

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3865) TO PROHIBIT THE INTERNAL REVENUE SERVICE FROM MODIFYING THE STANDARD FOR DETERMINING WHETHER AN ORGANIZATION IS OPERATED EXCLUSIVELY FOR THE PROMOTION OF SOCIAL WELFARE FOR PURPOSES OF SECTION 501(C)(4) OF THE INTERNAL REVENUE CODE OF 1986; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2804) TO AMEND TITLE 5, UNITED STATES CODE, TO REQUIRE THE ADMINISTRATOR OF THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS TO PUBLISH INFORMATION ABOUT RULES ON THE INTERNET, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

February 25, 2014.—Referred to the House Calendar and ordered to be printed.

MR. WOODALL, 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 2, 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. 3865, the Stop Targeting of Political Beliefs by the IRS Act of 2014, 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. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Ways and Means 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 provides one motion to

recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 2804, the All Economic Regulations are Transparent 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 an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113-38 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 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 this report. The resolution provides one motion to recommit with or without instructions.

Section 3 of the resolution provides that it shall be in order at any time on the legislative day of February 27, 2014, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1 of rule XV, relating to H.R. 3370, the Homeowner Flood Insurance Affordability Act.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 3865, 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. 3865, as amended, 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.R. 2804 includes, a waiver of clause 3(c)(4) of rule XIII, requiring the inclusion of general performance goals and objectives in the committee report. It is important to note that while the report to accompany H.R. 2804 did include a statement reflecting the performance goals, the statement was incomplete.

The waiver of all points of order against the amendment in the nature of a substitute to H.R. 2804 made in order as original text includes a waiver of clause 7 of rule XVI, which requires that no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. It is important to note that while the waiver is necessary, all of the measures contained in Rules Committee Print 113-38 are directly related to regulatory reform.

Although the resolution waives all points of order against the amendments to H.R. 2804 printed in this 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. 110

Motion by Mr. Bishop of Utah to report the rule. Adopted: 8-2

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

SUMMARY OF THE AMENDMENTS TO H.R. 2804 MADE IN ORDER

1. Cartwright (PA): Strikes the 6 month moratorium on finalizing rules. (10 minutes)
2. Murphy, Patrick (FL): Cuts titles II and IV from the bill. (10 minutes)
3. Rothfus (PA), Barr, (KY): Adds terms to define a negative-impact on jobs and wages rule, helps agencies identify a negative-impact on jobs and wages rule, and requires agency heads approving a negative-impact on jobs and wages rule to submit a statement that they approved the rule knowing of its negative-impact on jobs and wages. (10 minutes)
4. Brady, Kevin (TX): Requires federal agencies to identify in any Notice of Proposed Rulemaking (NPR) the achievable objective of the proposed rule and the metrics to be used. Also requires federal agencies in issuing final rules to certify that the rule meets the objectives the agency identified in the NPR. (10 minutes)
5. Rigell (VA): Expands the requirements of initial regulatory flexibility analyses to include an analysis of any impairment of the ability of small entities to have access to credit. (10 minutes)
6. Tipton (CO): Makes a technical correction that ensures the current requirement, under the Regulatory Flexibility Act, that each agency annually publish a list of regulations to be reviewed pursuant to its periodic review plan, remains so. (10 minutes)
7. Connolly (VA): Exempts any rule pertaining to air quality or water quality. (10 minutes)
8. Jackson Lee (TX): Exempts rules made by the Secretary of Homeland Security, or any consent decree or settlement made as a result of the rule. (10 minutes)
9. Johnson, Hank (GA): Excludes from the bill any rule, consent decree, or settlement agreement that the Director of the Office of Management and Budget determines would result in net job creation or whose benefits exceeds its costs. (10 minutes)
10. Miller, George (CA), Courtney (CT): Exempts regulations proposed by the Occupational Safety and Health Administration to prevent combustible dust explosions and fires. (10 minutes)
11. Miller, George (CA), Courtney (CT): Exempts any regulations, or modifications thereto, which have been recommended in writing by the Inspector General of a federal agency, including but not limited to those which would improve protections for taxpayers, students, public and workplace safety and health, or otherwise increase the effectiveness or efficiency of agency activities. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 2804 MADE IN ORDER

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

AMENDMENT TO THE RULES COMMITTEE PRINT
113-38
OFFERED BY MR. CARTWRIGHT OF
PENNSYLVANIA

Page 3, after line 4, the table of sections is amended to read as follows:

“Sec.

“651. Agency monthly submission to Office of Information and Regulatory Affairs.

“652. Office of Information and Regulatory Affairs Publications.

“653. Definitions.”.

Page 8, strike line 21, and all that follows through page 9, line 15.

Page 9, line 16, strike “**654**” and insert “**653**”.

Page 11, strike lines 3 through 7.



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

AMENDMENT TO RULES COMMITTEE PRINT 113-

38

OFFERED BY MR. MURPHY OF FLORIDA

In the bill, strike title II and title IV, and redesignate provisions and conform the table of contents accordingly.



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

10

AMENDMENT TO RULES COMMITTEE PRINT 113-
38
OFFERED BY MR. ROTHFUS OF PENNSYLVANIA

Page 12, after line 19, insert the following (and re-designate accordingly):

1 “(17) ‘negative-impact on jobs and wages rule’
2 means any rule that the agency that made the rule
3 or the Administrator of the Office of Information
4 and Regulatory Affairs determines is likely to—

5 “(A) in one or more sectors of the economy
6 that has a 6-digit code under the North Amer-
7 ican Industry Classification System, reduce em-
8 ployment not related to new regulatory compli-
9 ance by 1 percent or more annually during the
10 1-year, 5-year, or 10-year period after imple-
11 mentation;

12 “(B) in one or more sectors of the econ-
13 omy that has a 6-digit code under the North
14 American Industry Classification System, re-
15 duce average weekly wages for employment not
16 related to new regulatory compliance by 1 per-
17 cent or more annually during the 1-year, 5-
18 year, or 10-year period after implementation;

1 “(C) in any industry area (as such term is
2 defined in the Current Population Survey con-
3 ducted by the Bureau of Labor Statistics) in
4 which the most recent annual unemployment
5 rate for the industry area is greater than 5 per-
6 cent, as determined by the Bureau of Labor
7 Statistics in the Current Population Survey, re-
8 duce employment not related to new regulatory
9 compliance during the first year after imple-
10 mentation; or

11 “(D) in any industry area in which the Bu-
12 reau of Labor Statistics projects in the Occupa-
13 tional Employment Statistics program that the
14 employment level will decrease by 1 percent or
15 more, further reduce employment not related to
16 new regulatory compliance during the first year
17 after implementation;”.

Page 16, line 16, insert after “domestic jobs),” the following: “wages,”.

Page 16, line 25, insert after “HIGH-IMPACT RULES” the following: “NEGATIVE-IMPACT ON JOBS AND WAGES RULES,”.

Page 17, line 2, strike “a major rule or high-impact rule” and insert the following: “a major rule, a high-impact rule, a negative-impact on jobs and wages rule,”.

Page 29, line 13, strike “and”.

Page 29, line 14, strike “major rule or high-impact rule,” and insert the following: “major rule, high-impact rule, or negative-impact on jobs and wages rule,”.

Page 30, line 2, strike the period at the end and insert “; and”.

Page 30, after line 2, insert the following:

1 “(H) for any negative-impact on jobs and
2 wages rule, a statement that the head of the
3 agency that made the rule approved the rule
4 knowing about the findings and determination
5 of the agency or the Administrator of the Office
6 of Information and Regulatory Affairs that
7 qualified the rule as a negative impact on jobs
8 and wages rule.”.



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

AMENDMENT TO RULES COMMITTEE PRINT 113-
38
OFFERED BY MR. BRADY OF TEXAS

Page 17, line 23, strike “; and” and insert the following: “;”.

Page 18, line 4, insert “and” after “rule;”;

Page 18, insert after line 4 the following:

- 1 “(E) an achievable objective for the rule
- 2 and metrics by which the agency will measure
- 3 progress toward that objective;”.

Page 19, line 20, strike “and”.

Page 19, line 22, insert “and” after “statute;”.

Page 19, insert after line 22 the following:

- 4 “(iii) an achievable objective for the rule and
- 5 metrics by which the agency will measure progress
- 6 toward that objective;”.

Page 29, line 13, strike “and”.

Page 29, insert after line 13 the following:

1 “(G) the agency’s reasoned final deter-
2 mination that the rule meets the objectives that
3 the agency identified in subsection (d)(1)(E)(iii)
4 or that other objectives are more appropriate in
5 light of the full administrative record and the
6 rule meets those objectives;

7 “(H) the agency’s reasoned final deter-
8 mination that it did not deviate from the
9 metrics the agency included in subsection
10 (d)(1)(E)(iii) or that other metrics are more ap-
11 propriate in light of the full administrative
12 record and the agency did not deviate from
13 those metrics; and”.

Page 29, line 14, strike “(G)(i) for any major rule”
and insert the following: “(I)(i) for any major rule”.



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

AMENDMENT TO RULES COMMITTEE PRINT 113-

38

OFFERED BY MR. RIGELL OF VIRGINIA

Page 53, line 24, strike “and”.

Page 54, line 3, after “entitites” the following: “;
and”.

Page 54, line 3, insert before the first period the fol-
lowing:

- 1 “(8) describing any impairment of the ability of
- 2 small entities to have access to credit”.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TIPTON OF COLORADO OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO RULES COMMITTEE PRINT 113-

38

OFFERED BY MR. TIPTON OF COLORADO

Page 66, line 1, strike "The agency" and insert
"Each year, each agency".



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

F74

AMENDMENT TO RULES COMMITTEE PRINT 113-
38
OFFERED BY MR. CONNOLLY OF VIRGINIA

In the table of contents of the bill, insert after item
pertaining to section 405 the following:

TITLE V—EXCEPTION

Sec. 501. Exception.

Add, at the end of the bill, the following:

- 1 **TITLE V—EXCEPTION**
- 2 **SEC. 501. EXCEPTION.**
- 3 Notwithstanding any other provision of law, the pro-
- 4 visions of this Act and the amendments made by this Act
- 5 shall not apply in the case of a rule pertaining to air qual-
- 6 ity or water quality, or a consent decree or settlement
- 7 agreement pertaining to such a rule. In the case of such
- 8 a rule, consent decree, or settlement agreement, the provi-
- 9 sions of law amended by this Act shall apply as though
- 10 such amendments had not been made.



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

6

**AMENDMENT TO RULES COMMITTEE PRINT 113-
38
OFFERED BY MS. JACKSON LEE OF TEXAS**

In the table of contents of the bill, insert after item
pertaining to section 405 the following:

TITLE V—EXCEPTION

Sec. 501. Exception.

Add, at the end of the bill, the following:

1 **TITLE V—EXCEPTION**
2 **SEC. 501. EXCEPTION.**
3 Notwithstanding any other provision of law, the pro-
4 visions of this Act and the amendments made by this Act
5 shall not apply in the case of a rule made by the Secretary
6 of Homeland Security, or a consent decree or settlement
7 agreement pertaining to such a rule. In the case of such
8 a rule, consent decree, or settlement agreement, the provi-
9 sions of law amended by this Act shall apply as though
10 such amendments had not been made.



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

AMENDMENT TO RULES COMMITTEE PRINT 113-

38

OFFERED BY MR. JOHNSON OF GEORGIA

In the table of contents of the bill, insert after item pertaining to section 405 the following:

TITLE V—EXCEPTION

Sec. 501. Exception.

Add, at the end of the bill, the following:

1 TITLE V—EXCEPTION

2 SEC. 501. EXCEPTION.

3 Notwithstanding any other provision of law, the pro-
4 visions of this Act and the amendments made by this Act
5 shall not apply in the case of a rule that the Director of
6 the Office of Management and Budget determines would
7 result in net job creation and whose benefits exceeds its
8 cost, or a consent decree or settlement agreement per-
9 taining to such a rule. In the case of such a rule, consent
10 decree, or settlement agreement, the provisions of law
11 amended by this Act shall apply as though such amend-
12 ments had not been made.



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

11

AMENDMENT TO RULES COMMITTEE PRINT 113-
38
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA

In the table of contents of the bill, insert after item
pertaining to section 405 the following:

TITLE V—EXCEPTION

Sec. 501. Exception.

Add, at the end of the bill, the following:

1 **TITLE V—EXCEPTION**

2 **SEC. 501. EXCEPTION.**

3 Notwithstanding any other provision of law, the pro-
4 visions of this Act and the amendments made by this Act
5 shall not apply in the case of a rule made by the Adminis-
6 trator of the Occupational Safety and Health Administra-
7 tion to prevent combustible dust explosions and fires, or
8 a consent decree or settlement agreement pertaining to
9 such a rule. In the case of such a rule, consent decree,
10 or settlement agreement, the provisions of law amended
11 by this Act shall apply as though such amendments had
12 not been made.



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

B

**AMENDMENT TO RULES COMMITTEE PRINT 113-
38
OFFERED BY MR. GEORGE MILLER OF
CALIFORNIA**

In the table of contents of the bill, insert after item
pertaining to section 405 the following:

TITLE V—EXCEPTION

Sec. 501. Exception.

Add, at the end of the bill, the following:

1 **TITLE V—EXCEPTION**

2 **SEC. 501. EXCEPTION.**

3 Notwithstanding any other provision of law, the pro-
4 visions of this Act and the amendments made by this Act
5 shall not apply in the case of a rule that has been rec-
6 ommended in writing by the Inspector General of a Fed-
7 eral agency, including but not limited to those which would
8 improve protections for taxpayers, students, public and
9 workplace safety and health, or increase effectiveness or
10 efficiency of agency activities, or in the case of a consent
11 decree or settlement agreement pertaining to such a rule.
12 In the case of such a rule, consent decree, or settlement

- 1 agreement, the provisions of law amended by this Act shall
- 2 apply as though such amendments had not been made.

