

107TH CONGRESS  
1ST SESSION

# H. R. 1874

To allow any business or individual in any State experiencing a power emergency to operate any type of power generation available to ensure their economic stability, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2001

Mr. HUNTER (for himself, Mr. ROYCE, Mr. CUNNINGHAM, Mr. DOOLITTLE, Mr. HERGER, Mr. OSE, Mr. POMBO, Mr. RADANOVICH, Mr. GALLEGLY, Mr. McKEON, Mr. DREIER, Mr. HORN, Mr. LEWIS of California, Mr. GARY G. MILLER of California, Mr. CALVERT, Mrs. BONO, Mr. ROHRABACHER, Mr. COX, and Mr. ISSA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To allow any business or individual in any State experiencing a power emergency to operate any type of power generation available to ensure their economic stability, 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. EMERGENCY GENERATION.**

4       (a) IN GENERAL.—Notwithstanding any other provi-  
5       sion of law, the Governor of a State may authorize any  
6       business or individual in any State experiencing a power

1 emergency declared by the Governor to operate, at any  
2 time during that emergency (but not for more than 6 con-  
3 secutive months), any type of power generation available,  
4 using any type of fuel available, to ensure the economic  
5 stability of such business or individual. Following the expi-  
6 ration of any authorization under this section, the Gov-  
7 ernor may issue one or more subsequent authorizations  
8 in accordance with this section.

9 (b) EFFECT ON AIR QUALITY.—No additional emis-  
10 sions attributable to electric power generation permitted  
11 solely by reason of an authorization under subsection (a)  
12 shall be taken into account for purposes of determining  
13 under Part D of title I of the Clean Air Act the attainment  
14 or nonattainment status of any area or for purposes of  
15 determining the nonattainment classification or attain-  
16 ment date of any such area under such Part D. Notwith-  
17 standing any such additional emissions, the Administrator  
18 of the Environmental Protection Agency shall not dis-  
19 approve the State implementation plan under the Clean  
20 Air Act, or promulgate a plan or plan provisions under  
21 section 110(c) of that Act, for that State if the applicable  
22 implementation plan under such Act for that State would  
23 not have been disapproved, and no such plan or plan provi-  
24 sions would have been promulgated by the Administrator,  
25 in the absence of such additional emissions.

1       (c) STAY OR INJUNCTIONS PROHIBITED.—No stay or  
2 injunction may be issued by any court under section 304  
3 of the Clean Air Act against the Administrator of the En-  
4 vironmental Protection Agency or the State of California  
5 regarding any additional emissions attributable to electric  
6 power generation permitted solely by reason of an author-  
7 ization under subsection (a).

8       (d) DEFINITION.—For purposes of this Act, the term  
9 “State declared power emergency” means, for any State,  
10 that an appropriate State agency has determined that the  
11 available supply of electricity in the State is not more than  
12 107 percent of the projected electric demand.

