

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1732) TO PRESERVE EXISTING RIGHTS AND RESPONSIBILITIES WITH RESPECT TO WATERS OF THE UNITED STATES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY THE CONCURRENT RESOLUTION (S. CON. RES. 11) SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2016 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2017 THROUGH 2025; AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 43) DISAPPROVING THE ACTION OF THE DISTRICT OF COLUMBIA COUNCIL IN APPROVING THE REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT OF 2014

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April 29, 2015.—Referred to the House Calendar and ordered to be printed.

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MR. WOODALL, 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 8 to 3, 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. 1732, the Regulatory Integrity Protection Act of 2015, 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 Transportation and Infrastructure. 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 114-13 modified by the amendment printed in part A of the Rules Committee report, 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 further 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 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 2 of the resolution provides for consideration of the conference report to accompany S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016. The resolution waives all points of order against the conference report and against its consideration. The resolution provides that the conference report shall be considered as read. The resolution provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate.

Section 3 of the resolution provides that section 604(g) of the District of Columbia Home Rule Act shall not apply in the case of H.J. Res. 43, disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014.

Section 4 of the resolution provides for consideration of H.J. Res. 43, disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform or their respective designees. 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 that pursuant to section 604(h) of the Home Rule Act, a motion to recommit is not in order to the joint resolution if under consideration while the act of the D.C. Council is within the congressional review period prescribed in section 602 of such Act.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1732, 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. 1732 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 printed in part B of this report, 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 conference report and its consideration includes a waiver of clause 9 of rule XXII, which prohibits the inclusion of matter in a conference report not committed to the conference by either House.

The waiver of all points of order against consideration of H.J. Res. 43 includes a waiver of clause 4(a) of rule XIII, requiring the three-day layover of a committee report.

Although the resolution waives all points of order against provisions in H.J. Res. 43, 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. 41

Motion by Ms. Foxx to report the rule. Adopted: 8-3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Cole.....		Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	
Mr. Burgess.....	Yea	Mr. Polis.....	Nay
Mr. Stivers.....	Yea		
Mr. Collins.....	Yea		
Mr. Byrne.....	Yea		
Mr. Newhouse.....	Yea		
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 1732 IN PART A  
CONSIDERED AS ADOPTED

1. Shuster (PA): Clarifies that the Act will be carried out with existing funds.

SUMMARY OF THE AMENDMENTS TO H.R. 1732 IN PART B MADE IN  
ORDER

1. Edwards (MD): Provides policy provisions that the Secretary and Administrator are prohibited from including in a final rule. (10 minutes)
2. Kildee (MI): Gives a state two years to become compliant with the new 'waters of the U.S.' rule in order to protect a state from automatically losing their state permitting programs through the Clean Water Act because of the new rule. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 1732 CONSIDERED AS  
ADOPTED

**AMENDMENT TO THE COMMITTEE PRINT  
FOR H.R. 1732  
OFFERED BY MR. SHUSTER OF PENNSYLVANIA**

At the end of the bill, add the following:

- 1 **SEC. 4. NO ADDITIONAL AUTHORIZATION OF APPROPRIA-**
- 2 **TIONS.**
- 3 No additional funds are authorized to be appro-
- 4 priated to carry out this Act, and this Act shall be carried
- 5 out using amounts otherwise available for such purpose.



PART B—TEXT OF AMENDMENTS TO H.R. 1732 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS OF MARYLAND OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO THE COMMITTEE PRINT  
FOR H.R. 1732  
OFFERED BY MS. EDWARDS OF MARYLAND**

Strike sections 2 and 3 and insert the following:

1 **SEC. 2. LIMITATION.**

2 The Secretary of the Army and the Administrator of  
3 the Environmental Protection Agency are prohibited from  
4 implementing any final rule that is based on the proposed  
5 rule described in the notice of proposed rule published in  
6 the Federal Register entitled “Definition of ‘Waters of the  
7 United States’ Under the Clean Water Act” (79 Fed. Reg.  
8 22188 (April 21, 2014)) if such final rule—

9 (1) expands the scope of the Federal Water  
10 Pollution Control Act (33 U.S.C. 1251 et seq.) be-  
11 yond those waterbodies covered prior to the decisions  
12 of the United States Supreme Court in *Solid Waste  
13 Agency of Northern Cook County v. United States  
14 Army Corps of Engineers*, 531 U.S. 159 (2001), and  
15 *Rapanos v. United States*, 547 U.S. 715 (2006);

16 (2) is inconsistent with the judicial opinions of  
17 Justice Scalia or Justice Kennedy in *Rapanos v.  
18 United States*;

1           (3) authorizes Federal Water Pollution Control  
2 Act jurisdiction over a waterbody based solely on the  
3 presence of migratory birds on such waterbody;

4           (4) increases the regulation of ditches, including  
5 roadside ditches, when compared to existing Federal  
6 Water Pollution Control Act regulations or guidance;

7           (5) increases the scope of the Federal Water  
8 Pollution Control Act with respect to municipal sep-  
9 arate sanitary sewer systems, water supply canals,  
10 or other water delivery systems;

11          (6) eliminates historical statutory or regulatory  
12 exemptions for agriculture, silviculture, or ranching;

13          (7) increases the scope of the Federal Water  
14 Pollution Control Act with respect to groundwater or  
15 water reuse or recycling projects;

16          (8) requires Federal Water Pollution Control  
17 Act regulation of erosional features;

18          (9) requires Federal Water Pollution Control  
19 Act permits for land-use activities;

20          (10) requires Federal Water Pollution Control  
21 Act regulation of artificial farm and stock ponds,  
22 puddles, water on driveways, birdbaths, or play-  
23 grounds;

24          (11) is inconsistent with the latest peer-re-  
25 viewed scientific studies;

1           (12) was promulgated without consulting with  
2           State and local governmental entities; or  
3           (13) was promulgated without public notice or  
4           comment.



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

**AMENDMENT TO THE COMMITTEE PRINT  
FOR H.R. 1732  
OFFERED BY MR. KILDEE OF MICHIGAN**

At the end of the bill, add the following:

1 **SEC. 4. EFFECT ON STATE PERMIT PROGRAMS.**

2 (a) IN GENERAL.—If the Administrator of the Envi-  
3 ronmental Protection Agency, based on the proposed rule  
4 developed under section 3, issues a final rule to define the  
5 term “waters of the United States” as used in the Federal  
6 Water Pollution Control Act (33 U.S.C. 1251 et seq.), the  
7 Administrator shall—

8 (1) not later than 90 days after the date of  
9 issuance of the final rule, review each permit pro-  
10 gram being administered by a State under section  
11 402, 404, or 405 of that Act (33 U.S.C. 1342,  
12 1344, or 1345) to determine whether the permit  
13 program complies with the terms of the final rule;  
14 and

15 (2) not later than 10 days after the date of  
16 completion of the review, notify the State of—

17 (A) the Administrator’s determination  
18 under paragraph (1); and

1 (B) in any case in which the Administrator  
2 determines that a permit program does not  
3 comply with the final rule, the actions required  
4 to bring the permit program into compliance.

5 (b) COMPLIANCE PERIOD.—During the 2-year period  
6 beginning on the date on which the Administrator provides  
7 notice to a State under subsection (a)(2), the Adminis-  
8 trator may not withdraw approval of a State permit pro-  
9 gram referred to in subsection (a)(1) on the basis that  
10 the permit program does not comply with the terms of  
11 a final rule described in subsection (a).

12 (c) LIMITATION ON STATUTORY CONSTRUCTION.—  
13 Nothing in this section may be construed to limit or other-  
14 wise affect the authority of the Administrator under the  
15 Federal Water Pollution Control Act or any other provi-  
16 sion of law—

17 (1) to withdraw approval of a State permit pro-  
18 gram referred to in subsection (a)(1), except as spe-  
19 cifically prohibited by subsection (b); or

20 (2) to disapprove a proposed permit under a  
21 State permit program referred to in subsection (a).



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

114TH CONGRESS  
1ST SESSION

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

Report No. 114-\_\_\_\_\_

Providing for consideration of the bill (H.R. 1732) to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes; providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 11) setting forth the congressional budget for the United States Government for fiscal year 2016 and setting forth the appropriate budgetary levels for fiscal years 2017 through 2025; and providing for consideration of the joint resolution (H.J. Res. 43) disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2015

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

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**RESOLUTION**

Providing for consideration of the bill (H.R. 1732) to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes; providing for consideration of the conference report to accompany the concurrent resolution (S. Con. Res. 11) setting forth the congressional budget for the United States Government for fiscal year 2016 and setting forth

the appropriate budgetary levels for fiscal years 2017 through 2025; and providing for consideration of the joint resolution (H.J. Res. 43) disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014.

1       *Resolved*, That at any time after adoption of this reso-  
2 lution the Speaker may, pursuant to clause 2(b) of rule  
3 XVIII, declare the House resolved into the Committee of  
4 the Whole House on the state of the Union for consider-  
5 ation of the bill (H.R. 1732) to preserve existing rights  
6 and responsibilities with respect to waters of the United  
7 States, and for other purposes. The first reading of the  
8 bill shall be dispensed with. All points of order against  
9 consideration of the bill are waived. General debate shall  
10 be confined to the bill and shall not exceed one hour equal-  
11 ly divided and controlled by the chair and ranking minor-  
12 ity member of the Committee on Transportation and In-  
13 frastructure. After general debate the bill shall be consid-  
14 ered for amendment under the five-minute rule. In lieu  
15 of the amendment in the nature of a substitute rec-  
16 ommended by the Committee on Transportation and In-  
17 frastructure now printed in the bill, it shall be in order  
18 to consider as an original bill for the purpose of amend-  
19 ment under the five-minute rule an amendment in the na-  
20 ture of a substitute consisting of the text of Rules Com-

1 mittee Print 114-13 modified by the amendment printed  
2 in part A of the report of the Committee on Rules accom-  
3 panying this resolution. 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 Each such amendment may be offered only in the order  
10 printed in the report, may be offered only by a Member  
11 designated in the report, shall be considered as read, shall  
12 be debatable for the time specified in the report equally  
13 divided and controlled by the proponent and an opponent,  
14 shall not be subject to amendment, and shall not be sub-  
15 ject to a demand for division of the question in the House  
16 or in the Committee of the Whole. All points of order  
17 against such amendments are waived. At the conclusion  
18 of consideration of the bill for amendment the Committee  
19 shall rise and report the bill to the House with such  
20 amendments as may have been adopted. Any Member may  
21 demand a separate vote in the House on any amendment  
22 adopted in the Committee of the Whole to the bill or to  
23 the amendment in the nature of a substitute made in order  
24 as original text. The previous question shall be considered  
25 as ordered on the bill and amendments thereto to final

1 passage without intervening motion except one motion to  
2 recommit with or without instructions.

3       SEC. 2. Upon adoption of this resolution it shall be  
4 in order to consider the conference report to accompany  
5 the concurrent resolution (S. Con. Res. 11) setting forth  
6 the congressional budget for the United States Govern-  
7 ment for fiscal year 2016 and setting forth the appropriate  
8 budgetary levels for fiscal years 2017 through 2025. All  
9 points of order against the conference report and against  
10 its consideration are waived. The conference report shall  
11 be considered as read. The previous question shall be con-  
12 sidered as ordered on the conference report to its adoption  
13 without intervening motion except one hour of debate.

14       SEC. 3. Section 604(g) of the District of Columbia  
15 Home Rule Act shall not apply in the case of the joint  
16 resolution (H.J. Res. 43) disapproving the action of the  
17 District of Columbia Council in approving the Reproduc-  
18 tive Health Non-Discrimination Amendment Act of 2014.

19       SEC. 4. Upon adoption of this resolution it shall be  
20 in order to consider in the House the joint resolution (H.J.  
21 Res. 43) disapproving the action of the District of Colum-  
22 bia Council in approving the Reproductive Health Non-  
23 Discrimination Amendment Act of 2014. All points of  
24 order against consideration of the joint resolution are  
25 waived. The joint resolution shall be considered as read.

1 All points of order against provisions in the joint resolu-  
2 tion are waived. The joint resolution shall be debatable  
3 for one hour equally divided and controlled by the chair  
4 and ranking minority member of the Committee on Over-  
5 sight and Government Reform or their respective des-  
6 ignees. The previous question shall be considered as or-  
7 dered on the joint resolution to final passage without in-  
8 tervening motion except one motion to recommit (if other-  
9 wise in order).