

118TH CONGRESS
1ST SESSION

H. R. 4038

To prohibit the Administrator of the Environmental Protection Agency from finalizing, implementing, or enforcing a proposed rule related to new source performance standards and emissions guidelines for greenhouse gas emissions from certain stationary sources, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2023

Mrs. MILLER of West Virginia introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit the Administrator of the Environmental Protection Agency from finalizing, implementing, or enforcing a proposed rule related to new source performance standards and emissions guidelines for greenhouse gas emissions from certain stationary sources, 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 “Protect Our Power
5 Plants Act” or the “POPP Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) the decision of the Supreme Court of the
4 United States in *West Virginia v. Environmental*
5 *Protection Agency* (2022) states that Congress must
6 speak clearly if Congress wishes to assign to an
7 agency decisions of vast economic and political sig-
8 nificance;

9 (2) Congress has not provided the Environ-
10 mental Protection Agency with authorization for the
11 proposed rule of the Environmental Protection
12 Agency entitled “New Source Performance Stand-
13 ards for Greenhouse Gas Emissions From New,
14 Modified, and Reconstructed Fossil Fuel-Fired Elec-
15 tric Generating Units; Emission Guidelines for
16 Greenhouse Gas Emissions From Existing Fossil
17 Fuel-Fired Electric Generating Units; and Repeal of
18 the Affordable Clean Energy Rule” (88 Fed. Reg.
19 33240 (May 23, 2023)), a proposed rule that is in-
20 tended to completely reshape the electricity grid and
21 therefore has vast economic and political signifi-
22 cance;

23 (3) section 111 of the Clean Air Act (42 U.S.C.
24 7411) requires the best system of emission reduction
25 to be adequately demonstrated;

1 (4) the carbon capture and clean hydrogen
2 technologies proposed as the best system of emission
3 reduction have not been commercially utilized, are
4 not cost-effective, and are not feasible, and are
5 therefore not adequately demonstrated; and

6 (5) the proposed rule described in paragraph
7 (2) is an illegal interpretation of section 111 of the
8 Clean Air Act (42 U.S.C. 7411) and has not been
9 authorized by that section or any other provision of
10 Federal law.

11 **SEC. 3. PROPOSED NEW SOURCE PERFORMANCE STAND-**
12 **ARDS AND EMISSIONS GUIDELINES FOR**
13 **GREENHOUSE GAS EMISSIONS FROM CER-**
14 **TAIN STATIONARY SOURCES.**

15 The Administrator of the Environmental Protection
16 Agency may not finalize, implement, or enforce the pro-
17 posed rule titled “New Source Performance Standards for
18 Greenhouse Gas Emissions From New, Modified, and Re-
19 constructed Fossil Fuel-Fired Electric Generating Units;
20 Emission Guidelines for Greenhouse Gas Emissions From
21 Existing Fossil Fuel-Fired Electric Generating Units; and
22 Repeal of the Affordable Clean Energy Rule” (88 Fed.
23 Reg. 33240 (May 23, 2023)) or a substantially similar
24 rule.

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