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 SENATE OF THE UNITED STATES

MARCH 3, 2011

Mr. INHOFE (for himself, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. BURR, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Mr. CORCKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HOEVEN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. LUGAR, Mr. MCCONNELL, Mr. Moran, Ms. MURKOWSKI, Mr. PAUL, Mr. PORTMAN, Mr. RISCH, Mr. ROBERTS, Mr. RUBIO, Mr. SESSIONS, Mr. SHELBY, Mr. THUNE, Mr. TOOMEY, Mr. VITTER, Mr. WICKER, Mr. McCaIN, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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.

(a) IN GENERAL.—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 regu-
lation concerning, take action relating to, or
take into consideration the emission of a green-
house 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 cli-
mate change.

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

“(A) Notwithstanding paragraph (4)(B),
implementation and enforcement of the rule en-
titled ‘Light-Duty Vehicle Greenhouse Gas
Emission Standards and Corporate Average
Fuel Economy Standards’ (75 Fed. Reg. 25324
(May 7, 2010) and without further revision)
and finalization, implementation, enforcement,
and revision of the proposed rule entitled
‘Greenhouse Gas Emissions Standards and
Fuel Efficiency Standards for Medium- and
Heavy-Duty Engines and Vehicles’ published at
“(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 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 air 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


“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant De-


“(L) Except for action 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) PROVISIONS 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 feder-
ally enforceable any provision described in sub-
paragraph (B)(ii).”.

SEC. 3. PRESERVING ONE NATIONAL STANDARD FOR AUTO-
MOBILES.

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 for
new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive ap-
lication of subsection (a); and

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