibits consideration of a bill pursuant to a special order of business reported by the Committee on Rules that has not been reported by a committee. This waiver is technical in nature. Clause 12 of rule XXI has an exception for bills that contain an emergency designation under the Balanced Budget and Emergency Deficit Control Act. These designations were effectively overridden by the new emergency authority in S. Con. Res. 14, which H.R. 7790 invokes in its emergency spending designation.

Although the resolution waives all points of order against provisions in the H.R. 7790, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 228

Motion by Mr. Cole to report an open rule for H.R. 7790. Defeated: 4–8

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|-------|-------------------------|------|
| Mrs. Torres | Nay | Mr. Cole | Yea |
| Mr. Perlmutter | Nay | Mr. Burgess | Yea |
| Mr. Raskin | Nay | Mr. Reschenthaler | Yea |
| Ms. Scanlon | Nay | Mrs. Fischbach | Yea |
| Mr. Morelle | Nay | | |
| Mr. DeSaulnier | Nay | | |
| Ms. Ross | Nay | | |
| Mr. Neguse | | | |
| Mr. McGovern, Chairman | Nay | | |

Rules Committee record vote No. 229

Motion by Mr. Morelle to report the rule. Adopted: 8–4

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|-------|-------------------------|------|
| Mrs. Torres | Yea | Mr. Cole | Nay |
| Mr. Perlmutter | Yea | Mr. Burgess | Nay |
| Mr. Raskin | Yea | Mr. Reschenthaler | Nay |
| Ms. Scanlon | Yea | Mrs. Fischbach | Nay |
| Mr. Morelle | Yea | | |
| Mr. DeSaulnier | Yea | | |
| Ms. Ross | Yea | | |
| Mr. Neguse | | | |
| Mr. McGovern, Chairman | Yea | | |

SUMMARY OF THE AMENDMENT TO H.R. 350 IN PART A CONSIDERED AS ADOPTED

1. Nadler (NY): Makes technical and clarifying changes to the definition of “domestic terrorism.” Adds a rule of construction for First Amendment protected activity. Adds civil rights certification to reporting requirements.

SUMMARY OF THE AMENDMENT TO H.R. 7688 IN PART B CONSIDERED
AS ADOPTED

1. Pallone (NJ): Enhances the FTC's authority to go after false market information designed to artificially inflate prices, doubles the maximum penalty for manipulating wholesale oil markets, and directs the Energy Information Administration to collect and publish information related to the quantity and pricing of transportation fuels.

SUMMARY OF THE AMENDMENTS TO H.R. 7688 IN PART C MADE IN
ORDER

1. Demings (FL), Castor (FL), Cicilline (RI), Nadler (NY): Requires the Federal Trade Commission to conduct an investigation to determine if the price of gasoline is being manipulated by reducing refinery capacity or by any other form of market manipulation or artificially increased by price gouging practices. (10 minutes)

2. Pappas (NH): Establishes a new unit at Federal Trade Commission devoted to protecting public interest by monitoring fuel markets to facilitate transparent and competitive market practices. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 350 CONSIDERED AS ADOPTED

Page 5, line 12, strike “, except that” and all that follows through “2371” on page 6, line 3.

Page 9, line 14, strike “January 1, 2012” and insert “April 19, 1995”.

Page 9, line 22, strike “and”.

Page 13, line 11, strike the period and insert “; and”.

Page 13, after line 11, insert the following:

(D) certification that each of the assessments and investigations described under subparagraph (C) are in compliance with all applicable civil rights and civil liberties laws and regulations.

Page 19, line 20, strike “2020” and insert “2022”.

Page 19, after line 20, insert the following (and redesignate the succeeding section accordingly):

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act, or any amendment made by this Act, may be construed to authorize the infringement or violation of any right protected under the First Amendment to the Constitution of the United States or an applicable provision of Federal law.

PART B—TEXT OF AMENDMENT TO H.R. 7688 CONSIDERED AS ADOPTED

Add at the end of the bill the following:

SECTION 3. AMENDMENTS TO THE PROHIBITIONS ON MARKET MANIPULATION AND FALSE INFORMATION PROVISIONS OF THE ENERGY INDEPENDENCE AND SECURITY ACT OF 2007.

(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

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

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 information 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.”.

PART C—TEXT OF AMENDMENTS TO H.R. 7688 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DEMINGS OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

SEC. 3. FTC INVESTIGATION AND REPORT ON GASOLINE PRICES.

(a) INVESTIGATION.—

(1) IN GENERAL.—The Federal Trade Commission shall conduct an investigation to determine if the price of gasoline is being manipulated by reducing refinery capacity or by any other form of market manipulation or artificially increased by price gouging practices.

(2) CONSIDERATION.—In conducting the investigation under paragraph (1), the Federal Trade Commission may consider the impact of mergers and acquisitions in the oil and gas industry, including mergers and acquisitions involving producers, refiners, transporters, and gas stations.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Federal Trade Commission shall submit to Congress a report on the investigation conducted under subsection (a), including a long-term strategy for the Commission and Congress to address manipulation of oil and gas markets during times of national or international crisis or emergency.

(c) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to the collection of information under subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Federal Trade Commission to carry out this section \$1,000,000 for fiscal year 2023.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PAPPAS OF NEW HAMPSHIRE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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 comprehen-

sively 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 market 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 carrying out the following duties:

(i) Receiving, compiling, and analyzing relevant buying and selling activity in order to identify and investigate anomalous market trends and suspicious behavior.

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

(iii) Gathering evidence of wrongdoing against any person in violation of the statutory 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 of the Federal Trade Commission Act (15 U.S.C. 45 et. seq.).

(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 informa-

tion 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).

(c) 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.

