

HR 3826

Electricity Security and Affordability Act

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Environmental Protection

Introduced: Jan 9, 2014

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 374.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 374.

(May 8, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/3826>

Sponsor

Name: Rep. Whitfield, Ed [R-KY-1]

Party: Republican • **State:** KY • **Chamber:** House

Cosponsors (94 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Aderholt, Robert B. [R-AL-4]	R · AL		Jan 9, 2014
Rep. Barletta, Lou [R-PA-11]	R · PA		Jan 9, 2014
Rep. Barr, Andy [R-KY-6]	R · KY		Jan 9, 2014
Rep. Barrow, John [D-GA-12]	D · GA		Jan 9, 2014
Rep. Barton, Joe [R-TX-6]	R · TX		Jan 9, 2014
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Jan 9, 2014
Rep. Brooks, Mo [R-AL-5]	R · AL		Jan 9, 2014
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jan 9, 2014
Rep. Cassidy, Bill [R-LA-6]	R · LA		Jan 9, 2014
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Jan 9, 2014
Rep. Cotton, Tom [R-AR-4]	R · AR		Jan 9, 2014
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Jan 9, 2014
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Jan 9, 2014
Rep. Daines, Steve [R-MT-At Large]	R · MT		Jan 9, 2014
Rep. Davis, Rodney [R-IL-13]	R · IL		Jan 9, 2014
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Jan 9, 2014
Rep. Enyart, William L. [D-IL-12]	D · IL		Jan 9, 2014
Rep. Gardner, Cory [R-CO-4]	R · CO		Jan 9, 2014
Rep. Griffin, Tim [R-AR-2]	R · AR		Jan 9, 2014
Rep. Griffith, H. Morgan [R-VA-9]	R · VA		Jan 9, 2014
Rep. Guthrie, Brett [R-KY-2]	R · KY		Jan 9, 2014
Rep. Hall, Ralph M. [R-TX-4]	R · TX		Jan 9, 2014
Rep. Harris, Andy [R-MD-1]	R · MD		Jan 9, 2014
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Jan 9, 2014
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Jan 9, 2014
Rep. Johnson, Bill [R-OH-6]	R · OH		Jan 9, 2014
Rep. Lamborn, Doug [R-CO-5]	R · CO		Jan 9, 2014
Rep. Latta, Robert E. [R-OH-5]	R · OH		Jan 9, 2014
Rep. Long, Billy [R-MO-7]	R · MO		Jan 9, 2014
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jan 9, 2014
Rep. Matheson, Jim [D-UT-4]	D · UT		Jan 9, 2014
Rep. McKinley, David B. [R-WV-1]	R · WV		Jan 9, 2014
Rep. Murphy, Tim [R-PA-18]	R · PA		Jan 9, 2014
Rep. Olson, Pete [R-TX-22]	R · TX		Jan 9, 2014
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jan 9, 2014
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Jan 9, 2014
Rep. Pompeo, Mike [R-KS-4]	R · KS		Jan 9, 2014
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Jan 9, 2014
Rep. Roe, David P. [R-TN-1]	R · TN		Jan 9, 2014
Rep. Rogers, Harold [R-KY-5]	R · KY		Jan 9, 2014
Rep. Rokita, Todd [R-IN-4]	R · IN		Jan 9, 2014

Cosponsor	Party / State	Role	Date Joined
Rep. Ross, Dennis A. [R-FL-15]	R · FL		Jan 9, 2014
Rep. Rothfus, Keith J. [R-PA-12]	R · PA		Jan 9, 2014
Rep. Scalise, Steve [R-LA-1]	R · LA		Jan 9, 2014
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Jan 9, 2014
Rep. Sewell, Terri A. [D-AL-7]	D · AL		Jan 9, 2014
Rep. Shimkus, John [R-IL-15]	R · IL		Jan 9, 2014
Rep. Smith, Adrian [R-NE-3]	R · NE		Jan 9, 2014
Rep. Smith, Jason [R-MO-8]	R · MO		Jan 9, 2014
Rep. Stivers, Steve [R-OH-15]	R · OH		Jan 9, 2014
Rep. Terry, Lee [R-NE-2]	R · NE		Jan 9, 2014
Rep. Thompson, Glenn [R-PA-5]	R · PA		Jan 9, 2014
Rep. Tiberi, Patrick J. [R-OH-12]	R · OH		Jan 9, 2014
Rep. Wagner, Ann [R-MO-2]	R · MO		Jan 9, 2014
Rep. Walorski, Jackie [R-IN-2]	R · IN		Jan 9, 2014
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		Jan 9, 2014
Rep. Womack, Steve [R-AR-3]	R · AR		Jan 9, 2014
Rep. Young, Don [R-AK-At Large]	R · AK		Jan 9, 2014
Rep. Young, Todd [R-IN-9]	R · IN		Jan 9, 2014
Rep. Brooks, Susan W. [R-IN-5]	R · IN		Jan 13, 2014
Rep. Kinzinger, Adam [R-IL-16]	R · IL		Jan 13, 2014
Rep. Sessions, Pete [R-TX-32]	R · TX		Jan 13, 2014
Rep. Brady, Kevin [R-TX-8]	R · TX		Jan 15, 2014
Rep. Kingston, Jack [R-GA-1]	R · GA		Jan 15, 2014
Rep. Massie, Thomas [R-KY-4]	R · KY		Jan 15, 2014
Rep. Stutzman, Marlin A. [R-IN-3]	R · IN		Jan 15, 2014
Rep. Bachus, Spencer [R-AL-6]	R · AL		Jan 27, 2014
Rep. Graves, Sam [R-MO-6]	R · MO		Jan 27, 2014
Rep. Harper, Gregg [R-MS-3]	R · MS		Jan 27, 2014
Rep. King, Steve [R-IA-4]	R · IA		Jan 27, 2014
Rep. Schock, Aaron [R-IL-18]	R · IL		Jan 27, 2014
Rep. Southerland, Steve II [R-FL-2]	R · FL		Jan 27, 2014
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Feb 10, 2014
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Feb 10, 2014
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Feb 14, 2014
Rep. Bucshon, Larry [R-IN-8]	R · IN		Feb 26, 2014
Rep. McIntyre, Mike [D-NC-7]	D · NC		Feb 26, 2014
Rep. Messer, Luke [R-IN-6]	R · IN		Feb 26, 2014
Rep. Mullin, Markwayne [R-OK-2]	R · OK		Feb 26, 2014
Rep. Noem, Kristi L. [R-SD-At Large]	R · SD		Feb 26, 2014
Rep. Pearce, Stevan [R-NM-2]	R · NM		Feb 26, 2014
Rep. Bishop, Rob [R-UT-1]	R · UT		Feb 28, 2014
Rep. Byrne, Bradley [R-AL-1]	R · AL		Feb 28, 2014

Cosponsor	Party / State	Role	Date Joined
Rep. Flores, Bill [R-TX-17]	R · TX		Feb 28, 2014
Rep. Foxx, Virginia [R-NC-5]	R · NC		Feb 28, 2014
Rep. Gibbs, Bob [R-OH-7]	R · OH		Feb 28, 2014
Rep. Johnson, Sam [R-TX-3]	R · TX		Feb 28, 2014
Rep. Kelly, Mike [R-PA-3]	R · PA		Feb 28, 2014
Rep. Kline, John [R-MN-2]	R · MN		Feb 28, 2014
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Feb 28, 2014
Rep. Renacci, James B. [R-OH-16]	R · OH		Feb 28, 2014
Rep. Roby, Martha [R-AL-2]	R · AL		Feb 28, 2014
Rep. Shuster, Bill [R-PA-9]	R · PA		Feb 28, 2014
Rep. Smith, Lamar [R-TX-21]	R · TX		Feb 28, 2014

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jan 10, 2014

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
113 HR 2	Related bill	Nov 17, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 601.
113 HR 5360	Related bill	Sep 15, 2014: Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HRES 497	Related bill	Mar 5, 2014: On agreeing to the resolution Agreed to by recorded vote: 228 - 182 (Roll no. 94). (text: CR H2160)
113 S 1905	Related bill	Jan 9, 2014: Read twice and referred to the Committee on Environment and Public Works.
113 HJRES 64	Related bill	Sep 27, 2013: Referred to the Subcommittee on Energy and Power.

Electricity Security and Affordability Act - (Sec. 2) Prohibits the Administrator of the Environmental Protection Agency (EPA) from issuing, implementing, or enforcing any proposed or final rule under the Clean Air Act that establishes a performance standard for greenhouse gas emissions from any new source that is a fossil fuel-fired electric utility generating unit unless the rule meets specified requirements of this Act.

Requires the Administrator to separate sources fueled with coal and natural gas into separate categories.

Prohibits the Administrator, however, from setting a standard based on the best system of emission reduction for new sources within a fossil-fuel category unless it has been achieved on average for at least one continuous 12-month period (excluding planned outages) by each of at least 6 units within the category. Requires each such unit to: (1) be located at a different electric generating station in the United States, (2) be representative of the operating characteristics of electric generation at its location, and (3) be operated for the entire 12-month period on a full commercial basis. Prohibits the use of any results obtained from a demonstration project in setting the standard.

Requires the Administrator, in separating sources fueled with coal into a separate category, to establish a separate subcategory for new sources that are fossil fuel-fired electric utility generating units using coal with an average heat content of 8300 or less British Thermal Units (BTUs) per pound.

Prohibits the Administrator, in issuing any rule establishing performance standards for greenhouse gas emissions from new sources in such subcategory, from setting a standard based on the best system of emission reduction unless the standard has been achieved on average for at least one continuous 12-month period (excluding planned outages) by each of at least 3 units within such subcategory that meets the unit requirements specified by this Act for the coal category.

Prohibits this Act from being construed to preclude the issuance, implementation, or enforcement of a standard of performance that: (1) is based on the use of technologies that are developed in a foreign country, but has been demonstrated to be achievable at fossil fuel-fired electric utility generating units in the United States; and (2) meets the requirements of this Act.

(Sec. 3) Precludes from taking effect, unless a federal law is enacted specifying an effective date, any EPA rule or guideline that: (1) establishes any performance standard for greenhouse gas emissions from a modified or reconstructed source that is a fossil fuel-fired electric utility generating unit, or (2) applies to greenhouse gas emissions from such an existing source.

Requires, in order for the rule or guidelines to take effect, that the Administrator submit a report that contains: (1) the text of the rule or guidelines; (2) the economic impacts of such rule or guidelines, including potential effects on electricity ratepayers, on economic growth, competitiveness, and jobs in the United States and on required capital investments and projected costs for operation and maintenance of new equipment required to be installed; and (3) the amount of greenhouse gas emissions projected to be reduced as compared to overall global greenhouse gas emissions.

Requires the Administrator, in carrying out such reporting requirements, to consult with the Administrator of the Energy Information Administration, the Comptroller General (GAO), the Director of the National Energy Technology Laboratory, and the Under Secretary of Commerce for Standards and Technology.

(Sec. 4) Nullifies the force and effect of specified proposed rules (or similar successor proposed or final rules) for Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units

that are issued before enactment of this Act.

Actions Timeline

- **May 8, 2014:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 374.
- **May 7, 2014:** Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Mar 10, 2014:** Received in the Senate.
- **Mar 6, 2014:** Considered as unfinished business. (consideration: CR H2208-2215)
- **Mar 6, 2014:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Mar 6, 2014:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3826.
- **Mar 6, 2014:** The previous question was ordered pursuant to the rule. (consideration: CR H2211)
- **Mar 6, 2014:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H2185-2186)
- **Mar 6, 2014:** Ms. Brownley (CA) moved to recommit with instructions to Energy and Commerce. (consideration: CR H2211-2214; text: CR H2211)
- **Mar 6, 2014:** DEBATE - The House proceeded with 10 minutes of debate on the Brownley (CA) motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to prohibit the application of the bill with respect to rules that save consumers money on electricity bills, including rules that allow for or, encourage energy efficiency, demand response, and other approaches to lower the cost of electricity for consumers.
- **Mar 6, 2014:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H2213)
- **Mar 6, 2014:** On motion to recommit with instructions Failed by the Yeas and Nays: 184 - 223 (Roll no. 105).
- **Mar 6, 2014:** Passed/agreed to in House: On passage Passed by recorded vote: 229 - 183 (Roll no. 106).
- **Mar 6, 2014:** On passage Passed by recorded vote: 229 - 183 (Roll no. 106).
- **Mar 6, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 5, 2014:** Considered under the provisions of rule H. Res. 497. (consideration: CR 3/5/2014 H2178-2192)
- **Mar 5, 2014:** The rule waives all points of order against consideration of the bill. The rule makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-40 for H.R. 3826 and provides that it shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute.
- **Mar 5, 2014:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 497 and Rule XVIII.
- **Mar 5, 2014:** The Speaker designated the Honorable Jeff Fortenberry to act as Chairman of the Committee.
- **Mar 5, 2014:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3826.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the Smith (TX) amendment No. 1.
- **Mar 5, 2014:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Smith (TX) amendment No. 1, the Chair put the question on adoption of the amendment and by voice vote announced that the ayes had prevailed. Mr. Smith (TX) demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the Capps amendment No. 2.
- **Mar 5, 2014:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Capps amendment No. 2, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mrs. Capps demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the Capito amendment No. 3.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the McKinley amendment No. 4.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the McKinley amendment No. 5.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10

minutes of debate on the Schakowsky amendment No. 6.

- **Mar 5, 2014:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Schakowsky amendment No. 6, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Ms. Schakowsky demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Mar 5, 2014:** Considered as unfinished business. (consideration: CR H2192-2195)
- **Mar 5, 2014:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the Latta amendment No. 7.
- **Mar 5, 2014:** DEBATE - Pursuant to the provisions of H. Res. 497, the Committee of the Whole proceeded with 10 minutes of debate on the Waxman amendment No. 8.
- **Mar 5, 2014:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Waxman amendment No. 8, the Chair put the question on adoption of the amendment and by voice vote announced that the noes had prevailed. Mr. Waxman demanded a recorded vote, and the Chair postponed further proceedings on adoption of the amendment until a time to be announced.
- **Mar 5, 2014:** Mr. Whitfield moved to rise.
- **Mar 5, 2014:** On motion to rise Agreed to by voice vote.
- **Mar 5, 2014:** Committee of the Whole House on the state of the Union rises leaving H.R. 3826 as unfinished business.
- **Mar 4, 2014:** Rules Committee Resolution H. Res. 497 Reported to House. The rule waives all points of order against consideration of the bill. The rule makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-40 for H.R. 3826 and provides that it shall be considered as read. The rule waives all points of order against that amendment in the nature of a substitute.
- **Feb 28, 2014:** Reported by the Committee on Energy and Commerce. H. Rept. 113-365.
- **Feb 28, 2014:** Placed on the Union Calendar, Calendar No. 271.
- **Jan 28, 2014:** Committee Consideration and Mark-up Session Held.
- **Jan 28, 2014:** Ordered to be Reported by the Yeas and Nays: 29 - 19.
- **Jan 27, 2014:** Committee Consideration and Mark-up Session Held.
- **Jan 10, 2014:** Referred to the Subcommittee on Energy and Power.
- **Jan 9, 2014:** Introduced in House
- **Jan 9, 2014:** Referred to the House Committee on Energy and Commerce.