



October 29, 2015

TO: Members, Subcommittee on Energy and Power

FROM: Committee Majority Staff

RE: Subcommittee Markup of Congressional Review Act Resolutions H.J. Res. 71  
and H.J. Res. 72

---

## I. INTRODUCTION

The Subcommittee on Energy and Power will meet in open markup session on November 3, 2015, in 2322 Rayburn House Office Building.

On Tuesday, November 3, 2015, at 1:00 p.m. to consider the following:

- H.J. Res. 71, Providing for congressional disapproval of a rule submitted by the Environmental Protection Agency relating to “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units”; and
- H.J. Res. 72, Providing for congressional disapproval of a rule submitted by the Environmental Protection Agency relating to “Carbon Pollution Emissions Guidelines for Existing Stationary Sources: Electric Generating Units”.

In keeping with Chairman Upton’s announced policy, Members must submit any amendments they may have two hours before they are offered during this markup. Members may submit amendments by email to [peter.kiely@mail.house.gov](mailto:peter.kiely@mail.house.gov). Any information with respect to an amendment’s parliamentary standing (e.g., its germaneness) should be submitted at this time as well.

## II. EXPLANATION OF LEGISLATION

On October 26, 2015, Chairman Whitfield introduced two resolutions pursuant to the Congressional Review Act<sup>1</sup> disapproving of final rules issued by the Environmental Protection Agency (EPA) to regulate carbon dioxide (CO<sub>2</sub>) emissions from new and existing fossil-fuel fired power plants.

H.J. Res. 71 relates to EPA’s CO<sub>2</sub> emissions rule for new plants published at 80 Fed. Reg. 64510 (October 23, 2015), and H.J. Res. 72 relates to EPA’s CO<sub>2</sub> emissions rule for

---

<sup>1</sup> See [5 U.S.C. §§ 801-808](#). Under the Congressional Review Act, the agency may not issue the same or a substantially similar rule unless authorized by subsequent legislation. *Id.*; see also [CRA Overview](#) (Dec. 2014); “[The Congressional Review Act: Frequently Asked Questions](#)” (April 2015).

existing plants published at 80 Fed. Reg. 64662 (October 23, 2015). On October 7, 2015, and on October 22, 2015, the Subcommittee on Energy and Power held hearings relating to the final rules.<sup>2</sup>

The legislation would provide for Congressional disapproval of each rule, and that the rule shall have no force and effect. The legislation includes the following specific provisions:

H.J. Res. 71: The legislation provides that Congress disapproves the rule submitted by the EPA relating to “Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units” (published at 80 Fed. Reg. 64510 (October 23, 2015)), and such rule shall have no force or effect.

H.J. Res. 72: The legislation provides that Congress disapproves the rule submitted by the EPA relating to “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units” (published at 80 Fed. Reg. 64662 (October 23, 2015)), and such rule shall have no force or effect.

### **III. STAFF CONTACTS**

If you have any questions regarding this hearing, please contact Mary Neumayr or Tom Hassenboehler of the Committee staff at (202) 225-2927.

---

<sup>2</sup> The rules were announced on August 3, 2015. For links to the hearings on October 7, 2015 and October 22, 2015, see “EPA’s CO2 Regulations for New and Existing Power Plants: Legal Perspectives” (Oct. 22, 2015); “EPA’s CO2 Regulations for New and Existing Power Plants” (Oct. 7, 2015). The Subcommittee also held hearings relating to the proposed versions of the rules, and for links to these hearings see “EPA’s Proposed 111(d) Rule for Existing Power Plants, and H.R. \_\_\_, Ratepayer Protection Act” (April 14, 2015); “EPA’s Proposed 111(d) Rule for Existing Power Plants: Legal and Cost Issues” (March 17, 2015); “State Perspectives: Questions Concerning EPA’s Proposed Clean Power Plan” (Sept. 9, 2014); “FERC Perspectives: Questions Concerning EPA’s Proposed Clean Power Plan and other Grid Reliability Challenges” (July 29, 2014); “EPA’s Proposed Carbon Dioxide Regulations for Power Plants” (June 19, 2014); “EPA’s Proposed GHG Standards for New Power Plants and H.R. \_\_\_, Whitfield-Manchin Legislation” (Nov. 14, 2013).