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109TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 109–63

WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H. CON. RES. 95, THE CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2006

APRIL 28, 2005.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 248]

The Committee on Rules, having had under consideration House Resolution 248, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution waives all points of order against the conference report and against its consideration. The rule provides that the conference report shall be considered as read. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget.

Section 2 of the resolution establishes a separate order for the 109th Congress creating a point of order in the Committee of the Whole against a motion to rise and report a general appropriations bill if the bill, as amended, is found to be in breach of its 302(b) allocation.

Any Member may raise this point of order. A breach in an allocation will be determined by the Chair, based on estimates provided by the Budget Committee, as is currently prescribed in the Budget Act.

If the Chair sustains the point of order, the Chair will put the question to the Committee: "Shall the Committee rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?"

There will be 10 minutes of debate on the question, equally divided and controlled by a proponent and an opponent. At the conclusion of debate the Chair would put the question to the Committee. If the motion to rise and report is defeated, no further

amendment shall be in order except: one proper amendment, which is unamendable, to be debatable for 10 minutes equally divided and controlled by a proponent and an opponent; and multiple pro forma amendments, if offered by the Chairman and ranking minority member of the Committee on Appropriations or their designee, for the purpose of debate.

Finally, this point of order is only applicable once for a given bill and does not apply to a motion offered under clause 2(d) of Rule XXI.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the conference report includes a waiver of clause 4(a)(1) of rule XIII (requiring a three-day layover of the committee report). The waiver is needed because the Committee on Budget report (H. Rept. 109–62) was not filed until Thursday, April 28, 2005 and the conference report will be considered in the House today.

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