Union Calendar No. 24

112TH CONGRESS
1ST SESSION

H. R. 910

[Report No. 112–50]

To amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2011

Mr. Upton (for himself, Mr. Peterson, Mr. Rahall, Mr. Whitfield, Mr. Boren, Mr. Barton of Texas, Mrs. McMorris Rodgers, Mr. Walden, Mr. Sullivan, and Mr. McKinley) introduced the following bill; which was referred to the Committee on Energy and Commerce

APRIL 1, 2011

Additional sponsors: Mr. Shimkus, Mr. Hall, Mr. Lucas, Mrs. Capito, Mr. Olson, Mr. Guthrie, Mr. Kinzinger of Illinois, Mr. Pompeo, Mr. Terry, Mrs. Bono Mack, Mr. Cassidy, Mr. Scalise, Mr. Latta, Mrs. Myrick, Mr. Burgess, Mr. Gingrey of Georgia, Mr. Griffith of Virginia, Mrs. Bachmann, Mr. Benishek, Mr. Lankford, Mr. Johnson of Ohio, Mr. Gibbs, Mr. Huizenga of Michigan, Mr. Ribble, Mrs. Noem, Mr. Gardner, Mr. Sensenbrenner, Mr. Sam Johnson of Texas, Mrs. Schmidt, Mr. Walberg, Mr. Camp, Mr. Stearns, Mr. Flores, Mrs. Biggert, Mr. Palazzo, Mr. Renacci, Mr. Austria, Mrs. Lummis, Mr. Stivers, Mr. Rogers of Kentucky, Mr. McCotter, Mr. Runyan, Mr. Rogers of Michigan, Mr. Harper, Mr. Murphy of Pennsylvania, Mr. Burton of Indiana, Mr. Jordan, Mr. Neugebauer, Mr. Tibshirani, Mr. Rehberg, Mr. Smith of Nebraska, Mr. Fleming, Mr. Canseco, Mr. Kline, Mr. McClintock, Mr. Sessions, Mr. Bucshon, Mr. Landry, Mr. Pence, Mr. Carter, Mr. Posey, Mr. Flake, Mr. Poe of Texas, Mr. Brady of Texas, Mr. Turner, Ms. Jenkins, Mr. Simpson, Mr. Kelly, Mr. Farenthold, Mr. Tipton, Mr. Calvert, Mr. Fleischmann, Mr. Graves of Missouri, Mr. Reed, Mr. Hurt, Mr. Rooney, Mr. Meehan, Mr. Berg, Mr. Young of Indiana, Mr. Gosar,
Mr. Roe of Tennessee, Mr. Rokita, Mr. Pitts, Mr. Gary G. Miller of California, Mrs. Emerson, and Mr. Thornberry

APRIL 1, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 3, 2011]

A BILL

To amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Energy Tax Prevention Act of 2011”.

SEC. 2. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

“SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

“(a) DEFINITION.—In this section, the term ‘greenhouse gas’ means any of the following:

“(1) Water vapor.
“(2) Carbon dioxide.
“(3) Methane.
“(4) Nitrous oxide.
“(5) Sulfur hexafluoride.
“(6) Hydrofluorocarbons.
“(7) Perfluorocarbons.
“(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

“(b) LIMITATION ON AGENCY ACTION.—

“(1) LIMITATION.—
“(A) In general.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

“(B) Air pollutant definition.—The definition of the term ‘air pollutant’ in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

“(2) Exceptions.—Paragraph (1) does not prohibit the following:

“(B) Implementation and enforcement of section 211(o).

“(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

“(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I substances or class II substances (as such terms are defined in section 601).

“(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101–549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

“(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to permits).

“(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:


“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse


“(L) Except for actions listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.
“(B) Exception.—

“(i) Rule.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) Provision defined.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the
emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”.

SEC. 3. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be construed to waive the application of subsection (a).”.

SEC. 4. SENSE OF CONGRESS.

It is the sense of the Congress that—

(1) there is established scientific concern over warming of the climate system based upon evidence from observations of increases in global average air
and ocean temperatures, widespread melting of snow
and ice, and rising global average sea level;

(2) addressing climate change is an international issue, involving complex scientific and economic considerations;

(3) the United States has a role to play in resolving global climate change matters on an international basis; and

(4) Congress should fulfill that role by developing policies that do not adversely affect the American economy, energy supplies, and employment.
A BILL

To amend the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas to address climate change, and for other purposes.

AUGUST 1, 2011

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.