

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 806) TO FACILITATE
EFFICIENT STATE IMPLEMENTATION OF GROUND-LEVEL OZONE STAND-
ARDS, AND FOR OTHER PURPOSES

JULY 17, 2017.—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. 451]

The Committee on Rules, having had under consideration House Resolution 451, by a record vote of 6 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. 806, the Ozone Standards Implementation Act of 2017, 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 purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-26 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.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(d) of rule XIII, which requires inclu-

sion of a committee cost estimate in a committee report. It is important to note that while the cost estimate was not available at the time the report was filed, it has been publicly available since July 14, 2017.

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 this report, the Committee is not aware of any points of order. The waiver of all points of order 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. 75

Motion by Mr. Woodall to report the rule. Adopted: 6–3

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

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Castor (FL): Halts implementation of the Ozone Standards Implementation Act of 2017 if the Clean Air Scientific Advisory Committee finds that application could increase health risks to vulnerable populations including children, seniors, pregnant women, outdoor workers, and minority and low-income communities. (10 minutes)

2. Tonko (NY): Strikes subsection (b) of Section 3, which would allow EPA to consider technological feasibility when determining what level of pollution is safe. (10 minutes)

3. Beyer (VA): Strikes subsection (h) of section 3 (relating to exceptional events) (10 minutes)

4. Polis (CO): Closes the loophole which prevents aggregating emissions from any oil or gas exploration or production well. Additionally, it seeks to require the EPA to add hydrogen sulfide to the list of hazardous air pollutants. (10 minutes)

5. McNerney (CA): Strikes section 6 of the bill. (10 minutes)

6. McNerney (CA), Costa (CA): SUBSTITUTE Strikes the underlying bill and replaces it with a grant program to benefit regions with the poorest air quality. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

At the end of section 2, add the following new subsection:

(c) LIMITATION.—This section shall not apply if the Clean Air Scientific Advisory Committee finds that application of subsection (a) could increase (especially for vulnerable populations such as children, seniors, pregnant women, outdoor workers, and minority and low-income communities) any of the following:

- (1) Asthma attacks.
- (2) Hospitalization and emergency room visits for those with respiratory disease or cardiovascular disease.
- (3) The risk of preterm birth, babies born with low birth weight, or impaired fetal growth.
- (4) The risk of heart attacks, stroke, or premature death.
- (5) Reproductive, developmental, or other serious harms to human health.

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

Strike subsection (b) of section 3 (relating to consideration of technological feasibility) and make such conforming changes as may be necessary.

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

Strike subsection (h) of section 3 (relating to exceptional events).

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

Redesignate sections 5 and 6 as sections 6 and 7, respectively.
Insert after section 4 the following:

SEC. 5. BRINGING REDUCTIONS TO ENERGY'S AIRBORNE TOXIC HEALTH EFFECTS.

(a) REPEAL OF EXEMPTION FOR AGGREGATION OF EMISSIONS FROM OIL AND GAS SOURCES.—Section 112(n) of the Clean Air Act (42 U.S.C. 7412(n)) is amended by striking paragraph (4).

(b) HYDROGEN SULFIDE AS A HAZARDOUS AIR POLLUTANT.—The Administrator of the Environmental Protection Agency shall—

- (1) not later than 180 days after the date of enactment of this Act, issue a final rule adding hydrogen sulfide to the list of hazardous air pollutants under section 112(b) of the Clean Air Act (42 U.S.C. 7412(b)); and
- (2) not later than 365 days after a final rule under paragraph (1) is issued, revise the list under section 112(c) of such Act (42 U.S.C. 7412(c)) to include categories and subcategories of major sources and area sources of hydrogen sulfide, including oil and gas wells.

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

Strike section 6.

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

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Air and Health Quality Empowerment Zone Designation Act of 2017”.

SEC. 2. AIR AND HEALTH QUALITY EMPOWERMENT ZONES.

(a) DESIGNATION OF AIR AND HEALTH QUALITY EMPOWERMENT ZONES.—

(1) IN GENERAL.—The Administrator may designate an area as an air and health quality empowerment zone if—

(A) the air pollution control district or other local governmental entity authorized to regulate air quality for the area submits an application under paragraph (2) nominating the area for such designation; and

(B) the Administrator determines that—

(i) the information in the application is reasonably accurate; and

(ii) the nominated area satisfies the eligibility criteria described in paragraph (3).

(2) NOMINATION.—To nominate an area for designation under paragraph (1), the air pollution control district or other local governmental entity authorized to regulate air quality for the area shall submit to the Administrator an application that—

(A) demonstrates that the nominated area satisfies the eligibility criteria described in paragraph (3); and

(B) includes a strategic plan that—

(i) is designed for—

(I) addressing air quality challenges and achieving attainment of air quality standards in the area; and

(II) improving the health of the population in the area;

(ii) describes—

(I) the process by which the district or local governmental entity is a full partner in the process of developing and implementing the strategic plan; and

(II) the extent to which local institutions and organizations have contributed to the planning process;

(iii) identifies—

(I) the amount of State, local, and private resources that will be available for carrying out the strategic plan; and

(II) the private and public partnerships to be used (which may include participation by, and co-

- operation with, institutions of higher education, medical centers, and other private and public entities) in carrying out the strategic plan;
- (iv) identifies the funding requested under any Federal program in support of the strategic plan;
- (v) identifies baselines, methods, and benchmarks for measuring the success of the strategic plan; and
- (vi) includes such other information as may be required by the Administrator; and
- (C) provides written assurances satisfactory to the Administrator that the strategic plan will be implemented.
- (3) ELIGIBILITY CRITERIA.—To be eligible for designation under paragraph (1), an area must meet all of the following criteria:
- (A) NONATTAINMENT.—The area has been designated as being—
- (i) in extreme nonattainment of the national ambient air quality standard for ozone; and
- (ii) in nonattainment of the national ambient air quality standard for PM_{2.5}.
- (B) UNIQUE SOURCES.—The area had—
- (i) emissions of oxides of nitrogen from farm equipment of at least 30 tons per day in calendar year 2011;
- (ii) emissions of volatile organic compounds from farming operations of at least 3 tons per day in calendar year 2010; or
- (iii) emissions of oxides of nitrogen from sources governed primarily through international law of at least 50 tons per day in calendar year 2010.
- (C) AIR QUALITY-RELATED HEALTH EFFECTS.—As of the date of designation, the area meets or exceeds the national average per capita incidence of asthma.
- (D) ECONOMIC IMPACT.—As of the date of designation, the area experiences unemployment rates higher than the national average.
- (E) MATCHING FUNDS.—The air pollution control district or other local governmental entity submitting the strategic plan under paragraph (2) for the area agrees that it will make available (directly or through contributions from the State or other public or private entities) non-Federal contributions toward the activities to be carried out under the strategic plan in an amount equal to \$1 for each \$1 of Federal funds provided for such activities. Such non-Federal matching funds may be in cash or in-kind, fairly evaluated, including plant, equipment, or services.
- (4) PERIOD OF DESIGNATION.—A designation under paragraph (1) shall remain in effect during the period beginning on the date of the designation and ending on the earlier of—
- (A) the last day of the tenth calendar year ending after the date of the designation; or
- (B) the date on which the Administrator revokes the designation.
- (5) REVOCATION OF DESIGNATION.—The Administrator may revoke the designation under paragraph (1) of an area if the Administrator determines that—

(A) the area is in attainment with the national ambient air quality standards for PM_{2.5} and ozone; or

(B) the air pollution control district or other local governmental entity submitting the strategic plan under paragraph (2) for the area is not complying substantially with, or fails to make progress in achieving the goals of, such strategic plan.

(b) GRANTS FOR AIR AND HEALTH QUALITY EMPOWERMENT ZONES.—

(1) IN GENERAL.—For the purpose described in paragraph (2), the Administrator may award one or more grants to the air pollution control district or local governmental entity submitting the application under subsection (a)(2) on behalf of each air and health quality empowerment zone designated under subsection (a)(1).

(2) USE OF GRANTS.—A recipient of a grant under paragraph (1) shall use the grant solely for the purpose of carrying out the strategic plan submitted by the recipient under subsection (a)(2).

(3) AMOUNT OF GRANTS.—The amount awarded under this subsection with respect to a designated air and health quality empowerment zone shall be determined by the Administrator based upon a review of—

(A) the information contained in the application for the zone under subsection (a)(2); and

(B) the needs set forth in the application for those anticipated to benefit from the strategic plan submitted for the zone.

(4) TIMING OF GRANTS.—To the extent and in the amount of appropriations made available in advance, the Administrator shall—

(A) award a grant under this subsection with respect to each air and health quality empowerment zone on the date of designation of the zone under subsection (a)(1); and

(B) make the grant funds available to the grantee on the first day of the first fiscal year that begins after the date of such designation.

(c) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) PM_{2.5}.—The term “PM_{2.5}” means particulate matter with a diameter that does not exceed 2.5 micrometers.

SEC. 3. REPORT TO CONGRESS.

Not later than 5 years after the date of the enactment of this Act, the Administrator of the Environmental Protection Agency—

(1) shall submit a report to the Congress on the impact of this Act; and

(2) may include in such report a description of the impact of this Act in regard to—

(A) the reduction of particulate matter and nitrogen oxides emissions;

(B) the reduction of asthma rates and other health indicators; and

(C) economic indicators.

Amend the title so as to read: "A bill to provide for the designation of, and the award of grant with respect to, air and health quality empowerment zones."

