

110TH CONGRESS
2D SESSION

S. 3741

To amend the Clean Air Act to prohibit regulation of certain emissions from agricultural production.

IN THE SENATE OF THE UNITED STATES

DECEMBER 11 (legislative day, DECEMBER 10), 2008

Mr. THUNE 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 regulation of certain emissions from agricultural production.

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. PROHIBITION ON REGULATION OF CERTAIN**
4 **EMISSIONS FROM AGRICULTURAL PRODUC-**
5 **TION.**

6 (a) IN GENERAL.—Title III of the Clean Air Act is
7 amended—

8 (1) by inserting after section 312 (42 U.S.C.
9 7612) the following:

1 **“SEC. 313. PROHIBITION ON REGULATION OF CERTAIN**
2 **EMISSIONS FROM AGRICULTURAL PRODUC-**
3 **TION.**

4 “Notwithstanding any other provision of law, the Ad-
5 ministrator shall not regulate under this Act any emission
6 of carbon dioxide, nitrogen oxide, or methane resulting
7 from agricultural production.”; and

8 (2) by redesignating the second section 317 (42
9 U.S.C. 7617) (relating to economic impact assess-
10 ment) as section 318.

11 (b) CONFORMING AMENDMENT.—Section 302(g) of
12 the Clean Air Act (42 U.S.C. 7602(g)) is amended—

13 (1) by striking “(g) The term” and inserting
14 the following:

15 “(g) AIR POLLUTANT.—

16 “(1) IN GENERAL.—The term”;

17 (2) in the second sentence, by striking “Such
18 term” and inserting the following:

19 “(2) INCLUSION.—The term ‘air pollutant’”;

20 and

21 (3) by adding at the end the following:

22 “(3) EXCLUSION.—The term ‘air pollutant’
23 does not include carbon dioxide, nitrogen oxide, or
24 methane resulting from agricultural production.”.