

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3826) TO PROVIDE DIRECTION TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY REGARDING THE ESTABLISHMENT OF STANDARDS FOR EMISSIONS OF ANY GREENHOUSE GAS FROM FOSSIL FUEL-FIRED ELECTRIC UTILITY GENERATING UNITS, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4118) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO DELAY THE IMPLEMENTATION OF THE PENALTY FOR FAILURE TO COMPLY WITH THE INDIVIDUAL HEALTH INSURANCE MANDATE

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MARCH 4, 2014.—Referred to the House Calendar and ordered to be printed

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

## R E P O R T

[To accompany H. Res. 497]

The Committee on Rules, having had under consideration House Resolution 497, by a record vote of 5 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. 3826, the Electricity Security and Affordability 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 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 113-40 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.

Section 2 of the resolution provides for consideration of H.R. 4118, the Suspending the Individual Mandate Penalty Law Equals Fairness Act, 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 Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 3826, 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 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 is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 4118 includes a waiver of section 311 of the Congressional Budget Act of 1974, which prohibits consideration of legislation that would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided.

Although the resolution waives all points of order against provisions in H.R. 4118, 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. 112*

Motion by Ms. Slaughter to report open rules for H.R. 3826 and H.R. 4118. Defeated: 4–5.

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

##### *Rules Committee record vote No. 113*

Motion by Mr. Woodall to report the rule. Adopted: 5–4.

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

#### SUMMARY OF THE AMENDMENTS TO H.R. 3826 MADE IN ORDER

1. Smith, Lamar (TX), Schweikert (AZ): Requires the Administrator to apply the specific criteria, under the bill, for setting a standard based on the best system of emission reduction for new sources within the coal category, when setting a standard for any fossil fuel category. (10 minutes)

2. Capps (CA), McNerney (CA): Allows the EPA to consider all pollution control technologies being used in the United States or elsewhere when setting new power plant emission standards. (10 minutes)

3. Capito (WV): Clarifies that the bill does not preclude a performance standard that is based on a technology developed in a foreign country, as long as that technology has been demonstrated to be achievable at a power plant in the United States. (10 minutes)

4. McKinley (WV): Requires the EPA when submitting their report to Congress to consult with the Energy Information Administration; Comptroller General; National Energy Technology Laboratory; and the National Institute for Standards and Technology. (10 minutes)

5. McKinley (WV): When reporting to the Congress, the amendment will, additionally, require the EPA to look at the economic impact of such rule or guidelines, including the potential effects on: require capital investments and projected costs for operation and maintenance of new equipment required to be installed; and the global competitiveness of the United States. (10 minutes)

6. Schakowsky (IL), Lowenthal (CA): Accepts the scientific finding of the EPA that greenhouse gas pollution is “contributing to long-lasting changes in our climate that can have a range of negative effects.” (10 minutes)

7. Latta (OH): Clarifies that the definition of “demonstration project” refers to projects that are receiving federal government funding or financial assistance. (10 minutes)

8. Waxman (CA): Provides that the bill takes effect when the Administrator of the EIA certifies that another Federal program, other than one under section 111 of the Clean Air Act, will reduce carbon pollution in at least equivalent quantities, with similar timing and from the same sources as the reductions required under the rules and guidelines nullified by section 4. (10 minutes)

## TEXT OF AMENDMENTS TO H.R. 3826 MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, lines 7 to 8, strike “within the coal category” and insert “within a fossil-fuel category”.

## 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPPS OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In section 2(b)(2)(A)(i), insert “or elsewhere” after “in the United States”.

In section 2(c)(2)(A)(i), insert “or elsewhere” after “in the United States”.

## 3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPITO OF WEST VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 2, add the following:

(d) TECHNOLOGIES.—Nothing in this section shall be construed to preclude the issuance, implementation, or enforcement of a standard of performance that—

(1) is based on the use of one or more technologies that are developed in a foreign country, but has been demonstrated to be achievable at fossil fuel-fired electric utility generating units in the United States; and

(2) meets the requirements of subsection (b) and (c), as applicable.

## 4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 3, add the following new subsection:

(d) CONSULTATION.—In carrying out subsection (c), the Administrator of the Environmental Protection Agency shall consult with the Administrator of the Energy Information Administration, the Comptroller General of the United States, the Director of the National Energy Technology Laboratory, and the Under Secretary of Commerce for Standards and Technology.

## 5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 17, strike “; and” and insert a semicolon.

Page 5, line 19, strike “States.” and insert “States;”.<sup>1</sup>

Page 5, after line 19, insert the following:

(C) required capital investments and projected costs for operation and maintenance of new equipment required to be installed; and

(D) the global economic competitiveness of the United States.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHAKOWSKY OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Redesignate section 5 as section 6 and insert after section 4 the following:

**SEC. 5. CONGRESSIONAL ACCEPTANCE OF SCIENTIFIC FINDINGS.**

Congress accepts the scientific finding (contained in the proposed rule referred to in section 4(2)) that greenhouse gas pollution is “contributing to long-lasting changes in our climate that can have a range of negative effects”.

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7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LATTA OF OHIO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 4, strike “government” and insert “Federal Government”.

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

At the end of the bill, add the following:

**SEC. 6. EFFECTIVE DATE.**

This Act shall take effect when the Administrator of the Energy Information Administration certifies that a Federal program, other than a program under section 111 of the Clean Air Act (42 U.S.C. 7411), will reduce carbon pollution in at least equivalent quantities to, with similar timing, and from the same sources as the carbon pollution reductions required in the aggregate by the rules and guidelines listed in paragraphs (2), (3), and (4) of section 4.