



CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

November 24, 2015

H.J. Res. 71

A joint resolution 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”

*As reported by the House Committee on Energy and Commerce
on November 19, 2015*

H.J. Res 71 would disapprove the final rule submitted by the Environmental Protection Agency (EPA) and published in the Federal Register on October 23, 2015, that regulates greenhouse gas emissions from new, modified, and reconstructed power plants that use fossil fuels. H.J. Res. 71 would invoke a legislative process established by the Congressional Review Act (Public Law 104-121) to disapprove the new rule. If H.J. Res. 71 is enacted, the rule would have no force or effect.

The rule requires reductions in greenhouse gas emissions from fossil fuel-fired power plants that are newly constructed or that undergo significant modification or reconstruction. CBO expects that, if this legislation were enacted, EPA would likely not propose a new rule for carbon emissions from new, modified, and reconstructed power plants because the Congressional Review Act prohibits agencies from issuing any new rule in substantially the same form as a disapproved rule, unless specifically authorized by subsequent legislation.

However, the bill would not prohibit EPA from working on ongoing activities related to new power plants, such as rulemaking for other pollutants, developing guidance, and providing technical assistance to state and local agencies. Based on information from EPA, CBO estimates that implementing this legislation would not have a significant effect on EPA’s workload or spending related to new, modified, or reconstructed power plants.

Enacting H.J. Res. 71 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply. CBO estimates that enacting H.J. Res. 71 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.

H.J. Res. 71 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.