

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1023) TO REPEAL SECTION 134 OF THE CLEAN AIR ACT, RELATING TO THE GREENHOUSE GAS REDUCTION FUND; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1121) TO PROHIBIT A MORATORIUM ON THE USE OF HYDRAULIC FRAC-TURING; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6009) TO REQUIRE THE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT TO WITHDRAW THE PROPOSED RULE RELATING TO FLUID MINERAL LEASES AND LEASING PROCESS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 86) EXPRESSING THE SENSE OF CONGRESS THAT A CARBON TAX WOULD BE DETRIMENTAL TO THE UNITED STATES ECONOMY; PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 987) DENOUNCING THE HARMFUL, ANTI-AMERICAN ENERGY POLICIES OF THE BIDEN ADMINISTRATION, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7023) TO AMEND SECTION 404 OF THE FEDERAL WATER POLLUTION CONTROL ACT TO CODIFY CERTAIN REGULATORY PROVISIONS RELATING TO NATIONWIDE PERMITS FOR DREDGED OR FILL MATERIAL, AND FOR OTHER PURPOSES

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MARCH 19, 2024.—Referred to the House Calendar and ordered to be printed

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

## R E P O R T

[To accompany H. Res. 1085]

The Committee on Rules, having had under consideration House Resolution 1085, by a record vote of 8 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. 1023, the Cutting Green Corruption and Taxes Act, under a closed rule. 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 118-26 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 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce or their respective designees. The resolution provides for one

motion to recommit. The resolution further provides for consideration of H.R. 1121, the Protecting American Energy Production Act, under a closed rule. 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 hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources or their respective designees. The resolution provides for one motion to recommit. The resolution further provides for consideration of H.R. 6009, the Restoring American Energy Dominance Act, under a closed rule. 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 Natural Resources 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 provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources or their respective designees. The resolution provides for one motion to recommit. The resolution further provides for consideration of H. Con. Res. 86, Expressing the sense of Congress that a carbon tax would be detrimental to the United States economy, under a closed rule. The resolution waives all points of order against consideration of the concurrent resolution. The resolution provides that the concurrent resolution shall be considered as read. The resolution waives all points of order against provisions in the concurrent resolution. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means or their respective designees. The resolution further provides for consideration of H. Res. 987, Denouncing the harmful, anti-American energy policies of the Biden Administration, and for other purposes, under a closed rule. The resolution provides that upon adoption of the resolution it shall be in order without intervention of any point of order to consider H. Res. 987. The resolution provides that H. Res. 987 shall be considered as read. 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 or their respective designees. The resolution further provides for consideration of H.R. 7023, the Creating Confidence in Clean Water Permitting Act, under a structured rule. The resolution waives all points of order against consideration of the bill. 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 or their respective designees. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118-25 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 those further amendments printed in the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be consid-

ered as read, shall be debatable for the time specified in the 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. All points of order against the amendments printed in the report are waived. The resolution provides for one motion to recommit.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 1023 includes:

—Clause 3(d)(1) of rule XIII, which requires the inclusion of committee cost estimate in a committee report.

—Clause 3(e) of rule XIII, which requires the inclusion of a comparative print for a bill or joint resolution proposing to repeal or amend a statute.

Although the resolution waives all points of order against provisions in H.R. 1023, 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 consideration of H.R. 1121, 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. 1121, 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. 6009 includes:

—Clause 3(c)(6) of rule XIII, which requires the committee report on a bill or joint resolution to be considered pursuant to a special order of business reported by the Committee on Rules include i) a list of related committee and subcommittee hearings; and ii) a designation of at least one committee hearing that was used to develop or consider such measure.

Although the resolution waives all points of order against provisions in H.R. 6009, 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 consideration of H. Con. Res. 86, 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. Con. Res. 86, 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. Res. 987, 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. 7023 includes:

—Clause 3(d)(1) of rule XIII, which requires the inclusion of committee cost estimate in a committee report.

Although the resolution waives all points of order against provisions in H.R. 7023, 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 amendments printed in the report, 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. 207*

Motion by Mr. McGovern to amend the rule to make in order amendment #19 to H.R. 7023, offered by Representative Gluesenkamp Perez, which prohibits implementation of this bill until it is shown that it will not result in discharges that have adverse effects on shellfish aquacultures and coastal fisheries. Defeated: 3–8

| Majority Members         | Vote  | Minority Members          | Vote  |
|--------------------------|-------|---------------------------|-------|
| Mr. Burgess .....        | Nay   | Mr. McGovern .....        | Yea   |
| Mr. Reschenthaler .....  | Nay   | Ms. Scanlon .....         | Yea   |
| Mrs. Fischbach .....     | Nay   | Mr. Neguse .....          | ..... |
| Mr. Massie .....         | Nay   | Ms. Leger Fernandez ..... | Yea   |
| Mr. Norman .....         | Nay   |                           |       |
| Mr. Roy .....            | Nay   |                           |       |
| Mrs. Houchin .....       | Nay   |                           |       |
| Mr. Langworthy .....     | Nay   |                           |       |
| Mr. Cole, Chairman ..... | ..... |                           |       |

*Rules Committee record vote No. 208*

Motion by Ms. Scanlon to amend the rule to make in order amendments #2 and #4 to H.R. 7023, offered by Representatives Scholten and Ryan, respectively. Amendment #2 prohibits implementation of this bill until it is shown that it will not result in discharges that may have adverse effects on the health of children or infants; amendment #4 requires a determination before the bill can take effect that its provisions will not result in an increase in the discharge of pollutants. Defeated: 3–8

| Majority Members         | Vote  | Minority Members          | Vote  |
|--------------------------|-------|---------------------------|-------|
| Mr. Burgess .....        | Nay   | Mr. McGovern .....        | Yea   |
| Mr. Reschenthaler .....  | Nay   | Ms. Scanlon .....         | Yea   |
| Mrs. Fischbach .....     | Nay   | Mr. Neguse .....          | ..... |
| Mr. Massie .....         | Nay   | Ms. Leger Fernandez ..... | Yea   |
| Mr. Norman .....         | Nay   |                           |       |
| Mr. Roy .....            | Nay   |                           |       |
| Mrs. Houchin .....       | Nay   |                           |       |
| Mr. Langworthy .....     | Nay   |                           |       |
| Mr. Cole, Chairman ..... | ..... |                           |       |

*Rules Committee record vote No. 209*

Motion by Ms. Leger Fernandez to amend the rule to make in order amendment #2 to H.R. 1121, offered by Representative Leger Fernandez, which requires the Secretary of the Interior to certify that at least 99 percent of the methane released from the production of oil and gas from hydraulic fracturing on federal land is and will continue to be captured before the bill can go into effect. Defeated: 4–8

| Majority Members        | Vote | Minority Members   | Vote |
|-------------------------|------|--------------------|------|
| Mr. Burgess .....       | Nay  | Mr. McGovern ..... | Yea  |
| Mr. Reschenthaler ..... | Nay  | Ms. Scanlon .....  | Yea  |

| Majority Members         | Vote  | Minority Members          | Vote |
|--------------------------|-------|---------------------------|------|
| Mrs. Fischbach .....     | Nay   | Mr. Neguse .....          | Yea  |
| Mr. Massie .....         | Nay   | Ms. Leger Fernandez ..... | Yea  |
| Mr. Norman .....         | Nay   |                           |      |
| Mr. Roy .....            | Nay   |                           |      |
| Mrs. Houchin .....       | Nay   |                           |      |
| Mr. Langworthy .....     | Nay   |                           |      |
| Mr. Cole, Chairman ..... | ..... |                           |      |

*Rules Committee record vote No. 210*

Motion by Ms. Leger Fernandez to amend the rule to make in order amendment #14 to H.R. 7023, offered by Representative Porter, which provides that the bill cannot take effect until it's determined that nothing in the Act will cause an increase in pollutants in the Colorado River Basin which provides clean drinking water to Colorado River Basin states and tribal communities in the Western United States. Defeated: 4–8

| Majority Members         | Vote  | Minority Members          | Vote |
|--------------------------|-------|---------------------------|------|
| Mr. Burgess .....        | Nay   | Mr. McGovern .....        | Yea  |
| Mr. Reschenthaler .....  | Nay   | Ms. Scanlon .....         | Yea  |
| Mrs. Fischbach .....     | Nay   | Mr. Neguse .....          | Yea  |
| Mr. Massie .....         | Nay   | Ms. Leger Fernandez ..... | Yea  |
| Mr. Norman .....         | Nay   |                           |      |
| Mr. Roy .....            | Nay   |                           |      |
| Mrs. Houchin .....       | Nay   |                           |      |
| Mr. Langworthy .....     | Nay   |                           |      |
| Mr. Cole, Chairman ..... | ..... |                           |      |

*Rules Committee record vote No. 211*

Motion by Mr. Reschenthaler to report the rule. Adopted: 8–4

| Majority Members         | Vote  | Minority Members          | Vote |
|--------------------------|-------|---------------------------|------|
| Mr. Burgess .....        | Yea   | Mr. McGovern .....        | Nay  |
| Mr. Reschenthaler .....  | Yea   | Ms. Scanlon .....         | Nay  |
| Mrs. Fischbach .....     | Yea   | Mr. Neguse .....          | Nay  |
| Mr. Massie .....         | Yea   | Ms. Leger Fernandez ..... | Nay  |
| Mr. Norman .....         | Yea   |                           |      |
| Mr. Roy .....            | Yea   |                           |      |
| Mrs. Houchin .....       | Yea   |                           |      |
| Mr. Langworthy .....     | Yea   |                           |      |
| Mr. Cole, Chairman ..... | ..... |                           |      |

SUMMARY OF THE AMENDMENTS TO H.R. 7023 MADE IN ORDER

1. Bergman (MI), James (MI), Moolenaar (MI), McClain (MI), Huizenga (MI): Clarifies that no part of the act affects the existing ban on oil and gas drilling in the Great Lakes. (10 minutes)

2. Garamendi (CA), Graves (LA), Swalwell (CA): Inserts Rep. Garamendi's bipartisan H.R. 1181 to allow USEPA and states with delegated authority under the Clean Water Act to issue National Pollutant Discharge Elimination System (NPDES) permits for public works (e.g., wastewater treatment or water recycling/reuse plants owned/operated by local governments) for up to 10 years from the current maximum of 5-year permit terms. This amendment would not affect Clean Water Act permitting for non-publicly owned projects like industrial polluters, which have 5-year NPDES permit terms under current law. (10 minutes)

3. Houlihan (PA), Garbarino (NY), Valadao (CA), Lawler (NY): Requires a report from EPA and the Army Corps of Engineers on the staffing needs for processing and issuing permits under the Federal Water Pollution Control Act and the impact additional funding for full-time employees would have on processing timelines for permits. (10 minutes)

4. James (MI): Ensures nothing in this act, including amendments, should affect the EPA's ability to research PFAS chemicals. (10 minutes)

5. Moolenaar (MI): Prohibits permits from being issued for any discharge from a source that is owned or operated by companies—or the subsidiaries of said companies—that are under the jurisdiction of China, Iran, North Korea, or Russia. (10 minutes)

6. Rose (TN): Requires a report from the Environmental Protection Agency to Congress on the number of additional homes expected to be built in the U.S. during the 10 year period following enactment of H.R. 7023 as a result of the implementation of H.R. 7023. (10 minutes)

7. Bean (FL), Franklin (FL), Dunn (FL), Mast (FL), Rutherford (FL), Donalds (FL), Webster (FL), Steube (FL), Cammack (FL): Codifies Florida's Clean Water Act Section 404 Program and the Programmatic Biological Opinion with Incidental Take Statement, as referenced in 85 Federal Register 83,553 (December 22, 2020). (10 minutes)

8. Graves (LA), Perry (PA): Limits the authorization for certain linear infrastructure projects if federal expenses turn out to exceed their predicted cost. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 7023 MADE IN ORDER

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

Add at the end the following:

**SEC. \_\_. RULE OF CONSTRUCTION.**

Nothing in this Act, including the amendments made by this Act, may be construed as affecting the ban on oil and gas development in the Great Lakes described in section 386 of the Energy Policy Act of 2005 (42 U.S.C. 15941).

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

Page 3, after line 11, insert the following:

**SEC. 4. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) TERMS.**

Section 402(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)(1)(B)) is amended to read as follows:

“(B) are for fixed terms—

“(i) not exceeding 10 years, for a permit issued to a State or municipality; and

“(ii) not exceeding 5 years, for a permit issued to any person not described in clause (i); and”.

Page 5, after line 4, insert the following:

(b) TECHNICAL CORRECTIONS.—Section 402(l)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1342(l)(3)) is amended—

(1) in subparagraph (B)—

(A) by striking “section 402” and inserting “this section”; and

(B) by striking “federal” and inserting “Federal”; and

(2) in subparagraph (C)—

(A) by striking “Section” and inserting “section”;

(B) by striking “402(p)(6)” and inserting “subsection (p)(6)”;

(C) by striking “402(1)(3)(A),” and inserting “subparagraph (A),”; and

(D) by striking “402(1)(3)(A).” and inserting “such subparagraph.”.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOULAHAN OF PENNSYLVANIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end the following:

**SEC. \_\_\_\_ . REPORT ON CORPS STAFFING NEEDS.**

Not later than 60 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Secretary of the Army, acting through the Chief of Engineers, shall submit to Congress a report on—

(1) the staffing needs of the Environmental Protection Agency and the Corps of Engineers to process applications for, and issue, permits under the Federal Water Pollution Control Act, based on the number of such applications submitted during the 5-year period preceding such date of enactment; and

(2) the impact that funding for additional full-time employees would have on processing timelines for such permits.

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

Add at the end the following:

**SEC. \_\_\_\_ . SAVINGS CLAUSE RELATING TO PFAS.**

Nothing in this Act, including the amendments made by this Act, shall affect the authority of the Administrator of the Environmental Protection Agency to conduct research on perfluoroalkyl and polyfluoroalkyl substances.

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

Insert after section 7 the following:

**SEC. 8. LIMITATION ON PERMIT ISSUANCE.**

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

**“SEC. 407. LIMITATION ON PERMIT ISSUANCE.**

“(a) PROHIBITION.—No permit may be issued under this title for any discharge from a point source that is owned or operated by an entity that—

“(1) is subject to the jurisdiction of a foreign country of concern (as defined in section 9901(7) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(7)); or

“(2) is a subsidiary of an entity that is subject to the jurisdiction of a foreign country of concern (as so defined).

“(b) APPLICATION.—This section shall be applied in a manner consistent with the obligations of the United States under applicable international agreements.”.

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**6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSE OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Add at the end the following:

**SEC. \_\_\_\_ . REPORT ON ADDITIONAL HOMES.**

The Administrator of the Environmental Protection Agency shall submit to Congress a report on the number of additional homes expected to be built in the United States during the 10-year period following the date of enactment of this Act as a result of the implementation of this Act (including the amendments made by this Act).

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**7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEAN OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Add at the end the following:

**SEC. 9. APPROVAL OF FLORIDA PERMIT PROGRAM.**

The notice of the Environmental Protection Agency approving the State of Florida’s request to carry out a permit program for the discharge of dredged or fill material pursuant to section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344), published on December 22, 2020, and titled “EPA’s Approval of Florida’s Clean Water Act Section 404 Assumption Request” (85 Fed. Reg. 83553) shall have the force and effect of law.

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**8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 8, strike lines 15 and 16, and insert the following:

“(B) LIMITATION.—A general permit issued under subparagraph (A) may not authorize an activity of an excluded project if the Comptroller General makes a determination—

“(i) during the period ending on September 30, 2026, that the total amount of covered credits claimed exceeds the amount of covered credits predicted to be claimed in the cost estimate of the Congressional Budget Office for fiscal years 2022 through 2026; or

“(ii) during the period ending on September 30, 2031, that the total amount of covered credits claimed

exceeds the amount of covered credits predicted to be claimed in the cost estimate of the Congressional Budget Office for fiscal years 2027 through 2031.

“(C) DEFINITIONS.—In this paragraph:

“(i) COVERED CREDIT.—The term ‘covered credit’ means any tax credit under the amendments made by sections 13101, 13102, and 13103 of Public Law 117–169 (commonly known as the Inflation Reduction Act).

“(ii) EXCLUDED PROJECT.—The term ‘excluded project’ means a linear infrastructure project for the transmission of electricity with respect to which—

“(I) the taxpayer has received or expects to receive a covered credit; and

“(II) the Secretary has not verified that an activity of the project is authorized by the applicable general permit before the date on which the Comptroller General makes a determination described in subparagraph (B).

“(iii) LINEAR INFRASTRUCTURE PROJECT.—The term