

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE AND THE OTHER DEPARTMENTS AND AGENCIES OF THE GOVERNMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2011, AND FOR OTHER PURPOSES, AND WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

FEBRUARY 14, 2011.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 92]

The Committee on Rules, having had under consideration House Resolution 92, 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. 1, the Department of Defense Appropriations Act, 2011 and the Full Year Continuing Appropriations Act, 2011, under a modified open rule. The Rule provides 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 all points of order against provisions in the bill. The resolution makes in order only those amendments received for printing in the Congressional Record dated at least one day before the day of consideration of the amendment (but no later than February 15, 2011). Each amendment submitted for printing in the Congressional Record may be offered only by the Member who submitted it for printing or their designee, and each such amendment shall be considered as read. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that during consideration of H.R. 1, clause 2(f) of rule XXI shall not apply to amendments addressing objects within more than one suballocation made by the Committee on Appropriations under section 302(b) of the Congressional Budget Act of 1974.

Section 3 of the resolution waives the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a resolution from the Committee on Rules on the same day it is reported to the House. The waiver is only applicable to a resolution relating to H.R. 1 and only through the legislative day of February 17, 2011.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic.

The Committee does not expect that the waiver will encompass a waiver of clause 11 of rule XXI, as the bill is currently scheduled to be considered on the third day on which it was made available or thereafter.

The resolution also waives all points of order against provisions in the bill. Although the resolution waives all points of order against the provisions in the bill, the Committee is not aware of any points of order against provisions in the bill. The waiver of all points of order against provisions in the bill is prophylactic.

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. 33

Motion by Ms. Slaughter to provide an open rule for consideration of H.R. 1. Defeated: 4–8.

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

Rules Committee record vote No. 34

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #2, offered by Rep. McCarthy (NY), which would express Congressional intent for the continuation of funding for the implementation of the NICS Improvement Act of 2007 (P.L. 110–180) through the remainder of Fiscal Year 2011. Defeated 4–8.

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

Rules Committee record vote No. 35

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #1, offered by Rep. McGovern (MA), which would require that funding for the war in Afghanistan be fully paid for. Defeated: 4–8.

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

Rules Committee record vote No. 36

Motion by Mr. Hastings of Florida to make in order and provide the appropriate waivers for amendment #5, offered by Rep. Andrews (NJ), which would eliminate tax loopholes for oil companies and put this funding toward homeless veteran assistance programs and deficit reduction. Defeated: 4–8.

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

Rules Committee record vote No. 37

Motion by Mr. Sessions to report a modified open rule. Adopted: 8–4.

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