



Legislative Bulletin.....April 6, 2011

Contents:

Amendments to H.R. 910—Energy Tax Prevention Act of 2011

Order of Business: The bill is scheduled to be considered on Wednesday, April 6, 2011, under a structured rule. The rule ([H.Res.203](#)) provides for one hour of debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI (earmarks & “pay-go”), provides for consideration of 12 amendments with 10 minutes for debate each, and provides for one motion to recommit with or without instructions.

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AMENDMENTS MADE IN ORDER UNDER THE RULE

1. **Jackson-Lee (D-CA).** The amendment strikes the underlying text of H.R. 910 (other than a sense of Congress) and replaces it with a study, reportable to Congress within sixty days, requiring the EPA Administrator to determine the long term impacts of having no authority to regulate emissions of greenhouse gases and evaluate alternatives or best practices to ensure compliance with the Clean Air Act.
2. **Jackson-Lee (D-CA).** The amendment strikes the underlying text of H.R. 910 (other than a sense of Congress) and replaces it with language requiring the EPA to allow the industry to comment on the economic impact and the opportunity to extend comment periods before the Administrator can finalize any greenhouse gas regulation.
3. **McNerney (D-CA).** The amendment adds “voluntary programs” to the list of exemptions provided under H.R. 910.
4. **Cuellar (D-TX).** The amendment would not include water vapor from the listing of greenhouse gas, among others defined under H.R. 910. Additionally, the amendment strikes all sections of H.R. 910 addressing mobile greenhouse gas regulation by the EPA.
5. **Murphy (D-CT).** Amends section two of the bill to clarify H.R. 910 should not limit the Administrator from providing technical assistance to states, or groups of states, to implement regulations they have developed to limit greenhouse gas emissions. The amendment applies for data developed in accordance to the actions repealed under subsection 2(b)of H.R. 910, that prohibits the EPA administer from taking into consideration of greenhouse gas to address climate change and clarifies the term air pollutant does not include a greenhouse gas.

6. **Waxman (D-CA)/DeGette (D-CO)/Inslee (D-WA).** The amendment would add a new section to the bill that states Congress accepts the EPA’s finding that “climate change is occurring, is caused largely by human activities, and poses significant risks for public health and welfare.”
7. **Quigley (D-IL).** The amendment requires the Comptroller General to issue a report within one year analyzing health care costs in the U.S. comparing the difference between enacting H.R. 910 against allowing the EPA to proceed with the ability to implement a national energy tax.
8. **Polis (D-CO).** The amendment amends section 2 of the bill to allow the EPA Administrator to temporarily suspend the prohibition on regulating greenhouse gasses under the Clean Air Act if, after scientific review, the Administrator believes ground-level ozone, extreme weather events, increases in food and waterborne pathogens, or other undefined threats exist that will pose a significant threat to public health.
9. **Markey (D-MA).** The amendment adds a new section to the bill that would allow the EPA Administrator to use its authority provided under the Clean Air Act to promulgate any regulation if he or she determines it will reduce the demand for oil.
10. **Rush (D-IL).** The amendment does not allow the bill to go into affect until the EPA Administrator certifies that the affects of climate change “including its potential to create sustained natural and humanitarian disasters and its ability to foster political instability where societal demands exceed the capacity of governments to cope, do not jeopardize security interests of the United States at home or abroad.”
11. **Doyle (D-PA)/Ryan (D-OH)/Inslee (D-WA).** The amendment strikes the underlying text of H.R. 910 and replaces it with a study, ending in December of 2016, which evaluates the regulation of greenhouse gas emissions through the Clean Air Act (CAA) on the international competitiveness of U.S. producers of energy-intensive products.
12. **Kind (D-WI)/Owens (D-NY).** The amendment in the nature of a substitute strikes all the text of H.R. 910 and replaces it with language that amends the Clean Air Act to codify the EPA’s tailoring rule finalized in May of 2010. The [rule](#) allows permitting programs to limit the number of facilities that are required to obtain New Source Review and Title V operating permits based on their greenhouse gas emissions. This is designed to exempt smaller sized farms from stationary source greenhouse gas regulation, while continuing to regulate sources where most Americans receive their energy supply like coal power plants and refineries. H.R. 910 repeals the so-called tailoring rule.

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