

116TH CONGRESS
2D SESSION

H. R. 8312

To amend the Clean Air Act to prohibit the emission of any greenhouse gas in any quantity from any new electric utility steam generating unit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 2020

Ms. SCHAKOWSKY (for herself, Ms. BARRAGÁN, Mr. GARCÍA of Illinois, Mr. ESPAILLAT, Mr. LOWENTHAL, and Mr. HASTINGS) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Natural Resources, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Clean Air Act to prohibit the emission of any greenhouse gas in any quantity from any new electric utility steam generating unit, 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 “Future Generations
5 Protection Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The use of fossil fuels exacerbates the cli-
2 mate crisis, threatens America’s natural resources,
3 and disproportionately damages frontline environ-
4 mental justice communities.

5 (2) In order to avoid the worst consequences of
6 climate change, the Federal Government should
7 transition away from fossil fuels to renewable energy
8 sources.

9 (3) In achieving its energy goals, it is the re-
10 sponsibility of the Federal Government to ensure a
11 fair and just transition for workers and frontline
12 communities.

13 (4) The Federal Government should do this by
14 prioritizing racial and gender equity, environmental
15 justice, and partnering with labor unions to ensure
16 that workers have training for and access to clean-
17 energy jobs.

18 **SEC. 3. EMISSIONS OF GREENHOUSE GASSES.**

19 (a) PROHIBITION AGAINST THE EMISSION OF
20 GREENHOUSE GASES FROM NEW ELECTRIC UTILITY
21 STEAM GENERATING UNITS.—The Clean Air Act is
22 amended by inserting after section 111 of such Act (42
23 U.S.C. 7411) the following new section:

1 **“SEC. 111A. PROHIBITION AGAINST THE EMISSION OF**
2 **GREENHOUSE GASES FROM ELECTRIC UTIL-**
3 **ITY STEAM GENERATING UNITS.**

4 “(a) PROHIBITION.—Beginning on the date of enact-
5 ment of this section, the emission of a greenhouse gas in
6 any quantity from a new electric utility steam generating
7 unit shall be treated as a violation of a standard or limita-
8 tion under section 111.

9 “(b) DEFINITIONS.—In this section:

10 “(1) The term ‘electric utility steam generating
11 unit’ has the meaning given to that term in section
12 112(a).

13 “(2) The term ‘greenhouse gas’ means—

14 “(A) carbon dioxide;

15 “(B) methane;

16 “(C) nitrous oxide;

17 “(D) hydrofluorocarbons;

18 “(E) perfluorocarbons;

19 “(F) sulfur hexafluoride; or

20 “(G) any other anthropogenically emitted
21 gas that is determined by the Administrator, by
22 regulation, to contribute to global warming to a
23 non-negligible degree.

24 “(3) The term ‘new electric utility steam gener-
25 ating unit’ means an electric utility steam gener-
26 ating unit that commences operations or otherwise

1 becomes a new source (as defined in section 111(a))
2 on or after the date of enactment of this section.”.

3 (b) PROHIBITION.—

4 (1) PROHIBITION.—Notwithstanding any other
5 provision of law, the Federal Energy Regulatory
6 Commission may not—

7 (A) approve an application for the siting,
8 construction, expansion, or operation of an
9 LNG terminal under section 3(e) of the Natural
10 Gas Act (15 U.S.C. 717b); or

11 (B) issue a certificate of public convenience
12 and necessity under section 7 of such Act (15
13 U.S.C. 717f).

14 (2) EXCEPTION.—

15 (A) IN GENERAL.—Paragraph (1) shall not
16 apply with respect to an application or certifi-
17 cate that, if approved or issued, will result in a
18 reduction in emissions of any greenhouse gas at
19 the LNG terminal, as determined by the Com-
20 mission.

21 (B) DEFINITION.—In this section, the
22 term “greenhouse gas” means—

- 23 (i) carbon dioxide;
24 (ii) methane;
25 (iii) nitrous oxide;

- 1 (iv) hydrofluorocarbons;
2 (v) perfluorocarbons;
3 (vi) sulfur hexafluoride; or
4 (vii) any other anthropogenically emitted gas that is determined by the Administrator of the Environmental Protection Agency, by regulation, to contribute to global warming to a non-negligible degree.

9 **SEC. 4. PROHIBITING HYDRAULIC FRACTURING.**

10 (a) PROHIBITION.—Hydraulic fracturing is prohibited on all onshore and offshore land within the jurisdiction of the United States.

13 (b) DEFINITION.—In this section, the term “hydraulic fracturing” means an operation conducted in an individual wellbore designed to increase the flow of hydrocarbons from a rock formation to the wellbore through modifying the permeability of reservoir rock by fracturing it, except that such term does not include enhanced secondary recovery, including water flooding, tertiary recovery, and other types of well stimulation operations.

21 (c) EFFECTIVE DATE.—This section shall take effect
22 on January 1, 2025.

1 **SEC. 5. BAN ON CRUDE OIL AND NATURAL GAS EXPORTS.**

2 (a) IN GENERAL.—Section 101 of title I of division
3 O of the Consolidated Appropriations Act, 2016 (42
4 U.S.C. 6212a) is amended to read as follows:

5 **“SEC. 101. PROHIBITION ON EXPORTS OF CRUDE OIL AND**
6 **NATURAL GAS.**

7 “Except as provided in this section, notwithstanding
8 any other provision of this Act, exports of domestically
9 produced crude oil and natural gas, including liquefied
10 natural gas and natural gas liquids, are prohibited. The
11 Secretary of Commerce may, with the approval of the
12 President, approve the export of crude oil for—

13 “(1) exchanges in similar quantity for conven-
14 ience or increased efficiency of transportation with
15 persons or the government of a foreign state;

16 “(2) temporary exports for convenience or in-
17 creased efficiency of transportation across parts of
18 an adjacent foreign state which exports reenter the
19 United States; and

20 “(3) the historical trading relations of the
21 United States with Canada and Mexico.”.

22 (b) REPEAL RELATING TO EXPORTATION OF NAT-
23 URAL GAS.—Section 3 of the Natural Gas Act (15 U.S.C.
24 717b) is amended—

25 (1) in subsection (a)—

1 (A) by striking “export any natural gas
2 from the United States to a foreign country
3 or”; and

4 (B) by striking “exportation or”; and
5 (2) by striking subsection (c).

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