

107TH CONGRESS
2^D SESSION

H. R. 5038

To prohibit the importation of electricity into the United States from Mexico if produced in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by the requirements applicable to the United States.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2002

Mr. FILNER introduced the following bill; which was referred to the
Committee on International Relations

A BILL

To prohibit the importation of electricity into the United States from Mexico if produced in electric energy generation units near the United States border that do not comply with air quality control requirements that provide air quality protection that is at least equivalent to the protection provided by the requirements applicable to the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air Basin Clean or
5 ABC Act of 2002”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds that:

3 (1) limiting the supply of natural gas from the
4 United States to power plants south of the U.S.-
5 Mexico border that are out of compliance with air
6 quality control requirements applicable in the United
7 States is a questionable endeavor according to a re-
8 cent environmental document;

9 (2) the Federal Energy Regulatory Commission
10 Environmental Impact Statement on a natural gas
11 pipeline concludes that “without an adequate supply
12 of natural gas, all [Mexican border] power plants
13 would need to be fueled by another energy source,
14 most likely diesel fuel, with substantial greater air
15 quality impacts”;

16 (3) border counties often are severely impacted
17 by air pollution and are out of attainment with na-
18 tional and state air pollution standards, and new air
19 pollution introduced into the border air basin would
20 have serious consequences to the health of the coun-
21 ties’ citizens.

22 **SEC. 3. PROHIBITION ON IMPORTATION OF CERTAIN ELEC-**
23 **TRICITY FROM MEXICO.**

24 (a) PROHIBITION.—No person may import electricity
25 from Mexico that is produced at any electric energy gen-
26 eration unit that—

1 (1) has a generation capacity greater than 50
2 megawatts;

3 (2) is located within 50 miles of the United
4 States;

5 (3) is first placed into operation, or is modified
6 to have the capability to use natural gas, after De-
7 cember 31, 2001; and

8 (4) does not comply with air quality control re-
9 quirements that the Secretary of Commerce, in con-
10 sultation with the Administrator of the Environ-
11 mental Protection Agency, determines provide air
12 quality protection that is at least equivalent to the
13 protection provided by the air pollution emission rate
14 requirements applicable in the air quality control re-
15 gion in the United States that is closest to that unit.

16 (b) **AUTHORITY.**—To carry out this Act, the Presi-
17 dent shall exercise the authority under the Export Admin-
18 istration Act of 1979 (50 U.S.C. App. 2401 et. seq.)(as
19 continued in effect under the International Emergency
20 Economic Powers Act (50 U.S.C. 1701 et. seq.) and Exec-
21 utive Order No. 12924 (50 U.S.C. 1701 note)).

22 (c) **PENALTIES.**—Penalties provided under section 11
23 of the Export Administration Act of 1979 (50 U.S.C. App.
24 2410) shall apply to violations of this Act to the same

1 extent as those penalties apply to violations under that
2 Act.

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