

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3843) TO PROMOTE ANTITRUST ENFORCEMENT AND PROTECT COMPETITION THROUGH ADJUSTING PREMERGER FILING FEES, AND INCREASING ANTITRUST ENFORCEMENT RESOURCES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7780) TO SUPPORT THE BEHAVIORAL NEEDS OF STUDENTS AND YOUTH, INVEST IN THE SCHOOL-BASED BEHAVIORAL HEALTH WORKFORCE, AND ENSURE ACCESS TO MENTAL HEALTH AND SUBSTANCE USE DISORDER BENEFITS; PROVIDING FOR CONSIDERATION OF THE BILL (S. 3969) TO AMEND THE HELP AMERICA VOTE ACT OF 2002 TO EXPLICITLY AUTHORIZE DISTRIBUTION OF GRANT FUNDS TO THE VOTING ACCESSIBILITY PROTECTION AND ADVOCACY SYSTEM OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS AND THE SYSTEM SERVING THE AMERICAN INDIAN CONSORTIUM, AND FOR OTHER PURPOSES; AND FOR OTHER PURPOSES.

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September 28, 2022.—Referred to the House Calendar and ordered to be printed.

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MR. DESAULNIER, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, 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.R. 3843, the Merger Filing Fee Modernization Act of 2022, 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 the Judiciary or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a

substitute consisting of the text of Rules Committee Print 117-66 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 provides one motion to recommit. Section 2 of the resolution provides for consideration of H.R. 7780, the Mental Health Matters Act, under a structured rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and Labor or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117-67 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 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, 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 the report. The resolution provides that at the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The question of such further amendments' adoption shall be put to the House en gros and without division of the question. The resolution provides one motion to recommit. The resolution provides that during consideration of H.R. 7780, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Education or Labor or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill. The resolution further provides for consideration of S. 3969, the PAVA Program Inclusion 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 House Administration or their designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to commit. Section 5 of the resolution provides that on any legislative day during the period from October 3, 2022, through November 11, 2022, the Journal of the proceedings of the previous day shall be considered as approved. 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 5 of the resolution. The resolution provides that each day during the period addressed by section 5 of the resolution shall not constitute a calendar day for the purposes of section 7 of the War Powers Resolution (50 U.S.C. 1546). The resolution provides that each day during the period addressed by section 5 of the resolution shall not constitute a legislative day for purposes of clause 7 of rule XIII (resolutions of inquiry). The resolution provides that each day during the period addressed by section 5 shall not constitute a calendar or legislative day for purposes of clause 7(c)(1) of rule XXII (motions to instruct conferees). The resolution provides that at any time through the legislative day of September 30, 2022, the Speaker may entertain motions offered by the

Majority Leader or a designee that the House suspend the rules with respect to multiple measures that were the object of motions to suspend the rules on the legislative day of September 28, 2022, September 29, 2022, or September 30, 2022, on which the yeas and nays were ordered and further proceedings postponed. The Chair shall put the question on any such motion without debate or intervening motion, and the ordering of the yeas and nays on postponed motions to suspend the rules with respect to such measures is vacated.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 3843, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against provisions in H.R. 3843, as amended, includes waivers of the following:

- Clause 4 of rule XXI, which prohibits reporting a bill carrying an appropriation from a committee not having jurisdiction to report an appropriation.
- Clause 5(a) of rule XXI, which prohibits a bill or joint resolution carrying a tax or tariff measure from being reported by a committee not having jurisdiction to report tax or tariff measures.

The waiver of all points of order against consideration of H.R. 7780 includes a waiver of clause 3(d) of rule XIII, which requires the inclusion of committee cost estimate in a committee report. A CBO cost estimate on H.R. 7780 was not available at the time the Committee on Education and Labor filed its report.

Although the resolution waives all points of order against provisions in H.R. 7780, 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 amendments printed in this report to H.R. 7780, the Committee is not aware of any points of order. The waiver is prophylactic.

Although the resolution waives all points of order against consideration of S. 3969, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

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#### 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. 294

Motion by Mr. Cole to add a section to the rule providing for consideration of H.R. 8517, the COCOA Act of 2022, under a closed rule. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....		Mr. Cole.....	Yea
Mr. Perlmutter.....	Nay	Mr. Burgess.....	Yea
Mr. Raskin.....	Nay	Mr. Reschenthaler.....	Yea
Ms. Scanlon.....	Nay	Mrs. Fischbach.....	Yea
Mr. Morelle.....	Nay		
Mr. DeSaulnier.....	Nay		
Ms. Ross.....	Nay		
Mr. Neguse.....	Nay		
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 295

Motion by Mr. Burgess to amend the rule to H.R. 7780 to make in order amendment #4, offered by Rep. Harshbarger (TN), which strikes the union-run multi-employer benefits plan exemption from the bill's prohibition on discretionary clauses in employee benefit plans, and strikes the collective bargaining agreement exemption from the bill's prohibition on arbitration clauses in employee benefit plans. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....		Mr. Cole.....	Yea
Mr. Perlmutter.....	Nay	Mr. Burgess.....	Yea
Mr. Raskin.....	Nay	Mr. Reschenthaler.....	Yea
Ms. Scanlon.....	Nay	Mrs. Fischbach.....	Yea
Mr. Morelle.....	Nay		
Mr. DeSaulnier.....	Nay		
Ms. Ross.....	Nay		
Mr. Neguse.....	Nay		
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 296

Motion by Mrs. Fischbach to amend the rule to H.R. 3843 to make in order amendment #1, offered by Rep. Fitzgerald (WI), which prohibits funds made available under the bill from being used for non-enforcement activities. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....		Mr. Cole.....	Yea
Mr. Perlmutter.....	Nay	Mr. Burgess.....	Yea
Mr. Raskin.....	Nay	Mr. Reschenthaler.....	Yea
Ms. Scanlon.....	Nay	Mrs. Fischbach.....	Yea
Mr. Morelle.....	Nay		
Mr. DeSaulnier.....	Nay		
Ms. Ross.....	Nay		
Mr. Neguse.....	Nay		
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 297

Motion by Mr. Raskin to report the rule. Adopted: 8–4

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....		Mr. Cole.....	Nay
Mr. Perlmutter.....	Yea	Mr. Burgess.....	Nay
Mr. Raskin.....	Yea	Mr. Reschenthaler.....	Nay
Ms. Scanlon.....	Yea	Mrs. Fischbach.....	Nay
Mr. Morelle.....	Yea		
Mr. DeSaulnier.....	Yea		
Ms. Ross.....	Yea		
Mr. Neguse.....	Yea		
Mr. McGovern, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 7780 MADE IN ORDER

1. Porter (CA), Trone (MD), Bonamici (OR): Directs the Secretary of Education to study student mental health at institutions of higher education and to issue guidance on compliance with federal law for mental health and substance use disorder conditions. (10 minutes)
2. Mrvan (IN): Directs the National Institute for Occupational Safety and Health to establish an occupational research program on mental health. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 7780 MADE IN ORDER

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

Add at the end the following:

## **TITLE VIII—STUDENT MENTAL HEALTH RIGHTS**

**SEC. 801. SHORT TITLE.**

This title may be cited as the “Student Mental Health Rights Act”.

**SEC. 802. FINDINGS.**

Congress finds the following:

(1) Nearly all institutions of higher education are subject to—

(A) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);

or

(C) the Fair Housing Act (42 U.S.C. 3601 et seq.).

(2) The laws described in paragraph (1) prohibit discrimination on the basis of disability, defined as “with respect to an individual, a physical or mental impairment that substantially limits one or more major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment” under section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(1)).

(3) Under section 2(a)(3) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101(a)(3)), Congress found that “discrimination against individuals with disabilities persists in such critical areas as employment, housing, public accommodations, education, transportation, communication, recreation, institutionalization, health services, voting, and access to public services”.

(4) The laws described in paragraph (1) prohibit institutions of higher education from discriminating against students with disabilities, including by failing to provide reasonable accommodations or reasonable modifications to such students so that such students are able to fully participate in postsecondary life.

(5) The laws described in paragraph (1) prohibit institutions of higher education from discriminating against students with mental health disabilities, including by failing to provide reasonable accommodations or reasonable modifications to such a student.

(6) The vast majority of institutions of higher education lack a comprehensive plan for addressing and preventing discrimination against students with mental health disabilities or who are experiencing crises, in many cases—

(A) requiring such students to leave the institution of higher education;

(B) evicting such students from on-campus housing; and

(C) establishing excessive and unnecessary impediments to the re-enrollment of such students to the institution of higher education.

**SEC. 803. STUDY.**

(a) **VOLUNTARY REPORTING.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall solicit from students at

institutions of higher education information, on a voluntary basis, with respect to mental health disabilities and substance use disorders at such institutions of higher education.

(b) **REQUIREMENT.**—Not later than 1 year after the date of the enactment of this Act, the Secretary shall complete a study on mental health disabilities and substance use disorders at institutions of higher education, including—

(1) using the information voluntarily reported by students under subsection (a), the prevalence of such disabilities and disorders, disaggregated by type of disability or disorder (including hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, independent living difficulty, mental health difficulty, and any other category deemed appropriate by the Secretary), among students at institutions of higher education and policies to support students with respect to such conditions;

(2) the policies of institutions of higher education with respect to students who, due to such a condition, are considering a voluntary leave of absence or are required to take a mandatory or involuntary leave of absence, or return from such an absence, and compliance by institutions of higher education with such policies; and

(3) best practices for supporting students at institutions of higher education in managing such conditions, including the effect such practices have on graduation rates and degree completion.

(c) **REPORT.**—The Secretary shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report on the findings of the study required by subsection (a).

#### **SEC. 804. GUIDANCE.**

Not later than 180 days after the date on which the report is submitted under section 803(b), the Secretary shall, in consultation with the Assistant Attorney General of the Civil Rights Division of the Department of Justice, issue guidance on—

(1) the compliance of institutions of higher education with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) with respect to students with mental health disabilities;

(2) the legal obligations of institutions of higher education with respect to accommodating students with mental health disabilities and students with substance use disorders; and

(3) policies of institutions of higher education which may have a discriminatory impact on students with mental health disabilities and students with substance use disorders.

#### **SEC. 805. DEFINITIONS.**

In this title:

(1) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Education.



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

Add at the end the following:

## **TITLE VIII—OCCUPATIONAL RESEARCH PROGRAM ON MENTAL HEALTH**

### **SECTION 801.OCCUPATIONAL RESEARCH PROGRAM ON MENTAL HEALTH.**

(a) **IN GENERAL.**—The Director of the National Institute for Occupational Safety and Health (in this section referred to as the “Institute”) shall establish a research program to identify and apply comprehensive approaches to support frontline, essential, and other affected workers across all industries and occupations exposed to and affected by workplace stressors that contribute to adverse mental health outcomes, including traumatic stress, anxiety, depression, suicide, and related mental health conditions. In designing such research program, the Director shall, in consultation with the heads of other Federal departments and agencies, as appropriate, address workplace stressors such as—

(1) traumatic grief resulting from COVID–19-related death or injury in the workplace;

(2) conditions of employment or places of employment, including consecutive shifts, increases in shift duration, changes in workplace protocols, or increases in workloads and demands due to insufficient resources, which can result in fatal, near-fatal, or other serious occupational injuries or illnesses; or

(3) workplace violence or other physical and psychological hazards that contribute to worker injury or illness on the job, including poor mental health outcomes among workers.

(b) **BEST PRACTICES AND RECOMMENDATIONS.**—As part of the research program established under this section, the Director shall develop best practices or recommendations for organizational-level workplace interventions and support services that would both prevent worker injury or illness and reduce the risk of such adverse mental health outcomes among frontline, essential, and other affected workers across all industries and occupations, including wraparound services, mental health awareness initiatives, workplace stress prevention programs, and training programs to promote work-related stress prevention and reduction and organizational resilience, to include specific strategies for preventing burnout among workers.

(c) **ADDITIONAL SUPPORT.**—As part of such research program, the Director shall also coordinate and support efforts through other research programs carried out by the Institute, including the Institute’s Total Worker Health program, to develop comprehensive, evidence-informed approaches to support mental and behavioral health as a part of worker wellbeing and related occupational safety and health programs.

(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on the extent to which best practices or recommendations developed pursuant to subsection (b) have been adopted by relevant stakeholders; and

(2) engage in education and outreach activities with employers, health care providers, nonprofit organizations, workers, labor organizations, and related stakeholders to support such adoption.

(e) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated \$10,000,000 for each of fiscal years 2023 through 2025.