

111TH CONGRESS
1ST SESSION

H. R. 4396

To amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. POMEROY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to provide that greenhouse gases are not subject to the Act, and for other purposes.

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 “Save Our Energy Jobs
5 Act”.

6 **SEC. 2. FINDING AND SENSE OF CONGRESS.**

7 (a) FINDING.—Congress finds that on April 2, 2007,
8 the United States Supreme Court, in *Massachusetts v.*
9 *Environmental Protection Agency*, 549 U.S. 497 (2007),
10 found that the Environmental Protection Agency has au-

1 thority under the Clean Air Act to regulate greenhouse
2 gas emissions.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that:

5 (1) When Congress passed the Clean Air Act,
6 it did not intend to regulate greenhouse gases under
7 such Act.

8 (2) The Environmental Protection Agency
9 should not have the authority to promulgate rules to
10 regulate greenhouse gas emissions without being
11 provided explicit authority to do so by Congress.

12 (3) Should the Environmental Protection Agen-
13 cy promulgate rules that regulate greenhouse gas
14 emissions, such regulations will have a significant
15 impact on nearly all aspects of the economy of the
16 United States. Regulations that have the potential to
17 impact such a large portion of the economy should
18 not be left to administrative rulemaking in the ab-
19 sence of congressional action.

20 (4) Comprehensive regulations to address global
21 climate change must only be enacted—

22 (A) at the direction of Congress; and

23 (B) if Congress specifically intends such
24 regulations to be implemented.

1 **SEC. 3. GREENHOUSE GAS REGULATION UNDER CLEAN AIR**
2 **ACT.**

3 Section 302(g) of the Clean Air Act (42 U.S.C.
4 7602(g)) is amended by adding the following at the end
5 thereof: “The term ‘air pollutant’ shall not include carbon
6 dioxide, methane, nitrous oxide, hydrofluorocarbons,
7 perfluorocarbons, or sulfur hexafluoride.”.

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