

OFFICE OF DEMOCRATIC WHIP STENY H. HOYER
THE DAILY WHIP

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FLOOR SCHEDULE FOR THURSDAY, DECEMBER 8, 2011

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
9:00 a.m.: Legislative Business Five "One Minutes" per side	10:00 – 10:30 a.m.	12:00 – 1:00 p.m.

H.Res. 487 - Rule providing for consideration of H.R. 1633 – Farm Dust Regulation Prevention Act of 2011 (Rep. Noem – Energy and Commerce) The Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided between the Chair and Ranking Member of the Committee on Energy and Commerce. The Rule allows eight amendments, equally divided between the offeror and an opponent. It also provides one motion to recommit, with or without instructions. Lastly, it waives all points of order against the legislation.

H.R. 1633 – Farm Dust Regulation Prevention Act of 2011 (Rep. Noem – Energy and Commerce) The bill bars the EPA for one year from proposing, finalizing or implementing regulations that would modify current rules regarding the emission of coarse particulate matter (particulates with a diameter greater than 2.5 micrometers). The bill also creates a broad new category of pollution, called nuisance dust, and exempts it from the Clean Air Act entirely without any scientific evidence that doing so will not harm public health.

The Rule makes in order 8 amendments, each debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Rep. Rush Amendment. Would clarify that nothing in the bill precludes the EPA Administrator from enforcing Air Quality Standards for fine particulates (PM_{2.5}) and would delete section 3, which allows the EPA to regulate "nuisance dust" in areas where states and localities do not do so if it substantially hurts public health, and if the benefits of applying standards would outweigh the costs

Rep. Christensen Amendment. Would allow the EPA the authority under the Clean Air Act to step in and take action to reduce dangerous particle pollution if state, local, or tribal laws are not sufficient to protect public health

Rep. Crawford Amendment. Would direct the Environmental Protection Agency Administrator to consult with the Secretary of Agriculture when modifying Air Quality Standards with respect to 'nuisance dust' under exceptions provided in Sec. 132 (b) of the Farm Dust Regulation Prevention Act of 2011

Rep. Markey Amendment. Would ensure that particulate matter containing arsenic and other heavy metals that are hazardous to human health is not nuisance dust and remains subject to the Clean Air Act

Rep. Waxman Amendment. Would require that particulate pollution produced from mining activities is not defined as "nuisance dust" and thus remains subject to the Clean Air Act

Rep. Flake Amendment. Would add sense of Congress language regarding an approach to excluding so-called "exceptional events" (like massive dust storms that are not controllable or preventable) from determinations of whether an area is in compliance with the coarse particulate matter standard

Rep. Schock/Capito Amendment. Would require the EPA to take agriculture jobs and the economic impact on the agriculture industry into account before they issue any new regulations

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relating to agriculture. If a proposed regulation was found to cause the loss of more than 100 agriculturally related jobs or a decrease in more than \$1,000,000 in agriculturally related economic activity then EPA would have to give notice to the State's Congressional Delegation, Governor, and Legislature, and also hold a public hearing in the impacted State

Rep. Al Green Amendment. Would require EPA to provide a report of the increase or decrease in the number of jobs as a result of enactment of the bill

Bill Text for H.R. 1633:

[HTML Version](#)

[PDF Version](#)

Background for H.R. 1633:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

[Summary from the Energy and Commerce Committee](#)

Postponed Suspension Vote (1 bill)

[H.R. 1254](#) - Synthetic Drug Control Act (Rep. Dent - Energy and Commerce)

The Daily Quote

"Wary of the unreliable votes of conservatives in the conference, House Speaker John Boehner, R-Ohio, is shifting GOP strategy on a massive spending bill to keep government running past Dec. 16, in order to attract Democratic votes and pass the Senate. The new tactic—which likely will curb policy riders on conservative wish lists—reflects a determination by Boehner to broker a deal on a \$900 billion omnibus package...It also represents a statement, of sorts, by Boehner that he will call the shots—not his caucus's strict conservatives and other tea party acolytes. This move comes as Boehner and his lieutenants embarrassingly found themselves needing Democratic votes to pass critical bills, such as the legislation that averted the government shutdown last spring, in the GOP-controlled House....However, top House appropriators say that as negotiations to wrap up 2012 spending measures drag on, Republicans' bargaining power is weakening amid their inability to pass bills solo."

-National Journal, 12/2/11