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114TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
114–744

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5351) TO PROHIBIT THE TRANSFER OF ANY INDIVIDUAL DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5226) TO AMEND CHAPTER 3 OF TITLE 5, UNITED STATES CODE, TO REQUIRE THE PUBLICATION OF INFORMATION RELATING TO PENDING AGENCY REGULATORY ACTIONS, AND FOR OTHER PURPOSES

SEPTEMBER 13, 2016.—Referred to the House Calendar and ordered to be printed

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

REPORT

[To accompany H. Res. 863]

The Committee on Rules, having had under consideration House Resolution 863, by a record vote of 8 to 4, 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. 5351, to prohibit the transfer of any individual detained at United States Naval Station, Guantanamo Bay, Cuba, 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 Armed Services. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in part A 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 2 of the resolution provides for consideration of H.R. 5226, the Regulatory Integrity Act of 2016, 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 Oversight and Government Reform. 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 an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114–63 and provides that it shall be

59–008

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 in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 5351, 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. 5351, as amended, 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. 5226, 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 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 to H.R. 5226 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. 208

Motion by Mr. Burgess to report the rule. Adopted: 8–4

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

SUMMARY OF THE AMENDMENT TO H.R. 5351 IN PART A CONSIDERED AS ADOPTED

Walorski (IN): Revises date in SEC 1. (b)(2)(B) from January 1, 2017 to January 21, 2017.

SUMMARY OF THE AMENDMENTS TO H.R 5226 IN PART B MADE IN ORDER

1. Boustany (LA), Loudermilk (GA): Requires the results of a Regulatory Impact Analysis (RIA) or a similar cost-benefit analysis, as well as the formula and data for the analysis to be included in the details disclosed by the agency on either regulations.gov or on the executive agency's website. (10 minutes)

2. Fleming (LA): Adds a requirement that proposed regulations that duplicate or overlap with other existing regulations must be disclosed. (10 minutes)

3. McKinley (WV): Restricts employees or officers of an Executive Agency from using private email accounts when discussing a pending agency regulatory action with the public. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 5351 CONSIDERED AS ADOPTED

Page 2, line 13, strike "January 1, 2017" and insert "January 21, 2017".

PART B—TEXT OF AMENDMENTS TO H.R. 5226 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOUSTANY JR. OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 13, strike "; and" and insert a semicolon.
Page 3, line 15, strike the period at the end and insert "; and".
Page 3, after line 15, insert the following:

"(v) if a regulatory impact analysis or similar cost-benefit analysis has been conducted, the findings of such analysis, including any data or formula used for purposes of such analysis.

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

Page 3, line 13, strike "; and" and insert a semicolon.
Page 3, line 15, strike the period at the end and insert "; and".
Page 3, after line 15, insert the following:

"(v) if applicable, a list of agency regulatory actions issued by the Executive agency, or any other Executive agency, that duplicate or overlap with the agency regulatory action.

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

Page 5, line 3, strike "; or" and insert a semicolon.
Page 5, after line 3, insert the following new subparagraph:

"(B) be sent through the private email account of an officer or employee of the Executive agency; or".

Page 5, line 4, strike "(B)" and insert "(C)".

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