111TH CONGRESS
2D SESSION

S. _____

To prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions.

IN THE SENATE OF THE UNITED STATES

Mr. INHOFE (for himself, Mr. BARRASSO, Mr. VITTER, Mr. ENZI, Mr. RISCH, Mr. BENNETT, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To prohibit the use of the National Environmental Policy Act of 1969 to document, predict, or mitigate the climate effects of specific Federal actions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''NEPA Certainty Act''.

SEC. 2. FINDINGS AND DECLARATION.

(a) FINDINGS.—Congress finds that—

(1) using the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as a climate change mitigation tool would be costly and result in

fewer jobs and slower economic growth, since use of that Act for that purpose could cause delays in energy, transportation, and other construction-related projects;

(2) assuming that the anthropogenic contribution to climate change is significant and may lead to serious environmental harm, using the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) as a mitigation tool would prove environmentally ineffective in addressing climate change;

(3) the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) is to ensure that a Federal agency will carefully consider detailed information concerning significant environmental impacts and make the relevant information available to the public;

(4) isolating the specific causes of various climatic changes is exceedingly difficult, if not impossible, to achieve; and

(5) in February 2010, the Council on Environmental Quality stated that—

(A) ''it is not currently useful for the NEPA analysis to attempt to link specific climatological changes, or the environmental impacts thereof, to the particular project or emis-

sions, as such direct linkage is difficult to isolate and to understand.'';

(B) ''From a quantitative perspective, there are no dominating sources and fewer sources that would even be close to dominating total [greenhouse gas] emissions.''; and

(C) ''agencies should recognize the scientific limits of their ability to accurately predict climate change effects, especially of a short-term nature''.

(b) DECLARATION.—Congress declares that the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) should not be used to document, predict, or mitigate the climate effects of specific Federal actions.

SEC. 3. USE OF NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 FOR CLIMATE CHANGE EFFECTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not include consideration of—

(1) the greenhouse gas emissions, or any climate change effects of those emissions, of a proposed action and alternative actions; or

(2) the relationship of climate change effects to a proposed action or alternatives, including the rela-

tionship to proposal design, environmental impacts, mitigation, and adaptation measures.

(b) SAVINGS CLAUSE.—Nothing in this section preempts or interferes with—

(1) any authority to consider the climate change effects of proposed legislation or regulations specifically addressing greenhouse gas emissions; or

(2) any requirement to consider the potential effects of climate change on proposals for agency action during planning or design processes under provisions of law other than the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).