

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3648) TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO ELIMINATE THE PER-COUNTRY NUMERICAL LIMITATION FOR EMPLOYMENT-BASED IMMIGRANTS, TO INCREASE THE PER-COUNTRY NUMERICAL LIMITATION FOR FAMILY-SPONSORED IMMIGRANTS, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 7946) TO PROVIDE BENEFITS FOR NONCITIZEN MEMBERS OF THE ARMED FORCES, AND FOR OTHER PURPOSES; AND FOR OTHER PURPOSES.

December 6, 2022.—Referred to the House Calendar and ordered to be printed.

MR. MCGOVERN, 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. 3648, the EAGLE Act of 2022, 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 or their designees. 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 the Judiciary now printed in the bill, modified by the amendment printed in part A of 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 makes in order only the further amendment printed in part B of this report. The amendment 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 amendment printed in part B of this report. The rule provides one motion to recommit. The resolution provides for consideration of H.R. 7946, the Veteran Service Recognition Act of 2022, 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 or their designees. 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 the Judiciary 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 makes in order only the amendment printed in part C of this report. The amendment 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 amendment printed in part C of this report. The resolution provides one motion to recommit. The resolution provides that at any time through the legislative day of December 8, 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 December 5, December 6, December 7, or December 8, 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. The resolution provides that proceedings may be postponed through December 8, 2022, on measures that were the object of motions to suspend the rules on the legislative day of December 5, and on which the yeas and nays were ordered. The resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against any resolution reported from the Rules Committee through the remainder of the 117th Congress.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 3648 includes waivers of the following:

- 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. H.R. 3648 violates clause 10 of rule XXI over the 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. 3648, 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.

Although the resolution waives all points of order against the amendment in Part B 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. 7946 includes waivers of the following:

- 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.
- Section 303 of the Congressional Budget Act, which prohibits consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority or new credit authority for a fiscal year until the budget resolution for that year has been agreed to.

Although the resolution waives all points of order against provisions in H.R. 7946, 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 the amendment 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. 301

Motion by Mr. Burgess to amend the rule to H.R. 7946 to make in order amendment #3, offered by Rep. Biggs (AZ), which requires that in order for the Advisory Committee to recommend an exercise of discretion regarding the removability of an alien, or in order for the DHS Secretary to grant LPR to a deported or removable veteran, if the removal of inadmissibility ground was based on a crime in which there was a victim, the victim must agree that discretion should be exercised and that all fines, fees, and restitution must have been satisfied. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....	Nay	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.....			
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 302

Motion by Mr. Reschenthaler to amend the rule to H.R. 7946 to make in order amendment #4, offered by Rep. Biggs (AZ), which prohibits the Secretary from waiving the unlawful voting ground of inadmissibility. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....	Nay	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.....			
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 303

Motion by Mrs. Fischbach to amend the rule to H.R. 7946 to make in order amendment #2, offered by Rep. Fitzgerald (WI), which prevents the advisory committee from both blocking removal of those convicted of drug crimes, as well as granting a green card to an illegal alien who has committed drug crimes. Defeated: 4–8

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....	Nay	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.....			
Mr. McGovern, Chairman.....	Nay		

Rules Committee Record Vote No. 304

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

Majority Members	Vote	Minority Members	Vote
Mrs. Torres.....	Yea	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.....			
Mr. McGovern, Chairman.....	Yea		

SUMMARY OF THE AMENDMENT TO H.R. 3648 IN PART A
CONSIDERED AS ADOPTED

1. Nadler (NY): Applies the inadmissibility bar for membership in a communist or totalitarian party to noncitizens seeking a H-1B visa or admission in H-1B status.

SUMMARY OF THE AMENDMENT TO H.R. 3648 IN PART B MADE IN
ORDER

1. Schneider (IL): Requires a GAO report analyzing the number of alien graduates of U.S. medical schools who maintain an active medical practice in medically-underserved areas in the U.S., as well as how these doctors and their medical practices are impacted by this legislation. (10 minutes)

SUMMARY OF THE AMENDMENT TO H.R. 7946 IN PART C MADE IN
ORDER

1. Gonzalez, Vicente (TX): Requires the Secretary of Homeland to promulgate regulations to implement this Act not later than 90 days after the date of enactment of this Act. (10 minutes)

PART A—TEXT OF AMENDMENT TO H.R. 3648 CONSIDERED AS
ADOPTED

Page 18, after line 8, insert the following:

(g) MEMBERSHIP IN TOTALITARIAN PARTY.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as amended by subsections (e) and (f), is further amended by adding at the end the following:

“(14)(A) Except as provided in this paragraph, an alien who is or has been a member of or affiliated with the Communist or any other totalitarian party (or subdivision or affiliate thereof), domestic or foreign, may not be issued a visa or admitted under section 101(a)(15)(H)(i).

“(B) Subparagraph (A) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Secretary of Homeland Security when applying for admission) under section 101(a)(15)(H)(i) that the membership or affiliation is or was involuntary, or is or was solely when under 16 years of age, by operation of law, or for purposes of obtaining employment, food rations, or other essentials of living and whether necessary for such purposes.

“(C) Subparagraph (A) shall not apply to an alien because of membership or affiliation if the alien establishes to the satisfaction of the consular officer when applying for a visa (or to the satisfaction of the Secretary of Homeland Security when applying for admission) under section 101(a)(15)(H)(i) that—

“(i) the membership or affiliation terminated at least—

“(I) 2 years before the date of such application; or

“(II) 5 years before the date of such application, in the case of an alien whose membership or affiliation was with the party controlling the government of a foreign state that is a totalitarian dictatorship as of such date; and

“(ii) the alien is not a threat to the security of the United States.

“(D) The Secretary of Homeland Security may, in the Secretary’s discretion, waive the application of subparagraph (A) in the case of an alien who is the parent, spouse, son, daughter, brother, or sister of a citizen of the United States or a spouse, son, or daughter of an alien lawfully admitted for permanent residence for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest if the alien is not a threat to the security of the United States.”.

PART B—TEXT OF AMENDMENT TO H.R. 3648 MADE IN ORDER

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

Add at the end of the bill the following:

SEC. 8. REPORT ON MEDICAL DOCTORS SERVING UNDERSERVED AREAS.

(a) **STUDY.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall carry out a study assessing the impact of this Act and the amendments made by this Act on the ability of alien graduates of medical school to maintain their practice in the United States, including how many of such graduates have maintained their practice in the United States as a result of this Act and the amendments made by this Act.

(b) **REPORT.**—Not later than 90 days after the date of completion of the study under subsection (a), the Comptroller General shall submit a report that includes the findings of such study to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate.

PART C—TEXT OF AMENDMENT TO H.R. 7946 MADE IN ORDER

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

Add at the end of the bill the following:

SEC. 10. REGULATIONS.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland shall promulgate regulations to implement this Act.