

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1422) TO AMEND THE ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION AUTHORIZATION ACT OF 1978 TO PROVIDE FOR SCIENTIFIC ADVISORY BOARD MEMBER QUALIFICATIONS, PUBLIC PARTICIPATION, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4012) TO PROHIBIT THE ENVIRONMENTAL PROTECTION AGENCY FROM PROPOSING, FINALIZING, OR DISSEMINATING REGULATIONS OR ASSESSMENTS BASED UPON SCIENCE THAT IS NOT TRANSPARENT OR REPRODUCIBLE; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4795) TO PROMOTE NEW MANUFACTURING IN THE UNITED STATES BY PROVIDING FOR GREATER TRANSPARENCY AND TIMELINESS IN OBTAINING NECESSARY PERMITS, AND FOR OTHER PURPOSES; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM NOVEMBER 21, 2014, THROUGH NOVEMBER 28, 2014

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NOVEMBER 17, 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. 756]

The Committee on Rules, having had under consideration House Resolution 756, by a record vote of 7 to 2, 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. 1422, the EPA Science Advisory Board Reform Act of 2013, under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Science, Space, and Technology. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Science, Space, and Technology now printed in the bill shall be considered as adopted, and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only the further amendment printed in part A of this report, if offered by Representative Stewart of Utah or his designee. That amendment shall be considered as read, shall be separately debatable for 10 minutes 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. The resolution waives all points of order against the amendment printed in part A of this report. The rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 4012, the Secret Science Reform Act of 2014, 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 Science, Space, and Technology. 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 113–57 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 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 part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of H.R. 4795, the Promoting New Manufacturing 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 waives all points of order against provisions in the bill. The resolution makes in order only those further amendments printed in part C of 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 part C of this report. The resolution provides one motion to recommit with or without instructions.

Section 4 of the resolution provides that on any legislative day during the period from November 21, 2014, through November 28, 2014: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 5 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4.

## EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1422, 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 provisions in H.R. 1422, as amended, 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 to H.R. 1422 printed in part A of 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.R. 4012, 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. 4012 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. 4012 printed in part B of 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.R. 4795, 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 provisions in H.R. 4795, 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. 4795 printed in part C of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

*Rules Committee record vote No. 195*

Motion by Mr. Bishop of Utah to report the rule. Adopted: 7–2

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

## SUMMARY OF THE AMENDMENT TO H.R. 1422 IN PART A MADE IN ORDER

1. Stewart (UT): Makes technical changes to conform with recent amendments to the underlying statute. It also reiterates the independence of the Science Advisory Board and clarifies pre-existing language. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 4012 IN PART B MADE IN ORDER

1. Gosar (AZ): Mandates that the EPA make all scientific and technical information relied upon for rulemaking available online before proposing or finalizing new regulations. (10 minutes)

2. Kennedy (MA), McGovern (MA), Clark, Katherine (MA): Allows the EPA to use all peer-reviewed scientific publications. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 4795 IN PART C MADE IN ORDER

1. McNerney (CA): States that outdated air quality standards do not apply toward a preconstruction permit if the applicable federal, state, or local permitting agency determines that applying it would likely increase air pollution, slow permitting, or increase regulatory uncertainty. (10 minutes)

2. Whitfield (KY): Clarifies that Section 3(b) of the bill does not prohibit States from imposing new or revised federal air quality standards under state or local law. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 1422 MADE IN ORDER

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

Page 3, line 7, through page 9, line 1, redesignate subsections (a) through (e) as subsections (b) through (f), respectively.

Page 3, after line 6, insert the following new subsection:

(a) INDEPENDENT ADVICE.—Section 8(a) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365(a)) is amended by inserting “independently” after “Advisory Board which shall”.

Page 3, line 14, strike “in consultation with the Administrator”.

Page 3, lines 18 through 20, strike “select Board” and all that follows through “and shall”.

Page 4, line 18, strike “and” and insert “or”.

Page 5, line 3, insert “the Interior,” after “Energy,”.

Page 5, line 5, strike “them” and insert “each”.

Page 6, line 17, insert “or draft” before “risk”.

Page 6, line 18, strike “and”.

Page 6, line 19, redesignate subparagraph (B) as subparagraph (C).

Page 6, after line 18, insert the following new subparagraph:

(B) by striking “formal”; and

Page 6, line 19, insert “or draft” before “risk”.

Page 6, line 22, insert “or draft” before “risk”.

Page 7, line 10, insert “(1)(A)” after “(e)” both places it appears.

Page 7, lines 13, 17, and 19, redesignate paragraphs (1) through (3) as clauses (i) through (iii), respectively, and conform the margins accordingly.

Page 7, lines 22 and 23, strike “by adding after subsection (g) the following” and inserting “by amending subsection (h) to read as follows”.

Page 9, lines 2 and 3, strike “by adding after subsection (h), as added by subsection (d) of this section, the following” and inserting “by amending subsection (i) to read as follows”.

Page 9, line 11, insert “or Congress” after “the Administrator”.

Page 9, line 15, strike “and the Administrator” and insert “, the Administrator, and Congress”.

Page 9, line 19, after paragraph (4) insert the following new paragraph:

“(5) The Board shall be fully and timely responsive to Congress.

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PART B—TEXT OF AMENDMENTS TO H.R. 4012 MADE IN ORDER

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

Page 1, line 13, insert “online” after “publicly available”.

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

At the end of the bill, add the following:

**SEC. 3. ENSURING THE USE OF THE BEST SCIENCE.**

Nothing in this Act shall prevent the Administrator of the Environmental Protection Agency from considering or relying upon any peer-reviewed scientific publication even if such publication is based on data that is prohibited from public disclosure.

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PART C—TEXT OF AMENDMENTS TO H.R. 4795 MADE IN ORDER

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

In section 3(b), strike “If the Administrator fails” and insert

(1) STANDARD NOT APPLICABLE.—Except as provided in paragraph (2), if the Administrator fails

At the end of section 3(b), add the following:

(2) STANDARD APPLICABLE.—Paragraph (1) 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 paragraph is likely to—

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

(B) slow issuance of final preconstruction permits;

(C) increase regulatory uncertainty;

(D) foster additional litigation;

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

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

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

Page 6, after line 10, insert the following:

(3) Nothing in this section shall be construed to limit the authority of a State, local, or tribal permitting authority to impose more stringent emissions requirements pursuant to State, local, or tribal law than Federal national ambient air quality standards established by the Environmental Protection Agency.

