

115TH CONGRESS
1ST SESSION

H. R. 2438

To amend the Clean Air Act to prohibit any regulation under such Act concerning the emissions of carbon dioxide from a fossil fuel-fired electric generating unit from taking effect until the Administrator of the Environmental Protection Agency makes certain certifications, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2017

Mr. ROTHFUS (for himself, Mr. LAMALFA, and Mr. MCKINLEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to prohibit any regulation under such Act concerning the emissions of carbon dioxide from a fossil fuel-fired electric generating unit from taking effect until the Administrator of the Environmental Protection Agency makes certain certifications, 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 “Fighting Against Im-
5 balanced Regulatory Burdens Act of 2017”.

1 **SEC. 2. NO UNILATERAL REGULATION OF EMISSIONS OF**
2 **CARBON DIOXIDE.**

3 The Clean Air Act (42 U.S.C. 7401 et seq.) is amend-
4 ed by inserting after section 329 the following:

5 **“SEC. 330. NO UNILATERAL REGULATION OF EMISSIONS OF**
6 **CARBON DIOXIDE FROM FOSSIL FUEL-FIRED**
7 **ELECTRIC GENERATING UNITS.**

8 “(a) PROHIBITION ON REGULATIONS CONCERNING
9 EMISSIONS OF CARBON DIOXIDE FROM FOSSIL FUEL-
10 FIRED ELECTRIC GENERATING UNITS TAKING EF-
11 FECT.—

12 “(1) PROHIBITION.—A regulation under this
13 Act concerning emissions of carbon dioxide from a
14 fossil fuel-fired electric generating unit to address
15 climate change may not take effect until the Admin-
16 istrator certifies that a sufficient number of coun-
17 tries have put into effect regulations concerning
18 emissions of carbon dioxide which are at least as
19 stringent as the regulation under this Act.

20 “(2) COUNTRIES.—For the purposes of para-
21 graph (1), the term ‘sufficient number’ means a suf-
22 ficient number of countries so that, in the aggregate,
23 such countries account for not less than 80 percent
24 of the global carbon dioxide emissions, excluding
25 such emissions in the United States, in the calendar

1 year immediately preceding the year in which the
2 regulation under this Act would be enforced.

3 “(3) STRINGENCY CONSIDERATIONS.—For the
4 purposes of paragraph (1), a country’s regulation
5 concerning carbon dioxide emissions may only be
6 considered to be as stringent as the regulation under
7 this Act if such country’s regulation limits carbon
8 dioxide emissions to a numeric standard that is
9 equal to or less than such a standard under the reg-
10 ulation under this Act in a timeframe that is equal
11 to or less than the timeframe under the regulation
12 under this Act.

13 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed as providing the Administrator
15 with any authority to promulgate any regulation con-
16 cerning, take action relating to, or take into consideration
17 the emissions of carbon dioxide.”.

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