

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 37) TO MAKE TECHNICAL CORRECTIONS TO THE DODD-FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT, TO ENHANCE THE ABILITY OF SMALL AND EMERGING GROWTH COMPANIES TO ACCESS CAPITAL THROUGH PUBLIC AND PRIVATE MARKETS, TO REDUCE REGULATORY BURDENS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 185) TO REFORM THE PROCESS BY WHICH FEDERAL AGENCIES ANALYZE AND FORMULATE NEW REGULATIONS AND GUIDANCE DOCUMENTS; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 240) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015, AND FOR OTHER PURPOSES

JANUARY 12, 2015.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 27]

The Committee on Rules, having had under consideration House Resolution 27, by a record vote of 7 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. 37, the Promoting Job Creation and Reducing Small Business Burdens Act, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

Section 2 of the resolution provides for consideration of H.R. 185, the Regulatory Accountability Act of 2015, 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 the Judiciary. The resolution waives all points of order against consideration of the bill and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only

those 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 3 of the resolution provides for consideration of H.R. 240, the Department of Homeland Security Appropriations Act, 2015, under a structured rule. The resolution provides two hours of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the bill and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. Makes in order only those amendments printed in part B 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 in part B of this report. Provides one motion to recommit with or without instructions.

Section 4 of the resolution provides that the chair of the Committee on Appropriations may insert in the Congressional Record not later than January 14, 2015, such material as he may deem explanatory of H.R. 240.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 37, 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. 37, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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Although the resolution waives all points of order against provisions in H.R. 185, 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 to H.R. 185 printed in part A of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of the H.R. 240 includes a waiver of Section 3(d)(5) of H. Res. 5 of the 114th Congress, which prohibits the consideration of a general appropria-

tions bill in the Committee of the Whole unless it includes a spending reduction account.

Although the resolution waives all points of order against provisions in H.R. 240, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against amendments to H.R. 240 printed in part B of this report includes a waiver of clause 2 of rule XXI, which prohibits consideration of an amendment to a general appropriation bill if changing existing law.

Additionally, the waiver for amendments #1 (Aderholt) and #2 (Blackburn) includes a waiver of section 311 of the Congressional Budget Act, prohibiting consideration of any amendment that would cause revenues to be less than the level of total revenues for the first fiscal year or for the total of that first fiscal year and the ensuing fiscal years for which allocations are provided. The amendments by Representatives Aderholt and Blackburn would reduce both direct spending and revenues.

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. 8

Motion by Ms. Slaughter to amend the resolution to remove the special waivers of points of order for the amendments to H.R. 240, the Homeland Security Appropriations bill. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 9

Motion by Mr. Polis to add a section to the resolution that requires the House to consider a bill consisting of the text of H.R. 15 from the last Congress, the bipartisan, Senate-passed comprehensive immigration reform bill. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 10

Motion by Mr. Polis to amend the rule to H.R. 37 to make in order and provide the appropriate waivers for amendment #8, of-

ferred by Rep. Ellison (MN), Rep. Issa (CA), and Rep. Polis (CO), which strikes Title VII. Defeated: 3–7

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Cole	Nay	Mr. McGovern	Yea
Mr. Woodall	Nay	Mr. Hastings of Florida	Yea
Mr. Burgess	Nay	Mr. Polis	Yea
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 11

Motion by Ms. Foxx to report the rule. Adopted: 7–3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis	Nay
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 185 IN PART A MADE IN ORDER

1. McKinley (WV): Ensures that the Agencies, when developing regulations, take into consideration and account for low-income populations. Furthermore, the Amendment provides that no particular class or race is excluded when it comes to looking at costs and benefits of the regulation. (10 minutes)

2. Johnson, Hank (GA): Exempts from H.R. 185 all rules or guidance that the Director of the Office of Management and Budget determines would result in net job creation. (10 minutes)

3. Jackson Lee (TX): Exempts all rules promulgated by the Department of Homeland Security. (10 minutes)

4. Connolly (VA): Exempts any rule or guidance pertaining to public health or safety. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 240 IN PART B MADE IN ORDER

1. Aderholt (AL), Mulvaney (SC), Barletta (PA): 1) Prevents any funds from whatever source to be used to carry-out (1) the Executive actions announced on November 20, 2014 to grant deferred action to certain unlawful aliens and for other purposes, and (2) four of the “Morton Memos” on prosecutorial discretion and immigration enforcement priorities issued in 2011 and 2012 that effectively prevent certain classes of unlawful aliens from being removed from the country. 2) Declares that no funds may be used to carry-out any substantially similar policies to those defunded. 3) Declares that the policies defunded and any substantially similar policies have no statutory or constitutional basis and therefore no legal effect. 4) Provides that no funds may be used to grant any Federal benefit to any alien as a result of the policies defunded. (20 minutes)

2. Blackburn (TN): Provides that no funds may be used to consider new, renewal or previously denied DACA applications. (10 minutes)

3. DeSantis (FL), Roby (AL): Requires that DHS treat any alien convicted of any offense involving domestic violence, sexual abuse, child molestation, or child abuse or exploitation as within the categories of aliens subject to DHS's highest civil immigration enforcement. (10 minutes)

4. Salmon (AZ), Thompson, Glenn (PA): Expresses a sense of Congress that the Executive Branch should not pursue policies that disadvantage the hiring of U.S. citizens and those lawfully present in the United States by making it economically advantageous to hire workers who came to the country illegally. (10 minutes)

5. Schock (IL): Sense of Congress that the Administration should stop putting the interest of immigrants who worked within the legal framework to come to the US behind those who came here illegally. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 185 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 8, line 8, strike “and economic competitiveness” and insert the following: “economic competitiveness, and impacts on low income populations”.

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

Add, at the end of the bill, the following:

SEC. 10. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2015, and section 553a shall not apply in the case of any rule or guidance proposed, issued, or made that the Director of the Office of Management and Budget determines would result in net job creation. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2015, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.”.

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

Add, at the end of the bill, the following:

SEC. 10. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2015, and section 553a shall not apply in the case of any rule or guidance proposed, issued, or made by the Secretary of Homeland Security. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2015, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.””.

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

Add, at the end of the bill, the following:

SEC. 10. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2015, and section 553a shall not apply in the case of a rule or guidance proposed, made, or issued which relates to health or public safety. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2015, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.””.

PART B—TEXT OF AMENDMENTS TO H.R. 240 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ADERHOLT OF ALABAMA OR HIS DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) No funds, resources, or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the “Immigration Examinations Fee Account” established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to implement, administer, enforce, or carry out (including through the issuance of any regulations) any of the policy changes set forth in the following memoranda (or any substantially similar policy changes issued or

taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action):

(1) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled “Civil Immigration Enforcement: Priorities for the Apprehension, Detention, and Removal of Aliens” dated March 2, 2011.

(2) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled “Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens” dated June 17, 2011.

(3) The memorandum from the Principal Legal Advisor of U.S. Immigration and Customs Enforcement entitled “Case-by-Case Review of Incoming and Certain Pending Cases” dated November 17, 2011.

(4) The memorandum from the Director of U.S. Immigration and Customs Enforcement entitled “Civil Immigration Enforcement: Guidance on the Use of Detainers in the Federal, State, Local, and Tribal Criminal Justice Systems” dated December 21, 2012.

(5) The memorandum from the Secretary of Homeland Security entitled “Southern Border and Approaches Campaign” dated November 20, 2014.

(6) The memorandum from the Secretary of Homeland Security entitled “Policies for the Apprehension, Detention and Removal of Undocumented Immigrants” dated November 20, 2014.

(7) The memorandum from the Secretary of Homeland Security entitled “Secure Communities” dated November 20, 2014.

(8) The memorandum from the Secretary of Homeland Security entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents” dated November 20, 2014.

(9) The memorandum from the Secretary of Homeland Security entitled “Expansion of the Provisional Waiver Program” dated November 20, 2014.

(10) The memorandum from the Secretary of Homeland Security entitled “Policies Supporting U.S. High-Skilled Businesses and Workers” dated November 20, 2014.

(11) The memorandum from the Secretary of Homeland Security entitled “Families of U.S. Armed Forces Members and Enlistees” dated November 20, 2014.

(12) The memorandum from the Secretary of Homeland Security entitled “Directive to Provide Consistency Regarding Advance Parole” dated November 20, 2014.

(13) The memorandum from the Secretary of Homeland Security entitled “Policies to Promote and Increase Access to U.S. Citizenship” dated November 20, 2014.

(14) The memorandum from the President entitled “Modernizing and Streamlining the U.S. Immigrant Visa System for the 21st Century” dated November 21, 2014.

(15) The memorandum from the President entitled “Creating Welcoming Communities and Fully Integrating Immigrants and Refugees” dated November 21, 2014.

(b) The memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action) have no statutory or constitutional basis and therefore have no legal effect.

(c) No funds or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the “Immigration Examinations Fee Account” established under section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)), may be used to grant any Federal benefit to any alien pursuant to any of the policy changes set forth in the memoranda referred to in subsection (a) (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action).

(d) The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(e) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

(1) for purposes of section 251 of the such Act; and

(2) for purposes of paragraph 4(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BLACKBURN OF TENNESSEE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) No funds, resources or fees made available to the Secretary of Homeland Security, or to any other official of a Federal agency, by this Act or any other Act for any fiscal year, including any deposits into the “Immigration Examinations Fee Account” established under section 286(m) of the Immigration and Nationality Act (8 USC 1356(m)), may be used to consider or adjudicate any new, renewal or previously denied application for any alien requesting consideration of deferred action for childhood arrivals, as authorized by the Executive memorandum dated June 15, 2012, and effective on August 15, 2012 (or any substantially similar policy changes issued or taken on or after January 9, 2015, whether set forth in memorandum, Executive order, regulation, directive, or by other action).

(b) The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(c) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee

of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

- (1) for purposes of section 251 of the such Act; and
- (2) for purposes of paragraph 4(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

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

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) No funds or fees made available to the Secretary of Homeland Security by this Act or any other Act for any fiscal year may be used to implement, administer, enforce, or carry out (including through the issuance of any regulations) any policy relating to the apprehension, detention, or removal of aliens that does not treat any alien convicted of any offense involving domestic violence, sexual abuse, child molestation, or child exploitation as within the categories of aliens subject to the Department of Homeland Security's highest civil immigration enforcement priorities.

(b) The budgetary effects of this section shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(c) Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this section shall not be estimated—

- (1) for purposes of section 251 of the such Act; and
- (2) for purposes of paragraph 4(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

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

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) The Congress finds that—

(1) under the Patient Protection and Affordable Care Act (Public Law 111-148), many individuals and businesses are required to purchase health insurance coverage for themselves and their employees;

(2) individuals who were unlawfully present in the United States who have been granted deferred action under the Deferred Action for Childhood Arrivals Program undertaken by the Executive Branch and who then receive work authorization are exempt from these requirements;

(3) many United States employers hiring United States citizens or individuals legally present in the United States are required to either offer those persons affordable health insurance or pay a penalty of approximately \$3,000 per employee per year; and

(4) an employer does not have to provide insurance, or in many instances pay a penalty, if they hire individuals who were not lawfully present but who have been granted deferred action under the Deferred Action for Childhood Arrivals Program and work authorization.

(b) It is the sense of the Congress that—

(1) this disparate treatment has the unacceptable effect of discouraging the hiring of United States citizens and those in a lawful immigration status in the United States; and

(2) the Executive Branch should refrain from pursuing policies, such as granting deferred action under the Deferred Action for Childhood Arrivals Program and work authorization to unlawfully present individuals, that disadvantage the hiring of United States citizens and those in a lawful immigration status in the United States.

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

At the end of the bill (before the short title), insert the following:

SEC. _____. It is the sense of the Congress that the Director of U.S. Citizenship and Immigration Services (USCIS) should—

(1) stop putting the interests of aliens who are unlawfully present in the United States ahead of the interests of aliens who are following proper immigration laws and procedures by adjudicating petitions and applications for immigration benefits submitted by aliens unlawfully present in the United States. When USCIS adjudicators and resources are used to adjudicate petitions and applications for aliens who are unlawfully present, the time it takes to process petitions and applications submitted by other aliens is significantly increased and a backlog is created. In addition, it is unfair to use the fees paid by other aliens to cover the costs of adjudicating petitions and applications for aliens unlawfully present in the United States; and

(2) use the funds available under existing law to improve services and increase the efficiency of the immigration benefits application process for aliens abroad or who are lawfully present in the United States.