
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 806) TO
FACILITATE EFFICIENT STATE IMPLEMENTATION OF
GROUND-LEVEL OZONE STANDARDS, AND FOR OTHER
PURPOSES

July 17, 2017.—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 6 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. 806, the Ozone Standards Implementation Act of 2017, 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 purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-26 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.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(d) of rule XIII, which requires inclusion of a committee cost estimate in a committee report. It is important to note that while the cost estimate was not available at the time the report was filed, it has been publicly available since July 14, 2017.

Although the resolution waives all points of order against the amendment in the nature of a substitute 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 this report, the Committee is not aware of any points of order. The waiver of all points of order 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. 75

Motion by Mr. Woodall to report the rule. Adopted: 6-3

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

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Castor (FL): Halts implementation of the Ozone Standards Implementation Act of 2017 if the Clean Air Scientific Advisory Committee finds that application could increase health risks to vulnerable populations including children, seniors, pregnant women, outdoor workers, and minority and low-income communities. (10 minutes)
2. Tonko (NY): Strikes subsection (b) of Section 3, which would to allow EPA to consider technological feasibility when determining what level of pollution is safe. (10 minutes)
3. Beyer (VA): Strikes subsection (h) of section 3 (relating to exceptional events) (10 minutes)
4. Polis (CO): Closes the loophole which prevents aggregating emissions from any oil or gas exploration or production well. Additionally, it seeks to require the EPA to add hydrogen sulfide to the list of hazardous air pollutants. (10 minutes)
5. McNerney (CA): Strikes section 6 of the bill. (10 minutes)
6. McNerney (CA), Costa (CA): SUBSTITUTE Strikes the underlying bill and replaces it with a grant program to benefit regions with the poorest air quality. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

AMENDMENT TO
RULES COMMITTEE PRINT 115-26
OFFERED BY MS. CASTOR OF FLORIDA

At the end of section 2, add the following new sub-
section:

1 (c) LIMITATION.—This section shall not apply if the
2 Clean Air Scientific Advisory Committee finds that appli-
3 cation of subsection (a) could increase (especially for vul-
4 nerable populations such as children, seniors, pregnant
5 women, outdoor workers, and minority and low-income
6 communities) any of the following:

7 (1) Asthma attacks.

8 (2) Hospitalization and emergency room visits
9 for those with respiratory disease or cardiovascular
10 disease.

11 (3) The risk of preterm birth, babies born with
12 low birth weight, or impaired fetal growth.

13 (4) The risk of heart attacks, stroke, or pre-
14 mature death.

15 (5) Reproductive, developmental, or other seri-
16 ous harms to human health.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO
OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 806
OFFERED BY Mr. Tonko

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Strike subsection (b) of section 3 (relating to consideration of technological feasibility) and make such conforming changes as may be necessary.



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

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AMENDMENT TO
RULES COMMITTEE PRINT 115-26
OFFERED BY MR. BEYER OF VIRGINIA

Strike subsection (h) of section 3 (relating to exceptional events).



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

AMENDMENT TO
RULES COMMITTEE PRINT 115-26
OFFERED BY MR. POLIS OF COLORADO

Redesignate sections 5 and 6 as sections 6 and 7,
respectively.

Insert after section 4 the following:

1 SEC. 5. BRINGING REDUCTIONS TO ENERGY'S AIRBORNE
2 TOXIC HEALTH EFFECTS.

3 (a) REPEAL OF EXEMPTION FOR AGGREGATION OF
4 EMISSIONS FROM OIL AND GAS SOURCES.—Section
5 112(n) of the Clean Air Act (42 U.S.C. 7412(n)) is
6 amended by striking paragraph (4).

7 (b) HYDROGEN SULFIDE AS A HAZARDOUS AIR POL-
8 LUTANT.—The Administrator of the Environmental Pro-
9 tection Agency shall—

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

15 (2) not later than 365 days after a final rule
16 under paragraph (1) is issued, revise the list under

1 section 112(c) of such Act (42 U.S.C. 7412(c)) to
2 include categories and subcategories of major
3 sources and area sources of hydrogen sulfide, includ-
4 ing oil and gas wells.



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

10

AMENDMENT TO RULES COMMITTEE PRINT 115-

26

OFFERED BY MR. MCNERNEY OF CALIFORNIA

Strike section 6.



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

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**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO RULES COMMITTEE PRINT 115-26
OFFERED BY MR. MCNERNEY OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Air and Health Quality
3 Empowerment Zone Designation Act of 2017”.

4 SEC. 2. AIR AND HEALTH QUALITY EMPOWERMENT ZONES.

5 (a) DESIGNATION OF AIR AND HEALTH QUALITY
6 EMPOWERMENT ZONES.—

7 (1) IN GENERAL.—The Administrator may des-
8 ignate an area as an air and health quality em-
9 powerment zone if—

10 (A) the air pollution control district or
11 other local governmental entity authorized to
12 regulate air quality for the area submits an ap-
13 plication under paragraph (2) nominating the
14 area for such designation; and

15 (B) the Administrator determines that—

16 (i) the information in the application
17 is reasonably accurate; and

1 (ii) the nominated area satisfies the
2 eligibility criteria described in paragraph
3 (3).

4 (2) NOMINATION.—To nominate an area for
5 designation under paragraph (1), the air pollution
6 control district or other local governmental entity
7 authorized to regulate air quality for the area shall
8 submit to the Administrator an application that—

9 (A) demonstrates that the nominated area
10 satisfies the eligibility criteria described in
11 paragraph (3); and

12 (B) includes a strategic plan that—

13 (i) is designed for—

14 (I) addressing air quality chal-
15 lenges and achieving attainment of air
16 quality standards in the area; and

17 (II) improving the health of the
18 population in the area;

19 (ii) describes—

20 (I) the process by which the dis-
21 trict or local governmental entity is a
22 full partner in the process of devel-
23 oping and implementing the strategic
24 plan; and

1 (II) the extent to which local in-
2 stitutions and organizations have con-
3 tributed to the planning process;

4 (iii) identifies—

5 (I) the amount of State, local,
6 and private resources that will be
7 available for carrying out the strategic
8 plan; and

9 (II) the private and public part-
10 nerships to be used (which may in-
11 clude participation by, and coopera-
12 tion with, institutions of higher edu-
13 cation, medical centers, and other pri-
14 vate and public entities) in carrying
15 out the strategic plan;

16 (iv) identifies the funding requested
17 under any Federal program in support of
18 the strategic plan;

19 (v) identifies baselines, methods, and
20 benchmarks for measuring the success of
21 the strategic plan; and

22 (vi) includes such other information
23 as may be required by the Administrator;
24 and

1 (C) provides written assurances satisfac-
2 tory to the Administrator that the strategic
3 plan will be implemented.

4 (3) ELIGIBILITY CRITERIA.—To be eligible for
5 designation under paragraph (1), an area must meet
6 all of the following criteria:

7 (A) NONATTAINMENT.—The area has been
8 designated as being—

9 (i) in extreme nonattainment of the
10 national ambient air quality standard for
11 ozone; and

12 (ii) in nonattainment of the national
13 ambient air quality standard for PM_{2.5}.

14 (B) UNIQUE SOURCES.—The area had—

15 (i) emissions of oxides of nitrogen
16 from farm equipment of at least 30 tons
17 per day in calendar year 2011;

18 (ii) emissions of volatile organic com-
19 pounds from farming operations of at least
20 3 tons per day in calendar year 2010; or

21 (iii) emissions of oxides of nitrogen
22 from sources governed primarily through
23 international law of at least 50 tons per
24 day in calendar year 2010.

1 (C) AIR QUALITY-RELATED HEALTH EF-
2 FECTS.—As of the date of designation, the area
3 meets or exceeds the national average per cap-
4 ita incidence of asthma.

5 (D) ECONOMIC IMPACT.—As of the date of
6 designation, the area experiences unemployment
7 rates higher than the national average.

8 (E) MATCHING FUNDS.—The air pollution
9 control district or other local governmental enti-
10 ty submitting the strategic plan under para-
11 graph (2) for the area agrees that it will make
12 available (directly or through contributions
13 from the State or other public or private enti-
14 ties) non-Federal contributions toward the ac-
15 tivities to be carried out under the strategic
16 plan in an amount equal to \$1 for each \$1 of
17 Federal funds provided for such activities. Such
18 non-Federal matching funds may be in cash or
19 in-kind, fairly evaluated, including plant, equip-
20 ment, or services.

21 (4) PERIOD OF DESIGNATION.—A designation
22 under paragraph (1) shall remain in effect during
23 the period beginning on the date of the designation
24 and ending on the earlier of—

1 (A) the last day of the tenth calendar year
2 ending after the date of the designation; or

3 (B) the date on which the Administrator
4 revokes the designation.

5 (5) REVOCATION OF DESIGNATION.—The Ad-
6 ministrator may revoke the designation under para-
7 graph (1) of an area if the Administrator determines
8 that—

9 (A) the area is in attainment with the na-
10 tional ambient air quality standards for PM_{2.5}
11 and ozone; or

12 (B) the air pollution control district or
13 other local governmental entity submitting the
14 strategic plan under paragraph (2) for the area
15 is not complying substantially with, or fails to
16 make progress in achieving the goals of, such
17 strategic plan.

18 (b) GRANTS FOR AIR AND HEALTH QUALITY EM-
19 POWERMENT ZONES.—

20 (1) IN GENERAL.—For the purpose described in
21 paragraph (2), the Administrator may award one or
22 more grants to the air pollution control district or
23 local governmental entity submitting the application
24 under subsection (a)(2) on behalf of each air and

1 health quality empowerment zone designated under
2 subsection (a)(1).

3 (2) USE OF GRANTS.—A recipient of a grant
4 under paragraph (1) shall use the grant solely for
5 the purpose of carrying out the strategic plan sub-
6 mitted by the recipient under subsection (a)(2).

7 (3) AMOUNT OF GRANTS.—The amount award-
8 ed under this subsection with respect to a designated
9 air and health quality empowerment zone shall be
10 determined by the Administrator based upon a re-
11 view of—

12 (A) the information contained in the appli-
13 cation for the zone under subsection (a)(2); and

14 (B) the needs set forth in the application
15 for those anticipated to benefit from the stra-
16 tegic plan submitted for the zone.

17 (4) TIMING OF GRANTS.—To the extent and in
18 the amount of appropriations made available in ad-
19 vance, the Administrator shall—

20 (A) award a grant under this subsection
21 with respect to each air and health quality em-
22 powerment zone on the date of designation of
23 the zone under subsection (a)(1); and

1 (B) make the grant funds available to the
2 grantee on the first day of the first fiscal year
3 that begins after the date of such designation.

4 (c) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

8 (2) PM_{2.5}.—The term “PM_{2.5}” means particu-
9 late matter with a diameter that does not exceed 2.5
10 micrometers.

11 **SEC. 3. REPORT TO CONGRESS.**

12 Not later than 5 years after the date of the enact-
13 ment of this Act, the Administrator of the Environmental
14 Protection Agency—

15 (1) shall submit a report to the Congress on the
16 impact of this Act; and

17 (2) may include in such report a description of
18 the impact of this Act in regard to—

19 (A) the reduction of particulate matter and
20 nitrogen oxides emissions;

21 (B) the reduction of asthma rates and
22 other health indicators; and

23 (C) economic indicators.

Amend the title so as to read: “A bill to provide for the designation of, and the award of grant with respect to, air and health quality empowerment zones.”.

