114th CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
114–

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4775) TO FACILITATE EFFICIENT STATE IMPLEMENTATION OF GROUND-LEVEL OZONE STANDARDS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 89) EXPRESSING THE SENSE OF CONGRESS THAT A CARBON TAX WOULD BE DETRIMENTAL TO THE UNITED STATES ECONOMY; AND PROVIDING FOR THE CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 112) EXPRESSING THE SENSE OF CONGRESS OPPOSING THE PRESIDENT'S PROPOSED $10 TAX ON EVERY BARREL OF OIL

June 7, 2016.—Referred to the House Calendar and ordered to be printed.

MR. WOODALL, 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 7 to 4, 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. 4775, the Ozone Standards Implementation Act of 2016, 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 makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill 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 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.

Sections 2 and 3 of the resolution provide for consideration of H. Con. Res. 89, expressing the sense of Congress that a carbon tax would be detrimental to the United States economy and H. Con. Res. 112, expressing the sense of Congress opposing the President's proposed $10 tax on every barrel of oil, under closed rules. The resolution provides one hour of debate on each concurrent resolution equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of each concurrent resolution. The resolution provides that each concurrent resolution shall be considered as read and shall not be subject to a demand for division of the question. The resolution waives all points of order against provisions in each concurrent resolution.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 4775 includes waiver of clause 3(e)(1) of rule XIII ("Ramseyer"), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Energy and Commerce was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute to H.R. 4775 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. 4775 printed in 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. Con. Res. 89 and H. Con. Res. 112, the Committee is not aware of any points of order. The waivers are prophylactic in nature.

Although the resolution waives all points of order against provisions in H. Con. Res. 89 and H. Con. Res. 112, the Committee is not aware of any points of order. The waivers are 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. 181

Motion by Ms. Slaughter to report open rules for H.R. 4775, H. Con. Res. 89, and H. Con. Res. 112. Defeated: 4–7

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

Rules Committee Record Vote No. 182

Motion by Mr. Cole to report the rule. Adopted: 7-4

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

SUMMARY OF THE AMENDMENTS TO H.R. 4775 MADE IN ORDER

1. Whitfield (KY): MANAGER'S Provides that no additional funds are authorized to be appropriated to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized. (10 minutes)
2. Rush (IL): Provides federal, state, local, or tribal permitting agencies the ability to opt-out of section 3(d) if they determine that issuing a preconstruction permit under an outdated and less protective air quality standard will increase air pollution, slow permitting, increase regulatory uncertainty, foster litigation, shift the burden of pollution control from new sources to existing sources, or increase the overall cost of achieving the new or revised national ambient air quality standard in the applicable area. (10 minutes)
3. Pallone (NJ): Strikes the consideration of technological feasibility when determining national ambient air quality standards to preserve health based standards. (10 minutes)
4. Gosar (AZ): Ensures that the study on Ozone formation contained in the bill analyzes the relative contribution from wildfires. (10 minutes)
5. Polis (CO): Amends the Clean Air Act to repeal the prohibitions against aggregating emissions from any oil or gas exploration or production well and emissions. Additionally, it requires the EPA to issue a rule adding hydrogen sulfide to the list of hazardous air pollutants. (10 minutes)
6. Norton (DC): Provides that the provisions of the bill would not apply if the Administrator of the Environmental Protection Administration, in consultation with the Clean Air Scientific Advisory Committee, finds that the application of any section could harm human health or the environment. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 4775 MADE IN ORDER

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

AMENDMENT TO H.R. 4775

OFFERED BY MR. WHITFIELD OF KENTUCKY

At the end of the bill, add the following new section:

SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

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

AMENDMENT TO H.R. 4775, AS REPORTED

OFFERED BY MR. RUSH OF ILLINOIS

Page 7, lines 24 and 25, strike "If the Administrator fails" and insert the following:

"(A) STANDARD NOT APPLICABLE.—Except as provided in subparagraph (B), if the Administrator fails

Page 8, after line 8, add the following:

"(B) STANDARD APPLICABLE.—Subparagraph (A) shall not apply with respect to review and disposition of a preconstruction permit application by a Federal, State, local, or tribal permitting authority if such authority determines that application of such subparagraph is likely to—

"(i) increase air pollution that harms human health and the environment;

"(ii) slow issuance of final preconstruction permits;

"(iii) increase regulatory uncertainty;

"(iv) foster additional litigation;

"(v) shift the burden of pollution control from new sources to existing sources of pollution, including small businesses; or

"(vi) increase the overall cost of achieving the new or revised national ambient air quality standard in the applicable area.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALLONE JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

5

AMENDMENT TO H.R. 4775, AS REPORTED

OFFERED BY MR. PALLONE OF NEW JERSEY

Page 6, strike lines 9 through 20, strike subsection (b) (relating to consideration of technological feasiblity) and redesignate the subsequent subsections accordingly.

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

AMENDMENT TO H.R. 4775, AS REPORTED

OFFERED BY MR. GOSAR OF ARIZONA

Page 13, line 1, after "rural areas," insert "including during wildfires,".

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

AMENDMENT TO H.R. 4775, AS REPORTED

OFFERED BY MR. POLIS OF COLORADO

After section 3, insert the following sections:

SEC. 4. REPEAL OF EXEMPTION FOR AGGREGATION OF EMISSIONS FROM OIL AND GAS SOURCES.

Section 112(n) of the Clean Air Act (42 U.S.C. 7412(n)) is amended by striking paragraph (4).

SEC. 5. HYDROGEN SULFIDE AS A HAZARDOUS AIR POLLUTANT.

The Administrator shall—

(1) not later than 180 days after the date of enactment of this Act, issue a final rule adding hydrogen sulfide to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)); and

(2) not later than 365 days after a final rule under paragraph (1) is issued, revise the list under section 112(c) of such Act (42 U.S.C. 7412(c)) to include categories and subcategories of major sources and area sources of hydrogen sulfide, including oil and gas wells.

6. AN AMENDMENT TO BE OFFERED BY DELEGATE NORTON OF DISTRICT OF COLUMBIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

3

AMENDMENT TO H.R. 4775, AS REPORTED

OFFERED BY MS. NORTON OF DISTRICT OF COLUMBIA

At the end of the bill, add the following new section:

SEC. 5. LIMITATION.

If the Administrator, in consultation with the Clean Air Scientific Advisory Committee, finds that application of any provision of this Act could harm human health or the environment, this Act and the amendments made thereby shall cease to apply.

House Calendar No. _____

114TH CONGRESS
2D SESSION

H. RES. _____

Report No. 114–_____

Providing for consideration of the bill (H.R. 4775) to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 89) expressing the sense of Congress that a carbon tax would be detrimental to the United States economy; and providing for the consideration of the concurrent resolution (H. Con. Res. 112) expressing the sense of Congress opposing the President's proposed $10 tax on every barrel of oil.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2016

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. 4775) to facilitate efficient State implementation of ground-level ozone standards, and for other purposes; providing for consideration of the concurrent resolution (H. Con. Res. 89) expressing the sense of Congress that a carbon tax would be detrimental to the United States economy; and providing for the consideration of the concurrent resolution (H. Con. Res. 112) expressing the sense of Congress

opposing the President's proposed $10 tax on every barrel of oil.

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. 4775) to facilitate efficient State
6 implementation of ground-level ozone standards, and for
7 other purposes. The first reading of the bill shall be dis-
8 pensed with. All points of order against consideration of
9 the bill are waived. General debate shall be confined to
10 the bill and shall not exceed one hour equally divided and
11 controlled by the chair and ranking minority member of
12 the Committee on Energy and Commerce. After general
13 debate the bill shall be considered for amendment under
14 the five-minute rule. It shall be in order to consider as
15 an original bill for the purpose of amendment under the
16 five-minute rule the amendment in the nature of a sub-
17 stitute recommended by the Committee on Energy and
18 Commerce now printed in the bill. The committee amend-
19 ment in the nature of a substitute shall be considered as
20 read. All points of order against the committee amend-
21 ment in the nature of a substitute are waived. No amend-
22 ment to the committee amendment in the nature of a sub-
23 stitute shall be in order except those printed in the report
24 of the Committee on Rules accompanying this resolution.

Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the 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. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House any concurrent resolution specified in section 3 of this resolution. All points of order against consideration of each such concurrent resolution are waived. Each such concurrent resolution shall be considered as read. All points of order against provi-

1 sions in each such concurrent resolution are waived. The
2 previous question shall be considered as ordered on each
3 such concurrent resolution and preamble to adoption with-
4 out intervening motion or demand for division of the ques-
5 tion except one hour of debate equally divided and con-
6 trolled by the chair and ranking minority member of the
7 Committee on Ways and Means.

8 SEC. 3. The concurrent resolutions referred to in sec-
9 tion 2 of this resolution are as follows:

10 (1) The concurrent resolution (H. Con. Res.
11 89) expressing the sense of Congress that a carbon
12 tax would be detrimental to the United States econ-
13 omy.

14 (2) The concurrent resolution (H. Con. Res.
15 112) expressing the sense of Congress opposing the
16 President's proposed $10 tax on every barrel of oil.