AMENDMENT TO H.R. 1633, AS REPORTED
OFFERED BY MR. FILNER OF CALIFORNIA

In section 2, strike “Before the date” and insert the following:

(a) Temporary Prohibition Against Revising Any National Ambient Air Quality Standard Applicable to Coarse Particulate Matter.—Before the date

(b) Temporary Prohibition Against Disapproval of State Implementation Plans.—Before the date that is one year after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency may not propose, finalize, implement, or enforce any regulation, or take any other action, disapproving any portion of a State implementation plan (as such term is used in the Clean Air Act (42 U.S.C. 7401 et seq.)) applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers, where the State has submitted written notice to the Administrator documenting that—
(1) the area in question received less than 10 inches of precipitation per year on average since January 1, 2002; and

(2) the State has concluded that the area would have attained the national ambient air quality standard applicable to such particulate matter but for natural or other non-anthropogenic sources of particulate matter.

(e) Prohibition Against Sanctions.—Any limitation or prohibition on Federal assistance pursuant to section 176 of the Clean Air Act (42 U.S.C. 7506), any sanction pursuant to section 110(m) or 179 of such Act (42 U.S.C. 7410(m), 7509), and any consequence of a conformity lapse pursuant to section 93.120 of title 40, Code of Federal Regulations, shall not apply with respect to an area if—

(1) the Administrator takes an action in violation of subsection (a) or (b); and

(2) the limitation, prohibition, sanction, or consequence is based on such action.

(d) Temporary Prohibition Against Litigation.—Before the date that is one year after the date of the enactment of this Act, neither the Administrator of the Environmental Protection Agency, nor any other person or agency on the Federal Government’s behalf, may
expend any appropriated funds or take any other action
to prosecute or litigate, or continue the prosecution or liti-
gation of, actions in any court or other tribunal relating
to the interpretation or enforcement of requirements con-
cerning exceptional or natural events involving emissions
of particulate matter. Any rulemaking, guidance, or other
actions taken by the Administrator during the one-year
period described in the preceding sentence that concern
exceptional or natural events involving emissions of partic-
ulate matter shall be considered void ad initio and shall
have no force or effect.