

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 467) TO AMEND THE CONTROLLED SUBSTANCES ACT WITH RESPECT TO THE SCHEDULING OF FENTANYL-RELATED SUBSTANCES, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (S.J. RES. 11) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO “CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES: HEAVY DUTY ENGINE AND VEHICLE STANDARDS”; AND PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (H.J. RES. 45) PROVIDING FOR CONGRESSIONAL DISAPPROVAL UNDER CHAPTER 8 OF TITLE 5, UNITED STATES CODE, OF THE RULE SUBMITTED BY THE DEPARTMENT OF EDUCATION RELATING TO “WAIVERS AND MODIFICATIONS OF FEDERAL STUDENT LOANS”

MAY 22, 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. 429]

The Committee on Rules, having had under consideration House Resolution 429, by a record vote of 9 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. 467, the HALT Fentanyl Act, 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 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 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 pro-

ponent 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. All points of order against the amendments are waived. The resolution provides one motion to recommit. The resolution further provides for consideration of S.J. Res. 11, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Environmental Protection Agency relating to “Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards”, under a closed rule. 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 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 one motion to commit. The resolution further provides for consideration of H.J. Res. 45, Providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Education relating to “Waivers and Modifications of Federal Student Loans”, under a closed rule. 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 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. The resolution provides one motion to recommit.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 467 includes a waiver of clause 10 of rule XXI, which prohibits consideration of a measure if it has the net effect of increasing mandatory spending over the five-year or ten-year period.

Although the resolution waives all points of order against provisions in H.R. 467, 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 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 S.J. Res. 11, 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. 11, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.J. Res. 45 includes:

—Section 303 of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority until the budget resolution for that year has been agreed to.

—Section 3(e)(2)(B) of H. Res. 5, which prohibits consideration of legislation that increases net direct spending by greater than \$2.5

billion in any of the four consecutive 10-year periods beginning in 2034.

Although the resolution waives all points of order against provisions in H.J. Res. 45, 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. 56

Motion by Ms. Scanlon to amend the rule to make in order amendment #59 to H.R. 467, offered by Representative Crockett, which exempts the possession, sale, or purchase of fentanyl drug testing equipment from constituting as drug paraphernalia. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern
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. 57

Motion by Ms. Leger Fernandez to amend the rule to make in order amendment #4 to H.R. 467, offered by Representative Pappas, which strikes the text of the bill and inserts the Save Americans from the Fentanyl Emergency Act. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern
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. 58

Motion by Ms. Leger Fernandez to make in order amendment #66 to H.R. 467, offered by Representative Pettersen, which authorizes the Secretary of HHS to submit a scientific determination to the Attorney General to reschedule or remove a Fentanyl Related Substance. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse	Yea
Mr. Massie	Nay	Ms. Leger Fernandez	Yea

Majority Members	Vote	Minority Members	Vote
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 59

Motion by Mr. Burgess to report the rule. Adopted: 9–3

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	
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 AMENDMENTS TO H.R. 467 MADE IN ORDER

1. Miller (OH): Requires the Attorney General to issue interim rules to implement this act 6 months after the date of enactment. (10 minutes)

2. Mills (FL): Adds the Department of Defense as one of the agencies to be included in the research on fentanyl as a schedule 1 drug and requires the OIG of the DOJ to complete and submit a study on its findings. (10 minutes)

3. Pettersen (CO): Prevents this bill from taking effect until the Secretary of Health and Human Services and the Attorney General each certify that this bill will lead to a reduction in overdose deaths. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 467 MADE IN ORDER

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

Page 19, line 5, strike “1 year of” and insert “6 months after”.

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

Page 6, line 5, insert after “Human Services” the following: “, the Department of Defense,”.

Page 6, line 10, insert after “Human Services” the following: “, the Department of Defense,”.

Page 8, line 7, insert after “Human Services” the following: “, the Department of Defense,”.

Page 10, line 12, insert after the first period the following:

“(7) INSPECTOR GENERAL REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Justice shall complete a study, and submit a report thereon, about research described in paragraph (2) of this subsection with fentanyl.”.

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

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

SEC. 7. CONTINGENT EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall not take effect until the Secretary of Health and Human Services and Attorney General of the United States each certify that such provisions will lead to a reduction in overdose deaths.