



# **Rules Committee 101**



# Agenda

## **Part I – Introduction to the Rules Committee**

*Presented by: Miles Lackey – Staff Director, Rules Committee*

## **Part II – Special Rules, Amendments and Committee Meetings**

*Presented by: Lauren Belive – Policy Director; Noah Wofsy – Senior Counsel, Office of the Legislative Counsel; Ethan Lauer – Deputy Parliamentarian, Office of the Parliamentarian; Adam Berg, Deputy Staff Director and Counsel, Rules Committee; Deborah Delaney Iak – Director of Legislative Operations, Rules Committee*

1. Special Rules and Anticipating the Type to be Reported
2. The Importance of Writing Amendments that Comply with the Rules of the House
3. Services Provided by the Office of the Legislative Counsel
4. Services Provided by the Office of the Parliamentarian
5. Common Violations of the Rules and How to Avoid Them
6. The Mechanics of Submitting and Testifying in Favor of an Amendment

## **Part III - Reported Rules and Action on the House Floor**

*Presented by: George Agurkis – Professional Staff, Rules Committee*

1. How to Read a Rule and its Report
2. Floor Debate
3. Votes on the Previous Question and the Rule

## **Part IV – Messaging and Press**

*Presented by: Carrie Adams – Speechwriter and Digital Director, Rules Committee and Eric Walker – Press Secretary, Rules Committee*

## **Part V – Additional Resources and Question & Answer**

# Contact Information

## Office of Democratic Leader Pelosi

<http://www.democraticleader.gov/>

(5-0100)

- Jerry Hartz – Director of Floor Operations

## Office of Democratic Whip Hoyer

<http://www.democraticwhip.gov/>

(5-3130)

- Shuwanza Goff – Floor Director
- Dan Shott – Senior Floor Assistant
- Danielle Aviles – Floor Assistant

## Rules Committee Democrats

<http://democrats.rules.house.gov/>

(5-9091)

- Miles Lackey – Staff Director
- Adam Berg – Deputy Staff Director & Counsel
- Deborah Delaney Iak – Director of Legislative Operations
- Lauren Belive – Policy Director
- George Agurkis – Professional Staff
- David Cooper-Vince – Professional Staff
- Carrie Adams – Speechwriter & Director of Online Communications
- Eric Walker – Press Secretary
- Rose Laughlin – Staff Assistant

## Budget Committee Democrats

<http://democrats.budget.house.gov>

(6-7200)

## Clerk of the U.S. House of Representatives

<http://clerk.house.gov/>

<http://docs.house.gov/>

(5-7000)

## Office of the Legislative Counsel

<http://legcounsel.house.gov>

(5-6060)

## Office of the Parliamentarian

[amendments@mailbot.house.gov](mailto:amendments@mailbot.house.gov)

5-7373)

# Special Rule Types

## Open

Allows any Member to offer an amendment under the five minute rule. Amendments that do not comply with the Rules of the House can be offered, but any Member can raise a point of order against them.

## Modified Open

Permits general debate and allows any Member to offer an amendment under the five minute rule subject only to an overall time limit on the amendment process, and/or a requirement that amendments be pre-printed in the Congressional Record one or more days in advance.

## Structured (Modified Closed)

Allows the Rules Committee Majority to limit the amendments that may be offered to those designated in the special rule. These deadlines are announced via Dear Colleague letters sent to every office in the House.

## Closed

Permits debate for a certain period of time - usually an hour - but does not allow any amendments to be offered.

## Conference Report

If the House and Senate each have a version of a bill but their versions differ, the traditional way to resolve their differences is to “go to conference” and establish a bicameral conference committee to negotiate a compromise version. The recommendation submitted by the conference committee in the form of a conference report is almost always brought up in the House and Senate for a clean up or down vote, with no amendments allowed to be offered. A special rule can either make in order a motion to go to conference with the Senate on a bill, or it can make in order a vote on a conference report itself, once the conference committee has completed its work.

## “Ping-Pong”

The House and Senate must pass identical versions of a bill before the President can sign it into law. If the two Houses’ versions of the bill differ, something must be done to resolve the differences. If the bodies do not want to go to conference, they can decide to pass amendments back and forth between the Houses until they agree, which we informally refer to as “ping-pong.”

## Same Day or Martial Law

Under House Rules, special rules cannot be considered in the House until the next legislative day after they have been reported from the Rules Committee, unless this requirement is waived by a two-thirds vote. However, if the Majority plans at least a day in advance, they can report a same day rule, which grants the Committee the ability to bring a future special rule to the floor on the same day that it is reported. The same day rule must first be approved by the House before it can be used by the Rules Committee.

## Suspension

The most common way for bills to be considered in the House is under so-called “suspension of the rules.” It requires a two-thirds vote to pass, but none of the restrictions or limitations of the standing rules of the House apply. This is generally done for the bills that are non-controversial, and it helps to expedite consideration and passage of a measure. Suspensions receive 40 minutes of debate, equally divided, and are typically at the beginning of the week. If the Majority wants to consider bills under suspension of the rules on a day other than Monday, Tuesday or Wednesday, then the Rules Committee must report a special rule that allows suspension votes on a different day.

# Amendment Filing Instructions

**The filing of any amendment with the Rules Committee is a dual-part process; amendments must be submitted both electronically and physically.**

## Electronic Submission Instructions

The electronic submission of amendments is done by going to <http://rules.house.gov/> and selecting the main header “Amendments.” The link to the Amendment E-login can be found on this page.

The Amendment E-Login Form will request the following information:

- Bill Number
- Sponsor
- Co-Sponsors
- Office Phone
- Contact’s Email Address
- Leg. Counsel Caption # (Top left corner – i.e., Name.001):
- Description (1 – 2 Sentences)
- Does the Member wish to Testify

At the bottom of the E-Login Form, you must attach your amendment PDF. To comply with the Committee on House Administration's document standards for the House of Representatives, the amendment **PDF file must be searchable**, meaning that there can be no handwritten changes; files received by member offices directly from Legislative Counsel meet this requirement.

Press send when you’re ready to submit your amendment.

## Hard Copy Submission Instructions

To complete the amendment submission process, deliver the following to H-312 The Capitol after submitting amendments electronically:

1. One (1) completed copy of the amendment submission form, which can be found online at: <http://rules.house.gov/sites/republicans.rules.house.gov/files/114/PDF/114AmdtSubForm.pdf>
2. One brief (1-2 sentences) summary of the amendment that matches the Amendment E-Login Form description.
3. Thirty (30) copies of the amendment (*must be stapled if multiple pages; the copies may be double-sided*).

## Submitting a Revised Amendment

The steps outlined above must also be followed when submitting a revision of your amendment. The only differences are as follows:

1. The brief (1-2 sentences) summary of the amendment will now describe how the amendment has been changed.
2. The hardcopies will include a handwritten “R” and the assigned amendment # in the upper right hand corner of each copy. Do NOT write the number on the PDF that you submit electronically.

# The Vote on the Previous Question

## What it Really Means

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution ..... [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the *Republican Leadership Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule ..... When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In *Deschler's Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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# Appendix

Sample Draft Rule.....	pgs. 8-11
Sample Resolution.....	pgs. 12-15
Sample Report.....	pgs. 16-21

## H. Res.

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### H.R. 2018 .. Clean Water Cooperative Federalism Act of 2011

1. Structured rule.
2. Provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure.
3. Waives all points of order against consideration of the bill.
4. Provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure shall be considered as an original bill for the purpose of amendment and shall be considered as read.
5. Waives all points of order against the committee amendment in the nature of a substitute.
6. Makes in order only those amendments printed in the Rules Committee report accompanying the resolution. Each such 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 considered 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.
7. Waives all points of order against the amendments printed in the Rules Committee report.
8. Provides one motion to recommit with or without instructions.

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## RESOLUTION

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such 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 considered 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

## SUMMARY OF AMENDMENTS PROPOSED TO BE MADE IN ORDER

(summaries derived from information provided by sponsors)

Sponsor	# Description	Debate Time
1. Jackson Lee (TX)	#7 (REVISED) Would strike all after the enacting clause.	(10 minutes)
2. Jackson Lee (TX)	#6 (REVISED) Would allow the EPA to continue to have the authority to set standards for NPDES Permit programs by striking section 2.	(10 minutes)
3. Capito (WV)	#1 (REVISED) Would require the EPA to analyze the impact of certain covered actions on employment levels and economic activity and require public notice and a hearing in those instances where a covered action has more than a de minimis impact on employment or economic activity in any given state.	(10 minutes)
4. Hanabusa (HI)	#5 Would require the Administrator of the EPA to submit to Congress within one year and then annually thereafter, a report on any increase in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of H.R. 2018, including any amendments to the bill.	(10 minutes)
5. Polis (CO)	#11 (LATE) Would exclude from this act permit holders who are on the significant non-compliance list.	(10 minutes)
6. Connolly (VA)	#2 would align federal funding with the scope of federal clean water regulations.	(10 minutes)
7. Deutch (FL)	#4 Would exempt the Everglades in the State of Florida from the provisions of the underlying bill.	(10 minutes)
8. Cohen (TN)	#8 Would clarify that nothing in the bill can limit the EPA Administrator's authority to regulate a pipeline that crosses a streambed.	(10 minutes)
9. Markey,	#12 (LATE) Would exclude from coverage under the bill, any	(10 minutes).

Edward (MA),  
DeFazio (OR)

waters that EPA determines provide flood protection for communities, are a valuable fish and wildlife habitat that provide benefits to the economy, or are coastal recreational waters.

10. Carnahan  
(MO)

#10 (LATE) Would restrict the application of the bill if a major disaster had been declared in the area due to flooding within the last five years, or the waters in question had contributed to such a declaration.

(10 minutes)

## House Calendar No. 52

112TH CONGRESS  
1ST SESSION

# H. RES. 347

[Report No. 112–144]

Providing for consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State’s water quality standards, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2011

Mr. BISHOP of Utah, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

Providing for consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State’s water quality standards, and for other purposes.

1 Resolved, That at any time after the adoption of this  
2 resolution the Speaker may, pursuant to clause 2(b) of  
3 rule XVIII, declare the House resolved into the Committee  
4 of the Whole House on the state of the Union for consider-

1 ation of the bill (H.R. 2018) to amend the Federal Water  
2 Pollution Control Act to preserve the authority of each  
3 State to make determinations relating to the State's water  
4 quality standards, and for other purposes. The first read-  
5 ing of the bill shall be dispensed with. All points of order  
6 against consideration of the bill are waived. General de-  
7 bate shall be confined to the bill and shall not exceed one  
8 hour equally divided and controlled by the chair and rank-  
9 ing minority member of the Committee on Transportation  
10 and Infrastructure. After general debate the bill shall be  
11 considered for amendment under the five-minute rule. It  
12 shall be in order to consider as an original bill for the  
13 purpose of amendment under the five-minute rule the  
14 amendment in the nature of a substitute recommended by  
15 the Committee on Transportation and Infrastructure now  
16 printed in the bill. The committee amendment in the na-  
17 ture of a substitute shall be considered as read. All points  
18 of order against the committee amendment in the nature  
19 of a substitute are waived. No amendment to the com-  
20 mittee amendment in the nature of a substitute shall be  
21 in order except those printed in the report of the Com-  
22 mittee on Rules accompanying this resolution. Each such  
23 amendment may be offered only in the order printed in  
24 the report, may be offered only by a Member designated  
25 in the report, shall be considered as read, shall be debat-

1 able for the time specified in the report equally divided  
2 and controlled by the proponent and an opponent, shall  
3 not be subject to amendment, and shall not be subject to  
4 a demand for division of the question in the House or in  
5 the Committee of the Whole. All points of order against  
6 such amendments are waived. At the conclusion of consid-  
7 eration of the bill for amendment the Committee shall rise  
8 and report the bill to the House with such amendments  
9 as may have been adopted. Any Member may demand a  
10 separate vote in the House on any amendment adopted  
11 in the Committee of the Whole to the bill or to the com-  
12 mittee amendment in the nature of a substitute. The pre-  
13 vious question shall be considered as ordered on the bill  
14 and amendments thereto to final passage without inter-  
15 vening motion except one motion to recommit with or  
16 without instructions.



House Calendar No. 52

112<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. RES. 347**

[Report No. 112-144]

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**RESOLUTION**

Providing for consideration of the bill (H.R. 2018) to amend the Federal Water Pollution Control Act to preserve the authority of each State to make determinations relating to the State's water quality standards, and for other purposes.

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July 12, 2011

Referred to the House Calendar and ordered to be printed

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2018) TO AMEND THE FEDERAL WATER POLLUTION CONTROL ACT TO PRESERVE THE AUTHORITY OF EACH STATE TO MAKE DETERMINATIONS RELATING TO THE STATE'S WATER QUALITY STANDARDS, AND FOR OTHER PURPOSES

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JULY 12, 2011.—Referred to the House Calendar and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 347]

The Committee on Rules, having had under consideration House Resolution 347, 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 consideration of H.R. 2018, the Clean Water Cooperative Federalism Act of 2011, 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 Transportation and Infrastructure. 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 Transportation and Infrastructure now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The resolution waives all points of order against the committee amendment in the nature of a substitute. The rule makes in order only those 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. Finally, 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 the bill, the Committee is not aware of any points of order against its consideration. The waiver is prophylactic.

Although the resolution waives all points of order against the committee amendment in the nature of a substitute, the Committee is not aware of any points of order against the committee amendment in the nature of a substitute. The waiver is prophylactic.

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 against the amendments. The waiver is prophylactic.

## 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. 108*

Motion by Mr. McGovern to report an open rule. Defeated: 4–8.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions .....	Nay	Ms. Slaughter .....	Yea
Ms. Foxx .....	Nay	Mr. McGovern .....	Yea
Mr. Bishop of Utah .....	Nay	Mr. Hastings of Florida .....	Yea
Mr. Woodall .....	Nay	Mr. Polis .....	Yea
Mr. Nugent .....	Nay		
Mr. Scott of South Carolina .....	Nay		
Mr. Webster .....	Nay		
Mr. Dreier, Chairman .....	Nay		

*Rules Committee record vote No. 109*

Motion by Mr. Sessions to report a structured rule. Adopted: 8–3.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions .....	Yea	Ms. Slaughter .....	Nay
Ms. Foxx .....	Yea	Mr. Hastings of Florida .....	Nay
Mr. Bishop of Utah .....	Yea	Mr. Polis .....	Nay
Mr. Woodall .....	Yea		
Mr. Nugent .....	Yea		
Mr. Scott of South Carolina .....	Yea		
Mr. Webster .....	Yea		
Mr. Dreier, Chairman .....	Yea		

## SUMMARY OF AMENDMENTS MADE IN ORDER

1. Jackson Lee (TX): Would strike all after the enacting clause. (10 minutes)
2. Jackson Lee (TX): Would allow the EPA to continue to have the authority to set standards for NPDES Permit programs by striking section 2. (10 minutes)
3. Capito (WV): Would require the EPA to analyze the impact of certain covered actions on employment levels and economic activity and require public notice and a hearing in those instances where a covered action has more than a de minimis impact on employment or economic activity in any given state. (10 minutes)

4. Hanabusa (HI): Would require the Administrator of the EPA to submit to Congress within one year and then annually thereafter, a report on any increase in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of H.R. 2018, including any amendments to the bill. (10 minutes)

5. Polis (CO): Would exclude from this act permit holders who are on the significant non-compliance list. (10 minutes)

6. Connolly (VA): Would align federal funding with the scope of federal clean water regulations. (10 minutes)

7. Deutch (FL): Would exempt the Everglades in the State of Florida from the provisions of the underlying bill. (10 minutes)

8. Cohen (TN): Would clarify that nothing in the bill can limit the EPA Administrator's authority to regulate a pipeline that crosses a streambed. (10 minutes)

9. Markey (MA), DeFazio (OR), Capps (CA), Blumenauer (OR), Capuano (MA), Napolitano (CA), Hirono (HI): Would exclude from coverage under the bill, any waters that EPA determines provide flood protection for communities, are a valuable fish and wildlife habitat that provides benefits to the economy, or are coastal recreational waters. (10 minutes)

10. Carnahan (MO): Would restrict the application of the bill if a major disaster had been declared in the area due to flooding within the last five years, or the waters in question had contributed to such a declaration. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

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

Page 3, strike line 3 and all that follows through line 8 on page 7.

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

Strike section 2 of the bill (and redesignate subsequent sections accordingly).

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPITO OF WEST VIRGINIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

**SEC. 6. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY.**

(a) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on employment levels and economic activity, including estimated job losses and decreased economic activity.

(2) ECONOMIC MODELS.—

- (A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall utilize the best available economic models.
- (B) ANNUAL GAO REPORT.—Not later than December 31st of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.
- (3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—
- (A) post the analysis under paragraph (1) as a link on the main page of the public Internet Web site of the Environmental Protection Agency; and
- (B) request that the Governor of any State experiencing more than a de minimis negative impact post such analysis in the Capitol of such State.
- (b) PUBLIC HEARINGS.—
- (1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days prior to the effective date of the covered action.
- (2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at a convenient time and location for impacted residents. In selecting a location for such a public hearing, the Administrator shall give priority to locations in the State that will experience the greatest number of job losses.
- (c) NOTIFICATION.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on employment levels or economic activity in any State, the Administrator shall give notice of such impact to the State’s Congressional delegation, Governor, and Legislature at least 45 days before the effective date of the covered action.
- (d) DEFINITIONS.—In this section, the following definitions apply:
- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.
- (2) COVERED ACTION.—The term “covered action” means any of the following actions taken by the Administrator under the Federal Water Pollution Control Act (33 U.S.C. 1201 et seq.):
- (A) Issuing a regulation, policy statement, guidance, response to a petition, or other requirement.
- (B) Implementing a new or substantially altered program.
- (3) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term “more than a de minimis negative impact” means the following:
- (A) With respect to employment levels, a loss of more than 100 jobs. Any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment may not be used in the job loss calculation.
- (B) With respect to economic activity, a decrease in economic activity of more than \$1,000,000 over any calendar year. Any offsetting economic activity that results from the

hypothetical creation of new economic activity through new technologies or government employment may not be used in the economic activity calculation.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HANABUSA OF HAWAII OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

**SEC. 6. REPORTING ON HARMFUL POLLUTANTS.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report on any increase in waterborne pathogenic microorganisms (including protozoa, viruses, bacteria, and parasites), toxic chemicals, or toxic metals (such as lead and mercury) in waters regulated by a State under the provisions of this Act, including the amendments made by this Act.

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

At the end of the bill, add the following:

**SEC. 6. PERMIT HOLDERS IN SIGNIFICANT NONCOMPLIANCE.**

None of the provisions of this Act, including the amendments made by this Act, shall apply to any permit holder that is listed by the Administrator of the Environmental Protection Agency as being in significant noncompliance with any requirement of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

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

At the end of the bill, add the following:

**SEC. 6. PROTECTION OF WATERS RECEIVING FEDERAL ASSISTANCE.**

None of the provisions of this Act, including the amendments made by this Act, shall apply to waters for which Federal funding is provided for restoration projects, studies, pilot projects, or development of total maximum daily loads, as determined by the Administrator of the Environmental Protection Agency.

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

At the end of the bill, add the following:

**SEC. 6. APPLICABILITY TO WATERS IN THE STATE OF FLORIDA.**

(a) EVERGLADES.—None of the provisions of this Act, including the amendments made by this Act, apply to the waters of the Everglades in the State of Florida.

(b) EPA RULEMAKING.—None of the provisions of this Act, including the amendments made by this Act, apply to the rulemaking being conducted by the Administrator of the Environmental Protection Agency as of the date of enactment of this Act to develop Fed-

eral water quality standards for the State of Florida's estuarine, coastal, and southern inland flowing waters.

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

At the end of the bill, add the following:

**SEC. 6. PIPELINES CROSSING STREAMBEDS.**

None of the provisions of this Act, including the amendments made by this Act, shall be construed to limit the authority of the Administrator of the Environmental Protection Agency, as in effect on the day before the date of enactment of this Act, to regulate a pipeline that crosses a streambed.

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9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following:

**SEC. 6. PROTECTION OF WATERS PROVIDING CERTAIN BENEFITS.**

None of the provisions of this Act, including the amendments made by this Act, shall apply to waters that, as determined by the Administrator of the Environmental Protection Agency—

- (1) provide flood protection for communities;
- (2) are a valuable fish and wildlife habitat that provides benefits to the economy; or
- (3) are coastal recreational waters.

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

At the end of the bill, add the following:

**SEC. 6. PROTECTION OF WATERS AFFECTED BY FLOODING DISASTERS.**

None of the provisions of this Act, including the amendments made by this Act, shall apply to—

- (1) waters that are located in an area for which the President has declared, at any time during the preceding 5-year period, a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to flooding; or
- (2) other waters that contributed to such a declaration.

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