

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 4795, AS REPORTED  
OFFERED BY MR. McNERNEY OF CALIFORNIA**

In section 3(b), strike “If the Administrator fails”  
and insert

1           (1) STANDARD NOT APPLICABLE.—Except as  
2           provided in paragraph (2), if the Administrator fails

At the end of section 3(b), add the following:

3           (2) STANDARD APPLICABLE.—Paragraph (1)  
4           shall not apply with respect to review and disposition  
5           of a preconstruction permit application by a Federal,  
6           State, local, or tribal permitting authority if such  
7           authority determines that application of such para-  
8           graph is likely to—

9                   (A) increase air pollution that harms  
10                  human health and the environment;

11                   (B) slow issuance of final preconstruction  
12                  permits;

13                   (C) increase regulatory uncertainty;

14                   (D) foster additional litigation;

15                   (E) shift the burden of pollution control  
16                  from new sources to existing sources of pollu-  
17                  tion, including small businesses; or

1                   (F) increase the overall cost of achieving  
2                   the new or revised national ambient air quality  
3                   standard in the applicable area.

