

118TH CONGRESS  
1ST SESSION

# S. 11

To amend the Energy Policy and Conservation Act to require the Secretary of Energy to stipulate, as a condition on the sale at auction of any petroleum products from the Strategic Petroleum Reserve, that the petroleum products not be exported to certain countries, to prohibit such sales to certain state-owned entities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 23 (legislative day, JANUARY 3), 2023

Mr. BARRASSO (for himself and Ms. COLLINS) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Energy Policy and Conservation Act to require the Secretary of Energy to stipulate, as a condition on the sale at auction of any petroleum products from the Strategic Petroleum Reserve, that the petroleum products not be exported to certain countries, to prohibit such sales to certain state-owned entities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Secure Auction For  
3 Energy Reserves Act of 2023” or the “SAFER Act of  
4 2023”.

5 **SEC. 2. PROHIBITION ON EXPORT OF STRATEGIC PETRO-**  
6 **LEUM RESERVE PETROLEUM PRODUCTS TO**  
7 **CERTAIN COUNTRIES AND SALES TO CER-**  
8 **TAIN STATE-OWNED ENTITIES.**

9 Section 161(i) of the Energy Policy and Conservation  
10 Act (42 U.S.C. 6241(i)) is amended—

11 (1) by striking “(i) Notwithstanding any other  
12 law” and inserting the following:

13 “(i) REFINE OR EXCHANGE OUTSIDE THE UNITED  
14 STATES.—

15 “(1) IN GENERAL.—Notwithstanding any other  
16 provision of law and subject to paragraphs (2) and  
17 (3)”; and

18 (2) by adding at the end the following:

19 “(2) PROHIBITION ON EXPORT OF STRATEGIC  
20 PETROLEUM RESERVE PETROLEUM PRODUCTS TO  
21 CERTAIN COUNTRIES.—Notwithstanding any other  
22 provision of law, with respect to the drawdown and  
23 sale at auction of any petroleum products from the  
24 Reserve under this section after the date of enact-  
25 ment of this paragraph, the Secretary shall require,  
26 as a condition of the sale, that the petroleum prod-

1 ucts not be exported to a country that is designated  
2 as a country of particular concern for religious free-  
3 dom under clause (ii) of section 402(b)(1)(A) of the  
4 International Religious Freedom Act of 1998 (22  
5 U.S.C. 6442(b)(1)(A)).

6 “(3) REQUIREMENTS APPLICABLE TO CERTAIN  
7 STATE-OWNED ENTITIES.—Notwithstanding any  
8 other provision of law, with respect to the drawdown  
9 and sale at auction of any petroleum products from  
10 the Reserve under this section after the date of en-  
11 actment of this paragraph, if the Secretary deter-  
12 mines that, as of the date of the auction, there is  
13 in effect a United States ban on, or the imposition  
14 of sanctions by the United States with respect to,  
15 the purchase of crude oil from 1 or more countries—

16 “(A) to be eligible to bid in the auction, a  
17 state-owned entity shall submit to the Secretary  
18 a certification that the state-owned entity has  
19 not purchased petroleum products from any  
20 country subject to such a ban or sanctions later  
21 than 15 days after the date on which the ban  
22 or sanctions went into effect; and

23 “(B) if the Secretary determines that a  
24 state-owned entity participating in the auction  
25 has purchased crude oil from a country subject

1           to such a ban or sanctions later than 15 days  
2           after the date on which the ban or sanctions  
3           went into effect, the Secretary shall not sell pe-  
4           troleum products from the Reserve to the state-  
5           owned entity under the auction.”.

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