

FEBRUARY 26, 2014

RULES COMMITTEE PRINT 113-40
TEXT OF H.R. 3826, ELECTRICITY SECURITY AND
AFFORDABILITY ACT

[Showing the text of the bill as ordered reported by the
Committee on Energy and Commerce.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Electricity Security
3 and Affordability Act”.

4 **SEC. 2. STANDARDS OF PERFORMANCE FOR NEW FOSSIL**
5 **FUEL-FIRED ELECTRIC UTILITY GENERATING**
6 **UNITS.**

7 (a) **LIMITATION.**—The Administrator of the Environ-
8 mental Protection Agency may not issue, implement, or
9 enforce any proposed or final rule under section 111 of
10 the Clean Air Act (42 U.S.C. 7411) that establishes a
11 standard of performance for emissions of any greenhouse
12 gas from any new source that is a fossil fuel-fired electric
13 utility generating unit unless such rule meets the require-
14 ments under subsections (b) and (c).

15 (b) **REQUIREMENTS.**—In issuing any rule under sec-
16 tion 111 of the Clean Air Act (42 U.S.C. 7411) estab-
17 lishing standards of performance for emissions of any
18 greenhouse gas from new sources that are fossil fuel-fired

1 electric utility generating units, the Administrator of the
2 Environmental Protection Agency (for purposes of estab-
3 lishing such standards)—

4 (1) shall separate sources fueled with coal and
5 natural gas into separate categories; and

6 (2) shall not set a standard based on the best
7 system of emission reduction for new sources within
8 the coal category unless—

9 (A) such standard has been achieved on
10 average for at least one continuous 12-month
11 period (excluding planned outages) by each of
12 at least 6 units within such category—

13 (i) each of which is located at a dif-
14 ferent electric generating station in the
15 United States;

16 (ii) which, collectively, are representa-
17 tive of the operating characteristics of elec-
18 tric generation at different locations in the
19 United States; and

20 (iii) each of which is operated for the
21 entire 12-month period on a full commer-
22 cial basis; and

23 (B) no results obtained from any dem-
24 onstration project are used in setting such
25 standard.

1 (c) COAL HAVING A HEAT CONTENT OF 8300 OR
2 LESS BRITISH THERMAL UNITS PER POUND.—

3 (1) SEPARATE SUBCATEGORY.—In carrying out
4 subsection (b)(1), the Administrator of the Environ-
5 mental Protection Agency shall establish a separate
6 subcategory for new sources that are fossil fuel-fired
7 electric utility generating units using coal with an
8 average heat content of 8300 or less British Ther-
9 mal Units per pound.

10 (2) STANDARD.—Notwithstanding subsection
11 (b)(2), in issuing any rule under section 111 of the
12 Clean Air Act (42 U.S.C. 7411) establishing stand-
13 ards of performance for emissions of any greenhouse
14 gas from new sources in such subcategory, the Ad-
15 ministrator of the Environmental Protection Agency
16 shall not set a standard based on the best system of
17 emission reduction unless—

18 (A) such standard has been achieved on
19 average for at least one continuous 12-month
20 period (excluding planned outages) by each of
21 at least 3 units within such subcategory—

22 (i) each of which is located at a dif-
23 ferent electric generating station in the
24 United States;

1 (ii) which, collectively, are representa-
2 tive of the operating characteristics of elec-
3 tric generation at different locations in the
4 United States; and

5 (iii) each of which is operated for the
6 entire 12-month period on a full commer-
7 cial basis; and

8 (B) no results obtained from any dem-
9 onstration project are used in setting such
10 standard.

11 **SEC. 3. CONGRESS TO SET EFFECTIVE DATE FOR STAND-**
12 **ARDS OF PERFORMANCE FOR EXISTING,**
13 **MODIFIED, AND RECONSTRUCTED FOSSIL**
14 **FUEL-FIRED ELECTRIC UTILITY GENERATING**
15 **UNITS.**

16 (a) **APPLICABILITY.**—This section applies with re-
17 spect to any rule or guidelines issued by the Administrator
18 of the Environmental Protection Agency under section
19 111 of the Clean Air Act (42 U.S.C. 7411) that—

20 (1) establish any standard of performance for
21 emissions of any greenhouse gas from any modified
22 or reconstructed source that is a fossil fuel-fired
23 electric utility generating unit; or

1 (2) apply to the emissions of any greenhouse
2 gas from an existing source that is a fossil fuel-fired
3 electric utility generating unit.

4 (b) CONGRESS TO SET EFFECTIVE DATE.—A rule
5 or guidelines described in subsection (a) shall not take ef-
6 fect unless a Federal law is enacted specifying such rule’s
7 or guidelines’ effective date.

8 (c) REPORTING.—A rule or guidelines described in
9 subsection (a) shall not take effect unless the Adminis-
10 trator of the Environmental Protection Agency has sub-
11 mitted to Congress a report containing each of the fol-
12 lowing:

13 (1) The text of such rule or guidelines.

14 (2) The economic impacts of such rule or guide-
15 lines, including the potential effects on—

16 (A) economic growth, competitiveness, and
17 jobs in the United States; and

18 (B) electricity ratepayers, including low-in-
19 come ratepayers in affected States.

20 (3) The amount of greenhouse gas emissions
21 that such rule or guidelines are projected to reduce
22 as compared to overall global greenhouse gas emis-
23 sions.

1 **SEC. 4. REPEAL OF EARLIER RULES AND GUIDELINES.**

2 The following rules and guidelines shall be of no force
3 or effect, and shall be treated as though such rules and
4 guidelines had never been issued:

5 (1) The proposed rule—

6 (A) entitled “Standards of Performance
7 for Greenhouse Gas Emissions for New Sta-
8 tionary Sources: Electric Utility Generating
9 Units”, published at 77 Fed. Reg. 22392 (April
10 13, 2012); and

11 (B) withdrawn pursuant to the notice enti-
12 tled “Withdrawal of Proposed Standards of
13 Performance for Greenhouse Gas Emissions for
14 New Stationary Sources: Electric Utility Gener-
15 ating Units”, signed by the Administrator of
16 the Environmental Protection Agency on Sep-
17 tember 20, 2013, and identified by docket ID
18 number EPA–HQ–OAR–2011–0660.

19 (2) The proposed rule entitled “Standards of
20 Performance for Greenhouse Gas Emissions from
21 New Stationary Sources: Electric Utility Generating
22 Units”, signed by the Administrator of the Environ-
23 mental Protection Agency on September 20, 2013,
24 and identified by docket ID number EPA–HQ–
25 OAR–2013–0495.

1 (3) With respect to the proposed rule described
2 in paragraph (1), any successor or substantially
3 similar proposed or final rule that—

4 (A) is issued prior to the date of the enact-
5 ment of this Act;

6 (B) is applicable to any new source that is
7 a fossil fuel-fired electric utility generating unit;
8 and

9 (C) does not meet the requirements under
10 subsections (b) and (c) of section 2.

11 (4) Any proposed or final rule or guidelines
12 under section 111 of the Clean Air Act (42 U.S.C.
13 7411) that—

14 (A) are issued prior to the date of the en-
15 actment of this Act; and

16 (B) establish any standard of performance
17 for emissions of any greenhouse gas from any
18 modified or reconstructed source that is a fossil
19 fuel-fired electric utility generating unit or
20 apply to the emissions of any greenhouse gas
21 from an existing source that is a fossil fuel-fired
22 electric utility generating unit.

23 **SEC. 5. DEFINITIONS.**

24 In this Act:

1 (1) DEMONSTRATION PROJECT.—The term
2 “demonstration project” means a project to test or
3 demonstrate the feasibility of carbon capture and
4 storage technologies that has received government
5 funding or financial assistance.

6 (2) EXISTING SOURCE.—The term “existing
7 source” has the meaning given such term in section
8 111(a) of the Clean Air Act (42 U.S.C. 7411(a)),
9 except such term shall not include any modified
10 source.

11 (3) GREENHOUSE GAS.—The term “greenhouse
12 gas” means any of the following:

13 (A) Carbon dioxide.

14 (B) Methane.

15 (C) Nitrous oxide.

16 (D) Sulfur hexafluoride.

17 (E) Hydrofluorocarbons.

18 (F) Perfluorocarbons.

19 (4) MODIFICATION.—The term “modification”
20 has the meaning given such term in section 111(a)
21 of the Clean Air Act (42 U.S.C. 7411(a)).

22 (5) MODIFIED SOURCE.—The term “modified
23 source” means any stationary source, the modifica-
24 tion of which is commenced after the date of the en-
25 actment of this Act.

1 (6) NEW SOURCE.—The term “new source” has
2 the meaning given such term in section 111(a) of
3 the Clean Air Act (42 U.S.C. 7411(a)), except that
4 such term shall not include any modified source.

