

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3564) TO CANCEL RECENT CHANGES MADE BY THE FEDERAL HOUSING FINANCE AGENCY TO THE UP FRONT LOAN LEVEL PRICING ADJUSTMENTS CHARGED BY FANNIE MAE AND FREDDIE MAC FOR GUARANTEE OF SINGLE FAMILY MORTGAGES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3799) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE FOR HEALTH REIMBURSEMENT ARRANGEMENTS INTEGRATED WITH INDIVIDUAL HEALTH INSURANCE COVERAGE; AND PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 461) CONDEMNING THE USE OF ELEMENTARY AND SECONDARY SCHOOL FACILITIES TO PROVIDE SHELTER FOR ALIENS WHO ARE NOT ADMITTED TO THE UNITED STATES

JUNE 20, 2023.—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. 524]

The Committee on Rules, having had under consideration House Resolution 524, by a record vote of 9 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. 3564, the Middle Class Borrower Protection Act of 2023, under a structured rule. The resolution waives all points of order against consideration of the bill. 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 provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118-8 as modified by the amendment printed in part A of this report, 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 further 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, shall be considered as read, shall be debatable for the time

specified in the 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 further provides for one motion to recommit. The resolution provides for consideration of H.R. 3799, the CHOICE Arrangement Act, under a structured rule. The resolution waives all points of order against consideration of the bill. The resolution provides eighty minutes of general debate equally divided and controlled by the chairs and ranking minority members of the Committees on Education and the Workforce or their respective designees and Ways and Means or their respective designees. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 118–9 as modified by the amendment printed in part C of this report, 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 further makes in order only those amendments printed in part D 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, shall be considered as read, shall be debatable for the time specified in the 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 D of this report. The resolution provides for one motion to recommit. The resolution further provides for consideration of H. Res. 461, Condemning the use of elementary and secondary school facilities to provide shelter for aliens who are not admitted to the United States, under a closed rule. The resolution provides that upon adoption of this resolution it shall be in order without intervention of any point of order to consider H. Res. 461. The resolution provides that the amendments to the resolution and the preamble recommended by the Committee on Education and the Workforce now printed in the resolution shall be considered as adopted and the resolution, as amended, shall be considered as read. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce or their respective designees.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 3564 includes:

—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.

—Section 303 of the Congressional Budget Act, which prohibits consideration of legislation providing an increase in direct spending to become effective during a fiscal year until the budget resolution for that year has been agreed to.

Although the resolution waives all points of order against provisions in H.R. 3564, 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 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.

Although the resolution waives all points of order against consideration of H.R. 3799, 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. 3799, 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 the amendments printed in part D 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. Res. 461, 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. Res. 461, as amended, 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. 66

Motion by Mr. McGovern to amend the rule to make in order amendment #12 to H.R. 3799, offered by Representative McGovern, which prevents offer of individual coverage Health Reimbursement Arrangement from excluding an employee from marketplace subsidies. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 67

Motion by Ms. Scanlon to amend the rule to make in order amendment #4 to H.R. 3799, offered by Representative Doggett, which clarifies coverage purchased with Individual Coverage Health Reimbursement Arrangements must meet the coverage requirements, including for pre-existing conditions, of the Public Health Service Act. The amendment would also prohibit employers from discriminating against any class of employees in offers of such arrangements. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 68

Motion by Ms. Leger Fernandez to amend the rule to make in order amendment #5 to H.R. 3799, offered by Representative Jayapal, which requires that Association Health Plans cover maternity and newborn care. Defeated: 4–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 69

Motion by Mr. Burgess to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Reschenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse	Nay
Mr. Massie	Yea	Ms. Leger Fernandez	Nay
Mr. Norman	Yea		
Mr. Roy	Yea		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		
Mr. Cole, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 3564 IN PART A CONSIDERED AS ADOPTED

1. Davidson (OH): Extends Section 1327(f) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4547(f)) by one year.

SUMMARY OF THE AMENDMENTS TO H.R. 3564 IN PART B MADE IN ORDER

1. Boebert (CO): Requires the GAO Study in Section 5 to also be made available to the public online. (10 minutes)

2. Lee (NV): Requires that the GAO study assess the recalibrated single-family pricing framework's impact on first-time, low-income homebuyers. (10 minutes)

3. Lee (NV): Requires that the GAO study assess the recalibrated single-family pricing framework's impact on affordable housing

preservation, rural housing, and manufactured housing. (10 minutes)

4. Pettersen (CO): Prevents the legislation from being enacted if the FHFA Director determines that Sec. 2 would increase fees on middle class borrowers. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 3799 IN PART C CONSIDERED
AS ADOPTED

1. Smith (MO): Rescinds \$245 million from the Prevention and Public Health Fund in fiscal year 2024.

SUMMARY OF THE AMENDMENTS TO H.R. 3799 IN PART D MADE IN
ORDER

1. Hayes (CT): Delays implementation of bill until Secretary of Labor certifies that legislation would not result in higher premium rates for older workers. (10 minutes)

2. Molinaro (NY): Ensures that the Secretary notifies employers of the availability of tax-advantaged flexible health insurance benefits, with an official focus on small businesses, particularly in rural areas. (10 minutes)

3. Roy (TX): Expresses the sense of Congress that healthcare freedom is the future of healthcare. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 3564 CONSIDERED AS ADOPTED

At the end, add the following new section:

SEC. 7. ENTERPRISE GUARANTEE FEES.

Subsection (f) of section 1327 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4547(f)) is amended by striking “October 1, 2032” and inserting “October 1, 2033”.

PART B—TEXT OF AMENDMENTS TO H.R. 3564 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BOEBERT OF COLORADO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 7, after “study” insert “, and make the report publicly available online on a website of the Department.”.

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

Page 4, line 12, strike “and”.

Page 5, line 4, strike the period and insert “; and”.

Page 5, after line 4, insert the following:

(3) assess the benefits that would accrue to first-time, low-income homebuyers based on the recalibrated single-family pricing framework taking effect.

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

Page 4, line 12, strike “and”.

Page 5, line 4, strike the period and insert “; and”.

Page 5, after line 4, insert the following:

(3) assess the impacts that the recalibrated single-family pricing framework taking effect would have on affordable housing preservation, rural housing, and manufactured housing.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETTERSEN OF COLORADO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

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

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Sections 2 through 6 of this Act shall take effect, and the amendment under section 3(c), shall be made, in accordance with subsection (c) of this section.

(b) DETERMINATION OF EFFECT ON MIDDLE CLASS BORROWERS.—Promptly after the date of the enactment of this Act, the Director of the Federal Housing Finance Agency shall—

(1) make a determination of whether allowing section 2 of this Act to take effect would result in increased loan-level pricing adjustment fees for middle class borrowers (which term, for purposes of this subsection, means a borrower having a household income equal to or less than 100 percent of the median income for the area in which the residence subject to the mortgage loan for which such fees are charged is located or, in the case of high-cost areas, 140 percent of the median income for such area) who are first-time homeowners; and

(2) notify the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, in writing, of such determination.

(c) EFFECTIVENESS.—If the determination of the Director submitted pursuant to subsection (b)(2) of this section is that—

(1) allowing section 2 of this Act to take effect would result in increased loan-level pricing adjustment fees for borrowers described in subsection (b)(1) of this section, sections 2 through 6 of this Act shall not take effect, and the amendment under section 3(c) shall not be made, and such provisions shall have no force or effect; or

(2) allowing section 2 of this Act to take effect would not result in increased loan-level pricing adjustment fees for borrowers described in subsection (b)(1) of this section, sections 2 through 6 of this Act shall take effect, and the amendment under section 3(c) shall be made, upon such notification.

PART C—TEXT OF AMENDMENT TO H.R. 3799 CONSIDERED AS ADOPTED

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

TITLE V—RESCISSIONS

SEC. 501. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b)(7) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11(b)(7)) is amended by striking “for each of fiscal years 2024 and 2025, \$1,300,000,000” and inserting “for fiscal

year 2024, \$1,055,000,000, and for fiscal year 2025, \$1,300,000,000”.

PART D—TEXT OF AMENDMENTS TO H.R. 3799 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAYES OF CONNECTICUT OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, after line 13, insert:

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This Act shall not take effect unless the Secretary of Labor certifies that the amendments made by this Act would not result in higher premium rates for older workers.

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

Page 22, line 17, insert “, particularly in rural areas (as defined in section 1393(a)(2))” after “businesses”.

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

Page 23, after line 13, insert the following:

TITLE V—SENSE OF CONGRESS THAT AMERICANS SHALL HAVE HEALTHCARE FREEDOM

SEC. 501. SENSE OF CONGRESS THAT HEALTHCARE FREEDOM IS THE FUTURE.

It is the sense of Congress that—

- (1) the future of healthcare lies in healthcare freedom, not in socialized medicine;
- (2) Congress should take steps to address the broken healthcare system by restoring free market practices to lower costs;
- (3) coverage is not care, and expanding direct access to healthcare should be prioritized over expanding access to coverage; and
- (4) patients and doctors, not government bureaucrats or insurance bureaucrats, should make healthcare decisions.