

Managers: Pingree  
Foxx

## H. RES.

Providing for consideration of the Senate amendment to the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes; for consideration of the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes; for consideration of the bill (H.R. 4314) to permit continued financing of Government operations; for consideration of the Senate amendment to the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes; and for other purposes.

1. **Provides for the consideration of the Senate amendment to H.R. 3326.**
2. Makes in order a motion by the chair of the Committee on Appropriations to concur in the Senate amendment with the amendment printed in Part A of the report of the Committee on Rules accompanying the resolution.
3. Waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI.
4. Provides that the Senate amendment and the motion shall be considered as read.
5. Provides one hour of debate on the motion equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations.
6. **Provides for consideration of H.J.Res. 64 under a closed rule.**
7. Provides one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations.
8. Waives all points of order against consideration of the joint resolution except those arising under clause 9 or 10 of rule XXI.
9. Provides that the joint resolution shall be considered as read.
10. Waives all points of order against provisions in the joint resolution.

11. Provides one motion to recommit with or without instructions.
- 12. Provides for consideration of H.R. 4314 under a closed rule.**
13. Provides one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means.
14. Waives all points of order against consideration of the bill except those arising under clause 9 or 10 of rule XXI.
15. Provides that the bill shall be considered as read.
16. Waives all points of order against provisions in the bill.
17. Provides one motion to recommit with or without instructions.
- 18. Provides for the consideration of the Senate amendment to H.R. 2847.**
19. Makes in order a motion by the chair of the Committee on Appropriations to concur in the Senate amendment with the amendment printed in Part B of the report of the Committee on Rules accompanying the resolution.
20. Waives all points of order against consideration of the motion except those arising under clause 10 of rule XXI.
21. Provides that the Senate amendment and the motion shall be considered as read.
22. Provides one hour of debate on the motion equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations.
23. Provides that in the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall add the text of H.R. 2920, as passed by the House, as new matter at the end of the text proposed to be inserted by the House.
24. Provides that measures may be considered under suspension of the rules at any time during the remainder of the first session of the 111<sup>th</sup> Congress.
25. Provides that the Speaker shall consult with the Minority Leader on the designation of any matter for consideration under suspension of the rules pursuant to this resolution.
26. 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) against any resolutions reported from the Rules Committee for the remainder of the first session of the 111<sup>th</sup> Congress.

27. Provides that the chair of the Committee on Appropriations may insert in the Congressional Record at any time during the remainder of the first session of the One Hundred Eleventh Congress such material as he may deem explanatory of the Senate amendments and the motions regarding H.R. 3326 and H.R. 2847.
28. Provides that on any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Speaker at any time may dispense with organizational or legislative business.
29. Provides that on any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Chair at any time may declare the House adjourned or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.
30. Provides for pro forma sessions until the House adjourns sine die.
31. Provides that on any legislative day of the first session of the One Hundred Eleventh Congress, the Speaker may at any time declare the House adjourned.

---

## RESOLUTION

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3326) making appropriations for the Department of Defense for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

Sec. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 64) making further continuing appropriations for fiscal year 2010, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

Sec. 3. Upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4314) to permit continued financing of Government operations. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit.

Sec. 4. Upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2847) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Appropriations or his designee that the House concur in the Senate amendment with the amendment printed in part B of the report of the Committee on Rules. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

Sec. 5. In the engrossment of the House amendment to the Senate amendment to H.R. 2847, the Clerk shall --

(a) add the text of H.R. 2920, as passed by the House, as new matter at the end of the text proposed to be inserted by the House amendment;

(b) assign appropriate designations to provisions within the engrossment of the text proposed to be inserted by the House; and

(c) conform provisions for short titles within the engrossment of the text proposed to be inserted by the House.

Sec. 6. It shall be in order at any time during the remainder of the first session of the One Hundred Eleventh Congress for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the selection of any matter for consideration pursuant to this section.

Sec. 7. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived for the remainder of the first session of the One Hundred Eleventh Congress.

Sec. 8. The chair of the Committee on Appropriations may insert in the Congressional Record at any time during the remainder of the first session of the One Hundred Eleventh Congress such material as he may

deem explanatory of the Senate amendments and the motions specified in the first and fourth sections of this resolution.

Sec. 9. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Speaker at any time may dispense with organizational or legislative business.

Sec. 10. On any legislative day of the second session of the One Hundred Eleventh Congress before January 12, 2010, the Chair at any time may declare the House adjourned or declare the House adjourned pursuant to an applicable concurrent resolution of adjournment.

Sec. 11. (a) On any legislative day of the first session of the One Hundred Eleventh Congress, the Speaker may at any time declare the House adjourned.

(b) When the House adjourns on a motion pursuant to this subsection or a declaration pursuant to subsection (a) on the legislative day of:

(1) Wednesday, December 16, 2009, it shall stand adjourned until 6 p.m. on Saturday, December 19, 2009.

(2) Saturday, December 19, 2009, it shall stand adjourned until noon on Wednesday, December 23, 2009.

(3) Wednesday, December 23, 2009, it shall stand adjourned until 10 a.m. on Saturday, December 26, 2009.

(4) Saturday, December 26, 2009, it shall stand adjourned until noon on Wednesday, December 30, 2009.

(5) Wednesday, December 30, 2009, it shall stand adjourned until 10 a.m. on Saturday, January 2, 2010.

(c) If, during any adjournment addressed by subsection (b), the House has received: (1) confirmation that the President has approved H.R. 3326; (2) a message from the Senate transmitting its passage without amendment of H.R. 4314; and (3) a message from the Senate transmitting its concurrence in an applicable concurrent resolution of adjournment, the House shall stand adjourned pursuant to such concurrent resolution of adjournment.

(d) The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by this section as though under clause 8(a) of rule I.

## **SUMMARY OF THE PROPOSED HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 3326 IN PART A**

The amendment provides for a 3.4% military pay increase, provides \$29.2 billion for the Defense Health Program, and \$154 billion for the Defense Operations and Maintenance Account to increase readiness and training. It provides \$5 billion to allow defense personnel, rather than contractors, to perform critical department functions, and \$288 million for the Inspector General to hire additional investigators for oversight of DoD acquisition and contracting. It provides \$1.5 billion for 18 F/A-18E/F Super Hornet Tactical aircraft, \$1.6 billion for 22 EA-18G Growler electronic aircraft, \$6.8 billion for 30 F-35 Lightning Aircraft, \$2.7 billion for V-22 Osprey, \$15 billion for the procurement of 7 Navy ships, \$2.29 billion for Future Combat Systems, and \$3 billion for the Defense Advanced Research Projects Agency (DARPA). It provides \$101.1 billion for ongoing military operations, maintenance and military personnel requirements in Iraq and Afghanistan, and to support preparations to begin withdrawal from Iraq. It provides \$23.36 billion for equipment used by service members in Iraq and Afghanistan, including: \$6.3 billion for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund to procure over 6,600 new MRAP all-terrain vehicles for troop protection; \$1.1 billion for High Mobility Multi-Purpose Wheeled Vehicles (HMMWVs); and \$863 million for the procurement of Family of Medium of Tactical Vehicles.

The amendment continues a general provision prohibiting the establishment of permanent bases in Iraq or Afghanistan. It continues a general provision prohibiting the torture of detainees held in U.S. custody. It provides no funds for the closure of the detention facility at Guantanamo Naval base.

It allows the Small Business Administration (SBA) to continue two temporary enhancements to its loan guarantee program through February 28, 2010. The amendment extends through February 28, 2010, the following expiring provisions: the Patriot Act; the National Flood Insurance Program; the Medicare Physician Payments extension; the Surface Transportation Authorization Extension; unemployment insurance; the 65% COBRA health insurance subsidy for individuals who have lost their jobs; the compulsory copyright license used by satellite providers; the Supplemental Nutrition Assistance Program (SNAP); and maintains Department of Health and Human Services (HHS) poverty guidelines at 2009 levels to prevent a reduction in eligibility for certain means-tested programs, including Medicaid, SNAP, and child nutrition.

## **SUMMARY OF THE PROPOSED HOUSE AMENDMENT TO THE SENATE AMENDMENT TO H.R. 2847 IN PART B**

The amendment redirects \$75 billion in Troubled Asset Relief Program (TARP) savings to fund infrastructure and job investments. \$43.8 billion of this funding will go toward infrastructure investments, including \$27.5 billion for highway infrastructure investments, \$8.4 billion for public transportation investments, \$2 billion for clean water programs, \$2 billion for energy innovation loans, \$4.1 billion for school renovation grants, \$1 billion for the National Housing Trust Fund, and \$1 billion for the Public Housing Capital Fund. \$26.7 billion out of the total \$75 billion will go toward public service jobs, including \$23 billion for an Education Jobs Fund, \$1.18 billion for law enforcement jobs, \$500 million for firefighter jobs, \$500 million for summer youth employment, and \$750 million for job training for high growth fields.

The amendment also provides \$79 billion in continuing emergency funding, including \$41 billion to extend unemployment insurance for six months, \$12.3 billion

to extend from nine to 15 months the 65% COBRA health insurance subsidy, \$354 million for small business loan programs, \$23.5 billion to extend FMAP through June 2010, and \$2.3 billion to increase eligibility for the child tax credit.

The amendment also extends certain surface transportation authorization programs until September 30, 2010, restores funding for the Highway Trust Fund, and ends the statute of limitations for USDA civil rights claims and provides funding for remedies, which is offset.