

---

---

PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 118) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE OFFICE OF FAMILY ASSISTANCE OF THE ADMINISTRATION FOR CHILDREN AND FAMILIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES RELATING TO WAIVER AND EXPENDITURE AUTHORITY UNDER SECTION 1115 OF THE SOCIAL SECURITY ACT (42 U.S.C. 1315) WITH RESPECT TO THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3409) TO LIMIT THE AUTHORITY OF THE SECRETARY OF THE INTERIOR TO ISSUE REGULATIONS BEFORE DECEMBER 31, 2013, UNDER THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM SEPTEMBER 22, 2012, THROUGH NOVEMBER 12, 2012

---

September 19, 2012.—Referred to the House Calendar and ordered to be printed.

---

MR. BISHOP of Utah, from the Committee on Rules, submitted the following

## REPORT

[To accompany H. Res. ]

The Committee on Rules, having had under consideration House Resolution\_\_\_\_, by a record vote of 8 to 2, report the same to the House with the recommendation that the resolution be adopted.

### SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.J. Res. 118, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the

Temporary Assistance for Needy Families program, under a closed rule. The resolution provides one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on Education and the Workforce. The resolution waives all points of order against consideration of the joint resolution. The resolution provides that the joint resolution shall be considered as read. The resolution waives all points of order against provisions in the joint resolution. The resolution provides for one motion to recommit.

Section 2 of the resolution provides for consideration of H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act, under a structured rule. The resolution provides one hour of general debate equally divided among and controlled by the chair and ranking minority member of the Committee on Natural Resources, the chair and ranking minority member of the Committee on Energy and Commerce, and the chair and ranking minority member of the Committee on Transportation and Infrastructure. The resolution waives all points of order against consideration of the bill. The resolution makes in order an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-32 as original text for purpose of amendment and provides that it shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those amendments to H.R. 3409 printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides that on any legislative day during the period from September 22, 2012 through November 12, 2012: (a) the Journal of the proceedings of the previous day shall be considered as approved; (b) the Chair may adjourn the House to meet at a date and time within the limits of clause 4, section 5, article I of the Constitution; and (c) bills and resolutions introduced shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred at a later time.

Section 4 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 as though under clause 8(a) of rule I.

Section 5 of the resolution provides that each day during the period addressed by section 3 shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

Section 6 of the resolution provides that each day during the period addressed by section 3 shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry).

Finally, section 7 of the resolution provides that each day during the period addressed by section 3 shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII (motions to instruct).

### EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of H.J. Res. 118, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against provisions in the joint resolution, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H.R. 3409, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against the amendment in the nature of a substitute to H.R. 3409 made in order as original text includes a waiver of clause 7 of rule XVI (germaneness), which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

### COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### Rules Committee Record Vote No. 353

Motion by Ms. Slaughter to grant H.R. 3409 and H.J. Res. 118 each an open rule. Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

#### Rules Committee Record Vote No. 354

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #10 to H.R. 3409, offered by Rep. Boswell (IA), which would insert the text of the Agriculture Reform, Food, and Jobs Act of 2012. Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 355

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #25 to H.R. 3409, offered by Rep. Moore (WI), which would add S. 1925, the Violence Against Women Act, at the end of H.R. 3409. Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 356

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #27 to H.R. 3409, offered by Rep. Levin (MI), which would strike and replace the text of the act in consideration with the "Middle Class Tax Cut Act." Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 357

Motion by Mr. McGovern make in order and provide the appropriate waivers for amendments to H.R. 3409: #24, offered by Rep. Blumenauer (OR), which would strike the text of H.R. 3409 and replaces it with H.R. 3307, bipartisan legislation that will extend the Production Tax Credit until January 1, 2017 and #21, offered by Rep. Boswell (IA), which would extend the Renewable Energy Production Tax Credit through the end of 2016. Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 358

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #19 to H.R. 3409, offered by Rep. Connolly (VA), which would insert the text of S. 1789, the "21st Century Postal Service Act of 2012." Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 359

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendments to H.R. 3409: #20, offered by Rep. Connolly (VA), which would provide protection from illness and death that may result from H.R. 3409, #2, offered by Rep. DeFazio (OR), which would clarify that nothing in Title I of the bill would preempt other federal departments or state and local agencies from enforcing rules to protect the environment, public health, and public safety from the impacts of mining and transporting coal, #4, offered by Rep. Deutch (FL), which would block the provisions of the Act until the National Cancer Institute determines that the Act will not result in an increased cancer risk for vulnerable populations, #17, offered by Rep. Holt (NJ), which would ensure that underlying bill does not prohibit the Secretary of Interior from issuing regulations that are necessary to protect public health, protect the safety of workers, or to ensure a proper return to American taxpayers, and #3, offered by Rep. Tonko (NY), which would prohibit the Secretary from awarding a lease to a bidder on coal leases if the bidder does not disclose information about the campaign and SuperPac contributions the bidder made to influence an election for federal office during the 5-year period preceding the submission of the bid to the Secretary. Defeated: 2-8

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Bishop of Utah.....	Nay		
Mr. Woodall.....	Nay		
Mr. Nugent.....	Nay		
Mr. Scott of South Carolina...	Nay		
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 360

Motion by Mr. Sessions to report the rule. Adopted: 8-2

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Yea	Ms. Slaughter.....	Nay
Ms. Foxx.....	Yea	Mr. McGovern.....	Nay
Mr. Bishop of Utah.....	Yea		
Mr. Woodall.....	Yea		
Mr. Nugent.....	Yea		
Mr. Scott of South Carolina...	Yea		
Mr. Webster.....	Yea		
Mr. Dreier, Chairman.....	Yea		

## SUMMARY OF THE AMENDMENTS TO H.R. 3409 MADE IN ORDER

1. Markey, Edward (MA): Would allow the Secretary of Interior to promulgate rules under the Surface Mining Control and Reclamation Act, if such rule would reduce the prevalence of pulmonary diseases, lung cancer, cardiovascular disease or reduce the prevalence of birth defects or reproductive problems in pregnant women or children. (10 minutes)
2. Bucshon (IN): Would require that the Secretary, or any other Federal official proposing a rule under this Act, shall publish with each rule proposed under this Act each, scientific study the Secretary or other official, respectively, relied on in developing the rule. This amendment will ensure that rules being issued are based on scientific study. (10 minutes)
3. Waxman (CA): Would strike the language that would repeal EPA's scientific finding that carbon pollution endangers the public health and welfare. (10 minutes)
4. Kelly (PA): Would require the Secretary of Transportation to submit a report to Congress estimating the number of jobs, the fatalities and injuries, and the cost to the economy caused by the "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards" rule. Would require that the Secretary shall not consult with the EPA or the California Air Resources Board to complete the report. (10 minutes)
5. Markey, Edward (MA): Would allow the Environmental Protection Agency to take any action using its authority under the Clean Air Act if such action would increase North American energy independence by reducing demand for oil. (10 minutes)
6. Benishek (MI): Would require the Committee for the Cumulative Analysis of Regulations that Impact Energy and Manufacturing in the United States to include the health effects associated with regulatory costs in its assessment. (10 minutes)
7. Harris (MD): Would reinforce the transparency and sound science requirements in the bill. Specifically, it would require EPA to make data and modeling inputs available to the public, and would require Regulatory Impact Analysis to undergo external peer review according to the agency's own peer review guidelines. (10 minutes)
8. Jackson Lee (TX): Would strike section 503 of the committee print. The existing deadlines in subsections (m) and (q) of section 404 of the Clean Water Act would remain unchanged. (10 minutes)
9. McKinley (WV): Would prohibit the EPA from retroactively vetoing a Section 404 Permit under the Clean Water Act, just as Mr. McKinley's bill H.R. 457 would do. (10 minutes)
10. Markey, Edward (MA): Would create a national renewable electricity and energy efficiency standard. (10 minutes)
11. DeFazio (OR): Would require EPA and the Department of Transportation to submit a report to Congress within 6 months on the health, environmental, and public health impacts of fugitive coal dust. (10 minutes)

12. Berg (ND), Flake, Jeff (AZ), Gosar (AZ), Lankford (OK): Would give power to the states to revoke any existing federal implementation plan (FIP) with regard to the regulation of visibility. In revoking the FIP, the state must propose a state implementation plan (SIP) to regulate visibility within 2 years. Would also give the states a minimum of five years to become compliant with federal standards if they choose to accept the FIP, allowing businesses time to plan for the changes. (10 minutes)
13. Gosar (AZ): Would add language to the end of the "Stop the War on Coal Act of 2012" which would limit the authority of the Environmental Protection Agency to issue regulations on the Navajo Generating Station, located near Page, Arizona. (10 minutes)

**TEXT OF AMENDMENTS MADE IN ORDER**

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

B

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 3409  
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

Page 3, strike the period at line 12 and insert a semicolon, and after line 12 insert the following:

1 unless it is found by the Secretary of Interior, in consulta-  
2 tion with Secretary of Health and Human Services, that  
3 such a rule would reduce the prevalence of pulmonary dis-  
4 ease, lung cancer, or cardiovascular disease or reduce the  
5 prevalence of birth defects or reproductive problems in  
6 pregnant women or children.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
BUCSHON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

6

**AMENDMENT TO THE RULES COMMITTEE PRINT  
FOR H.R. 3409  
OFFERED BY MR. BUCSHON OF INDIANA**

At the end of title I (page 3, after line 12) add the following:

1 **SEC. \_\_\_\_ . PUBLICATION OF SCIENTIFIC STUDIES FOR PRO-**  
2 **POSED RULES.**

3 (a) **REQUIREMENT.**—Title VI of the Surface Mining  
4 Control and Reclamation Act of 1977 (16 U.S.C. 1291  
5 et seq.) is amended by adding at the end the following:

6 “PUBLICATION OF SCIENTIFIC STUDIES FOR PROPOSED  
7 RULES

8 “SEC. 722. (a) **REQUIREMENT.**—The Secretary, or  
9 any other Federal official proposing a rule under this Act,  
10 shall publish with each rule proposed under this Act each  
11 scientific study the Secretary or other official, respectively,  
12 relied on in developing the rule.

13 “(b) **SCIENTIFIC STUDY DEFINED.**—In this section  
14 the term ‘scientific study’ means a study that—

15 “(1) applies rigorous, systematic, and objective  
16 methodology to obtain reliable and valid knowledge  
17 relevant to the subject matter involved;

1           “(2) presents findings and makes claims that  
2           are appropriate to, and supported by, the methods  
3           that have been employed; and

4           “(3) includes, appropriate to the rule being pro-  
5           posed—

6                   “(A) use of systematic, empirical methods  
7                   that draw on observation or experiment;

8                   “(B) use of data analyses that are ade-  
9                   quate to support the general findings;

10                   “(C) reliance on measurements or observa-  
11                   tional methods that provide reliable and gener-  
12                   alizable findings;

13                   “(D) strong claims of causal relationships,  
14                   only with research designs that eliminate plau-  
15                   sible competing explanations for observed re-  
16                   sults, such as, but not limited to, random-as-  
17                   signment experiments;

18                   “(E) presentation of studies and methods  
19                   in sufficient detail and clarity to allow for rep-  
20                   lication or, at a minimum, to offer the oppor-  
21                   tunity to build systematically on the findings of  
22                   the research;

23                   “(F) acceptance by a peer-reviewed journal  
24                   or critique by a panel of independent experts

1 through a comparably rigorous, objective, and  
2 scientific review; and

3 “(G) consistency of findings across mul-  
4 tiple studies or sites to support the generality  
5 of results and conclusions.”.

6 (b) CLERICAL AMENDMENT.—The table of contents  
7 at the end of the first section of such Act is amended by  
8 adding at the end of the items relating to such title the  
9 following:

“Sec. 722. Publication of scientific studies for proposed rules.”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
WAXMAN OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR  
10 MINUTES

he

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY M R. Waxman**

Page 6, lines 18 to 21, strike subparagraph (B)  
(and redesignate the following subparagraphs accord-  
ingly).



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KELLY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. KELLY OF PENNSYLVANIA**

In section 202 of the Rules Committee Print, strike  
“Section 209(b) of the Clean Air Act” and insert the fol-  
lowing:

1 (a) FINDING.—Congress finds that the emissions of  
2 greenhouse gases from a motor vehicle tailpipe are related  
3 to fuel economy.

4 (b) REPORT REQUIRED.—Not later than 60 days  
5 after the date of enactment of this Act, the Secretary of  
6 Transportation shall submit a report to the Congress that,  
7 notwithstanding section 201, assumes the implementation  
8 and enforcement of the final rule entitled “2017 and Later  
9 Model Year Light-Duty Vehicle Greenhouse Gas Emis-  
10 sions and Corporate Average Fuel Economy Standards”  
11 (issued on August 28, 2012) and estimates—

12 (1) the total number of jobs that will be lost  
13 due to decreased demand by year caused by the rule;

14 (2) the number of additional fatalities and inju-  
15 ries that will be caused by the rule; and

16 (3) the additional cost to the economy of the re-  
17 dundant regulation of fuel economy and greenhouse

1 gas emissions by the Environmental Protection  
2 Agency and State agencies for model years 2011  
3 through 2025.

4 (c) CONSULTATION.—Other than to gather basic fac-  
5 tual information, the Secretary of Transportation shall not  
6 consult with the Administrator of the Environmental Pro-  
7 tection Agency or any official from the California Air Re-  
8 sources Board in fulfilling the requirement described in  
9 subsection (b).

10 (d) AMENDMENT TO THE CLEAN AIR ACT.—Section  
11 209(b) of the Clean Air Act



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

12

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

At the end of title II of the Rules Committee Print,  
add the following new section:

**1 SEC. 203. REDUCING DEMAND FOR OIL.**

2 Notwithstanding any limitation on agency action con-  
3 tained in the amendment made by section 201 of this Act,  
4 the Administrator of the Environmental Protection Agen-  
5 cy may use any authority under the Clean Air Act, as in  
6 effect prior to the date of enactment of this Act, to pro-  
7 mulgate any regulation concerning, take any action relat-  
8 ing to, or take into consideration the emission of a green-  
9 house gas to address climate change, if the Administrator  
10 determines that such promulgation, action or consider-  
11 ation will increase North American energy independence  
12 by reducing demand for oil.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BENISHEK OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409**

**OFFERED BY MR. Bonishel**

Page 15, line 16, insert “, including health effects  
associated with regulatory costs” before the semicolon.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARRIS OF MARYLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY M. Harris**

Page 21, line 18, strike “and”.

Page 22, line 2, strike the period and insert a semi-colon.

Page 22, after line 2, insert the following:

- 1 (iii) shall not issue any proposed or
- 2 final rule under section 109 of the Clean
- 3 Air Act (42 U.S.C. 7409) that relies upon
- 4 scientific or technical data that have not
- 5 been made available to the public; and
- 6 (iv) shall not issue any proposed or
- 7 final rule under section 109 of the Clean
- 8 Air Act (42 U.S.C. 7409), unless the ac-
- 9 companying regulatory impact analysis, as
- 10 required under Executive Order 12866, is
- 11 peer reviewed in a manner consistent with
- 12 the Office of Management and Budget’s
- 13 “Final Information Quality Bulletin for
- 14 Peer Review” and the third edition of the

1 Environmental Protection Agency's "Peer  
2 Review Handbook".



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

F:\M12\JACKSO\JACKSO\_447.XML

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MS. JACKSON LEE OF TEXAS**

Strike section 503 of the committee print.



9. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES**

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

Page 75, line 8, before the closing quotation marks  
insert the following:

- 1 “(3) Following the date of issuance of a permit by
- 2 the Secretary in accordance with this section, the Adminis-
- 3 trator may not take any action under paragraph (1) to
- 4 retroactively invalidate the permit.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES

11

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

At the end of the Rules Committee Print, add the following new title:

1 **TITLE VI—COMBINED EFFI-**  
2 **CIENCY AND RENEWABLE**  
3 **ELECTRICITY STANDARD**

4 **SEC. 601. COMBINED EFFICIENCY AND RENEWABLE ELEC-**  
5 **TRICITY STANDARD.**

6 (a) DEFINITIONS.—For purposes of this section:

7 (1) DISTRIBUTED RENEWABLE GENERATION  
8 FACILITY.—The term “distributed renewable genera-  
9 tion facility” means a facility that—

10 (A) generates renewable electricity;

11 (B) primarily serves 1 or more electricity  
12 consumers at or near the facility site; and

13 (C) is no greater than 2 megawatts in ca-  
14 pacity.

15 (2) ELECTRIC CONSUMER.—The term “electric  
16 consumer” has the meaning given that term in sec-  
17 tion 3 of the Public Utility Regulatory Policies Act  
18 of 1978 (16 U.S.C. 2602).

1           (3) **ELECTRIC UTILITY.**—The term “electric  
2           utility” has the meaning given that term in section  
3           3 of the Public Utility Regulatory Policies Act of  
4           1978 (16 U.S.C. 2602), except that, for the pur-  
5           poses of this section, such term does not include any  
6           agency, authority, or instrumentality of the United  
7           States Government.

8           (4) **ELECTRICITY SAVINGS.**—The term “elec-  
9           tricity savings” means reductions in electricity con-  
10          sumption, relative to business-as-usual projections,  
11          achieved through measures implemented after the  
12          date of enactment of this section.

13          (5) **FEDERAL RENEWABLE ELECTRICITY CRED-**  
14          **IT.**—The term “Federal renewable electricity credit”  
15          means a credit, representing one megawatt hour of  
16          renewable electricity, issued pursuant to subsection  
17          (e).

18          (6) **RENEWABLE ELECTRICITY.**—The term “re-  
19          newable electricity” means electricity generated (in-  
20          cluding by means of a fuel cell) from a renewable en-  
21          ergy resource.

22          (7) **RENEWABLE ENERGY RESOURCE.**—The  
23          term “renewable energy resource” means each of the  
24          following:

25                   (A) Wind energy.

1 (B) Solar energy.

2 (C) Geothermal energy.

3 (D) Renewable biomass.

4 (E) Biogas or biofuels derived from renew-  
5 able biomass.

6 (F) Hydropower generated by a hydro-  
7 electric facility placed in service after January  
8 1, 2001.

9 (G) Marine and hydrokinetic renewable en-  
10 ergy, as that term is defined in section 632 of  
11 the Energy Independence and Security Act of  
12 2007 (42 U.S.C. 17211).

13 (H) Such other energy resources as the  
14 Secretary determines appropriate.

15 (8) RETAIL ELECTRIC SUPPLIER.—The term  
16 “retail electric supplier” means, for any given year,  
17 an electric utility that sold not less than 1,000,000  
18 megawatt hours of electric energy to electric con-  
19 sumers for purposes other than resale during the  
20 preceding calendar year.

21 (9) RETAIL ELECTRIC SUPPLIER’S BASE  
22 AMOUNT.—The term “retail electric supplier’s base  
23 amount” means the total amount of electric energy  
24 sold by the retail electric supplier, expressed in  
25 megawatt hours, to electric customers for purposes

1 other than resale during the relevant calendar year,  
2 excluding—

3 (A) electricity generated by a hydroelectric  
4 facility that was placed in service prior to Janu-  
5 ary 1, 2001;

6 (B) electricity generated by the combustion  
7 of municipal solid waste;

8 (C) electricity generated by a nuclear gen-  
9 erating unit placed in service after the date of  
10 enactment of this section; and

11 (D) the proportion of electricity generated  
12 by a fossil-fueled generating unit that is equal  
13 to the proportion of greenhouse gases produced  
14 by such unit that are captured and geologically  
15 sequestered.

16 (10) SECRETARY.—The term “Secretary”  
17 means the Secretary of Energy.

18 (11) TOTAL ANNUAL ELECTRICITY SAVINGS.—  
19 The term “total annual electricity savings” means  
20 electricity savings during a specified calendar year  
21 from measures implemented since the date of the en-  
22 actment of this section, taking into account verified  
23 measure lifetimes or verified annual savings attrition  
24 rates, as determined in accordance with such regula-

1 tions as the Secretary may promulgate and meas-  
2 ured in megawatt hours.

3 (b) ANNUAL COMPLIANCE OBLIGATION.—

4 (1) IN GENERAL.—For each of calendar years  
5 2014 through 2040, not later than March 31 of the  
6 following calendar year, each retail electric supplier  
7 shall submit to the Secretary an amount of Federal  
8 renewable electricity credits and demonstrated total  
9 annual electricity savings that, in the aggregate, is  
10 equal to such retail electric supplier's annual com-  
11 bined target as set forth in subsection (d), except as  
12 otherwise provided in subsection (g).

13 (2) DEMONSTRATION OF SAVINGS.—For pur-  
14 poses of this subsection, submission of demonstrated  
15 total annual electricity savings means submission of  
16 a report that demonstrates, in accordance with the  
17 requirements of subsection (f), the total annual elec-  
18 tricity savings achieved by the retail electric supplier  
19 within the relevant compliance year.

20 (3) RENEWABLE ELECTRICITY CREDITS POR-  
21 TION.—Except as provided in paragraph (4), each  
22 retail electric supplier must submit Federal renew-  
23 able electricity credits equal to at least three quar-  
24 ters of the retail electric supplier's annual combined  
25 target.

1           (4) STATE PETITION.—Upon written request  
2           from the Governor of any State (including, for pur-  
3           poses of this paragraph, the Mayor of the District  
4           of Columbia), the Secretary shall increase, to not  
5           more than half, the proportion of the annual com-  
6           bined targets of retail electric suppliers located with-  
7           in such State that may be met through submission  
8           of demonstrated total annual electricity savings, pro-  
9           vided that such increase shall be effective only with  
10          regard to the portion of a retail electric supplier's  
11          annual combined target that is attributable to elec-  
12          tricity sales within such State.

13          (c) ESTABLISHMENT OF PROGRAM.—Not later than  
14          1 year after the date of enactment of this section, the Sec-  
15          retary shall promulgate regulations to implement and en-  
16          force the requirements of this section.

17          (d) ANNUAL COMPLIANCE REQUIREMENT.—

18                 (1) ANNUAL COMBINED TARGETS.—For each of  
19                 calendar years 2014 through 2040, a retail electric  
20                 supplier's annual combined target shall be the prod-  
21                 uct of—

22                         (A) the required annual percentage for  
23                         such year, as set forth in paragraph (2); and

24                         (B) the retail electric supplier's base  
25                         amount for such year.

1 (2) REQUIRED ANNUAL PERCENTAGE.—

2 (A) IN GENERAL.—For each of calendar  
 3 years 2014 through 2040, the required annual  
 4 percentage shall be as follows:

Year	Required annual percentage
2014	8
2015	10
2016	12
2017	14
2018	16
2019	18
2020	20
2021	22
2022	24
2023	26
2024	28
2025	30
2026	32
2027	34
2028	36
2029	38
2030	40
2031	42
2032	44
2033	46
2034	48
2035 through 2040	50

5 (B) ADJUSTMENTS PERMITTED.—The Sec-  
 6 retary may adjust the required annual percent-  
 7 ages described in subparagraph (A) if the Sec-  
 8 retary finds that such percentages are not tech-  
 9 nically or economically feasible or pose a threat  
 10 to electric reliability.

11 (e) FEDERAL RENEWABLE ELECTRICITY CREDITS.—

12 (1) IN GENERAL.—The regulations promulgated  
 13 under this section shall include provisions governing

1 the issuance, tracking, and verification of Federal  
2 renewable electricity credits. Except as provided in  
3 paragraph (2) of this subsection, the Secretary shall  
4 issue to each generator of renewable electricity, 1  
5 Federal renewable electricity credit for each mega-  
6 watt hour of renewable electricity generated by such  
7 generator after December 31, 2013. The Secretary  
8 shall assign a unique serial number to each Federal  
9 renewable electricity credit.

10 (2) CREDIT MULTIPLIER FOR DISTRIBUTED RE-  
11 NEWABLE GENERATION.—The Secretary shall issue  
12 3 Federal renewable electricity credits for each  
13 megawatt hour of renewable electricity generated by  
14 a distributed renewable generation facility.

15 (3) TRADING.—The lawful holder of a Federal  
16 renewable electricity credit may sell, exchange,  
17 transfer, submit for compliance in accordance with  
18 subsection (b).

19 (4) BANKING.—A Federal renewable electricity  
20 credit may be submitted in satisfaction of the com-  
21 pliance obligation set forth in subsection (b) for the  
22 compliance year in which the credit was issued or for  
23 any of the 3 immediately subsequent compliance  
24 years.

25 (f) ELECTRICITY SAVINGS.—

1           (1) STANDARDS FOR MEASUREMENT OF SAV-  
2           INGS.—As part of the regulations promulgated  
3           under this section, the Secretary shall prescribe  
4           standards and protocols for defining and measuring  
5           electricity savings and total annual electricity sav-  
6           ings that can be counted towards the compliance ob-  
7           ligation set forth in subsection (b).

8           (2) REPORTING SAVINGS.—The regulations pro-  
9           mulgated under this section shall establish require-  
10          ments governing the submission of reports to dem-  
11          onstrate, in accordance with the protocols and stand-  
12          ards for measurement and verification established  
13          under this subsection, the total annual electricity  
14          savings achieved by a retail electric supplier within  
15          the relevant year.

16          (g) ALTERNATIVE COMPLIANCE PAYMENTS.—

17           (1) IN GENERAL.—A retail electric supplier  
18           may satisfy the requirements of subsection (b) in  
19           whole or in part by submitting in accordance with  
20           this subsection, in lieu of each Federal renewable  
21           electricity credit or megawatt hour of demonstrated  
22           total annual electricity savings that would otherwise  
23           be due, a payment equal to \$25, adjusted for infla-  
24           tion on January 1 of each year following calendar

1 year 2014, in accordance with such regulations as  
2 the Secretary may promulgate.

3 (2) PAYMENTS.—Payments made under this  
4 subsection shall be deposited into the general fund  
5 of the Treasury and shall be available, subject to ap-  
6 propriations, to the Secretary for the administrative  
7 costs of implementing this section.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
DEFAZIO OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. DEFAZIO OF OREGON**

At the end of the Rules Committee Print, add the following title:

1 **TITLE VI—REPORT ON FUGITIVE**  
2 **COAL DUST**

3 **SEC. 601. REPORT.**

4 Not later than 6 months after the date of enactment  
5 of this Act, the Administrator of the Environmental Pro-  
6 tection Agency and the Secretary of Transportation shall  
7 submit to Congress a joint report on the health, environ-  
8 mental, and public safety impacts of fugitive dust emis-  
9 sions from coal transport.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BERG  
OF NORTH DAKOTA OR HIS DESIGNEE, DEBATABLE FOR 10  
MINUTES

5

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. BERG OF NORTH DAKOTA, MR.  
FLAKE OF ARIZONA, MR. GOSAR OF ARIZONA,  
AND MR. LANKFORD OF OKLAHOMA**

At the end of the Rules Committee Print, add the following new title:

1       **TITLE VI—REGIONAL HAZE**  
2       **REGULATORY RELIEF**

3       **SEC. 601. IMPLEMENTATION PLANS.**

4       Section 110 of the Clean Air Act (42 U.S.C. 7410)  
5 is amended—

6           (1) in subsection (c), by striking “(c)(1) The  
7 Administrator” and all that follows through the end  
8 of paragraph (1) and inserting the following:

9           “(c) FEDERAL PLANS.—

10           “(1) PLANS.—

11           “(A) IN GENERAL.—Except as provided in  
12 subparagraph (C), unless the conditions de-  
13 scribed in subparagraph (B) are met, the Ad-  
14 ministrator shall promulgate a Federal imple-  
15 mentation plan at any time after the date that

1 is 2 years after the date on which the Adminis-  
2 trator—

3 “(i) finds that a State has failed to  
4 make a required submission or finds that  
5 the plan or plan revision submitted by the  
6 State does not satisfy the minimum cri-  
7 teria established under subsection  
8 (k)(1)(A); or

9 “(ii) disapproves a State implementa-  
10 tion plan submission.

11 “(B) CONDITIONS.—The conditions de-  
12 scribed in this subparagraph are that, before  
13 the date on which the Administrator promul-  
14 gates a Federal implementation plan—

15 “(i) a State corrects a deficiency in a  
16 State implementation plan or plan revision  
17 submitted by the State; and

18 “(ii) the Administrator approves the  
19 plan or plan revision.

20 “(C) VISIBILITY PROTECTION PLANS.—In  
21 the case of a Federal implementation plan pro-  
22 mulgated after the date of enactment of this  
23 subparagraph in place of a State implementa-  
24 tion plan under section 169A—

1           “(i) the Administrator shall promul-  
2           gate such Federal implementation plan  
3           only if the Administrator makes a finding  
4           that the State submitting the State imple-  
5           mentation plan failed to consider the fac-  
6           tors described in paragraphs (1) and (2) of  
7           section 169A(g) in preparing and submit-  
8           ting the plan; and

9           “(ii) compliance with the requirements  
10          of such Federal implementation plan shall  
11          not be required earlier than 5 years after  
12          the date of promulgation.”; and

13          (2) in subsection (k)—

14                 (A) by striking paragraph (3) and insert-  
15                 ing the following:

16                 “(3) FULL APPROVAL AND DISAPPROVAL.—

17                         “(A) IN GENERAL.—Except as provided in  
18                         subparagraphs (B) and (C), in the case of any  
19                         submission for which the Administrator is re-  
20                         quired to act under paragraph (2), the Admin-  
21                         istrator shall approve the submission as a whole  
22                         if the submission meets all of the applicable re-  
23                         quirements of this Act.

24                         “(B) REVIEW.—In reviewing any State im-  
25                         plementation plan submitted pursuant to sec-

1           tion 169A, the Administrator shall limit the re-  
2           view only to a determination of whether the  
3           State submitting the State implementation plan  
4           considered the factors described in paragraphs  
5           (1) and (2) of section 169A(g) in preparing and  
6           submitting the plan.

7           “(C) VISIBILITY PLANS.—The Adminis-  
8           trator shall approve as a whole any implementa-  
9           tion plan submitted pursuant to section 169A  
10          that was prepared and submitted after consid-  
11          eration of the factors described in paragraphs  
12          (1) and (2) of section 169A(g).”; and

13           (B) in paragraph (5)—

14           (i) in the first sentence, by striking  
15           “Whenever” and inserting the following:

16           “(A) IN GENERAL.—Whenever”; and

17           (ii) by adding at the end the fol-  
18           lowing:

19           “(B) VISIBILITY PLANS.—Notwithstanding  
20          subparagraph (A), with respect to an implemen-  
21          tation plan approved pursuant to section 169A,  
22          the Administrator shall only find that such a  
23          plan is substantially inadequate to meet stand-  
24          ards for air pollutants that cause or contribute  
25          to the impairment of visibility, or any other ap-

1 plicable standard or requirement, under that  
2 section if the Administrator makes a finding  
3 that, in preparing the plan, the submitting  
4 State failed to consider the factors described in  
5 paragraphs (1) and (2) of section 169A(g).

6 “(C) EXISTING VISIBILITY PLANS.—

7 “(i) REQUEST FOR REVOCATION.—At  
8 any time after the date of enactment of  
9 this subparagraph—

10 “(I) a State may request that the  
11 existing Federal or State implementa-  
12 tion plan for the State regarding visi-  
13 bility, or any determination made in  
14 calendar year 2012 or 2013 of best  
15 available retrofit technology pursuant  
16 to section 169A, be revoked; and

17 “(II) upon receipt of such a re-  
18 quest, the Administrator shall revoke  
19 the implementation plan.

20 “(ii) SUBMISSION OF NEW OR RE-  
21 VISED PLAN.—Upon a revocation under  
22 clause (i)(II), the State that requested the  
23 revocation shall, not later than 2 years  
24 after such revocation, submit to the Ad-

1            administrator a new or revised visibility plan  
2            in accordance with this Act.”.

3 **SEC. 602. VISIBILITY PROTECTION FOR FEDERAL CLASS I**  
4            **AREAS.**

5            Section 169A of the Clean Air Act (42 U.S.C. 7491)  
6 is amended—

7            (1) in subsection (b)(2), in the matter pre-  
8            ceding subparagraph (A), by striking “as may be  
9            necessary” and inserting “as the State determines,  
10           at the sole discretion of the State after considering  
11           factors described in this section and providing ade-  
12           quate opportunity for public comment, may be nec-  
13           essary”; and

14           (2) in subsection (g)—

15           (A) by striking paragraph (1) and insert-  
16           ing the following:

17           “(1)(A) in determining reasonable progress,  
18           there shall be taken into consideration—

19                      “(i) the costs of compliance;

20                      “(ii) the time necessary for compli-  
21                      ance;

22                      “(iii) the energy and nonair quality  
23                      environmental impacts of compliance;

1                   “(iv) the remaining useful life of any  
2                   existing source subject to requirements  
3                   under this section;

4                   “(v) the degree of improvement in vis-  
5                   ibility that may reasonably be anticipated  
6                   to result from measures described in the  
7                   applicable implementation plan; and

8                   “(vi) the economic impacts to the  
9                   State (including people of the State);

10                  “(B) in consideration of costs of compli-  
11                  ance pursuant to subparagraph (A)(i), the  
12                  State may use source-specific cost estimations  
13                  developed by a licensed professional engineer as  
14                  an alternate to other methods of estimation ap-  
15                  proved by the Administrator; and

16                  “(C) in consideration of the degree of im-  
17                  provement in visibility pursuant to subpara-  
18                  graph (A)(v), the State may use alternate mod-  
19                  eling techniques or methods than those pre-  
20                  scribed by the Administrator in the Agency’s  
21                  ‘Guideline on Air Quality Models’ under appen-  
22                  dix W to part 51 of title 40, Code of Federal  
23                  Regulations, and, where available, measured  
24                  emissions and monitoring data shall be used;”;

25                  (B) in paragraph (2)—

1 (i) by striking “(2) in determining  
2 best available retrofit technology the  
3 State” and inserting the following:

4 “(2) in determining the best available retrofit  
5 technology—

6 “(A) the State”;

7 (ii) in subparagraph (A) (as des-  
8 ignated by clause (i)), by inserting “the  
9 economic impacts to the State (including  
10 people of the State),” after “life of the  
11 source,”;

12 (iii) by striking “technology;” and in-  
13 serting “technology; and”; and

14 (iv) by adding at the end the fol-  
15 lowing:

16 “(B) in consideration of the costs of com-  
17 pliance pursuant to subparagraph (A), the  
18 State may use source-specific cost estimations  
19 developed by a licensed professional engineer as  
20 an alternate to other methods of estimation ap-  
21 proved by the Administrator;

22 “(C) with respect to consideration of the  
23 degree of improvement in visibility pursuant to  
24 subparagraph (A)—

1           “(i) the State may use alternate mod-  
2           eling techniques or methods than those  
3           prescribed by the Administrator in the  
4           Agency’s ‘Guideline on Air Quality Models’  
5           under appendix W to part 51 of title 40,  
6           Code of Federal Regulations;

7           “(ii) the State may consider the de-  
8           gree of improvement in visibility in the  
9           mandatory class I Federal area that is  
10          most affected by emissions from the source  
11          without considering the degree of improve-  
12          ment in visibility in any other such area;  
13          and

14          “(iii) the Administrator (in any case  
15          in which the Administrator has authority  
16          to determine emission limitations which re-  
17          flect such technology) may not consider the  
18          degree of improvement in visibility in any  
19          area other than the mandatory class I Fed-  
20          eral area that is most affected by emis-  
21          sions from the source; and

22          “(D) the determination of best available  
23          retrofit technology by the State for any source  
24          shall be subject to review by the Administrator,  
25          an administrative entity, or a Federal or State

1 court only pursuant to a clearly erroneous  
2 standard of review;"; and

3 (C) in paragraph (4), by striking "(or the  
4 date of promulgation of such a plan revision in  
5 the case of action by the Administrator under  
6 section 110(c) for purposes of this section)".



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOSAR OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

15

**AMENDMENT TO THE RULES COMMITTEE PRINT  
OF H.R. 3409  
OFFERED BY MR. GOSAR**

At the end of the Rules Committee Print, add the following:

1 **TITLE VI—NO REGIONAL HAZE**  
2 **REGULATION ON THE COAL-**  
3 **POWERED NAVAJO GENER-**  
4 **ATING STATION**

5 **SEC. 601. LIMITATION ON AUTHORITY TO ISSUE REGULA-**  
6 **TIONS.**

7 The Administrator of the Environmental Protection  
8 Agency shall not promulgate any Federal implementation  
9 plan pursuant to section 169A or 169B of the Clean Air  
10 Act (42 U.S.C. 7491, 7492; relating to visibility protec-  
11 tion) that would—

12 (1) adversely impact employment at the coal-  
13 powered Navajo Generating Station or other coal-  
14 fired power plants and coal mines on tribal lands in  
15 northern Arizona;

16 (2) directly or indirectly diminish the revenue  
17 received by the Federal Government or any State,  
18 tribal or local government by reducing through regu-

1       lation the amount of coal that is available for mining  
2       on Navajo and Hopi Reservation lands;

3           (3) cause a reduction in coal-based revenue to  
4       meet financial obligations required by federally au-  
5       thorized Indian water rights settlements, pursuant  
6       to section 403(f) of the Colorado River Basin  
7       Project Act (43 U.S.C. 1543(f)):

8           (4) reduce the amount of coal, or increase the  
9       cost of coal, available for the Navajo Generating  
10       Station's Federal responsibility to deliver water and  
11       power, as authorized by the Colorado River Basin  
12       Project Act (43 U.S.C. 1501 et seq.); or

13           (5) expose the United States to liability for tak-  
14       ing the value of tribally-owned coal in northern Ari-  
15       zona through regulation.



House Calendar No. \_\_\_\_\_

112<sup>TH</sup> CONGRESS  
2D SESSION

**H. RES.** \_\_\_\_\_

**Report No. 112-**\_\_\_\_\_

Providing for consideration of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program; providing for consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; and providing for proceedings during the period from September 22, 2012, through November 12, 2012.

---

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2012

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

---

**RESOLUTION**

Providing for consideration of the joint resolution (H.J. Res. 118) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health

and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program; providing for consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; and providing for proceedings during the period from September 22, 2012, through November 12, 2012.

1       *Resolved*, That upon the adoption of this resolution  
2 it shall be in order to consider in the House the joint reso-  
3 lution (H.J. Res. 118) providing for congressional dis-  
4 approval under chapter 8 of title 5, United States Code,  
5 of the rule submitted by the Office of Family Assistance  
6 of the Administration for Children and Families of the De-  
7 partment of Health and Human Services relating to waiv-  
8 er and expenditure authority under section 1115 of the  
9 Social Security Act (42 U.S.C. 1315) with respect to the  
10 Temporary Assistance for Needy Families program. All  
11 points of order against consideration of the joint resolu-  
12 tion are waived. The joint resolution shall be considered  
13 as read. All points of order against provisions in the joint  
14 resolution are waived. The previous question shall be con-  
15 sidered as ordered on the joint resolution to final passage  
16 without intervening motion except: '(1) one hour of debate  
17 equally divided among and controlled by the chair and

1 ranking minority member of the Committee on Ways and  
2 Means and the chair and ranking minority member of the  
3 Committee on Education and the Workforce; and (2) one  
4 motion to recommit.

5       SEC. 2. At any time after the adoption of this resolu-  
6 tion the Speaker may, pursuant to clause 2(b) of rule  
7 XVIII, declare the House resolved into the Committee of  
8 the Whole House on the state of the Union for consider-  
9 ation of the bill (H.R. 3409) to limit the authority of the  
10 Secretary of the Interior to issue regulations before De-  
11 cember 31, 2013, under the Surface Mining Control and  
12 Reclamation Act of 1977. The first reading of the bill shall  
13 be dispensed with. All points of order against consider-  
14 ation of the bill are waived. General debate shall be con-  
15 fined to the bill and amendments specified in this resolu-  
16 tion and shall not exceed one hour equally divided among  
17 and controlled by the chair and ranking minority member  
18 of the Committee on Natural Resources, the chair and  
19 ranking minority member of the Committee on Energy  
20 and Commerce, and the chair and ranking minority mem-  
21 ber of the Committee on Transportation and Infrastruc-  
22 ture. After general debate the bill shall be considered for  
23 amendment under the five-minute rule. In lieu of the  
24 amendment in the nature of a substitute recommended by  
25 the Committee on Natural Resources now printed in the

1 bill, it shall be in order to consider as an original bill for  
2 the purpose of amendment under the five-minute rule an  
3 amendment in the nature of a substitute consisting of the  
4 text of Rules Committee Print 112-32. That amendment  
5 in the nature of a substitute shall be considered as read.  
6 All points of order against that amendment in the nature  
7 of a substitute are waived. No amendment to that amend-  
8 ment in the nature of a substitute shall be in order except  
9 those printed in the report of the Committee on Rules ac-  
10 companying this resolution. Each such amendment may  
11 be offered only in the order printed in the report, may  
12 be offered only by a Member designated in the report,  
13 shall be considered as read, shall be debatable for the time  
14 specified in the report equally divided and controlled by  
15 the proponent and an opponent, shall not be subject to  
16 amendment, and shall not be subject to a demand for divi-  
17 sion of the question in the House or in the Committee  
18 of the Whole. All points of order against such amendments  
19 are waived. At the conclusion of consideration of the bill  
20 for amendment the Committee shall rise and report the  
21 bill to the House with such amendments as may have been  
22 adopted. Any Member may demand a separate vote in the  
23 House on any amendment adopted in the Committee of  
24 the Whole to the bill or to the amendment in the nature  
25 of a substitute made in order as original text. The previous

1 question shall be considered as ordered on the bill and  
2 amendments thereto to final passage without intervening  
3 motion except one motion to recommit with or without in-  
4 structions.

5       SEC. 3. On any legislative day during the period from  
6 September 22, 2012, through November 12, 2012, —

7       (a) the Journal of the proceedings of the previous day  
8 shall be considered as approved;

9       (b) the Chair may at any time declare the House ad-  
10 journed to meet at a date and time, within the limits of  
11 clause 4, section 5, article I of the Constitution, to be an-  
12 nounced by the Chair in declaring the adjournment; and

13       (c) bills and resolutions introduced during the period  
14 addressed by this section shall be numbered, listed in the  
15 Congressional Record, and when printed shall bear the  
16 date of introduction, but may be referred by the Speaker  
17 at a later time.

18       SEC. 4. The Speaker may appoint Members to per-  
19 form the duties of the Chair for the duration of the period  
20 addressed by section 3 of this resolution as though under  
21 clause 8(a) of rule I.

22       SEC. 5. Each day during the period addressed by sec-  
23 tion 3 of this resolution shall not constitute a calendar  
24 day for purposes of section 7 of the War Powers Resolu-  
25 tion (50 U.S.C. 1546).

1       SEC. 6. Each day during the period addressed by sec-  
2 tion 3 of this resolution shall not constitute a legislative  
3 day for purposes of clause 7 of rule XIII.

4       SEC. 7. Each day during the period addressed by sec-  
5 tion 3 of this resolution shall not constitute a calendar  
6 or legislative day for purposes of clause 7(c)(1) of rule  
7 XXII.