

104TH CONGRESS
1ST SESSION

S. 248

To delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19 (legislative day, JANUARY 10), 1995

Mr. GREGG (for himself, Mrs. HUTCHISON, Mr. LOTT, Mr. GRAMM, Mr. NICKLES, and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To delay the required implementation date for enhanced vehicle inspection and maintenance programs under the Clean Air Act and to require the Administrator of the Environmental Protection Agency to reissue the regulations relating to the programs, 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 “Auto Inspection
5 Reform (AIR) Act of 1995”.

1 **SEC. 2. FINDINGS AND PURPOSE.**

2 (a) FINDINGS.—Congress finds that, in carrying out
3 title I of the Clean Air Act (42 U.S.C. 7401 et seq.), the
4 Administrator of the Environmental Protection Agency
5 (referred to in this Act as the “Administrator”) has failed
6 to—

7 (1) adequately consider alternative programs to
8 centralized vehicle emission testing programs, as re-
9 quired by section 182(c)(3)(C)(vi) of the Clean Air
10 Act (42 U.S.C. 7511a(c)(3)(C)(vi)); and

11 (2) provide adequate credit to States for the
12 alternative programs.

13 (b) PURPOSE.—The purpose of this Act is to require
14 the Administrator to—

15 (1) reassess the determinations of the Adminis-
16 trator with respect to the equivalency of centralized
17 and decentralized programs under section
18 182(c)(3)(C)(vi) of the Clean Air Act (42 U.S.C.
19 7511a(c)(3)(C)(vi)); and

20 (2) issue new regulations governing the pro-
21 grams that—

22 (A) result in minimum disruption to the
23 ability of States to comply with other require-
24 ments of the Act (42 U.S.C. 7401 et seq.); and

25 (B) provide States a reasonable oppor-
26 tunity to comply with the new regulations and

1 implement any decentralized testing programs
2 that the States demonstrate are equally effec-
3 tive as centralized programs.

4 **SEC. 3. IMPLEMENTATION OF ENHANCED VEHICLE INSPEC-**
5 **TION PROGRAMS.**

6 (a) IN GENERAL.—Notwithstanding any other provi-
7 sion of law, a State shall not be required to implement
8 an enhanced vehicle inspection and maintenance program
9 under section 182(c)(3) of the Clean Air Act (42 U.S.C.
10 7511a(c)(3)) prior to March 1, 1996.

11 (b) REASSESSMENT OF REGULATIONS.—

12 (1) IN GENERAL.—The Administrator shall—

13 (A) immediately rescind the regulations is-
14 sued on November 5, 1992 (57 Fed. Reg.
15 52950), relating to operation of the program
16 described in subsection (a) on a centralized
17 basis; and

18 (B) during the period beginning on the
19 date of enactment of this Act and ending on
20 March 1, 1996—

21 (i) reassess the determinations made
22 by the Administrator with respect to oper-
23 ation of the program described in sub-
24 section (a) on a centralized basis, taking

1 into consideration comments submitted by
2 States; and

3 (ii) issue new regulations relating to
4 operation of the program described in sub-
5 section (a) on a centralized basis, or, at
6 the option of each State, on any decentral-
7 ized basis if the State demonstrates that
8 such a decentralized program is equally ef-
9 fective as a centralized program.

10 (2) REQUIREMENTS.—The regulations issued
11 under paragraph (1)(B)(ii) shall—

12 (A) in accordance with the intent of sec-
13 tion 182(c)(3)(C)(vi) of the Clean Air Act (42
14 U.S.C. 7511a(c)(3)(C)(vi))—

15 (i) make reasonably available to
16 States the option of operation of the pro-
17 gram described in subsection (a) on any
18 decentralized basis if the State dem-
19 onstrates that such a decentralized pro-
20 gram is equally effective as a centralized
21 program; and

22 (ii) establish criteria that a State
23 must meet in order to demonstrate that a
24 decentralized program of the State is

1 equally effective as a centralized program;
2 and

3 (B)(i) provide each State a reasonable op-
4 portunity to submit (at the option of the State)
5 a new revision to a plan under section 182(c)(3)
6 of the Act (42 U.S.C. 7511a(c)(3)) based on
7 the new regulations, which revision shall replace
8 any revision to a plan previously submitted by
9 the State under section 182(c)(3) of the Act;
10 and

11 (ii) include a schedule that provides States
12 a reasonable opportunity to implement any new
13 revisions to plans that the States submit.

14 (3) JUDICIAL REVIEW.—Notwithstanding sec-
15 tion 706 of title 5, United States Code, or any other
16 provision of law, if the regulations issued pursuant
17 to paragraph (1)(B)(ii) are reviewed by a court, the
18 court shall hold unlawful and set aside the regula-
19 tions if the regulations are found to be unsupported
20 by a preponderance of the evidence.

21 (c) PROHIBITION ON IMPOSITION OF SANCTIONS.—
22 Until such time as the Administrator has carried out sub-
23 section (b)(1)—

24 (1) the Administrator may not issue a finding,
25 disapproval, or determination under section 179(a)

1 of the Clean Air Act (42 U.S.C. 7509(a)), or apply
2 a sanction specified in section 179(b) of the Act, to
3 a State with respect to a failure to implement a pro-
4 gram described in subsection (a), or any portion of
5 such a program; and

6 (2) the Administrator and the Administrator of
7 the Federal Highway Administration of the Depart-
8 ment of Transportation may not take any adverse
9 action, against a State with respect to a failure de-
10 scribed in paragraph (1), under—

11 (A) section 176 of the Clean Air Act (42
12 U.S.C. 7506);

13 (B) chapter 53 of title 49, United States
14 Code;

15 (C) subpart T of part 51, or subpart A of
16 part 93, of title 40, Code of Federal Regula-
17 tions (commonly known as the “transportation
18 conformity rule”); or

19 (D) part 6, 51, or 93 of title 40, Code of
20 Federal Regulations (commonly known as the
21 “general conformity rule”).

22 (d) FULL CREDIT FOR DECENTRALIZED PRO-
23 GRAMS.—Until such time as the Administrator has carried
24 out subsection (b)(1), for the purpose of the attainment
25 demonstration and the reasonable further progress dem-

1 onstration required under section 182(c)(2) of the Clean
2 Air Act (42 U.S.C. 7511a(c)(2)), the Administrator
3 shall—

4 (1) deem that the emission reductions cal-
5 culated by States for inspection and maintenance
6 under their State implementation plans would be
7 achieved as if the planned program had been imple-
8 mented; or

9 (2) if appropriate, consider the operation of the
10 program described in subsection (a) on a decentral-
11 ized basis as equivalent to the operation of the pro-
12 gram on a centralized basis in any case in which a
13 State demonstrates that a determination of such an
14 equivalency is reasonable.

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