

106TH CONGRESS
1ST SESSION

H. R. 1755

To provide for reimbursing the States for the cost incurred by the States
in implementing the Border Smog Reduction Act of 1998.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1999

Mr. FILNER introduced the following bill; which was referred to the
Committee on Commerce

A BILL

To provide for reimbursing the States for the cost incurred
by the States in implementing the Border Smog Reduc-
tion Act of 1998.

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 “Border Smog Reduc-
5 tion Accountability Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The Clean Air Act provides for the estab-
9 lishment of national primary ambient air quality
10 standards. The standards are Federal regulatory

1 provisions, but are implemented, maintained, and
2 enforced under State plans.

3 (2) The States incur costs in administering
4 such plans. In the case of ozone nonattainment
5 areas, the States incur increased administrative
6 costs because the Clean Air Act requires the oper-
7 ation of inspection and maintenance programs to
8 control vehicle emissions. Even greater administra-
9 tive costs are incurred for serious, severe, or extreme
10 ozone nonattainment areas, as the States are re-
11 quired to have enhanced inspection and maintenance
12 programs.

13 (3) For a State that borders a foreign country,
14 an additional factor in the problem of ozone non-
15 attainment is presented by vehicles that enter the
16 State from the foreign country and are registered in
17 such country.

18 (4) The Border Smog Reduction Act of 1998
19 (Public Law 105–286) was enacted in response to
20 such problem. Notwithstanding estimates of the
21 Congressional Budget Office to the contrary, the
22 States have determined that the implementation of
23 Public Law 105–286 will cause the States to incur
24 significant administrative costs.

1 (5) Public Law 105–286 is therefore an un-
2 funded mandate within the spirit of the Unfunded
3 Mandates Reform Act of 1995 (“UMRA”) (Public
4 Law 104–4), even though State expenditures under
5 Public Law 105–286 may not meet the intergovern-
6 mental-mandate threshold amount of \$50,000,000
7 established under UMRA regarding the congress-
8 sional procedural process. UMRA establishes con-
9 gressional and administrative procedures to control
10 the imposition of Federal mandates on the States
11 and the private sector.

12 (6) The Federal Government should make
13 grants to the States in order to reimburse the costs
14 of the States in implementing Public Law 105–286.

15 **SEC. 3. REIMBURSEMENT OF STATES FOR COSTS OF IMPLE-**
16 **MENTING BORDER SMOG REDUCTION ACT OF**
17 **1998.**

18 Of the amounts appropriated for carrying out the
19 Clean Air Act for fiscal year 2000 and each subsequent
20 fiscal year, the Administrator of the Environmental Pro-
21 tection Agency shall make available such sums as may be
22 necessary to make grants to the States in amounts suffi-
23 cient to reimburse the States for the costs incurred by the
24 States in implementing section 183(h) of the Clean Air

- 1 Act, as added by section 2 of the Border Smog Reduction
- 2 Act of 1998 (Public Law 105–286).

