

114TH CONGRESS  
1ST SESSION

# H. R. 3880

To prevent the Environmental Protection Agency from exceeding its statutory authority in ways that were not contemplated by the Congress.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2015

Mr. PALMER (for himself, Mr. MOONEY of West Virginia, Mr. BARR, Mr. HARRIS, Mr. AUSTIN SCOTT of Georgia, Mr. LOUDERMILK, Mr. FLORES, Mr. FARENTHOLD, Mr. GIBBS, Mr. WENSTRUP, Mr. BYRNE, Mr. BABIN, Mr. WESTERMAN, Mrs. MILLER of Michigan, Mr. BOUSTANY, Mr. HARDY, Mrs. LUMMIS, Mr. BENISHEK, Mr. NEWHOUSE, Mr. BRAT, Mr. MCKINLEY, Mr. ROUZER, Mr. SCHWEIKERT, Mr. VALADAO, Mr. ROSS, Mr. NUNES, Mrs. BLACK, Mr. COLLINS of Georgia, Mr. LAMALFA, Mr. LAMBORN, Mr. CARTER of Georgia, Mr. JENKINS of West Virginia, Mr. LUCAS, Mr. HILL, Mr. GROTHMAN, Mr. CHAFFETZ, Mr. SMITH of Missouri, Mr. HENSARLING, Mr. DUNCAN of South Carolina, Mr. MILLER of Florida, Mr. BRIDENSTINE, Mr. JORDAN, Mr. SENSENBRENNER, Mr. DUNCAN of Tennessee, Mr. JODY B. HICE of Georgia, Mr. BARTON, Mr. PITTS, Mr. CARTER of Texas, Mr. FLEMING, Mr. RATCLIFFE, Mr. ROTHFUS, Mr. BUCK, Mr. MARCHANT, Mr. BRADY of Texas, Mr. YODER, Mr. SMITH of Texas, Mr. BARLETTA, Mr. GOHMERT, Mr. AMODEI, Mr. WALKER, Mr. MULLIN, Mr. STUTZMAN, Mrs. BLACKBURN, Mrs. ROBY, Mr. SALMON, Mrs. LOVE, Mr. MCCAUL, Mr. MULVANEY, Mr. KELLY of Pennsylvania, Mr. ROGERS of Alabama, Mr. BROOKS of Alabama, Mr. GOSAR, Mr. OLSON, Mr. SESSIONS, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. WEBER of Texas, Mr. ABRAHAM, Mr. LABRADOR, Mr. RIBBLE, Mrs. ELLMERS of North Carolina, Mr. ALLEN, Mr. WOODALL, Mr. ADERHOLT, Mr. WILLIAMS, Mr. SAM JOHNSON of Texas, Mr. DESJARLAIS, Mr. GARRETT, Mr. PERRY, Mr. PEARCE, Mr. KING of Iowa, Mr. KNIGHT, Mr. PALAZZO, Mr. POE of Texas, Mr. YOHO, Mr. MASSIE, Mr. HUELSKAMP, Mr. WALBERG, Mr. ROKITA, Mr. COLE, Mr. MCCLINTOCK, Mr. TOM PRICE of Georgia, Mr. RICE of South Carolina, Mr. FRANKS of Arizona, Mr. KELLY of Mississippi, Mrs. HARTZLER, Mr. JONES, and Mr. HURD of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, Transportation and Infrastructure, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

# A BILL

To prevent the Environmental Protection Agency from exceeding its statutory authority in ways that were not contemplated by the Congress.

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 “Stopping EPA Over-  
5 reach Act of 2015”.

6 **SEC. 2. FINDINGS.**

7       Congress finds that—

8           (1) the Environmental Protection Agency has  
9       exceeded its statutory authority by promulgating  
10       regulations that were not contemplated by Congress  
11       in the authorizing language of the statutes enacted  
12       by Congress;

13           (2) the Environmental Protection Agency was  
14       correct not to classify greenhouse gases as pollutants  
15       prior to 2009;

16           (3) no Federal agency has the authority to reg-  
17       ulate greenhouse gases under current law; and

18           (4) no attempt to regulate greenhouse gases  
19       should be undertaken without further Congressional  
20       action.

1 **SEC. 3. CLARIFICATION OF FEDERAL REGULATORY AU-**  
2 **THORITY TO EXCLUDE GREENHOUSE GASES**  
3 **FROM REGULATION UNDER THE CLEAN AIR**  
4 **ACT.**

5 (a) REPEAL OF FEDERAL CLIMATE CHANGE REGU-  
6 LATION.—

7 (1) GREENHOUSE GAS REGULATION UNDER  
8 CLEAN AIR ACT.—Section 302(g) of the Clean Air  
9 Act (42 U.S.C. 7602(g)) is amended—

10 (A) by striking “(g) The term” and insert-  
11 ing the following:

12 “(g) AIR POLLUTANT.—

13 “(1) IN GENERAL.—The term”; and

14 (B) by adding at the end the following:

15 “(2) EXCLUSION.—The term ‘air pollutant’  
16 does not include carbon dioxide, water vapor, meth-  
17 ane, nitrous oxide, hydrofluorocarbons,  
18 perfluorocarbons, or sulfur hexafluoride.”.

19 (2) NO REGULATION OF CLIMATE CHANGE.—  
20 Notwithstanding any other provision of law, nothing  
21 in any of the following Acts or any other law author-  
22 izes or requires the regulation of climate change or  
23 global warming:

24 (A) The Clean Air Act (42 U.S.C. 7401 et  
25 seq.).

1 (B) The Federal Water Pollution Control  
2 Act (33 U.S.C. 1251 et seq.).

3 (C) The National Environmental Policy  
4 Act of 1969 (42 U.S.C. 4321 et seq.).

5 (D) The Endangered Species Act of 1973  
6 (16 U.S.C. 1531 et seq.).

7 (E) The Solid Waste Disposal Act (42  
8 U.S.C. 6901 et seq.).

9 (b) EFFECT ON PROPOSED RULES OF THE EPA.—

10 In accordance with this section, the following proposed or  
11 contemplated rules (or any similar or successor rules) of  
12 the Environmental Protection Agency shall be void and  
13 have no force or effect:

14 (1) The proposed rule entitled “Standards of  
15 Performance for Greenhouse Gas Emissions From  
16 New Stationary Sources: Electric Utility Generating  
17 Units” (published at 79 Fed. Reg. 1430 (January 8,  
18 2014)).

19 (2) The proposed rule entitled “Carbon Pollu-  
20 tion Emission Guidelines for Existing Stationary  
21 Sources: Electric Utility Generating Units” (pub-  
22 lished at 79 Fed. Reg. 34829 (June 18, 2014)).

23 (3) Any other contemplated or proposed rules  
24 proposed to be issued pursuant to the purported au-  
25 thority described in subsection (a)(2).

1 **SEC. 4. JOBS ANALYSIS FOR ALL EPA REGULATIONS.**

2 (a) IN GENERAL.—Before proposing or finalizing any  
3 regulation, rule, or policy, the Administrator of the Envi-  
4 ronmental Protection Agency shall provide an analysis of  
5 the regulation, rule, or policy and describe the direct and  
6 indirect net and gross impact of the regulation, rule, or  
7 policy on employment in the United States.

8 (b) LIMITATION.—No regulation, rule, or policy de-  
9 scribed in subsection (a) shall take effect if the regulation,  
10 rule, or policy has a negative impact on employment in  
11 the United States unless the regulation, rule, or policy is  
12 approved by Congress and signed by the President.

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