

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1732) TO PRESERVE EXISTING RIGHTS AND RESPONSIBILITIES WITH RESPECT TO WATERS OF THE UNITED STATES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY THE CONCURRENT RESOLUTION (S. CON. RES. 11) SETTING FORTH THE CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2016 AND SETTING FORTH THE APPROPRIATE BUDGETARY LEVELS FOR FISCAL YEARS 2017 THROUGH 2025; AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 43) DISAPPROVING THE ACTION OF THE DISTRICT OF COLUMBIA COUNCIL IN APPROVING THE REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT OF 2014

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APRIL 29, 2015.—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. 231]

The Committee on Rules, having had under consideration House Resolution 231, by a record vote of 8 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. 1732, the Regulatory Integrity Protection Act of 2015, 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 Transportation and Infrastructure. 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 114-13 modified by the amendment printed in part A of the Rules Committee report, 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 further 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 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 2 of the resolution provides for consideration of the conference report to accompany S. Con. Res. 11, the Concurrent Resolution on the Budget for Fiscal Year 2016. The resolution waives all points of order against the conference report and against its consideration. The resolution provides that the conference report shall be considered as read. The resolution provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate.

Section 3 of the resolution provides that section 604(g) of the District of Columbia Home Rule Act shall not apply in the case of H.J. Res. 43, disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014.

Section 4 of the resolution provides for consideration of H.J. Res. 43, disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014, 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 Oversight and Government Reform or their respective designees. The resolution waives all points of order against consideration of the joint resolution. The resolution provides that the joint resolution shall be considered as read. The resolution waives all points of order against provisions in the joint resolution. The resolution provides that pursuant to section 604(h) of the Home Rule Act, a motion to recommit is not in order to the joint resolution if under consideration while the act of the D.C. Council is within the congressional review period prescribed in section 602 of such Act.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 1732, 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. 1732 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 part B of 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 the conference report and its consideration includes a waiver of clause 9 of rule XXII, which prohibits the inclusion of matter in a conference report not committed to the conference by either House.

The waiver of all points of order against consideration of H.J. Res. 43 includes a waiver of clause 4(a) of rule XIII, requiring the three-day layover of a committee report.

Although the resolution waives all points of order against provisions in H.J. Res. 43, 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. 41*

Motion by Ms. Foxx to report the rule. Adopted: 8–3

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

SUMMARY OF THE AMENDMENT TO H.R. 1732 IN PART A CONSIDERED AS ADOPTED

1. Shuster (PA): Clarifies that the Act will be carried out with existing funds.

SUMMARY OF THE AMENDMENTS TO H.R. 1732 IN PART B MADE IN ORDER

1. Edwards (MD): Provides policy provisions that the Secretary and Administrator are prohibited from including in a final rule. (10 minutes)

2. Kildee (MI): Gives a state two years to become compliant with the new ‘waters of the U.S.’ rule in order to protect a state from automatically losing their state permitting programs through the Clean Water Act because of the new rule. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 1732 CONSIDERED AS ADOPTED

At the end of the bill, add the following:

**SEC. 4. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.**

No additional funds are authorized to be appropriated to carry out this Act, and this Act shall be carried out using amounts otherwise available for such purpose.

PART B—TEXT OF AMENDMENTS TO H.R. 1732 MADE IN ORDER

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

Strike sections 2 and 3 and insert the following:

**SEC. 2. LIMITATION.**

The Secretary of the Army and the Administrator of the Environmental Protection Agency are prohibited from implementing any final rule that is based on the proposed rule described in the notice of proposed rule published in the Federal Register entitled “Defini-

tion of ‘Waters of the United States’ Under the Clean Water Act” (79 Fed. Reg. 22188 (April 21, 2014)) if such final rule—

(1) expands the scope of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) beyond those waterbodies covered prior to the decisions of the United States Supreme Court in *Solid Waste Agency of Northern Cook County v. United States Army Corps of Engineers*, 531 U.S. 159 (2001), and *Rapanos v. United States*, 547 U.S. 715 (2006);

(2) is inconsistent with the judicial opinions of Justice Scalia or Justice Kennedy in *Rapanos v. United States*;

(3) authorizes Federal Water Pollution Control Act jurisdiction over a waterbody based solely on the presence of migratory birds on such waterbody;

(4) increases the regulation of ditches, including roadside ditches, when compared to existing Federal Water Pollution Control Act regulations or guidance;

(5) increases the scope of the Federal Water Pollution Control Act with respect to municipal separate sanitary sewer systems, water supply canals, or other water delivery systems;

(6) eliminates historical statutory or regulatory exemptions for agriculture, silviculture, or ranching;

(7) increases the scope of the Federal Water Pollution Control Act with respect to groundwater or water reuse or recycling projects;

(8) requires Federal Water Pollution Control Act regulation of erosional features;

(9) requires Federal Water Pollution Control Act permits for land-use activities;

(10) requires Federal Water Pollution Control Act regulation of artificial farm and stock ponds, puddles, water on driveways, birdbaths, or playgrounds;

(11) is inconsistent with the latest peer-reviewed scientific studies;

(12) was promulgated without consulting with State and local governmental entities; or

(13) was promulgated without public notice or comment.

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

At the end of the bill, add the following:

**SEC. 4. EFFECT ON STATE PERMIT PROGRAMS.**

(a) IN GENERAL.—If the Administrator of the Environmental Protection Agency, based on the proposed rule developed under section 3, issues a final rule to define the term “waters of the United States” as used in the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Administrator shall—

(1) not later than 90 days after the date of issuance of the final rule, review each permit program being administered by a State under section 402, 404, or 405 of that Act (33 U.S.C. 1342, 1344, or 1345) to determine whether the permit program complies with the terms of the final rule; and

(2) not later than 10 days after the date of completion of the review, notify the State of—

(A) the Administrator's determination under paragraph (1); and

(B) in any case in which the Administrator determines that a permit program does not comply with the final rule, the actions required to bring the permit program into compliance.

(b) COMPLIANCE PERIOD.—During the 2-year period beginning on the date on which the Administrator provides notice to a State under subsection (a)(2), the Administrator may not withdraw approval of a State permit program referred to in subsection (a)(1) on the basis that the permit program does not comply with the terms of a final rule described in subsection (a).

(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed to limit or otherwise affect the authority of the Administrator under the Federal Water Pollution Control Act or any other provision of law—

(1) to withdraw approval of a State permit program referred to in subsection (a)(1), except as specifically prohibited by subsection (b); or

(2) to disapprove a proposed permit under a State permit program referred to in subsection (a).