

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1422) TO AMEND THE ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1978 TO PROVIDE FOR SCIENTIFIC ADVISORY BOARD MEMBER QUALIFICATIONS, PUBLIC PARTICIPATION, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4012) TO PROHIBIT THE ENVIRONMENTAL PROTECTION AGENCY FROM PROPOSING, FINALIZING, OR DISSEMINATING REGULATIONS OR ASSESSMENTS BASED UPON SCIENCE THAT IS NOT TRANSPARENT OR REPRODUCIBLE; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4795) TO PROMOTE NEW MANUFACTURING IN THE UNITED STATES BY PROVIDING FOR GREATER TRANSPARENCY AND TIMELINESS IN OBTAINING NECESSARY PERMITS, AND FOR OTHER PURPOSES; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM NOVEMBER 21, 2014, THROUGH NOVEMBER 28, 2014

---

November 17, 2014.—Referred to the House Calendar and ordered to be printed.

---

MR. BURGESS, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a record vote of 7 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.R. 1422, the EPA Science Advisory Board Reform Act of 2013, under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the

nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill shall be considered as adopted, and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only the further amendment printed in part A of this report, if offered by Representative Stewart of Utah or his designee. That amendment shall be considered as read, shall be separately debatable for 10 minutes 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. The resolution waives all points of order against the amendment printed in part A of this report. The rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 4012, the Secret Science Reform Act of 2014, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-57 and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in part B of 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 part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 4795, the Promoting New Manufacturing Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. The resolution waives all points of order against consideration of the bill. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those further amendments printed in part C of 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 part C of this report. The resolution provides one motion to recommit with or without instructions.

Section 4 of the resolution provides that on any legislative day during the period from November 21, 2014, through November 28, 2014: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 5 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 4.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1422, 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 provisions in H.R. 1422, as amended, 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 the amendment to H.R. 1422 printed in part A of this report, 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. 4012, 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 the amendment in the nature of a substitute to H.R. 4012 made in order as original text, 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 the amendments to H.R. 4012 printed in part B of this report, 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. 4795, 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 provisions in H.R. 4795, 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 the amendments to H.R. 4795 printed in part C of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Rules Committee Record Vote No. 195

Motion by Mr. Bishop of Utah to report the rule. Adopted: 7-2

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	
Mr. Bishop of Utah.....	Yea	Mr. McGovern.....	Nay
Mr. Cole.....	Yea	Mr. Hastings of Florida.....	
Mr. Woodall.....		Mr. Polis.....	Nay
Mr. Nugent.....			
Mr. Webster.....	Yea		
Ms. Ros-Lehtinen.....	Yea		
Mr. Burgess.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 1422 IN PART A MADE IN  
ORDER

1. Stewart (UT): Makes technical changes to conform with recent amendments to the underlying statute. It also reiterates the independence of the Science Advisory Board and clarifies pre-existing language. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 4012 IN PART B MADE IN  
ORDER

1. Gosar (AZ): Mandates that the EPA make all scientific and technical information relied upon for rulemaking available online before proposing or finalizing new regulations. (10 minutes)
2. Kennedy (MA), McGovern (MA), Clark, Katherine (MA): Allows the EPA to use all peer-reviewed scientific publications. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 4795 IN PART C MADE IN  
ORDER

1. McNerney (CA): States that outdated air quality standards do not apply toward a preconstruction permit if the applicable federal, state, or local permitting agency determines that applying it would likely increase air pollution, slow permitting, or increase regulatory uncertainty. (10 minutes)
2. Whitfield (KY): Clarifies that Section 3(b) of the bill does not prohibit States from imposing new or revised federal air quality standards under state or local law. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 1422 MADE IN ORDER

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

**AMENDMENT TO H.R. 1422, AS REPORTED  
OFFERED BY MR. STEWART OF UTAH**

Page 3, line 7, through page 9, line 1, redesignate subsections (a) through (e) as subsections (b) through (f), respectively.

Page 3, after line 6, insert the following new subsection:

1       (a) INDEPENDENT ADVICE.—Section 8(a) of the En-  
2 vironmental Research, Development, and Demonstration  
3 Authorization Act of 1978 (42 U.S.C. 4365(a)) is amend-  
4 ed by inserting “independently” after “Advisory Board  
5 which shall”.

Page 3, line 14, strike “in consultation with the Administrator”.

Page 3, lines 18 through 20, strike “select Board” and all that follows through “and shall”.

Page 4, line 18, strike “and” and insert “or”.

Page 5, line 3, insert “the Interior,” after “Energy,”.

Page 5, line 5, strike “them” and insert “each”.

Page 6, line 17, insert “or draft” before “risk”.

Page 6, line 18, strike “and”.

Page 6, line 19, redesignate subparagraph (B) as subparagraph (C).

Page 6, after line 18, insert the following new subparagraph:

1 (B) by striking “formal”; and

Page 6, line 19, insert “or draft” before “risk”.

Page 6, line 22, insert “or draft” before “risk”.

Page 7, line 10, insert “(1)(A)” after “(e)” both places it appears.

Page 7, lines 13, 17, and 19, redesignate paragraphs (1) through (3) as clauses (i) through (iii), respectively, and conform the margins accordingly.

Page 7, lines 22 and 23, strike “by adding after subsection (g) the following” and inserting “by amending subsection (h) to read as follows”.

Page 9, lines 2 and 3, strike “by adding after subsection (h), as added by subsection (d) of this section, the following” and inserting “by amending subsection (i) to read as follows”.

Page 9, line 11, insert “or Congress” after “the Administrator”.

Page 9, line 15, strike “and the Administrator” and insert “, the Administrator, and Congress”.

Page 9, line 19, after paragraph (4) insert the following new paragraph:

- 1           “(5) The Board shall be fully and timely re-
- 2           sponsive to Congress.



PART B—TEXT OF AMENDMENTS TO H.R. 4012 MADE IN ORDER

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

2

**AMENDMENT TO THE RULES COMMITTEE PRINT**

**(113-57) FOR H.R. 4012**

**OFFERED BY MR. GOSAR OF ARIZONA**

Page 1, line 13, insert "online" after "publicly available".



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

**AMENDMENT TO THE RULES COMMITTEE PRINT  
(113-57) FOR H.R. 4012  
OFFERED BY MR. KENNEDY OF MASSACHUSETTS**

At the end of the bill, add the following:

- 1 **SEC. 3. ENSURING THE USE OF THE BEST SCIENCE.**
- 2       Nothing in this Act shall prevent the Administrator
- 3 of the Environmental Protection Agency from considering
- 4 or relying upon any peer-reviewed scientific publication
- 5 even if such publication is based on data that is prohibited
- 6 from public disclosure.



PART C—TEXT OF AMENDMENTS TO H.R. 4795 MADE IN ORDER

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

**AMENDMENT TO H.R. 4795, AS REPORTED  
OFFERED BY MR. McNERNEY OF CALIFORNIA**

In section 3(b), strike “If the Administrator fails”  
and insert

1           (1) STANDARD NOT APPLICABLE.—Except as  
2           provided in paragraph (2), if the Administrator fails

At the end of section 3(b), add the following:

3           (2) STANDARD APPLICABLE.—Paragraph (1)  
4           shall not apply with respect to review and disposition  
5           of a preconstruction permit application by a Federal,  
6           State, local, or tribal permitting authority if such  
7           authority determines that application of such para-  
8           graph is likely to—

9                   (A) increase air pollution that harms  
10           human health and the environment;

11                   (B) slow issuance of final preconstruction  
12           permits;

13                   (C) increase regulatory uncertainty;

14                   (D) foster additional litigation;

15                   (E) shift the burden of pollution control  
16           from new sources to existing sources of pollu-  
17           tion, including small businesses; or

1 (F) increase the overall cost of achieving  
2 the new or revised national ambient air quality  
3 standard in the applicable area.



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

**AMENDMENT TO H.R. 4795, AS REPORTED**  
**OFFERED BY MR. Whitfield**

Page 6, after line 10, insert the following:

- 1 (3) Nothing in this section shall be construed to
- 2 limit the authority of a State, local, or tribal permit-
- 3 ting authority to impose more stringent emissions
- 4 requirements pursuant to State, local, or tribal law
- 5 than Federal national ambient air quality standards
- 6 established by the Environmental Protection Agency.



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

113TH CONGRESS  
2D SESSION

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

**Report No. 113-**\_\_\_\_\_

Providing for consideration of the bill (H.R. 1422) to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; providing for consideration of the bill (H.R. 4012) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible; providing for consideration of the bill (H.R. 4795) to promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, and for other purposes; and providing for proceedings during the period from November 21, 2014, through November 28, 2014.

---

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2014

Mr. BURGESS, 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 bill (H.R. 1422) to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; providing for consideration of the bill (H.R. 4012) to prohibit the Environ-

mental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible; providing for consideration of the bill (H.R. 4795) to promote new manufacturing in the United States by providing for greater transparency and timeliness in obtaining necessary permits, and for other purposes; and providing for proceedings during the period from November 21, 2014, through November 28, 2014.

1       *Resolved*, That upon adoption of this resolution it  
2 shall be in order to consider in the House the bill (H.R.  
3 1422) to amend the Environmental Research, Develop-  
4 ment, and Demonstration Authorization Act of 1978 to  
5 provide for Scientific Advisory Board member qualifica-  
6 tions, public participation, and for other purposes. All  
7 points of order against consideration of the bill are waived.  
8 The amendment in the nature of a substitute rec-  
9 ommended by the Committee on Science, Space, and Tech-  
10 nology now printed in the bill shall be considered as adopt-  
11 ed. The bill, as amended, shall be considered as read. All  
12 points of order against provisions in the bill, as amended,  
13 are waived. The previous question shall be considered as  
14 ordered on the bill, as amended, and on any further  
15 amendment thereto, to final passage without intervening  
16 motion except: (1) one hour of debate equally divided and  
17 controlled by the chair and ranking minority member of  
18 the Committee on Science, Space, and Technology; (2) the

1 further amendment printed in part A of the report of the  
2 Committee on Rules accompanying this resolution, if of-  
3 fered by Representative Stewart of Utah or his designee,  
4 which shall be in order without intervention of any point  
5 of order, shall be considered as read, shall be separately  
6 debatable for 10 minutes equally divided and controlled  
7 by the proponent and an opponent, and shall not be sub-  
8 ject to a demand for division of the question; and (3) one  
9 motion to recommit with or without instructions.

10       SEC. 2. At any time after adoption of this resolution  
11 the Speaker may, pursuant to clause 2(b) of rule XVIII,  
12 declare the House resolved into the Committee of the  
13 Whole House on the state of the Union for consideration  
14 of the bill (H.R. 4012) to prohibit the Environmental Pro-  
15 tection Agency from proposing, finalizing, or dissemi-  
16 nating regulations or assessments based upon science that  
17 is not transparent or reproducible. The first reading of  
18 the bill shall be dispensed with. All points of order against  
19 consideration of the bill are waived. General debate shall  
20 be confined to the bill and shall not exceed one hour equal-  
21 ly divided and controlled by the chair and ranking minor-  
22 ity member of the Committee on Science, Space, and  
23 Technology. After general debate the bill shall be consid-  
24 ered for amendment under the five-minute rule. It shall  
25 be in order to consider as an original bill for the purpose

1 of amendment under the five-minute rule an amendment  
2 in the nature of a substitute consisting of the text of Rules  
3 Committee Print 113-57. That amendment in the nature  
4 of a substitute shall be considered as read. All points of  
5 order against that amendment in the nature of a sub-  
6 stitute are waived. No amendment to that amendment in  
7 the nature of a substitute shall be in order except those  
8 printed in part B of the report of the Committee on Rules  
9 accompanying this resolution. Each such amendment may  
10 be offered only in the order printed in the report, may  
11 be offered only by a Member designated in the report,  
12 shall be considered as read, shall be debatable for the time  
13 specified in the report equally divided and controlled by  
14 the proponent and an opponent, shall not be subject to  
15 amendment, and shall not be subject to a demand for divi-  
16 sion of the question in the House or in the Committee  
17 of the Whole. All points of order against such amendments  
18 are waived. At the conclusion of consideration of the bill  
19 for amendment the Committee shall rise and report the  
20 bill to the House with such amendments as may have been  
21 adopted. Any Member may demand a separate vote in the  
22 House on any amendment adopted in the Committee of  
23 the Whole to the bill or to the amendment in the nature  
24 of a substitute made in order as original text. The previous  
25 question shall be considered as ordered on the bill and

1 amendments thereto to final passage without intervening  
2 motion except one motion to recommit with or without in-  
3 structions.

4       SEC. 3. At any time after adoption of this resolution  
5 the Speaker may, pursuant to clause 2(b) of rule XVIII,  
6 declare the House resolved into the Committee of the  
7 Whole House on the state of the Union for consideration  
8 of the bill (H.R. 4795) to promote new manufacturing in  
9 the United States by providing for greater transparency  
10 and timeliness in obtaining necessary permits, and for  
11 other purposes. The first reading of the bill shall be dis-  
12 pensed with. All points of order against consideration of  
13 the bill are waived. General debate shall be confined to  
14 the bill and shall not exceed one hour equally divided and  
15 controlled by the chair and ranking minority member of  
16 the Committee on Energy and Commerce. After general  
17 debate the bill shall be considered for amendment under  
18 the five-minute rule. The bill shall be considered as read.  
19 All points of order against provisions in the bill are  
20 waived. No amendment to the bill shall be in order except  
21 those printed in part C of the report of the Committee  
22 on Rules accompanying this resolution. Each such amend-  
23 ment may be offered only in the order printed in the re-  
24 port, may be offered only by a Member designated in the  
25 report, shall be considered as read, shall be debatable for

1 the time specified in the report equally divided and con-  
2 trolled by the proponent and an opponent, shall not be  
3 subject to amendment, and shall not be subject to a de-  
4 mand for division of the question in the House or in the  
5 Committee of the Whole. All points of order against such  
6 amendments are waived. At the conclusion of consider-  
7 ation of the bill for amendment the Committee shall rise  
8 and report the bill to the House with such amendments  
9 as may have been adopted. The previous question shall  
10 be considered as ordered on the bill and amendments  
11 thereto to final passage without intervening motion except  
12 one motion to recommit with or without instructions.

13       SEC. 4. On any legislative day during the period from  
14 November 21, 2014, through November 28, 2014—

15       (a) the Journal of the proceedings of the previous day  
16 shall be considered as approved; and

17       (b) the Chair may at any time declare the House ad-  
18 journed to meet at a date and time, within the limits of  
19 clause 4, section 5, article I of the Constitution, to be an-  
20 nounced by the Chair in declaring the adjournment.

21       SEC. 5. The Speaker may appoint Members to per-  
22 form the duties of the Chair for the duration of the period  
23 addressed by section 4 of this resolution as though under  
24 clause 8(a) of rule I.