

**AMENDMENT TO H.R. 2454**  
**OFFERED BY MR. BARTON OF TEXAS**

Beginning on page 521, line 4, strike all of title III, insert the following, and make the necessary conforming changes in the table of contents:

1 **TITLE III—PERFORMANCE**  
2 **STANDARD FOR ELECTRIC**  
3 **GENERATION**

4 **SEC. 301. PERFORMANCE STANDARDS FOR ELECTRIC GEN-**  
5 **ERATION.**

6 (a) STANDARD.—Section 111(a)(1) of the Clean Air  
7 Act (42 U.S.C. 7411(a)(1)) is amended by inserting “(A)”  
8 after “(1)” and by adding the following new subparagraph  
9 at the end thereof: .

10 “(B)(i) Each standard under subsection  
11 (b) of this section applicable to the emissions of  
12 air pollutants from an electric generation facil-  
13 ity using coal or petcoke as fuel shall include a  
14 requirement that the facility meet the applicable  
15 efficiency standard, expressed in pounds of car-  
16 bon dioxide per kilowatt hour, set forth the  
17 table in clause (iii). Each standard under sub-  
18 section (b) of this section applicable to the

1 emissions of air pollutants from an electric gen-  
2 eration facility using natural gas as fuel shall in-  
3 clude a requirement that the facility meet the  
4 applicable efficiency standard, expressed in  
5 pounds of carbon dioxide per kilowatt hour, set  
6 forth the table in clause (iv). This subpara-  
7 graph shall not apply with respect to any facil-  
8 ity subject only to a standard under subsection  
9 (d).

10 “(ii) This subparagraph shall take effect  
11 with respect to generation units for which an  
12 initial permit is issued after the date of the en-  
13 actment of this subparagraph. For purposes of  
14 this subparagraph, the term ‘final permit’ means  
15 that the owner or operator of the unit has re-  
16 ceived all necessary preconstruction approvals  
17 or permits under this Act. A subsequent modi-  
18 fication of any such approval or permits shall  
19 not affect the date on which a unit is consid-  
20 ered to have received a final permit under this  
21 subparagraph.

22 “(iii) If the Secretary of Energy does not  
23 issue a finding by January 1, 2013 that sci-  
24 entific proof exists that anthropogenic carbon  
25 dioxide has increased global temperatures by

1 1.5 degrees Celsius over 2008 levels, this sub-  
 2 paragraph shall not apply.

3 “(iv) The Secretary of Energy shall con-  
 4 duct an annual assessment of commercially-  
 5 available generation technology to determine  
 6 whether the standards in clause (v) are eco-  
 7 nomically and technically achievable. Unless the  
 8 Secretary determines that they are feasible, this  
 9 subparagraph shall not apply.

10 “(v) The applicable efficiency standard of  
 11 performance in the case of facilities using coal  
 12 and petcoke is as follows:

“Calendar Year	Efficiency standard in Pounds of CO2 per Megawatt hour
2010 through 2014 .....	2000
2015 through 2020 .....	1800
2021 through 2029 .....	1400
2030 and after 2030 .....	1100

13 “(vi) The applicable efficiency standard of  
 14 performance in the case of facilities using nat-  
 15 ural gas is as follows:

“Calendar Year	Efficiency standard in Pounds of CO2 per Megawatt hour
2010 through 2014 .....	1100
2015 and after 2015 .....	800”.

16 (b) ENFORCEMENT.—Section 113(b) of the Clean Air  
 17 Act is amended by adding the following after paragraph  
 18 (3): “In the case of a violation of section  
 19 111(a)(1)(B)(relating to efficiency standard for electric

1 generation facilities), the civil penalty under this sub-  
2 section shall be imposed for failure to meet such standard  
3 on an average annual basis and subsection (e) of this sec-  
4 tion shall not apply.”.

