

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, June 24th, 2015, I was absent during rollcall vote No. 380. Had I been present, I would have voted “no” on H. Res. 333—Rule providing for consideration of both H.R. 2042—Ratepayer Protection Act of 2015 and H.R. 2822—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2016.

RATEPAYER PROTECTION ACT OF 2015

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 2042.

The SPEAKER pro tempore (Mr. POE of Texas). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 333 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2042.

The Chair appoints the gentleman from Tennessee (Mr. DUNCAN) to preside over the Committee of the Whole.

□ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the 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, with Mr. DUNCAN of Tennessee in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from New Jersey (Mr. PALLONE) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today addresses EPA’s proposed clean power plan for existing power plants under section 111(d) of the Clean Air Act.

Unfortunately, the Obama administration has made a decision that they are not going to work with Congress, and in order to accomplish his public policy goals, he has indicated that he is going to use executive orders and regulations.

Now, this proposed regulation focuses on power plants. That is why it is

called the existing coal plant rule. But because of this regulation, once it becomes final, it is only the first step in the administration’s plan to regulate other areas of our economy, including sources such as refineries, industrial boilers, cement plants, pulp and paper mills, and steel mills.

Since its proposal in June 2014, the Subcommittee on Energy and Power has held five hearings on the proposed rule, where we heard from EPA, FERC, entities within the States, legal experts, and industry stakeholders and manufacturers.

Now, when Mrs. McCarthy comes to Congress, she always says that this proposed rule gives maximum flexibility to the States, but what she does not say is that EPA, and EPA alone, sets the emissions standard for every State, and there is no flexibility in that.

Even Harvard Law School Professor Laurence Tribe, who taught President Obama constitutional law at Harvard, testified at one of the hearings that “EPA’s proposal raises grave constitutional questions, exceeds EPA’s statutory authority, and violates the Clean Air Act.”

The hearings also identified implementation challenges, risks to electric reliability, and significantly higher energy costs under the rule.

For example, economist Eugene Trisko estimated that, for 31 geographically diverse States, electricity rates under the rule could increase by an average of 15 percent, with peak year increases of 22 percent during the period 2017–2031.

State officials also appeared, expressing the same concerns. And I might say, this rule is so complicated that, generally, EPA allows States 3 years to develop their State implementation plans. But under this proposed rule, which we know will be final soon, they are giving States 16 months, which is going to be extremely difficult for them to meet.

So the States are not only filing lawsuits, as are other entities, to try to slow this process down, but they are coming to Congress and saying, you know, Congress didn’t pass this regulation, Congress has not asked for this, but the administration, unilaterally, is imposing it upon the American people, and so they are asking us to give them some more time.

So this legislation does specifically that. It does two things: One, it delays the time for the States to submit their implementation plans until after the courts have rendered a decision on whether or not the rule is legal. And then, if it is found to be legal, the State Governors have an option, after consulting with their economic development people, the EPA people, the Attorney General, and other authorities in the States. They have the option, if they find that it significantly and adversely affects their electricity prices and the reliability of electricity, they can opt out of the program.

□ 1430

This bill is simple. It simply gives States more time. We are not repealing this power grab of a regulation, but simply responding to requests from the States and other entities.

I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, at this time, I yield such time as he may consume to the gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP of Georgia. I thank the gentleman for yielding.

Mr. Chairman, I am pleased to be an original cosponsor of the Ratepayer Protection Act, and I want to commend Representative ED WHITFIELD for his leadership on this important issue.

We all agree that it is vital that we protect our environment today and for future generations. At the same time, though, we must ensure that we are acting within the law, as well as safeguarding American jobs and the economy.

I have serious concerns that the Environmental Protection Agency’s proposed clean power rule will be a vast and unprecedented regulatory overreach, resulting in high energy costs; loss of jobs; and a disruption in the states’ ability to generate, transmit, distribute, and use electricity.

As the gentleman from Kentucky (Mr. WHITFIELD) noted earlier, no less than the renowned Harvard Law School professor Laurence Tribe has testified that “the EPA lacks the statutory and constitutional authority to adopt its plan.” He described the proposed clean power plan as a “power grab” from the three branches of government.

I am especially concerned, Mr. Chairman, about the impact that the EPA’s proposed rule will have on Georgia ratepayers. The State of Georgia already has reduced CO₂ emissions by 33 percent between 2005 and 2012 but will have no credit for these reductions. Under the proposed regulation, Georgia would be required to reduce emissions by an additional 44 percent, the sixth largest reduction of any State.

Georgia also will receive no credit towards achieving EPA’s mandated State goal for the two nuclear plants that are being constructed.

Ratepayers in Georgia served by Georgia Power, MEAG, and the Electric Membership Corporation would face hundreds of dollars in higher energy bills, which would be especially devastating to rural households in the Second Congressional District, which I represent.

I believe that this legislation takes a commonsense approach that the issue that allows for the completion of judicial review before States are required to comply with the clean power plan.

In addition, the Ratepayer Protection Act provides for a safe harbor if a Governor determines that the proposed rule’s implementation will have an adverse impact on ratepayers or on the reliability of this electrical system.

I urge my colleagues to support this bill to ensure that ratepayers as well as our Nation's economy are protected from an overzealous EPA.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume. I rise in opposition to this legislation.

The bill before us is dangerous, unnecessary, and premature. It undermines the cornerstone of the administration's plan to tackle unchecked climate change, and the President has made clear that he will veto this legislation.

Yesterday, we passed a bipartisan bill amending the Toxic Substances Control Act. That is the type of legislation that we should be spending our time on, not messaging bills aimed at gutting draft EPA rules.

As we sit here today, climate change continues to reshape our world. According to NOAA, 2014 was the warmest year ever recorded, and 9 of the 10 hottest years have occurred since 2000, and that trend shows no sign of slowing down.

We know this warming is due to carbon pollution from fossil fuels accumulating in the atmosphere, trapping more heat, and changing our climate.

Last week, the Pope highlighted our worldwide moral obligation to address climate change. This week, EPA released a report which confirms what many in the country are already experiencing, that failing to address climate change will have enormous financial costs.

Just look at the skyrocketing costs of fighting wildfires, the mounting costs to farmers of losing their crops and cattle to more frequent and severe droughts, the enormous costs of rebuilding infrastructure swept away by more intense storms or threatened by steadily rising seas.

Ignoring these costs won't make them go away; and the longer we wait to act, the more we allow the risks to compound and accumulate, the more costly it will be to solve the problem.

In fact, the projected costs of climate change impacts dwarf any projected short-term costs associated with transitioning to a clean energy economy, which is happening already.

Mr. Chairman, EPA has proposed a workable plan to reduce emissions of carbon pollution from power plants, which are the largest uncontrolled source of manmade greenhouse gases in the United States.

The clean power plan outlines a path to cleaner air, better health, a safer climate, and a stronger economy. The proposed rule also gives States a lot of flexibility to choose how to achieve their emission reduction goals, which are State specific and cost effective. This is a moderate and reasonable approach and falls well within the legal authority and responsibility of the EPA to address carbon pollution from power plants.

This bill we are considering today would dismiss all of this progress and would cripple the efforts of the EPA to

move forward in the fight against climate change. Effectively, this bill would amend the Clean Air Act in a harmful and dangerous fashion.

This bill establishes an unprecedented extension for every clean power plan deadline until all litigation is concluded. This blanket extension would be given to all polluters, incentivizing opponents of the rule to run the clock on frivolous litigation, simply to put off having to reduce their carbon emissions.

The bill also allows a Governor to say: "The requirements of the clean power plan don't apply to me." Under the bill, a Governor can opt out of a Federal plan, giving certain States a free ride to pollute without any consequences. It is one thing to encourage States to just say no, but to let a Governor declare that his State is not subject to the Federal Clean Air Act at all? Mr. Chairman, I think that just goes too far.

As I have said before, EPA's proposed clean power plan is both modest and flexible and will help us tackle our urgent need to reduce our carbon emissions. Just saying no, as this bill would have us do, and condemning future generations is simply not an option. I strongly oppose the bill and urge a "no" vote.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LOUDERMILK).

Mr. LOUDERMILK. Mr. Chairman, I rise to support the Ratepayer Protection Act, which is a critical piece of legislation that helps protect our Nation's consumers and businesses from skyrocketing electricity costs.

Last year, the EPA proposed a new set of regulations on existing power plants which will dramatically effect our economy if implemented.

The Obama administration has been doing its best to convince the American people that these new standards would achieve great progress for our Nation, calling the proposal the clean power plan. Despite the illusions of good intentions, the devil is in the details of this proposed rule.

What the administration does not want us to know is that these standards would wreak havoc on our economy and inflict enormous costs on the American consumer. According to the National Economic Research Associates, these regulations would increase electricity prices in my home State of Georgia by 12 percent.

While this would be a problem for any State, it is especially alarming for me, given that Georgia already has the tenth highest average electricity bill in the Nation.

Mr. Chairman, right now, the temperature in my State is 95 degrees. My constituents depend on affordable electricity to stay cool all summer long, and the administration's assault on our Nation's power plants is totally unacceptable.

What is more, the average American household already spends about \$15,000

a year to comply with Federal regulations. It has been radical proposals like these which have caused our economy to stagnate throughout this administration.

Even the EPA admits that the rule will cost our economy more than \$7 billion a year by the year 2030. Washington bureaucrats may be able to afford this assault on our economy, but my constituents cannot.

The EPA also promotes these regulations with a promise that they would cut 30 percent of carbon pollution by the year 2030. The inconvenient truth is my State has already reduced its carbon emissions by 33 percent from 2005 to 2012.

Why is the administration pursuing these unrealistic regulations when Georgia and other States have already dramatically reduced their pollution levels?

The bill we are considering today, H.R. 2042, would halt the rule's compliance deadlines until litigation on the rule has been completed. This bill would also allow the Governor of any State to opt out of the rule's requirements if their State's electricity rates would increase significantly, as they would in my home State.

This commonsense piece of legislation would help to bring the U.S. environmental policy back into the real world and allow us to remain economically competitive.

I urge my colleagues to support this bill.

Mr. PALLONE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. RUSH), the ranking member of our subcommittee.

Mr. RUSH. Mr. Chair, I thank the gentleman from New Jersey (Mr. PALLONE), the fine ranking member of the full committee, for yielding me this time.

Mr. Chair, I applaud the Obama administration for its veto threat of this abhorrent legislation that we are now considering, this just say no bill, which would effectively give Governors the power to sabotage EPA's proposed clean power plan by allowing them to opt out of the Federal requirements of the plan based on arbitrary and ambiguous determinations.

Mr. Chair, when implemented, the clean power plan will allow the EPA to cut common pollution from some of the Nation's oldest, dirtiest, and most inefficient power plants.

We know, Mr. Chair, that these same power plants account for the largest share of greenhouse gases from stationary sources in the country, and they are responsible for about one-third of the total U.S. greenhouse gas emissions.

Currently, Mr. Chair, there are no Federal limits on the amount of carbon pollution that these very same power plants are allowed to emit. The clean power plan would decrease power sector carbon emissions by 30 percent from 2005 levels by the year 2030.

However, Mr. Chair, this bill is an attempt to abort EPA's efforts before

they even have the chance to take hold, despite the fact that the clean power plan gives States great flexibility when implementing the rule, based on their existing utility infrastructure and policies.

Mr. Chair, the proposed clean power plan could not be more timely, as we are experiencing more and more frequent extreme weather events due to climate change, with disastrous effects being felt in our economy and in our communities all across our Nation.

In fact, no region in America has been safe from the impacts of climate change, with nearly annual record wildfires and heat waves in the West and the Southwest, perennial flooding along the coasts, and damaging and costly droughts and crop loss in the Plains and the Midwestern portions of our Nation.

Mr. Chair, when implemented, the clean power plan would help to reduce carbon pollution by hundreds of millions of tons, decreasing particle pollution, such as sulfur dioxide and nitrogen oxides by hundreds of thousands of tons annually.

Additionally, Mr. Chair, the clean power plan would help protect the health of our most vulnerable citizens, our children, older Americans, and low-income and minority communities.

Mr. Chair, not only do the vast majority of the American people believe that climate change is a serious problem and that the government—our government, this Federal Government, we in this Congress—should take action to address it and take it now, but also, the overwhelming majority of our Nation's doctors believe so, also.

□ 1445

Earlier this year, the American Thoracic Society found that, by a huge margin, most doctors believe that climate change is already negatively impacting their patients' health.

Fully 77 percent of responding doctors reported that increases in air pollution caused by climate change is making their patients' illnesses even more severe, a trend, I might add, Mr. Chairman, that they expect will steadily increase in the future.

The CHAIR. The time of the gentleman has expired.

Mr. PALLONE. Mr. Chairman, I yield the gentleman an additional 1 minute.

Mr. RUSH. Mr. Chairman, these findings are in line with a similar study conducted by the National Medical Association last year which found that older Americans, low-income communities, and the sick will all be disproportionately impacted by climate change if we fail to act.

Mr. Chairman, this is not just a political issue. This is not just a partisan issue. This is also a moral issue. Just last week, in a landmark encyclical, Pope Francis himself warned of the grave implications of climate change when he stated:

Climate change is a global problem with grave implications: environmental, social,

economic, political, and for the distribution of goods. It represents one of the principal challenges facing humanity in our day.

There is an urgent need to develop policies so that, in the next few years, the emission of carbon dioxide and other highly polluting gases can be drastically reduced.

I urge all of my colleagues, Mr. Chairman, to heed the warning of our scientists, of our doctors, and one of the world's foremost moral authorities, the Pope himself.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say that, obviously, you can't have a discussion about this regulation without climate change, and frequently, we hear that climate change is responsible for every extreme weather condition.

I would point out that The Economist magazine, in its May 5 issue, stated that it is impossible to say categorically that climate change has caused any individual storm, flood, drought, heat wave, tornado, or hurricane. Scientists agree that it is impossible to say that.

Mr. Chairman, I would like to make one other comment. The President of the United States believes that climate change is the number one issue facing mankind.

All of us recognize that the climate has been changing since the beginning of time, but where we fundamentally disagree with the President is we think there are other, more pressing issues dealing with poverty, creating jobs, economic growth, access to clean water, access to health care, and fighting diseases like pancreatic cancer. We think those are more urgent.

But this President has got 61 individual government programs and is spending \$23 billion a year on climate change in addition to trying to push regulations like this without any involvement of Congress.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Dakota (Mr. CRAMER), a member of the Energy and Commerce Committee.

Mr. CRAMER. I thank the chairman for yielding and for your leadership on this issue. Let me pick up where the gentleman left off relating to the comments made by the opposition to climate change's role in extreme weather conditions.

Mr. Chairman, a couple of years ago, there was a weather condition that many people out here refer to as the polar vortex; in North Dakota, we call that winter, but I think what a lot of people don't know is that, during that cold snap, they don't know how very susceptible and fragile our system of transmitting and distributing electricity was, largely because we don't have the base load generation that we once had largely because of this attack on base load fuels like coal, and that is really what we are talking about.

Mr. Chairman, I spent 10 years prior to coming to Congress as one of those energy regulators, one of those people

in the State agency the Governor would consult as per this law, the Governor would consult before determining whether they should opt out of the clean power plan.

It was my responsibility to make sure North Dakotans had reliable electricity, that a grid system and a distribution system was reliable and could deliver on a regular basis, as needed, electricity and that the rates remained as they are still today in North Dakota, among the very lowest in this country.

I also had regulation over the coal industry. I am also very proud of the fact that, while North Dakota is a major coal-producing State that generates over 4,000 megawatts of electricity at the mine mouth and distributes it throughout a robust transmission and distribution system that generates lots of low-cost electricity, it also creates lots and lots of good-paying, important jobs.

The chairman also in response referenced the importance that Republicans are placing on other things besides climate change, things like job creation. Well, the clean power plan is a jobs killer, and it makes us less competitive in the global marketplace.

It is really, in many respects, a unilateral disarmament of the American economy at a time when the only really great thing going on in the American economy is energy development.

A rule like the clean power plan goes exactly against the one robust and positive in the American economy, and that is energy development.

Let's get back to the issue of the constitutionality, the judicial question. Our bill simply provides an opportunity for a judicial review, something that the President and the EPA should have done before doing this rule, finishing this rule, and putting this rule out.

I find, frankly, the Ratepayer Protection Act to be a rather modest response to the overreach and the zeal of the EPA and this administration.

Mr. Chairman, I thank the chairman again for his leadership on this important issue.

Mr. PALLONE. Mr. Chairman, I yield 2½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Chairman, I rise in strong opposition to H.R. 2042. The so-called Ratepayer Protection Act does nothing to protect any of us. In fact, it does just the opposite.

This bill would simply continue this majority's policy of sticking their head in the sand and doing nothing to address the serious problems of climate change. The Pope has said that climate change is a reality. It is impacting our lives every day. It is impacting our economy, and it is only going to get worse.

Mr. Chairman, we are confronted almost daily with new evidence that climate change is leading to increased

health risks, threatening our environment, and costing our economy billions of dollars. Studies have shown that climate change can lead and does lead to higher rates of asthma, reduces crop yields, acidifies our oceans, and increases the risk for harmful algal blooms.

More severe droughts are threatening drinking and agriculture water supplies in many locations, while warmer climates are increasing the severity and frequency of storms in others. A recent study also showed that climate change could undo many of the improvements that we have seen in human well-being and life expectancy over the last half century. The power sector is the largest source of U.S. greenhouse gas emissions, accounting for nearly one-third of the U.S. total.

Mr. Chairman, while we will continue to depend on fossil fuels for some time, we can and we must do more to limit their impacts on our climate. The clean power plan does just that by setting carbon reduction goals for each State and allowing States to implement customized plans to meet those goals.

The clean power plan will help maintain an affordable, reliable energy system while cutting pollution and protecting public health and the environment now and for future generations; yet H.R. 2042 would derail the clean power plan and all the health and economic benefits that will come with it. The bill is full of excuses to support inaction, but does nothing to solve the problem.

Mr. Chairman, this inaction on climate change is putting our constituents and our future generations at risk. It is long past time to acknowledge the causes of climate change and to tackle the issue head on. It is time for us to work together to address this problem, not to pass legislation that continues to ignore it.

For these reasons and so many others, I strongly oppose H.R. 2042, and I urge my colleagues to vote against it as well.

Mr. WHITFIELD. I continue to reserve the balance of my time, Mr. Chairman.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Chairman, I rise in opposition to H.R. 2042, the Ratepayer Protection Act of 2015.

The EPA's clean power plan has raised a number of justifiable concerns. However, while I would like to find a solution to the issues raised by today's bill, I don't believe the present bill is the correct solution. For more than a decade, the focus of environmental debate has been on greenhouse gas emissions. In that time, we have passed two comprehensive bills, while the EPA has promulgated dozens of rules.

Now, I am not raising Cain with the EPA. The Agency, backed by the Supreme Court, has the authority to reg-

ulate greenhouse gases, including carbon. The Agency, however, has a different approach to regulating than I think many Members of Congress on both sides would prefer.

I acknowledge that global climate change issues are difficult, and the legislation would require a compromise, but this bill doesn't accomplish that. Congress should create a regulatory framework for the 21st century economy and environment. We should recognize that human activity has impacted the climate, but that does not mean regulating sectors of our economy out of existence.

Regardless of the public outreach conducted by the Agency, regulatory overreach can occur. I don't think allowing each successive administration to prescribe policies that affect so much of our way of life is a correct course of action.

We need to recognize our industries, and more importantly, our workers need time to adjust to the new environmental realities and implement changes, both technological and educational.

Mr. Chairman, I know many of our colleagues agree that our job as legislators is to ensure each of our constituencies are equally represented. I prefer we sit down and craft a bill that addresses the many challenges we face not only domestically, but as a world leader.

Unfortunately, the present bill doesn't address those issues I have laid out in a balanced and complete way. Allowing for endless legal challenges or partisan political decisions is not the proper way to handle an issue that affects the entire scope of the environment and the economy.

Today's bill is only a part of the challenge, the part that is directly in front of us, and I don't agree with that approach. I would like the opportunity to sit down with my colleagues to draft a fair and comprehensive legislation that reasonably balances the interests of all parties rather than a sector-by-sector approach that balances none.

I want to make sure that the folks back home get what they need, and I think it is an opportunity to bring all sides together. I have heard certainly from many groups they all want the same thing, but they want certainty.

The CHAIR. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman an additional 30 seconds.

Mr. GENE GREEN of Texas. Mr. Chairman, we want to be certain that their companies will be profitable, that their livelihoods will be protected, and their grandchildren have a clean environment. We can accomplish these goals not with endless delay or agency decree.

I want to thank my colleague, Chairman WHITFIELD, for addressing part of the problem, but let's work together to solve the whole problem.

For this reason, I oppose the bill and urge my colleagues to do the same.

Mr. WHITFIELD. Mr. Chair, how many minutes are remaining on both sides?

The CHAIR. The gentleman from Kentucky has 15½ minutes remaining. The gentleman from New Jersey has 15½ minutes remaining.

Mr. WHITFIELD. I yield 3 minutes to the gentleman from Virginia (Mr. GRIFFITH), one of the original cosponsors of this legislation, who is a member of the Energy and Commerce Committee.

Mr. GRIFFITH. Mr. Chairman, ladies and gentlemen, earlier, we heard the gentleman from Illinois say that this was a just say no bill. You bet it is. That is exactly what it is.

It is the just say no bill—no to a weaker electric grid; no to fewer jobs, particularly in manufacturing and also in the coal and energy industries; no to regulations that do little to help the environment, but do a lot to raise your electric rates.

When we are talking about protecting the ratepayer—that is who we are talking about, the average man and woman in this country, the families that are out there struggling, trying to make ends meet in an economy that is flat—this bill says no, we are not going to pass a bill on to you for little gain in the environment, but to raise your electric rates tremendously. The American families cannot afford it.

Mr. Chairman, as an example, we heard from a former regulator earlier, but the Virginia State Corporation Commission—and that is the organization in Virginia—appointed judges who make the decisions on what you are going to pay for power in Virginia based on what is an appropriate amount.

They said that customers in Virginia will likely pay significantly more for their electricity.

□ 1500

The incremental cost of compliance for one utility alone—Dominion Virginia Power—would likely be between \$5.5 billion and \$6 billion on a net present value basis. That is just for one of the companies providing power.

Let me give you an idea, Mr. Chairman, of exactly what that means to the people of Virginia. In my district, I have 29 geopolitical subdivisions, 29 different jurisdictions. Only two of those jurisdictions get their power from Dominion Virginia Power. Now, remember, Dominion Virginia Power is going to cost the ratepayers \$5.5 billion to \$6 billion, but that doesn't cover the whole State and doesn't cover very much in my district at all.

And, accordingly, again going back to the statements of the Virginia State Corporation Commission, they say that, contrary to the claim that rates will go up but that bills will go down, experience and costs in Virginia make it extremely unlikely that either electric rates or bills in Virginia will go down as a result of the proposed regulations.

So this is a very important measure. One of our prior speakers said that we should take the time to craft some kind of a compromise. This bill puts everything on hold until court cases can be decided and let Governors come in and say: Well, wait a minute. We can't make this happen in our State—or in our Commonwealth, as the case would be with Virginia. That is important.

And maybe if we get this bill passed, we can sit down and find some way to compromise between the regulators at the EPA and the interests of the rate-payers. But because they are going to come out with this rule sometime later this summer, and the States have roughly 13 months thereafter to come up with their plan to meet the regulations, we do not have the ability to give that time.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Chairman, I thank the ranking member.

Mr. Chairman, this is the climate change denial bill. Don't be fooled by its name. Ignoring the impact of climate change will heap huge costs on taxpayers. This bill is a disservice to America. And in addition to being very costly to consumers, it shirks our responsibility for addressing the costly impacts of the changing climate.

The bill we are considering today shows that the Republicans' plan is to just say no and to let our children and grandchildren suffer the consequences of the changing climate without doing anything meaningful to protect them. This position is indefensible, and it will prove very costly, indeed.

Today's bill would essentially amend the Clean Air Act to give a free pass to States that refuse to comply with the requirements of the clean power plan. Unless we work together to meet the modern challenge of the changing climate, this is going to be very expensive for our friends back home, especially in States like mine—Florida.

Here are some of the huge costs we are looking at already: rising property insurance rates and flood insurance rates because of extreme weather events; Federal emergency aid that we have to pay out for things like Superstorm Sandy and other storms, tornadoes, electrical storms, tropical storms, drought, fire, and extreme heat.

In addition to property insurance and flood insurance, property taxes are going to go up because our local communities are going to be saddled with the cost of repairing storm water infrastructure and addressing drinking water. This is going to be very expensive. In Florida, we already see salt-water intrusion into our drinking water aquifers because of rising tides.

There is a terrible drought in California. These are going to require very expensive solutions unless we tackle it on the front end.

And I am fearful that there will be economic harm to coastal communities

like mine in the Tampa Bay area where we will have to pay more to renourish our beaches and take care of the lifeblood of our economy, which is tourism, fishing, for a beautiful, healthy economy.

I recommend a “no” vote on this bill. Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Mr. Chairman, I thank the chairman. I appreciate it very much.

This bill is about commonsense safeguards to ensure my constituents are protected from the EPA's overreach and higher energy prices.

The EPA's proposal under this rule has drawn widespread concern. It places a heavier burden on Florida than other States, despite the fact that Florida has reduced its carbon emissions by 20 percent since 2005.

Congress must act now to protect the everyday American who faces the potential threat of unreliable services and ballooning electricity costs.

With the economy growing at a feeble pace, my constituents cannot afford to have their power bill increase. We should be working to support new technologies to safely harness America's energy boom, not saddle our constituents with regulations that will increase their cost of living.

Let's focus on an all-the-above energy strategy, unleashing America's domestic, renewable, and nonrenewable resources to reduce the costs of groceries and the costs for heating and cooling your home.

This bill will allow each State to have their own opportunity to assess the proposed plan for their State. Thirty-two States have made legal objections to this rule; 34 States have objected to EPA's rushed timeline.

I am glad that we are taking action here today in a bipartisan fashion. I commend Chairman WHITFIELD, Representative GRIFFITH, Representative BISHOP, and Representative PETERSON for their bipartisan work on the Ratepayer Protection Act. Please vote for this bill.

Mr. PALLONE. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Chairman, this bill represents a misguided attempt to hold back change and progress.

Climate change is a problem. We must deal with it. The clean power plan is an important step in that direction.

It is very disappointing to hear such a “can't do” attitude. We have always been a nation that tackles big problems rather than denying them.

Many States have already achieved significant reductions of greenhouse gas emissions through regional carbon trading, renewable portfolio standards, energy efficient programming, and investments in clean energy.

My home State has made great strides. And if there is a flaw in the proposed rule, it is that the proposal

asked States that have already done a lot to reduce their emissions and modernize their electric grids to do even more.

By contrast, the requirements on the States that have resisted change and have done far less, are asked only to get started. This bill invites some States to continue to avoid doing their fair share to address the serious environmental and economic threat posed by climate change.

New York State will continue to work on this problem, as will a number of other States that have already taken the steps that I mentioned earlier, but it would be nice if our neighbors also helped to address the problem that we all had a role in creating.

This bill should be defeated. It certainly will not go far in the Senate, and it would not get signed by our President. Its consideration is, indeed, a waste of time. We should be using our time to find real solutions to the problems we all face. This bill offers no solutions, just another way to avoid addressing our problems.

With that, I urge defeat of H.R. 2042.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

We have heard a lot of discussions today about how important it is with a clean energy plan to address CO₂ emissions in the U.S. You would think that this clean energy plan is going to make a tremendous difference.

I would just like to point out that the Energy Information Administration recently reported that U.S. energy-related CO₂ emissions will remain flat through 2040 and below their 2005 levels without the clean energy plan. So this clean energy plan is being elevated to do some dramatic good. The fact is the U.S. is already doing more than most countries. And I would point out that, in the coming decades, more than two-thirds of the world's energy-related CO₂ emissions will come from the developing countries of the world.

So we are being penalized in America, although we have already made great strides. That is why we are trying to give States more time to address this very complex regulation.

At this time, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. JOHNSON), who is a member of the Energy and Commerce Committee.

Mr. JOHNSON of Ohio. Mr. Chairman, I rise today in strong support of Chairman WHITFIELD's legislation, H.R. 2041, the Ratepayer Protection Act.

This rule, the clean power plan, by the EPA is an unprecedented rule, one that has the potential to devastate Ohio's coal industry. That is the very same industry that employs thousands of people throughout eastern and southeastern Ohio and provides homes and businesses with affordable, reliable electricity.

The Ratepayer Protection Act will stop this devastation. Almost 70 percent of Ohio's electricity today—70 percent of Ohio's electricity—is currently

provided by coal. Moreover, coal miners already have a difficult and stressful job as it is. And now, because of the EPA's clean power plan, they will have to worry about whether or not they will even have a job when they show up for work.

The Ratepayer Protection Act is an essential check on the EPA's extreme emission standards. It allows Governors to use common sense to opt their State out of the rule should they determine that it will negatively affect its ratepayers or grid reliability.

The legislation also extends the rule's compliance dates, pending judicial review. That is just common sense, Mr. Chairman, because shouldn't our States have a say in our energy future? Especially when you consider that over 32 States have already raised legal objections to the rule, and 34 have objected to the EPA's rush regulatory timelines.

EPA's carbon emission regulations have already made it economically unfeasible to build a new coal-fired power plant in America. We cannot afford to shut down existing plants and this very important industry as well.

I support the legislation, and I urge my colleagues to.

Mr. PALLONE. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. LOWENTHAL).

Mr. LOWENTHAL. Mr. Chairman, first, I thank the distinguished gentleman from New Jersey for yielding.

I also rise in strong opposition to H.R. 2042.

No one wants to see new rules and regulations just for the fun of it, and we should not take this EPA rule lightly. But here is why we must let this rule move forward: one, climate change is real; two, it is caused by greenhouse gases that are released from human activities; and three, it has already been changing the world as we know it.

Pope Francis, in his encyclical, "Laudato Si," or, "Praise Be to You," points out that "reducing greenhouse gases requires honesty, courage, and responsibility, above all on the part of those countries which are more powerful and pollute the most."

The Pope is right. We need to be honest about climate change, we need to be courageous and face the future, and we need to take responsibility for our carbon pollution.

That is exactly why we need to work with the EPA, with States, with our great research centers, and with our energy sector to increase efficiency and to transition to cleaner fuels and renewable energy sources.

The clean power plan and the authority granted by the Clean Air Act is the vehicle we have right now to cut greenhouse gas emissions and to clean up polluted air. But my colleagues are telling States they should just say no and completely opt out of doing their part and subject this rule, which, by the way, we have not even seen it in its final place, to years and years of delay.

□ 1515

This is not honest. It is not courageous. It is not a responsible way to deal with greenhouse gas pollution.

I urge my colleagues to vote "no" on the irresponsible and shortsighted Ratepayer Protection Act.

Mr. WHITFIELD. Mr. Chairman, I would like to inquire on the remaining time.

The CHAIR. The gentleman from Kentucky has 7½ minutes remaining, and the gentleman from New Jersey has 9 minutes remaining.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Mr. Chairman, I rise today in support of H.R. 2042, the Ratepayer Protection Act. This bill would protect States and families from EPA regulatory overreach and significant spikes in electricity costs.

Last June, the EPA proposed a rule for existing power plants known as the clean power plan. This rule would mandate new carbon reduction goals for each State, effectively changing the way electricity is generated, distributed, and consumed in the United States.

The economic impact of this rule is very troubling. It could mean increased electricity costs and reduced reliability for consumers. In fact, under the clean power plan, electricity rates would increase by an average of 15 percent in a majority of States.

This bill would protect ratepayers and exempt States from complying with the rule until all judicial reviews are complete. It would also allow Governors to opt out of compliance with the rule if there would be a significant impact on states' ratepayers.

Mr. Chairman, I urge my colleagues to join me in supporting this bipartisan, commonsense bill.

Mr. PALLONE. Mr. Chairman, I yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I find this whole conversation somewhat surreal because, in my community in Portland, Oregon, the city is unveiling a new climate action plan to reduce local carbon emissions even more.

We are already below 1999 levels on a per capita basis, but our community has committed, in going forward, to a clean energy future in order to do our part.

It is jarring that, at the same time, we would consider on the floor of the House rolling back the modest, balanced approach that the administration has undertaken with the carbon rule—a carbon rule that is not yet finalized, a carbon rule that is dedicated to working with local States to try and fine-tune it to make sure that it works right and with more public input. Nonetheless, even though it is a little late in coming, the United States must step up.

We have a major responsibility as we are the largest contributor to carbon

pollution in the world. We are number two now behind China. We have a responsibility to do our part, but we have a responsibility to do our part not just in terms of global leadership and in trying to change this tremendously destructive trajectory we are on with carbon pollution—as we will, no doubt, hear from the Pope in 3 months in this Chamber—but it is part of what is going to happen with other countries in the world.

If the richest, most powerful nation in the world can't step up to do its part, how can we expect to exert global leadership and prevent catastrophic events elsewhere?

The notion that somehow this is going to be an economic catastrophe is balderdash. The reason the coal industry is in trouble is that coal is dirty, inefficient, and it is more expensive than natural gas. It is not a foundation for our energy future. Being able to move to a low carbon future is a bedrock for economic prosperity in the future.

The CHAIR. The time of the gentleman has expired.

Mr. PALLONE. I yield the gentleman an additional 1 minute.

Mr. BLUMENAUER. We just heard from the gentlewoman from California, a State that has proven to be an international leader. Its economy is going great guns. It is reducing its carbon footprint, its carbon use.

People confuse the price of energy with the cost of energy, and what has happened in States like California, which have been creative in terms of energy conservation and in pricing it properly, is that use goes down.

Some of the people with the lowest rates waste the most energy. They actually spend more. Part of what we did with climate legislation, as the gentleman from New Jersey well knows, actually would have reduced the cost for most people.

We don't want to be on the wrong side of history on this because it will have a devastating effect. The administration's modest proposal ought to be supported. We ought not to pretend that we can shatter it and piecemeal it out for the States to undercut it. We ought not to pretend that this is not a real problem that deserves our attention going forward.

To waste time today with something that would turn the clock back and that won't pass the Senate—if it did, it would be vetoed—is sad. We ought to be working together on a low carbon future to be able to make it work right for each and every community.

Mr. WHITFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. SCALISE), the distinguished majority whip.

Mr. SCALISE. I want to thank my friend from Kentucky, the chairman of the Energy and Power Subcommittee, for yielding and for bringing forward the Ratepayer Protection Act.

Mr. Chairman, this bill goes directly to the heart of these radical regulations, which are coming out of agencies

like the EPA, that are killing jobs in America. When you look at this regulation, this proposal by the EPA that this bill addresses, the EPA is proposing to bring forward more radical regulations that are going to increase the cost of household electricity for every family in this country. The estimates show you will see an over 12 percent increase in household electricity rates if the EPA is allowed to move forward.

When you look at what this legislation does, at least it stands up and protects hard-working taxpayers who are tired of all of these regulations—one after the other—coming forward, not through legislation passed by Congress—in open, public settings like this that you can watch on C-SPAN—but coming forward through unelected bureaucrats at the EPA who want to carry out their own agenda.

They can't pass it through Congress, so they try to just ram it through in regulations that aren't backed up by science but that would, in fact, actually, lead to more jobs being shipped out of this country.

Where would those jobs go, Mr. Chairman? They would go to places like China and India and Brazil and to other countries that don't have the environmental standards that we have. You will actually see more carbon emitted if the EPA is successful in moving forward with regulations like this that this bill is addressing.

I want to commend the chairman for bringing this forward. I think you are going to see a large, bipartisan vote in support of this legislation because people across the country are saying enough is enough.

If the proposal is so good by the EPA, why not move it through Congress? Why not have public hearings on C-SPAN and present the facts and point out and defend the increases that families are going to have in their household electricity rates?

They want to hide, Mr. Chairman. They want to hide and try to just sneak this through with the regulation and not have any public vote on the bill.

Here you have a bill, a bill that says let's slow this process down, that says let's actually give States the ability to opt out if they realize just how devastating it will be not only to the states' economies, but to the taxpayers in each State.

In my State of Louisiana, this proposal by the EPA that we are trying to stop would yield about a 13 percent increase in people's household electricity rates. We are already paying too much. The costs of things are already too high because of regulations coming out of Washington not imposed by Congress, but imposed by unelected bureaucrats.

Enough is enough. Let's rein in these unelected bureaucrats, and let's bring some common sense back to the process of getting our economy back on track. I urge the approval of this legis-

lation, which is so important to getting our economy moving again.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

It bothers me a great deal when I hear my colleagues on the other side of the aisle acting as if we don't already have a Clean Air Act in place. The fact of the matter is the Clean Air Act was passed by both Democrats and Republicans back in 1970.

It has been amended and changed several times since then, but the EPA is simply acting on a law that was passed by the Congress. There is no such thing here that the EPA is somehow doing something that they shouldn't be doing, which is what is being suggested by some of my colleagues on the Republican side and, I guess, is the basis for this legislation.

The EPA is regulating based on laws that were passed by Congress—that is what an agency does—but many of my colleagues on the Republican side continue to raise the false specter of job losses and high economic costs in order to try to block the President and the EPA from implementing the clean power plan to curb power plant carbon pollution.

I just want to say again, in going back to the original Clean Air Act, the history of the Clean Air Act shows that they are wrong, that we can have both a clean environment and a strong economy.

This is an argument that industry has used every time the Clean Air Act has been strengthened. Every time new regulations come out that are trying to address the problems with clean air and that are trying to make the air healthier for all Americans, we hear industry argue that somehow there are going to be job losses or that there are going to be huge rate increases.

When Congress debated the 1990 Clean Air Act amendments, the oil industry said that the technology to meet these standards simply does not exist today, and they predicted major supply disruptions, and chemical companies said the law would cause severe economic and social disruption. None of these gloom-and-doom predictions came true. Instead, our air got cleaner, and our economy flourished.

The history of the Clean Air Act shows that the United States can reduce carbon pollution while creating jobs and strengthening the economy. Since its adoption in 1970, the Clean Air Act has reduced key air pollutants by two-thirds while the economy has tripled in size. The Clean Air Act has also made the United States a world leader in pollution control technology, generating hundreds of billions of dollars for U.S. companies and creating millions of jobs.

I want to stress that I think we are at a critical crossroads here. If we continue to ignore the science, we will cause catastrophic climate change and saddle our economy with soaring bills for disaster relief; but, if we invest in the clean energy technologies of the fu-

ture, we can protect our environment and grow our economy.

This idea of juxtaposing jobs and the economy versus the environment is simply not true. The history of the Clean Air Act shows that it is not true.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, once again, I ask how much time is remaining.

The CHAIR. The gentleman from Kentucky has 3½ minutes remaining, and the gentleman from New Jersey has 2½ minutes remaining.

Mr. WHITFIELD. Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield myself the balance of my time.

The other question that I keep hearing from the other side of the aisle is that, somehow, they just ignore the public health aspects of this. Obviously, we are concerned about climate change, but it is also the question of public health.

There are consequences to inaction. In other words, if this bill were to pass and if the clean power plan were not to go into effect, there are consequences.

The EPA estimates that, in 2030, the clean power plan will avoid up to 3,300 heart attacks, prevent 150,000 asthma attacks in children, lead to 2,800 fewer hospital admissions, and avert 490,000 missed work or schooldays each year.

These benefits are worth an estimated \$93 billion per year, Mr. Chairman. These are human health benefits that could be delayed or, perhaps, permanently lost if this bill takes effect. The health benefits potentially blocked by the bill are especially important for the most vulnerable among us, our babies, our kids, our seniors, and those with asthma.

The legislation grants a blanket extension for all clean power plan compliant States until all opportunities for legal challenges have been exhausted, and this unprecedented suspension of critical clean air regulations would occur regardless of a lawsuit's merits or its likelihood of success. What the Republicans are doing with this bill is denying the health benefits that come from the clean power plan.

I just want to close, Mr. Chairman, by reminding everyone that the President has said he will veto this legislation, so this effort with the legislation is totally in vain, as it probably won't pass the Senate.

The President would veto it, and there are no votes to override his veto. Let me just read what the President says in his statement when he says he will veto the bill.

□ 1530

He says:

The bill is premature and unnecessary. It is premature because the clean power plan has yet to be finalized; it is unnecessary because EPA has made clear its commitment to address concerns raised during the public comment period (including concerns related to cost and reliability) when issuing the final clean power plan. The effect of the bill would, therefore, be a wholly unnecessary

postponement of reductions of harmful air pollution.

The bill is unprecedented. The administration is not aware of any instance when Congress has enacted legislation to stay implementation of a clean air standard before judicial review. To do so here, before the rule is even final, would be an unprecedented interference with EPA's efforts to fulfill its duties under the Clean Air Act.

Once again, my colleagues on the Republican side have said that this is only a proposed rule. Why are they passing legislation to deal with a rule that hasn't even been finalized?

I yield back the balance of my time, Mr. Chairman.

Mr. WHITFIELD. Mr. Chair, I yield myself the balance of my time to close.

The reason we are acting is because the 5 years that I have been chairman of this subcommittee, we have had many hearings on proposed rules and regulations coming out of EPA, and only one time did they actually sit down with the affected parties and try to work out a real compromise, and that was on the cement rule.

Other than that, they have made it very clear they intend to move forward with this regulation. Lawsuits have been filed, but the courts have said it is not right yet. So if we don't take action, it is going to become final, and then you go to court, and then it takes years.

So we are simply saying let's pass this legislation to delay the implementation until the court makes a decision on whether or not it is legal. We have real reason to believe that it is not legal because never have they ever attempted to regulate an existing source under section 111(d) except in very minute circumstances.

Now, I agree that since the original Clean Air Act Amendments of 1990, our economy has improved. We have had a lot more jobs. But the Global Markets Institute last month issued a report—it is an arm of Goldman Sachs, a respected institution—and they pointed out that in the Obama administration, since 2009, the number of small businesses in America are 600,000 less today than in 2009; 6 million fewer jobs today than in 2009. They also went on to say that the reason for this is the overzealous issue of regulations in this administration.

That is why the Hispanic Chamber of Commerce, representing thousands of small-business men and women around the country has endorsed this legislation. That is why the African American Chamber of Commerce has written a letter explaining the detrimental impacts of this regulation. That is why over 30-some States have come to us and asked us to give them more time.

As I said in the beginning, this is a complex rule. It certainly applies to more than just coal, because it is the first time that EPA has ever attempted to go outside the source of the emission to reduce the emission. So we are not talking about only coal-powered electricity plants, but the EPA sets the standard for every State, the emission

cap, and then they say you go fix it. So the States are going to be forced to go to other industries, to maybe look at building materials in homes, to adopt renewable mandates to meet these very stringent standards.

So it is a complex rule. EPA usually gives States 3 years to come up with their State implementation plan, but in this instance, they are giving them 13 months, which is unheard of.

This legislation is very simple. Let's delay the State implementation plans until the courts render a decision. I urge our Members to support this commonsense legislation.

I yield back the balance of my time.

Mr. UPTON. Mr. Chair, today we fight to keep electricity affordable with the Ratepayer Protection Act, a bill that protects folks all across the country from the potential rate increases and reliability risks that experts predict will occur under the EPA's proposed Clean Power Plan. I applaud my colleague Ed WHITFIELD for his efforts on this important bill and I urge my colleagues to support it.

In my home state of Michigan, the American Coalition for Clean Coal Electricity estimates that the EPA's proposed plan would increase electricity prices by 12%. The last thing families in Michigan and across the country can afford right now are higher bills just as they are finally feeling as if they have turned the corner following the extended economic downturn.

Legal experts, including President Obama's own law professor, Laurence Tribe have testified that the proposal raises grave constitutional questions, exceeds EPA's statutory authority, and violates the Clean Air Act. In fact, Professor Tribe equated the administration's action to "burning the Constitution."

Low-income households and those on fixed incomes get hit the hardest when electric bills go up. In Michigan, there are nearly 2 million lower-income and middle-income families—representing 52% of the state's households. Unfortunately, the costs of this proposed rule would fall disproportionately on the most vulnerable.

Small businesses would also face increased electricity costs that could harm their bottom line. And every extra dollar that goes toward higher energy cost is money that can't be spent on new hiring.

For manufacturers, affordable energy is imperative to stay competitive in a global market. That is why the Chamber of Commerce, National Association of Manufacturers, and many other representatives of job-creating businesses have sounded the alarm on the serious threat posed by the administration's plan.

I would also note that higher costs are not the only menace looming on the horizon—what's worse than expensive electricity is no electricity at all. But that is a real possibility. The North American Electric Reliability Corporation and others have warned that the EPA's proposed plan poses a serious threat to electric reliability as power sources are forced offline.

The Ratepayer Protection Act is a thoughtful and straightforward answer to the potential rate shocks and blackouts. The legislation would allow for the completion of judicial review of any rule before requiring states to implement it, and if a governor of a state finds that the rule poses a significant threat to electricity affordability and reliability they would

have the power to suspend compliance with the administration's plan.

The Ratepayer Protection Act does not repeal the Clean Power Plan, it merely adds several reasonable safeguards to it. Regulatory overreach has defined this administration and it is time we all stood up to protect affordable energy. Vote yes in support of every American ratepayer and lower bills.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-20. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 2042

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ratepayer Protection Act of 2015".

SEC. 2. EXTENDING COMPLIANCE DATES OF RULES ADDRESSING CARBON DIOXIDE EMISSIONS FROM EXISTING POWER PLANTS PENDING JUDICIAL REVIEW.

(a) EXTENSION OF COMPLIANCE DATES.—

(1) EXTENSION.—Each compliance date of any final rule described in subsection (b) is deemed to be extended by the time period equal to the time period described in subsection (c).

(2) DEFINITION.—In this subsection, the term "compliance date"—

(A) means, with respect to any requirement of a final rule described in subsection (b), the date by which any State, local, or tribal government or other person is first required to comply; and

(B) includes the date by which State plans are required to be submitted to the Environmental Protection Agency under any such final rule.

(b) 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: EGUs in Indian Country and U.S. Territories; Multi-Jurisdictional Partnerships" published at 79 Fed. Reg. 65482 (November 4, 2014).

(c) PERIOD DESCRIBED.—The time period described in this subsection is the period of days that—

(1) begins on the date that is 60 days after the day on which notice of promulgation of a final rule described in subsection (b) appears in the Federal Register; and

(2) ends on the date on which judgment becomes final, and no longer subject to further appeal or review, in all actions (including actions that are filed pursuant to section 307 of the Clean Air Act (42 U.S.C. 7607))—

(A) that are filed during the 60 days described in paragraph (1); and

(B) that seek review of any aspect of such rule.

SEC. 3. RATEPAYER PROTECTION.

(a) EFFECTS OF PLANS.—No State shall be required to adopt or submit a State plan, and no

State or entity within a State shall become subject to a Federal plan, pursuant to any final rule described in section 2(b), if the Governor of such State makes a determination, and notifies the Administrator of the Environmental Protection Agency, that implementation of the State or Federal plan would—

(1) have a significant adverse effect on the State's residential, commercial, or industrial ratepayers, taking into account—

(A) rate increases that would be necessary to implement, or are associated with, the State or Federal plan; and

(B) other rate increases that have been or are anticipated to be necessary to implement, or are associated with, other Federal or State environmental requirements; or

(2) have a significant adverse effect on the reliability of the State's electricity system, taking into account the effects on the State's—

(A) existing and planned generation and requirements;

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

(C) projected electricity demands.

(b) CONSULTATION.—In making a determination under subsection (a), the Governor of a State shall consult with—

(1) the public utility commission or public service commission of the State;

(2) the environmental protection, public health, and economic development departments or agencies of the State; and

(3) the Electric Reliability Organization (as defined in section 215 of the Federal Power Act (16 U.S.C. 824o)).

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 114-177. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MR. PALLONE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 114-177.

Mr. PALLONE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 333, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume in support of my amendment.

Mr. Chairman, my amendment includes language identical to an amendment recently offered by Senator BENNET and approved during the Senate budget process. It is simple enough. In order to opt out, a Governor must certify that the State or Federal plan 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."

This clear and concise language passed the Senate in the budget bill with the support of seven Republican Senators along with all the Democratic Senators. Republican Senators like DEAN HELLER, MARK KIRK, and ROB PORTMAN voted for this language, as did the chair of the Senate Energy and Natural Resources Committee, Senator MURKOWSKI, who is from Alaska, where the impacts of climate change are undeniable.

Let me just start by quoting pro-coal Senator MANCHIN from West Virginia: "There is no question that climate change is real and that billions of people have impacted the world's climate. This amendment supports investment in clean energy technology, including advanced fossil energy, and supports energy efficiency, which reduces carbon while saving customers money. We can protect the environment for future generations while ensuring that we have affordable and reliable energy sources today."

That is a quote from Senator MANCHIN from West Virginia.

Mr. Chairman, I think we should be clear about where Members of this esteemed committee stand on the reality of human-induced climate change and whether or not it needs to be addressed. Senators have had to stand up and be counted, so we here in the House should do the same.

Some on the Republican side of the aisle have said that they are not climate deniers. Well, if that is the case, then this should be a very easy vote for them, in my opinion. But it wouldn't surprise me if some or all on the Republican side oppose this amendment. In the Committee on Energy and Commerce, it was voted down twice: first in the subcommittee, and then in the full committee along party lines.

Let me be clear, Mr. Chairman. This amendment still allows the Governor to opt out of the Federal plan. It doesn't really change the substance of the bill. This amendment is for anyone who believes in human-induced climate change, regardless of their views on various approaches to deal with the problem. You can vote for my amendment and, if you must, still oppose the clean power plan. But if you vote against my amendment, it can only mean, in my opinion, that you are

against any solution to climate change.

Mr. Chairman, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chair, I want to say that I have the utmost respect for my colleague from New Jersey, Mr. PALLONE, who is the ranking member of the Committee on Energy and Commerce. He is always thoroughly prepared and does a great job, but I respectfully must disagree with him on this amendment.

Just reading the amendment, there doesn't seem to be that much wrong with it, and really there is not that much wrong with it; but I would point out that this amendment suggests that the Federal Government is not taking action about climate change. The fact is, we have 18 Federal agencies administering 61 separate programs on climate change, and since 2008, we have spent over \$77 billion addressing it. That is not even including the regulations coming out of EPA. Last year alone, the Federal Government spent \$23 billion on climate change.

I would just point out that this bill is about responding to States who are asking us for help. They need more time to address this very complex regulation that will be coming out of EPA very soon. We can't have a debate about it without talking about climate change. But as I said earlier, everyone recognizes the climate has been changing since the beginning of time. I read an article the other day, in the 13th century, they had grape vineyards in northern England. That is not true today.

Where we differ with the President is that the President has made it very clear that he thinks climate change is the number one issue facing mankind. We recognize that it is a problem, but we think there are other more pressing issues out there and that this administration seems to be obsessed with climate change.

We think creating jobs, economic growth, clean water, health care, and trying to solve pancreatic cancer are more important. We have countries in Africa, representatives in Africa and Bangladesh telling us we are more concerned about just having electricity, just having enough food. So that is the big difference between us and the President.

Like I said, we are simply trying to give States more time, giving them the option to opt out if they need to. We want the courts to render a decision that this is legal before they have to start spending the resources and the money to respond to it. For that reason, I would respectfully disagree with this amendment and ask that our Members vote against it.

I yield back the balance of my time.

Mr. PALLONE. I yield myself the remainder of my time to close.

Mr. Chairman, I would just say once again that, again, I respect my colleague from Kentucky a great deal, but I don't see how this amendment even says that climate change is a priority. It is simply saying that it should be addressed in the context of any Governor's effort to opt out. Now, I don't think that Governors should be opting out, but at least if they decide to do so, then they should be able to certify the reference to these various issues, including public health and climate change.

Again, we talk about climate change. I understand what the gentleman is saying, but in terms of priorities, keep in mind that public health is a priority. The gentleman mentioned pancreatic cancer. I was thinking that the group that are advocates for trying to cure pancreatic cancer probably came to see him yesterday as they came to see me. We don't even know what the cause of it is. It may very well be that there are environmental causes in the air that lead to pancreatic cancer. So I think that it does need to be a priority. Climate change does need to be a priority.

But again, you can vote for this amendment without saying that climate change is your biggest priority. We are simply saying that when a Governor decides to opt out, which I don't think they should, that they have to say that they certify that they have looked at the public health, that they have looked at climate change, that they have looked at increased use of clean energy and other issues. I see no reason why anyone on either side of the aisle shouldn't support the amendment for that reason.

I yield back the balance of my time and urge passage of the amendment, Mr. Chairman.

The CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PALLONE. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

□ 1545

AMENDMENT NO. 2 OFFERED BY MR. RUSH

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 114-177.

Mr. RUSH. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 333, the gentleman from Illinois (Mr. RUSH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. RUSH. Mr. Chairman, the legislation before us, which I prefer to call the "Just Say No" bill, would effectively give Governors the power to opt out of the Federal requirements of the EPA's proposed clean power plan if they decide that complying with the plan would have an adverse effect on either rates or reliability.

Unfortunately, Mr. Chairman, the language allowing a Governor to opt out is ambiguous and does not take into account other costs that States are already paying due to the impacts of climate change.

So, Mr. Chairman, in order to address this issue, I am offering a straightforward amendment that simply states that a Governor must certify that, within his or her State, any ratepayer increases associated with implementing a State or Federal plan would be greater than any costs associated with responding to extreme weather conditions associated with human-caused climate change.

Mr. Chairman, this would include the costs associated with cleaning up after mass flooding, intense wildfires, more frequent and intense storms, as well as the costs associated with loss of crops and livestock due to increased drought.

Mr. Chairman, as any State that has had to deal with the aftermath of any of these destructive extreme weather events can attest, Americans are already shouldering the costs of climate change—and these costs are getting worse and worse. In fact, according to the National Climate Assessment, if we do not seriously invest in addressing climate change impacts now, we can expect to see more expensive and costly future damages associated with almost every facet of our society, from negative health impacts, to stressing our infrastructure and water system, to harming our national security, up to and including hurting our overall long-term economic growth.

Mr. Chairman, just 2 days ago, on Monday, the EPA, in collaboration with the Massachusetts Institute of Technology, the Pacific Northwest National Lab, and the National Renewable Energy Laboratory, released a peer-reviewed study detailing the costs if we fail to address climate change. This report stated that failure to act

could cost 12,000 lives from extreme temperatures and 57,000 lives from poor air quality in the year 2100, as well as cost the country hundreds of billions of dollars each and every year.

The analysis also looked at the impact of climate change on health, electricity, infrastructure, water resources, agriculture, forestry, and the ecosystem. It found that if we acted to reduce emissions, we could avert loss of life, reduce the number of droughts and floods, and save up to \$34 billion in power system costs in the year 2050 alone.

So, Mr. Chairman, with all of these dire warnings coming from both the experts as well as from Mother Nature herself, we cannot allow Governors to "just say no" to reducing harmful pollutants from their States and simply put their heads in the sand.

Mr. Chairman, I urge all of my colleagues to support this amendment to ensure that Governors are held accountable for their failure to act to reduce harmful pollutants that impact the overall public good.

The CHAIR. The time of the gentleman from Illinois has expired.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Mr. Chairman, with great respect to my friend, the gentleman from Illinois (Mr. RUSH), whom I have had the privilege of sitting through 5 years, it seems like, of hearings almost every day, while I have the greatest respect for him, I do rise in opposition to this amendment.

His amendment would basically say that State Governors must certify that the cost to the ratepayers under EPA's 111(d) rule would exceed the costs associated with responding to extreme weather events.

I point out once again that in *The Economist* magazine just this May, a few weeks ago, they were quoting scientists who were saying it is impossible to say categorically that climate change has caused any individual storm, flood, drought, heat wave, tornado, hurricane, or any other adverse weather effect. So that correlation has simply not been established scientifically.

This amendment would require State Governors to make a certification on something that they cannot do, even the EPA itself will not and cannot do, which is to show any direct benefit on climate events from their rule.

EPA has said in their own testimony that this rule, this regulation, will not have a significant impact on climate events in the U.S. As a matter of fact, in April testimony before Congress, Acting Assistant Administrator McCabe indicated that EPA could not predict the impact of the rule on any of its climate indicators. So they are adopting this rule as simply following up on the President's Georgetown speech in which he laid out his climate plan.

But I would like to point out that America is addressing climate change. I would say once again, we have 61 government programs involved. We have 18 Federal agencies involved. We spent a total of \$77 billion since 2008. We are doing all sorts of things.

This bill is simply to give States enough time to respond to this very complex regulation until after the courts have rendered a decision.

And so, with that, I would respectfully request Members to oppose the Rush amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RUSH).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. RUSH. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HUIZENGA
OF MICHIGAN

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 114-177.

Mr. HUIZENGA of Michigan. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 333, the gentleman from Michigan (Mr. HUIZENGA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HUIZENGA of Michigan. Mr. Chairman, I would like to thank my colleague, the gentleman from Kentucky, for bringing this important bill to the floor to empower States to protect consumers from higher electric rates and to ensure grid reliability. In fact, when I was in the State legislature back in Michigan, I served as the vice chair of our Energy and Technology Committee and spent a lot of time and work on grid reliability and cost issues.

Under the clean power plan, the EPA would set mandatory carbon dioxide emission levels for each State and require that they submit State plans to meet their EPA-established “goals.”

While I have many concerns about the proposed rule, I am offering this amendment to highlight how the EPA’s approach to calculating emissions ac-

tually discourages the kind of emission reductions that it is intended to promote.

Here is how. The EPA’s compliance formula does not include a way to calculate the benefits of clean energy storage. Michigan is a prime example of the importance of energy storage via the Ludington Pumped Storage reservoir in west Michigan, in the Second District.

Ludington Pumped Storage was the largest pumped storage hydroelectric facility in the world when it was constructed. I remember as a young man, my dad was in construction, and we would do Sunday drives an hour and a half north just to see progress on this. It is an 842-acre reservoir that is 2½ miles long and holds 27 billion gallons of water. In the last couple of years, it now includes a wind farm with 56 turbines that are generating an additional 100 megawatts. Ludington can generate up to 1,872 megawatts, which is enough electricity to serve a community of 1.4 million residential customers.

Here is how the pump storage works. At night, when electric rates are low—and oftentimes the wind is blowing in west Michigan, and those turbines are going—Ludington’s reversible turbines down at the lake level pump water up the 363-foot hill from Lake Michigan to the reservoir. Then, during the day, when electric demand is high, the reservoir releases water to flow downhill and it turns the turbines to make carbon-free electricity. And that is very, very helpful, obviously especially in the summertime when we have peak times.

In fact, when I was in the State legislature, I was standing next to those turbines and they got the call that they needed peak electricity because a substation had gone down in southeast Michigan. Literally, within 10 minutes, those turbines were spinning and producing electricity and putting it back out on the grid, thereby saving a whole lot of expenses they were going to look at in needing to go out on the MISO system to purchase that electricity.

In addition to it being carbon-free, there are no other emissions being pumped from the storage generation either.

Ironically, the proposed rule would penalize States like Michigan and Virginia that have prudently invested in energy storage technology because the emissions and megawatt hours from plants used to charge the system are included in the EPA’s equation. However, the megawatt hours discharged from the storage system are not. Thus, according to the EPA, a State’s emissions intensity actually increases if they utilize clean energy storage. That is the exact opposite of what I hope is the EPA’s goal of this rule.

This amendment simply encourages the EPA to explicitly authorize States to include clean energy storage in their compliance plans.

I encourage my colleagues to support this bipartisan amendment and the un-

derlying bill so that States can best protect their residents from the significant economic and reliability impact the proposed rule could have.

At this time, I yield to the gentleman from Michigan (Mr. KILDEE), my colleague.

Mr. KILDEE. I thank my friend for yielding.

He has his photo of the hydroelectric pump storage facility. His is from the right. I have a picture from the left. It is a different view, but it is the same facility.

This is really important. I support this amendment. With electricity demands varying, as Mr. HUIZENGA said, throughout peak and nonpeak times, Michigan companies produce and store reserve energy in this facility for future use when demand is high, which provides, as was said, energy literally at a moment’s notice, which is critical for grid stability and also critical to keep prices low for our consumers.

This technology allows our companies to respond quickly when demand exceeds base load capacity, especially during extreme weather events such as heat waves and polar vortexes.

The EPA has repeatedly recognized the need for large-scale storage facilities like Ludington’s and how pumped hydroelectric storage can fill this role, but the EPA’s proposed rule compliance formula does not include a way to calculate the benefits of pumped hydroelectric storage.

□ 1600

With this amendment, we would like to encourage the EPA to address specifically how pumped hydroelectric storage will be counted in Michigan and other States, so the consumers will have access. This is important for Michigan.

The CHAIR. The time of the gentleman from Michigan has expired.

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the amendment. I am not going to oppose the amendment, but I would like to speak to the amendment.

The CHAIR. Without objection, the gentleman from Kentucky is recognized for 5 minutes.

There was no objection.

Mr. WHITFIELD. First, I yield 2 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Mr. Chair, I am not going to take the time, maybe give it back to the two gentlemen whom I joined on this amendment as well.

This is one of those things that is common sense—at least, we believe in. Our people back home, they don’t understand this in dealing with some regulation on why we are trying to encourage this clean resource and this energy and pumping the hydroelectric and not getting the credit for it.

I have had to deal with this on the core issues on some others where we are actually trying to do what is right for the environment and also trying to

do for sustainable and renewable energy.

So I just wanted to say thanks for this amendment. I think we are working toward the right way, and I think this sense of Congress to say “study this” is the positive way we look at this and we work forward toward using all the resources and all the energy sources that we have and using those in a very productive way.

I just wanted to put my support to this and look forward to this amendment being approved. I join with my two other cosponsors on this as well.

Mr. WHITFIELD. Mr. Chairman, I want to thank the gentleman from Michigan for raising the issue and the gentleman from Georgia.

It does illustrate some of the shortcomings of this proposed regulation because, instead of encouraging clean renewable energy, it, in effect, is discouraging it because they are not getting credit for it. That is another problem.

For that reason, we would be happy to accept this amendment and include it as part of this bill. Thank you all very much for bringing it to our attention.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. HUIZENGA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MCNERNEY

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 114-177.

Mr. MCNERNEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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 elec-

tric 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)).

The CHAIR. Pursuant to House Resolution 333, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, first, I want to commend my colleague from Kentucky on his efforts to protect consumers and ratepayers. I share that goal. However, we also need to reduce greenhouse gas emissions; and we can protect customers, consumers, and reduce greenhouse gas emissions simultaneously.

My amendment is intended as a compromise that is practical and would both protect consumers and reduce greenhouse gas emissions.

I worked in the energy industry for two decades before coming to Congress. I worked with the utilities sector, with the national laboratories, and with other stakeholders. I know these issues. I have been on the ground. So I can appreciate the need for a secure, reliable electric grid. I clearly understand the need for certainty and flexibility.

That is one of the reasons I co-founded the bipartisan Grid Innovation Caucus, to help address the pressing issues affecting our Nation’s electric grid. We are focusing on hardening the grid, protecting against cyber threats, responsiveness to extreme weather events, and ensuring grid reliability and resiliency.

H.R. 2042 will stop the EPA’s proposed clean power plan and proposed ozone standard from taking effect. This would sharply limit our Nation’s ability to address climate change and the growing negative consequences it has on public health and our economy.

To address this, my amendment will make two changes:

First, it strikes section 2 of the bill, which prevents any rule from taking place until all litigation is complete. That provision would add considerable uncertainty to the entire process and introduce a significant precedent into the Federal rulemaking process. If a delay is appropriate, let’s introduce a simple delay.

Second, my amendment replaces the ability of States to opt out of the plan with the requirement that the State public utility commissions or public service commissions, as well as the appropriate electric reliability organiza-

tion, issue reliability analyses on any State or Federal plan. In this bill’s current form, allowing States to opt out of the Federal law would create a significant barrier to Federal authority.

The analysis that my amendment calls for must include effects on regional electric reliability and resource adequacy, operation of wholesale electric markets, transmission and distribution infrastructure, and projected electricity demands.

Federal agencies have varied expertise and missions and not all are equipped to properly assess potential impacts that a rule may have on a particular industry. Consequently, we need collaboration at all levels.

In a letter to the EPA earlier this year, FERC stated that working together with the EPA, ISOs, RTOs, and the States will be essential as plans are developed. FERC wrote that, “its rate jurisdiction, at times, has effects on reliability issues. But, reliability also depends on factors beyond the Commission’s jurisdiction, such as State authority over local distribution and integrated resource planning.”

So I think it is an overstatement to claim that the clean power plan or the ozone standard would be the sole cause of impacts on rates or reliability.

My amendment mirrors FERC’s comments and ensures that an independent analysis is conducted by experts who deal with the grid on a daily basis because the EPA is not an expert on grid reliability.

If we want to add safeguards to add transparency and accountability, we need to ensure that States and regions have their voices heard. A practical way to accomplish that is by having the PUC and ISO submit a reliability report to the EPA.

Grid reliability is a bipartisan issue. If my amendment is adopted, it will help move the ball forward on this important issue. If not, H.R. 2042 will just be another messaging bill that the President will almost certainly veto. I urge my colleagues to adopt this amendment.

I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. Once again, I would like to thank Mr. MCNERNEY for this amendment. I have certainly enjoyed working with him on our committee. He certainly understands energy.

I must say that I have to respectfully disagree with him on this amendment. His amendment would basically strike the substantive part of our bill. As I have said in the beginning, this proposed regulation is so far outside the bounds of anything EPA has ever attempted before because these plants are already regulated under section 112. It specifically states if they are regulated there, they can’t be regulated under 111(d).

So we are trying to respond to the States. EPA, we expect, is going to

give them 13 months to comply. There have been many lawsuits already filed. There are going to be more lawsuits filed.

Because it is so costly, so complex, and they are under such time constraints, we simply want to delay the State implementation plans until after the courts have made a decision.

Also, his amendment would eliminate the Governor's finding of a significantly adverse impact on electricity rates and reliability and simply say that they have got to come up with this State implementation plan by working with utility commissioners and NERC, which they will be doing anyway. So if our bill is vetoed, that is where they are going to be anyway.

So I would respectfully oppose this amendment as certainly defeating what we are trying to do. With great respect to Mr. McNERNEY, I would oppose the amendment.

I yield back the balance of my time.

Mr. McNERNEY. Mr. Chairman, I certainly appreciate the chairman's thoughtful remarks and his concern about the effects of the clean power plan.

My recommendation is that, if a delay is required, let's just introduce a specific delay, 1 year or 2 years. Introducing a bill that requires all the judicial matters to be settled before a plan can come into effect is just too vague. It doesn't make sense. I think it will do a lot more damage.

What we are asking for is that the States and the local authorities produce a reliability plan so that they will understand the effects of the clean power plan. It is really a compromise position. If we want to move forward, then, let's adopt a compromise. If we want to make a message bill, let's move forward with the existing plan.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McNERNEY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. McNERNEY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. NEWHOUSE

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 114-177.

Mr. NEWHOUSE. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

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.

The CHAIR. Pursuant to House Resolution 333, the gentleman from Washington (Mr. NEWHOUSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. NEWHOUSE. Mr. Chairman, I would like to thank the good gentleman from Kentucky for his work on this bill.

I rise today in support of my amendment to H.R. 2042, the Ratepayer Protection Act of 2015, and urge my colleagues to support its adoption.

This amendment, which I am proud to introduce with my friend and colleague from the State of Washington, Congresswoman JAIME HERRERA BEUTLER, would very simply direct the Environmental Protection Agency to consider hydropower as a renewable energy source when issuing, implementing, and enforcing any final rule regarding carbon dioxide emissions from existing power plants under the Clean Air Act.

EPA's misguided proposed clean power plan, which the Agency announced in June of 2014, attempts to regulate and reduce the amount of carbon emitted from the power sector by setting emission guidelines for each individual State. Under the proposed rule, my home State of Washington would be responsible for an unattainable 72 percent reduction in its carbon emissions by the year 2030.

To put this into context, the State of Iowa would be required to reduce carbon emissions by 16 percent, the State of Kentucky by 18 percent, and the State of North Dakota by 11 percent. I believe the proposed clean power plan would have devastating consequences for each and every State, as well as for the country at large, which is why I am proud to cosponsor and support H.R. 2042.

Mr. Chairman, the requirements placed on Washington by this misguided rule are simply unachievable. It will hurt our families and our small businesses by raising the cost of electricity, and it will cost our economy billions of dollars just to comply.

My amendment would seek to provide a reality check to EPA and highlight the effect this regulation would have on such States as Washington, Oregon, Idaho, and South Dakota, which are blessed with abundant sources of hydropower, a nonemitting energy source. However, under the EPA's plan, hydropower is not treated as a renewable energy source, despite the fact that the Obama administration has recently been touting the potential of hydropower as part of its all-the-above energy strategy.

In fact, Mr. Chair, last April, Secretary Moniz discussed the importance of hydropower and described it as a renewable in an address to the National Hydropower Association. In his remarks, the Secretary stated: "We have to pick up the covers off of this hidden renewable that is right in front of our eyes and continues to have significant potential."

Yet, despite this public praise for hydropower and recognition of it as a renewable, the EPA decided to push a plan that explicitly neglects hydropower as a renewable in favor of other sources, such as wind and solar.

□ 1615

Additionally, the EPA's plan uses the year 2012 as its baseline for each State's carbon reduction goals, and this will also negatively impact my home State and others in the Northwest.

In 2012, Oregon and Washington experienced unusually high levels of rainfall, unfortunately, unlike this year, which led to a sharp increase in hydropower production; and, therefore, we used less energy from fossil fuel sources.

As a result, the proposed rule seriously underestimates the average amount of carbon used by my State in its power production which, in reality, is much higher than the EPA 2012 baseline. Because hydropower is not viewed as a renewable, we will have to utilize impractical amounts of other renewable energy sources, such as wind and solar, to meet the EPA's goals.

Mr. Chair, the effects of this decision in States with large amounts of existing hydroelectric power, such as mine, Oregon, South Dakota, and Idaho, are significantly disadvantaged under the rule and will not get credit for their existing hydroelectric generation and infrastructure.

However, my amendment would address this issue by directing EPA to simply recognize hydropower as a renewable energy source. This would in no way restrict the goals of H.R. 2042, which I fully support, nor would it negatively affect other nonhydropower States. It just highlights the misguided rule put forth by the Agency.

Mr. Chair, I urge my colleagues to support the Newhouse-Herrera Beutler amendment and the underlying bill, and I urge the amendment's adoption.

I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Mr. Chairman, the Newhouse amendment seeks to legislatively adjust an element of the EPA's clean power plan, but the amendment does nothing to fix the problems in the rest of the bill, which was actually designed to cripple the EPA's ability to curb emissions from power plants and allows Governors to thumb their noses at the Clean Air Act.

The Newhouse amendment would make more sense if it were a comment submitted to the EPA on the proposed rule, rather than being attached to legislation that would gut the clean power plan altogether.

In fact, the EPA is actively considering this issue already. The proposed clean power plan would have allowed new and incremental hydropower to count towards compliance with the

rule, but it did not consider existing hydropower in either goal setting or for compliance.

EPA received many comments on including hydropower in setting the clean power plan's goals and treating hydropower as an eligible measure to lower CO₂ emissions.

EPA has engaged in outreach to numerous stakeholders about hydropower, renewable energy, and other low- and zero-emitting sources of power to better understand issues raised in their comments; and it is giving careful consideration to all comments received.

There are varying views on this topic, and it should be left, in my opinion, to the rulemaking process to sort out the best approach.

Since EPA is actively considering the comments received on hydropower, the amendment is not necessary, and in fact, it could be counterproductive. Ultimately, approval of the Newhouse amendment would do nothing to change the fundamental flaws of the underlying bill. I urge my colleagues to vote against the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. NEWHOUSE).

The amendment was agreed to.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 114-177 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. PALLONE of New Jersey.

Amendment No. 2 by Mr. RUSH of Illinois.

Amendment No. 4 by Mr. MCNERNEY of California.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. PALLONE

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 245, not voting 7, as follows:

[Roll No. 381]

AYES—181

Adams	Bera	Brady (PA)
Aguilar	Beyer	Brown (FL)
Ashford	Blumenauer	Brownley (CA)
Bass	Bonamici	Bustos
Beatty	Boyle, Brendan	Butterfield
Becerra	F.	Capps

Capuano	Hastings
Cárdenas	Heck (WA)
Carney	Higgins
Carson (IN)	Himes
Cartwright	Hinojosa
Castor (FL)	Honda
Castro (TX)	Hoyer
Chu, Judy	Huffman
Cicilline	Israel
Clark (MA)	Jackson Lee
Clarke (NY)	Jeffries
Clay	Johnson (GA)
Cleaver	Johnson, E. B.
Cohen	Kaptur
Connolly	Keating
Conyers	Kelly (IL)
Cooper	Kennedy
Costa	Kildee
Courtney	Kilmer
Crowley	Kind
Cummings	Kirkpatrick
Davis (CA)	Kuster
Davis, Danny	Langevin
DeFazio	Larsen (WA)
DeGette	Larson (CT)
Delaney	Lawrence
DeLauro	Lee
DelBene	Levin
DeSaulnier	Lewis
Deutch	Lieu, Ted
Dingell	Sires
Doggett	Lipinski
Dold	Loeb
Doyle, Michael	Loftgren
F.	Lowe
Duckworth	Lujan Grisham
Edwards	(NM)
Ellison	Luján, Ben Ray
Engel	(NM)
Eshoo	Lynch
Esty	Maloney,
Farr	Carolyn
Fattah	Maloney, Sean
Foster	Matsui
Frankel (FL)	McCollum
Fudge	McDermott
Gabbard	McGovern
Gallego	McNerney
Garamendi	Meeke
Gibson	Meng
Graham	Moore
Grayson	Moulton
Green, Al	Murphy (FL)
Green, Gene	Nadler
Grijalva	Neal
Gutiérrez	Nolan
Hahn	Norcross

NOES—245

Abraham	Conaway
Aderholt	Cook
Allen	Costello (PA)
Amash	Cramer
Amodei	Crawford
Babin	Crenshaw
Barletta	Cuellar
Barr	Culberson
Barton	Curbelo (FL)
Benishek	Davis, Rodney
Bilirakis	Denham
Bishop (GA)	Dent
Bishop (MI)	DeSantis
Bishop (UT)	DesJarlais
Black	Diaz-Balart
Blackburn	Donovan
Blum	Duffy
Bost	Duncan (SC)
Boustany	Duncan (TN)
Brady (TX)	Ellmers (NC)
Brat	Emmer (MN)
Bridenstine	Farenthold
Brooks (AL)	Fincher
Brooks (IN)	Fitzpatrick
Buchanan	Fleischmann
Buck	Fleming
Bucshon	Flores
Burgess	Forbes
Byrne	Fortenberry
Calvert	Fox
Carter (GA)	Franks (AZ)
Carter (TX)	Frelinghuysen
Chabot	Garrett
Chaffetz	Gibbs
Clawson (FL)	Gohmert
Coffman	Goodlatte
Cole	Gosar
Collins (GA)	Gowdy
Collins (NY)	Granger
Comstock	Graves (GA)

O'Rourke	LaMalfa
Pallone	Lamborn
Pascarella	Lance
Perlmutter	Latta
Peters	LoBiondo
Pingree	Long
Pocan	Loudermilk
Polis	Love
Price (NC)	Lucas
Quigley	Luetkemeyer
Rangel	Lummis
Rice (NY)	MacArthur
Richmond	Marchant
Roybal-Allard	Marino
Ruiz	Massie
Ruppersberger	McCarthy
Rush	McCauley
Ryan (OH)	McClintock
Sánchez, Linda	McHenry
T.	McKinley
Sanchez, Loretta	McMorris
Kuster	Rodgers
Schakowsky	McSally
Schiff	Meadows
Schrader	Meehan
Scott (VA)	Messer
Scott, David	Mica
Serrano	Miller (FL)
Sherman	Miller (MI)
Sinema	Moolenaar
Slaughter	Mooney (WV)
Smith (WA)	Mullin
Speier	Mulvaney
Swalwell (CA)	Murphy (PA)
Takai	Neugebauer
Takano	Newhouse
Thompson (CA)	Noem
Thompson (MS)	Nugent
Titus	Nunes
Tonko	Olson
Torres	Palazzo
Tsongas	Palmer
Van Hollen	
Vargas	Clyburn
Veasey	Hanna
Vela	Kelly (MS)
Velázquez	
Visclosky	
Walz	
Wasserman	
Schultz	
Waters, Maxine	
Watson Coleman	
Welch	
Wilson (FL)	
Yarmuth	

Paulsen	Shuster
Pearce	Simpson
Perry	Smith (MO)
Peterson	Smith (NE)
Pittenger	Smith (NJ)
Pitts	Smith (TX)
Poe (TX)	Stefanik
Poliquin	Stewart
Pompeo	Stivers
Posey	Stutzman
Price, Tom	Thompson (PA)
Ratcliffe	Thornberry
Reed	Tiberi
Reichert	Tipton
Renacci	Trott
Ribble	Turner
Rice (SC)	Upton
Rigell	Valadao
Roby	Wagner
Roe (TN)	Walberg
Rogers (AL)	Walden
Rogers (KY)	Walker
Rohrabacher	Walorski
Rokita	Walters, Mimi
Rooney (FL)	Weber (TX)
Ros-Lehtinen	Webster (FL)
Roskam	Wenstrup
Ross	Westerman
Rothfus	Westmoreland
Rouzer	Whitfield
Royce	Williams
Russell	Wilson (SC)
Ryan (WI)	Wittman
Salmon	Womack
Sanford	Woodall
Scalise	Yoder
Schweikert	Yoho
Scott, Austin	Young (AK)
Sensenbrenner	Young (IA)
Sessions	Young (IN)
Sewell (AL)	Zeldin
Shimkus	Zinke

NOT VOTING—7

Napolitano	Sarbanes
Pelosi	

□ 1649

Mrs. WALORSKI, Messrs. MULLIN, WALKER, BARLETTA, RYAN of Wisconsin, POE of Texas, CHAFFETZ, HUELSKAMP, Meses. GRANGER and SEWELL of Alabama changed their vote from "aye" to "no."

Ms. EDDIE BERNICE JOHNSON of Texas, Messrs. CROWLEY, HUFFMAN, Mesdames LAWRENCE and TORRES changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Chair, on Wednesday, June 24th, 2015, I was absent during roll-call vote No. 381. Had I been present, I would have voted "aye" on agreeing to the Pallone Amendment.

AMENDMENT NO. 2 OFFERED BY MR. RUSH

The Acting CHAIR (Mr. HOLDING). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 243, not voting 8, as follows:

[Roll No. 382]

AYES—182

Adams	Gabbard	Moore
Ashford	Gallego	Moulton
Bass	Garamendi	Murphy (FL)
Beatty	Gibson	Nadler
Becerra	Graham	Neal
Bera	Grayson	Nolan
Beyer	Green, Al	Norcross
Blumenauer	Green, Gene	O'Rourke
Bonamici	Griffith	Pallone
Boyle, Brendan F.	Grijalva	Pascrell
Brady (PA)	Gutiérrez	Perlmutter
Brown (FL)	Hahn	Peters
Brownley (CA)	Hastings	Pingree
Bustos	Heck (WA)	Pocan
Butterfield	Higgins	Polis
Capps	Himes	Price (NC)
Capuano	Hinojosa	Quigley
Cárdenas	Honda	Rangel
Carney	Hoyer	Rice (NY)
Carson (IN)	Huffman	Richmond
Cartwright	Israel	Roybal-Allard
Castor (FL)	Jackson Lee	Ruiz
Castro (TX)	Jeffries	Ruppersberger
Chu, Judy	Johnson (GA)	Rush
Ciциlline	Johnson, E. B.	Ryan (OH)
Clark (MA)	Kaptur	Sánchez, Linda T.
Clarke (NY)	Keating	Sanchez, Loretta
Clay	Kelly (IL)	Schakowsky
Cleaver	Kennedy	Schiff
Cohen	Kildee	Schrader
Connolly	Kilmer	Scott (VA)
Conyers	Kind	Scott, David
Cooper	King (NY)	Serrano
Costa	Kirkpatrick	Sherman
Courtney	Kuster	Sinema
Crowley	Langevin	Sires
Cummings	Larsen (WA)	Slaughter
Davis (CA)	Lawrence	Smith (WA)
Davis, Danny	Lee	Speier
DeFazio	Levin	Swalwell (CA)
DeGette	Lewis	Takai
Delaney	Lieu, Ted	Takano
DeLauro	Lipinski	Thompson (CA)
DelBene	LoBiondo	Thompson (MS)
DeSaulnier	Loeb sack	Titus
Deutch	Lofgren	Tonko
Dingell	Lowenthal	Torres
Doggett	Lujan Grisham	Tsongas
Dold	(NM)	Van Hollen
Doyle, Michael F.	Luján, Ben Ray	Vargas
Duckworth	(NM)	Veasey
Edwards	Lynch	Vela
Ellison	Maloney,	Velázquez
Engel	Carolyn	Visclosky
Eshoo	Maloney, Sean	Walz
Esty	Matsui	Wasserman
Farr	McCollum	Schultz
Fattah	McDermott	Waters, Maxine
Foster	McGovern	Watson Coleman
Frankel (FL)	McNerney	Welch
Fudge	Meeks	Wilson (FL)
	Meng	Yarmuth

NOES—243

Abraham	Carter (GA)	Farenthold
Aderholt	Carter (TX)	Fincher
Aguilar	Chabot	Fitzpatrick
Allen	Chaffetz	Fleischmann
Amash	Clawson (FL)	Fleming
Amodei	Coffman	Flores
Babin	Cole	Forbes
Barletta	Collins (GA)	Fortenberry
Barr	Collins (NY)	Fox
Barton	Comstock	Franks (AZ)
Benishek	Conaway	Frelinghuysen
Bilirakis	Cook	Garrett
Bishop (GA)	Costello (PA)	Gibbs
Bishop (MI)	Cramer	Gohmert
Bishop (UT)	Crawford	Goodlatte
Black	Crenshaw	Gosar
Blackburn	Cuellar	Gowdy
Blum	Culberson	Granger
Bost	Curbelo (FL)	Graves (GA)
Boustany	Davis, Rodney	Graves (LA)
Brady (TX)	Denham	Graves (MO)
Brat	Dent	Grothman
Bridenstine	DeSantis	Guinta
Brooks (AL)	DesJarlais	Guthrie
Brooks (IN)	Diaz-Balart	Hardy
Buchanan	Donovan	Harper
Buck	Duffy	Harris
Bucshon	Duncan (SC)	Hartzler
Burgess	Duncan (TN)	Heck (NV)
Byrne	Ellmers (NC)	Hensarling
Calvert	Emmer (MN)	Herrera Beutler

Hice, Jody B.	Mica	Scalise
Hill	Miller (FL)	Schweikert
Holding	Miller (MI)	Scott, Austin
Hudson	Moolenaar	Sensenbrenner
Huelskamp	Mooney (WV)	Sessions
Huizenga (MI)	Mullin	Sewell (AL)
Hultgren	Mulvaney	Shimkus
Hunter	Murphy (PA)	Shuster
Hurd (TX)	Neugebauer	Simpson
Hurt (VA)	Newhouse	Smith (MO)
Issa	Noem	Smith (NE)
Jenkins (KS)	Nugent	Smith (NJ)
Jenkins (WV)	Nunes	Smith (TX)
Johnson (OH)	Olson	Stefanik
Johnson, Sam	Palazzo	Stewart
Jolly	Palmer	Stivers
Jones	Paulsen	Stutzman
Jordan	Pearce	Thompson (PA)
Joyce	Perry	Thornberry
Katko	Peterson	Tiberi
Kelly (PA)	Pittenger	Tipton
King (IA)	Pitts	Trott
Kinzinger (IL)	Poe (TX)	Turner
Kline	Poliquin	Upton
Knight	Pompeo	Valadao
Labrador	Posey	Wagner
LaMalfa	Price, Tom	Walberg
Lamborn	Ratcliffe	Walder
Lance	Reed	Walker
Latta	Reichert	Walorski
Long	Renacci	Walters, Mimi
Loudermilk	Ribble	Weber (TX)
Love	Rice (SC)	Webster (FL)
Lucas	Rigell	Wenstrup
Luetkemeyer	Roby	Westerman
Lummis	Roe (TN)	Westmoreland
MacArthur	Rogers (AL)	Whitfield
Marchant	Rogers (KY)	Williams
Marino	Rohrabacher	Wilson (SC)
Massie	Rokita	Wittman
McCarthy	Rooney (FL)	Womack
McCaul	Ros-Lehtinen	Woodall
McClintock	Roskam	Yoder
McHenry	Ross	Yoho
McKinley	Rothfus	Young (AK)
McMorris	Rouzer	Young (IA)
Rodgers	Royce	Young (IN)
McSally	Russell	Zeldin
Meadows	Ryan (WI)	Zinke
Meehan	Salmon	
Messer	Sanford	

NOT VOTING—8

Clyburn	Larson (CT)	Pelosi
Hanna	Napolitano	Sarbanes
Kelly (MS)	Payne	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1655

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:
Mrs. NAPOLITANO. Mr. Chair, on Wednesday, June 24th, 2015, I was absent during rollcall vote No. 382. Had I been present, I would have voted "aye" on agreeing to the Rush of Illinois Amendment #2.

Mr. LARSON of Connecticut. Mr. Chair, on June 24, 2015—I was not present for rollcall vote 382. If I had been present for this vote, I would have voted: "yay" on rollcall vote 382. Stated against:

Mr. GRIFFITH. Mr. Chair, on rollcall No. 382 I inadvertently voted "yes", when I wanted to vote "no."

AMENDMENT NO. 4 OFFERED BY MR. MCNERNEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCNERNEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered. The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 250, not voting 6, as follows:

[Roll No. 383]

AYES—177

Adams	Gallego	Neal
Aguilar	Garamendi	Neal
Bass	Graham	Nolan
Beatty	Grayson	Norcross
Becerra	Grayson	O'Rourke
Bera	Green, Al	Pallone
Beyer	Green, Gene	Pascrell
Blumenauer	Gutiérrez	Pelosi
Bonamici	Hahn	Perlmutter
Boyle, Brendan F.	Hastings	Peters
Brady (PA)	Heck (WA)	Pingree
Brown (FL)	Higgins	Pocan
Brownley (CA)	Himes	Polis
Bustos	Hinojosa	Price (NC)
Butterfield	Honda	Ryan (OH)
Capps	Hoyer	Sánchez, Linda T.
Capuano	Huffman	Sanchez, Loretta
Cárdenas	Israel	Schakowsky
Carney	Jackson Lee	Schiff
Carson (IN)	Jeffries	Schrader
Cartwright	Johnson (GA)	Scott (VA)
Castor (FL)	Johnson, E. B.	Scott, David
Castro (TX)	Kaptur	Serrano
Chu, Judy	Keating	Sherman
Ciциlline	Kelly (IL)	Sinema
Clark (MA)	Kennedy	Sires
Clarke (NY)	Kildee	Slaughter
Clay	Kilmer	Smith (WA)
Cleaver	Kind	Speier
Cohen	Kirkpatrick	Swalwell (CA)
Connolly	Kuster	Takai
Conyers	Langevin	Takano
Cooper	Larsen (WA)	Thompson (CA)
Costa	Larson (CT)	Thompson (MS)
Courtney	Lawrence	Titus
Crowley	Lee	Tonko
Cummings	Levin	Torres
Davis (CA)	Lewis	Tsongas
Davis, Danny	Lieu, Ted	Van Hollen
DeFazio	Lipinski	Vargas
DeGette	Loeb sack	Veasey
Delaney	Lofgren	Vela
DeLauro	Lowenthal	Velázquez
DelBene	Lujan Grisham	Visclosky
DeSaulnier	(NM)	Walz
Deutch	Luján, Ben Ray	Wasserman
Dingell	(NM)	Schultz
Doggett	Lynch	Waters, Maxine
Doyle, Michael F.	Maloney,	Watson Coleman
Duckworth	Carolyn	Welch
Edwards	Maloney, Sean	Wilson (FL)
Ellison	Matsui	Yarmuth
Eshoo	McCollum	
Esty	McDermott	
Farr	McGovern	
Fattah	McNerney	
Foster	Meeks	
Frankel (FL)	Meng	
Fudge		
Gabbard		

NOES—250

Abraham	Brady (TX)	Comstock
Aderholt	Brat	Conaway
Allen	Bridenstine	Cook
Amash	Brooks (AL)	Costello (PA)
Amodei	Brooks (IN)	Cramer
Ashford	Buchanan	Crawford
Babin	Buck	Crenshaw
Barletta	Bucshon	Cuellar
Barr	Burgess	Culberson
Barton	Byrne	Curbelo (FL)
Benishek	Calvert	Davis, Rodney
Bilirakis	Carter (GA)	Denham
Bishop (GA)	Carter (TX)	Dent
Bishop (MI)	Chabot	DeSantis
Bishop (UT)	Chaffetz	DesJarlais
Black	Clawson (FL)	Diaz-Balart
Blackburn	Coffman	Dold
Blum	Cole	Donovan
Bost	Collins (GA)	Duffy
Boustany	Collins (NY)	Duncan (SC)

Duncan (TN) Labrador
 Ellmers (NC) LaMalfa
 Emmer (MN) Lamborn
 Engel Lance
 Farenthold Latta
 Fincher LoBiondo
 Fitzpatrick Long
 Fleischmann Loudermilk
 Fleming Love
 Flores Lucas
 Forbes Luetkemeyer
 Fortenberry Lummis
 Foxx MacArthur
 Franks (AZ) Marchant
 Frelinghuysen Marino
 Garrett Massie
 Gibbs McCarthy
 Gibson McCaul
 Gohmert McClintock
 Goodlatte McHenry
 Gosar McKinley
 Gowdy McMorris
 Granger Rodgers
 Graves (GA) McSally
 Graves (LA) Meadows
 Graves (MO) Meehan
 Griffith Messer
 Grijalva Mica
 Grothman Miller (FL)
 Guinta Miller (MI)
 Guthrie Moolenaar
 Hardy Mooney (WV)
 Harper Mullin
 Harris Mulvaney
 Hartzler Murphy (PA)
 Heck (NV) Neugebauer
 Hensarling Newhouse
 Herrera Beutler Noem
 Hice, Jody B. Nugent
 Hill Nunes
 Holding Olson
 Hudson Palazzo
 Huelskamp Palmer
 Huizenga (MI) Paulsen
 Hultgren Pearce
 Hunter Perry
 Hurd (TX) Peterson
 Hurt (VA) Pittenger
 Issa Pitts
 Jenkins (KS) Poe (TX)
 Jenkins (WV) Poliquin
 Johnson (OH) Pompeo
 Johnson, Sam Posey
 Jolly Price, Tom
 Jones Ratcliffe
 Jordan Reed
 Joyce Reichert
 Katko Renacci
 Kelly (PA) Ribble
 King (IA) Rice (SC)
 King (NY) Rigell
 Kinzinger (IL) Roby
 Kline Roe (TN)
 Knight Rogers (AL)

NOT VOTING—6

Clyburn Kelly (MS) Payne
 Hanna Napolitano Sarbanes

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
 There is 1 minute remaining.

□ 1701

So the amendment was rejected.

The result of the vote was announced
 as above recorded.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on
 Wednesday, June 24th, 2015, I was absent
 during rollcall vote No. 383. Had I been
 present, I would have voted “aye” on agreeing
 to the Mc Nerney of California Amendment No.
 4.

The Acting CHAIR. The question is
 on the amendment in the nature of a
 substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule,
 the Committee rises.

Accordingly, the Committee rose;
 and the Speaker pro tempore (Mr.
 HULTGREN) having assumed the chair,
 Mr. HOLDING, Acting Chair of the Com-

mittee of the Whole House on the state
 of the Union, reported that that Com-
 mittee, having had under consideration
 the bill (H.R. 2042) to allow for judicial
 review of any final rule addressing car-
 bon dioxide emissions from existing
 fossil fuel-fired electric utility gener-
 ating units before requiring compli-
 ance with such rule, and to allow
 States to protect households and busi-
 nesses from significant adverse effects
 on electricity ratepayers or reliability,
 and, pursuant to House Resolution 333,
 he reported the bill back to the House
 with an amendment adopted in the
 Committee of the Whole.

The SPEAKER pro tempore. Under
 the rule, the previous question is or-
 dered.

(By unanimous consent, Mrs. ROBY
 was allowed to speak out of order.)

SEVENTH ANNUAL CONGRESSIONAL WOMEN'S
SOFTBALL GAME

Mrs. ROBY. Mr. Speaker, I rise with
 my colleagues this afternoon to remind
 all that today is a very special day.
 Today is the Seventh Annual Congres-
 sional Women's Softball Game that we
 play for the Young Survival Coalition.
 Each of us is playing either in memory
 of or in honor of a survivor.

No one in this room is untouched by
 cancer, so I would just encourage all of
 my colleagues to join us tonight. The
 first pitch is at 7 o'clock at the Wat-
 kins Recreation Center.

Members can bring all of their staffs
 and their interns and their friends and
 their families. It will be a great event.

Beat cancer, and beat the press.

Mr. Speaker, I yield to the gentle-
 woman from Florida (Ms. WASSERMAN
 SCHULTZ).

Ms. WASSERMAN SCHULTZ. Mr.
 Speaker and my colleagues, we are
 really so gratified to have been able to
 have spent the last 3 months practicing
 every morning at 7 a.m.

Our team—I just keep repeating that
 over and over, and maybe it will come
 true—is bipartisan. It is an oppor-
 tunity every year for us to come to-
 gether and bridge the divide around a
 cause that is so meaningful and impor-
 tant for so many women all across
 America.

I thank all of you every year for your
 support and for the turnout and for the
 love and affection that we have for one
 another in that we are able to put aside
 our differences. As a breast cancer sur-
 vivor myself—diagnosed at 41—I just
 can't thank my colleagues enough for
 their time.

I will close by saying that the Mem-
 ber team is the defending champion;
 and, tonight, we will keep the trophy.
 Go, Members. Beat the press. Beat can-
 cer.

Please join us at 420 12th Street
 Southeast, at the Watkins Recreation
 Center. The first pitch is at 7 p.m. It is
 a great game. Come by. Eat hot dogs.
 Cheer us on.

The SPEAKER pro tempore. Is a sep-
 arate vote demanded on any amend-
 ment to the amendment reported from
 the Committee of the Whole?

If not, the question is on the amend-
 ment in the nature of a substitute, as
 amended.

The amendment was agreed to.

The SPEAKER pro tempore. The
 question is on the engrossment and
 third reading of the bill.

The bill was ordered to be engrossed
 and read a third time, and was read the
 third time.

The SPEAKER pro tempore. The
 question is on the passage of the bill.

The question was taken; and the
 Speaker pro tempore announced that
 the ayes appeared to have it.

RECORDED VOTE

Mr. WHITFIELD. Mr. Speaker, I de-
 mand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Without
 objection, this will be a 5-minute vote.

There was no objection.

The vote was taken by electronic de-
 vice, and there were—ayes 247, noes 180,
 not voting 6, as follows:

[Roll No. 384]

AYES—247

Abraham	Fitzpatrick	Love
Aderholt	Fleischmann	Lucas
Allen	Fleming	Luetkemeyer
Amash	Flores	Lummis
Amodel	Forbes	MacArthur
Ashford	Fortenberry	Marchant
Babin	Foxx	Marino
Barletta	Franks (AZ)	Massie
Barr	Frelinghuysen	McCarthy
Barton	Garrett	McCaul
Benishek	Gibbs	McClintock
Bilirakis	Gohmert	McHenry
Bishop (GA)	Goodlatte	McKinley
Bishop (MI)	Gosar	McMorris
Bishop (UT)	Gowdy	Rodgers
Black	Granger	McSally
Blackburn	Graves (GA)	Meadows
Blum	Graves (LA)	Meehan
Bost	Graves (MO)	Messer
Boustany	Griffith	Mica
Brady (TX)	Grothman	Miller (FL)
Brat	Guinta	Miller (MI)
Bridenstine	Guthrie	Moolenaar
Brooks (AL)	Hardy	Mooney (WV)
Brooks (IN)	Harper	Mullin
Buchanan	Harris	Mulvaney
Buck	Hartzler	Murphy (PA)
Bucshon	Heck (NV)	Neugebauer
Burgess	Hensarling	Newhouse
Byrne	Herrera Beutler	Noem
Calvert	Hice, Jody B.	Nugent
Carson (IN)	Hill	Nunes
Carter (GA)	Holding	Olson
Carter (TX)	Hudson	Palazzo
Chabot	Huelskamp	Palmer
Chaffetz	Huizenga (MI)	Paulsen
Clawson (FL)	Hultgren	Pearce
Coffman	Hunter	Perry
Cole	Hurd (TX)	Peterson
Collins (GA)	Hurt (VA)	Pittenger
Collins (NY)	Issa	Pitts
Comstock	Jenkins (KS)	Poe (TX)
Conaway	Jenkins (WV)	Poliquin
Cook	Johnson (OH)	Pompeo
Costello (PA)	Johnson, Sam	Posey
Cramer	Jolly	Price, Tom
Crawford	Jones	Ratcliffe
Crenshaw	Jordan	Reed
Cuellar	Joyce	Reichert
Culberson	Katko	Renacci
Davis, Rodney	Kelly (PA)	Ribble
Denham	King (IA)	Rice (SC)
Dent	King (NY)	Rigell
DeSantis	Kinzinger (IL)	Roby
DesJarlais	Kirkpatrick	Roe (TN)
Diaz-Balart	Kline	Rogers (AL)
Donovan	Knight	Rogers (KY)
Duffy	Labrador	Rohrabacher
Duncan (SC)	LaMalfa	Rokita
Duncan (TN)	Lamborn	Rooney (FL)
Ellmers (NC)	Lance	Ros-Lehtinen
Emmer (MN)	Latta	Roskam
Farenthold	Long	Ross
Fincher	Loudermilk	Rothfus

Rouzer	Smith (TX)	Weber (TX)
Royce	Stefanik	Weber (FL)
Russell	Stewart	Wenstrup
Ryan (WI)	Stivers	Westerman
Salmon	Stutzman	Westmoreland
Sanford	Thompson (PA)	Whitfield
Scalise	Thornberry	Williams
Schweikert	Tiberi	Wilson (SC)
Scott, Austin	Tipton	Wittman
Sensenbrenner	Trott	Womack
Sessions	Turner	Woodall
Sewell (AL)	Upton	Yoder
Shimkus	Valadao	Yoho
Shuster	Wagner	Young (AK)
Simpson	Walberg	Young (IA)
Sinema	Walden	Young (IN)
Smith (MO)	Walker	Zeldin
Smith (NE)	Walorski	Zinke
Smith (NJ)	Walters, Mimi	

NOES—180

Adams	Gabbard	Murphy (FL)
Aguilar	Gallego	Nadler
Bass	Garamendi	Neal
Beatty	Gibson	Nolan
Becerra	Graham	Norcross
Bera	Grayson	O'Rourke
Beyer	Green, Al	Pallone
Blumenauer	Green, Gene	Pascrell
Bonamici	Grijalva	Pelosi
Boyle, Brendan	Gutiérrez	Perlmutter
F.	Hahn	Peters
Brady (PA)	Hastings	Pingree
Brown (FL)	Heck (WA)	Pocan
Brownley (CA)	Higgins	Polis
Bustos	Himes	Price (NC)
Butterfield	Hinojosa	Quigley
Capps	Honda	Rangel
Capuano	Hoyer	Rice (NY)
Cárdenas	Huffman	Richmond
Carney	Israel	Roybal-Allard
Cartwright	Jackson Lee	Ruiz
Castor (FL)	Jeffries	Ruppersberger
Castro (TX)	Johnson (GA)	Rush
Chu, Judy	Johnson, E. B.	Kaptur
Cicilline	Keating	Ryan (OH)
Clark (MA)	Kelly (IL)	Sánchez, Linda
Clarke (NY)	Kennedy	T.
Clay	Kildee	Sanchez, Loretta
Cleaver	Kilmer	Schakowsky
Cohen	Kind	Schiff
Connolly	Kuster	Schrader
Conyers	Langevin	Scott (VA)
Cooper	Larsen (WA)	Scott, David
Costa	Larsen (CT)	Serrano
Courtney	Lawrence	Sherman
Crowley	Lee	Sires
Cummings	Levin	Slaughter
Curbelo (FL)	Lewis	Smith (WA)
Davis (CA)	Lieu, Ted	Speier
Davis, Danny	Lipinski	Swalwell (CA)
DeFazio	LoBiondo	Takai
DeGette	Loeb	Takano
Delaney	Lofgren	Thompson (CA)
DeLauro	Lowenthal	Thompson (MS)
DelBene	Lowe	Titus
DeSaulnier	Lujan Grisham	Tonko
Deutch	(NM)	Torres
Dingell	Lujan, Ben Ray	Tsongas
Doggett	(NM)	Van Hollen
Dold	Lynch	Vargas
Doyle, Michael	Maloney,	Veasey
F.	Carolyn	Vela
Duckworth	Maloney, Sean	Velázquez
Edwards	Matsui	Visclosky
Ellison	McCollum	Walz
Engel	McDermott	Wasserman
Eshoo	McGovern	Schultz
Esty	McNerney	Waters, Maxine
Farr	Meeks	Watson Coleman
Fattah	Meng	Welch
Foster	Moore	Wilson (FL)
Frankel (FL)	Moulton	Yarmuth
Fudge		

NOT VOTING—6

Clyburn	Kelly (MS)	Payne
Hanna	Napolitano	Sarbanes

□ 1719

Ms. HERRERA BEUTLER changed her vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:
Mr. HANNA. Mr. Speaker, on rollcall No. 384 on H.R. 2042, I am not recorded because I was absent for personal reasons. Had I been present, I would have voted “aye.”

Stated against:
Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, June 24th, 2015, I was absent during rollcall vote No. 384. Had I been present, I would have voted “no” on passage of H.R. 2042, the Ratepayer Protection Act of 2015.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate concurs in the House amendment to the Senate amendment to the bill (H.R. 2146) “An Act to amend the Internal Revenue Code of 1986 to allow Federal law enforcement officers, firefighters, and air traffic controllers to make penalty-free withdrawals from governmental plans after age 50, and for other purposes.”

The message also announced pursuant to section 4355(a) of title 10, United States Code, the Chair, on behalf of the Vice President, appoints the following Senators to the Board of Visitors of the U.S. Military Academy:

The Senator from New York (Mrs. GILLIBRAND), designee of the Committee on Armed Services.

The Senator from Connecticut (Mr. MURPHY), designee of the Committee on Appropriations.

HOOR OF MEETING ON TOMORROW

Mr. PERRY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. THOMPSON of Mississippi. Mr. Speaker, pursuant to the clause 2(a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House. The form of my resolution is as follows:

Whereas on December 20, 1860, South Carolina became the first State to secede from the Union;

Whereas on January 9, 1861, Mississippi seceded from the Union, stating in its “Declaration of Immediate Causes” that “[o]ur position is thoroughly identified with the institution of slavery—the greatest material interest of the world.”;

Whereas on February 9, 1861, the Confederate States of America was formed with a group of 11 States as a purported sovereign nation and with Jefferson Davis of Mississippi as its president;

Whereas on March 11, 1861, the Confederate States of America adopted its own constitution;

Whereas on April 12, 1861, the Confederate States of America fired shots upon Fort Sumter in Charleston, South Carolina, effectively beginning the Civil War;

Whereas the United States did not recognize the Confederate States of America as a sovereign nation, but rather as a rebel insurrection, and took to military battle to bring the rogue states back into the Union;

Whereas on April 9, 1865, General Robert E. Lee surrendered to General Ulysses S. Grant at Appomattox Court House in Virginia, effectively, ending the Civil War and preserving the Union;

Whereas during the Civil War, the Confederate States of America used the Navy Jack, Battle Flag, and other imagery as a symbols of the Confederate armed forces;

Whereas since the end of the Civil War, the Navy Jack, Confederate battle flag, and other imagery of the Confederacy have been appropriated by groups as a symbols of hate, terror, intolerance, and as supportive of the institution of slavery;

Whereas groups such as the Ku Klux Klan and other white supremacist groups utilize Confederate imagery to frighten, terrorize, and cause harm to groups of people toward whom they have hateful intent, including African Americans, Hispanic Americans, and Jewish Americans;

Whereas many State and Federal political leaders, including United States Senators Thad Cochran and Roger Wicker, along with Mississippi House Speaker Philip Gunn and other State leaders, have spoken out and advocated for the removal of the imagery of the Confederacy on Mississippi’s state flag;

Whereas many Members of Congress, including Speaker John Boehner, support the removal of the Confederate flag from the grounds of South Carolina’s capitol;

Whereas Speaker John Boehner released a statement on the issue saying, “I commend Governor Nikki Haley and other South Carolina leaders in their effort to remove the Confederate flag from Statehouse grounds. In his second inaugural address 150 years ago, and a month before his assassination, President Abraham Lincoln ended his speech with these powerful words, which are as meaningful today as when they were spoken on the East Front of the Capitol on March 4, 1865: ‘With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation’s wounds, to care for him who shall have borne the battle and for his widow and his orphan, to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations.’”;

Whereas the House of Representatives has several State flags with imagery of the Confederacy throughout its main structures and House office buildings;