

Calendar 664

105TH CONGRESS
2^D SESSION**H. R. 8****[Report No. 105-355]**

IN THE SENATE OF THE UNITED STATES

JULY 21, 1998

Received; read twice and referred to the Committee on Environment and
Public Works

SEPTEMBER 28, 1998

Reported by Mr. CHAFEE, without amendment

AN ACT

To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, 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 “Border Smog Reduc-

5 tion Act of 1998”.

1 **SEC. 2. AMENDMENT OF CLEAN AIR ACT.**

2 Section 183 of the Clean Air Act (42 U.S.C. 7511b)
3 is amended by adding the following new subsection at the
4 end:

5 “(h) VEHICLES ENTERING OZONE NONATTAINMENT
6 AREAS.—

7 “(1) AUTHORITY REGARDING OZONE INSPEC-
8 TION AND MAINTENANCE TESTING.—No non-
9 commercial motor vehicle registered in a foreign
10 country and operated by a United States citizen or
11 by an alien who is a permanent resident of the
12 United States, or who holds a valid visa for purposes
13 of employment or educational study in the United
14 States, may enter a serious, severe, or extreme ozone
15 nonattainment area from a foreign country border-
16 ing the United States and contiguous to such non-
17 attainment area more than twice in a single 12-
18 month period, if State law has requirements for the
19 inspection and maintenance of such vehicles under
20 the applicable implementation plan in the nonattain-
21 ment area. The preceding sentence shall not apply if
22 the operator presents documentation at the United
23 States border entry point establishing that the vehi-
24 cle has complied with such requirements that are in
25 effect and are applicable to motor vehicles of the
26 same type and model year.

1 “(2) SANCTIONS FOR VIOLATIONS.—The Presi-
2 dent of the United States may impose and collect
3 from the operator of any motor vehicle who violates,
4 or attempts to violate, paragraph (1) a civil penalty
5 of not more than \$200, except that in any case of
6 repeated violations or attempted violations such pen-
7 alty may not exceed \$400.

8 “(3) STATE ELECTION.—The prohibition set
9 forth in paragraph (1) shall not apply in any State
10 which elects to be exempt from the prohibition. Such
11 election shall take effect upon the President’s receipt
12 of written notice from the Governor of the State no-
13 tifying the President of such election.

14 “(4) STATE ELECTION FOR OTHER NONATTAIN-
15 MENT AREAS.—

16 “(A) IN GENERAL.—In the case of a State
17 that is contiguous with a foreign country and
18 that contains an ozone nonattainment area
19 (other than an ozone nonattainment area to
20 which paragraph (1) applies), such State may
21 elect for the prohibition described in such para-
22 graph to apply in the State, or may elect to es-
23 tablish in accordance with subparagraph (B) an
24 alternative approach to facilitate the compli-
25 ance, by motor vehicles registered in foreign

1 countries and entering such nonattainment
2 area, with the motor vehicle inspection and
3 maintenance requirements in effect under the
4 applicable implementation plan in the non-
5 attainment area and applicable to motor vehi-
6 cles of the same type and model year.

7 “(B) ALTERNATIVE APPROACH.—An alter-
8 native approach by a State under subparagraph
9 (A) is established in accordance with this sub-
10 paragraph if the Governor of the State submits
11 to the President a written description of such
12 approach and the President approves the ap-
13 proach as facilitating compliance for purposes
14 of such subparagraph.

15 “(C) EFFECTIVE DATE REGARDING STATE
16 ELECTION.—If a State makes an election under
17 subparagraph (A) for an alternative approach,
18 the alternative approach takes effect in the
19 State one year after the date on which the
20 President approves the approach. If the State
21 makes the other election under such subpara-
22 graph, the prohibition described in paragraph
23 (1) takes effect in the State 180 days after the
24 President’s receipt of written notice from the

1 Governor of the State notifying the President of
2 such election.

3 “(5) ALTERNATIVE APPROACH REGARDING SE-
4 RIOUS, SEVERE, AND EXTREME AREAS.—In the case
5 of a State containing an ozone nonattainment area
6 to which paragraph (1) applies, paragraph (4) ap-
7 plies to the State to the same extent and in the
8 same manner as such paragraph applies to States
9 described in such paragraph, subject to paragraph
10 (3).

11 “(6) DEFINITION.—For purposes of this sec-
12 tion, a serious, severe, or extreme ozone nonattain-
13 ment area is a Serious Area, a Severe Area, or an
14 Extreme Area as classified under section 181, re-
15 spectively, other than any such area first classified
16 under such section after the date of the enactment
17 of the Border Smog Reduction Act of 1998.”.

18 **SEC. 3. GENERAL PROVISIONS.**

19 (a) IN GENERAL.—The amendment made by section
20 2 takes effect 180 days after the date of the enactment
21 of this Act. Nothing in such amendment shall be construed
22 to require action that is inconsistent with the obligations
23 of the United States under any international agreement.

24 (b) INFORMATION.—As promptly as practicable fol-
25 lowing the enactment of this Act, the appropriate agency

1 of the United States shall distribute information to pub-
2 licize the prohibition set forth in the amendment made by
3 section 2 and its effective date.

4 **SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.**

5 (a) IN GENERAL.—The Comptroller General of the
6 United States shall conduct a study of the impact of the
7 amendment made by this Act, as described in subsection
8 (b).

9 (b) CONTENTS OF STUDY.—The study under sub-
10 section (a) shall compare the potential impact of the
11 amendment made by this Act on air quality in ozone non-
12 attainment areas affected by such amendment with the
13 impact on air quality in the same areas caused by the in-
14 crease in vehicles engaged in commerce operating in the
15 United States and registered in, or operated from, Mexico,
16 as a result of the implementation of the North American
17 Free Trade Agreement.

18 (c) REPORT.—Not later than July 1, 1999, the
19 Comptroller General of the United States shall submit to
20 the Committee on Commerce of the House of Representa-
21 tives, and the Committee on Environment and Public
22 Works of the Senate, a report describing the findings of
23 the study under subsection (a).

Passed the House of Representatives July 20, 1998.

Attest:

ROBIN H. CARLE,

Clerk.

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