

108TH CONGRESS
2D SESSION

H. R. 4774

To amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2004

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

A BILL

To amend the Clean Air Act to delay the effect of reclassifying certain nonattainment areas adjacent to an international border, and for other purposes.

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 “FAIR (Foreign Air
5 Impact Regulation) AIR Act of 2004”.

1 **SEC. 2. DELAY OF EFFECTIVE DATE OF RECLASSIFICATION**
2 **OF NONATTAINMENT AREAS.**

3 (a) AMENDMENT.—Section 179B of the Clean Air
4 Act (42 U.S.C. 7509a) is amended by adding at the end
5 the following:

6 “(e) DELAY OF EFFECTIVE DATE OF RECLASSIFICA-
7 TION.—

8 “(1) APPLICATION.—This paragraph applies to
9 a nonattainment area if—

10 “(A) the area is adjacent to a foreign
11 country; and

12 “(B) the State in which the area is located,
13 in consultation with the regional air quality au-
14 thority involved, submits to the Administrator a
15 claim that the area would have attained the na-
16 tional ambient air quality standard for the air
17 pollutant involved by the applicable attainment
18 date, but for emissions emanating from outside
19 of the United States.

20 “(2) DELAY OF EFFECTIVE DATE.—The reclas-
21 sification of an area described in subparagraph (A)
22 to a higher classification of nonattainment shall not
23 take effect unless the Administrator finds that each
24 of the following is satisfied:

25 “(A) The Secretary of State shall—

1 “(i) enter into negotiations with the
2 appropriate officials of the foreign country
3 involved, in consultation with local leaders
4 in the nonattainment area, air quality
5 monitoring organizations, and other appro-
6 priate public and private entities, to de-
7 velop a plan for improving the air quality
8 of the international area encompassing the
9 nonattainment area; and

10 “(ii) submit the plan developed under
11 clause (i) to the Congress.

12 “(B) The Administrator, taking into con-
13 sideration the plan developed under clause (i),
14 shall take such actions as may be appropriate,
15 including the provision of assistance to local
16 and international air quality groups, to improve
17 the air quality of the nonattainment area.”.

18 (b) APPLICABILITY.—The amendment made by this
19 Act applies to the reclassification of a nonattainment area
20 without respect to whether such reclassification occurs be-
21 fore the date of the enactment of this Act.

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