

103^D CONGRESS
2^D SESSION

S. RES. 197

To promote clean air and to prevent the import of “dirty” gasoline into the United States.

IN THE SENATE OF THE UNITED STATES

MARCH 25 (legislative day, FEBRUARY 22), 1994

Mr. BAUCUS (for himself, Mr. FORD, Mr. WARNER, Mr. BREAUX, and Mr. WOFFORD) submitted the following resolution; which was referred to the Committee on Finance

RESOLUTION

To promote clean air and to prevent the import of “dirty” gasoline into the United States.

Whereas the “Clear Air Act Amendments of 1990” (CAAA 1990) is legislation critical for preserving American health and environment;

Whereas the reformulated gasoline program is a key provision of the CAAA 1990;

Whereas the integrity of the clean fuels requirement of the CAAA necessarily involves EPA verification of data submitted;

Whereas the EPA must be able to verify with certainty the foreign submitted data substantiating 1990 baseline standards of foreign refiners of reformulated gasoline;

Whereas the final reformulated gasoline rule issued by EPA on December 15, 1993, recognizes the difficulty EPA has verifying the baseline of gasoline produced abroad and attempts to protect the integrity of the clean fuels requirement in the CAAA 1990;

Whereas foreign refiners might be entitled to claim that the December 15 EPA rule denies them national treatment obligations owed them by the United States under the General Agreement on Tariffs and Trade (GATT);

Whereas the GATT provides a recognized exception to GATT obligations of “national treatment” by virtue of a measure’s importance to protecting human, animal or plant life or health; and

Whereas the reformulated gasoline EPA rule can be reasonably found to fall within this GATT article XX exception:
Now, therefore, be it

1 *Resolved*, That it is the sense of the Senate that the
2 reformulated gasoline rule should stand as previously pro-
3 mulgated; and that the United States Trade Representa-
4 tive should vigorously defend the reformulated gasoline
5 rule under the GATT; and that if the United States re-
6 opens the reformulated gasoline rule, the new proposed
7 rule to permit foreign refineries to use their own 1990
8 baselines should be subject to rigorous and extensive pub-
9 lic notice and comment to ensure that it does not con-
10 sequently result in an increase in the levels of ozone over
11 the current reformulated gasoline rule, and does not result

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1 in discrimination against domestic refiners of reformu-
2 lated gasoline.

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