

AMENDMENT TO H.R. 806
OFFERED BY Mr . Shimkus

Redesignate sections 4 and 5 as sections 5 and 6,
respectively.

Insert after section 3 the following new section:

1 **SEC. 4. APPLICABILITY OF SANCTIONS AND FEES IF EMIS-**
2 **SIONS BEYOND CONTROL.**

3 The Clean Air Act (42 U.S.C. 7401 et seq.) is amend-
4 ed by inserting after section 179B the following new sec-
5 tion:

6 **“SEC. 179C. APPLICABILITY OF SANCTIONS AND FEES IF**
7 **EMISSIONS BEYOND CONTROL.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-
9 vision of this Act, with respect to any nonattainment area
10 that is classified under section 181 as severe or extreme
11 for ozone or under section 188 as serious for particulate
12 matter, no sanction or fee under section 179 or 185 shall
13 apply with respect to a State (or a local government or
14 source therein) on the basis of a deficiency described in
15 section 179(a), or the State’s failure to attain a national
16 ambient air quality standard for ozone or particulate mat-
17 ter by the applicable attainment date, if the State dem-

1 onstrates that the State would have avoided such defi-
2 ciency or attained such standard but for one or more of
3 the following:

4 “(1) Emissions emanating from outside the
5 nonattainment area.

6 “(2) Emissions from an exceptional event (as
7 defined in section 319(b)(1)).

8 “(3) Emissions from mobile sources to the ex-
9 tent the State demonstrates that—

10 “(A) such emissions are beyond the control
11 of the State to reduce or eliminate; and

12 “(B) the State is fully implementing such
13 measures as are within the authority of the
14 State to control emissions from the mobile
15 sources.

16 “(b) NO EFFECT ON UNDERLYING STANDARDS.—

17 The inapplicability of sanctions or fees with respect to a
18 State pursuant to subsection (a) does not affect the obliga-
19 tion of the State (and local governments and sources
20 therein) under other provisions of this Act to establish and
21 implement measures to attain a national ambient air qual-
22 ity standard for ozone or particulate matter.

23 “(c) PERIODIC RENEWAL OF DEMONSTRATION.—

24 For subsection (a) to continue to apply with respect to
25 a State or local government (or source therein), the State

1 involved shall renew the demonstration required by sub-
2 section (a) at least once every 5 years.”.

