



## **S.J. Res. 23 — Providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units” (Sen. McConnell, R-KY)**

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### **FLOOR SCHEDULE:**

Scheduled for consideration on December 1, 2015 subject to a closed rule.

### **TOPLINE SUMMARY:**

[S.J. Res. 23](#) would express Congressional disapproval over the Environmental Protection Agency’s (EPA) rule relating to “[Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units](#)”.

### **COST:**

No Congressional Budget Office (CBO) estimate is available. The CBO estimate for H.J. Res. 71, the identical House version of the resolution can be found [here](#).

### **CONSERVATIVE CONCERNS:**

There are no substantive concerns regarding this bill.

- **Expand the Size and Scope of the Federal Government?** No.
- **Encroach into State or Local Authority?** No.
- **Delegate Any Legislative Authority to the Executive Branch?** No.
- **Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits?** No.

### **DETAILED SUMMARY AND ANALYSIS:**

S.J. Res. 23 would express Congressional disapproval under the [Congressional Review Act](#) over the EPA’s final rule relating to greenhouse gas emissions from electric utility generating units. The resolution deems that the rule would have no force or effect, and prohibits the rule from being reissued in substantially the same form.

The EPA's rule would require emissions limits of 1,000 pounds of CO2 per megawatt hour on a gross output basis for new natural gas-fired power plants, and 1,400 pounds of CO2 per megawatt hour on a gross output basis for new coal-fired power plants.

According to the [Congressional Research Service](#), "In 2014, EPA proposed regulations to reduce GHG [Greenhouse Gas] emissions from fossil-fueled (coal, oil, and natural gas) power plants, which EPA refers to as electric generating units (EGUs). The agency proposed standards for new EGUs in January 2014 and for existing and modified units five months later. It finalized these rules August 3, 2015. EGUs are the source of one-third of the nation's GHG emissions, so it is difficult to envision a regulatory scheme that reduces the nation's GHG emissions without addressing their contribution. At the same time, affordable and reliable electric power is central to the nation's economy and to the health and well-being of the population."

The House Energy and Commerce Committee's identical resolution [H.J. Res. 71](#) was reported by the committee on November 19, 2015. Its accompanying report (H. Rept. 114-348) can be found [here](#). A Congressional Research Service report on the Congressional Review Act can be found [here](#).

#### **OUTSIDE ORGANIZATIONS IN SUPPORT:**

- [National Taxpayers Union](#)
- [U.S. Chamber of Commerce](#)
- [National Association of Manufacturers](#)
- [American Iron and Steel Institute](#)
- [Industrial Energy Consumers of America](#)
- [Competitive Enterprise Institute](#)
- [American Energy Alliance](#)
- [Americans for Prosperity](#)

#### **COMMITTEE ACTION:**

S.J. Res. 23 was introduced on October 26, 2015 and was referred to the Senate Committee on Environment and Public Works. The resolution was then passed in the Senate without amendment by Yea-Nay Vote ([52 - 46](#)).

#### **ADMINISTRATION POSITION:**

The Statement of Administration Policy is available [here](#). According to the statement, "if the President were presented with S.J.Res. 23, he would veto the bill."

#### **CONSTITUTIONAL AUTHORITY:**

Measures originating in the Senate do not require the inclusion of a constitutional authority statement.

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