

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 8) TO MODERNIZE ENERGY INFRASTRUCTURE, BUILD A 21ST CENTURY ENERGY AND MANUFACTURING WORKFORCE, BOLSTER AMERICA'S ENERGY SECURITY AND DIPLOMACY, AND PROMOTE ENERGY EFFICIENCY AND GOVERNMENT ACCOUNTABILITY, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (S.J. RES. 23) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "STANDARDS OF PERFORMANCE FOR GREENHOUSE GAS EMISSIONS FROM NEW, MODIFIED, AND RECONSTRUCTED STATIONARY SOURCES: ELECTRIC UTILITY GENERATING UNITS"; AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (S.J. RES. 24) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO "CARBON POLLUTION EMISSION GUIDELINES FOR EXISTING STATIONARY SOURCES: ELECTRIC UTILITY GENERATING UNITS"

NOVEMBER 30, 2015.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 539]

The Committee on Rules, having had under consideration House Resolution 539, 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 the consideration of H.R. 8, the North American Energy Security and Infrastructure Act of 2015. 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 no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

Section 2 of the resolution provides for consideration of S.J. Res. 23, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to "Standards of Performance for Green-

house Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Utility Generating Units” and S.J. Res. 24, providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Environmental Protection Agency relating to “Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units”, under closed rules. The resolution provides one hour of debate on each joint resolution 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 each joint resolution. The resolution provides that each joint resolution shall be considered as read. The resolution waives all points of order against provisions in each joint resolution. The resolution provides each joint resolution one motion to commit.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 8 includes a waiver of the following:

- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority;
- Section 311 of the Congressional Budget Act of 1974, prohibiting consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided;
- Clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period;
- Clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on Energy and Commerce was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

It is important to note that the Committee intends to make in order the Manager’s amendment offered by Rep. Upton (R–MI), which, if adopted, would cure the violation of sections 302(f) and 311 of the Congressional Budget Act and clause 10 of rule XXI.

Although the resolution waives all points of order against consideration of S.J. Res. 23 and S.J. Res. 24, 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 S.J. Res. 23 and S.J. Res. 24, 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. 126

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

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

