

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 2017) MAKING APPROPRIATIONS FOR THE DEPARTMENT OF HOMELAND SECURITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2012, AND FOR OTHER PURPOSES

MAY 31, 2011.—Referred to the House Calendar and ordered to be printed

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

R E P O R T

[To accompany H. Res. 287]

The Committee on Rules, having had under consideration House Resolution 287, by a record vote of 9 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. 2017, the Department of Homeland Security 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 section 536. 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.

The resolution further provides that H. Con. Res. 34, including the related 302(a) allocations printed in this report, shall have force and effect until a conference report on the concurrent resolution on the budget for fiscal year 2012 is adopted. The House adopted H. Con. Res. 34 on April 15, 2011, but the Senate has failed to pass a budget resolution. This language is necessary for the House to continue with its Constitutional responsibilities. Specifically:

Section 2(a) of the resolution provides that the House-passed budget resolution shall have force and effect until the adoption of a conference report on the budget resolution;

Section 2(b) of the resolution directs the Chairman of the House Budget Committee to update the budget resolution's discretionary outlay levels to reflect enactment of the FY 2011 full-year continuing resolution, which was enacted after the House passed the budget resolution; and

Section 2(c) of the resolution extends emergency designation authority for fiscal year 2011 appropriations bills.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill includes a waiver of the following:

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.

Section 306 of the Budget Act of 1974, which prohibits the consideration of a bill dealing with any matter within the jurisdiction of the Committee on the Budget unless it is a bill or resolution which has been reported by the Committee on the Budget. The bill includes an emergency designation, which is within the jurisdiction of the House Budget Committee.

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 included in the bill. The waiver applies to all provisions in the bill except for section 536. 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 536 of the bill. The provision reauthorizes the Department of Homeland Security's chemical plant security program. The Committee on Energy and Commerce has reported legislation to reauthorize the same program for seven years.

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. 99

Motion by Ms. Slaughter to amend the rule to make in order and provide the appropriate waivers for the following amendments to be separately considered: Amendment #1, offered by Rep. Price (NC), which would increase by \$460 million the amount of funding provided in the bill for firefighter assistance, bringing it up to the FY 2011 level, offset by designating as an emergency requirement \$460 million provided for the Disaster Relief Fund; and Amendment #2, offered by Rep. Price (NC), which would increase by \$850 million the amount of funding provided for FEMA state and local grant programs, offset by designating as an emergency requirement all funds provided above the President's budget request for the Disaster Relief Fund. Defeated: 3-9.

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. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Reed	Nay		
Mr. Dreier, Chairman	Nay		

Rules Committee record vote No. 100

Motion by Mr. Sessions to report the open rule. Adopted: 9–3.

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. Nugent	Yea		
Mr. Scott of South Carolina	Yea		
Mr. Webster	Yea		
Mr. Reed	Yea		
Mr. Dreier, Chairman	Yea		

ALLOCATIONS UNDER SECTION 302(a) OF THE CONGRESSIONAL BUDGET ACT REFERRED TO IN SECTION 2(a) OF THE RESOLUTION

ALLOCATION OF SPENDING AUTHORITY TO HOUSE COMMITTEE ON APPROPRIATIONS

[In millions of dollars]

	2012	
Discretionary Action:		
BA	1,019,402	
OT	1,224,119	
Current Law Mandatory:		
BA	745,700	
OT	734,871	

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS

[In millions of dollars]

	2012	2012–2021
Committee on Agriculture:		
Current Law:		
BA	13,463	763,847
OT	14,649	761,094
Resolution Change:		
BA	–2,315	–177,866
OT	–2,228	–176,005
Total:		
BA	11,148	585,981
OT	12,421	585,089
Committee on Armed Services:		
Current Law:		
BA	143,166	1,658,720
OT	139,128	1,653,112
Resolution Change:		
BA	0	0

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS—
Continued
[In millions of dollars]

	2012	2012–2021
OT	0	0
Total:		
BA	143,166	1,658,720
OT	139,128	1,653,112
Committee on Education and the Workforce:		
Current Law:		
BA	– 8,122	58,384
OT	– 3,382	66,620
Resolution Change:		
BA	– 4,994	– 149,437
OT	– 2,522	– 133,808
Total:		
BA	– 13,116	– 91,053
OT	– 5,904	– 67,188
Committee on Energy and Commerce:		
Current Law:		
BA	318,581	4,545,941
OT	315,089	4,512,317
Resolution Change:		
BA	– 698	– 1,365,771
OT	– 1,207	– 1,366,350
Total:		
BA	317,883	3,180,170
OT	313,882	3,145,967
Committee on Financial Services:		
Current Law:		
BA	28,378	140,008
OT	29,475	– 26,268
Resolution Change:		
BA	– 5,986	– 66,359
OT	– 6,485	– 67,488
Total:		
BA	22,392	73,649
OT	22,990	– 93,756
Committee on Foreign Affairs:		
Current Law:		
BA	33,593	242,023
OT	27,088	248,438
Resolution Change:		
BA	0	0
OT	0	0
Total:		
BA	33,593	242,023
OT	27,088	248,438
Committee on Homeland Security:		
Current Law:		
BA	1,630	18,660
OT	1,555	18,512
Resolution Change:		
BA	– 1,900	– 16,600
OT	– 1,900	– 14,100

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS—
Continued
[In millions of dollars]

	2012	2012–2021
Total:		
BA	– 270	2,060
OT	– 345	4,412
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Committee on House Administration:		
Current Law:		
BA	47	447
OT	220	642
Resolution Change:		
BA	0	0
OT	0	0
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Total:		
BA	47	447
OT	220	642
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Committee on the Judiciary:		
Current Law:		
BA	14,347	85,614
OT	10,090	87,416
Resolution Change:		
BA	– 387	– 48,087
OT	– 1	– 47,701
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Total:		
BA	13,960	37,527
OT	10,089	39,715
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Committee on Natural Resources:		
Current Law:		
BA	5,984	61,750
OT	6,360	65,364
Resolution Change:		
BA	– 239	– 10,735
OT	– 190	– 10,472
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Total:		
BA	5,745	51,015
OT	6,170	54,892
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Committee on Oversight and Government Reform:		
Current Law:		
BA	97,476	1,134,959
OT	93,906	1,090,281
Resolution Change:		
BA	– 8,102	– 153,145
OT	– 8,275	– 153,302
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Total:		
BA	89,374	981,814
OT	85,631	936,979
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Committee on Science and Technology:		
Current Law:		
BA	120	1,254
OT	124	1,261
Resolution Change:		
BA	0	0
OT	0	0
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Total:		
BA	120	1,254

ALLOCATIONS OF SPENDING AUTHORITY TO HOUSE COMMITTEES OTHER THAN APPROPRIATIONS—
Continued
[In millions of dollars]

	2012	2012–2021
OT	124	1,261
Committee on Small Business:		
Current Law:		
BA	0	0
OT	0	0
Resolution Change:		
BA	0	0
OT	0	0
Total:		
BA	0	0
OT	0	0
Committee on Transportation and Infrastructure:		
Current Law:		
BA	71,836	735,046
OT	16,234	178,408
Resolution Change:		
BA	– 17,250	– 132,784
OT	– 122	– 4,396
Total:		
BA	54,586	602,262
OT	16,112	174,012
Committee on Veterans' Affairs:		
Current Law:		
BA	1,579	56,174
OT	1,683	57,739
Resolution Change:		
BA	0	0
OT	0	0
Total:		
BA	1,579	56,174
OT	1,683	57,739
Committee on Ways and Means:		
Current Law:		
BA	1,038,905	14,297,671
OT	1,039,300	14,298,563
Resolution Change:		
BA	– 7,903	– 1,115,884
OT	– 7,766	– 1,116,113
Total:		
BA	1,031,002	13,181,787
OT	1,031,534	13,182,450