

PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 863) IMPEACHING ALEJANDRO NICHOLAS MAYORKAS, SECRETARY OF HOMELAND SECURITY, FOR HIGH CRIMES AND MISDEMEANORS, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 485) TO AMEND TITLE XI OF THE SOCIAL SECURITY ACT TO PROHIBIT THE USE OF QUALITY-ADJUSTED LIFE YEARS AND SIMILAR MEASURES IN COVERAGE AND PAYMENT DETERMINATIONS UNDER FEDERAL HEALTH CARE PROGRAMS

FEBRUARY 5, 2024.—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. 996]

The Committee on Rules, having had under consideration House Resolution 996, 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. Res. 863, Impeaching Alejandro Nicholas Mayorkas, Secretary of Homeland Security, for high crimes and misdemeanors, 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. 863. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the resolution shall be considered as adopted. The resolution provides two hours of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Homeland Security or their respective designees. The resolution provides that upon adoption of H. Res. 863, H. Res. 995 is hereby adopted; and further, that no other resolution incidental to impeachment relating to H. Res. 863 shall be privileged during the remainder of the 118th Congress. The resolution further provides for consideration of H.R. 485, the Protecting Health Care for All Patients 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 Energy and Commerce or their respective designees. The

resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill, modified by the amendment printed in part A of the 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 makes in order only those further amendments printed in part B of the report. Each amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, 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. The resolution waives all points of order against the amendments printed in part B of the report. The resolution provides for one motion to recommit.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H. Res. 863, 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. 863, 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 H.R. 485, 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. 485, 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 the 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. 196

Motion by Mr. McGovern to amend the rule to make in order amendment #7 to H. Res. 863, offered by Representative Menendez, which provides details on the nature of the sources and witnesses used by Homeland Security Committee Republicans in their investigation. Defeated: 4-7

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

Rules Committee Record Vote No. 197

Motion by Ms. Scanlon to amend the rule to make in order amendments #2, 3, 4, and 6 to H. Res. 863, offered by Representative Ivey, which insert statements from constitutional scholars and former Homeland Security officials stating that there is no constitutional basis to impeach Secretary Mayorkas. Defeated: 4–8

| Majority Members | Vote | Minority Members | Vote |
|--------------------------|-------|---------------------------|------|
| Mr. Burgess | Nay | Mr. McGovern | Yea |
| Mr. Resenthaler | 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 | | | |
| Mr. Cole, Chairman | Nay | | |

Rules Committee Record Vote No. 198

Motion by Ms. Leger Fernández to amend the rule to make in order amendment #1 to H. Res. 863, offered by Representative Thompson (MS), which inserts statements concerning the lack of due process afforded Secretary Mayorkas during the conduct of the Homeland Security Committee’s impeachment proceedings. Defeated: 4–8

| Majority Members | Vote | Minority Members | Vote |
|--------------------------|-------|---------------------------|------|
| Mr. Burgess | Nay | Mr. McGovern | Yea |
| Mr. Resenthaler | 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 | | | |
| Mr. Cole, Chairman | Nay | | |

Rules Committee Record Vote No. 199

| Majority Members | Vote | Minority Members | Vote |
|--------------------------|-------|---------------------------|------|
| Mr. Burgess | Yea | Mr. McGovern | Nay |
| Mr. Resenthaler | 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 | | | |
| Mr. Cole, Chairman | Yea | | |

SUMMARY OF THE AMENDMENT TO H.R. 485 IN PART A CONSIDERED AS ADOPTED

1. Rodgers (WA): Reduces the funding authorized to be appropriated to the Prevention and Public Health Fund for each fiscal year, ranging from 2024 through 2029.

SUMMARY OF THE AMENDMENTS TO H.R. 485 IN PART B MADE IN
ORDER

1. Molinaro (NY): Requires a study on how the quality-adjusted life year measure negatively impacts individuals with intellectual and developmental disabilities and their access to care. (10 minutes)

2. Ogles (TN): Provides rule of construction that nothing in this act impact that which is allowable under current law such that it is not relying on the utilization of a dollars-per-quality adjusted life year or similar measure in a manner that violates section 2. (i.e., it clarifies the restrictions in this act do not apply to otherwise lawful use of metrics that do not discriminate on the basis of disability status, age, terminal illness, etc.) (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 485 CONSIDERED AS ADOPTED

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

SEC. 3. PREVENTION AND PUBLIC HEALTH FUND.

Section 4002(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 300u–11) is amended by striking paragraphs (7), (8), and (9) and inserting the following:

- “(7) for each of fiscal years 2024 and 2025, \$1,102,000,000;
 - “(8) for each of fiscal years 2026 and 2027, \$1,327,000,000;
 - “(9) for each of fiscal years 2028 and 2029, \$1,526,000,000;
- and”.

PART B—TEXT OF AMENDMENTS TO H.R. 485 MADE IN ORDER

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

Add at the end the following new section:

SEC. 3. REPORT.

Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to Congress a report on how quality-adjusted life years negatively impacts individuals with intellectual and developmental disabilities and their access to care.

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

Add at the end the following new section:

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to impact that which is allowable under current law such that it is not relying on the utilization of a dollars-per-quality adjusted life year or similar measure in a manner that violates section 2.