

## HR 910

Energy Tax Prevention Act of 2011

**Congress:** 112 (2011–2013, Ended)

**Chamber:** House

**Policy Area:** Environmental Protection

**Introduced:** Mar 3, 2011

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works. (Apr 8, 2011)

**Official Text:** <https://www.congress.gov/bill/112th-congress/house-bill/910>

### Sponsor

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**Name:** Rep. Upton, Fred [R-MI-6]

**Party:** Republican • **State:** MI • **Chamber:** House

**Cosponsors** (95 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Mar 3, 2011
Rep. Boren, Dan [D-OK-2]	D · OK		Mar 3, 2011
Rep. McKinley, David B. [R-WV-1]	R · WV		Mar 3, 2011
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Mar 3, 2011
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Mar 3, 2011
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Mar 3, 2011
Rep. Sullivan, John [R-OK-1]	R · OK		Mar 3, 2011
Rep. Walden, Greg [R-OR-2]	R · OR		Mar 3, 2011
Rep. Whitfield, Ed [R-KY-1]	R · KY		Mar 3, 2011
Rep. Bachmann, Michele [R-MN-6]	R · MN		Mar 8, 2011
Rep. Benishek, Dan [R-MI-1]	R · MI		Mar 8, 2011
Rep. Bono Mack, Mary [R-CA-45]	R · CA		Mar 8, 2011
Rep. Burgess, Michael C. [R-TX-26]	R · TX		Mar 8, 2011
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Mar 8, 2011
Rep. Cassidy, Bill [R-LA-6]	R · LA		Mar 8, 2011
Rep. Gingrey, Phil [R-GA-11]	R · GA		Mar 8, 2011
Rep. Griffith, H. Morgan [R-VA-9]	R · VA		Mar 8, 2011
Rep. Guthrie, Brett [R-KY-2]	R · KY		Mar 8, 2011
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Mar 8, 2011
Rep. Johnson, Bill [R-OH-6]	R · OH		Mar 8, 2011
Rep. Kinzinger, Adam [R-IL-11]	R · IL		Mar 8, 2011
Rep. Lankford, James [R-OK-5]	R · OK		Mar 8, 2011
Rep. Latta, Robert E. [R-OH-5]	R · OH		Mar 8, 2011
Rep. Lucas, Frank D. [R-OK-3]	R · OK		Mar 8, 2011
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Mar 8, 2011
Rep. Olson, Pete [R-TX-22]	R · TX		Mar 8, 2011
Rep. Pompeo, Mike [R-KS-4]	R · KS		Mar 8, 2011
Rep. Scalise, Steve [R-LA-1]	R · LA		Mar 8, 2011
Rep. Shimkus, John [R-IL-19]	R · IL		Mar 8, 2011
Rep. Terry, Lee [R-NE-2]	R · NE		Mar 8, 2011
Rep. Gibbs, Bob [R-OH-18]	R · OH		Mar 9, 2011
Rep. Huizenga, Bill [R-MI-2]	R · MI		Mar 9, 2011
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Mar 9, 2011
Rep. Ribble, Reid J. [R-WI-8]	R · WI		Mar 9, 2011
Rep. Camp, Dave [R-MI-4]	R · MI		Mar 10, 2011
Rep. Gardner, Cory [R-CO-4]	R · CO		Mar 10, 2011
Rep. Johnson, Sam [R-TX-3]	R · TX		Mar 10, 2011
Rep. Schmidt, Jean [R-OH-2]	R · OH		Mar 10, 2011
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Mar 10, 2011
Rep. Walberg, Tim [R-MI-7]	R · MI		Mar 10, 2011
Rep. Austria, Steve [R-OH-7]	R · OH		Mar 11, 2011

Cosponsor	Party / State	Role	Date Joined
Rep. Biggert, Judy [R-IL-13]	R · IL		Mar 11, 2011
Rep. Flores, Bill [R-TX-17]	R · TX		Mar 11, 2011
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Mar 11, 2011
Rep. Renacci, James B. [R-OH-16]	R · OH		Mar 11, 2011
Rep. Stearns, Cliff [R-FL-6]	R · FL		Mar 11, 2011
Rep. Burton, Dan [R-IN-5]	R · IN		Mar 14, 2011
Rep. Harper, Gregg [R-MS-3]	R · MS		Mar 14, 2011
Rep. Jordan, Jim [R-OH-4]	R · OH		Mar 14, 2011
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Mar 14, 2011
Rep. McCotter, Thaddeus G. [R-MI-11]	R · MI		Mar 14, 2011
Rep. Murphy, Tim [R-PA-18]	R · PA		Mar 14, 2011
Rep. Neugebauer, Randy [R-TX-19]	R · TX		Mar 14, 2011
Rep. Rogers, Harold [R-KY-5]	R · KY		Mar 14, 2011
Rep. Rogers, Mike J. [R-MI-8]	R · MI		Mar 14, 2011
Rep. Runyan, Jon [R-NJ-3]	R · NJ		Mar 14, 2011
Rep. Stivers, Steve [R-OH-15]	R · OH		Mar 14, 2011
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Mar 14, 2011
Rep. Bucshon, Larry [R-IN-8]	R · IN		Mar 15, 2011
Rep. Canseco, Francisco "Quico" [R-TX-23]	R · TX		Mar 15, 2011
Rep. Fleming, John [R-LA-4]	R · LA		Mar 15, 2011
Rep. Kline, John [R-MN-2]	R · MN		Mar 15, 2011
Rep. Landry, Jeffrey M. [R-LA-3]	R · LA		Mar 15, 2011
Rep. McClintock, Tom [R-CA-4]	R · CA		Mar 15, 2011
Rep. Rehberg, Denny [R-MT-At Large]	R · MT		Mar 15, 2011
Rep. Sessions, Pete [R-TX-32]	R · TX		Mar 15, 2011
Rep. Smith, Adrian [R-NE-3]	R · NE		Mar 15, 2011
Rep. Carter, John R. [R-TX-31]	R · TX		Mar 16, 2011
Rep. Pence, Mike [R-IN-6]	R · IN		Mar 16, 2011
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Mar 17, 2011
Rep. Posey, Bill [R-FL-15]	R · FL		Mar 17, 2011
Rep. Brady, Kevin [R-TX-8]	R · TX		Mar 29, 2011
Rep. Calvert, Ken [R-CA-44]	R · CA		Mar 29, 2011
Rep. Farenthold, Blake [R-TX-27]	R · TX		Mar 29, 2011
Rep. Fleischmann, Charles J. "Chuck" [R-TN-3]	R · TN		Mar 29, 2011
Rep. Graves, Sam [R-MO-6]	R · MO		Mar 29, 2011
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Mar 29, 2011
Rep. Kelly, Mike [R-PA-3]	R · PA		Mar 29, 2011
Rep. Poe, Ted [R-TX-2]	R · TX		Mar 29, 2011
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Mar 29, 2011
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Mar 29, 2011
Rep. Turner, Michael R. [R-OH-3]	R · OH		Mar 29, 2011
Rep. Hurt, Robert [R-VA-5]	R · VA		Mar 31, 2011

Cosponsor	Party / State	Role	Date Joined
Rep. Reed, Tom [R-NY-29]	R · NY		Mar 31, 2011
Rep. Berg, Rick [R-ND-At Large]	R · ND		Apr 1, 2011
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Apr 1, 2011
Rep. Gosar, Paul A. [R-AZ-1]	R · AZ		Apr 1, 2011
Rep. Meehan, Patrick [R-PA-7]	R · PA		Apr 1, 2011
Rep. Miller, Gary G. [R-CA-42]	R · CA		Apr 1, 2011
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Apr 1, 2011
Rep. Roe, David P. [R-TN-1]	R · TN		Apr 1, 2011
Rep. Rokita, Todd [R-IN-4]	R · IN		Apr 1, 2011
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Apr 1, 2011
Rep. Thornberry, Mac [R-TX-13]	R · TX		Apr 1, 2011
Rep. Young, Todd [R-IN-9]	R · IN		Apr 1, 2011

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Reported by	Mar 10, 2011
Environment and Public Works Committee	Senate	Referred To	Apr 8, 2011

### Subjects & Policy Tags

#### Policy Area:

Environmental Protection

### Related Bills

Bill	Relationship	Last Action
<a href="#">112 HR 3409</a>	Related bill	<b>Nov 13, 2012:</b> Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
<a href="#">112 S 2365</a>	Related bill	<b>Apr 25, 2012:</b> Read twice and referred to the Committee on Energy and Natural Resources.
<a href="#">112 S 1720</a>	Related bill	<b>Oct 18, 2011:</b> Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 203.
<a href="#">112 HRES 203</a>	Procedurally related	<b>Apr 6, 2011:</b> Motion to reconsider laid on the table Agreed to without objection.
<a href="#">112 S 482</a>	Related bill	<b>Mar 10, 2011:</b> Sponsor introductory remarks on measure. (CR S1517-1518)

Energy Tax Prevention Act of 2011 - Amends the Clean Air Act to prohibit the Administrator of the Environmental Protection Agency (EPA) from promulgating any regulation concerning, taking action relating to, or taking into consideration the emission of a greenhouse gas (GHG) to address climate change. Excludes GHGs from the definition of "air pollutant" for purposes of addressing climate change.

Exempts from such prohibition: (1) implementation and enforcement of the rule, "Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards" and finalization, implementation, enforcement, and revision of the proposed rule, "Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles"; (2) implementation of the renewable fuel program; (3) statutorily authorized federal research, development, and demonstration programs and voluntary programs addressing climate change; (4) implementation and enforcement of stratospheric ozone protection to the extent that such implementation or enforcement only involves class I or II substances; and (5) implementation and enforcement of requirements for monitoring and reporting of carbon dioxide emissions. Provides that none of such exemptions shall cause a GHG to be subject to regulations relating to prevention of significant deterioration of air quality or considered an air pollutant for purposes of air pollution prevention and control permits.

Repeals and makes ineffective the following rules and actions:

- "Mandatory Reporting of Greenhouse Gases"
- "Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act"
- "Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs" and the memorandum, "EPA's Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program"
- "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule"
- "Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call"
- "Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure To Submit State Implementation Plan Revisions Required for Greenhouse Gases"
- "Action to Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan"
- "Action to Ensure Authority to Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule"
- "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program"
- "Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans"
- "Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule"
- Any other federal action under such Act occurring before this Act's enactment that applies a stationary source permitting requirement or an emissions standard for a GHG to address climate change

Prohibits the Administrator from waiving, and invalidates waivers given by the Administrator before the enactment of this

Act, the ban on states from adopting or enforcing standards relating to the control of emissions from new motor vehicles or engines with respect to GHG emissions for model year 2017 or any subsequent model year.

Expresses the sense of Congress that: (1) there is established scientific concern over warming of the climate system; (2) addressing climate change is an international issue, involving complex scientific and economic considerations; and (3) the United States has a role to play in resolving global climate change matters on an international basis. Urges Congress to fulfill such role by developing policies that do not adversely affect the American economy, energy supplies, and employment.

## Actions Timeline

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- **Apr 8, 2011:** Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
- **Apr 7, 2011:** Considered as unfinished business. (consideration: CR H2505-2507)
- **Apr 7, 2011:** Mr. McNerney moved to recommit with instructions to Energy and Commerce. (consideration: CR H2505-2507; text: CR H2505)
- **Apr 7, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the McNerney motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to prohibit the underlying bill from limiting EPA's Clean Air Act authority to protect the health of children, seniors, and those with asthma and lung diseases from the effects of air pollution emitted by large sources (those that emit 75,000 tons or more of carbon pollution annually).
- **Apr 7, 2011:** The previous question was ordered without objection. (consideration: CR H2506)
- **Apr 7, 2011:** On motion to recommit with instructions Failed by recorded vote: 175 - 251 (Roll No. 248).
- **Apr 7, 2011:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 255 - 172 (Roll No. 249).
- **Apr 7, 2011:** On passage Passed by the Yeas and Nays: 255 - 172 (Roll No. 249).
- **Apr 7, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Apr 6, 2011:** Rule H. Res. 203 passed House.
- **Apr 6, 2011:** Considered under the provisions of rule H. Res. 203. (consideration: CR H2350-2391)
- **Apr 6, 2011:** Rule provides for consideration of H.R. 910 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce. All points of order against the committee amendment in the nature of a substitute are waived.
- **Apr 6, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 203 and Rule XVIII.
- **Apr 6, 2011:** The Speaker designated the Honorable Steve Womack to act as Chairman of the Committee.
- **Apr 6, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 910.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment number 1.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment number 2.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Ms. Jackson Lee (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the McNerney amendment number 3.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Cuellar amendment number 4.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Murphy (CT) amendment number 5.
- **Apr 6, 2011:** ORDER OF PROCEDURE - Mr. Upton asked unanimous consent to extend debate time by 1 minute on each side on the amendment. Agreed to without objection.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Murphy (CT) amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Murphy (CT) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Waxman amendment number 6.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Waxman amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Waxman demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the

amendment until a time to be announced.

- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Quigley amendment number 7.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Polis (CO) amendment number 8.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Polis (CO) amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Polis (CO) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment number 9.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Rush amendment number 10.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Rush amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Rush demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Doyle amendment number 11.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Doyle amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Doyle demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** DEBATE - Pursuant to the provisions of H.Res. 203, the Committee of the Whole proceeded with 10 minutes of debate on the Kind amendment in the nature of a substitute number 12.
- **Apr 6, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Kind amendment, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Kind demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Apr 6, 2011:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question on adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Apr 6, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 910.
- **Apr 6, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H2391)
- **Apr 6, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H2361-2362)
- **Apr 5, 2011:** Rules Committee Resolution H. Res. 203 Reported to House. Rule provides for consideration of H.R. 910 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce. All points of order against the committee amendment in the nature of a substitute are waived.
- **Apr 1, 2011:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 112-50.
- **Apr 1, 2011:** Placed on the Union Calendar, Calendar No. 24.
- **Mar 15, 2011:** Committee Consideration and Mark-up Session Held.
- **Mar 15, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 34 - 19.
- **Mar 14, 2011:** Committee Consideration and Mark-up Session Held.
- **Mar 10, 2011:** Subcommittee Consideration and Mark-up Session Held.
- **Mar 10, 2011:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Mar 8, 2011:** Referred to the Subcommittee on Energy and Power.



**Mar 3, 2011:** Introduced in House

- **Mar 3, 2011:** Referred to the House Committee on Energy and Commerce.
- **Feb 9, 2011:** Hearings Held Prior to Referral.