AMENDMENT IN THE NATURE OF A SUBSTITUTE

TO

RULES COMMITTEE PRINT 114–20

(RATEPAYER PROTECTION ACT OF 2015)

OFFERED BY MR. GOSAR OF ARIZONA

Strike all after the enacting clause and insert the following:

1  SECTION 1. SHORT TITLE.
   2  This Act may be cited as the “Ratepayer Protection Act of 2015”.

4  SEC. 2. WITHDRAWAL OF EXISTING PROPOSED RULES.
   5  Not later than 30 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall withdraw—
   6  (1) the proposed rule entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” published at 79 Fed. Reg. 34830 (June 18, 2014);
   7  (2) the supplemental proposed rule entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: EGU’s in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships”
published at 79 Fed. Reg. 65482 (November 4, 2014); and

(3) any final rule based on such proposed rules to address carbon dioxide emissions from existing sources that are fossil fuel-fired electric utility generating units under section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)).

SEC. 3. FEDERALISM AND SMALL BUSINESS CONSULTATION.

(a) IN GENERAL.—The Administrator shall jointly consult with State officials, local government officials, and small businesses to develop recommendations, consistent with applicable rulings of the Supreme Court of the United States, to further the purposes and policies of the Clean Air Act (42 U.S.C. 7401 et seq.).

(b) CONSULTATION REQUIREMENTS.—In developing the recommendations required under subsection (a), the Administrator shall—

(1) provide State officials, local government officials, and small businesses with notice and an opportunity to participate in the consultation process required under subsection (a);

(2) seek to consult with State officials, local government officials, and small businesses that rep-
resent a broad cross-section of regional, economic,
and geographic perspectives in the United States;

(3) emphasize the importance of collaboration
with and among the State officials, local government
officials, and small businesses;

(4) allow for meaningful and timely input by
State officials, local government officials, and small
businesses;

(5) promote transparency in the consultation
process required under subsection (a); and

(6) explore with State officials, local govern-
ment officials, and small businesses whether Federal
objectives under the Clean Air Act (42 U.S.C. 7401
et seq.) can be attained by means other than
through new regulations.

(e) REPORTS.—

(1) IN GENERAL.—Not later than 12 months
after the date of the enactment of this Act, the Ad-
ministrator shall publish in the Federal Register a
draft report describing the recommendations devel-
oped pursuant to subsection (a).

(2) CONSENSUS REQUIREMENT.—The Adminis-
trator may include a recommendation in the draft
report only if consensus has been reached with re-
gard to the recommendation among the Adminis-
trator and the State officials, local government officials, and small businesses consulted pursuant to subsection (a).

(3) Failure to reach consensus.—If the Administrator, State officials, local government officials, and small businesses consulted under subsection (a) fail to reach consensus on a regulatory proposal, the draft report shall identify that consensus was not reached and shall describe—

(A) the areas and issues with regard to which consensus was reached;

(B) the areas and issues of continuing disagreement that resulted in the failure to reach consensus; and

(C) the reasons for the continuing disagreements.

(4) Public review and comment period.—The Administrator shall make the draft report available for public review and comment for a period of not fewer than 180 days.

(5) Final report.—The Administrator shall, in consultation with the State officials, local government officials, and small businesses, address any comments received pursuant to paragraph (4) and shall prepare a final report describing the final re-
sults of the consultation process under subsection (a).

(d) Submission of Final Report.—Not later than 12 months after the date of enactment of this Act, the Administrator shall make publicly available online the final report prepared pursuant to subsection (c)(5).

(e) Definitions.—In this Act:

(1) Administrator.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) Local Government Official.—The term “local government official” means an elected or professional official of a local government or an official of a regional or national organization representing local governments or officials.

(3) State Official.—The term “State official” means an elected or professional official of a State government or an official of a regional or national organization representing State governments or officials.

(4) Small Businesses.—The term “small businesses” has the meaning described by a classification code of the North American Industrial Classification System pursuant to section 3 of the Small Business Act (15 U.S.C. 632).
Amend the long title to read as follows: “A bill to require the withdrawal of certain rules to address carbon dioxide emissions from existing sources that are fossil fuel-fired electric utility generating units under section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), and for other purposes.”.