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116TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
116–415

PROVIDING FOR CONSIDERATION OF THE JOINT RESOLUTION (S.J. RES. 68) TO DIRECT THE REMOVAL OF UNITED STATES ARMED FORCES FROM HOSTILITIES AGAINST THE ISLAMIC REPUBLIC OF IRAN THAT HAVE NOT BEEN AUTHORIZED BY CONGRESS; PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO THE BILL (H.R. 2486) TO REAUTHORIZE MANDATORY FUNDING PROGRAMS FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND OTHER MINORITY-SERVING INSTITUTIONS; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6172) TO AMEND THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 TO PROHIBIT THE PRODUCTION OF CERTAIN BUSINESS RECORDS, AND FOR OTHER PURPOSES; AND FOR OTHER PURPOSES

MARCH 10, 2020.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 891]

The Committee on Rules, having had under consideration House Resolution 891, by a record vote of 7 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 S.J. Res. 68, to direct the removal of United States Armed Forces from hostilities against the Islamic Republic of Iran that have not been authorized by Congress, under a closed rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. 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 motion to commit.

The resolution provides for the consideration of the Senate amendment to H.R. 2486. The resolution makes in order a motion offered by the chair of the Committee on the Judiciary or his designee that the House concur in the Senate amendment with two House amendments:

• Amendment #1 consisting of the text of Rules Committee Print 116–52 (No Ban Act).

99–008

• Amendment #2 consisting of the text of Rules Committee Print 116–53 (Access to Counsel Act).

The resolution provides one hour of debate on each House amendment, 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 motion and provides that the Senate amendment and the motion shall be considered as read. The resolution provides that the question of adoption shall be divided between the two House amendments, and that the two portions of the divided question shall be considered in the order specified by the chair. The resolution provides that if only one amendment is adopted, that amendment shall be engrossed as an amendment in the nature of a substitute to the Senate amendment to H.R. 2486. The resolution provides for consideration of H.R. 6172, the USA FREEDOM Reauthorization Act of 2020, under a closed rule. The resolution provides one hour of general debate equally divided among and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Permanent Select Committee on Intelligence. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment printed in the Rules Committee report 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 7 of the resolution provides that on any legislative day during the period from March 13, 2020, through March 22, 2020: the Journal of the proceedings of the previous day shall be considered as approved; and the Chair may at any time declare the House adjourned to meet at a date and time to be announced by the Chair in declaring the adjournment. 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 7. The resolution provides that each day during the period addressed by section 7 shall not constitute a legislative day for the purposes of clause 7 of rule XV (Consensus Calendar). The resolution provides that it shall be in order at any time through the calendar day of March 22, 2020, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV, and that the Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section. The resolution waives the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House with respect to any resolution reported through the legislative day of March 23, 2020.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of S.J. Res. 68, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the rule waives all points of order against provisions in the joint resolution, 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 the motion to concur in the Senate amendment to H.R. 2486 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.

The waiver of all points of order against consideration of H.R. 6172 includes waivers of the following:

- Section 103(i) of H. Res. 6, which prohibits consideration of an unreported bill pursuant to a rule.
- Clause 11 of rule XXI, which prohibits consideration of a bill which has not been reported by a committee until such measure has been available to Members, Delegates, and the Resident Commissioner for 72 hours.
- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.

Although the resolution waives all points of order against provisions in H.R. 6172, as amended, 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. 257

Motion by Mr. Cole to strike the sections providing for the consideration of the text of Rules Committee Print 116 52 and Rules Committee Print 116–53 and amend the rule to provide for separate consideration of H.R. 2214 and H.R. 5581, as reported from the Committee on the Judiciary, both under an open rule. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 258

Motion by Mr. Cole to strike the sections providing consideration of the text of Rules Committee Print 116–52 and Rules Committee Print 116–53 and amend the rule to provide for separate consideration of H.R. 2214 and H.R. 5581, as reported from the Committee on the Judiciary, both under a closed rule. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 259

Motion by Mr. Cole to provide an open rule for the Senate Amendment to H.R. 2486. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 260

Motion by Mr. Cole to provide for one motion to recommit with or without instructions to Rules Committee Print 116–52 and Rules Committee Print 116–53 and make the necessary changes in the rule. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 261

Motion by Mr. Cole to provide for one motion to recommit with or without instructions to the House Amendment to the Senate Amendment to H.R. 2486, and to make the appropriate changes in the rule. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 262

Motion by Mr. Woodall to strike the text of Title II from Rules Committee Print 116–52 and in its place insert the text of H.R.

5133, as ordered reported from the Committee on the Judiciary. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 263

Motion by Mr. Woodall to add a section to the rule that provides it shall be in order at any time through March 12, 2020, for the Speaker to entertain motions that the House suspend the rules relating to the bill (H.R. 5133) to prohibit prescription drug companies from compensating other prescription drug companies to delay the entry of a generic drug, biosimilar biological product, or interchangeable biological product into the market, as ordered reported from the Committee on the Judiciary. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 264

Motion by Mr. Burgess to add section 12 that would amend the text of Rules Committee Print 116–52 as follows: on page 7 line 3, strike "includes" and insert "does not include", and on page 7, line 6, strike "regulation))." and insert "regulation)). The authorities and processes used for Presidential Proclamation 9984 (Suspension of Entry as Immigrants and Nonimmigrants of Persons who Pose a Risk of Transmitting 2019 Novel Coronavirus and Other Appropriate Measures To Address This Risk) and Presidential Proclamation 9992 (Suspension of Entry as Immigrants and nonimmigrants of Certain Additional Persons who Pose a Risk of Transmitting 2019 Novel Coronavirus) shall continue to apply to a communicable disease of public health significance (as defined in section 34.2(b) of title 42, Code of Federal Regulations (or any successor regulation))." . Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 265

Motion by Mr. Burgess to add section 12 to amend the text of Rules Committee Print 116–52 to add at the end of section 4(b) of Rules Committee Print 116–52: ", except that no such action shall cease if such action prevented the entry of aliens inadmissible on terrorism grounds." Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 266

Motion by Mrs. Lesko to add section 12 that would amend the text of Rules Committee Print 116–53 by stating that title III shall not take effect unless the Secretary of Homeland Security certifies in writing to the Chairman and Ranking Member of the Committees on the Judiciary in the House of Representatives and the Senate that the Department of Homeland Security—

(A) has sufficient resources to accommodate, during the secondary inspection process, the access to counsel and other assistance requirements contained in sec. 302 (a) of RCP 116–53; and

(B) determines that such requirements will not cause a substantial negative impact on the facilitation of lawful trade and travel into the United States. Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 267

Motion by Mrs. Lesko to add section 12 that would amend the text of Rules Committee Print 116–53. On page 5, after line 18, insert the following: "except that such term does not include a person or organization that the examining immigration officer has reasonable suspicion to believe is involved in a criminal conspiracy with the covered individual." Defeated: 4–7

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Yea

Majority Members	Vote	Minority Members	Vote
Mrs. Torres	Nay	Mr. Woodall	Yea
Mr. Perlmutter	Nay	Mr. Burgess	Yea
Mr. Raskin	Nay	Mrs. Lesko	Yea
Ms. Scanlon	Nay		
Mr. Morelle	Nay		
Ms. Shalala	Nay		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Nay		

Rules Committee record vote No. 268

Motion by Ms. Scanlon to report the rule. Adopted: 7–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings		Mr. Cole	Nay
Mrs. Torres	Yea	Mr. Woodall	Nay
Mr. Perlmutter	Yea	Mr. Burgess	Nay
Mr. Raskin	Yea	Mrs. Lesko	Nay
Ms. Scanlon	Yea		
Mr. Morelle	Yea		
Ms. Shalala	Yea		
Mr. DeSaulnier			
Mr. McGovern, Chairman	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 6172 CONSIDERED AS ADOPTED

1. Nadler (NY): Makes a technical correction to subsection (f) of section 201.

TEXT OF AMENDMENT TO H.R. 6172 CONSIDERED AS ADOPTED

Strike subsection (f) of section 201 and insert the following new subsection:

(f) REVIEW OF CASE FILES TO ENSURE ACCURACY.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall promulgate rules governing the review of case files, as appropriate, to ensure that applications to the Foreign Intelligence Surveillance Court under titles I or III of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that target United States persons are accurate and complete.

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