

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

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

1 (a) TEMPORARY PROHIBITION AGAINST REVISING
2 ANY NATIONAL AMBIENT AIR QUALITY STANDARD AP-
3 PPLICABLE TO COARSE PARTICULATE MATTER.—Before
4 the date

In section 2, add at the end the following:

5 (b) TEMPORARY PROHIBITION AGAINST DIS-
6 APPROVAL OF STATE IMPLEMENTATION PLANS.—Before
7 the date that is one year after the date of the enactment
8 of this Act, the Administrator of the Environmental Pro-
9 tection Agency may not propose, finalize, implement, or
10 enforce any regulation, or take any other action, dis-
11 approving any portion of a State implementation plan (as
12 such term is used in the Clean Air Act (42 U.S.C. 7401
13 et seq.)) applicable to particulate matter with an aero-
14 dynamic diameter greater than 2.5 micrometers, where the
15 State has submitted written notice to the Administrator
16 documenting that—

1 (1) the area in question received less than 10
2 inches of precipitation per year on average since
3 January 1, 2002; and

4 (2) the State has concluded that the area would
5 have attained the national ambient air quality stand-
6 ard applicable to such particulate matter but for
7 natural or other non-anthropogenic sources of par-
8 ticulate matter.

9 (c) PROHIBITION AGAINST SANCTIONS.—Any limita-
10 tion or prohibition on Federal assistance pursuant to sec-
11 tion 176 of the Clean Air Act (42 U.S.C. 7506), any sanc-
12 tion pursuant to section 110(m) or 179 of such Act (42
13 U.S.C. 7410(m), 7509), and any consequence of a con-
14 formity lapse pursuant to section 93.120 of title 40, Code
15 of Federal Regulations, shall not apply with respect to an
16 area if—

17 (1) the Administrator takes an action in viola-
18 tion of subsection (a) or (b); and

19 (2) the limitation, prohibition, sanction, or con-
20 sequence is based on such action.

21 (d) TEMPORARY PROHIBITION AGAINST LITIGA-
22 TION.—Before the date that is one year after the date of
23 the enactment of this Act, neither the Administrator of
24 the Environmental Protection Agency, nor any other per-
25 son or agency on the Federal Government's behalf, may

1 expend any appropriated funds or take any other action
2 to prosecute or litigate, or continue the prosecution or liti-
3 gation of, actions in any court or other tribunal relating
4 to the interpretation or enforcement of requirements con-
5 cerning exceptional or natural events involving emissions
6 of particulate matter. Any rulemaking, guidance, or other
7 actions taken by the Administrator during the one-year
8 period described in the preceding sentence that concern
9 exceptional or natural events involving emissions of partic-
10 ulate matter shall be considered void ad initio and shall
11 have no force or effect.

