

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 367) TO AMEND CHAPTER 8 OF TITLE 5, UNITED STATES CODE, TO PROVIDE THAT MAJOR RULES OF THE EXECUTIVE BRANCH SHALL HAVE NO FORCE OR EFFECT UNLESS A JOINT RESOLUTION OF APPROVAL IS ENACTED INTO LAW; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2009) TO PROHIBIT THE SECRETARY OF THE TREASURY FROM ENFORCING THE PATIENT PROTECTION AND AFFORDABLE CARE ACT AND THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM AUGUST 3, 2013, THROUGH SEPTEMBER 6, 2013; AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2879) TO PROVIDE LIMITATIONS ON BONUSES FOR FEDERAL EMPLOYEES DURING SEQUESTRATION, TO PROVIDE FOR INVESTIGATIVE LEAVE REQUIREMENTS FOR MEMBERS OF THE SENIOR EXECUTIVE SERVICE, TO ESTABLISH CERTAIN PROCEDURES FOR CONDUCTING IN-PERSON OR TELEPHONIC INTERACTIONS BY EXECUTIVE BRANCH EMPLOYEES WITH INDIVIDUALS, AND FOR OTHER PURPOSES

JULY 31, 2013.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 322]

The Committee on Rules, having had under consideration House Resolution 322, 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. 367, the Regulations From the Executive in Need of Scrutiny Act of 2013, 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 the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill 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 printed in Part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2009, the Keep the IRS Off Your Health Care Act of 2013, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. The resolution waives all points of order against consideration of the bill and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

Section 3 of the resolution provides that H. Res. 292 is laid on the table.

Section 4 of the resolution provides that on any legislative day during the period from August 3, 2013, through September 6, 2013: the Journal of the proceedings of the previous day shall be considered as approved; the Chair may at any time declare the House adjourned to meet at a date and time within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and bills and resolutions introduced shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred at a later time.

Section 5 of the resolution provides that the Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of the resolution as though under clause 8(a) of rule I.

Section 6 of the resolution provides that each day during the period addressed by section 4 of the resolution shall not constitute a calendar day for purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546).

Section 7 of the resolution provides that each day during the period addressed by section 4 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry).

Section 8 of the resolution provides for consideration of H.R. 2879, the Stop Government Abuse Act, under a closed rule. The resolution provides one hour of 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 and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

Section 9 of the resolution provides that upon passage of H.R. 2879, the following bills are laid on the table: H.R. 1541, H.R. 2579, and H.R. 2711.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 367, 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 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 to H.R. 367 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. 2009, 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. 2009, 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. 2879, 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. 2879, 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. 63

Motion by Ms. Slaughter to report open rules for H.R. 367, H.R. 2009, and H.R. 2879. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Nay	Ms. Slaughter	Yea
Mr. Bishop of Utah	Nay	Mr. McGovern	Yea
Mr. Cole	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	
Mr. Nugent	Nay		
Mr. Webster	Nay		
Ms. Ros-Lehtinen	Nay		
Mr. Burgess	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 64

Motion by Ms. Foxx to report the rule. Adopted: 9–3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter	Nay
Mr. Bishop of Utah	Yea	Mr. McGovern	Nay
Mr. Cole	Yea	Mr. Hastings of Florida	Nay
Mr. Woodall	Yea	Mr. Polis	
Mr. Nugent	Yea		
Mr. Webster	Yea		
Ms. Ros-Lehtinen	Yea		
Mr. Burgess	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENT IN PART A CONSIDERED AS ADOPTED

1. Sessions (TX): Makes a technical improvement to the bill.

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Scalise (LA): Requires the Administration to receive approval from Congress before implementing a carbon tax. (10 minutes)
2. Davis, Rodney (IL), Peterson (MN): Adds a to the definition of what constitutes a “major rule” to include any interim final rule issued by the Environmental Protection Agency (EPA) that would have a significant impact on a substantial amount of agricultural entities (as determined by the Secretary of Agriculture). (10 minutes)
3. Smith, Jason (MO): Requires congressional approval for all rules under the authority of the Affordable Care Act. (10 minutes)
4. Latham (IA): Clarifies that the report required to be submitted to Congress by Federal agencies promulgating a rule under the Act, must include a list of any other related regulatory actions taken by or that will be taken by any other Federal agency with authority to implement the same statutory provision or regulatory objective. (10 minutes)
5. Sessions (TX), Davis, Rodney (IL), Barr, (KY), Wenstrup (OH), Coffman (CO): Requires the agency submitting the report on a proposed Federal rule to include an assessment, as part of the cost-benefit analysis submitted to the Comptroller General and each House of Congress, of anticipated jobs gained or lost as a result of implementation, and to specify whether those jobs will come from the public or private sector. (10 minutes)
6. Nadler (NY): Exempts from the bill’s congressional approval requirement any rule pertaining to nuclear reactor safety standards in order to prevent nuclear meltdowns like the one in Fukushima. The amendment would ensure enhanced nuclear safety protection requirements can go into effect. (10 minutes)
7. Johnson, Hank (GA): Exempts from the provisions of the bill any rule that the Office of Management and Budget determines would result in net job creation. (10 minutes)
8. Jackson Lee (TX): Exempts from the bill’s congressional approval requirement any rule promulgated by the Department of Homeland Security. (10 minutes)
9. McKinley (WV): Reduces the annual effect on the economy of the term ‘major rule’ from \$100 million or more to \$50 million or more. (10 minutes)
10. Cole (OK): Ensures that the impact on Tribal government agencies would be included in the determination of whether a rule constitutes a major rule. (10 minutes)
11. Webster (FL): Prevents federal agencies from implementing significant policy changes without appropriate congressional review. Brings administrative rules having an economic impact of \$100 million or more as scored by the Office of Management and Budget before Congress for a vote. (10 minutes)
12. Moore, Gwen (WI): Exempts rules pertaining to veterans from the additional requirements of this Act. (10 minutes)

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

Page 17, line 1, strike “(b)(1) A joint resolution” and insert the following: “(b) A joint resolution”.

Page 17, strike lines 4 through 9.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

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

Page 5, line 17, insert after the period the following: “Moreover, as a tax on carbon emissions increases energy costs on consumers, reduces economic growth and is therefore detrimental to individuals, families and businesses, the REINS Act includes in the definition of a major rule, any rule that implements or provides for the imposition or collection of a tax on carbon emissions.”.

Page 20, strike lines 10 through 14, and insert the following:

“(2) The term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds—

“(A) has resulted in or is likely to result in—”.

Page 20, line 15, redesignate subparagraph (A) as clause (i).

Page 20, line 17, redesignate subparagraph (B) as clause (ii).

Page 20, line 21, redesignate subparagraph (C) as clause (iii).

Page 20, line 25, strike the period and insert “; or”.

Page 20, insert after line 25 the following:

(B) is a rule that implements or provides for the imposition or collection of a carbon tax.

Page 22, insert after line 8 the following:

“(6) The term ‘carbon tax’ means a fee, levy, or price on—

“(A) emissions, including carbon dioxide emissions generated by the burning of coal, natural gas, or oil; or

“(B) coal, natural gas, or oil based on emissions, including carbon dioxide emissions that would be generated through the fuel’s combustion.”.

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

Page 6, beginning on line 12, strike “sections 804(2)(A), 804(2)(B), and 804(2)(C)” and insert “clauses (i) through (iii) of section 804(2)(A) or within section 804(2)(B)”.

Page 20, beginning on line 11, strike “the Administrator”, and insert “—”

“(A) the Administrator”.

Page 20, line 15, by redesignating subparagraph (A) as clause (i).

Page 20, line 17, by redesignating subparagraph (B) as clause (ii).

Page 20, line 21, by redesignating subparagraph (C) as clause (iii).

Page 20, line 25, strike the period at the end and insert “; or”.

Page 20, insert after line 25 the following:

“(B) is made by the Administrator of the Environmental Protection Agency and that would have a significant impact on a substantial number of agricultural entities, as determined by the Secretary of Agriculture (who shall publish such determination in the Federal Register).”.

Page 22, insert after line 8 the following:

“(6) The term ‘agricultural entity’ means any entity involved in or related to agricultural enterprise, including enterprises that are engaged in the business of production of food and fiber, ranching and raising of livestock, aquaculture, and all other farming and agricultural related industries.”.

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

Page 6, beginning on line 12, strike “sections 804(2)(A), 804(2)(B), and 804(2)(C)” and insert “clauses (i) through (iii) of section 804(2)(A) or within section 804(2)(B)”.

Page 20, beginning on line 11, strike “the Administrator”, and insert “—”

“(A) the Administrator”.

Page 20, line 15, by redesignating subparagraph (A) as clause (i).

Page 20, line 17, by redesignating subparagraph (B) as clause (ii).

Page 20, line 21, by redesignating subparagraph (C) as clause (iii).

Page 20, line 25, strike the period at the end and insert “; or”.

Page 20, insert after line 25 the following:

“(B) is made under the Patient Protection and Affordable Care Act (Pub. Law 111–148).”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LATHAM OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 15, insert before “intended to implement” the following: “taken by or that will be taken by the Federal agency promulgating the rule that are”.

Page 6, line 17, strike “and” at the end.

Page 6, after line 17, insert the following (and redesignate provisions accordingly):

“(v) a list of any other related regulatory actions taken by or that will be taken by any other Federal agency with authority to implement the same statutory provision or regulatory objective that are intended to implement such provision or objective, of which the Federal agency promulgating the rule is aware, as well as the individual and aggregate economic effects of those actions; and”.

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

Page 6, line 24, insert before the semicolon the following: “, including an analysis of any jobs added or lost, differentiating between public and private sector jobs”.

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

Page 20, line 10, insert after “means any rule” the following: “(other than a special rule)”.

Page 21, line 2, insert before the period at the end the following: “, and includes any special rule”.

Page 22, after line 8, insert the following:

“(6) The term ‘special rule’ means any rule pertaining to nuclear reactor safety standards.”.

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

Page 20, line 10, insert after “means any rule” the following: “(other than a special rule)”.

Page 21, line 2, insert before the period at the end the following: “, and includes any special rule”.

Page 22, after line 8, insert the following:

“(6) The term ‘special rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget determines would result in net job growth.”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 20, line 10, insert after “means any rule” the following: “(other than a special rule)”.

Page 21, line 2, insert before the period at the end the following: “, and includes any special rule”.

Page 22, after line 8, insert the following:

“(6) The term ‘special rule’ means any rule that is promulgated by the Department of Homeland Security.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 20, line 16, strike “\$100,000,000” and insert “\$50,000,000”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COLE OF OKLAHOMA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES.

Page 20, line 18, insert after “State,” the following: “Tribal,”.

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

Page 21, beginning on line 4, strike “except that such term does not include—” and all that follows through line 18, and insert the following: “except that such term does not include any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing.”

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE
OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 23, line 19, insert after “determines.” the following (and amend the table of sections accordingly):

“§ 808. Exemption for certain rules

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2013 shall not apply in the case of any rule that relates to veterans or veterans affairs. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2013, shall continue to apply, after such enactment, to any such rule, as appropriate.”.