

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 2576) TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 897) TO AMEND THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT TO CLARIFY CONGRESSIONAL INTENT REGARDING THE REGULATION OF THE USE OF PESTICIDES IN OR NEAR NAVIGABLE WATERS, AND FOR OTHER PURPOSES

MAY 23, 2016.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 742]

The Committee on Rules, having had under consideration House Resolution 742, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for the consideration of the Senate amendment to H.R. 2576, the TSCA Modernization Act of 2015. The resolution makes in order a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendment to H.R. 2576 with an amendment inserting the text of Rules Committee Print 114-54, modified by the amendment printed in this report, in lieu of the matter proposed to be inserted by the Senate. The resolution waives all points of order against consideration of the motion and provides that the motion is not subject to a demand for division of the question. The resolution provides that the Senate amendment and the motion shall be considered as read. The resolution provides one hour of debate on the motion equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce.

Section 2 of the resolution provides for consideration of H.R. 897, the Reducing Regulatory Burdens Act of 2015, 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 Transportation and Infrastructure. The resolution waives all points of order against consideration of the bill. The resolution

provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–53 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 provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the motion on H.R. 2576 includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment, and

Although the resolution waives all points of order against consideration of H.R. 897, 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. 897, as amended, 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. 175

Motion by Ms. Slaughter to report an open rule for H.R. 897 and provide an open process for consideration of the Senate amendment to H.R. 2576. Defeated: 4–6

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

SUMMARY OF THE AMENDMENT TO THE HOUSE AMENDMENT (H.R. 2576) CONSIDERED AS ADOPTED

1. Shimkus (IL): Makes technical and conforming changes to the Rules Committee Print 114–54 and makes additional changes including modification to preemption and deletion of a low hazard chemical designation.

TEXT OF THE AMENDMENT TO THE HOUSE AMENDMENT (H.R. 2576) CONSIDERED AS ADOPTED

Page 12, after line 18, insert the following (and redesignate accordingly):

- (i) by striking “or will present”;
- Page 20, line 9, strike “(C), or (D)” and insert “or (C)”.
- Page 20, line 21, strike “or will present”.

- Page 22, line 6, insert “or” after the semicolon.
- Page 22, line 8, strike “likely not” and insert “not likely”.
- Page 22, line 18, strike “; or” and insert a period.
- Page 22, lines 19 through 24, strike subparagraph (D).
- Page 30, after line 4, insert the following (and redesignate accordingly):
- (iii) by striking “or will present”;
- Page 33, line 9, strike “likely not” and insert “not likely”.
- Page 33, lines 10 through 12, strike “or in accordance with subsection (a)(3)(D) that the chemical substance is a low-hazard substance,”.
- Page 35, after line 16, insert the following (and redesignate accordingly):
- (B) by striking “or will present”;
- Page 38, line 7, strike “Except as provided in clause (iii), the” and insert “The”.
- Page 38, line 17, through page 39, line 3, strike clause (iii).
- Page 40, line 24, strike “at least”.
- Page 41, line 12, strike “or low-hazard”.
- Page 43, line 7, strike “or a low-hazard substance”.
- Beginning on page 46, line 24, strike “and that are not drawn from the 2014 update of the TSCA Work Plan for Chemical Assessments”.
- Page 62, beginning on line 5, strike “that meets the criteria prescribed by the Administrator in the rule promulgated under subsection (b)(4)(B)”.
- Page 67, lines 14 through 19, strike subparagraph (C).
- Page 81, line 14, strike “and”.
- Page 81, after line 14, insert the following (and redesignate accordingly):
- (ii) by striking “or will present”; and
- Page 84, strike line 17 and insert “**SEC. 10. EXPORTS.**”.
- Page 84, after line 17, insert the following (and redesignate accordingly):
- (a) IN GENERAL.—Section 12(a)(2) of the Toxic Substances Control Act (15 U.S.C. 2611(a)(2)) is amended by striking “will present” and inserting “presents”.
- Page 107, strike lines 4 through 9 and insert “to the information;”.
- Page 109, line 3, strike “; and” and insert a semicolon.
- Page 109, line 6, strike the period and insert “; and”.
- Page 109, after line 6, insert the following:
- “(9) shall be disclosed as required pursuant to discovery, subpoena, other court order, or any other judicial process otherwise allowed under applicable Federal or State law.
- Page 129, strike lines 21 through 25 and insert “section 6(b)(1)(B)(i).”.
- Page 130, line 4, insert “criminal penalty assessed,” after “statute enacted,”.
- Page 130, line 16, insert “, 5, or 6” after “section 4”.
- Page 130, strike lines 17 through 21 and insert the following:
- “(2) with respect to subsection (b), the hazards, exposures, risks, and uses or conditions of use of such chemical substances included in the scope of the risk evaluation pursuant to section 6(b)(4)(D);

“(3) with respect to subsection (a)(1)(B), the hazards, exposures, risks, and uses or conditions of use of such chemical substances included in any final action the Administrator takes pursuant to section 6(a) or 6(i)(1); or

Page 130, line 22, strike “(3)” and insert “(4)”.

Page 143, line 19, strike “or (iii)”.

Page 157, line 13, strike “and(ii)”.

Page 157, line 19, strike “6(b)(4)(A)(ii)” and insert “6(b)(4)(C)(ii)”.

Page 173, line 3, strike “or (f)”.

Page 173, strike lines 4 through 7 and insert the following:

(iii) in clause (ii), by striking “section 6 or 8 or an order under section 6(b)(2), there is a reasonable basis to conclude that the issuance of such a rule or order is necessary to protect health or the environment against an unreasonable risk of injury to health or the environment” and inserting “section 6(a) or 8 or an order under section 5(f), the chemical substance or mixture to be subject to such rule or order presents an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation, under the conditions of use”.