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114TH CONGRESS
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HOUSE OF REPRESENTATIVES
REPORT
114–177

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2822) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2042) TO ALLOW FOR JUDICIAL REVIEW OF ANY FINAL RULE ADDRESSING CARBON DIOXIDE EMISSIONS FROM EXISTING FOSSIL FUEL-FIRED ELECTRIC UTILITY GENERATING UNITS BEFORE REQUIRING COMPLIANCE WITH SUCH RULE, AND TO ALLOW STATES TO PROTECT HOUSEHOLDS AND BUSINESSES FROM SIGNIFICANT ADVERSE EFFECTS ON ELECTRICITY RATEPAYERS OR RELIABILITY; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 26, 2015, THROUGH JULY 6, 2015

JUNE 23, 2015.—Referred to the House Calendar and ordered to be printed

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Mr. BURGESS, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 333]

The Committee on Rules, having had under consideration House Resolution 333, by a record vote of 9 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 2822, the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016, under a modified-open rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The resolution provides that after general debate the bill shall be considered for amendment under the five-minute rule except that: 1) amendments shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment; and 2) no pro forma amendments shall be in order except that the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed

their amendments in the Congressional Record. The resolution provides one motion to recommit with or without instructions.

The resolution provides for consideration of H.R. 2042, the Ratepayer Protection Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–20 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of concurrent resolutions providing for adjournment during the month of July, 2015.

Section 4 of the resolution provides that on any legislative day during the period from June 26, 2015, through July 6, 2015: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 5 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 2822 includes a waiver of clause 3(e)(1) of rule XIII ("Ramseyer"), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the committee was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

The resolution includes a waiver of points of order against provisions in H.R. 2822 for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill. This waiver is necessary because H.R. 2822 contains unauthorized appropriations and legislative provisions.

Although the resolution waives all points of order against consideration of H.R. 2042, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 2042 made in order as original text, the committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments to H.R. 2042 printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Section 3 of the resolution includes a waiver of all points of order against consideration of a July 4th adjournment resolution. While adjournment resolutions are ordinarily privileged, a point of order could be raised against the July 4th district work period adjournment resolution for failure to comply with sections 309 and 310(f) of the Budget Act. Section 309 prohibits the House from adjourning for more than three days in July unless the House has completed action on all appropriations bills. Since the House has not yet completed all action on appropriations bills, this provision is necessary. Section 310(f) prohibits the House from adjourning for more than three days in July unless the House has completed action on the reconciliation legislation for the first fiscal year of the concurrent resolution on the Budget. Since the House has not yet completed all action on reconciliation legislation, this provision is necessary.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 82

Motion by Ms. Slaughter to report open rules for H.R. 2822 and H.R. 2042. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 83

Motion by Mr. Cole to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis	Nay
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		

Majority Members	Vote	Minority Members	Vote
Mr. Newhouse	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 2042 MADE IN ORDER

1. Pallone (NJ): Requires a governor wishing to opt out of the Clean Power Plan, to include a certification that electric generating units are sources of carbon pollution that contribute to human-induced climate change; and the state or federal plan to reduce carbon emissions from electric generating units would promote national security, economic growth and public health by addressing human induced climate change through the increased use of clean energy, energy efficiency and reductions in carbon pollution. (10 minutes)

2. Rush (IL): Requires a governor's determination and shall also include certification that the inapplicability of a state or federal plan will not have a significant adverse effect on costs associated with a State's plan to respond to extreme weather events associated with human-caused climate change, including flooding, intense storms, frequent wildfires, and increased drought. (10 minutes)

3. Huizenga (MI), Kildee (MI), Collins (GA): Offers a sense of Congress that the EPA should specifically address how the megawatt hours discharged from pumped hydroelectric storage will be incorporated in State and Federal implementation plans created by final rules made under section (2)(b) of this bill. (10 minutes)

4. McNerney (CA): Requires a state public utility commission/public service commission and the Electric Reliability Organization to conduct an analysis of any state or federal plan. (10 minutes)

5. Newhouse (WA), Herrera Beutler (WA): Directs EPA to recognize hydropower as a renewable energy source when issuing, implementing, and enforcing any final rule to address carbon dioxide emissions from existing sources under section 111(d) of the Clean Air Act. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 2042 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALLONE JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, after line 15, insert the following (and redesignate subsection (b) as subsection (c)):

(b) ADDITIONAL CERTIFICATION REGARDING COSTS OF RESPONDING TO HUMAN-CAUSED CLIMATE CHANGE.—For a Governor's determination to have the effect described in subsection (a), such determination shall include a certification that—

(1) electricity generating units are sources of carbon pollution that contribute to human-induced climate change; and

(2) the State or Federal plan to reduce carbon emissions from electric utility generating units would promote national security, economic growth, and public health by addressing human-induced climate change through the increased use of clean energy, energy efficiency, and reductions in carbon pollution.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUSH OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, after line 15, insert the following (and redesignate subsection (b) as subsection (c)):

(b) ADDITIONAL CERTIFICATION REGARDING COSTS OF RESPONDING TO HUMAN-CAUSED CLIMATE CHANGE.—For a Governor's determination to have the effect described in subsection (a), such determination shall include a certification that the inapplicability of a State or Federal plan described in such subsection will not have a significant adverse effect on costs associated with a State's plan to respond to extreme weather events associated with human-caused climate change, taking into account any costs necessary to—

(1) adapt or respond to increased sea level rise or flooding;

(2) prepare for or respond to more frequent and intense storms;

(3) fight or otherwise respond to more frequent and intense wildfires; and

(4) adapt or respond to increased drought.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUIZENGA OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2 of the bill, add the following:

(d) SENSE OF CONGRESS.—The Congress encourages the Administrator of the Environmental Protection Agency, in promulgating, implementing, or enforcing any final rule described in subsection (b), to specifically address how the megawatt hours discharged from a pumped hydroelectric storage system will be incorporated into State and Federal implementation plans adopted pursuant to any such final rule.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCNERNEY OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 2.

Redesignate section 3 as section 2 and amend such section (as so redesignated) to read as follows:

SEC. 2. RATEPAYER PROTECTION.

(a) EFFECTS OF PLANS.—In developing a State or Federal plan pursuant to any final rule described in subsection (c), a State or the Administrator shall—

(1) consult with the State's public utility commission or public service commission, and the Electric Reliability Organization; and

(2) to the extent available, consider any independent reliability analysis prepared by such entities during development of such plan.

(b) INDEPENDENT RELIABILITY ANALYSIS.—In preparing an independent reliability analysis for purposes of subsection (a), a State's public utility commission or public service commission, and the Electric Reliability Organization, shall evaluate the anticipated effects of implementation and enforcement of the final rule on—

(1) regional electric reliability and resource adequacy;

(2) operation of wholesale electricity markets within the region involved;

(3) existing and planned transmission and distribution infrastructure; and

(4) projected electricity demands.

(c) FINAL RULES DESCRIBED.—A final rule described in this subsection is any final rule 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)), including any final rule that succeeds—

(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); or

(2) the supplemental proposed rule entitled "Carbon Pollution Emission Guidelines for Existing Stationary Sources: EDUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships" published at 79 Fed. Reg 65482 (November 4, 2014).

(d) DEFINITIONS.—In this section, the term "Electric Reliability Organization" has the meaning given to such term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

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5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new section:

SEC. 4. TREATMENT OF HYDROPOWER AS RENEWABLE ENERGY.

In issuing, implementing, and enforcing any final rule described in section 2(b), the Administrator of the Environmental Protection Agency shall treat hydropower as renewable energy.

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