

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
3 Act of 2015”.

4 SEC. 2. WITHDRAWAL OF EXISTING PROPOSED RULES.

5 Not later than 30 days after the date of enactment
6 of this Act, the Administrator of the Environmental Pro-
7 tection Agency shall withdraw—

8 (1) the proposed rule entitled “Carbon Pollu-
9 tion Emission Guidelines for Existing Stationary
10 Sources: Electric Utility Generating Units” pub-
11 lished at 79 Fed. Reg. 34830 (June 18, 2014);

12 (2) the supplemental proposed rule entitled
13 “Carbon Pollution Emission Guidelines for Existing
14 Stationary Sources: EGUs in Indian Country and
15 U.S. Territories; Multi-Jurisdictional Partnerships”

1 published at 79 Fed. Reg. 65482 (November 4,
2 2014); and

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

8 **SEC. 3. FEDERALISM AND SMALL BUSINESS CONSULTA-**
9 **TION.**

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

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

19 (1) provide State officials, local government of-
20 ficials, and small businesses with notice and an op-
21 portunity to participate in the consultation process
22 required under subsection (a);

23 (2) seek to consult with State officials, local
24 government officials, and small businesses that rep-

1 resent a broad cross-section of regional, economic,
2 and geographic perspectives in the United States;

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

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

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

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

16 (c) REPORTS.—

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

22 (2) CONSENSUS REQUIREMENT.—The Adminis-
23 trator may include a recommendation in the draft
24 report only if consensus has been reached with re-
25 gard to the recommendation among the Adminis-

1 trator and the State officials, local government offi-
2 cials, and small businesses consulted pursuant to
3 subsection (a).

4 (3) FAILURE TO REACH CONSENSUS.—If the
5 Administrator, State officials, local government offi-
6 cials, and small businesses consulted under sub-
7 section (a) fail to reach consensus on a regulatory
8 proposal, the draft report shall identify that con-
9 sensus was not reached and shall describe—

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

12 (B) the areas and issues of continuing dis-
13 agreement that resulted in the failure to reach
14 consensus; and

15 (C) the reasons for the continuing dis-
16 agreements.

17 (4) PUBLIC REVIEW AND COMMENT PERIOD.—
18 The Administrator shall make the draft report avail-
19 able for public review and comment for a period of
20 not fewer than 180 days.

21 (5) FINAL REPORT.—The Administrator shall,
22 in consultation with the State officials, local govern-
23 ment officials, and small businesses, address any
24 comments received pursuant to paragraph (4) and
25 shall prepare a final report describing the final re-

1 sults of the consultation process under subsection
2 (a).

3 (d) SUBMISSION OF FINAL REPORT.—Not later than
4 12 months after the date of enactment of this Act, the
5 Administrator shall make publicly available online the
6 final report prepared pursuant to subsection (c)(5).

7 (e) DEFINITIONS.—In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) LOCAL GOVERNMENT OFFICIAL.—The term
12 “local government official” means an elected or pro-
13 fessional official of a local government or an official
14 of a regional or national organization representing
15 local governments or officials.

16 (3) STATE OFFICIAL.—The term “State offi-
17 cial” means an elected or professional official of a
18 State government or an official of a regional or na-
19 tional organization representing State governments
20 or officials.

21 (4) SMALL BUSINESSES.—The term “small
22 businesses” has the meaning described by a classi-
23 fication code of the North American Industrial Clas-
24 sification System pursuant to section 3 of the Small
25 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.”.

