

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5645) TO AMEND THE CLAYTON ACT AND THE FEDERAL TRADE COMMISSION ACT TO PROVIDE THAT THE FEDERAL TRADE COMMISSION SHALL EXERCISE AUTHORITY WITH RESPECT TO MERGERS ONLY UNDER THE CLAYTON ACT AND ONLY IN THE SAME PROCEDURAL MANNER AS THE ATTORNEY GENERAL EXERCISES SUCH AUTHORITY; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2152) TO REQUIRE STATES AND UNITS OF LOCAL GOVERNMENT RECEIVING FUNDS UNDER GRANT PROGRAMS OPERATED BY THE DEPARTMENT OF JUSTICE, WHICH USE SUCH FUNDS FOR PRETRIAL SERVICES PROGRAMS, TO SUBMIT TO THE ATTORNEY GENERAL A REPORT RELATING TO SUCH PROGRAM, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (S.J. RES. 57) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION RELATING TO "INDIRECT AUTO LENDING AND COMPLIANCE WITH THE EQUAL CREDIT OPPORTUNITY ACT"

MAY 7, 2018.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 872]

The Committee on Rules, having had under consideration House Resolution 872, 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. 5645, the Standard Merger and Acquisition Reviews Through Equal Rules Act of 2018, 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 the Judiciary. 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 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 provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2152, the Citizens' Right to Know Act of 2017, 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 the Judiciary. 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 the Judiciary 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 for consideration of S.J. Res. 57, providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity 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 Financial Services. 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 commit.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 5645, 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. 5645, 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. 5645 printed in 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. 2152, 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. 2152, 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 S.J. Res. 57, 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 S.J. Res. 57, 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. 207

Motion by Mr. McGovern to make in order and provide the appropriate waivers to amendment #1 to H.R. 5645, offered by Rep. DeLauro (CT), which adds a title to H.R. 5645 to include the Pay-check Fairness Act, which amends the Equal Pay Act of 1963. Defeated: 4–8

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

Rules Committee record vote No. 208

Motion by Rep. Torres to make in order and provide the appropriate waivers to amendment #3 to H.R. 2152, offered by Rep. Torres (CA), which adds a new section to prohibit excessive fees on ankle monitoring bracelets associated with bail bonds. Defeated: 4–8

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

Rules Committee record vote No. 209

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

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

SUMMARY OF THE AMENDMENT TO H.R. 5645 MADE IN ORDER

1. Goodlatte (VA): Makes a series of technical and clarifying changes suggested by the Federal Trade Commission (FTC).

TEXT OF AMENDMENT TO H.R. 5645 MADE IN ORDER

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

Page 2, line 9, strike “7” and insert “15”.

Page 3, strike lines 2 through 10, and insert the following:

(A) in subsection (a) by inserting “or a proceeding brought by the Federal Trade Commission under section 15” after “United States under the antitrust laws”; and

(B) in subsection (i) by inserting “or a proceeding instituted by the Federal Trade Commission under section 15” after “antitrust laws”;

Page 3, strike lines 11 through 22, and insert the following:

(3) Section 11 of the Clayton Act (15 U.S.C. 21) is amended—

(A) in subsection (b) by striking “Whenever” and inserting “Except as provided in subsection (m), whenever”, and

(B) by adding at the end the following:

“(m) The Federal Trade Commission may not use the procedures for administrative adjudication set forth in subsection (b) of this section to prevent the consummation of a proposed merger, acquisition, joint venture, or similar transaction that is subject to section 7, unless the complaint is accompanied by a consent agreement between the Commission and a party to the transaction that resolves all the violations alleged in the complaint. The Federal Trade Commission may institute proceedings in a district court under section 15 to prevent the consummation of such a transaction. In any such proceeding the district court shall apply the same standard for granting injunctive relieve as applicable to a proceeding brought by the United States attorneys under section 15. The Federal Trade Commission may issue an administrative complaint under this section if the complaint is accompanied by a consent agreement between the Federal Trade Commission and a party to the transaction settling the alleged violations.”;

Page 3, line 23, strike “(including” and insert “or”.

Page 4, beginning on line 1, strike “with respect to a violation of section 7)” and insert “under section 15”.

Page 4, strike lines 3 through 5, and insert the following:

(5) in section 15, by inserting “and the duty of the Federal Trade Commission with respect to the consummation of a proposed merger, acquisition, joint venture, or similar transaction that is subject to section 7 and not yet consummated,” after “General”.

Page 5, strike lines 12 through 14, and insert the following:

(4) in section 16(a)(2)—

(A) in subparagraph (D) by striking “or” at the end,

(B) in subparagraph (E) by adding “or” at the end, and

(C) by adding at the end the following:

“(F) under section 15 of the Clayton Act (15 U.S.C. 25);”.