

# Union Calendar No. 833

115TH CONGRESS  
2D SESSION

# H. R. 350

[Report No. 115–1073]

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

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 2017

Mr. MCHENRY (for himself, Mr. ABRAHAM, Mr. BOST, Mr. BUCSHON, Mr. BURGESS, Mr. CARTER of Georgia, Mr. CRAMER, Ms. FOXX, Mr. GOSAR, Mr. GRIFFITH, Mr. GROTHMAN, Mr. HUDSON, Mr. HUIZENGA, Mr. JONES, Mr. LAMALFA, Mr. LOUDERMILK, Mr. MOOLENAAR, Mr. MULLIN, Mr. PITTENGER, Mr. POSEY, Mr. ROE of Tennessee, Mr. ROGERS of Alabama, Mr. ROKITA, Mr. RYAN of Ohio, Mr. WALBERG, Mrs. WALORSKI, Mrs. MIMI WALTERS of California, Mr. WESTERMAN, Mr. MCCLINTOCK, Mr. ZELDIN, Mr. NOLAN, Mr. HOLDING, Mr. BROOKS of Alabama, Mr. COOK, Mr. EMMER, Mr. RENACCI, Mr. COOPER, Mr. CUELLAR, Mr. LONG, Mr. SENSENBRENNER, Mr. BRAT, Mrs. WAGNER, Mr. TIBERI, Ms. JENKINS of Kansas, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

DECEMBER 11, 2018

Additional sponsors: Mr. SANFORD, Mr. GARRETT, Mr. BISHOP of Georgia, Mr. MOONEY of West Virginia, Mr. LOBIONDO, Mr. BUCK, Mr. KELLY of Pennsylvania, Mr. KELLY of Mississippi, Mr. WENSTRUP, Mrs. BLACK, Ms. SINEMA, Mr. COHEN, Mr. TIPTON, Mr. HURD, Mr. VALADAO, Mr. JOYCE of Ohio, Mr. BABIN, Mr. MEADOWS, Mr. AMODEL, Mr. CRAWFORD, Mr. SCHWEIKERT, Mr. ROUZER, Mr. THOMPSON of Pennsylvania, Mr. PETERSON, Mr. JOHNSON of Ohio, Mr. KING of Iowa, Mr. BISHOP of Michigan, Mr. MACARTHUR, Mr. LAHOOD, Mr. BANKS of Indiana, Mr. BARLETTA, Mr. MURPHY of Pennsylvania, Mr. STIVERS, Mr. YOUNG of Alaska, Mr. BUDD, Mr. WOMACK, Mr. KIND, Mr. SCHRADER, Mr. RODNEY DAVIS of Illinois, Mr. WALZ, Mr. HENSARLING, Mr. MITCHELL, Mr. JORDAN, Mr. BYRNE, Mr. KINZINGER, Mr. FLEISCHMANN, Mr. TROTT, Mr. ROYCE of California, Mr. BLUM, Mr. MESSER, Mr. RUTHER-

FORD, Mr. GUTHRIE, Mr. WEBSTER of Florida, Mr. JENKINS of West Virginia, Mr. COLLINS of New York, Mr. COMER, Mr. FARENTHOLD, Mr. CHABOT, Mr. RICE of South Carolina, Mr. BARR, Mr. KATKO, Mrs. HARTZLER, Ms. TENNEY, Mr. ALLEN, Mr. RATCLIFFE, Mr. DESJARLAIS, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MASSIE, Mr. ROHRABACHER, Mr. ARRINGTON, Mr. LEWIS of Minnesota, Mr. KUSTOFF of Tennessee, Mr. ROSS, Mr. AUSTIN SCOTT of Georgia, Mr. THOMAS J. ROONEY of Florida, Mr. WALKER, Mr. FOSTER, Mr. WITTMAN, Mr. GALLAGHER, Ms. BROWNLEY of California, Mr. NUNES, Mr. ISSA, Mrs. NOEM, Mr. THOMPSON of California, Mr. GALLEGRO, Mr. SMITH of Missouri, Mr. DESANTIS, Mr. TURNER, Mr. DUFFY, Mr. YODER, Mr. NEWHOUSE, Mr. CALVERT, Mr. POLIQUIN, Mr. FRANCIS ROONEY of Florida, Mr. ROSKAM, Mr. FERGUSON, Mrs. BLACKBURN, Mr. NORMAN, Mr. CURTIS, Mr. YOUNG of Iowa, Mr. GRAVES of Georgia, Mr. LUETKEMEYER, Mr. BIGGS, Mr. POE of Texas, Mr. LATTA, and Mr. COLLINS of Georgia

DECEMBER 11, 2018

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

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## **A BILL**

To exclude vehicles 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 2017” or the “RPM Act of  
6 2017”.

7 **SEC. 2. FINDINGS.**

8       The Congress finds that—

9           (1) at the time the Clean Air Act was written,  
10       and each time the Clean Air Act has been amended,  
11       the intent of Congress has been, and continues to  
12       be, that vehicles manufactured for, modified for, or  
13       utilized in organized motorized racing events would  
14       not be encompassed by the Clean Air Act’s definition  
15       of “motor vehicle”;

16           (2) when Congress sought to regulate nonroad  
17       vehicles in 1990, it explicitly excluded from the defi-  
18       nition of “nonroad vehicle” any vehicle used solely  
19       for competition;

20           (3) despite the clear intent of Congress, the En-  
21       vironmental Protection Agency has cited the Clean  
22       Air Act as authority for regulating vehicles used  
23       solely for competition; and

1 (4) the Environmental Protection Agency has  
2 exceeded its statutory authority in its recent actions  
3 to regulate vehicles used solely for competition.

4 **SEC. 3. EXCLUSION OF VEHICLES USED SOLELY FOR COM-**  
5 **PETITION FROM THE ANTI-TAMPERING PRO-**  
6 **VISIONS OF THE CLEAN AIR ACT.**

7 Section 203 of the Clean Air Act (42 U.S.C. 7522)  
8 is amended by adding at the end of subsection (a) the fol-  
9 lowing: “No action with respect to any device or element  
10 of design referred to in paragraph (3) shall be treated as  
11 a prohibited act under that paragraph if the action is for  
12 the purpose of modifying a motor vehicle into a vehicle  
13 to be used solely for competition.”.

14 **SEC. 4. EXCLUSION OF VEHICLES USED SOLELY FOR COM-**  
15 **PETITION FROM THE DEFINITION OF MOTOR**  
16 **VEHICLE IN THE CLEAN AIR ACT.**

17 Section 216 of the Clean Air Act (42 U.S.C. 7550)  
18 is amended by striking “.” at the end of paragraph (2)  
19 and inserting “and that is not a vehicle used solely for  
20 competition, including any vehicle so used that was con-  
21 verted from a motor vehicle.”.

22 **SEC. 5. IMPLEMENTATION.**

23 Not later than 12 months after the date of enactment  
24 of this Act, the Administrator of the Environmental Pro-

- 1 tecton Agency shall finalize any regulations necessary to
- 2 implement the amendments made by this Act.

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