

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2112) MAKING APPROPRIATIONS FOR AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES PROGRAMS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES

JUNE 13, 2011.—Referred to the House Calendar and ordered to be printed.

Ms. FOXX, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 300]

The Committee on Rules, having had under consideration House Resolution 300, 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. 2112, the Agriculture, Rural Development, Food & Drug Administration and Related Agencies Appropriations Act, 2012, under an open rule. The resolution provides for one 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. The resolution waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI except for sections 740, 741, 743, and 744. Under the Rules of the House the bill shall be read for amendment by paragraph. The resolution provides that the bill shall be considered for amendment under the five-minute rule. The resolution authorizes the Chair to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of clause 4(c) of rule XIII, which prohibits consideration of a general appropriations bill reported by the Committee on Appropriations in the House until the third calendar day on which printed hearings of the Committee on Appropriations thereon have been available to Members.

The waiver of clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill, is necessary because the bill contains unauthorized appropriations and legislative provisions. The waiver applies to all provisions in the bill except for sections 740, 741, 743, and 744. At the request of the Chairman of the Committee on Energy and Commerce, the Rules Committee did not provide a waiver of clause 2 of rule XXI for section 740 of the bill. The provision prohibits the use of Food and Drug Administration funds for rule-making activities or guidance unless the Secretary of Health and Human Services bases these actions on "hard science." In addition, at the request of the Chairman of the Committee on Agriculture, the Rules Committee did not provide a waiver of clause 2 of rule XXI for sections 741, 743, and 744 of the bill. Section 741 requires the Secretary of Agriculture to reduce the payment rate for upland cotton as necessary so that reductions in the amount of direct payments completely offset the payments to the Brazil Cotton Institute. Section 743 prohibits funds from H.R. 2112 or any other act to be used to provide payments to the Brazil Cotton Institute. Section 744 prohibits funds from H.R. 2112 or any other act to pay the salary and expenses of U.S. Department of Agriculture personnel to pay any covered benefit to a person or legal entity who has an average adjusted gross income exceeding \$250,000.

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. 102

Motion by Mr. McGovern to amend the rule to protect sections 741 and 743 from points of order under clause 2 of Rule XXI. Defeated: 3-9

Vote by Members: Mr. Sessions—Nay; Ms. Foxx—Nay; Mr. Bishop of Utah—Nay; Mr. Woodall—Nay; Mr. Nugent—Nay; Mr. Scott of South Carolina—Nay; Mr. Webster—Nay; Mr. Reed—Nay; Mr. Dreier, Chairman—Nay; Mr. McGovern—Yea; Mr. Hastings of Florida—Yea; Mr. Polis—Yea.