

**AMENDMENT TO H.R. \_\_\_\_\_**  
**[RATEPAYER PROTECTION ACT OF 2015]**  
**OFFERED BY MR. TONKO OF NEW YORK**

Strike section 2.

In section 3(a), strike “final rule described in section 2(b)” and insert “final rule described in subsection (d)”.

At the end of section 3, add the following new subsections:

1       (c) JUDICIAL REVIEW OF DETERMINATIONS.—A de-  
2 termination by a Governor under subsection (a) regarding  
3 the effects of implementation of a Federal plan is deemed  
4 to be final Federal agency action for purposes of judicial  
5 review.

6       (d) FINAL RULES DESCRIBED.—A final rule de-  
7 scribed in this subsection is any final rule to address car-  
8 bon dioxide emissions from existing sources that are fossil  
9 fuel-fired electric utility generating units under section  
10 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), includ-  
11 ing any final rule that succeeds—

12               (1) the proposed rule entitled “Carbon Pollu-  
13 tion Emission Guidelines for Existing Stationary

1 Sources: Electric Utility Generating Units” pub-  
2 lished at 79 Fed. Reg. 34830 (June 18, 2014); or  
3 (2) the supplemental proposed rule entitled  
4 “Carbon Pollution Emission Guidelines for Existing  
5 Stationary Sources: EGUs in Indian Country and  
6 U.S. Territories; Multi-Jurisdictional Partnerships”  
7 published at 79 Fed. Reg. 65482 (November 4,  
8 2014).

