

113TH CONGRESS  
2D SESSION

# H. R. 4850

To amend the Clean Air Act to prohibit the regulation of emissions of carbon dioxide from new or existing power plants under certain circumstances.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2014

Mr. DAINES (for himself and Mr. JOHNSON of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Clean Air Act to prohibit the regulation of emissions of carbon dioxide from new or existing power plants under certain circumstances.

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 “Coal Jobs and Afford-  
5       able Energy Protection Act of 2014”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) America has enough coal to last for 200  
9       years. Today this abundant, low-cost, and reliable  
10       resource generates approximately 40 percent of the

1 Nation's electricity—more than any other energy  
2 source. But new estimates show that because of  
3 looming regulatory restrictions, a large number of  
4 America's coal-fired plants would be forced to close  
5 over the next 6 years, weakening the reliability of  
6 the power grid, increasing the price of energy, and  
7 depriving consumers of enough generating capacity  
8 to supply electricity to as many as 50 million homes.

9 (2) Consumers should not be forced to pay for  
10 unproven technology. The Environmental Protection  
11 Agency's performance standards for new coal-fired  
12 power plants rely on "carbon capture and storage"  
13 technology that is not only unproven, but also pro-  
14 hibitively expensive. One Department of Energy offi-  
15 cial recently told Congress that implementing this  
16 technology could increase the wholesale price of elec-  
17 tricity by as much as 80 percent.

18 (3) Higher energy prices hit the poor harder.  
19 Policies that increase the price of electricity tax  
20 those who can least afford it—elderly Americans on  
21 fixed incomes and low-income families. Households  
22 with annual incomes at \$50,000 or less already  
23 spend more of their budgets on energy than on food.  
24 Policies that hike the price of electricity will harm  
25 most those already on tight budgets.

1           (4) More expensive electricity hurts American  
2       industry. Policies that produce higher and more  
3       volatile electricity costs harm many of America’s  
4       basic industries, damaging their ability to control  
5       costs, generate profits, and compete in global mar-  
6       kets. For the United States steel industry, for exam-  
7       ple, a 1 cent increase in the price of electricity adds  
8       \$450 million in additional expense—money that  
9       won’t be used to improve operations and increase  
10      employment.

11          (5) Coal-fired power plants today are cleaner  
12      and more efficient than ever before. The coal plants  
13      of the 21st century emit 40 percent less carbon diox-  
14      ide than the average 20th century coal plant, and  
15      the technology is constantly improving. Policies that  
16      shut down generating capacity and raise prices—  
17      rather than nurture the development of additional  
18      coal technologies—will only harm all of the Nation’s  
19      energy users, families, and businesses alike.

20   **SEC. 3. REGULATION OF EMISSIONS OF CARBON DIOXIDE**  
21                           **FROM NEW OR EXISTING POWER PLANTS.**

22      (a) **LIMITATION ON REGULATION.**—The Clean Air  
23   Act is amended by inserting after section 312 (42 U.S.C.  
24   7612) the following:

1 **“SEC. 313. LIMITATION ON REGULATION OF EMISSIONS OF**  
2 **CARBON DIOXIDE FROM NEW OR EXISTING**  
3 **POWER PLANTS.**

4 “(a) DEFINITION OF NEW OR EXISTING POWER  
5 PLANT.—In this section, the term ‘new or existing power  
6 plant’ means a fossil fuel-fired power plant that com-  
7 mences operation at any time.

8 “(b) LIMITATION.—Notwithstanding any other provi-  
9 sion of law (including regulations), the Administrator may  
10 not promulgate any regulation or guidance that limits or  
11 prohibits any new carbon dioxide emissions from a new  
12 or existing power plant, and no such regulation or guid-  
13 ance shall have any force or effect, until the date on  
14 which—

15 “(1) the Secretary of Labor certifies to the Ad-  
16 ministrator that the regulation or guidance will not  
17 generate any loss of employment;

18 “(2) the Director of the Congressional Budget  
19 Office certifies to the Administrator that the regula-  
20 tion or guidance will not result in any loss in the  
21 gross domestic product of the United States;

22 “(3) the Administrator of the Energy Informa-  
23 tion Administration certifies to the Administrator  
24 that the regulation or guidance will not generate any  
25 increase in electricity rates in the United States; and

1           “(4) the Chairperson of the Federal Energy  
2       Regulatory Commission and the President of the  
3       North American Electric Reliability Corporation cer-  
4       tify to the Administrator the reliability of electricity  
5       delivery under the regulation or guidance.”.

6       (b) TECHNICAL CORRECTION.—The Clean Air Act is  
7       amended by redesignating the second section 317 (42  
8       U.S.C. 7617) (relating to economic impact assessment) as  
9       section 318.

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