

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5856) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, AND FOR OTHER PURPOSES; PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6020) MAKING APPROPRIATIONS FOR FINANCIAL SERVICES AND GENERAL GOVERNMENT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, AND FOR OTHER PURPOSES; AND PROVIDING FOR CONSIDERATION OF THE CONFERENCE REPORT TO ACCOMPANY THE BILL (H.R. 4348) TO PROVIDE AN EXTENSION OF FEDERAL-AID HIGHWAY, HIGHWAY SAFETY, MOTOR CARRIER SAFETY, TRANSIT, AND OTHER PROGRAMS FUNDED OUT OF THE HIGHWAY TRUST FUND PENDING ENACTMENT OF A MULTIYEAR LAW REAUTHORIZING SUCH PROGRAMS, AND FOR OTHER PURPOSES

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June 28, 2012.—Referred to the House Calendar and ordered to be printed.

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MR. WEBSTER, from the Committee on Rules, submitted the following

## R E P O R T

[To accompany H. Res. \_\_]

The Committee on Rules, having had under consideration House Resolution \_\_\_\_, by a record vote of 7 to 1, 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. 5856, the Department of Defense Appropriations Act, 2013, under an open 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. 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 section 8121 (regarding funds from being used to sponsor any professional or

semi-professional sporting event or competitor). 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. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H.R. 6020, the Financial Services and General Government Appropriations Act, 2013, under an open 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. 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 beginning with “: Provided” on page 95, line 9, through “level” on page 95, line 11 (regarding six-day delivery by the United States Postal Service). 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. The resolution provides for one motion to recommit with or without instructions.

Section 3 of the resolution provides for consideration of the conference report to accompany H.R. 4348, the Surface Transportation Extension Act of 2012, Part II. The resolution waives all points of order against the conference report and against its consideration and provides that it shall be considered as read. The resolution provides that the previous question shall be considered as ordered on the conference report without intervening motion except one hour of debate and one motion to recommit if applicable.

Section 4 of the resolution provides that it shall be in order at any time on the legislative day of June 29, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to measures addressing expiring provisions of law and a concurrent resolution correcting the enrollment of H.R. 4348.

Finally, Section 5 of the resolution waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House, with respect to any resolution reported on the legislative day of June 29, 2012 providing for consideration or disposition of measures addressing expiring provisions of law and a concurrent resolution correcting the enrollment of H.R. 4348.

#### EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the two Appropriations measures includes the following:

- A waiver of clause 4(c) of rule XIII, against H.R. 5856 and H.R. 6020, 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; and

- A waiver of section 306 of the Congressional Budget Act, against H.R. 5856 and H.R. 6020, which prohibits consideration of legislation within the jurisdiction of the Committee on the Budget unless referred to or reported by the Budget Committee.

The resolution includes a waiver of points of order against provisions in H.R. 5856 and H.R. 6020 for failure to comply with clause 2 of rule XXI, which prohibits unauthorized appropriations or legislative provisions in an appropriations bill. This waiver is necessary because the bill contains unauthorized appropriations and legislative provisions.

The waiver of all points of order against the conference report and its consideration includes a waiver of the following:

- Clause 9 of rule XXII, prohibiting the inclusion of matter in a conference report not committed to the conference by either House.
- Clause 8(a)(1)(A) of rule XXII, prohibiting the consideration of a conference report until the third calendar day on which the conference report has been available in the Congressional Record and requiring printed copies of a conference report.
- Clause 10 of rule XXI, prohibiting the consideration of a measure if the provisions of such measure have the net effect of increasing mandatory spending for the period of either the first five-year or ten-year period; and
- 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.

#### 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. 326

Motion by Mr. Sessions to report the rule. Adopted: 7-1

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

