

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 998) TO PROVIDE FOR THE ESTABLISHMENT OF A PROCESS FOR THE REVIEW OF RULES AND SETS OF RULES, AND FOR OTHER PURPOSES, AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 83) DISAPPROVING THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO “CLARIFICATION OF EMPLOYER’S CONTINUING OBLIGATION TO MAKE AND MAINTAIN AN ACCURATE RECORD OF EACH RECORDABLE INJURY AND ILLNESS”

FEBRUARY 27, 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. 150]

The Committee on Rules, having had under consideration House Resolution 150, 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. 998, the SCRUB 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 Oversight and Government Reform. 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 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.J. Res. 83, disapproving the rule submitted by the Department of Labor relating to Clarification of Employer’s Continuing Obligation to Make

and Maintain an Accurate Record of Each Recordable Injury and Illness, 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 Education and the Workforce. The resolution waives all points of order against consideration of the joint resolution. The resolution provides that the joint resolution shall be considered as read. The resolution waives all points of order against provisions in the joint resolution. The resolution provides one motion to recommit.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 998, the Committee is not aware of any points of order. The waiver of all points of order prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 998, the Committee is not aware of any points of order. The waiver of all points of order 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 of all points of order prophylactic in nature.

The waiver of all points of order against consideration of H.J. Res. 83 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
- Section 311 of the Congressional Budget Act, which prohibits consideration of legislation that 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.J. Res. 83, 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. 25

Motion by Mr. Hastings of Florida to strike the waiver of section of 311 of the Congressional Budget Act for H.J. Res. 83. Defeated: 3–8

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

SUMMARY OF THE AMENDMENTS TO H.R. 998 MADE IN ORDER

1. Beyer (VA): Provides that a Commission member must not have been a registered lobbyist during the two-year period prior and must file financial disclosure reports in accordance with the Ethics in Government Act. (10 minutes)
2. DeSaulnier (CA): Requires the consideration of impacts to public health prior to repealing any federal rules under the bill. (10 minutes)
3. McSally (AZ): Expands the scope of the nature of the Retrospective Regulatory Review Commission's review to ensure a rule or set of rules is compliant with certain provisions of the Congressional Review Act. (10 minutes)
4. Plaskett, (VI), Courtney (CT): Provides that no funding will be authorized to carry out the requirements of this Act. (10 minutes)
5. McNerney (CA): Exempts from the bill rules relating to the physical and cyber security of the bulk-power system. (10 minutes)
6. Krishnamoorthi (IL): Ensures that the SCRUB Act will not in any way hinder the safe and legal development and deployment of unmanned aerial systems. (10 minutes)
7. Krishnamoorthi (IL): Ensures that the SCRUB Act will not in any way weaken the protections afforded by noise restriction policies at and around airports. (10 minutes)
8. Bonamici (OR), Davis, Susan (CA), Polis (CO): Exempts any rule or set of rules prescribed by the Secretary of Education and relating to consumer protections for student loan borrowers from the provisions of this Act. (10 minutes)
9. Bonamici (OR), Polis (CO): Exempts any rule or set of rules relating to Title I of the Elementary and Secondary Education Act of 1965 from the provisions of this Act. (10 minutes)
10. Raskin (MD): Exempts rules relating to the enforcement of the Clean Air Act from the provisions of H.R. 998. (10 minutes)
11. Moore, Gwen (WI): Exempts rules affecting or impacting the special government to government relationship between the federal government and tribal communities or affecting tribal sovereignty or self-determination. (10 minutes)
12. Cummings (MD): Exempts any rule relating to protections for whistleblowers or penalties for retaliation against whistleblowers. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 998 MADE IN ORDER

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

Page 5, line 16, insert after "reviews." the following: "During the two-year period prior to the inclusion of an individual on a list of candidates under this subparagraph, the individual may not have been a registered lobbyist under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.)."

Page 6, after line 6, insert the following new paragraph:

(4) FINANCIAL DISCLOSURE REPORTS OF MEMBERS.—Each member of the Commission shall file the financial disclosure reports required under title I of the Ethics in Government Act of 1978 (5 U.S.C. App.) in accordance with the requirements of such title.

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

Page 14, after line 22, insert the following new subparagraph
(and redesignate the following subparagraph accordingly):

(K) Whether, and the extent to which, the repeal of
the rule or set of rules would impact public health.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCSALLY
OF ARIZONA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 14, after line 22, insert the following new subparagraph
(and redesignate the subsequent subparagraph accordingly):

(K) Whether the rule or set of rules is in full compli-
ance with the requirements of section 801(a)(1)(A) of title
5, United States Code.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PLASKETT
OF THE VIRGIN ISLANDS OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES

Page 24, strike lines 12 through 22 and insert the following:
(k) PROHIBITION ON FUNDING.—No funds are authorized to
carry out the requirements of this Act, and no funds authorized or
appropriated by any other Federal law may be made available to
carry out the requirements of this Act.

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

Page 31, line 17, insert after “Code” the following: “, except
that the term does not include any rule relating to the physical and
cyber security of the bulk-power system (as defined in section
215(a) of the Federal Power Act (16 U.S.C. 824o(a)), including any
emergency action to protect and restore reliability of the bulk-
power system”.

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

Page 31, after line 24, add the following new title (and update
the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO NATIONAL AIRSPACE SYSTEM.

The provisions of this Act do not apply to any rule or set of rules
relating to the safety of the national airspace system.

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

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO AIRPORT NOISE RESTRICTIONS.

The provisions of this Act do not apply to any rule or set of rules relating to airport noise restrictions.

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

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO CONSUMER PROTECTIONS FOR STUDENT LOAN BORROWERS.

The provisions of this Act do not apply to any rule or set of rules prescribed by the Secretary of Education with respect to providing consumer protections for student loan borrowers.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BONAMICI OF OREGON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The provisions of this Act do not apply to any rule or set of rules relating to title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

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

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO CLEAN AIR ACT.

The provisions of this Act do not apply to any rule or set of rules relating to the enforcement of the Clean Air Act (Public Law 88-206; 42 U.S.C. 7401 et seq.).

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

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO TRIBAL GOVERNMENTS.

The provisions of this Act do not apply to any rule or set of rules—

- (1) relating to any obligation of the Federal Government with respect to a Tribal government; or
- (2) supporting Tribal sovereignty and self-determination.

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

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO PROTECTIONS FOR WHISTLEBLOWERS.

The provisions of this Act do not apply to any rule or set of rules relating to—

- (1) protections for whistleblowers; or
- (2) penalties for retaliation against whistleblowers.