

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1473) 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; PROVIDING FOR CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 35) DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 1473; AND PROVIDING FOR CONSIDERATION OF THE CONCURRENT RESOLUTION (H. CON. RES. 36) DIRECTING THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 1473

---

APRIL 12, 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. 218]

The Committee on Rules, having had under consideration House Resolution 218, by a record vote of 8 to 3, 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. 1473, the Department of Defense and Full-Year Continuing Appropriations Act, 2011, 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. The resolution provides that the bill 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 bill.

The resolution further provides that if the bill is passed, it shall be in order to separately consider H. Con. Res. 35, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473 and H. Con. Res. 36, directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473, each under a closed rule. The resolution provides twenty minutes of debate on each concurrent resolution, to be 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 each concurrent resolution and provides that each concurrent resolution shall be considered as read.

Finally, the rule provides that if the House receives a message from the Senate transmitting its passage of H.R. 1473 without amendment, then the Clerk shall not certify an enrollment of the bill until notified by the Speaker or by message from the Senate that the Senate has taken the question on adoption of H. Con. Res. 35 and H. Con. Res. 36, if previously adopted by the House.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of 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. Although the bill is in compliance with the Committee on Appropriations' overall 302(a) allocation, the bill contains provisions which cause the Committee on Appropriations to be in breach of some of their 302(b) suballocations.

The Committee does not expect that the waiver of all points of order against consideration will encompass a waiver of clause 11 of rule XXI (prohibiting the consideration of an unreported measure until the third calendar day on which it has been available), as the bill is currently scheduled to be considered on the third day on which it was made available or thereafter.

Although the rule waives all points of order against 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 the provisions in the bill is prophylactic in nature.

Although the rule waives all points of order against consideration of each concurrent resolution, the Committee is not aware of any points of order against consideration of either concurrent resolution. The waiver of all points of order against consideration of each resolution 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. 78*

Motion by Mr. McGovern to amend the rule to strike section 2 and section 3 of the resolution. Defeated: 3–6

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

##### *Rules Committee record vote No. 79*

Motion by Mr. Polis to make in order and provide the appropriate waivers for amendment #4, offered by himself, which would

reduce the amount of troops permanently stationed in Europe from 80,000 to 35,000 and would cut end-strength levels by 7,500; and amendment #12, offered by himself, which would strike all funding for the Office of National Drug Control Policy, commonly known as the Drug Czar. Defeated: 3–7

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

*Rules Committee record vote No. 80*

**Motion by Ms. Foxx to report the rule. Adopted: 8–3**

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