

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3189) TO PROHIBIT THE CONDITIONING OF ANY PERMIT, LEASE, OR OTHER USE AGREEMENT ON THE TRANSFER, RELINQUISHMENT, OR OTHER IMPAIRMENT OF ANY WATER RIGHT TO THE UNITED STATES BY THE SECRETARIES OF THE INTERIOR AND AGRICULTURE; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 4015) TO AMEND TITLE XVIII OF THE SOCIAL SECURITY ACT TO REPEAL THE MEDICARE SUSTAINABLE GROWTH RATE AND IMPROVE MEDICARE PAYMENTS FOR PHYSICIANS AND OTHER PROFESSIONALS, AND FOR OTHER PURPOSES; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MARCH 17, 2014, THROUGH MARCH 21, 2014

MARCH 12, 2014.—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. 515]

The Committee on Rules, having had under consideration House Resolution 515, 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. 3189, the Water Rights Protection Act, 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 Natural Resources. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill 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 part A of 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 part A of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 4015, the SGR Repeal and Medicare Provider Payment Modernization Act of 2014, under a closed rule. The resolution provides one hour of debate equally divided among and controlled by the chairs and ranking minority members of the Committee on Energy and Commerce and the Committee on Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in part B of this report shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides that on any legislative day during the period from March 17, 2014, through March 21, 2014: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment.

Section 4 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 3189, 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 amendment in the nature of a substitute to H.R. 3189 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 part A of this report, 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 consideration of H.R. 4015, 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 H.R. 4015, as amended, 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. 117

Motion by Ms. Slaughter to report open rules for H.R. 3189 and H.R. 4015. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Ms. Slaughter	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida .....	.....
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen .....	.....	
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 118

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #4, offered by Rep. Tierney (MA), which provides a permanent fix to the Sustainable Growth Rate (SGR) of Medicare that is paid for by capping spending on Overseas Contingency Operations (OCO). Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	.....	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida .....	.....
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen	Nay		
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 119

Motion by Mr. Bishop of Utah to report the rule. Adopted: 8–3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx .....	.....	Ms. Slaughter	Nay
Mr. Bishop of Utah	Yea	Mr. McGovern	Nay
Mr. Cole	Yea	Mr. Hastings of Florida .....	.....
Mr. Woodall	Yea	Mr. Polis	Nay
Mr. Nugent	Yea		
Mr. Webster	Yea		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 3189 IN PART A MADE IN ORDER

1. Tipton (CO): MANAGER'S Makes several clarifying technical changes to the bill, and clarifies that the Act will have no effect on Bureau of Reclamation contracts, implementation of the Endangered Species Act, certain existing federal reserved water rights, and certain authorities under the Federal Power Act. (10 minutes)

2. Mullin, Markwayne (OK): Ensures that the federal government cannot make Native American tribes apply for or acquire water rights under state law for the federal government rather than acquiring the rights for themselves. Prohibits the federal government from using permits, approvals, and other land management agreements to take the water rights of Native American tribes without just compensation. Ensures that nothing in the Act limits or expands the reserved water rights or treaty rights of federally recognized Native American tribes. (10 minutes)

3. Polis (CO), DeGette (CO), Perlmutter (CO), DelBene (WA), Kuster, Ann (NH), Cartwright (PA), Huffman (CA): SUBSTITUTE Mandates that the U.S. Forest Service may not condition ski area permits on the transfer of title of any water right or require any ski area permittee to acquire a water right in the name of the United States. (20 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 4015 IN PART B CONSIDERED
AS ADOPTED

Camp (MI): States that under the bill, “the monthly penalty amount with respect to any taxpayer for any month beginning before January 1, 2019, shall be zero.” The schedule for the penalties currently slated to begin in 2014 in law would be reset to begin in 2019.

PART A—TEXT OF AMENDMENTS TO H.R. 3189 MADE IN ORDER

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

Page 3, line 13, insert “(including joint and sole ownership)” after “water right”.

Page 4, line 9, insert “legally recognized” after “existing”.

Page 4, line 10, insert “issue, grant, or” before “condition”.

Page 4, after line 13, insert the following:

SEC. 5. EFFECT ON RECLAMATION CONTRACTS.

Nothing in this Act shall in any way interfere with existing or future Bureau of Reclamation contracts entered into pursuant to Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act).

SEC. 6. EFFECT ON ENDANGERED SPECIES ACT.

Nothing in this Act shall affect the implementation of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

SEC. 7. EFFECT ON FEDERAL RESERVED WATER RIGHTS.

Nothing in this Act limits or expands any existing reserved water rights of the Federal Government on lands administered by the Secretary of the Interior or the Secretary of Agriculture.

SEC. 8. EFFECT ON FEDERAL POWER ACT.

Nothing in this Act limits or expands authorities pursuant to sections 4(e), 10(j), or 18 of the Federal Power Act (16 U.S.C. 797(e), 803(j), and 811).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MULLIN OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 18, insert “(including any federally recognized Indian tribe)” after “water user”.

Page 4, line 7, insert after the period “Such term shall include water rights for federally recognized Indian tribes.”.

Page 4, after line 13, insert the following:

SEC. 5. EFFECT ON INDIAN WATER RIGHTS.

Nothing in this Act limits or expands any existing reserved water right or treaty right of any federally recognized Indian tribe.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POLIS OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

Strike all after the enacting clause and insert the following:

SECTION 1. PROHIBITION ON CONDITIONING SKI AREA PERMIT ON TRANSFER OR ACQUISITION OF WATER RIGHTS ON BEHALF OF THE UNITED STATES.

The Secretary of Agriculture, acting through the Chief of the Forest Service, shall not—

- (1) condition the issuance, renewal, amendment, or extension of any ski area permit on the transfer of title or ownership, including joint ownership, of any water right granted or otherwise recognized under State law, by Federal or State adjudication, decree, or other judgment, or pursuant to any interstate water compact, directly to the United States; or
- (2) require any ski area permittee to apply for or acquire a water right in the name of the United States under State law as a condition of the issuance, renewal, amendment, or extension of any ski area permit.

PART B—TEXT OF AMENDMENT TO H.R. 4015 CONSIDERED AS ADOPTED

At the end of the bill, add the following:

SEC. 10. DELAY IN IMPLEMENTATION OF PENALTY FOR FAILURE TO COMPLY WITH INDIVIDUAL HEALTH INSURANCE MAN-DATE.

(a) IN GENERAL.—Section 5000A(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(5) DELAY IN IMPLEMENTATION OF PENALTY.—Notwithstanding any other provision of this subsection, the monthly penalty amount with respect to any taxpayer for any month beginning before January 1, 2019, shall be zero.”.

(b) DELAY OF CERTAIN PHASE INS AND INDEXING.—

(1) PHASE IN OF PERCENTAGE OF INCOME LIMITATION.—Section 5000A(c)(2)(B) of such Code is amended—

(A) by striking “2014” in clause (i) and inserting “2019”, and

(B) by striking “2015” in clauses (ii) and (iii) and inserting “2020”.

(2) PHASE IN OF APPLICABLE DOLLAR AMOUNT.—Section 5000A(c)(3)(B) of such Code is amended—

(A) by striking “2014” and inserting “2019”, and

(B) by striking “2015” (before amendment by subparagraph (A)) and inserting “2020”.

(3) INDEXING OF APPLICABLE DOLLAR AMOUNT.—Section 5000A(c)(3)(D) of such Code is amended—

(A) by striking “2016” in the matter preceding clause (i) and inserting “2021”, and

(B) by striking “2015” in clause (ii) and inserting “2020”.

(4) INDEXING OF EXEMPTION BASED ON HOUSEHOLD INCOME.—Section 5000A(e)(1)(D) of such Code is amended—

(A) by striking “2014” (before amendment by subparagraph (B)) and inserting “2019”, and
(B) by striking “2013” and inserting “2018”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2013.

