

116TH CONGRESS
1ST SESSION

S. 2505

To provide that Executive Order 13783 and certain rules shall have no force or effect, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2019

Mr. BENNET (for himself, Mr. WHITEHOUSE, Mr. BOOKER, Mr. UDALL, Ms. KLOBUCHAR, Ms. HIRONO, Mr. WYDEN, Mr. BLUMENTHAL, Mr. REED, Mr. DURBIN, Ms. CORTEZ MASTO, Mr. SANDERS, Mrs. FEINSTEIN, Mr. MARKEY, Mr. HEINRICH, Mr. VAN HOLLEN, Mrs. GILLIBRAND, Ms. HARRIS, Ms. WARREN, Mr. MENENDEZ, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide that Executive Order 13783 and certain rules shall have no force or effect, 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 “Clean Air, Healthy
5 Kids Act”.

1 **SEC. 2. EXECUTIVE ORDER, FINAL RULES, AND PROPOSED**
 2 **RULES TO HAVE NO FORCE OR EFFECT.**

3 (a) EXECUTIVE ORDER.—Executive Order 13783 (42
 4 U.S.C. 13201 note; relating to promoting energy inde-
 5 pendence and economic growth)—

6 (1) is null and void;

7 (2) shall have no force or effect; and

8 (3) may not be implemented, administered, en-
 9 forced, or carried out by any Federal agency, includ-
 10 ing—

11 (A) the Office of Management and Budget;

12 (B) the Council of Economic Advisers;

13 (C) the Council on Environmental Quality;

14 (D) the Environmental Protection Agency;

15 (E) the Department of the Interior; and

16 (F) any other agency directed to imple-
 17 ment the Executive order.

18 (b) FEDERAL RULES.—

19 (1) FINAL RULES.—

20 (A) IN GENERAL.—On and after the date
 21 of enactment of this Act, the following rules are
 22 null and void:

23 (i) The final rule issued by the Ad-
 24 ministrator of the Environmental Protec-
 25 tion Agency entitled “Repeal of the Clean
 26 Power Plan; Emission Guidelines for

1 Greenhouse Gas Emissions From Existing
2 Electric Utility Generating Units; Revi-
3 sions to Emission Guidelines Implementing
4 Regulations” (84 Fed. Reg. 32520 (July 8,
5 2019)).

6 (ii) The final rule issued by the Direc-
7 tor of the Bureau of Land Management
8 entitled “Waste Prevention, Production
9 Subject to Royalties, and Resource Con-
10 servation; Delay and Suspension of Certain
11 Requirements” (82 Fed. Reg. 58050 (De-
12 cember 8, 2017)).

13 (iii) The final rule of the Secretary of
14 Energy entitled “Energy Conservation
15 Program: Definition for General Service
16 Lamps” (84 Fed. Reg. 46661 (September
17 5, 2019)).

18 (iv) The final rule of the Adminis-
19 trator of the Environmental Protection
20 Agency entitled “Adopting Requirements
21 in Emission Guidelines for Municipal Solid
22 Waste Landfills” (84 Fed. Reg. 44547
23 (August 26, 2019)).

24 (B) EFFECT.—On and after the date of
25 enactment of this Act, the portions of the Code

1 of Federal Regulations amended by the rules
2 described in subparagraph (A) shall be in effect
3 as if the amendments made by those rules had
4 not been made.

5 (2) PROPOSED RULES.—The applicable agency
6 may not finalize the following rules:

7 (A) The proposed rule issued by the Ad-
8 ministrator of the Environmental Protection
9 Agency entitled “Oil and Natural Gas Sector:
10 Emission Standards for New, Reconstructed,
11 and Modified Sources Review” (August 28,
12 2019).

13 (B) The proposed rule issued by the Ad-
14 ministrator of the Environmental Protection
15 Agency and the Administrator of the National
16 Highway Traffic Safety Administration entitled
17 “The Safer Affordable Fuel-Efficient (SAFE)
18 Vehicle Rules for Model Years 2021–2026 Pas-
19 senger Cars and Light Trucks” (83 Fed. Reg.
20 42986 (August 24, 2018)).

21 (C) The proposed determination of the
22 Secretary of Energy entitled “Energy Conserva-
23 tion Program: Energy Conservation Standards
24 for General Service Incandescent Lamps” (84
25 Fed. Reg. 46830 (September 5, 2019)).

1 (c) CLEAN AIR ACT WAIVERS.—Notwithstanding any
2 other provision of law—

3 (1) any rescission of a waiver granted to the
4 State of California to enforce emissions standards
5 under the Clean Air Act (42 U.S.C. 7401 et seq.)—

6 (A) is null and void; and

7 (B) shall have no force or effect; and

8 (2) on and after the date of enactment of this
9 Act, the Administrator of the Environmental Protec-
10 tion Agency may not rescind a waiver granted to the
11 State of California to enforce emissions standards
12 under the Clean Air Act (42 U.S.C. 7401 et seq.).

13 **SEC. 3. NO FEDERAL FUNDS AVAILABLE.**

14 No Federal funds made available for any fiscal year
15 may be used to implement, administer, enforce, or carry
16 out—

17 (1) the Executive order described in section
18 2(a);

19 (2) a final rule or direct final rule described in
20 section 2(b)(1)(A);

21 (3) a proposed rule or a proposed determination
22 described in section 2(b)(2); or

23 (4) a rescission of a waiver described in section
24 2(c).

1 **SEC. 4. SAVINGS PROVISION.**

2 Nothing in this Act shall be construed to impair any
3 authority granted to the President.

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