

House passes anti-EPA bill, but it faces an uncertain future

Jean Chemnick, Energy & Environment Publishing, 4-7-11

The House today gave overwhelming approval to a bill that would prevent U.S. EPA from regulating greenhouse gas emissions from a variety of sources, with significant bipartisan support.

The House vote was 255-177, with 19 Democrats crossing the aisle to vote for it while no Republicans voted against it.

But despite the strong House showing, the bill is headed for choppy waters in the Senate, where opponents and skeptics of EPA authority have already demonstrated they will have difficulty channeling their concerns into support for a single EPA-pre-emption bill. A companion member to the House bill (H.R. 910) failed to clear the Senate last night on a 50-50 vote, and while 14 other senators voted for less sweeping measures to limit EPA authority, none of them has yet said he or she will vote for permanent pre-emption.

"The bill's not going anywhere," said former House Energy and Commerce Chairman John Dingell (D-Mich.) following the vote today. "It isn't going to pass the Senate, and it isn't going to be signed by the president."

"There's a lot of merit in the bill, but it requires a lot of work, and I don't see that happening in a way that's going to cure the problems," he added.

But House Republicans said they were not giving up on legislation to head off EPA's climate rules, despite the Senate's gridlock.

"These were very good numbers, and I think it is something we need to have a discussion about and a debate about in this country, where clearly EPA is overstepping its bounds," said Natural Resources Chairman Doc Hastings (R-Wash.).

Rep. Mike Simpson (R-Idaho), who heads the appropriations subcommittee responsible for funding EPA, said that he hopes to see the 64 Republican and Democratic senators who voted for EPA amendments last night find some sort of agreement. He said that even a bill that did not provide total pre-emption of EPA's climate authorities could be strengthened when House and Senate negotiators meet to hammer out a final bill.

"I'd like to see them pass something, and then let's go to conference and see what we can work out, because obviously there is a majority in the House and the Senate that are concerned about EPA's climate change rules," Simpson said. "Now, if there's a majority that have the concern, we ought to be able to work something out."

But a compromise of that kind in the Senate appeared doubtful last night, as proponents of the bill to permanently scrap EPA's climate rules declared victory and predicted that supporters of other measures would move their way in future votes.

Yet Sen. Jay Rockefeller (D-W.Va.), the sponsor of a bill to keep EPA from regulating greenhouse gas emissions for two years, abruptly bowed out, calling the battle over EPA pre-emption finished in the Senate.

With Senate prospects for a stand-alone bill in doubt, another avenue for EPA critics is to insist on adding House-passed language (H.R. 1) to a continuing resolution that would bar the EPA from spending any money appropriated to it on the climate rules.

House Appropriations Chairman Hal Rogers (R-Ky.) has said he is still defending all the H.R. 1 limitations on funding in his negotiations over keeping the federal government running through the end of fiscal 2011, and some Republicans have said they would not support a bill that did not place a moratorium on the EPA rules.

Some observers have said the language might have a chance of clearing the Senate and being signed by the president if it comes as part of a deal to prevent a government shutdown.

But it is difficult to predict which party the public would blame for a shutdown, and most lawmakers insist they do not want one.

Many House Republicans say they did not foresee their leaders choosing to shut down the federal government over EPA rules.

"When we're trying to keep the government operating, I personally would certainly accept something that did not include riders on it, because I do think it's important that we keep the government operating," said Rep. Ed Whitfield (R-Ky.), a senior member of the Energy and Commerce panel and leading co-sponsor of H.R. 910.

Whitfield said that most Republicans share his view. "I would expect that they would probably sacrifice it," he said. "I mean, if Barack Obama says, 'Look, there's one thing that I don't like, and it's already passed the House and Senate, but I'm going to veto it,' I'd expect that everybody would be reasonable and deal with that."

Rep. John Shimkus (R-Ill.), another strong proponent of scrapping EPA's climate rules, said he rarely heard about the issue from constituents and added that it would not be a deal-breaker for him on an appropriations bill.

"I'm not sure the environmental riders are the biggest thing that might be driving this. I think it's the dollar amount and Obamacare, and then some of those social conservative issues," he said.

Rep. Ed Markey (D-Mass.) said even if the limitation on EPA reached the president's desk as part of a spending bill, he did not believe Obama would sign it.

"I feel confident that the administration is fighting as hard as is humanly possible to make sure there are no constraints upon the EPA, especially in light of what just happened in the Senate," he said.