

104TH CONGRESS
2D SESSION

H. R. 3961

To provide that customs officers and immigration officers have the authority to deny entry into the United States of certain foreign motor vehicles that do not comply with applicable laws governing motor vehicle emissions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 1996

Mr. BILBRAY (for himself, Mr. BARTON of Texas, Mr. HUNTER, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BONO, Mr. RADANOVICH, and Mr. MCKEON) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide that customs officers and immigration officers have the authority to deny entry into the United States of certain foreign motor vehicles that do not comply with applicable 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,*

1 **SECTION 1. COOPERATION IN ENFORCEMENT OF STATE**
2 **AUTO EMISSION STANDARDS.**

3 For the purpose of assisting State and local govern-
4 ment efforts to reduce air pollution from motor vehicles,
5 all Federal departments and agencies shall cooperate with,
6 and assist, appropriate State and local agencies in the en-
7 forcement of State laws, concerning vehicle emissions and
8 vehicle emission controls and inspections, and State vehi-
9 cle registration laws, for noncommercial motor vehicles en-
10 tering the United States.

11 **SEC. 2. AUTHORITY OF CUSTOMS OFFICERS AND IMMIGRA-**
12 **TION OFFICERS REGARDING AUTO EMISSION**
13 **STANDARDS.**

14 (a) DENIAL OF MOTOR VEHICLE ENTRY.—Customs
15 officers and immigration officers of the United States
16 shall deny entry into the United States to any noncommer-
17 cial motor vehicle transporting from a foreign country
18 which borders the United States into any State in which
19 exists a nonattainment area with respect to an air pollut-
20 ant under part D of title I of the Clean Air Act (42 U.S.C.
21 7501), any individual who is

22 (1) a United States citizen, or

23 (2) an alien who—

24 (A) is a permanent resident of the United
25 States, or

1 (B) is entering that State for purposes of
2 employment or who holds a valid visa for such
3 purpose,
4 unless the motor vehicle is licensed and meets the motor
5 vehicle emissions requirements applicable under the Clean
6 Air Act, or State implementation plan adopted under the
7 Clean Air Act, to motor vehicles of the same make, type,
8 and model year that are registered in that State, or in
9 another State in which the individual permanently resides.
10 For purposes of this section, a motor vehicle shall be con-
11 sidered to meet such requirements only if the vehicle has
12 been certified under State law as meeting such require-
13 ments.

14 (b) FINE OR IMPOUNDMENT FOR REPEATED AT-
15 TEMPTS TO ENTER.—Customs officers and immigration
16 officers of the United States shall impose on, and collect
17 a fine of \$200 from, the driver of any motor vehicle that
18 attempts to enter the United States more than twice in
19 a single 12-month period without the certification referred
20 to in subsection (a). Such officers shall take possession
21 of such vehicle in any case in which such fine is not paid
22 at the time entry is attempted and shall retain possession
23 of such vehicle until such fine is paid or a court determines
24 that the motor vehicle was properly certified as required
25 under subsection (a).

1 (c) EXCEPTION.—During any 12-month period, the
2 driver of a motor vehicle may, without the certification re-
3 ferred to in subsection (a), enter the United States once
4 for purposes of obtaining such certification.

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