

114TH CONGRESS
1ST SESSION

S. 1372

To repeal the crude oil export ban, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 2015

Ms. HEITKAMP (for herself, Ms. MURKOWSKI, Mr. MANCHIN, and Mr. CORKER) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

A BILL

To repeal the crude oil export ban, 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. SHORT TITLE.**

4 This Act may be cited as the “American Crude Oil
5 Export Equality Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) the United States has enjoyed a renaissance
9 in energy production—

10 (A) increasing domestic investment and
11 jobs; and

1 (B) establishing the United States as a
2 world leader in crude oil production;

3 (2) the United States upholds a commitment to
4 free trade and open markets and has consistently
5 opposed attempts by other nations to restrict the
6 free flow of energy;

7 (3) independent studies have concluded that al-
8 lowing the export of domestically produced crude
9 oil—

10 (A) will increase the globally available sup-
11 ply of crude oil; and

12 (B) will tend to reduce domestic prices for
13 gasoline and other refined petroleum products
14 in the United States;

15 (4) gasoline and other refined petroleum prod-
16 ucts are already eligible for export from the United
17 States without restriction;

18 (5) gasoline prices in the United States reflect
19 the price paid on the global market for crude oil and
20 not a separate crude oil price in the United States;

21 (6) exports of crude oil produced in the United
22 States would provide an alternative stable supplier
23 for crude oil to allies of the United States around
24 the world—

1 (A) allowing United States crude oil ex-
2 ports to compete on equal footing with other
3 international crudes;

4 (B) allowing United States crude oil ex-
5 ports to compete with and potentially displace
6 crude oil exports from Iran, as potential easing
7 of sanctions could lead to Iran regaining mar-
8 ket share;

9 (C) facilitating assistance to the countries
10 of Europe and Eurasia to diversify their energy
11 sources and achieve energy security by pro-
12 viding another option to protect against possible
13 unstable supply flows; and

14 (D) allowing the United States to use na-
15 tional energy policy to further United States in-
16 terests abroad; and

17 (7) the United States should remove all restric-
18 tions on the export of domestically produced crude
19 oil or crude oil of any origin, which will increase eco-
20 nomic benefits, enhance energy security, improve the
21 trade deficit, and promote key national security in-
22 terests of the United States domestically and around
23 the world.

1 **SEC. 3. CRUDE OIL EXPORTS.**

2 (a) REPEAL OF PRESIDENTIAL AUTHORITY TO RE-
3 STRICT OIL EXPORTS.—

4 (1) IN GENERAL.—Section 103 of the Energy
5 Policy and Conservation Act (42 U.S.C. 6212) is re-
6 pealed.

7 (2) CONFORMING AMENDMENTS.—

8 (A) The table of contents for the Energy
9 Policy and Conservation Act is amended by
10 striking the item relating to section 103.

11 (B) The Energy Policy and Conservation
12 Act is amended—

13 (i) in section 251 (42 U.S.C. 6271)—

14 (I) by striking subsection (d);

15 and

16 (II) by redesignating subsection

17 (e) as subsection (d); and

18 (ii) in section 523(a)(1) (42 U.S.C.
19 6393(a)(1)), by striking “(other than sec-
20 tion 103 thereof)”.

21 (C) Section 12 of the Alaska Natural Gas
22 Transportation Act of 1976 (15 U.S.C. 719j) is
23 amended—

24 (i) by striking “and section 103 of the
25 Energy Policy and Conservation Act”; and

1 (ii) by striking “such Acts” and in-
 2 serting “that Act”.

3 (b) REPEAL OF LIMITATIONS ON EXPORTS OF OIL.—

4 (1) IN GENERAL.—Section 28 of the Mineral
 5 Leasing Act (30 U.S.C. 185) is amended—

6 (A) by striking subsection (u); and

7 (B) by redesignating subsections (v)
 8 through (y) as subsections (u) through (x), re-
 9 spectively.

10 (2) CONFORMING AMENDMENTS.—

11 (A) Section 1107(c) of the Alaska National
 12 Interest Lands Conservation Act (16 U.S.C.
 13 3167(c)) is amended by striking “(u) through
 14 (y)” and inserting “(u) through (x)”.

15 (B) The Deepwater Port Act of 1974 is
 16 amended—

17 (i) in section 3(9)(A) (33 U.S.C.
 18 1502(9)(A)), by striking “except as other-
 19 wise provided in section 23,”; and

20 (ii) by striking section 23 (33 U.S.C.
 21 1522).

22 (C) Section 203(c) of the Trans-Alaska
 23 Pipeline Authorization Act (43 U.S.C. 1652(c))
 24 is amended in the first sentence by striking

1 “(w)(2), and (x))” and inserting “(v)(2), and
2 (w))”.

3 (D) Section 509(c) of the Public Utility
4 Regulatory Policies Act of 1978 (43 U.S.C.
5 2009(c)) is amended by striking “subsection
6 (w)(2)” and inserting “subsection (v)(2)”.

7 (c) REPEAL OF LIMITATIONS ON EXPORT OF OCS
8 OIL OR GAS.—Section 28 of the Outer Continental Shelf
9 Lands Act (43 U.S.C. 1354) is repealed.

10 (d) TERMINATION OF LIMITATION ON EXPORTATION
11 OF CRUDE OIL.—Section 7(d) of the Export Administra-
12 tion Act of 1979 (50 U.S.C. App. 2406(d)) (as continued
13 in effect pursuant to the International Emergency Eco-
14 nomic Powers Act (50 U.S.C. 1701 et seq.)) shall have
15 no force or effect.

16 (e) CLARIFICATION OF CRUDE OIL REGULATION.—

17 (1) IN GENERAL.—Except as provided in para-
18 graph (2), section 754.2 of title 15, Code of Federal
19 Regulations (relating to crude oil) shall have no
20 force or effect.

21 (2) LIMITATION.—With respect to the export of
22 crude oil from the Strategic Petroleum Reserve, the
23 regulation referred to in paragraph (1) (as in effect
24 on the date that is 1 day before the date of enact-

1 ment of this Act) shall continue in full force and ef-
 2 fect.

3 (3) CRUDE OIL LICENSE REQUIREMENTS.—A li-
 4 cense to export to a country crude oil (as the term
 5 is defined in subsection (a) of the regulation referred
 6 to in paragraph (1)) (as in effect on the date that
 7 is 1 day before the date of enactment of this Act),
 8 shall be required from the Bureau of Industry and
 9 Security of the Department of Commerce, after con-
 10 sultation with other relevant agencies, only if—

11 (A) the country is subject to sanctions or
 12 trade restrictions imposed by the United States;

13 (B) the President or Congress has des-
 14 ignated the country as subject to exclusion for
 15 reasons of national security; or

16 (C) the export concerns the withdrawal of
 17 crude oil from the Strategic Petroleum Reserve.

18 (f) EFFECT.—Except as provided in section 4, any
 19 provision of law or regulation that curtails, limits, delays,
 20 or otherwise restricts the export of crude oil shall have
 21 no force or effect.

22 **SEC. 4. EXCEPTIONS AND PRESIDENTIAL AUTHORITY.**

23 (a) IN GENERAL.—The President may impose export
 24 licensing requirements or other restrictions on the export

1 of crude oil from the United States for a period of not
2 more than 1 year, if—

3 (1) the President declares a national emergency
4 and formally notices the declaration of a national
5 emergency in the Federal Register;

6 (2) the export licensing requirements or other
7 restrictions on the export of crude oil from the
8 United States under this section apply to 1 or more
9 countries, persons, or organizations in the context of
10 sanctions or trade restrictions imposed by the
11 United States for reasons of national security by the
12 Executive authority of the President or by Congress;
13 or

14 (3) the Secretary of Commerce, in consultation
15 with the Secretary of Energy, finds and reports to
16 the President that—

17 (A) the export of crude oil pursuant to this
18 Act has caused sustained material oil supply
19 shortages or sustained oil prices significantly
20 above world market levels that are directly at-
21 tributable to the export of crude oil produced in
22 the United States; and

23 (B) those supply shortages or price in-
24 creases have caused or are likely to cause sus-

1 tained material adverse employment effects in
2 the United States.

3 (b) RENEWAL.—Any requirement or restriction im-
4 posed pursuant to paragraph (1) may be renewed for 1
5 or more additional periods of not more than 1 year each.

6 **SEC. 5. GAO REVIEW AND REPORT.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, and annually thereafter for
9 2 years, the Comptroller General of the United States
10 shall conduct a review of—

11 (1) energy production in the United States; and
12 (2) the effects, if any, of crude oil exports from
13 the United States on consumers, independent refin-
14 ers, and shipbuilding and ship repair yards.

15 (b) CONTENTS OF REPORT.—Not later than 1 year
16 after commencing each review under subsection (a), the
17 Comptroller General of the United States shall submit to
18 the Committees on Energy and Natural Resources, Bank-
19 ing, Housing, and Urban Affairs, Commerce, Science, and
20 Transportation, and Foreign Relations of the Senate and
21 the Committees on Natural Resources, Energy and Com-
22 merce, Financial Services, and Foreign Affairs of the
23 House of Representatives a report that includes—

24 (1) a statement of the principal findings of the
25 review; and

1 (2) recommendations for Congress and the
2 President to address any job loss in the shipbuilding
3 and ship repair industry or adverse impacts on con-
4 sumers and refiners that the Comptroller General of
5 the United States attributes to unencumbered crude
6 oil exports in the United States.

○