

117TH CONGRESS
2D SESSION

H. R. 8408

To require a time limitation on covered agency mask mandate requirements,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2022

Mr. ELLZEY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, Energy and Commerce, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require a time limitation on covered agency mask
mandate requirements, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Mask Mandate
5 Limitations Act”.

6 **SEC. 2. MASK MANDATE INFORMATION REQUIREMENT.**

7 (a) IN GENERAL.—If the head of a Federal agency
8 issues a requirement for an individual to wear a mask or

1 facial covering on commercial aircraft, airports, trains,
2 public maritime vessels including ferries, and all forms of
3 public transportation defined in section 5302 of title 49,
4 United States Code, such head shall publish in the Federal
5 Register a list of information on which the decision to im-
6 plement the requirement was based, including a data, sci-
7 entific, and cost-benefit analysis and the economic impact
8 of such requirement.

9 (b) SUBMISSION TO CONGRESS.—Upon the imple-
10 mentation of a requirement described in subsection (a),
11 the head of the covered agency concerned shall submit to
12 Congress and the chairman and ranking member of the
13 Committee on Transportation and Infrastructure, the
14 Committee on Energy and Commerce, and the Committee
15 on Homeland Security of the House of Representatives
16 and the Committee on Commerce, Science, and Transpor-
17 tation and the Committee on Homeland Security and Gov-
18 ernmental Affairs of the Senate a report containing—

19 (1) a copy of the information described in sub-
20 section (a); and

21 (2) the proposed effective date of the require-
22 ment concerned.

23 **SEC. 3. CONGRESSIONAL REVIEW OF MASK REQUIRE-**
24 **MENTS.**

25 (a) CONGRESSIONAL REVIEW.—

1 (1)(A)(i) Before a requirement may take effect,
2 the Federal agency promulgating such requirement
3 shall publish in the Federal Register a list of infor-
4 mation on which the requirement is based, including
5 data, scientific and economic studies, and cost-ben-
6 efit analyses, and identify how the public can access
7 such information online, and shall submit to each
8 House of the Congress and to the Comptroller Gen-
9 eral a report containing—

10 (I) a copy of the requirement;

11 (II) a concise general statement relating to
12 the requirement;

13 (III) a list of any other related regulatory
14 actions intended to implement the same statu-
15 tory provision or regulatory objective as well as
16 the individual and aggregate economic effects of
17 those actions; and

18 (IV) the proposed effective date of the re-
19 quirement.

20 (ii) On the date of the submission of the report
21 under clause (i), the Federal agency promulgating
22 the requirement shall submit to the Comptroller
23 General and make available to each House of Con-
24 gress—

1 (I) a complete copy of the cost-benefit
2 analysis of the requirement, if any, including an
3 analysis of any jobs added or lost, differen-
4 tiating between public and private sector jobs;

5 (II) the agency's actions pursuant to sec-
6 tions 603, 604, 605, 607, and 609 of title 5,
7 United States Code;

8 (III) the agency's actions pursuant to sec-
9 tions 202, 203, 204, and 205 of the Unfunded
10 Mandates Reform Act of 1995; and

11 (IV) any other relevant information or re-
12 quirements under any other Act and any rel-
13 evant Executive orders.

14 (iii) Upon receipt of a report submitted under
15 clause (i), each House shall provide copies of the re-
16 port to the chairman and ranking member of each
17 standing committee with jurisdiction under the rules
18 of the House of Representatives or the Senate to re-
19 port a bill to amend the provision of law under
20 which the requirement is issued.

21 (B)(i) The Comptroller General shall provide a
22 report on each requirement to the committees of ju-
23 risdiction by the end of 15 calendar days after the
24 submission or publication date. The report of the
25 Comptroller General shall include an assessment of

1 the agency's compliance with procedural steps re-
2 quired by subparagraph (A)(ii) and an assessment of
3 whether the requirement imposes any new limits or
4 mandates on private-sector activity.

5 (ii) Federal agencies shall cooperate with the
6 Comptroller General by providing information rel-
7 evant to the Comptroller General's report under
8 clause (i).

9 (C) A requirement relating to a report sub-
10 mitted under subparagraph (A) shall take effect
11 upon enactment of a joint resolution of approval de-
12 scribed in subsection (b) or as provided for in the re-
13 quirement following enactment of a joint resolution
14 of approval described in subsection (b), whichever is
15 later.

16 (D) If a joint resolution of approval relating to
17 a requirement is not enacted within the period pro-
18 vided in paragraph (2)(B), then a joint resolution of
19 approval relating to the same requirement may not
20 be considered under this section in the same Con-
21 gress by either the House of Representatives or the
22 Senate.

23 (2)(A) A requirement shall not take effect un-
24 less the Congress enacts a joint resolution of ap-
25 proval described under subsection (b).

1 (B) If a joint resolution described in paragraph
2 (1) is not enacted into law by the end of 70 session
3 days or legislative days, as applicable, beginning on
4 the date on which the report referred to in para-
5 graph (1)(A)(i) is received by Congress (excluding
6 days either House of Congress is adjourned for more
7 than 3 days during a session of Congress), then the
8 requirement described in that resolution shall be
9 deemed not to be approved and such requirement
10 shall not take effect.

11 (3)(A) Notwithstanding any other provision of
12 this section (except subject to subparagraph (C)), a
13 requirement may take effect for one 90-calendar-day
14 period if the President makes a determination under
15 subparagraph (B) and submits written notice of
16 such determination to the Congress.

17 (B) Subparagraph (A) applies to a determina-
18 tion made by the President by Executive order that
19 the requirement should take effect because such re-
20 quirement is—

21 (i) necessary because of an imminent
22 threat to health or safety or other emergency;

23 (ii) necessary for the enforcement of crimi-
24 nal laws; or

25 (iii) necessary for national security;

1 (C) An exercise by the President of the author-
2 ity under this subsection shall have no effect on the
3 procedures under subsection (b).

4 (4)(A) In addition to the opportunity for review
5 otherwise provided under this section, in the case of
6 any requirement for which a report was submitted in
7 accordance with paragraph (1)(A)(i) during the pe-
8 riod beginning on the date occurring—

9 (i) in the case of the Senate, 60 session
10 days; or

11 (ii) in the case of the House of Representa-
12 tives, 60 legislative days, before the date the
13 Congress is scheduled to adjourn a session of
14 Congress through the date on which the same
15 or succeeding Congress first convenes its next
16 session, sections 802 shall apply to such re-
17 quirement in the succeeding session of Con-
18 gress.

19 (B)(i) In applying subsection (b) for purposes
20 of such additional review, a requirement described
21 under subparagraph (A) shall be treated as
22 though—

23 (I) such requirement were published in the
24 Federal Register on—

1 (aa) in the case of the Senate, the
2 15th session day; or

3 (bb) in the case of the House of Rep-
4 resentatives, the 15th legislative day, after
5 the succeeding session of Congress first
6 convenes; and

7 (II) a report on such requirement were
8 submitted to Congress under paragraph (1)(A)
9 on such date.

10 (ii) Nothing in this paragraph shall be con-
11 strued to affect the requirement under paragraph
12 (1)(A) that a report shall be submitted to Congress
13 before a requirement can take effect.

14 (C) A requirement described under subpara-
15 graph (A) shall take effect as otherwise provided by
16 law (including other subsections of this section).

17 (b) CONGRESSIONAL APPROVAL PROCEDURE FOR
18 REQUIREMENTS.—

19 (1)(A) For purposes of this section, the term
20 ‘joint resolution’ means only a joint resolution ad-
21 dressing a report classifying a requirement pursuant
22 to subsection (a)(1)(A)(i)(III) that—

23 (i) bears no preamble;

24 (ii) bears the following title (with blanks
25 filled as appropriate): “Approving the require-

1 ment submitted by _____ relating to
2 _____.”;

3 (iii) includes after its resolving clause only
4 the following (with blanks filled as appropriate):
5 “That Congress approves the requirement sub-
6 mitted by _____ relating to _____.”; and

7 (iv) is introduced pursuant to subpara-
8 graph (B).

9 (B) After a House of Congress receives a report
10 classifying a requirement pursuant to subsection
11 (a)(1)(A)(i)(III), the majority leader of that House
12 (or his or her respective designee) shall introduce
13 (by request, if appropriate) a joint resolution de-
14 scribed in subparagraph (A)—

15 (i) in the case of the House of Representa-
16 tives, within 3 legislative days; and

17 (ii) in the case of the Senate, within 3 ses-
18 sion days.

19 (C) A joint resolution described in subpara-
20 graph (A) shall not be subject to amendment at any
21 stage of proceeding.

22 (2) A joint resolution described in paragraph
23 (1) shall be referred in each House of Congress to
24 the committees having jurisdiction over the provision
25 of law under which the requirement is issued.

1 (3) In the Senate, if the committee or commit-
2 tees to which a joint resolution described in para-
3 graph (1) has been referred have not reported it at
4 the end of 15 session days after its introduction,
5 such committee or committees shall be automatically
6 discharged from further consideration of the resolu-
7 tion and it shall be placed on the calendar. A vote
8 on final passage of the resolution shall be taken on
9 or before the close of the 15th session day after the
10 resolution is reported by the committee or commit-
11 tees to which it was referred, or after such com-
12 mittee or committees have been discharged from fur-
13 ther consideration of the resolution.

14 (4)(A) In the Senate, when the committee or
15 committees to which a joint resolution is referred
16 have reported, or when a committee or committees
17 are discharged (under paragraph (3)) from further
18 consideration of a joint resolution described in para-
19 graph (1), it is at any time thereafter in order (even
20 though a previous motion to the same effect has
21 been disagreed to) for a motion to proceed to the
22 consideration of the joint resolution, and all points
23 of order against the joint resolution (and against
24 consideration of the joint resolution) are waived. The
25 motion is not subject to amendment, or to a motion

1 to postpone, or to a motion to proceed to the consid-
2 eration of other business. A motion to reconsider the
3 vote by which the motion is agreed to or disagreed
4 to shall not be in order. If a motion to proceed to
5 the consideration of the joint resolution is agreed to,
6 the joint resolution shall remain the unfinished busi-
7 ness of the Senate until disposed of.

8 (B) In the Senate, debate on the joint resolu-
9 tion, and on all debatable motions and appeals in
10 connection therewith, shall be limited to not more
11 than 2 hours, which shall be divided equally between
12 those favoring and those opposing the joint resolu-
13 tion. A motion to further limit debate is in order and
14 not debatable. An amendment to, or a motion to
15 postpone, or a motion to proceed to the consider-
16 ation of other business, or a motion to recommit the
17 joint resolution is not in order.

18 (C) In the Senate, immediately following the
19 conclusion of the debate on a joint resolution de-
20 scribed in paragraph (1), and a single quorum call
21 at the conclusion of the debate if requested in ac-
22 cordance with the rules of the Senate, the vote on
23 final passage of the joint resolution shall occur.

24 (D) Appeals from the decisions of the Chair re-
25 lating to the application of the rules of the Senate

1 to the procedure relating to a joint resolution de-
2 scribed in paragraph (1) shall be decided without de-
3 bate.

4 (5) In the House of Representatives, if any
5 committee to which a joint resolution described in
6 paragraph (1) has been referred has not reported it
7 to the House at the end of 15 legislative days after
8 its introduction, such committee shall be discharged
9 from further consideration of the joint resolution,
10 and it shall be placed on the appropriate calendar.
11 On the second and fourth Thursdays of each month
12 it shall be in order at any time for the Speaker to
13 recognize a Member who favors passage of a joint
14 resolution that has appeared on the calendar for at
15 least 5 legislative days to call up that joint resolu-
16 tion for immediate consideration in the House with-
17 out intervention of any point of order. When so
18 called up a joint resolution shall be considered as
19 read and shall be debatable for 1 hour equally di-
20 vided and controlled by the proponent and an oppo-
21 nent, and the previous question shall be considered
22 as ordered to its passage without intervening mo-
23 tion. It shall not be in order to reconsider the vote
24 on passage. If a vote on final passage of the joint
25 resolution has not been taken by the third Thursday

1 on which the Speaker may recognize a Member
2 under this subsection, such vote shall be taken on
3 that day.

4 (6)(A) If, before passing a joint resolution de-
5 scribed in paragraph (1), one House receives from
6 the other a joint resolution having the same text,
7 then—

8 (i) the joint resolution of the other House
9 shall not be referred to a committee; and

10 (ii) the procedure in the receiving House
11 shall be the same as if no joint resolution had
12 been received from the other House until the
13 vote on passage, when the joint resolution re-
14 ceived from the other House shall supplant the
15 joint resolution of the receiving House.

16 (B) This subsection shall not apply to the
17 House of Representatives if the joint resolution re-
18 ceived from the Senate is a revenue measure.

19 (7) If either House has not taken a vote on
20 final passage of the joint resolution by the last day
21 of the period described in subsection (a)(2)(B), then
22 such vote shall be taken on that day.

23 (8) This section is enacted by Congress—

24 (A) as an exercise of the rulemaking power
25 of the Senate and House of Representatives, re-

1 spectively, and as such are deemed to be part
2 of the rules of each House, respectively, but ap-
3 plicable only with respect to the procedure to be
4 followed in that House in the case of a joint
5 resolution described in paragraph (1) and su-
6 perseding other rules only where explicitly so;
7 and

8 (B) with full recognition of the constitu-
9 tional right of either House to change the rules
10 (so far as they relate to the procedure of that
11 House) at any time, in the same manner and
12 to the same extent as in the case of any other
13 rule of that House.

14 (c) DEFINITIONS.—For purposes of this section:

15 (1) The term “Federal agency” means the De-
16 partment of Transportation, the Department of
17 Homeland Security (including the Transportation
18 Security Administration), and the Department of
19 Health and Human Services.

20 (2) The term “requirement” means any mask
21 requirement described in section 2.

22 (3) The term “submission or publication date”,
23 except as otherwise provided in this section, means

- 1 the date on which the Congress receives the report
- 2 submitted under subsection (a)(1)(A).

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