

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 268) MAKING SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2019, 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

JANUARY 15, 2019.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 43]

The Committee on Rules, having had under consideration House Resolution 43, 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. 268, the Supplemental Appropriations Act, 2019, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees. The resolution waives all points of order against consideration of the bill. The resolution provides that an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-2, modified by the amendment printed in part A of this report, shall be considered as adopted and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution provides that clause 2(e) of rule XXI shall not apply during consideration of the bill. The resolution makes in order only those further amendments printed in part B of this report. Each such further amendment 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 the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to

recommit with or without instructions. The resolution waives clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) with respect to resolutions reported from the Rules Committee through the legislative day of January 23, 2019, making or continuing appropriations for the fiscal year ending September 30, 2019.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of H.R. 268 includes waivers of the following:

- Clause 12(a)(1) of rule XXI, which prohibits consideration of a bill unless there is a searchable electronic comparative print that shows how the bill proposes to change current law.
- Section 302(f)(1) of the Congressional Budget Act, which prohibits consideration of legislation providing new budget authority in excess of a 302(b) allocation of such authority.

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

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver 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. 4

Motion by Mr. Cole to strike the provision that would self-execute amendment #45, offered by Rep. Lowey (NY). The Lowey amendment would fund the Federal government through February 8, 2019. Defeated 4–8

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|-------|-------------------|------|
| Mr. Hastings | Nay | Mr. Cole | Yea |
| Mrs. Torres | Nay | Mr. Woodall | Yea |
| Ms. Matsui | | Mr. Burgess | Yea |
| Mr. Perlmutter | Nay | Mrs. Lesko | Yea |
| Mr. Raskin | Nay | | |
| Ms. Scanlon | Nay | | |
| Mr. Morelle | Nay | | |
| Ms. Shalala | Nay | | |
| Mr. McGovern, Chairman | Nay | | |

Rules Committee record vote No. 5

Motion by Mr. Burgess to make in order and provide the appropriate waivers for amendment #46 to H.R. 268, offered by Mr. Mullin (OK), which would fund the Indian Health Service for FY19. Defeated 4–8

| Majority Members | Vote | Minority Members | Vote |
|----------------------|-------|-------------------|------|
| Mr. Hastings | Nay | Mr. Cole | Yea |
| Mrs. Torres | Nay | Mr. Woodall | Yea |
| Ms. Matsui | | Mr. Burgess | Yea |
| Mr. Perlmutter | Nay | Mrs. Lesko | Yea |
| Mr. Raskin | Nay | | |

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|------------------|------|
| Ms. Scanlon | Nay | | |
| Mr. Morelle | Nay | | |
| Ms. Shalala | Nay | | |
| Mr. McGovern, Chairman | Nay | | |

Rules Committee record vote No. 6

Motion by Mrs. Lesko to make in order and provide the appropriate waivers for amendment #47 to H.R. 268, offered by Mr. Grothman (WI), which would increase funding for the Department of Homeland Security, U.S. Customs and Border Protection-Procurement, Construction, and Improvements account by \$5,700,000,000. This amendment would also state that none of the funds made available by this bill could be restricted from constructing any new border barrier, including walls or fences, along the border between the United States and Mexico. Defeated 4–8

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------|------|
| Mr. Hastings | Nay | Mr. Cole | Yea |
| Mrs. Torres | Nay | Mr. Woodall | Yea |
| Ms. Matsui | Nay | Mr. Burgess | Yea |
| Mr. Perlmutter | Nay | Mrs. Lesko | Yea |
| Mr. Raskin | Nay | | |
| Ms. Scanlon | Nay | | |
| Mr. Morelle | Nay | | |
| Ms. Shalala | Nay | | |
| Mr. McGovern, Chairman | Nay | | |

Rules Committee record vote No. 7

Motion by Mr. Hastings to report the rule. Adopted: 8–4

| Majority Members | Vote | Minority Members | Vote |
|------------------------------|------|-------------------|------|
| Mr. Hastings | Yea | Mr. Cole | Nay |
| Mrs. Torres | Yea | Mr. Woodall | Nay |
| Ms. Matsui | Yea | Mr. Burgess | Nay |
| Mr. Perlmutter | Yea | Mrs. Lesko | Nay |
| Mr. Raskin | Yea | | |
| Ms. Scanlon | Yea | | |
| Mr. Morelle | Yea | | |
| Ms. Shalala | Yea | | |
| Mr. McGovern, Chairman | Yea | | |

SUMMARY OF THE AMENDMENT IN PART A CONSIDERED AS ADOPTED

1. Lowey (NY): Funds the Federal government through February 8, 2019.

SUMMARY OF THE AMENDMENTS IN PART B MADE IN ORDER

1. Bishop, Sanford (GA), Scott, Austin (GA), Aderholt (AL), Dunn (FL), Harder (CA), Lawson (FL), Rice (SC), Roby (AL), Rouzer (NC), Scott, David (GA), Sewell (AL), Soto (FL), Wilson, Joe (SC), Yoho (FL): Increases emergency assistance funding to agricultural producers who suffered losses from hurricanes, wildfires and other agricultural related losses in 2018. (10 minutes)

2. McGovern (MA), Velázquez (NY), Hastings, Alcee (FL), Torres (CA), Jayapal (WA), Pocan (WI), Escobar (TX): States that none of the funds in this bill for the Army Corps of Engineers or Depart-

ment of Homeland Security may be used to plan, develop, or construct the border wall. (10 minutes)

3. Rice (SC): Remove the prohibition on the Secretary of the Department of Housing and Urban Development's ability to waive requirements related to the environment. (10 minutes)

4. Velázquez (NY): Provides \$5 million to conduct an independent study, including a survey of participants, on the impact of the additional benefits provided through disaster nutrition assistance on the food insecurity, health status, and well-being of program participants (10 minutes)

5. Velázquez (NY): Provides \$25 million for Caño Martín Peña channel ecosystem restoration. (10 minutes)

6. Stewart (UT): Provides increased funding for hazardous fuels management activities to increase the resiliency of federal forests, to protect against catastrophic wildfires and reduce the amount of damage caused by such fires. (10 minutes)

7. Thompson, Mike (CA): Clarifies that winegrape growers whose crops were tainted by smoke from a 2018 wildfire are eligible for assistance under this Act, even if the damage is discovered after the grapes have been removed from the vine. (10 minutes)

8. Thompson, Mike (CA), Torres (CA): Increases funding by \$50 million for the Community Development Fund to help address unmet infrastructure needs for grantees that received allocations for disasters that occurred in 2017. (10 minutes)

9. Graves, Garret (LA), Richmond (LA), Rouzer (NC): Extend eligibility to Army Corps of Engineers and FEMA projects, but ensures they do not receive funding in excess of the amount at which they are authorized. (10 minutes)

10. Richmond (LA), Graves, Garret (LA), Rouzer (NC): Amends section to clarify that the process for addressing duplication of benefits should be handled in accordance with current law. (10 minutes)

11. Westerman (AR), Panetta (CA): Increases the funding for USFS State and Private Forestry account, with the goals of helping state and private forest managers recover from the catastrophic fires of 2018 and helping these land managers prepare for the next fire season. (10 minutes)

12. Jayapal (WA): Restricts DHS funding from being used for the construction or expansion of immigration detention facilities. (10 minutes)

13. Sablan (MP): Increases the funding for the Northern Marianas Medicaid program by \$16 million to help the islands in recovery from Typhoon Mangkhut and Super Typhoon Yutu. (10 minutes)

14. Sablan (MP): Increases funding for the Marianas food stamps block grant by \$15,000,000 to cover the cost of households, not previously eligible for aid, who remain in need of assistance because of continuing income loss after Typhoon Mangkhut and Super Typhoon Yutu. Out of total population of 53,883, the Food and Nutrition Service reports 40,377 people qualified for disaster nutrition benefits. (10 minutes)

15. Radewagen (AS): Increases the amount of nutritional assistance appropriated in Sec. 101 by \$5,000,000. (10 minutes)

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

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

TITLE XII—FURTHER CONTINUING APPROPRIATIONS

SEC. 1201. The Continuing Appropriations Act, 2019 (division C of Public Law 115–245) is further amended by striking the date specified in section 105(3) and inserting “February 8, 2019”.

PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP JR. OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 1, line 13, after the dollar amount, insert “(increased by \$1,900,000,000)”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCGOVERN OF MASSACHUSETTS 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 by this Act for the Army Corps of Engineers or Department of Homeland Security may be obligated or expended to plan, develop, or construct a new physical barrier along the Southwest border.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICE OF SOUTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 59, line 17, strike “labor standards, and the environment” and insert “and labor standards”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 23, insert “(increased by \$5,000,000)” after the dollar amount.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE VELÁZQUEZ OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 16, line 3, after the dollar amount, insert “(increased by \$25,000,000)”.

Page 17, line 5, after the colon, insert:
Provided further, That of this amount \$25,000,000 shall be used for Corps of Engineers ecosystem restoration projects.

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

Page 35, beginning line 5, strike “\$63,960,000, to remain available until expended: *Provided*,” and insert “\$84,960,000, to remain available until expended: *Provided*, that of this amount

\$21,000,000 shall be used for hazardous fuels management activities: *Provided further,*”.

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

Page 1, line 15, insert “and harvested adulterated wine grapes” after “milk”.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE THOMPSON OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 54, line 18, after the dollar amount insert “(increased by \$50,000,000)”.

Page 55, strike line 9 and all that follows through “up to” in line 12.

Page 55, line 12, after the dollar amount insert “(increased by \$50,000,000)”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GRAVES OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 58, line 10, strike “That such” and all that follows through “of Engineers:” on line 13 and insert “That such funds may not be used for activities reimbursed by, or for which funds have been made available by, the Federal Emergency Management Agency or the Army Corps of Engineers, in excess of the authorized amount of the project or its components:”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RICHMOND OF LOUISIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 57, line 13, strike “and any grantee” and all that follows through line 19 and insert the following: “shall act in accordance with section 1210 of Public Law 115–254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155):”.

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

Page 34, line 20, after the dollar amount, insert “(increased by \$10,000,000)”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JAYAPAL OF WASHINGTON OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill (before the short title), insert the following:
SEC. _____. None of the funds made available by this Act for the Department of Homeland Security may be used for the construction or expansion of immigration detention facilities.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SABLAN OF NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 44, line 23, after the dollar amount, insert “(increased by \$16,000,000)”.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SABLAN OF NORTHERN MARIANA ISLANDS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 6, line 13, insert “(increased by \$15,000,000)” after the dollar amount.

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RADEWAGEN OF AMERICAN SAMOA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 23, insert “(increased by \$5,000,000)” after the dollar amount.