

PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY THE BILL (H.R. 2055) MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION, THE DEPARTMENT OF VETERANS AFFAIRS, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 3672) MAKING APPROPRIATIONS FOR DISASTER RELIEF REQUIREMENTS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 94) DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE CORRECTIONS IN THE ENROLLMENT OF H.R. 3672; AND FOR OTHER PURPOSES

DECEMBER 16 (legislative day, DECEMBER 15), 2011.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 500]

The Committee on Rules, having had under consideration House Resolution 500, by a record vote 7 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 the conference report to accompany H.R. 2055, Military Construction and Veterans Affairs, and Related Agencies Appropriations Act, 2012. The resolution waives all points of order against the conference report and against its consideration. The resolution provides that it shall be considered as read. The resolution provides that the previous question shall be considered as ordered without intervention of any motion except one hour of debate and one motion to recommit if applicable.

The resolution provides for consideration of H.R. 3672, the Disaster Relief Appropriations Act, 2012, 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 Appropriations. The resolution waives all points of order against consideration of the bill and provides that it shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution provides one motion to recommit.

The resolution provides for the consideration of H. Con. Res. 94, directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3672, under a closed rule. The resolution provides 20 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The resolution waives all points of order against consideration of the concurrent resolution and provides that it shall be considered as read. The resolution waives all points of order against provisions in the concurrent resolution. The resolution provides one motion to recommit without instructions.

The resolution provides that the Clerk shall not transmit to the Senate a message that the House has passed H.R. 3672 until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of H. Con. Res. 94 as adopted by the House.

The resolution provides that it shall be in order at any time through the legislative day of December 16, 2011, for the Speaker to entertain motions that the House suspend the rules relating to a measure continuing appropriations for the fiscal year ending September 30, 2012.

Finally, 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 through the legislative day of December 31, 2011, providing for consideration or disposition of any of the following measures: (1) a measure relating to expiring provisions of the Internal Revenue Code of 1986; (2) a measure relating to the Medicare payment system for physicians; and (3) a measure relating to appropriations for the fiscal year ending September 30, 2012.

EXPLANATION OF WAIVERS

The waiver of all points of order against the conference report and its consideration includes a waiver of the following:

- Section 302(f) of the Congressional Budget Act, prohibiting consideration of a measure which causes the applicable allocation of new budget authority under subsections 302(a) or (b) to be exceeded;
- Section 311(a) of the Congressional Budget Act, prohibiting consideration of legislation or an amendment that would cause the total level of new budget authority or outlays in the most recent budget resolution to be exceeded, or would cause revenues to be less;
- Clause 5 of rule XXII, prohibiting House conferees from agreeing to certain Senate amendments in violation of certain provisions of rule XXI;
- Clause 9 of rule XXII, prohibiting the inclusion of matter in a conference report not committed to the conference by either House;
- Clause 10 of rule XXII, prohibiting non-germane Senate matter in conference reports and amendments in disagreement; and
- Clause 8(a)(1)(A) of rule XXII, prohibiting the consideration of a conference report until the third calendar day on which the conference report has been available in the Congress-

sional Record and requiring printed copies of a conference report.

The conference report was made publicly available in electronic form on the Rules Committee website at 11:18 p.m. on December 15, 2011, and therefore, pursuant to H. Res. 479, complies with clause 8(a)(1)(B) of rule XXII, requiring a conference report to be available at least two hours prior to its consideration.

The waiver of all points of order against consideration of H.R. 3672 includes a waiver of the following:

- Section 302(f) of the Congressional Budget Act, prohibiting consideration of a measure which causes the applicable allocation of new budget authority under subsections 302(a) or (b) to be exceeded;
- Section 311(a) of the Congressional Budget Act, prohibiting consideration of legislation or an amendment that would cause the total level of new budget authority or outlays in the most recent budget resolution to be exceeded, or would cause revenues to be less; and
- Clause 11 of rule XXI, prohibiting the consideration of an unreported bill or joint resolution until the third calendar day on which it has been available.

The bill was introduced in the House on December 14, 2011, but was not made electronically available on the Rules Committee website until 12:37 a.m. on December 15, 2011. If, therefore, the bill is to be considered on December 16, 2011, it will be in violation of clause 11 of rule XXI.

Although the rule waives all points of order against provisions in H.R. 3672, 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 consideration of H. Con. Res. 94, 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 H. Con. Res. 94, 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. 176

Motion by Ms. Foxx to report the rule. Adopted: 7–2.

| Majority Members | Vote | Minority Members | Vote |
|-----------------------------------|------|--------------------|------|
| Ms. Foxx | Yea | Mr. McGovern | Nay |
| Mr. Bishop of Utah | Yea | Mr. Polis | Nay |
| Mr. Woodall | Yea | | |
| Mr. Nugent | Yea | | |
| Mr. Scott of South Carolina | Yea | | |
| Mr. Webster | Yea | | |
| Mr. Dreier, Chairman | Yea | | |