

PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 34) TO AUTHORIZE AND STRENGTHEN THE TSUNAMI DETECTION, FORECAST, WARNING, RESEARCH, AND MITIGATION PROGRAM OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6392) TO AMEND THE DODD FRANK WALL STREET REFORM AND CONSUMER PROTECTION ACT TO SPECIFY WHEN BANK HOLDING COMPANIES MAY BE SUBJECT TO CERTAIN ENHANCED SUPERVISION, AND FOR OTHER PURPOSES

NOVEMBER 29, 2016.—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. 934]

The Committee on Rules, having had under consideration House Resolution 934, 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 Senate amendment to H.R. 34, the Tsunami Warning, Education, and Research Act of 2015. The resolution makes in order a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendment to H.R. 34 with an amendment consisting of the text of Rules Committee Print 114-67 modified by the amendment printed in part A of this report. The resolution waives all points of order against consideration of the motion. The resolution provides that the Senate amendment and motion shall be considered as read. The resolution provides 80 minutes of debate on the motion with 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means.

Section 2 of the resolution provides for consideration of H.R. 6392, the Systemic Risk Designation Improvement Act of 2016, under a structured 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 makes in order only the amendment printed in part B of this report, if offered by the Member designated in this report, which 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. The resolution waives all points of order against the amendment printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the motion related to H.R. 34 includes a waiver of the following:

- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation, providing a change in revenues for a fiscal year until the budget resolution for that year has been agreed to;
- Section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee; and
- Clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The waiver of all points of order against consideration of H.R. 6392 includes a waiver of the following:

- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation, providing a change in revenues for a fiscal year until the budget resolution for that year has been agreed to; and
- Clause 10 of rule XXI, which prohibits the consideration of a bill if it has the net effect of increasing mandatory spending over the five-year or ten-year period. While the waiver is necessary, it should be noted that the bill does not cause an increase in the deficit.

Although the resolution waives all points of order against provisions in H.R. 6392, 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 to H.R. 6392 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. 218

Motion by Mr. Cole to report the rule. Adopted: 7–3.

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

SUMMARY OF THE AMENDMENT TO THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 34 IN PART A CONSIDERED AS ADOPTED

Upton (MI): MANAGER'S Reallocates credits in accounts for NIH and FDA accounts. These changes do not alter the overall \$6.3 billion in total transfers for NIH, FDA and opioids. Reductions in budget authority and transfers for NIH, FDA and opioids accounts still match on a year to year basis. Alters scope of provisions eligible for FDA funding. The Tick Borne strike and replace language changes this section from a 'may' to a 'shall' and adds a list of Federal and Non-Federal members to be included in the working group. Codifies due process for determinations by Secretary of VA. Makes technical, conforming and cross-reference corrections. Strikes division D (Child and Family Services and Support).

SUMMARY OF THE AMENDMENT TO H.R. 6392 IN PART B MADE IN ORDER

1. Davidson (OH), Luetkemeyer (MO): Prohibits the use of international standards not specifically provided in the bill. (10 minutes)

PART A—TEXT OF AMENDMENT TO THE HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 34 CONSIDERED AS ADOPTED

Page 11, line 3, strike "**SECTION**" and insert "**SEC.**".
Page 12, line 7, strike "\$372,000,000" and insert "\$352,000,000".
Page 12, line 9, strike "\$526,000,000" and insert "\$496,000,000".
Page 12, line 11, strike "\$721,000,000" and insert "\$711,000,000".
Page 12, line 13, strike "\$507,000,000" and insert "\$492,000,000".
Page 12, line 15, strike "\$424,000,000" and insert "\$404,000,000".
Page 12, line 23, strike "\$107,000,000" and insert "\$127,000,000".
Page 12, line 25, strike "\$151,000,000" and insert "\$226,000,000".
Page 14, line 21, strike "\$1,400,000,000" and insert "\$1,455,000,000".
Page 14, line 22, strike "\$0" and insert "\$40,000,000".
Page 14, line 24, strike "\$114,000,000" and insert "\$100,000,000".
Page 15, line 2, strike "\$23,000,000" and insert "\$186,000,000".
Page 15, line 4, strike "\$136,000,000" and insert "\$149,000,000".
Page 15, line 5, strike "\$78,000,000" and insert "\$109,000,000".
Page 15, line 7, strike "\$245,000,000" and insert "\$150,000,000".
Page 15, line 9, strike "\$580,000,000" and insert "\$419,000,000".
Page 15, line 11, strike "\$180,000,000" and insert "\$235,000,000".
Page 15, line 13, strike "\$30,000,000" and insert "\$36,000,000".
Page 15, line 15, strike "\$14,000,000" and insert "\$31,000,000".
Page 15, line 19, strike "\$1,564,000,000" and insert "\$1,511,000,000".
Page 15, line 20, strike "\$0" and insert "\$10,000,000".

Page 15, line 22, strike "\$124,000,000" and insert "\$86,000,000".
 Page 15, line 24, strike "\$25,000,000" and insert "\$115,000,000".
 Page 16, line 2, strike "\$135,000,000" and insert "\$140,000,000".
 Page 16, line 3, strike "\$83,000,000" and insert "\$100,000,000".
 Page 16, line 5, strike "\$251,000,000" and insert "\$152,000,000".
 Page 16, line 7, strike "\$505,000,000" and insert "\$450,000,000".
 Page 16, line 9, strike "\$227,000,000" and insert "\$172,000,000".
 Page 16, line 11, strike "\$77,000,000" and insert "\$91,000,000".
 Page 16, line 13, strike "\$137,000,000" and insert "\$195,000,000".
 Page 16, line 22, strike "\$1,802,000,000" and insert "\$1,800,000,000".
 Page 16, line 25, strike "\$372,000,000" and insert "\$300,000,000".
 Page 17, line 2, strike "\$278,000,000" and insert "\$300,000,000".
 Page 17, line 4, strike "\$663,000,000" and insert "\$400,000,000".
 Page 17, line 6, strike "\$226,000,000" and insert "\$195,000,000".
 Page 17, line 8, strike "\$263,000,000" and insert "\$195,000,000".
 Page 17, after line 8, insert the following:
 (vi) For fiscal year 2022, \$194,000,000.
 (vii) For fiscal year 2023, \$216,000,000.
 Page 17, line 21, strike "\$0" and insert "\$2,000,000".
 Page 17, line 23, strike "through 2020" and insert "and 2019".
 Page 17, after line 23, insert the following:
 (iii) For fiscal year 2020, \$8,000,000.
 Page 17, line 24, redesignate clause (iii) as clause (iv).
 Page 22, line 6, strike "2018 through 2026" and insert "2017 through 2025".
 Beginning on page 22, line 9, redesignate clauses (i) through (ix) as clauses (ii) through (x), respectively.
 Page 22, after line 8, insert the following:
 (i) For fiscal year 2017, \$20,000,000.
 Page 22, line 9, strike "\$30,000,000" and insert "\$60,000,000".
 Page 22, line 11, strike "\$60,000,000" and insert "\$70,000,000".
 Page 22, line 13, strike "\$60,000,000" and insert "\$75,000,000".
 Page 22, line 15, strike "\$50,000,000" and insert "\$70,000,000".
 Page 22, line 22, strike "\$75,000,000" and insert "\$55,000,000".
 Page 22, strike lines 23 and 24.
 Page 23, lines 8 and 9, strike "2018 through 2026" and insert "2017 through 2025".
 Page 23, lines 17 and 18, strike "2018 through 2026" and insert "2017 through 2025".
 Page 25, line 5, strike "2018 through 2026" and insert "2017 through 2025".
 Page 26, line 1, strike "2018 through 2026" and insert "2017 through 2025".
 Page 26, lines 5 and 6, strike "2019 through 2027" and insert "2018 through 2026".
 Page 27, line 16, strike "2026" and insert "2025".
 Page 24, line 12, strike "title III" and all that follows through line 16 and insert the following "title III of this Act and section 1014 of the Federal Food, Drug, and Cosmetic Act, as added by section 3073 of this Act."
 Page 30, line 4, strike "may" and insert "shall".
 Page 119, line 25, strike "may" and insert "shall".
 Page 120, line 10, strike "may" and insert "shall".
 Page 120, line 15, strike "as appropriate,".

Page 120, line 17, insert “all” after “related to”.

Page 122, strike lines 10 through 12, and insert the following:

(3) MEMBERSHIP.—The members of the working group shall represent a diversity of scientific disciplines and views and shall be composed of the following members:

(A) FEDERAL MEMBERS.—Seven Federal members, consisting of one or more representatives of each of the following:

- (i) The Office of the Assistant Secretary for Health.
- (ii) The Food and Drug Administration.
- (iii) The Centers for Disease Control and Prevention.
- (iv) The National Institutes of Health.

(v) Such other agencies and offices of the Department of Health and Human Services as the Secretary determines appropriate.

(B) NON-FEDERAL PUBLIC MEMBERS.—Seven non-Federal public members, consisting of representatives of the following categories:

(i) Physicians and other medical providers with experience in diagnosing and treating tick-borne diseases.

(ii) Scientists or researchers with expertise.

(iii) Patients and their family members.

(iv) Nonprofit organizations that advocate for patients with respect to tick-borne diseases.

(v) Other individuals whose expertise is determined by the Secretary to be beneficial to the functioning of the Working Group.

Page 122, line 18, strike “paragraph (6)” and insert “paragraph (7)”.

Page 123, after line 5, insert the following:

(6) APPLICABILITY OF FACAA.—The Working Group shall be treated as an advisory committee subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Page 123, line 6, redesignate paragraph (6) as paragraph (7).

Page 130, line 22, insert “authorities in” before “the European Union”.

Page 172, beginning on line 18, amend paragraph (2) to read as follows:

(2) INSTITUTIONAL REVIEW BOARD DEFINED.—In this section, the term “institutional review board” has the meaning that applies to the term “institutional review board” under the HHS Human Subject Regulations.

Page 211, line 9, strike “of the Public” and insert “or the Public”.

Page 224, line 8, strike “(1)(B)” and insert “(1)(A)”.

Page 269, line 24, strike “fix” and insert “set”.

Beginning on page 407, line 1, strike section 4009 (and redesignate sections 4010 through 4013 as sections 4009 through 4012, respectively).

Page 424, lines 23 and 24, strike “the State, consistent with subparagraph (B),” and insert “the State, not later than 30 days after the effective date of such termination.”

Page 446, line 17, strike “4012” and insert “4011”.

Page 603, line 3, insert “recovery support services and programming and” after “include”.

Beginning on page 736, line 11, amend section 14017 to read as follows:

SEC. 14017. CODIFICATION OF DUE PROCESS FOR DETERMINATIONS BY SECRETARY OF VETERANS AFFAIRS OF MENTAL CAPACITY OF BENEFICIARIES.

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by inserting after section 5501 the following new section:

“§ 5501A. Beneficiaries’ rights in mental competence determinations

“The Secretary may not make an adverse determination concerning the mental capacity of a beneficiary to manage monetary benefits paid to or for the beneficiary by the Secretary under this title unless such beneficiary has been provided all of the following, subject to the procedures and timelines prescribed by the Secretary for determinations of incompetency:

“(1) Notice of the proposed adverse determination and the supporting evidence.

“(2) An opportunity to request a hearing.

“(3) An opportunity to present evidence, including an opinion from a medical professional or other person, on the capacity of the beneficiary to manage monetary benefits paid to or for the beneficiary by the Secretary under this title.

“(4) An opportunity to be represented at no expense to the Government (including by counsel) at any such hearing and to bring a medical professional or other person to provide relevant testimony at any such hearing.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 55 is amended by inserting after the item relating to section 5501 the following new item:

“5501A. Beneficiaries’ rights in mental competence determinations”.

(c) EFFECTIVE DATE.—Section 5501A of title 38, United States Code, as added by subsection (a), shall apply to determinations made by the Secretary of Veterans Affairs on or after the date of the enactment of this Act.

Page 771, line 4, strike “Section 7(b)(1)(B)(iii)” and insert “Section 7(b)(1)(B)”.

Page 771, line 7, strike “Public Law 122–240” and insert “Public Law 112–240”.

Page 771, line 10, insert “in clause (iii)” after “is amended”.

Page 806, line 17, and page 807, line 24, strike “1903(i)(2)(D)” and insert “1903(i)(2)(E)”.

Page 840, beginning on line 4, strike division D.

PART B—TEXT OF AMENDMENT TO H.R. 6392 MADE IN ORDER

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

Add at the end the following:

SEC. 7. RULE OF CONSTRUCTION.

Nothing in this Act or the amendments made by this Act may be construed as broadly applying international standards except as specifically provided under paragraphs (2) and (3) of section 113(c)

of the Dodd-Frank Wall Street Reform and Consumer Protection Act, as added by section 3.

