

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 397) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO CREATE A PENSION REHABILITATION TRUST FUND, TO ESTABLISH A PENSION REHABILITATION ADMINISTRATION WITHIN THE DEPARTMENT OF THE TREASURY TO MAKE LOANS TO MULTIEMPLOYER DEFINED BENEFIT PLANS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3239) TO REQUIRE U.S. CUSTOMS AND BORDER PROTECTION TO PERFORM AN INITIAL HEALTH SCREENING ON DETAINEES, AND FOR OTHER PURPOSES; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JULY 29, 2019, THROUGH SEPTEMBER 6, 2019; AND FOR OTHER PURPOSES

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JULY 23, 2019.—Referred to the House Calendar and ordered to be printed

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Mrs. TORRES of California, from the Committee on Rules,  
submitted the following

## R E P O R T

[To accompany H. Res. 509]

The Committee on Rules, having had under consideration House Resolution 509, by a record vote of 9 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. 397, the Rehabilitation for Multiemployer Pensions Act of 2019, under a structured rule. The resolution provides one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Education and Labor and 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 an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-24 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 the further amendment printed in Part A of this report, if offered by the member designated in this report, which 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, and shall not be subject to a demand for division of the question. The resolution waives all points of order

against the amendment printed in part A of this report. The resolution provides one motion to recommit with or without instructions. The resolution also provides for consideration of H.R. 3239, the Humanitarian Standards for Individuals in Customs and Border Protection Custody Act, 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 116-26 modified by the amendment printed in Part B of the 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 C 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. The resolution waives all points of order against the amendments printed in part C of this report. The resolution provides for one motion to recommit with or without instructions. The resolution provides that House Resolution 507 is hereby adopted. The resolution provides that it shall be in order at any time on the legislative day of July 25, 2019, or July 26, 2019, for the Speaker to entertain motions that the House suspend the rules 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. Section 5 of the resolution provides that on any legislative day during the period from July 29, 2019, through September 6, 2019: 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 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 of the resolution shall not constitute a legislative day for the purposes of clause 7 of rule XV (Consensus Calendar).

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 397 includes waivers of the following:

- Clause 3(d) of rule XIII, which requires the inclusion of committee cost estimate in a committee report.

- 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.
- Clause 10 of rule XXI, which prohibits consideration of a measure that has a net effect of increasing the deficit or reducing the surplus over the five- or 10-year period.
- Section 302(f) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(a) or 302(b) allocation of such authority.

The waiver of all points of order against provisions in H.R. 397 includes a waiver of clause 4 of rule XXI, which prohibits reporting a bill carrying an appropriation from a committee not having jurisdiction to report an appropriation.

Although the resolution waives all points of order against the amendment printed in part A of this report, 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. 3239 includes a waiver of clause 3(d) of rule XIII, which requires the inclusion of committee cost estimate in a committee report.

Although the resolution waives all points of order against provisions in H.R. 3239, 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 to H.R. 3239 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 printed in part C of 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. 159*

Motion by Mr. Cole to report an open rule for both H.R. 3239 and H.R. 397. Defeated: 4–9

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

##### *Rules Committee record vote No. 160*

Motion by Mr. Cole to add a section to the rule providing for consideration of H.R. 586, the Fix the Immigration Loopholes Act, under an open rule. Defeated: 4–9

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

*Rules Committee record vote No. 161*

Motion by Mr. Woodall to amend the rule to H.R. 397 to make in order amendment #7, offered by Rep. Foxx (NC), which requires removal of all current trustees in a loan-recipient plan and appointment of an independent trustee by the PRA Director. Defeated: 4–9

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

*Rules Committee record vote No. 162*

Motion by Mr. Burgess to amend the rule to H.R. 3239 to make in order amendment #10, offered by Rep. Steube (FL), which requires the DHS Secretary to also report on the costs of implementation of this legislation when making a required report on plans for implementation under this legislation. Defeated: 4–9

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

*Rules Committee record vote No. 163*

Motion by Mr. Perlmutter to report the rule. Adopted: 9–4

Majority Members	Vote	Minority Members	Vote
Mr. Hastings .....	Yea	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 .....	Yea		
Mr. McGovern, Chairman .....	Yea		

## SUMMARY OF THE AMENDMENT TO H.R. 397 IN PART A MADE IN ORDER

1. Roe (TN): Sets the loan interest rates at 5% per annum for the first 5 years and 9% per annum thereafter. (10 minutes)

## SUMMARY OF THE AMENDMENT TO H.R. 3239 IN PART B CONSIDERED AS ADOPTED

1. Nadler (NY): States that nothing in this Act may be construed to affect the obligation to fully comply with all applicable immigration laws. Clarifies the rules of construction to ensure the bill does not change current practices as it relates to hiring, background checks, and termination of employment for individuals convicted of certain crimes.

## SUMMARY OF THE AMENDMENTS TO H.R. 3239 IN PART C MADE IN ORDER

1. Kuster (NH), Moore (WI), Cisneros (CA): Directs DHS OIG to pay particular attention to whether CBP meets its own sexual violence prevention standards when inspecting ports of entry, border patrol stations, and detention facilities. (10 minutes)

2. Kuster (NH), Moore (WI), Cisneros (CA): Requires the Secretary of Homeland Security make publicly available data about sexual abuse allegations every 3 months in order to improve transparency about sexual abuse at CBP facilities. (10 minutes)

## PART A—TEXT OF AMENDMENT TO H.R. 397 MADE IN ORDER

## 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROE OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Amend section 4(b)(2) to read as follows:

(2) INTEREST RATE.—Loans made under subsection (a) shall have an interest rate of 5 percent for each of the first 5 years and 9 percent thereafter.

## PART B—TEXT OF AMENDMENT TO H.R. 3239 CONSIDERED AS ADOPTED

Page 17, strike lines 11 through 13 and insert the following:

**SEC. 13. RULES OF CONSTRUCTION.**

Nothing in this Act may be construed—

(1) as authorizing CBP to detain individuals for longer than 72 hours;

(2) as contradicting the March 7, 2014, Department of Homeland Security rule adopting Standards to Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities, which includes a zero tolerance policy prohibiting all forms of sexual abuse and assault of individuals in U.S. Customs and Border Protection custody, including in holding facilities, during transport, and during processing;

(3) as contradicting current protocols related to Department background checks in the hiring process;

(4) as restricting the Department from denying employment to or terminating the employment of any individual who would be or is involved with the handling or processing at holding facilities, during transport, or during processing, or care of de-

tainees, including the care of children, and has been convicted of a sex crime or other offense involving a child victim; or

(5) as affecting the obligation to fully comply with all applicable immigration laws, including being subject to any penalties, fines, or other sanctions

PART C—TEXT OF AMENDMENTS TO H.R. 3239 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUSTER OF NEW HAMPSHIRE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, line 9, strike “and”.

Page 16, line 10, strike the period at the end and insert “; and”.

Page 16, insert after line 10 the following:

(4) the degree of compliance with part 115 of title 6, Code of Federal Regulations (commonly known as the “Standards To Prevent, Detect, and Respond to Sexual Abuse and Assault in Confinement Facilities”).

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KUSTER OF NEW HAMPSHIRE OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 18, insert after line 10 the following:

(5) PUBLICATION OF DATA ON COMPLAINTS OF SEXUAL ABUSE AT CBP FACILITIES.—Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, acting in coordination with the Office of Inspector General and Office for Civil Rights and Civil Liberties, shall publicly release aggregate data on complaints of sexual abuse at CBP facilities on its website on a quarterly basis, excluding any personally identifiable information that may compromise the confidentiality of individuals who reported abuse.