

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 348) TO PROVIDE FOR IMPROVED COORDINATION OF AGENCY ACTIONS IN THE PREPARATION AND ADOPTION OF ENVIRONMENTAL DOCUMENTS FOR PERMITTING DETERMINATIONS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 758) TO AMEND RULE 11 OF THE FEDERAL RULES OF CIVIL PROCEDURE TO IMPROVE ATTORNEY ACCOUNTABILITY, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

---

SEPTEMBER 16, 2015.—Referred to the House Calendar and ordered to be printed

---

Mr. COLLINS of Georgia, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 420]

The Committee on Rules, having had under consideration House Resolution 420, by a record vote of 9 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. 348, the RAPID 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 the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution makes in order as an original bill for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-26 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 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 this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 758, the Lawsuit Abuse Reduction 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 the Judiciary. 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 bill. The resolution provides for one motion to recommit.

Section 3 of the resolution provides that it shall be in order at any time on the legislative day of September 24, 2015, for the Speaker to entertain motions that the House suspend the rules and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 348, 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. 348 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. 348 printed in 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. 758, 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. 758, 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. 99*

Motion by Mr. McGovern to report open rules for H.R. 348 and H.R. 758. Defeated: 4–9

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

*Rules Committee record vote No. 100***Motion by Ms. Foxx to report the rule. Adopted: 9–4**

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 .....	Nay
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 AMENDMENTS TO H.R. 348 MADE IN ORDER

1. Goodlatte (VA): MANAGER’S includes revisions to clarify that the bill is not intended to allow for duplicative agency review proceedings; duplicative project-notification and initiation-of-agency-review procedures; or, challenges to a permitting decision brought in court by parties who were not also parties to the administrative proceedings that produced the challenged decision. (10 minutes)

2. Lowenthal (CA): Prevents further evaluation or adoption of an alternative that does not adequately address risks associated with flooding, wildfire, and climate change. (10 minutes)

3. Grijalva (AZ): Requires an evaluation of each alternative in an environmental impact statement or environmental assessment to identify potential effects on low-income communities and communities of color. (10 minutes)

4. Gallego (AZ): Grants deadline extensions if requested by a state or local elected official or a local tribal official. (10 minutes)

5. Jackson Lee (TX): Strikes the bill provision that deems approved any project for which the reviewing agency does not issue the requested permit or license within 90–120 days. (10 minutes)

6. Dingell (MI): Prevents a project from being approved under the timeline set forth in the bill if the project would limit access to or opportunities for hunting or fishing, or impact an endangered or threatened species under the Endangered Species Act. (10 minutes)

7. Peters, Scott (CA), Polis (CO), Lowenthal (CA), Lieu (CA): Strikes section k that prohibits agencies from using the social cost of carbon in an environmental review or environmental decision making process. (10 minutes)

8. Gosar (AZ): Seeks to prohibit federal agencies from following the draft guidance entitled “the Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate change in NEPA Reviews”, issued by the Council on Environmental Quality, 79 Fed. Reg. 77801 (Dec. 24, 2014). (10 minutes)

9. Jackson Lee (TX): Preserves the current law relating to the permitting projects that could be a potential target for a terrorist attack or that involves chemical facilities and other critical infrastructure. (10 minutes)

10. Johnson, Hank (GA): Adds rule of construction clarifying that nothing in the bill would have the effect of changing or limiting any law or regulation requiring agencies to allow public comment or public participation in their decision-making process. (10 minutes)

## TEXT OF AMENDMENTS TO H.R. 348 MADE IN ORDER

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

Page 8, line 20, strike “PARTICIPATING” and insert “COOPERATING”.

Page 8, line 22, strike “participating” and insert “cooperating”.

Page 8, line 23, insert after “agencies” the following: “(as such term is defined in part 1500 of title 40 of the Code of Federal Regulations, as in effect on January 1, 2011)”.

Page 9, line 1, strike “PARTICIPATING” and insert “COOPERATING”.

Page 9, line 4, strike “participating” and insert “cooperating”.

Page 9, line 24, strike “participating” and insert “cooperating”.

Page 10, line 6, strike “PARTICIPATING” and insert “COOPERATING”.

Page 10, line 9, strike “participating” and insert “cooperating”.

Page 10, line 15, strike “participating” and insert “cooperating”.

Page 10, line 16, strike “participating” and insert “cooperating”.

Page 10, strike line 21 and all that follows through page 11, line

4.

Page 11, line 5, strike “(7)” and insert “(6)”.

Page 11, line 20, strike “(8)” and insert “(7)”.

Page 11, line 20, strike “participating” and insert “cooperating”.

Page 11, beginning on line 22, strike “participating” and insert “cooperating”.

Page 11, line 23, strike “participating” and insert “cooperating”.

Page 11, line 25, strike “participating” and insert “cooperating”.

Page 12, line 4, strike “participating” and insert “cooperating”.

Page 12, line 6, strike “participating” and insert “cooperating”.

Page 12, strike line 7 and all that follows through line 16.

Page 12, strike line 17, and all that follows through “project, and the” on line 20, and insert the following:

“(f) LEAD AGENCY INITIATION.—The”.

Page 12, beginning on line 22, strike “the notice” and all that follows through line 3 on page 13, and insert the following: “an application for a project from a project sponsor.”.

Page 16, line 9, strike “participating” and insert “cooperating”.

Page 16, beginning on line 22, strike “participating” and insert “cooperating”.

Page 17, line 2, strike “participating” and insert “cooperating”.

Page 17, line 16, strike “participating” and insert “cooperating”.

Page 18, line 2, strike “participating” and insert “cooperating”.

Page 18, line 7, strike “participating” and insert “cooperating”.

Page 19, line 6, strike “participating” and insert “cooperating”.

Page 20, beginning on line 7, strike “the project initiation request”, and insert the following: “an application for a project from a project sponsor”.

Page 21, beginning on line 4, strike “participating” and insert “cooperating”.

Page 21, line 11, strike “participating” and insert “cooperating”.

Page 22, line 7, strike “participating” and insert “cooperating”.

Page 22, line 19, strike “participating” and insert “cooperating”.

Page 25, line 15, strike “participating” and insert “cooperating”.

Page 25, line 15, strike “cooperatively”.

Page 25, line 23, strike “participating” and insert “cooperating”.  
 Page 26, line 5, strike “PARTICIPATING” and insert “COOPERATING”.

Page 26, line 7, strike “participating” and insert “cooperating”.

Page 26, line 15, strike “PARTICIPATING” and insert “COOPERATING”.

Page 26, line 18, strike “participating” and insert “cooperating”.

Page 27, line 5, strike “participating” and insert “cooperating”.

Page 29, line 9, strike “a party that” and insert “a party to the administrative proceeding, and the party”.

---

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

Page 14, line 11, insert after the period at the end the following:  
 “No alternative may be deemed feasible if the alternative does not adequately address risks associated with flooding, wildfire, and climate change.”

---

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

Page 15, after line 21, insert the following:

“(6) LOW-INCOME AND COMMUNITIES OF COLOR ANALYSIS.—  
 The evaluation of each alternative in an environmental impact statement or an environmental assessment shall identify the potential effects of the alternative on low-income communities and communities of color.”.

---

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

Page 21, line 12, strike “or”.

Page 21, line 14, strike the period at the end and insert “; or”.

Page 21, after line 14, insert the following:

“(iii) a deadline extension is requested by an elected official of a State or locality, or a local tribal official.”.

Page 22, line 8, strike “or”.

Page 22, line 10, strike the period at the end and insert “; or”.

Page 22, after line 10, insert the following:

“(iii) a deadline extension is requested by an elected official of a State or locality, or a local tribal official.”.

Page 22, line 20, strike “or”.

Page 22, line 22, strike the period at the end and insert “; or”.

Page 22, after line 22, insert the following:

“(iii) a deadline extension is requested by an elected official of a State or locality, or a local tribal official.”.

Page 24, line 12, strike “or”.

Page 24, line 14, insert after “cause,” the following: “, or the deadline was extended pursuant to the request of an elected official of a State or locality, or a local tribal official,”.

---

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 24, strike line 19 and all that follows through page 25, line 12.

---

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DINGELL OF MICHIGAN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 25, line 4, insert before the period at the end the following: “, unless the project would limit access to or opportunities for hunting or fishing, or impact a species listed as an endangered species or threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)”.

---

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

Page 27, strike line 11 and all that follows through page 28, line 4, and redesignate provisions accordingly.

---

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

Page 28, line 1, insert after “substantially related document,” the following: “the draft guidance entitled: ‘Revised Draft Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate change in NEPA Reviews’ (79 Fed. Reg. 77801), or any successor thereto or substantially related document,”.

---

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 31, beginning on line 4, strike “subsection (p)” and insert “subsections (q) and (r)”.

Page 31, line 17, insert after “141.” the following:

“(r) EXCEPTION FOR CERTAIN PROJECTS.—This subchapter does not apply in the case of any project that could be a potential target for a terrorist attack or that involves chemical facilities and other critical infrastructure.”.

---

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

Add, at the end of the bill, the following:

(d) RULE OF CONSTRUCTION.—Nothing in this Act or the amendments made by this Act shall have the effect of changing or limiting any law or regulation that requires or provides for public comment or public participation in an agency decision making process.