

117TH CONGRESS
1ST SESSION

S. 2736

To exclude vehicles to be used solely for competition from certain provisions of the Clean Air Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2021

Mr. BURR (for himself, Mr. TESTER, Ms. ERNST, Mr. KELLY, Mr. TILLIS, and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To exclude vehicles to be used solely for competition from certain provisions of the Clean Air Act, 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 “Recognizing the Pro-
5 tection of Motorsports Act of 2021” or the “RPM Act of
6 2021”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) PART OR COMPONENT.—The term “part or
5 component” is within the meaning of the term in
6 section 203 of the Clean Air Act (42 U.S.C. 7522).

7 **SEC. 3. EXEMPTION FROM ANTI-TAMPERING PROVISIONS.**

8 (a) IN GENERAL.—Section 203(a) of the Clean Air
9 Act (42 U.S.C. 7522(a)) is amended by adding at the end
10 the following: “No action with respect to any device or
11 element of design described in paragraph (3) shall be
12 treated as a prohibited act under that paragraph if the
13 action is for the purpose of modifying a motor vehicle into
14 a vehicle to be used solely for competition, and that vehicle
15 is not authorized for operation on a street or highway.”.

16 (b) IMPLEMENTATION.—In implementing the amend-
17 ment made by subsection (a), the Administrator shall
18 not—

19 (1) create a Federal database, or identify or re-
20 quire the creation of a State database, of vehicle
21 registration information that is required to be con-
22 sulted at the point of manufacture, sale, installation,
23 or use of parts or components; and

1 (2) require the registration of a vehicle or a
2 part or component of a vehicle by the manufacturer,
3 seller, purchaser, installer, or user of the vehicle.

4 **SEC. 4. REGULATION.**

5 (a) **IN GENERAL.**—Not later than 1 year after the
6 date of enactment of this Act, the Administrator shall fi-
7 nalize a regulation to implement the amendment made by
8 section 3(a).

9 (b) **REQUIREMENTS.**—The regulation under sub-
10 section (a) shall—

11 (1) describe reasonable conditions for the appli-
12 cability of the exemption under the amendment
13 made by section 3(a) that are consistent with the re-
14 quirements described in section 3(b);

15 (2) provide that evidence of physical attributes
16 of a vehicle to be used solely for competition may be
17 sufficient to qualify for the exemption under the
18 amendment made by section 3(a); and

19 (3) provide that a manufacturer, seller, or in-
20 staller of a part or component seeking to use the ex-
21 emption under the amendment made by section 3(a)
22 may not rely solely on unsupported declarations
23 from the purchaser or owner of a vehicle about—

24 (A) the legal status of the vehicle; or

25 (B) the intended use of—

- 1 (i) the part or component; or
- 2 (ii) the vehicle.

3 **SEC. 5. EFFECTIVE DATE.**

4 Section 3, including the amendment made by section
5 3(a), takes effect on the date of enactment of this Act,
6 without regard to whether a final regulation has been pro-
7 mulgated under section 4.

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