

109TH CONGRESS
1ST SESSION

H. R. 3782

To prohibit price gouging of gasoline and diesel fuel in areas declared major disasters.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2005

Mrs. WILSON of New Mexico (for herself, Mr. ROGERS of Michigan, Mr. MOORE of Kansas, Mr. BRADLEY of New Hampshire, Mr. BROWN of Ohio, Mr. SIMMONS, Mr. CROWLEY, Mrs. MCCARTHY, Ms. BEAN, Mr. CHANDLER, Mr. SPRATT, Mr. BOEHLERT, and Mr. FITZPATRICK of Pennsylvania) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit price gouging of gasoline and diesel fuel in areas declared major disasters.

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 “Gasoline Price-
5 Gouging Act of 2005”.

6 **SEC. 2. PRICE GOUGING PROHIBITED.**

7 (a) IN GENERAL.—It shall be unlawful for any com-
8 mercial vendor in an area and during a period described

1 in subsection (b) to sell gasoline or diesel fuel at a price
 2 that represents a 10 percent or greater increase from the
 3 average price of gasoline or diesel fuel prevailing in the
 4 area during the 30-day period preceding the designation
 5 described in subsection (b), if such increase is not—

- 6 (1) attributable to any reasonable additional
 7 cost incurred attendant to the major disaster de-
 8 scribed in subsection (b), including replacement
 9 costs, taxes, transportation costs incurred by the
 10 vendor, and costs imposed by the vendor's source; or
 11 (2) consistent with national or international
 12 market trends.

13 (b) APPLICABLE AREA AND PERIOD.—The prohibi-
 14 tion in subsection (a) shall apply to commercial vendors
 15 in areas in the United States which have been declared
 16 a major disaster as defined in section 102(2) of the Robert
 17 T. Stafford Disaster Relief and Emergency Assistance Act
 18 (42 U.S.C. 5122(2)), or designated a disaster area by the
 19 Governor of a State. Such prohibition shall apply for 90
 20 days after such declaration or designation is made.

21 **SEC. 3. ENFORCEMENT BY THE FEDERAL TRADE COMMIS-**
 22 **SION.**

23 (a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—
 24 A violation of section 2 shall be treated as a violation of
 25 a rule defining an unfair or deceptive act or practice pre-

1 scribed under section 18(a)(1)(B) of the Federal Trade
2 Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 (b) ENFORCEMENT.—The Federal Trade Commis-
4 sion shall enforce this Act in the same manner, by the
5 same means, and with the same jurisdiction as though all
6 applicable terms and provisions of the Federal Trade
7 Commission Act were incorporated into and made a part
8 of this Act.

9 **SEC. 4. AVERAGE GASOLINE PRICE ON FTC WEBSITE.**

10 Within 5 days following a declaration of a major dis-
11 aster, as defined in section 102(2) of the Robert T. Staf-
12 ford Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 5122(2)), the Federal Trade Commission shall
14 post on its Internet website the average prices of gasoline
15 and diesel fuel in the area declared a major disaster for
16 the 30-day period preceding such declaration. The Com-
17 mission may consult with the Secretary of Energy in com-
18 plying with the requirements of this section.

19 **SEC. 5. EFFECT ON OTHER LAWS.**

20 Nothing in this Act annuls, alters, or affects in any
21 manner the meaning, scope, or applicability of the laws
22 of any State or subdivision of a State relating to price
23 gouging, except to the extent those laws are inconsistent

- 1 with the provisions of this Act, and then only to the extent
- 2 of the inconsistency.

