

115TH CONGRESS
1ST SESSION

H. R. 4364

To authorize the Administrator of the Environmental Protection Agency, at the request of a Governor of a State, to waive the reformulated gasoline prohibitions and requirements under section 211(k) of the Clean Air Act with respect to the State or a portion of the State if the Administrator determines that the price of gasoline is excessively high.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 9, 2017

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To authorize the Administrator of the Environmental Protection Agency, at the request of a Governor of a State, to waive the reformulated gasoline prohibitions and requirements under section 211(k) of the Clean Air Act with respect to the State or a portion of the State if the Administrator determines that the price of gasoline is excessively high.

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 “RFG Modernization
5 Act of 2017”.

1 **SEC. 2. WAIVER OF REFORMULATED GASOLINE REQUIRE-**
2 **MENTS WHERE THE PRICE OF GASOLINE IS**
3 **EXCESSIVELY HIGH.**

4 (a) IN GENERAL.—Subsection (k) of section 211 of
5 the Clean Air Act (42 U.S.C. 7545) is amended—

6 (1) by redesignating paragraph (10) as para-
7 graph (11); and

8 (2) by inserting after paragraph (9) the fol-
9 lowing:

10 “(10) WAIVERS.—

11 “(A) IN GENERAL.—At the request of the
12 Governor of a State, the Administrator may
13 waive the prohibitions and requirements other-
14 wise applicable under this subsection with re-
15 spect to the State or a portion of a State if the
16 Administrator determines that the price of gas-
17 oline in such State or portion is excessively
18 high.

19 “(B) CONSIDERATIONS.—In making a de-
20 termination described in subparagraph (A), the
21 Administrator shall consider—

22 “(i) the price of a gallon of conven-
23 tional gasoline, the price of a gallon of re-
24 formulated gasoline, and the difference be-
25 tween the two, both in raw dollars and as
26 a percentage, in such State or portion; and

1 “(ii) such other factors as the Admin-
 2 istrator determines appropriate.

3 “(C) PROCESS.—On receipt of a request
 4 from a Governor for a waiver under subpara-
 5 graph (A), the Administrator shall—

6 “(i) issue such waiver if the Adminis-
 7 trator finds that the standard described in
 8 subparagraph (A) is met; or

9 “(ii) publish an explanation of why
 10 such standard is not met.

11 “(D) DURATION; RENEWAL.—A waiver
 12 under this paragraph—

13 “(i) shall be for a period of not more
 14 than 42 days; and

15 “(ii) may be renewed.”.

16 (b) TECHNICAL CORRECTION.—Subparagraphs (E)
 17 and (F) of section 211(k)(11) of the Clean Air Act, as
 18 redesignated by subsection (a), are amended by moving
 19 the margins of such subparagraphs 2 ems to the right.

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