

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1694) TO REQUIRE ADDITIONAL ENTITIES TO BE SUBJECT TO THE REQUIREMENTS OF SECTION 552 OF TITLE 5, UNITED STATES CODE (COMMONLY REFERRED TO AS THE FREEDOM OF INFORMATION ACT), AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

APRIL 26, 2017.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 280]

The Committee on Rules, having had under consideration House Resolution 280, by a record vote of 8 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 H.R. 1694, the Fannie and Freddie Open Records Act of 2017, 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 makes in order as original text for purpose of amendment an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-14, modified by the amendment printed in part A of this report, 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 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 print-

ed in part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that it shall be in order at any time through the legislative day of April 29, 2017, 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.

Section 3 of the resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported through the legislative day of April 29, 2017.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes waivers of the following:

- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) allocation of such authority;
- 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;
- 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.

It is important to note that while waivers are necessary, the amendment printed in part A of this report is intended to help offset the cost of the bill.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, 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 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. 49

Motion by Mr. Hastings to limit the waiver of clause 6(a) of clause XIII to apply only to measures related to Appropriations. Defeated: 3–8

Majority Members		Vote	Minority Members		Vote
Mr. Cole		Nay	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			
Mr. Buck		Nay			
Ms. Cheney		Nay			

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

Rules Committee record vote No. 50

Motion by Mr. Cole to report the rule. Adopted: 8–3

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

SUMMARY OF THE AMENDMENT IN PART A CONSIDERED AS ADOPTED

1. Chaffetz (UT): Creates a fee structure intended to enable Fannie and Freddie to recover the entirety of their costs through fees to commercial requesters.

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Chaffetz (UT): MANAGER’S Makes technical and conforming changes to the bill. (10 minutes)

2. Johnson, Hank (GA): Ensures that the traditional Freedom of Information Act (FOIA) exemptions apply to this sub-section. (10 minutes)

3. Plaskett (VI), Capuano (MA): Clarifies that nothing in the bill may be construed to preclude or restrict disclosure of information regarding new products or significant new product terms prior to loan purchasing. (10 minutes)

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

At the end of the bill, add the following new section:

SEC. 3. COMMERCIAL REQUESTERS.

For purposes of subsection (n) of section 552 of title 5, United States Code, as added by section 2(a), each enterprise described in such subsection shall establish a fee schedule such that in the first year the fees collected from requests for records intended for a commercial use cover the costs of administering such subsection (n), which shall be estimated as \$40,000,000 in the first year. In each subsequent year, each such enterprise shall evaluate whether the fees collected under the prior year’s fee schedule were sufficient to recover all actual costs of administering subsection (n) and revise the fee schedule to recover the costs of administering subsection (n) in the following year and any outstanding costs of administering subsection (n) from the prior year not collected through fees in the prior year. Each such enterprise shall make the revised fee schedule and a detailed explanation of the prior year’s costs and projections of future costs that were used to justify the fee schedule publicly available online for 10 days prior to the fee schedule going into effect.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

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

Page 1, strike line 10 and all that follows through line 16 and insert the following:

“(n)(1) This section shall apply to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation during any period either such enterprise is under conservatorship or receivership pursuant to section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4617).

“(2) For purposes of this subsection, the exemption described in subsection (b)(4), relating to trade secrets and commercial or financial information, shall apply without regard to whether such information was obtained from a person outside the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, as the case may be.”

Page 1, line 18, after “on the date” insert the following: “that is six months after the date”.

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

Page 1, after line 16 insert the following new subsection (and redesignate the subsequent subsection accordingly):

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act may be construed as precluding the application of any of the exemptions described in section 552 of title 5, United States Code, to subsection (n) of such section, as added by subsection (a).

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

At the end of the bill, add the following new section:

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or the amendment made by this Act, may be construed as precluding or restricting the disclosure of information regarding any proposed new product or significant new product term prior to loan purchasing, or substantive negotiation with an interested party regarding purchase of loans with such new product or significant new product term.