

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5822) MAKING APPROPRIATIONS FOR MILITARY CONSTRUCTION, THE DEPARTMENT OF VETERANS AFFAIRS, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, AND FOR OTHER PURPOSES AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

JULY 27, 2010.—Referred to the House Calendar and ordered to be printed

Ms. PINGREE of Maine, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1559]

The Committee on Rules, having had under consideration House Resolution 1559, 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 provides for consideration of H.R. 5822, the “Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2011,” under a structured rule. The resolution provides 1 hour of general 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 except those arising under clause 9 or 10 of rule XXI. The resolution provides that the bill shall be considered as read through page 63, line 4. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI.

The resolution makes in order only those amendments printed in this report. The amendments made in order 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 10 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question. All points of order against the amendments except those arising under clause 9 or 10 of rule XXI are waived. The resolution provides that for those amendments reported from the Committee of the Whole, the question of their adoption shall be put to the House en gros and without division of the question.

The resolution provides one motion to recommit with or without instructions. The resolution provides that after consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their designees each may offer one pro forma amendment to the bill for the purpose of debate, which shall be controlled by the proponent. The resolution provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or his designee. The resolution provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

The resolution authorizes the Speaker to entertain motions that the House suspend the rules at any time through the calendar day of August 1, 2010. 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 resolution.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of Section 306 of the Congressional Budget Act, prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by, or discharged from, the Budget Committee. The rule waives clause 2 of rule XXI (prohibiting unauthorized appropriations or legislative provisions in an appropriations bill) against provisions in the bill.

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. 472

Date: July 27, 2010.

Measure: H.R. 5822.

Motion by: Mr. Lincoln Diaz-Balart of Florida.

Summary of motion: To report an open rule.

Results: Defeated 3–7.

Vote by Members: Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 473

Date: July 27, 2010.

Measure: H.R. 5822.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Djou (HI), #15, which would restore the Presidential level of funding for the Guam realignment and to maintain a robust military presence in the Asia-Pacific region. Funding for the restoration was reallocated from military construction accounts that were above the President's request.

Results: Defeated 3–7.

Vote by Members: Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

Rules Committee record vote No. 474

Date: July 27, 2010.

Measure: H.R. 5822.

Motion by: Mr. Sessions.

Summary of motion: To make in order and provide appropriate waivers for an amendment by Rep. Moran (KS), #26, which would prohibit funding for the VA to forward the names of veterans to the FBI's National Instant Criminal Background Check System (NICS)—which prevents individuals from purchasing and possessing firearms—without a judicial authority first determining that these individuals pose a danger to themselves or others. Currently, the VA denies gun ownership rights to veterans for whom they appoint a fiduciary to assist in managing their financial affairs, a decision based solely on a veteran's capacity to manage his or her VA funds and not on information relevant to a veteran's capacity to own and purchase firearms.

Results: Defeated 3–7.

Vote by Members: Matsui—Nay; Cardoza—Nay; Arcuri—Nay; Perlmutter—Nay; Pingree—Nay; Polis—Nay; Diaz-Balart, L.—Yea; Sessions—Yea; Foxx—Yea; Slaughter—Nay.

SUMMARY OF AMENDMENTS MADE IN ORDER

(Summaries derived from information provided by sponsors.)

1. Holt (NJ): Would instruct the Secretary of Veterans Affairs to set aside at least \$20 million for suicide outreach prevention via direct advertising and the use of online social media. (10 minutes)

2. Buyer (IN): Would provide \$10 million to fund additional professional level VA Vocational Rehabilitation and Employment counselors. (10 minutes)

3. Buyer (IN): Would provide \$162,734,000 of the amounts appropriated for Department of Veterans Affairs (VA) Minor Construction for renewable energy projects at VA medical facility campuses. (10 minutes)

4. Buyer (IN): Would provide \$10 million to fund the second year of the VA-US Paralympics Adaptive Sports Program for disabled veterans. (10 minutes)

5. Cuellar (TX): Would prohibit first class travel under this Act. (10 minutes)

6. Flake, Jeff (AZ): Would prohibit funding for all of the member-requested earmarks for military construction projects. (10 minutes)

7. Hill (IN): Would decrease the Veteran's Administration General Operating Expense account by \$100,000, then increase it by \$100,000, for the purpose of directing the VA to examine its practices in how it accounts for returned Post-9/11 GI Benefit payments from either a veteran or an institute of higher learning, and for the purpose of directing the VA to issue a report to Congress no later than Jan. 1, 2011, on any changes made or planned to be made to increase efficiency and timeliness of accounting for returned payments. (10 minutes)

8. Gingrey (GA): Would prohibit funds under the Act from being used to exercise the power of eminent domain without payment of just compensation. (10 minutes)

9. Gingrey (GA): Would prohibit any funds appropriated or otherwise made available to the Department of Defense under this Act

to be used to renovate or construct any facility within the Continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba. (10 minutes)

10. Halvorson (IL): Would subtract \$10,000,000 from General Operating Expenses and will add \$10,000,000 to Major Construction Projects. (10 minutes)

11. Bilirakis (FL): Would require the Veterans Administration to acquire and construct up to four long-term care residential brain injury medical facilities. (10 minutes)

12. Peters (MI): Would decrease the Veteran's Administration General Operating Expense account by \$50,000, then increase it by \$50,000, for the purpose of directing the VA to implement a program that would re-label prescription drugs used in VA hospitals to be sent home with discharged patients for outpatient use. Currently, veterans often have to go right to the pharmacy to refill what was discarded. (10 minutes)

13. Peters (MI): Would decrease the Veteran's Administration General Operating Expense account by \$150,000, then increase it by \$150,000, for the purpose of directing the VA to create a program to review all contracts after every 90 day period of inactivity to determine if the funds obligated for the contract could be deobligated and returned to the account from which the funds were obligated to be put to better use. (10 minutes)

14. Garrett (NJ), Adler (NJ), Lance (NJ): Would increase funding for the Grants for Construction of State Veterans Cemeteries account by \$7,000,000 and decrease funding for the Grants for Construction, Minor Projects account by \$7,000,000. (10 minutes)

TEXT OF AMENDMENTS TO BE MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT, OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 15, after the dollar amount, insert "(reduced by \$20,000,000) (increased by \$20,000,000)".

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER, OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 34, line 7, before the period at the end insert the following: "*Provided further*, That of the funds made available under this heading, \$10,000,000 shall be available to increase the number of Department of Veterans Affairs employees who administer benefits under chapter 31 of title 38, United States Code".

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER, OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 38, line 18, before the period insert the following: "*Provided further*, That of the funds made available under this heading, \$162,734,000 shall be for renewable energy projects at Department of Veterans Affairs medical facility campuses pursuant to section 8103 of title 38, United States Code".

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER, OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 34, line 7, before the period at the end insert the following: “: *Provided further*, That of the funds made available under this heading, \$8,000,000 shall be available to fund the adaptive sports grant program under section 521A of title 38, United States Code, and \$2,000,000 shall be available to carry out section 322 of title 38, United States Code”.

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

At the end of the bill (before the short title), add the following new section:

SEC. 5____. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FLAKE, OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds provided in this Act shall be available from the following Department of Defense military construction accounts for the following projects:

Account	Location	Project	Amount
Army	Alabama: Fort Rucker	Emergency Medical Services Facility	\$1,700,000
Air Force	Alabama: Maxwell AFB	Air Traffic Control Tower	\$810,000
Defense-Wide	Arizona: Marana	SOF Parachute Training Facility	\$6,250,000
Army NG	Arkansas: Camp Robinson	Regional Training Institute, Ph 2	\$2,334,000
Navy	California: Coronado NAB	MESG-1 Consolidated Boat Maintenance Facility.	\$6,890,000
Air Force	California: Los Angeles AFB	Parking Structure, Ph 2	\$4,500,000
Air NG	California: Moffett Field	Relocate Main Gate	\$2,000,000
Navy	California: Monterey NSA	International Academic Instruction Building.	\$11,960,000
Army NG	California: Sacramento	Field Maintenance Shop Paving	\$891,000
Air Force	California: Travis AFB	BCE Maintenance Shops and Supply Warehouse.	\$387,000
Army NG	California: Ventura	Renewable Photovoltaic Solar Power	\$1,466,000
Air NG	Colorado: Buckley AFB	Repair Taxiways Juliet and Lima	\$4,000,000
Army NG	Colorado: Watkins	Parachute Maintenance Facility	\$3,569,000
Navy	Connecticut: New London NSB	Submarine Group Two Headquarters	\$550,000
Air Force	Florida: MacDill AFB	Infrastructure Improvements	\$249,000
Navy	Florida: Panama City NSA	Land Acquisition-9 Acres	\$5,960,000
Navy	Georgia: Albany MCLB	Maintenance Center Test Firing Range.	\$5,180,000
Air Force	Georgia: Robins AFB	Combat Communications Squadron Warehouse.	\$5,500,000
Army NG	Illinois: Marseilles Training Area ..	Simulation Center	\$2,500,000
Air Force	Illinois: Scott AFB	New Fitness Facility, Ph 1	\$396,000
Navy	Indiana: Crane NSWC	Platform Protection Engineering Complex.	\$760,000
Army NG	Iowa: Camp Dodge	Regional Training Institute, Ph 1	\$800,000
Air NG	Iowa: Des Moines	Corrosion Control Hangar	\$4,750,000
Army NG	Iowa: Iowa City	Simulation Center/MVSB/Helipad/Parking.	\$1,999,000

Account	Location	Project	Amount
Army NG	Kentucky: Frankfort	Joint Forces Headquarters, Ph 1	\$281,000
Air NG	Kentucky: Standiford Field	Contingency Response Group Facility	\$534,000
Air NG	Louisiana: New Orleans NAS/JRB ..	ASA Replace Alert Complex	\$2,000,000
Navy	Maine: Portsmouth NSY	Consolidation of Structural Shops, Ph 1	\$11,910,000
Army NG	Maryland: Easton	Readiness Center Add/Alt	\$347,000
Army	Maryland: Fort Meade	Infrastructure-Mapes Road & Cooper Avenue	\$1,750,000
Navy	Maryland: Patuxent River NAS	Atlantic Test Range Addition	\$10,160,000
Air NG	Massachusetts: Barnes ANGB	Add to Aircraft Maintenance Hangar	\$6,000,000
Army NG	Michigan: Fort Custer (Augusta) ..	Troop Service Support Center	\$446,000
Air NG	Minnesota: Duluth	Load Crew Training & Weapons Release Shops	\$8,000,000
Army NG	Minnesota: Mankato	Field Maintenance Shop	\$947,000
Defense-Wide	Mississippi: Stennis Space Center	SOF Land Acquisition, Ph 3	\$8,000,000
Air Force	Missouri: Whiteman AFB	Consolidated Air Operations Facility	\$23,500,000
Army NG	Nevada: Las Vegas	Civil Support Team Ready Building ..	\$8,771,000
Air NG	New Jersey: Atlantic City IAP	Fuel Cell and Corrosion Control Hangar	\$8,500,000
Army Reserve	New Jersey: Fort Dix	Automated Multipurpose Machine Gun Range	\$9,800,000
Air Force	New Mexico: Holloman AFB	Parallel Taxiway, Runway 07/25	\$8,000,000
Air Force	New Mexico: Kirtland AFB	Replace Fire Station 3	\$6,800,000
Army	New York: Fort Drum	Alert Holding Area Facility	\$6,700,000
Air Reserve	New York: Niagara Falls ARS	C-130 Flightline Operations Facility, Ph 1	\$9,500,000
Army NG	New York: Ronkonkoma (Mac-Arthur Airport)	Flightline Rehabilitation	\$2,780,000
Air NG	New York: Stewart ANGB	Aircraft Conversion Facility	\$3,750,000
Army NG	North Carolina: Camp Butner	Barracks (AT), Ph 1	\$1,484,000
Army NG	North Carolina: Morrisville	AASF 1 Fixed Wing Hangar Annex	\$8,815,000
Army NG	North Carolina: Murphy	Fire Fighting Team Support Facility	\$223,000
Air Force	North Carolina: Pope AFB	Crash/Fire/ Rescue Station	\$13,500,000
Air Force	North Dakota: Grand Forks AFB	Central Deployment Center	\$495,000
Army NG	Ohio: Camp Sherman	Maintenance Building Add/Alt	\$3,100,000
Army NG	Ohio: Ravenna Training Site	Unit Training Equipment Site Add/Alt	\$2,000,000
Air NG	Ohio: Toledo Express Airport	Replace Security Forces Complex	\$7,300,000
Defense-Wide	Oklahoma: Tulsa IAP	Fuels Storage Complex	\$1,036,000
Army NG	Oregon: Salem	Armed Forces Reserve Center Add/Alt (JFHQ)	\$1,243,000
Air NG	Pennsylvania: Fort Indiantown Gap	Multipurpose Air National Guard Training Facility	\$675,000
Army NG	Pennsylvania: Hermitage	Readiness Center	\$671,000
Army NG	Pennsylvania: Tobyhanna	Armed Forces Reserve Center	\$1,513,000
Army NG	Pennsylvania: Williamsport	Field Maintenance Shop	\$1,508,000
Army NG	Rhode Island: Middletown	Readiness Center Add/Alt	\$3,646,000
Army NG	Rhode Island: Quonset Point	Readiness Center	\$3,729,000
Air NG	South Carolina: McEntire JRB	Replace Operations and Training Facility	\$9,100,000
Air NG	South Dakota: Joe Foss Field	Aircraft Maintenance Shops	\$3,600,000
Air Force	Tennessee: Arnold AFB	AEDC Power Distribution Modernization	\$378,000
Army	Texas: Corpus Christi Depot	Rotor Blade Processing Facility, Ph 2	\$13,400,000
Army	Texas: Fort Bliss	Alternative Energy Projects	\$1,166,000
Army	Texas: Fort Bliss	Rail Yard Improvements	\$2,070,000
Army	Texas: Fort Hood	Soldier Readiness Processing Center	\$1,000,000
Navy	Texas: Kingsville NAS	Youth Center	\$2,610,000
Air Force	Texas: Lackland AFB	Consolidated Security Forces Ops Center, Ph 1	\$900,000
Air Force	Texas: Laughlin AFB	Community Event Complex	\$10,500,000
Army NG	Texas: Laredo	Receiving, Staging, & Onward Integration Facility/Hangar	\$475,000
Army NG	Texas: McLennan County	Operational Reserve Headquarters	\$5,000,000
Army NG	Texas: South Texas Training Center	Cantonment and Support Infrastructure	\$5,000,000
Army	Virginia: Fort Belvoir	Growth Support Infrastructure	\$3,060,000
Air Force	Virginia: Langley AFB	Clear Zone Land Acquisition, Ph 1	\$3,000,000

Account	Location	Project	Amount
Defense-Wide	Washington: Fort Lewis	SOF Military Working Dog Kennel	\$4,700,000
Navy	Washington: Kitsap NB	Charleston Gate ECP Improvements	\$6,150,000
Army NG	West Virginia: Bridgeport	FWAATS Apron Expansion	\$2,000,000
Army NG	West Virginia: Bridgeport	FWAATS Expansion	\$2,000,000
Army NG	West Virginia: Glen Jean	Emergency Power Generator	\$1,500,000
Army NG	Wisconsin: Wausau	Field Maintenance Shop	\$12,008,000
Army NG	Guam: Barrigada	Joint Forces HQ Readiness Center Add/Alt.	\$778,000

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HILL, OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 15, after the dollar amount, insert “(reduced by \$100,000) (increased by \$100,000)”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PHIL GINGREY, OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), add the following new section:

SEC. 5 _____. None of the funds appropriated or otherwise made available in this Act may be used by an agency of the executive branch to exercise the power of eminent domain (to take private property for public use) without the payment of just compensation.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PHIL GINGREY, OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds appropriated or otherwise made available to the Department of Defense in this Act may be used to renovate or construct any facility in the continental United States for the purpose of housing any individual who has been detained, at any time after September 11, 2001, at United States Naval Station, Guantanamo Bay, Cuba.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HALVORSON, OF ILLINOIS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 15, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 36, line 11, after the dollar amount, insert “(increased by \$10,000,000)”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BILLIRAKIS, OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 38, line 18, before the period insert the following: “: *Provided further*, That of the funds made available under this heading, \$9,500,000 shall be for the acquisition, construction, and alteration

of up to four post-acute long-term care residential brain injury medical facilities pursuant to section 8103 of title 38, United States Code”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS,
OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 15, after the dollar amount, insert the following:
“(reduced by \$50,000) (increased by \$50,000)”.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PETERS,
OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 33, line 15, after the dollar amount, insert “(reduced by
\$150,000) (increased by \$150,000)”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCOTT
GARRETT, OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

Page 38, line 7, after the dollar amount, insert the following:
“(decreased by \$7,000,000)”.

Page 39, line 8, after the dollar amount, insert the following:
“(increased by \$7,000,000)”.