

105TH CONGRESS
1ST SESSION

H. R. 8

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 1997

Mr. BILBRAY (for himself, Mr. BARTON of Texas, Mr. FILNER, Mr. HUNTER, Mr. CUNNINGHAM, Mr. CALVERT, Mr. BONO, and Mr. CONDIT) introduced the following bill; which was referred to the Committee on Commerce

A BILL

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 1997”.

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

2 Title III of the Clean Air Act is amended by adding
3 the following new section after section 328:

4 **“SEC. 329. FOREIGN MOTOR VEHICLES.**

5 “(a) COOPERATION IN ENFORCEMENT OF STATE
6 AUTO EMISSION STANDARDS.—For the purpose of assist-
7 ing State and local government efforts to reduce air pollu-
8 tion from motor vehicles, all Federal departments and
9 agencies shall cooperate with, and assist, appropriate
10 State and local agencies in the enforcement of State laws,
11 concerning vehicle emissions and vehicle emission controls
12 and inspections, and State vehicle registration laws, for
13 noncommercial motor vehicles entering the United States.

14 “(b) AUTHORITY OF PRESIDENT REGARDING AUTO
15 EMISSION STANDARDS.—Except as provided in sub-
16 sections (d) and (e), the President shall deny entry into
17 the United States to any noncommercial motor vehicle
18 transporting from a foreign country bordering the United
19 States into any State in which there exists a nonattain-
20 ment area, any individual who is

21 “(1) a United States citizen, or

22 “(2) an alien who—

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

1 “(B) is entering that State for purposes of
2 employment or educational study or who holds
3 a valid visa for any such purpose.

4 “(c) FINE OR IMPOUNDMENT FOR REPEATED AT-
5 TEMPTS TO ENTER.—The President of the United States
6 shall impose on, and collect a fine of \$200 from, the driver
7 of any motor vehicle who enters or attempts to enter the
8 United States more than twice in a single 12-month period
9 in violation of subsection (b). The President shall take
10 possession of such vehicle in any case in which such fine
11 is not paid at the time entry is attempted and shall retain
12 possession of such vehicle until such fine is paid or a court
13 determines that the motor vehicle was properly certified
14 as required under subsection (d).

15 “(d) EXCEPTION FOR CERTIFIED VEHICLES.—The
16 prohibition contained in subsection (b) and the penalties
17 contained in subsection (c) shall not apply to a licensed
18 motor vehicle that meets the motor vehicle emissions re-
19 quirements that are applicable under title II of this Act,
20 and under any applicable State implementation plan provi-
21 sions adopted under this Act, to motor vehicles of the
22 same make, type, and model year registered in that State,
23 or in another State in which the individual permanently
24 resides. For purposes of this section, a motor vehicle shall
25 be considered to meet such requirements only if the vehicle

1 has been certified under State law as meeting such re-
2 quirements.

3 “(e) EXCEPTION FOR SINGLE ENTRY.—During any
4 12-month period, the driver of a motor vehicle may, with-
5 out the certification referred to in subsection (d), enter
6 the United States once for purposes of obtaining such cer-
7 tification.”.

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