

118TH CONGRESS  
1ST SESSION

# S. 283

To require the Secretary of Energy to stipulate, as a condition on the sale at auction of any crude oil from the Strategic Petroleum Reserve, that the crude oil not be exported to certain countries, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 7, 2023

Mr. CRUZ 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 require the Secretary of Energy to stipulate, as a condition on the sale at auction of any crude oil from the Strategic Petroleum Reserve, that the crude oil not be exported to certain countries, 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 “No Emergency Crude  
5 Oil for Foreign Adversaries Act”.

6 **SEC. 2. CONDITION ON AUCTION OF CRUDE OIL FROM THE**  
7 **STRATEGIC PETROLEUM RESERVE.**

8 (a) **DEFINITIONS.**—In this section:

1           (1) BIDDER.—The term “bidder” means an in-  
2           dividual or entity bidding or intending to bid at an  
3           auction of crude oil from the Strategic Petroleum  
4           Reserve.

5           (2) SECRETARY.—The term “Secretary” means  
6           the Secretary of Energy.

7           (3) STRATEGIC PETROLEUM RESERVE.—The  
8           term “Strategic Petroleum Reserve” means the  
9           Strategic Petroleum Reserve established under part  
10          B of title I of the Energy Policy and Conservation  
11          Act (42 U.S.C. 6231 et seq.).

12          (b) PROHIBITION ON EXPORT OF SPR CRUDE OIL  
13          TO CERTAIN COUNTRIES.—

14               (1) IN GENERAL.—Notwithstanding any other  
15               provision of law, including section 161 of the Energy  
16               Policy and Conservation Act (42 U.S.C. 6241), and  
17               subject to paragraph (2), with respect to the draw-  
18               down and sale at auction of any crude oil from the  
19               Strategic Petroleum Reserve after the date of enact-  
20               ment of this Act, the Secretary shall require, as a  
21               condition of any such sale, that the crude oil not be  
22               exported to—

23                       (A) the People’s Republic of China;

24                       (B) the Russian Federation;

1 (C) the Democratic People's Republic of  
2 Korea; or

3 (D) the Islamic Republic of Iran.

4 (2) WAIVER.—

5 (A) IN GENERAL.—On application by a  
6 bidder, the Secretary may waive, prior to the  
7 date of the applicable auction, the condition de-  
8 scribed in paragraph (1) with respect to the  
9 sale of crude oil to that bidder at that auction.

10 (B) REQUIREMENT.—The Secretary may  
11 issue a waiver under subparagraph (A) only if  
12 the Secretary determines that the waiver is in  
13 the interest of the national security of the  
14 United States.

15 (C) APPLICATIONS.—

16 (i) IN GENERAL.—A bidder desiring a  
17 waiver under subparagraph (A) shall sub-  
18 mit to the Secretary an application—

19 (I) not later than the date that is  
20 30 days before the date of the applica-  
21 ble auction; and

22 (II) in such form and containing  
23 such information as the Secretary  
24 may require.

1                   (ii) DEADLINE FOR DECISION.—The  
2                   Secretary shall determine whether to ap-  
3                   prove or deny an application submitted  
4                   under clause (i) by the date that is 30  
5                   days after the date on which the applica-  
6                   tion is submitted.

7           (c) REPORT.—Not later than 180 days after the date  
8 of enactment of this Act, the Secretary shall submit to  
9 the Committee on Energy and Natural Resources of the  
10 Senate and the Committees on Energy and Commerce and  
11 Natural Resources of the House of Representatives a re-  
12 port describing—

13                   (1) the route to destination and place of refine-  
14                   ment of all crude oil sold at auction from the Stra-  
15                   tegic Petroleum Reserve since November 23, 2021;  
16                   and

17                   (2) the ownership of the refinement facilities at  
18                   which crude oil described in paragraph (1) was re-  
19                   fined.

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