

106TH CONGRESS
1ST SESSION

H. R. 1395

To amend the Clean Air Act to suspend the application of certain motor vehicle fuel requirements in areas within the State of California during certain periods in order to reduce the retail cost of gasoline, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 1999

Mr. HUNTER (for himself and Mr. CALVERT) introduced the following bill;
which was referred to the Committee on Commerce

A BILL

To amend the Clean Air Act to suspend the application of certain motor vehicle fuel requirements in areas within the State of California during certain periods in order to reduce the retail cost of gasoline, 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. FINDINGS.**

4 The Congress finds as follows:

5 (1) The recent shutdown of primary petroleum
6 refining facilities in the State of California has cut
7 refining capabilities drastically.

1 (2) The reduction in refinery capacity has a di-
 2 rect and corresponding effect on gas prices in Cali-
 3 fornia, with gas costs vastly exceeding the national
 4 average.

5 (3) It is now necessary to seek alternative
 6 sources of refined gasoline to alleviate this crisis.

7 (4) The Federal and State and local govern-
 8 ments have a shared responsibility in reducing the
 9 increased fuel costs associated with California.

10 (5) California drivers cannot access inexpensive
 11 gasoline from other States because of special refin-
 12 ing requirements. Working families in California
 13 need relief from the high costs associated with these
 14 requirements.

15 (6) The use of reformulated gas in California
 16 has significantly improved air quality in the State.
 17 However, due to the lack of refiners outside the
 18 State who can readily produce reformulated gas,
 19 consumers are faced with an unnecessary burden.

20 **SEC. 2. AMENDMENT OF SECTION 211 OF CLEAN AIR ACT.**

21 (a) SUSPENSION OF REFORMULATED GAS AND
 22 OXYGENATED FUEL REQUIREMENTS FOR CALIFORNIA.—
 23 Section 211 of the Clean Air Act is amended by adding
 24 the following new subsection at the end thereof:

25 “(p) CALIFORNIA HIGH FUEL COST SUSPENSION.—

1 “(1) IN GENERAL.—The provisions of sub-
2 section (k) of this section (relating to reformulated
3 gas) and subsection (m) of this section (relating to
4 oxygenated fuel), and any provisions in effect under
5 California law regarding reformulated gas or
6 oxygenated fuel, shall be suspended immediately fol-
7 lowing publication of a determination by the Admin-
8 istrator that, during the calendar month prior to
9 such publication, the Statewide average retail price
10 of gasoline within California has been more than 5
11 percent above the baseline average gasoline price for
12 California due to the costs of complying with such
13 provisions. Such suspension shall terminate imme-
14 diately upon publication of a determination by the
15 Administrator that, during the prior calendar
16 month, the Statewide average retail price of gasoline
17 within the California has been more than 5 percent
18 below such baseline average gasoline price.

19 “(2) PUBLICATION OF PRICES AND DETERMINA-
20 TION.—The Administrator shall publish the fol-
21 lowing in the Federal Register each month:

22 “(A) A determination of the Statewide av-
23 erage retail price of gasoline within California
24 for the calendar month prior to such publica-
25 tion.

1 “(B) A determination of the Statewide av-
2 erage retail price of gasoline within California
3 during the 3-calendar year period preceding the
4 calendar year in which such month occurs.

5 If the Administrator determines that, for any cal-
6 endar month, the Statewide average retail price of
7 gasoline within California is more than 5 percent
8 above the baseline average gasoline price for Cali-
9 fornia, such publication shall include a determina-
10 tion that the increase in the retail price of gasoline
11 in California is due to the costs of complying with
12 the provisions referred to in paragraph (1) unless
13 the Administrator and the Governor of California
14 jointly agree (and explain in such publication) that
15 some or all of the increase in such retail price is due
16 to factors that are national or international in scope
17 and not unique to the State of California.

18 “(3) GASOLINE FROM FOREIGN REFINERIES
19 PROHIBITED.—During any suspension under para-
20 graph (1), no gasoline refined outside the United
21 States and imported into the United States may be
22 sold at retail in the State of California.

23 “(4) DEFINITION.—For purposes of this sub-
24 section, the term ‘baseline average gasoline price’
25 means, for any calendar month, a Statewide average

1 price for gasoline sold at retail that is 120 percent
2 of the Statewide average retail price of gasoline
3 within California during the 3-calendar year period
4 preceding the calendar year in which such month oc-
5 curs.”.

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