

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO RULES COMMITTEE PRINT 115-26  
OFFERED BY MR. MCNERNEY OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Air and Health Quality  
3 Empowerment Zone Designation Act of 2017”.

4 **SEC. 2. AIR AND HEALTH QUALITY EMPOWERMENT ZONES.**

5       (a) DESIGNATION OF AIR AND HEALTH QUALITY  
6 EMPOWERMENT ZONES.—

7           (1) IN GENERAL.—The Administrator may des-  
8 ignate an area as an air and health quality em-  
9 powerment zone if—

10           (A) the air pollution control district or  
11 other local governmental entity authorized to  
12 regulate air quality for the area submits an ap-  
13 plication under paragraph (2) nominating the  
14 area for such designation; and

15           (B) the Administrator determines that—

16           (i) the information in the application  
17 is reasonably accurate; and

1 (ii) the nominated area satisfies the  
2 eligibility criteria described in paragraph  
3 (3).

4 (2) NOMINATION.—To nominate an area for  
5 designation under paragraph (1), the air pollution  
6 control district or other local governmental entity  
7 authorized to regulate air quality for the area shall  
8 submit to the Administrator an application that—

9 (A) demonstrates that the nominated area  
10 satisfies the eligibility criteria described in  
11 paragraph (3); and

12 (B) includes a strategic plan that—

13 (i) is designed for—

14 (I) addressing air quality chal-  
15 lenges and achieving attainment of air  
16 quality standards in the area; and

17 (II) improving the health of the  
18 population in the area;

19 (ii) describes—

20 (I) the process by which the dis-  
21 trict or local governmental entity is a  
22 full partner in the process of devel-  
23 oping and implementing the strategic  
24 plan; and

1 (II) the extent to which local in-  
2 stitutions and organizations have con-  
3 tributed to the planning process;

4 (iii) identifies—

5 (I) the amount of State, local,  
6 and private resources that will be  
7 available for carrying out the strategic  
8 plan; and

9 (II) the private and public part-  
10 nerships to be used (which may in-  
11 clude participation by, and coopera-  
12 tion with, institutions of higher edu-  
13 cation, medical centers, and other pri-  
14 vate and public entities) in carrying  
15 out the strategic plan;

16 (iv) identifies the funding requested  
17 under any Federal program in support of  
18 the strategic plan;

19 (v) identifies baselines, methods, and  
20 benchmarks for measuring the success of  
21 the strategic plan; and

22 (vi) includes such other information  
23 as may be required by the Administrator;  
24 and

1 (C) provides written assurances satisfac-  
2 tory to the Administrator that the strategic  
3 plan will be implemented.

4 (3) ELIGIBILITY CRITERIA.—To be eligible for  
5 designation under paragraph (1), an area must meet  
6 all of the following criteria:

7 (A) NONATTAINMENT.—The area has been  
8 designated as being—

9 (i) in extreme nonattainment of the  
10 national ambient air quality standard for  
11 ozone; and

12 (ii) in nonattainment of the national  
13 ambient air quality standard for PM<sub>2.5</sub>.

14 (B) UNIQUE SOURCES.—The area had—

15 (i) emissions of oxides of nitrogen  
16 from farm equipment of at least 30 tons  
17 per day in calendar year 2011;

18 (ii) emissions of volatile organic com-  
19 pounds from farming operations of at least  
20 3 tons per day in calendar year 2010; or

21 (iii) emissions of oxides of nitrogen  
22 from sources governed primarily through  
23 international law of at least 50 tons per  
24 day in calendar year 2010.

1 (C) AIR QUALITY-RELATED HEALTH EF-  
2 FECTS.—As of the date of designation, the area  
3 meets or exceeds the national average per cap-  
4 ita incidence of asthma.

5 (D) ECONOMIC IMPACT.—As of the date of  
6 designation, the area experiences unemployment  
7 rates higher than the national average.

8 (E) MATCHING FUNDS.—The air pollution  
9 control district or other local governmental enti-  
10 ty submitting the strategic plan under para-  
11 graph (2) for the area agrees that it will make  
12 available (directly or through contributions  
13 from the State or other public or private enti-  
14 ties) non-Federal contributions toward the ac-  
15 tivities to be carried out under the strategic  
16 plan in an amount equal to \$1 for each \$1 of  
17 Federal funds provided for such activities. Such  
18 non-Federal matching funds may be in cash or  
19 in-kind, fairly evaluated, including plant, equip-  
20 ment, or services.

21 (4) PERIOD OF DESIGNATION.—A designation  
22 under paragraph (1) shall remain in effect during  
23 the period beginning on the date of the designation  
24 and ending on the earlier of—

1 (A) the last day of the tenth calendar year  
2 ending after the date of the designation; or

3 (B) the date on which the Administrator  
4 revokes the designation.

5 (5) REVOCATION OF DESIGNATION.—The Ad-  
6 ministrator may revoke the designation under para-  
7 graph (1) of an area if the Administrator determines  
8 that—

9 (A) the area is in attainment with the na-  
10 tional ambient air quality standards for PM<sub>2.5</sub>  
11 and ozone; or

12 (B) the air pollution control district or  
13 other local governmental entity submitting the  
14 strategic plan under paragraph (2) for the area  
15 is not complying substantially with, or fails to  
16 make progress in achieving the goals of, such  
17 strategic plan.

18 (b) GRANTS FOR AIR AND HEALTH QUALITY EM-  
19 POWERMENT ZONES.—

20 (1) IN GENERAL.—For the purpose described in  
21 paragraph (2), the Administrator may award one or  
22 more grants to the air pollution control district or  
23 local governmental entity submitting the application  
24 under subsection (a)(2) on behalf of each air and

1 health quality empowerment zone designated under  
2 subsection (a)(1).

3 (2) USE OF GRANTS.—A recipient of a grant  
4 under paragraph (1) shall use the grant solely for  
5 the purpose of carrying out the strategic plan sub-  
6 mitted by the recipient under subsection (a)(2).

7 (3) AMOUNT OF GRANTS.—The amount award-  
8 ed under this subsection with respect to a designated  
9 air and health quality empowerment zone shall be  
10 determined by the Administrator based upon a re-  
11 view of—

12 (A) the information contained in the appli-  
13 cation for the zone under subsection (a)(2); and

14 (B) the needs set forth in the application  
15 for those anticipated to benefit from the stra-  
16 tegic plan submitted for the zone.

17 (4) TIMING OF GRANTS.—To the extent and in  
18 the amount of appropriations made available in ad-  
19 vance, the Administrator shall—

20 (A) award a grant under this subsection  
21 with respect to each air and health quality em-  
22 powerment zone on the date of designation of  
23 the zone under subsection (a)(1); and

1 (B) make the grant funds available to the  
2 grantee on the first day of the first fiscal year  
3 that begins after the date of such designation.

4 (c) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-  
6 trator” means the Administrator of the Environ-  
7 mental Protection Agency.

8 (2) PM<sub>2.5</sub>.—The term “PM<sub>2.5</sub>” means particu-  
9 late matter with a diameter that does not exceed 2.5  
10 micrometers.

11 **SEC. 3. REPORT TO CONGRESS.**

12 Not later than 5 years after the date of the enact-  
13 ment of this Act, the Administrator of the Environmental  
14 Protection Agency—

15 (1) shall submit a report to the Congress on the  
16 impact of this Act; and

17 (2) may include in such report a description of  
18 the impact of this Act in regard to—

19 (A) the reduction of particulate matter and  
20 nitrogen oxides emissions;

21 (B) the reduction of asthma rates and  
22 other health indicators; and

23 (C) economic indicators.



Amend the title so as to read: “A bill to provide for the designation of, and the award of grant with respect to, air and health quality empowerment zones.”.

