

AMENDMENTS

1992—Subsec. (b)(1). Pub. L. 102-486, §1502(c), struck out “shall” after “Agency” in introductory provisions, inserted “may” before “conduct” in subpar. (A), inserted “shall” before “certify” in subpar. (B), and in subpar. (C) inserted “shall” before “notify” and struck out before period at end “discovered in the course of such field testing”.

Pub. L. 102-486, §1501(c)(3)(A), (B), substituted “automotive fuel rating” for “octane rating” and “fuel” for “gasoline” wherever appearing.

Subsec. (c). Pub. L. 102-486, §1501(c)(3), substituted “automotive fuel rating” for “octane rating” and “fuel” for “gasoline” wherever appearing, “section 2821” for “section 2821(1)” in par. (3), and “automotive fuel ratings” for “octane ratings” in par. (4).

Subsec. (e). Pub. L. 102-586, §1502(b), struck out before end of second sentence “; except that for purposes of section 5(m)(1)(A) of such Act, the term ‘or knowledge fairly implied on the basis of objective circumstances’ shall not apply to any violation by any gasoline retailer of the requirements of section 2822(c) or (e) of this title”.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 1501(c)(3) of Pub. L. 102-486 effective at the end of the one-year period beginning Oct. 24, 1992, see section 1501(d)(1) of Pub. L. 102-486, set out as a note under section 2821 of this title.

EFFECTIVE DATE

Subsec. (b) of this section effective on first day of first calendar month beginning more than 6 months after June 19, 1978, see section 205(a) of Pub. L. 95-297, set out as a note under section 2822 of this title.

§ 2824. Relationship of statutory provisions to State and local laws

(a) To the extent that any provision of this subchapter applies to any act or omission, no State or any political subdivision thereof may adopt or continue in effect, except as provided in subsection (b), any provision of law or regulation with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this subchapter.

(b) A State or political subdivision thereof may provide for any investigative or enforcement action, remedy, or penalty (including procedural actions necessary to carry out such investigative or enforcement actions, remedies, or penalties) with respect to any provision of law or regulation permitted by subsection (a).

(Pub. L. 95-297, title II, §204, June 19, 1978, 92 Stat. 337; Pub. L. 102-486, title XV, §1502(a), Oct. 24, 1992, 106 Stat. 2997.)

AMENDMENTS

1992—Pub. L. 102-486 amended section generally. Prior to amendment, section read as follows: “To the extent that any provision of this subchapter applies to any act or omission, no State or any political subdivision thereof may adopt, enforce, or continue in effect any provision of any law or regulation (including any remedy or penalty applicable to any violation thereof) with respect to such act or omission, unless such provision of such law or regulation is the same as the applicable provision of this subchapter.”

SUBCHAPTER III—SUBSIDIZATION OF MOTOR FUEL MARKETING

§ 2841. Study by Secretary of Energy

(a) Consultation with Chairman of Federal Trade Commission, Attorney General, and other agencies deemed appropriate by Secretary

The Secretary of Energy, in consultation with the Chairman of the Federal Trade Commission and the Attorney General and other agencies as the Secretary deems appropriate, shall conduct a study of the extent to which producers, refiners, and other suppliers of motor fuel subsidize the sale of such motor fuel at retail or wholesale with profits obtained from other operations.

(b) Scope

Such study shall examine—

(1) the role of vertically integrated operations in facilitating subsidization of sales of motor fuel at wholesale or retail;

(2) the extent to which such subsidization is predatory and presents a threat to competition;

(3) the profitability of various segments of the petroleum industry;

(4) the impact of prohibiting such subsidization on the competitive viability of various segments of the petroleum industry, on prices of motor fuel to consumers and on the health and structure of the petroleum industry as a whole; and

(5) such other matters as the Secretary considers appropriate.

(c) Notice to interested parties and opportunity to present written and oral data, views and arguments

In conducting the study required by this section, the Secretary shall give appropriate notice and afford interested persons an opportunity to present written and oral data, views and arguments concerning such study.

(d) Report to Congress; contents and time for submission; Presidential promulgation of rules establishing interim measures; submission date and duration of interim measures; Congressional approval of interim measures

(1) The Secretary shall report the results of the study required by this section, together with such recommendations for legislative action and such statistical evidence as he deems appropriate to the Congress on or before the expiration of the eighteenth month after June 19, 1978.

(2) If the President determines that interim measures are necessary and appropriate to maintain the competitive viability of the marketing sector of the petroleum industry during Congressional consideration of the recommendations contained in the report submitted under paragraph (1), he shall prescribe, by rule, in accordance with the procedures set forth in section 6393(a) of title 42 such interim measures.

(3) No interim measure proposed by the President under this section may be submitted after January 1, 1980, and the effect of such measure if approved by the Congress under paragraph (4) may not extend beyond 18 months after such Congressional approval.

(4) Such interim measure shall not take effect unless approved by both Houses of Congress as if