

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2218) TO AMEND SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT TO ENCOURAGE RECOVERY AND BENEFICIAL USE OF COAL COMBUSTION RESIDUALS AND ESTABLISH REQUIREMENTS FOR THE PROPER MANAGEMENT AND DISPOSAL OF COAL COMBUSTION RESIDUALS THAT ARE PROTECTIVE OF HUMAN HEALTH AND THE ENVIRONMENT, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1582) TO PROTECT CONSUMERS BY PROHIBITING THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY FROM PROMULGATING AS FINAL CERTAIN ENERGY-RELATED RULES THAT ARE ESTIMATED TO COST MORE THAN \$1 BILLION AND WILL CAUSE SIGNIFICANT ADVERSE EFFECTS TO THE ECONOMY

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JULY 23, 2013.—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. 315]

The Committee on Rules, having had under consideration House Resolution 315, by a 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. 2218, the Coal Residuals Reuse and Management Act of 2013, 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 provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as original text for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in Part A 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 A of this report. The resolution provides one motion to recommit with or without instructions.

The resolution also provides for consideration of H.R. 1582, the Energy Consumers Relief Act of 2013, 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 113–19 and provides that it shall be considered as read. The resolution waives all points of order against the 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.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 2218, 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 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. 1582, 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 Part B of this 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. 61*

Motion by Ms. Slaughter to report open rules for H.R. 2218 and H.R. 1582. Defeated: 4–8.

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

*Rules Committee record vote No. 62*

Motion by Mr. Bishop of Utah to report the rule. Adopted: 8–4.

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

SUMMARY OF THE AMENDMENTS TO H.R. 2218 IN PART A MADE IN ORDER

1. Connolly (VA): Requires States to update their certification documents with EPA and to include in those documents a State emergency action plan for responding to spills or leaks. (10 minutes)

2. Waxman (CA): Ensures that state permit programs are protective of human health and the environment. (10 minutes)

3. Tonko (NY): Requires the EPA Administrator to find a State coal combustion residual permit program deficient if the implementation of the program threatens human health or the environment in any other State. Any State may request that the EPA Administrator review another state's coal combustion residuals permit program for deficiency. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 1582 IN PART B MADE IN ORDER

1. Waxman (CA): Strikes section 2 of the bill, which allows DOE to effectively veto EPA rules. (10 minutes)

2. Hastings, Alcee (FL): Eliminates redundant Department of Energy oversight and analysis. (10 minutes)

3. Connolly (VA), Kildee (MI): Prevents Sec. 2 of the bill from applying to rules related to protecting air and water quality. (10 minutes)

4. Woodall (GA): Requires EPA to make publicly available all data and documents relied upon by the Agency to develop estimates under the bill. (10 minutes)

5. Culberson (TX), Hunter (CA): Prohibits the Environmental Protection Agency (EPA) from using the “social cost of carbon” formula in its benefits assessment of any energy-related rule that is estimated to cost more than \$1 billion until the EPA promulgates a final rule on the social cost of carbon. (10 minutes)

6. Murphy, Tim (PA): Prohibits the EPA from using the “social cost of carbon” valuation affected by this bill. (10 minutes)

PART A—TEXT OF AMENDMENTS MADE IN ORDER

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

Page 6, line 4, strike “and”.

Page 6, line 6, strike the period and insert “; and”.

Page 6, after line 6, insert the following new clause:

“(vi) an emergency action plan for State response to a leak or spill at a structure that receives coal combustion residuals.

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

Page 6, strike lines 22 and 23 and insert the following:

“(A) IN GENERAL.—The implementing agency shall apply, and structures shall meet, requirements as necessary to protect human health and the environment.

“(B) CRITERIA.—The implementing agency shall—

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 34, line 11, strike “program; or” and insert “program;”.

Page 34, line 17, strike “(E).” and insert “(E); or”.

Page 34, after line 17, insert the following subparagraph:

“(G) is subject to a determination under paragraph (5).

Page 35, line 6, insert “or in paragraph (5)” after “paragraph (1)”.

Page 35, line 14, insert “or in paragraph (5)” after “paragraph (1)”.

Page 36, line 1, after “(e)(1)(B)” insert “other than a determination with respect to a deficiency described in paragraph (1)(G)”.

Page 37, after line 13, insert the following paragraph:

“(5) DEFICIENCY BASED ON INTERSTATE RISKS.—The Administrator shall determine a State coal combustion residuals permit program to be deficient if, at any time, the State permit program, or the implementation of the State permit program, threatens human health or the environment in another State. Any State may request that the Administrator review another State’s coal combustion residuals permit program for deficiency under this paragraph.

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## PART B—TEXT OF AMENDMENTS MADE IN ORDER

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

Page 1, lines 4 through 13, strike section 2.

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## 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 2 of the committee print and redesignate the subsequent sections accordingly.

Page 1, line 14, strike “**REPORTS AND DETERMINATIONS**” and insert “**REPORT**”.

Page 1, line 18, through page 2, line 1, strike “\$1 billion.” and all that follows through “The Administrator” and insert “\$1 billion, the Administrator”.

Page 2, line 4, strike “Secretary of Energy” and insert “Office of Management and Budget”.

Page 2, line 5, through page 3, line 2, redesignate subparagraphs (A) through (F) as paragraphs (1) through (6), respectively, and adjust the margins of such paragraphs accordingly.

Page 3, line 3, through page 4, line 20, strike paragraphs (2) and (3).

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## 3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 13, after “effects to the economy.” insert “This section shall not apply with respect to any rule that relates to air quality or water quality.”

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## 4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WOODALL OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 2, lines 11 through 17, amend subparagraph (D) to read as follows:

(D)(i) an estimate of the total benefits of the rule and when such benefits are expected to be realized;

(ii) a description of the modeling, the calculations, the assumptions, and the limitations due to uncertainty, speculation, or lack of information associated with the estimates under this subparagraph; and

(iii) a certification that all data and documents relied upon by the Agency in developing such estimates—

(I) have been preserved; and

(II) are available for review by the public on the Agency’s Web site, except to the extent to which publication of such data and documents would constitute disclosure of confidential information in violation of applicable Federal law;

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

Redesignate section 4 of the committee print as section 5.

Insert after section 3 of the committee print the following new section:

**SEC. 4. SOCIAL COST OF CARBON.**

Until the date on which the Administrator of the Environmental Protection Agency promulgates a final rule on the social cost of carbon, the Administrator shall not include in any benefits assessment of any energy-related rule that is estimated to cost more than \$1 billion a calculation of benefits that is based on—

(1) the document entitled “Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866”, dated May 2013;

(2) the document entitled “Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866”, dated February 2010; or

(3) any other similar document.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MURPHY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the committee print, add the following section:

**SEC. 5. PROHIBITION ON USE OF SOCIAL COST OF CARBON IN ANALYSIS.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law or any executive order, the Administrator of the Environmental Protection Agency may not use the social cost of carbon in order to incorporate social benefits of reducing carbon dioxide emissions, or for any other reason, in any cost-benefit analysis relating to an energy-related rule that is estimated to cost more than \$1 billion unless and until a Federal law is enacted authorizing such use.

(b) **DEFINITION.**—In this section, the term “social cost of carbon” means the social cost of carbon as described in the technical support document entitled “Technical Support Document: Technical Update of the Social Cost of Carbon for Regulatory Impact Analysis Under Executive Order 12866”, published by the Interagency Working Group on Social Cost of Carbon, United States Government, in May 2013, or any successor or substantially related document, or any other estimate of the monetized damages associated with an incremental increase in carbon dioxide emissions in a given year.