

114TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
114-230

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 427) TO AMEND CHAPTER 8 OF TITLE 5, UNITED STATES CODE, TO PROVIDE THAT MAJOR RULES OF THE EXECUTIVE BRANCH SHALL HAVE NO FORCE OR EFFECT UNLESS A JOINT RESOLUTION OF APPROVAL IS ENACTED INTO LAW; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JULY 30, 2015, THROUGH SEPTEMBER 7, 2015; AND FOR OTHER PURPOSES

JULY 27, 2015.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 380]

The Committee on Rules, having had under consideration House Resolution 380, 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. 427, the Regulations From the Executive in Need of Scrutiny 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. 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 the Judiciary now printed in the bill modified by the amendment printed in part A of this report, 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 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 the Committee of the Whole. The resolution waives all points of order against the amendments print-

ed in part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that on any legislative day during the period from July 30, 2015 through September 7, 2015; 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 3 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 2 of the resolution as though under clause 8(a) of rule I.

Section 4 of the resolution provides that each day during the period addressed by section 2 of the resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

Section 5 of the resolution provides that each day during the period addressed by section 2 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry).

Section 6 of the resolution provides that it shall be in order at any time on the legislative day of July 30, 2015, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV, and that the Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

Section 7 of the resolution waives the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House with respect to any resolution reported through the legislative day of July 30, 2015.

Section 8 of the resolution addresses access to the House Chamber for the joint meeting to be held on September 24, 2015. Traditionally, those persons who are granted floor privileges under rule IV of the rules of the House have been allowed to attend joint meetings in the House chamber. This section is necessary because there are concerns that attendance at the joint meeting for Pope Francis on September 24, 2015 will exceed the capacity of the chamber to hold a safe and dignified event.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 3(e)(1) of rule XIII (“Ramseyer”), requiring a committee report accompanying a bill amending or repealing statutes to show, by typographical device, parts of statute affected. The waiver is provided because the submission provided by the Committee on the Judiciary was insufficient to meet the standards established by the rule in its current form. The Committee on Rules continues to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

Although the resolution waives all points of order against the amendment in the nature of a substitute 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 B of this report, 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. 93

Motion by Mr. Woodall to report the rule. Adopted: 8–3

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

SUMMARY OF THE AMENDMENT IN PART A CONSIDERED AS ADOPTED

Sessions (TX): Makes a technical improvement to the bill.

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Young, David (IA): Would require agencies to publish in the federal register a list of information on which a rule is based, including data, scientific and economic studies, and cost-benefit analyses, and where the public can access it online. (10 minutes)

2. Smith, Jason (MO): Requires congressional approval for all rules proposed under the authority of the Affordable Care Act. (10 minutes)

3. Sessions (TX), Davis, Rodney (IL), Wenstrup (OH), Barr, (KY): Requires the agency submitting the report on a proposed Federal rule to include an assessment, as part of the cost-benefit analysis submitted to the Comptroller General and each House of Congress, of anticipated jobs gained or lost as a result of implementation, and to specify whether those jobs will come from the public or private sector. (10 minutes)

4. Johnson, Hank (GA): Adds an exception to the bill for rules that the Administrator of the Office of Management and Budget determines would result in net job growth. (10 minutes)

5. Capps (CA): Ensures that any rule intended to ensure the safety of natural gas or hazardous materials pipelines or prevent, mitigate, or reduce the impact of spills from such pipelines is not considered a “major rule” under the bill. (10 minutes)

6. Cicilline (RI): Exempts rules pertaining to the protection of the public health or safety from the requirements of the Act. (10 minutes)

7. Jackson Lee (TX): Provides a “special rule” pertaining to the safety of any products specifically designed to be used or consumed by a child under the age of 2 years (including cribs, car seats, and infant formula). (10 minutes)

8. Moore, Gwen (WI): Exempts rules issued by the Consumer Financial Protection Bureau from the requirements of the bill. (10 minutes)

9. Nadler (NY): Exempts from the bill's congressional approval requirement any rule pertaining to nuclear reactor safety standards in order to prevent nuclear meltdowns like the one in Fukushima. (10 minutes)

10. Pocan (WI), Moore, Gwen (WI): Exempts the Department of Veterans Affairs from the requirements of this legislation, in regards to rulemaking for the availability of affordable medication and effective healthcare management for veterans. (10 minutes)

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Page 15, line 1, strike "(b)(1) A joint resolution" and insert the following: "(b) A joint resolution".

Page 15, strike lines 4 through 9.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE YOUNG OF IOWA OR HIS DESIGNEE, DEBATALE FOR 10 MINUTES

Page 4, line 3, insert after "shall" the following: "publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and shall".

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SMITH OF MISSOURI OR HIS DESIGNEE, DEBATALE FOR 10 MINUTES

Page 4, beginning on line 12, strike "sections 804(2)(A), 804(2)(B), and 804(2)(C)" and insert "clauses (i) through (iii) of section 804(2)(A) or within section 804(2)(B)".

Page 18, beginning on line 11, strike "the Administrator", and insert " "

"(A) the Administrator".

Page 18, line 15, by redesignating subparagraph (A) as clause (i).

Page 18, line 17, by redesignating subparagraph (B) as clause (ii).

Page 18, line 21, by redesignating subparagraph (C) as clause (iii).

Page 18, line 25, strike the period at the end and insert "; or".

Page 18, insert after line 25 the following:

"(B) is made under the Patient Protection and Affordable Care Act (Pub. Law 111–148).".

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS OR HIS DESIGNEE, DEBATALE FOR 10 MINUTES

Page 4, line 24, insert before the semicolon the following: ", including an analysis of any jobs added or lost, differentiating between public and private sector jobs".

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

Page 18, line 10, insert after "means any rule" the following: "(other than a special rule)".

Page 19, line 2, insert before the period at the end the following: ", and includes any special rule".

Page 20, after line 8, insert the following:

"(6) The term 'special rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget determines would result in net job growth.".

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CAPPES OF CALIFORNIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 18, line 10, insert after "any rule" the following: "(other than a special rule)".

Page 19, line 2, insert before the period at the end the following: ", and includes a special rule".

Page 20, insert after line 8 the following:

"(6) The term 'special rule' means any rule intended to ensure the safety of natural gas or hazardous material pipelines or prevent, mitigate, or reduce the impact of spills from such pipelines.".

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 18, line 10, insert after "means any rule" the following: "(other than a special rule)".

Page 19, line 2, insert before the period at the end the following: ", and includes any special rule".

Page 20, after line 8, insert the following:

"(6) The term 'special rule' means any rule relating to protection of the public health or safety.".

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

Page 18, line 10, insert after "any rule" the following: "(other than a special rule)".

Page 19, line 2, insert before the period at the end the following: ", and includes a special rule".

Page 20, insert after line 8 the following:

"(6) The term 'special rule' means any rule that pertains to the safety of any products specifically designed to be used or consumed by a child under the age of 2 years (including cribs, car seats, and infant formula).".

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 18, line 10, insert after "any rule" the following: "(other than a special rule)".

Page 19, line 2, insert before the period at the end the following:
“, and includes a special rule”.

Page 20, insert after line 8 the following:

“(6) The term ‘special rule’ means any rule made by the Director of the Consumer Financial Protection Bureau.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NADLER OF NEW YORK OR HIS DESIGNEE, DEBATALE FOR 10 MINUTES

Page 18, line 10, insert after “any rule” the following: “(other than a special rule)”.

Page 19, line 2, insert before the period at the end the following:
“, and includes a special rule”.

Page 20, insert after line 8 the following:

“(6) The term ‘special rule’ means any rule pertaining to nuclear reactor safety standards.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE POCAN OF WISCONSIN OR HIS DESIGNEE, DEBATALE FOR 10 MINUTES

Page 18, line 10, insert after “any rule” the following: “(other than a special rule)”.

Page 19, line 2, insert before the period at the end the following:
“, and includes a special rule”.

Page 20, insert after line 8 the following:

“(6) The term ‘special rule’ means any rule that ensures the availability of affordable medication and effective healthcare management for veterans.”.

