

In the House of Representatives, U. S.,

June 12, 2008.

Resolved, That the bill from the Senate (S. 2146) entitled “An Act to authorize the Administrator of the Environmental Protection Agency to accept, as part of a settlement, diesel emission reduction Supplemental Environmental Projects, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. EPA AUTHORITY TO ACCEPT DIESEL EMISSIONS***

2 ***REDUCTION SUPPLEMENTAL ENVIRON-***

3 ***MENTAL PROJECTS.***

4 *The Administrator of the Environmental Protection*

5 *Agency (hereinafter, the “Agency”) may accept (notwith-*

6 *standing sections 3302 and 1301 of title 31, United States*

7 *Code) diesel emissions reduction Supplemental Environ-*

8 *mental Projects if the projects, as part of a settlement of*

9 *any alleged violations of environmental law—*

10 *(1) protect human health or the environment;*

11 *(2) are related to the underlying alleged viola-*

12 *tions;*

13 *(3) do not constitute activities that the defendant*

14 *would otherwise be legally required to perform; and*

1 (4) do not provide funds for the staff of the Agen-
2 cy or for contractors to carry out the Agency's inter-
3 nal operations.

4 **SEC. 2. SETTLEMENT AGREEMENT PROVISIONS.**

5 In any settlement agreement regarding alleged viola-
6 tions of environmental law in which a defendant agrees to
7 perform a diesel emissions reduction Supplemental Envi-
8 ronmental Project, the Administrator of the Environmental
9 Protection Agency shall require the defendant to include in
10 the settlement documents a certification under penalty of
11 law that the defendant would have agreed to perform a com-
12 parably valued, alternative project other than a diesel emis-
13 sions reduction Supplemental Environmental Project if the
14 Administrator were precluded by law from accepting a die-
15 sel emission reduction Supplemental Environmental
16 Project. A failure by the Administrator to include this lan-
17 guage in such a settlement agreement shall not create a
18 cause of action against the United States under the Clean
19 Air Act or any other law or create a basis for overturning
20 a settlement agreement entered into by the United States.

1 **SEC. 3. INCLUSION OF THE DISTRICT OF COLUMBIA IN CER-**
 2 **TAIN STATE AND LOCAL GRANT PROGRAMS**
 3 **FOR DIESEL EMISSION REDUCTIONS.**

4 (a) *IN GENERAL.*—Section 791 of the Energy Policy
 5 Act of 2005 (42 U.S.C. 16131) is amended by adding at
 6 the end thereof the following:

7 “(9) *DEFINITION OF STATE.*—The term ‘State’
 8 includes the District of Columbia.”.

9 (b) *CONFORMING AMENDMENTS.*—(1) Section
 10 793(d)(2) of such Act (42 U.S.C. 16133(d)(2)) is amended
 11 by striking “Governor” and inserting “chief executive”.

12 (2) Subparagraphs (A) and (B) of section 793(c)(2)
 13 of such Act are each amended by striking “50” and insert-
 14 ing “51” and by striking “2 percent” and inserting “1.96
 15 percent” in each place such terms appear.

Attest:

Clerk.

110TH CONGRESS
2D SESSION

S. 2146

AMENDMENT