

110TH CONGRESS  
2D SESSION

# S. 3741

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

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## 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

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## 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.”.