

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5) TO REFORM THE PROCESS BY WHICH FEDERAL AGENCIES ANALYZE AND FORMULATE NEW REGULATIONS AND GUIDANCE DOCUMENTS, TO CLARIFY THE NATURE OF JUDICIAL REVIEW OF AGENCY INTERPRETATIONS, TO ENSURE COMPLETE ANALYSIS OF POTENTIAL IMPACTS ON SMALL ENTITIES OF RULES, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 79) TO CLARIFY THE DEFINITION OF GENERAL SOLICITATION UNDER FEDERAL SECURITIES LAW

JANUARY 9, 2017.—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. 33]

The Committee on Rules, having had under consideration House Resolution 33, 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. 5, the Regulatory Accountability Act of 2017, under a structured rule. The rule provides one hour of general debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. 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 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 rule provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 79, the HALOS Act, 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 Financial Services or their respective designees. 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 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 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. 5, 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. 5, 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. 5 printed in part A of this report, 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. 79, 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. 79, 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. 79 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. 7

Motion by Ms. Slaughter to report open rules for H.R. 5 and H.R. 79 Defeated: 3–8

Majority Members	Vote	Minority Members	Vote
Mr. Cole	Nay	Ms. Slaughter	Yea
Mr. Woodall	Nay	Mr. McGovern	Yea
Mr. Burgess	Nay	Mr. Hastings of Florida	Yea
Mr. Collins	Mr. Polis
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Buck	Nay		

Majority Members	Vote	Minority Members	Vote
Ms. Cheney	Nay		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS TO H.R. 5 IN PART A MADE IN ORDER

1. Goodlatte (VA): Revises section 2 of title II of the bill to restrain unwarranted interpretation of ambiguous statutes to find implied delegations of legislative rulemaking authority, and of ambiguous statutes and regulations to expansively extend agency authority. (10 minutes)

2. Chaffetz (UT): Establishes a timeline by which the Office of Information and Regulatory Affairs must issue guidelines under title I of the bill. (10 minutes)

3. Chabot (OH): Requires an agency to include an economic assessment or a summary of it when an agency certifies that a proposed rule will not have a “significant economic impact on a substantial number of small entities” under the Regulatory Flexibility Act. This will ensure an agency’s decision to certify a rule and not conduct a full regulatory flexibility analysis is supported by data. (10 minutes)

4. Velázquez (NY): Strikes Title III of the bill and replaces it with alternative language that reforms the Regulatory Flexibility Act to reduce the burden of regulations on small businesses. (10 minutes)

5. Peterson (MN), Goodlatte (VA), Chaffetz (UT): Prohibits agencies from impartially communicating with the public in order to generate support or opposition to a proposed rule. (10 minutes)

6. Graves, Garret (LA), Cuellar (TX), Babin (TX): Provides agency accountability of major rules by requiring retrospective review and report. (10 minutes)

7. Young, David (IA): Allows for sufficient time (at least 90 days) for affected entities to take steps to comply with issued guidance (10 minutes)

8. Castor (FL): Ensures that any rule intended to protect public health and welfare is exempted from the requirements of this act. (10 minutes)

9. Cicilline (RI): Provides for the prevention of the transmission of foodborne illness or to meet preventive-control requirements for food safety (10 minutes)

10. Johnson, Hank (GA): Exempts rules that significantly improve the employment, retention, and wages of workforce participants, especially those with significant barriers to employment, such as persons with disabilities or limited English proficiency. (10 minutes)

11. Ruiz (CA): Exempts rules pertaining to the safety of children’s products or toys. (10 minutes)

12. Scott, Bobby (VA): Exempts from this bill a rule which pertains to workplace health and safety and that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease at mining facilities which are subject to the Federal Mine Safety and Health Act of 1977 (30 USC 801, et seq) or workplaces which are subject to the Occupational Safety and Health Act (29 USC 651 et seq). (10 minutes)

13. Tonko (NY): Ensures that any rules made under the “Frank R. Lautenberg Chemical Safety for the 21st Century Act,” are exempted from this act. (10 minutes)

14. Grijalva (AZ): Strikes language that would require the Forest Service and the Bureau of Land Management to perform regulatory flexibility analyses for forest and land management plans. (10 minutes)

15. Nadler (NY): Requires analyses conducted under Title III of the bill to include direct and indirect benefits as well as direct and indirect costs. (10 minutes)

16. Posey (FL): Requires federal agencies to report on influential scientific information and associated peer reviews disseminated or to be disseminated in a rulemaking proceeding. (10 minutes)

SUMMARY OF THE AMENDMENTS TO H.R. 79 IN PART B MADE IN ORDER

1. Velázquez (NY): Requires the event sponsor to provide attendees with a written disclosure outlining the nature of the event and the risks of investing in the securities for sale. It would also clarify that attendance at an event does not in itself establish a pre-existing relationship for purposes of Rule 506(b). (10 minutes)

2. Waters (CA): Limits the types of fees “demo day” sponsors can collect and requires an issuer to be a real business. (10 minutes)

PART A—TEXT OF AMENDMENTS TO H.R. 5 MADE IN ORDER

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

Page 39, line 3, insert after “made by agencies.” the following: “If the reviewing court determines that a statutory or regulatory provision relevant to its decision contains a gap or ambiguity, the court shall not interpret that gap or ambiguity as an implicit delegation to the agency of legislative rule making authority and shall not rely on such gap or ambiguity as a justification either for interpreting agency authority expansively or for deferring to the agency’s interpretation on the question of law.”.

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

Page 38, insert after line 10 the following:

SEC. 110. PROMPT ISSUANCE OF OIRA GUIDELINES.

The Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall establish any guideline required to be established by this title or the amendments made by this title by not later than 270 days after the date of enactment of this title.

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

In section 304(d)(1) of the bill, strike “and” at the end.

In section 304(d)(2) of the bill, strike the period and insert “; and”.

In section 304(d), insert after paragraph (2) the following:

(3) by inserting “The detailed statement shall include an economic assessment or a summary thereof that is sufficiently detailed to support the agency’s certification.” before “The agency shall provide such certification”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike line 13 on page 39 and all that follows through line 26 on page 69, and insert the following (and conform the table of contents accordingly):

TITLE III—SMALL BUSINESS REGULATORY IMPROVEMENT ACT

SEC. 301. SHORT TITLE.

This title may be cited as the “Small Business Regulatory Improvement Act of 2017”.

SEC. 302. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

“(9) ECONOMIC IMPACT.—The term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) any direct economic effect on small entities of such rule; and

“(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).”.

SEC. 303. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement describing—

“(1) the reasons why the action by the agency is being considered;

“(2) the objectives of, and legal basis for, the proposed rule;

“(3) the type of small entities to which the proposed rule will apply;

“(4) the number of small entities to which the proposed rule will apply or why such estimate is not available;

“(5) the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement, the costs, and the type of professional skills necessary to comply with the rule; and

“(6) all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) Paragraph (4) of such section is amended by striking “an explanation” and inserting “a detailed explanation”.

(2) Paragraph (5) of such section is amended to read as follows:

“(4) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement, the costs, and the type of professional skills necessary to comply with the rule; and”.

(c) CERTIFICATION OF NO IMPACT.—Subsection (b) of section 605 of title 5, United States Code, is amended by inserting “detailed” before “statement” both places such term appears.

SEC. 304. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a) Not later than 180 days after the effective date of this section, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency’s website.

“(b) The plan shall provide for the review of all such agency rules existing on the effective date of this section within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the effective date of this section within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and the Congress.

“(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

“(d) In reviewing rules under such plan, the agency shall consider the following factors:

“(1) The continued need for the rule.

“(2) The nature of complaints received by the agency from small entities concerning the rule.

“(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy.

“(4) The complexity of the rule.

“(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules.

“(6) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(e) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

**SEC. 305. CHANGES TO THE REGULATORY FLEXIBILITY ACT TO COM-
PORT WITH EXECUTIVE ORDER 13272.**

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget, if submission is required; or

“(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.”.

(b) INCLUSION IN FINAL REGULATORY FLEXIBILITY ANALYSIS OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting after “initial regulatory flexibility analysis” the following: “(or certification of the proposed rule under section 605(b))”.

**5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERSON
OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES**

Page 18, insert after line 8 the following:

“(5) After notice or advance notice of a proposed rule making, the agency making the rule, and any person acting in an official capacity on behalf of the agency, may not communicate, and a person who receives Federal funds from the agency may not use those funds to communicate, through written, oral, electronic, or other means to the public about the proposed rule in a manner that—

“(A) directly advocates, in support of or against the proposed rule, for the submission of information to form part of the record of review for the proposed rule;

“(B) appeals to the public, or solicits a third-party, to undertake advocacy in support of or against the proposed rule; or

“(C) is directly or indirectly for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Such prohibition shall not apply to communication that requests comments or provides information regarding the rule in an impartial manner.”.

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

Page 23, line 24, strike “and”.

Page 24, insert after line 5 the following:

“(iii) in the case of a major rule, a report on the benefits and costs of the final rule on entities whose conduct is regulated by the rule in the Federal Register, to be revised every 5 years thereafter while the rule remains in effect, and including, at a minimum—

“(I) an assessment of the impacts, including any costs, of the major rule on regulated entities;

“(II) a determination about how the actual benefits and costs of the major rule have varied from those anticipated at the time the major rule was issued;

“(III) an assessment of the effectiveness and benefits of the major rule in producing the regulatory objectives of the major rule; and

“(IV) a review by the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget when required under executive order; and”.

Page 30, line 16, insert after “the Federal Open Market Committee.” the following:

“(n) REGULATION-SPECIFIC FRAMEWORKS.—

“(1) REPORT TO CONGRESS.—The agency shall provide a report to Congress not later than 90 days after the agency makes any determination under subsection (f)(4)(I)(iii)(II) that the cost to regulated entities has exceeded the anticipated cost at the time the final rule was issued. The agency, at a minimum, shall assess in the report—

“(A) whether the major rule is accomplishing its regulatory objective; and

“(B) whether the major rule has been rendered unnecessary, taking into consideration—

“(i) changes in the subject area affected by the major rule;

“(ii) whether the major rule overlaps, duplicates, or conflicts with other rules or, to the extent feasible, State and local government regulations; and

“(iii) other alternatives to the major rule or modification of the major rule that might achieve better results while imposing a smaller burden on society or at

a lower cost, taking into consideration any cost already incurred.

“(2) REOPENING OF PUBLIC DOCKET.—Upon delivery of the report required in paragraph (1) the agency shall—

“(A) reopen the public docket for 60 days to receive additional comments; and

“(B) consider modifications or alternatives that reduce costs and increase benefits to regulated entities or individuals.

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to affect any other provision of law that requires an agency to conduct retrospective reviews of rules issued by the agency.”.

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

Page 33, line 10, strike “agencies and” and insert “agencies,”.

Page 33, line 11, insert after “easy to understand,” the following: “and issues guidance in a manner sufficient to provide at least 90 days for affected entities to take steps to comply with such guidance,”.

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

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

TITLE VII—EXCEPTION FOR CERTAIN RULES

SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) that will result in a reduced incidence of cancer, premature mortality, asthma attacks, or respiratory disease in children or seniors. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

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

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

TITLE VII—EXCEPTION FOR CERTAIN RULES

SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to the prevention of the transmission of foodborne illness or assistance to domestic and foreign food facilities to meet preventive-control requirements for safety, such as hazard prevention practices in human and animal food processing, packing, and storage facilities. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

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

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

TITLE VII—EXCEPTION FOR CERTAIN RULES

SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to significantly improving the employment, retention, and wages of workforce participants, especially those with significant barriers to employment, such as persons with disabilities or limited English proficiency. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RUIZ OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

TITLE VII—EXCEPTION FOR CERTAIN RULES

SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to the safety of children's products or toys. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

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

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

TITLE VII—EXCEPTION FOR CERTAIN RULES

SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) pertaining to workplace health or safety at mining facilities which are subject to the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.) or workplaces which are subject to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), and which is necessary to prevent or reduce the incidence of work-related traumatic injury, cancer, or irreversible lung disease. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TONKO OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 36, strike line 10 and all that follows through page 37, line 9.

Page 38, strike line 11 and all that follows through page 39, line 12.

Add, at the end of the bill, the following (and conform the table of contents accordingly):

TITLE VII—EXCEPTION FOR CERTAIN RULES

SEC. 701. EXCEPTION FOR CERTAIN RULES.

This Act, and the amendments made by this Act, shall not apply in the case of a rule (as such term is defined in section 551 of title 5, United States Code) made pursuant to the Frank R. Lautenberg Chemical Safety for the 21st Century Act, or the amendments made by that Act. The provisions of law amended by this Act, as in effect on the day before the date of the enactment of this Act, shall apply to such rules.

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

Page 42, strike line 7 and all that follows through line 3 on page 45.

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

Page 49, beginning on line 1, strike “describing the objectives of, and legal basis for, the proposed rule” and insert “describing the objectives of the proposed rule, including any direct benefits of the proposed rule and any indirect benefits of the proposed rule that are reasonably foreseeable”.

Page 49, after line 2, insert the following:

“(3) describing the legal basis for the proposed rule;”.

Page 49, line 3, strike “(3)” and insert “(4)”.

Page 49, line 5, strike “(4)” and insert “(5)”.

Page 49, line 11, strike “(5)” and insert “(6)”.

Page 49, line 15, strike “(6)” and insert “(7)”.

Page 49, line 20, strike “(7)” and insert “(8)”.

Page 49, line 23, strike “(8)” and insert “(9)”.

Page 50, after line 2, insert the following:

(A) in paragraph (1), to read as follows:

“(1) a statement describing the objectives of the rule, including any direct benefits of the rule and any indirect benefits of the rule that are reasonably foreseeable;”.

Page 50, line 3, strike “(A)” and insert “(B)”.

Page 50, line 6, strike “(B)” and insert “(C)”.

Page 50, line 9, strike “(C)” and insert “(D)”.

Page 50, line 11, strike “(D)” and insert “(E)”.

Page 50, line 13, strike “(E)” and insert “(F)”.

Page 50, line 15, strike “(F)” and insert “(G)”.

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

Page 75, line 3, strike “and” at the end.

Page 75, line 13, strike the period at the end and insert “; and”.

Page 75, insert after line 13 the following:

“(D) a list of all influential scientific information disseminated or expected to be disseminated by the agency relating to the rule, including any peer review plans for the information, including—

“(i) the date the information or peer review was or is expected to be received by the agency;

“(ii) the date the information or peer review was publically disclosed or is expected to be publically disclosed, and, if that date is altered in subsequent reports, a brief explanation for the change; and

“(iii) the Internet address of the information or peer review completed and disclosed or of where the information or peer review will be found, once completed and disclosed.”.

PART B—TEXT OF AMENDMENTS TO H.R. 79 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 18, strike “and”.

Page 3, after line 24, insert the following:

(E) provides attendees with a disclosure, as prescribed by the Securities and Exchange Commission by rule, describing the nature of the event and the risks of investing in the securities being advertised; and

Add at the end the following:

(c) NO PRE-EXISTING RELATIONSHIP BY REASON OF EVENT.—Attendance at an event described under subsection (a) shall not qualify, by itself, as establishing a pre-existing relationship between an issuer and a purchaser, for purposes of Rule 506(b).

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

Page 3, line 18, strike “and”.

Page 3, after line 18, insert the following:

(D) does not receive any compensation for making introductions between investors attending the event and issuers, or for investment negotiations between such parties; and

Page 3, line 19, strike “(D)” and insert “(E)”.

At the end of the bill, insert the following:

(c) DEFINITION OF ISSUER.—For purposes of this section and the revision of rules required under this section, the term “issuer” means an issuer that is in day-to-day operations as a business, is not in bankruptcy or receivership, is not an investment company, and is not a blank check, blind pool, or shell company.