

113TH CONGRESS  
2D SESSION

# S. RES. 512

Expressing the sense of the Senate regarding the Environmental Protection Agency and the proposed rules and guidelines relating to carbon dioxide emissions from power plants.

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## IN THE SENATE OF THE UNITED STATES

JULY 23, 2014

Mr. VITTER (for himself, Mr. CORNYN, Mr. THUNE, Mr. WICKER, Mr. INHOFE, Mr. BLUNT, Mr. CRAPO, Mrs. FISCHER, Mr. SESSIONS, Mr. BOOZMAN, Mr. COATS, Mr. ENZI, Mr. ROBERTS, Mr. CHAMBLISS, Mr. RISCH, Mr. MCCONNELL, Mr. COCHRAN, Mr. MORAN, Mr. JOHANNIS, Mr. BARRASSO, Ms. MURKOWSKI, Mr. RUBIO, Mr. HOEVEN, Mr. COBURN, Mr. SHELBY, Mr. HATCH, Mr. TOOMEY, Mr. ISAKSON, Mr. LEE, Mr. CRUZ, Mr. ALEXANDER, and Mr. KIRK) submitted the following resolution; which was referred to the Committee on Environment and Public Works

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## RESOLUTION

Expressing the sense of the Senate regarding the Environmental Protection Agency and the proposed rules and guidelines relating to carbon dioxide emissions from power plants.

Whereas the Environmental Protection Agency (referred to in this preamble as the “EPA”) proposed rules entitled “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Generating Units” (79 Fed. Reg. 34830 (June 18, 2014)), and “Carbon Pollution Standards for Modified and Reconstructed Stationary

Sources: Electric Generating Units” (79 Fed. Reg. 34960 (June 18, 2014)), in furtherance of the President’s Climate Action Plan of June 2013;

Whereas the proposed rules would result in a Federal take-over of the electricity system of the United States leading to significant increases in electricity rates and additional energy costs for consumers and elimination of access to abundant, affordable power, putting the manufacturing of the United States at a competitive disadvantage, threatening the diversity and reliability of the electricity supply, and undermining energy security;

Whereas increased energy costs will, as always, fall most heavily on the elderly, the poor, and individuals on fixed incomes;

Whereas increased energy costs also result in job losses and damage families, businesses, and local institutions such as hospitals and schools;

Whereas in the haste of the Administration to drive coal and eventually natural gas from the energy generation portfolio, the Administration has gone beyond the plain reading of the Clean Air Act (42 U.S.C. 7401 et seq.), disregarding whether the EPA has the legal authority to propose and finalize rules and guidelines that include elements from the cap-and-trade program rejected by the United States Senate in June 2008;

Whereas including emissions sources beyond the power plant fence as opposed to only emissions sources inside the power plant fence creates a cap-and-trade program;

Whereas the President noted in the wake of the initial failure of the proposed cap-and-trade program, “There are many ways to skin a cat”, demonstrating that the Administra-

tion seems determined to accomplish administratively what fails to be achieved through the legislative process;

Whereas at a time when manufacturers are shifting production from overseas to the United States and investing billions of dollars in the process, an Administration with a poor management record decided to embark on a plan that will result in energy rationing, pitting power plants against refineries, chemical plants, and paper mills for the ability to operate under the emissions requirements of the EPA;

Whereas after adopting similar carbon constraints, European countries experienced skyrocketing energy costs, economic decline, and a lower standard of living;

Whereas, on July 17, 2014, Australia repealed a carbon tax because Australia found that the carbon tax eliminated jobs, increased the cost of living for families, and did not benefit the environment;

Whereas the proposed rules mandate renewable energy use and initiate demand destruction to shrink energy production and usage, which will result in reduced economic opportunity at the State level, forcing States to pick winners and losers and choose between economic growth and energy affordability;

Whereas history demonstrates that at the end of the rule-making process, the EPA will use its authority to constrain State preferences on program design, potentially even dictating policies that restrict when families of the United States can do laundry or run the air-conditioning;

Whereas impositions by the EPA almost guarantee that costs will be maximized and passed along to ratepayers, the size and scope of the Federal Government will expand,

and the role of the States in the system of cooperative federalism will continue to diminish;

Whereas the EPA failed to provide a complete assessment of the economic costs imposed by the proposed rules or the benefits that may result;

Whereas benefits from the proposed rules (as measured by reductions in global average temperature, reductions in the rate of sea level rise, increases in sea ice, or any other measurement related to climate change) will be essentially zero;

Whereas, in 2009, former EPA Administrator, Lisa Jackson testified that “U.S. action alone would not impact world CO<sub>2</sub> levels.”;

Whereas on June 18, 2014, former EPA Administrator William Reilly testified that “Absent action by China, Brazil, India and other fast-growing economies, what we do alone will not suffice.”;

Whereas China remains the largest emitter of carbon dioxide in the world with increasing emissions rates;

Whereas China continues to pursue aggressive economic growth, and estimates indicate that China will pass the United States as the largest economy in the world by 2016; and

Whereas while the Junior Senator from Massachusetts, now Secretary of State John Kerry, said “[W]e need to have an agreement that does not leave enormous components of the world’s contributors and future contributors of this problem out of the solution”: Now, therefore, be it

1        *Resolved*, That it is the sense of the Senate that—

1           (1) the proposed rule of the Environmental  
2           Protection Agency entitled “Carbon Pollution Emis-  
3           sion Guidelines for Existing Stationary Sources:  
4           Electric Generating Units” (79 Fed. Reg. 34830  
5           (June 18, 2014)), should be withdrawn; and

6           (2) the proposed rule of the Environmental  
7           Protection Agency entitled “Carbon Pollution Stand-  
8           ards for Modified and Reconstructed Stationary  
9           Sources: Electric Generating Units” (79 Fed. Reg.  
10          34960 (June 18, 2014)), should be withdrawn.

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