

**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.

