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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

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June 7, 2016.—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 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:

**1 SEC. 5. NO ADDITIONAL FUNDS AUTHORIZED.**

2 No additional funds are authorized to be appro-  
3 priated to carry out the requirements of this Act and the  
4 amendments made by this Act. Such requirements shall  
5 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:

1           “(A) STANDARD NOT APPLICABLE.—Ex-  
2           cept as provided in subparagraph (B), if the  
3           Administrator fails

Page 8, after line 8, add the following:

4           “(B) STANDARD APPLICABLE.—Subpara-  
5           graph (A) shall not apply with respect to review  
6           and disposition of a preconstruction permit ap-  
7           plication by a Federal, State, local, or tribal  
8           permitting authority if such authority deter-  
9           mines that application of such subparagraph is  
10          likely to—

11           “(i) increase air pollution that harms  
12           human health and the environment;

13           “(ii) slow issuance of final  
14           preconstruction permits;

15           “(iii) increase regulatory uncertainty;

16           “(iv) foster additional litigation;

1                   “(v) shift the burden of pollution con-  
2                   trol from new sources to existing sources  
3                   of pollution, including small businesses; or  
4                   “(vi) increase the overall cost of  
5                   achieving the new or revised national ambi-  
6                   ent air quality standard in the applicable  
7                   area.



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 feasibility)  
and redesignate the subsequent subsections accordingly.



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:

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

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

5 **SEC. 5. HYDROGEN SULFIDE AS A HAZARDOUS AIR POL-**  
6 **LUTANT.**

7 The Administrator shall—

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

13 (2) not later than 365 days after a final rule  
14 under paragraph (1) is issued, revise the list under  
15 section 112(c) of such Act (42 U.S.C. 7412(c)) to  
16 include categories and subcategories of major  
17 sources and area sources of hydrogen sulfide, includ-  
18 ing 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:

**1 SEC. 5. LIMITATION.**

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

