

115TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Clean Air Act to delay the enforcement and implementation of the 2015 national ambient air quality standards for ozone.

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IN THE SENATE OF THE UNITED STATES

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Mr. FLAKE introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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## **A BILL**

To amend the Clean Air Act to delay the enforcement and implementation of the 2015 national ambient air quality standards for ozone.

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 “Ozone Regulatory  
5 Delay and Extension of Assessment Length Act of 2017”  
6 or the “ORDEAL Act of 2017”.

7 **SEC. 2. NATIONAL AMBIENT AIR QUALITY STANDARDS.**

8        Section 109(d) of the Clean Air Act (42 U.S.C.  
9 7409(d)) is amended—

10            (1) in paragraph (1)—

1 (A) in the first sentence, by striking  
2 “(d)(1) Not later than December 31, 1980, and  
3 at five-year intervals” and inserting the fol-  
4 lowing:

5 “(d) REVIEW AND REVISION OF CRITERIA AND  
6 STANDARDS; INDEPENDENT SCIENTIFIC REVIEW COM-  
7 MITTEE; APPOINTMENT; ADVISORY FUNCTIONS.—

8 “(1) REVIEW AND REVISION OF CRITERIA AND  
9 STANDARDS.—

10 “(A) IN GENERAL.—Not later than De-  
11 cember 31, 1980, and at 10-year intervals”;

12 (B) in the second sentence, by striking  
13 “The Administrator” and inserting the fol-  
14 lowing:

15 “(B) EARLY AND FREQUENT REVIEW AND  
16 REVISION.—Except with respect to any national  
17 ambient air quality standard promulgated  
18 under this section for ozone concentrations, the  
19 Administrator”; and

20 (C) by adding at the end the following:

21 “(C) 2015 NATIONAL AMBIENT AIR QUAL-  
22 ITY STANDARDS FOR OZONE CONCENTRA-  
23 TIONS.—

24 “(i) IN GENERAL.—The Administrator  
25 shall delay the enforcement and implemen-

1           tation of the final rule entitled ‘National  
2           Ambient Air Quality Standards for Ozone’  
3           (80 Fed. Reg. 65292 (October 26, 2015))  
4           until January 1, 2025.

5           “(ii) NEW RULEMAKING.—Not earlier  
6           than January 1, 2025, the Administrator  
7           shall initiate a new rulemaking to promul-  
8           gate new national ambient air quality  
9           standards for ozone concentrations.”; and  
10          (2) in paragraph (2)(B)—

11           (A) by striking “(B) Not later than Janu-  
12           ary 1, 1980, and at five-year intervals” and in-  
13           serting the following:

14           “(B) REVIEW.—

15           “(i) IN GENERAL.—Except as pro-  
16           vided in clause (ii), not later than January  
17           1, 1980, and at 10-year intervals”; and  
18           (B) by adding at the end the following:

19           “(ii) NATIONAL AMBIENT AIR QUAL-  
20           ITY STANDARDS FOR OZONE CONCENTRA-  
21           TIONS.—Not earlier than January 1, 2025,  
22           and at 10-year intervals thereafter, the  
23           committee referred to in subparagraph (A)  
24           shall, with respect to national ambient air

1 quality standards for ozone concentra-  
2 tions—

3 “(I) complete a review of any  
4 standard promulgated under this sec-  
5 tion; and

6 “(II) recommend to the Adminis-  
7 trator any new standard and any revi-  
8 sion to the standards described in  
9 subclause (I) as may be appropriate  
10 under section 108 and subsection  
11 (b).”.