

119TH CONGRESS
2D SESSION

S. 4340

To prohibit liability against those engaged in the mining, extraction, production, refinement, transportation, distribution, marketing, manufacture, or sale of energy for damages or injunctive or other relief from the use of their products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 16 (legislative day, APRIL 14), 2026

Mr. CRUZ (for himself, Mr. BUDD, Mr. COTTON, and Mr. LEE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To prohibit liability against those engaged in the mining, extraction, production, refinement, transportation, distribution, marketing, manufacture, or sale of energy for damages or injunctive or other relief from the use of their products, 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 “Stop Climate Shake-
5 downs Act of 2026”.

1 **SEC. 2. CONGRESSIONAL DECLARATION; PURPOSES; FIND-**
2 **INGS.**

3 (a) CONGRESSIONAL DECLARATION.—Congress de-
4 clares that the general welfare and the common defense
5 and security require effective action—

6 (1) to develop, and increase the efficiency of, all
7 energy sources to meet the needs of present and fu-
8 ture generations;

9 (2) to increase the productivity of the economy
10 of the United States and strengthen the position of
11 the United States in regard to international trade;

12 (3) to make the United States self-sufficient in
13 energy; and

14 (4) to promote and preserve affordable energy
15 for families and businesses in the United States.

16 (b) PURPOSES.—The purposes of this Act are—

17 (1) to provide for the regulation of interstate
18 commerce; and

19 (2) to promote the production and use of af-
20 fordable, abundant, and reliable energy resources.

21 (c) FINDINGS.—Congress finds that—

22 (1) affordable, abundant, and reliable energy
23 resources are a necessary component of the general
24 welfare of the United States;

25 (2) the production and use of abundant energy
26 resources promotes—

1 (A) the national security of the United
2 States; and

3 (B) the health, safety, and welfare of the
4 citizens of the United States;

5 (3) the regulation of interstate, international,
6 and transboundary emissions in the ambient air is
7 within the exclusive jurisdiction of Federal law;

8 (4) the efforts of States to impose liability on
9 persons engaged in the energy business for inter-
10 state and global emissions, whether through State
11 tort law, consumer protection claims, the passage
12 and enforcement of so-called “climate superfund
13 laws”, or other civil actions, invade the exclusive ju-
14 risdiction of the Federal Government;

15 (5) the efforts to attribute local weather pat-
16 terns and the local harms that result from meteorolo-
17 gical events, such as floods, droughts, hurricanes,
18 wildfires, or heat waves, to persons engaged in the
19 energy business lack scientific credibility and are,
20 therefore, arbitrary;

21 (6) the efforts of States and municipalities to
22 impose retroactive liability on persons engaged in
23 the energy business for otherwise lawful conduct of-
24 fends elementary considerations of fairness and the
25 Constitution of the United States;

1 (7) the efforts described in paragraphs (4), (5),
2 and (6)—

3 (A) are a strain on the judiciary;

4 (B) erode public confidence in the adminis-
5 tration of justice;

6 (C) threaten to destabilize entire industries
7 that are lawfully engaging in commerce in the
8 United States; and

9 (D) burden the interstate, Tribal, and for-
10 eign commerce of the United States;

11 (8) the efforts described in paragraphs (4), (5),
12 and (6) undermine the national security of the
13 United States, as affordable, abundant, and reliable
14 energy is critical for the readiness of the Armed
15 Forces of the United States and the ability to deploy
16 those Armed Forces to deter and counter the adver-
17 saries of the United States;

18 (9) the efforts described in paragraphs (4), (5),
19 and (6) offend the equal sovereign dignity that each
20 of the States enjoys, invading the autonomy of the
21 other States within their respective spheres;

22 (10) the Commerce Clause of section 8 of arti-
23 cle I of the Constitution of the United States au-
24 thorizes Congress to regulate all commerce among

1 the several States, with foreign nations, and with In-
2 dian Tribes; and

3 (11) to discharge the constitutional duties of
4 Congress, the Commerce Clause of section 8 of arti-
5 cle I of the Constitution of the United States em-
6 powers Congress to craft legislation under such
7 terms and conditions as are necessary and proper.

8 **SEC. 3. DEFINITIONS.**

9 In this Act:

10 (1) CLIMATE SUIT.—The term “climate suit”
11 means any suit in law or equity that is brought
12 against any person engaged in the energy business
13 that seeks damages, including punitive damages, in-
14 junctive or declaratory relief, or abatement, restitu-
15 tion, or any form of equitable or other relief for al-
16 leged past or future harm resulting directly or indi-
17 rectly from climate change, including because of
18 marketing, alleged misrepresentation, alleged failure
19 to warn, or any other speech.

20 (2) ENERGY.—The term “energy” means crude
21 oil, natural gas, lease condensates, natural gas liq-
22 uids, refined petroleum products, or coal.

23 (3) ENERGY PENALTY LAW.—The term “energy
24 penalty law” means any State law, regulation, or or-
25 dinance that purports to require compensatory pay-

1 ments from, or otherwise expose to liability, any per-
2 son engaged in the energy business that the law,
3 regulation, or ordinance deems, either directly or
4 through an administrative process, responsible for
5 alleged costs or harms resulting directly or indirectly
6 from climate change, including because of mar-
7 keting, alleged misrepresentation, alleged failure to
8 warn, or any other speech.

9 (4) GREENHOUSE GAS.—The term “greenhouse
10 gas” means a gas released into the atmosphere that
11 traps heat, including carbon dioxide, methane, and
12 nitrous oxide.

13 (5) PERSON.—The term “person” means any
14 individual, corporation, company, association, firm,
15 partnership, society, joint stock company, trade as-
16 sociation, or other entity, including any govern-
17 mental entity, such as a State.

18 (6) PERSON ENGAGED IN THE ENERGY BUSI-
19 NESS.—The term “person engaged in the energy
20 business” means a person that devotes time, atten-
21 tion, or labor to the mining, extraction, production,
22 refinement, transportation, distribution, manufac-
23 ture, or sale of energy as a regular course of busi-
24 ness in or affecting interstate commerce.

1 (7) QUALIFIED LIABILITY ACTION.—The term
2 “qualified liability action” means a climate suit or
3 any action or proceeding to implement or enforce an
4 energy penalty law that is brought by any person
5 against a person engaged in the energy business.

6 (8) STATE.—The term “State” includes—

7 (A) each of the several States, the District
8 of Columbia, the Commonwealth of Puerto
9 Rico, the United States Virgin Islands, Guam,
10 American Samoa, and the Commonwealth of
11 the Northern Mariana Islands;

12 (B) any other territory or possession of the
13 United States;

14 (C) any political subdivision or instrumen-
15 tality of an entity described in subparagraph
16 (A) or (B); and

17 (D) any State official acting in their offi-
18 cial capacity.

19 (9) TRADE ASSOCIATION.—The term “trade as-
20 sociation” means any corporation, unincorporated
21 association, federation, business league, or profes-
22 sional or business organization—

23 (A) that is not organized or operated for
24 profit;

- 1 (B) that is an organization described in
 2 subsection (c)(6) of section 501 of the Internal
 3 Revenue Code of 1986 and exempt from tax-
 4 ation under subsection (a) of that section; and
 5 (C) 2 or more members of which are peo-
 6 ple engaged in the energy business.

7 **SEC. 4. PROHIBITION ON ENERGY PENALTY LAWS AND THE**
 8 **BRINGING OF QUALIFIED LIABILITY ACTIONS**
 9 **IN FEDERAL OR STATE COURT.**

10 (a) IN GENERAL.—A qualified liability action may
 11 not be filed or maintained in any Federal or State court.

12 (b) DISMISSAL OF PENDING ACTIONS.—Any quali-
 13 fied liability action that is pending on the date of enact-
 14 ment of this Act shall be immediately dismissed by the
 15 court in which the qualified liability action is brought or
 16 is currently pending.

17 (c) EFFECT ON STATE LAWS.—Each energy penalty
 18 law is void and of no effect.

19 (d) FEDERAL PREEMPTION.—

20 (1) IN GENERAL.—The regulation of green-
 21 house gas emissions and climate change is and con-
 22 tinues to be governed exclusively by Federal law and
 23 regulated by Federal agencies with authority dele-
 24 gated to those Federal agencies by Congress.

1 (2) NO PRIVATE RIGHT OF ACTION.—No pri-
2 vate right of action or claim shall be maintained, im-
3 plied, or inferred under any State law with respect
4 to climate change-related harms from greenhouse
5 gas emissions.

6 **SEC. 5. SEVERABILITY.**

7 If any provision of this Act or the application of such
8 provision to any person or circumstance is held to be un-
9 constitutional, the remainder of this Act and the applica-
10 tion of the provision to any other person or circumstance
11 shall not be affected.

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