

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3438) TO AMEND TITLE 5, UNITED STATES CODE, TO POSTPONE THE EFFECTIVE DATE OF HIGH IMPACT RULES PENDING JUDICIAL REVIEW; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5719) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO MODIFY THE TAX TREATMENT OF CERTAIN EQUITY GRANTS; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

SEPTEMBER 20, 2016.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 875]

The Committee on Rules, having had under consideration House Resolution 875, by a nonrecord vote, 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. 3438, the REVIEW 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 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 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 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 this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 5719, the Empowering Employees through Stock Ownership 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 Ways and Means. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill 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 it shall be in order at any time on the legislative day of September 22, 2016, or September 23, 2016, for the Speaker to entertain motions that the House suspend the rules 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.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 3438 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 to H.R. 3438, 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 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 H.R. 5719 includes a waiver of:

- Section 303 of the Congressional Budget Act, prohibiting consideration of legislation that provides a change in revenues for a fiscal year until the budget resolution for that year has been agreed to; and
- Section 311 of the Congressional Budget Act of 1974, prohibiting consideration of legislation that would cause the level of total new budget authority for the first fiscal year to be exceeded, or 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.

Although the resolution waives all points of order against provisions in H.R. 5719, 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. 209

Motion by Ms. Slaughter to make in order and provide the appropriate waivers for amendment #1 to H.R. 5719, offered by Rep. Crowley (NY) and Rep. Eshoo (CA), which increases the Oil Spill Liability Trust Fund tax by \$.02 cents to \$0.11 per bbl. effective January 1, 2017 to offset the cost of the bill. Defeated: 3–8

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.	
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman.			

Rules Committee record vote No. 210

Motion by Mr. McGovern to provide opens rules for H.R. 3438 and H.R. 5719. Defeated: 3–8

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.	
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman.			

Rules Committee record vote No. 211

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #4 to H.R. 3438, offered by Rep. Jackson Lee (TX), which exempts any rule promulgated to prevent, respond to, or mitigate the adverse impacts of public health emergencies like the outbreak of the Zika and Ebola viruses. Defeated: 3–8

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.	
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman.			

Rules Committee record vote No. 212

Motion by Mr. Hastings to make in order and provide the appropriate waivers for amendment #1 to H.R. 3438, offered by Rep. Conyers Jr. (MI), which exempts rules pertaining to reducing the level of lead in drinking water. Defeated: 3–8

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.	
Mr. Stivers	Nay		
Mr. Collins	Nay		
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Sessions, Chairman.			

SUMMARY OF THE AMENDMENTS TO H.R. 3438 MADE IN ORDER

1. Cicilline (RI): Exempts from the requirements of the legislation any rule that would reduce the cost of healthcare for people over the age of 65. (10 minutes)

2. DelBene (WA): Exempts from the bill's requirements rules relating to improving the affordability of higher education. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 3438 MADE IN ORDER

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

Page 3, line 19, strike “; and” and insert a semicolon.

Page 3, line 21, insert after “rule” the following: “(other than an excepted rule)”.

Page 3, line 23, strike the period and insert “; and”.

Page 3, insert after line 23 the following:

(C) the term “excepted rule” means any rule that would reduce the cost of healthcare for a person over the age of 65.

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

Page 3, line 19, strike “; and” and insert a semicolon.

Page 3, line 21, insert after “rule” the following: “(other than an excepted rule)”.

Page 3, line 23, strike the period and insert “; and”.

Page 3, insert after line 23 the following:

(C) the term “excepted rule” means any rule that would increase college affordability.