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PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 436) TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO REPEAL THE EXCISE TAX ON MEDICAL DEVICES, AND PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5882) MAKING APPROPRIATIONS FOR THE LEGISLATIVE BRANCH FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2013, AND FOR OTHER PURPOSES

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June 6, 2012.—Referred to the House Calendar and ordered to be printed.

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MR. SCOTT of South Carolina, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. 679]

The Committee on Rules, having had under consideration House Resolution\_\_\_\_, 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. 436, the Protect Medical Innovation Act of 2011, under a closed rule. The resolution provides 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means. 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 112-23 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 for one motion to recommit with or without instructions.

The resolution further provides for consideration of H.R. 5882, Legislative Branch Appropriations Act, 2013, 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. The resolution waives all points of order against

consideration of the bill and provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill for failure to comply with clause 2 of rule XXI. The resolution provides that the chair and ranking minority member or their designees may offer pro forma amendments for the purpose of debate at any time. The resolution makes in order only those amendments to H.R. 5882 printed in this report. Each such 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. Finally, the resolution provides one motion to recommit with or without instructions.

#### EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 436, 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 provisions in H.R. 436, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 5882 includes a waiver of section 3(j)(5) of H. Res. 5 of the 112th Congress, which prohibits the consideration of a general appropriations bill unless it includes a spending reduction account. While the bill includes an account with the appropriate caption, the account fails to comply with the definition of a spending reduction account because the bill and the account specifically exclude Senate items as is customary to preserve comity between the Houses.

The resolution includes a waiver of points of order against provisions in H.R. 5882 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.

Although the resolution waives all points of order against the amendments to H.R. 5882 printed in 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. 313

Motion by Mr. McGovern to grant H.R. 436 an open rule. Defeated: 3-8

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

Rules Committee Record Vote No. 314

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #1 to H.R. 436, offered by Rep. Levin (MI), which would substitute the language of the bill for (1) a 10 percent payroll tax credit for employers that hire new workers or increase existing worker wages; and (2) an extension of bonus depreciation for employers. The substitute is completely offset by limiting the section 199 domestic production deduction and the use of the last-in-first-out method of inventory accounting for major integrated oil companies. Defeated: 3-8

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

Rules Committee Record Vote No. 315

Motion by Mr. McGovern to make in order Rules Committee Print 112-514 as a stand-alone amendment to H.R. 436, instead of automatically adopting it, and that it not be protected from the germaneness rule - clause 7 of rule XVI. Defeated: 3-8

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

Rules Committee Record Vote No. 316

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

#### SUMMARY OF THE AMENDMENTS TO H.R. 5882 MADE IN ORDER

1. Gosar (AZ): Would reduce the budget for the Botanic Garden by \$1,235,000 for Fiscal Year 2013, so that it is appropriated resources at 2009 levels. (10 minutes)
2. Broun (GA): Would reduce funding for the Congressional Research Service by \$878,000 (FY 2012 Level) and transfer \$878,000 to the Spending Reduction Account. (10 minutes)
3. Holt (NJ): Would adjust funding for Congressional Printing and Binding under the GPO to address the availability of pocket versions of the United States Constitutions for members of the House. Currently the House has no additional pocket constitutions for members to disburse to their constituents. (10 minutes)
4. Scalise (LA): Would reduce by \$1,000,000 the amount provided for the Open World Leadership Center and directs that \$1,000,000 to the Spending Reduction Account. (10 minutes)
5. Moran, James (VA), Welch (VT), Pingree (ME): Would prohibit the use of polystyrene products in food service facilities in the House of Representatives. (10 minutes)
6. Harper (MS): Would limit the print copies of the U.S. Code for the House of Representatives to 50 copies. (10 minutes)
7. Flake, Jeff (AZ): Would prohibit funding for the purchase of paid online advertisements by Members, committees, and leadership offices. (10 minutes)

**TEXT OF AMENDMENTS TO H.R. 5882 MADE IN ORDER**

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOSAR OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 5882, AS REPORTED  
OFFERED BY MR. GOSAR OF ARIZONA**

Page 18, line 7, after the dollar amount, insert  
“(reduced by \$1,235,000)”.

Page 36, line 10, after the dollar amount, insert  
“(increased by \$1,235,000)”.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BROUN OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 5882, AS REPORTED  
OFFERED BY MR. BROUN OF GEORGIA**

Page 22, line 9, after the dollar amount, insert “(reduced by \$878,000)”.

Page 36, line 10, after the dollar amount, insert “(increased by \$878,000)”.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOLT OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 5882, AS REPORTED  
OFFERED BY MR. HOLT OF NEW JERSEY**

Page 24, line 13, after the dollar amount, insert  
“(reduced by \$218,379) (increased by \$218,379)”.



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

**AMENDMENT TO H.R. 5882, AS REPORTED  
OFFERED BY MR. SCALISE OF LOUISIANA**

Page 29, line 21, after the dollar amount, insert  
“(reduced by \$1,000,000)”.

Page 36, line 10, after the dollar amount, insert  
“(increased by \$1,000,000)”.



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MORAN OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



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

**AMENDMENT TO H.R. 5882, AS REPORTED  
OFFERED BY M .**

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

- 1 SEC. \_\_\_\_ . None of the funds made available by this
- 2 Act may be used to provide an aggregate number of more
- 3 than 50 printed copies of any edition of the United States
- 4 Code to all offices of the House of Representatives.



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

**AMENDMENT TO H.R. 5882, AS REPORTED  
OFFERED BY MR. FLAKE OF ARIZONA**

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

1        SEC. \_\_\_\_ . None of the funds made available by this  
2 Act for Members' Representational Allowances, the sala-  
3 ries and expenses of House Leadership Offices, or the sal-  
4 aries and expenses of Committee Employees may be used  
5 to purchase paid advertisements on any Internet site other  
6 than an official site of the Member, leadership office, or  
7 committee involved.



House Calendar No. \_\_\_\_\_

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. RES.** \_\_\_\_\_

**Report No. 112-**\_\_\_\_\_

Providing for consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and providing for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2012

Mr. SCOTT of South Carolina, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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**RESOLUTION**

Providing for consideration of the bill (H.R. 436) to amend the Internal Revenue Code of 1986 to repeal the excise tax on medical devices, and providing for consideration of the bill (H.R. 5882) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2013, and for other purposes.

- 1       *Resolved*, That upon the adoption of this resolution
- 2 it shall be in order to consider in the House the bill (H.R.
- 3 436) to amend the Internal Revenue Code of 1986 to re-

1 peel the excise tax on medical devices. All points of order  
2 against consideration of the bill are waived. In lieu of the  
3 amendment in the nature of a substitute recommended by  
4 the Committee on Ways and Means now printed in the  
5 bill, an amendment in the nature of a substitute consisting  
6 of the text of Rules Committee Print 112-23, shall be con-  
7 sidered as adopted. The bill, as amended, shall be consid-  
8 ered as read. All points of order against provisions in the  
9 bill, as amended, are waived. The previous question shall  
10 be considered as ordered on the bill, as amended, and on  
11 any further amendment thereto, to final passage without  
12 intervening motion except: (1) 90 minutes of debate equal-  
13 ly divided and controlled by the chair and ranking minor-  
14 ity member of the Committee on Ways and Means; and  
15 (2) one motion to recommit with or without instructions.

16       SEC. 2. At any time after the adoption of this resolu-  
17 tion the Speaker may, pursuant to clause 2(b) of rule  
18 XVIII, declare the House resolved into the Committee of  
19 the Whole House on the state of the Union for consider-  
20 ation of the bill (H.R. 5882) making appropriations for  
21 the Legislative Branch for the fiscal year ending Sep-  
22 tember 30, 2013, and for other purposes. The first reading  
23 of the bill shall be dispensed with. All points of order  
24 against consideration of the bill are waived. General de-  
25 bate shall be confined to the bill and shall not exceed one

1 hour equally divided and controlled by the chair and rank-  
2 ing minority member of the Committee on Appropriations.  
3 After general debate the bill shall be considered for  
4 amendment under the five-minute rule. The bill shall be  
5 considered as read. All points of order against provisions  
6 in the bill for failure to comply with clause 2 of rule XXI  
7 are waived. No amendment to the bill shall be in order  
8 except those printed in the report of the Committee on  
9 Rules accompanying this resolution and except pro forma  
10 amendments offered at any time by the chair or ranking  
11 minority member of the Committee on Appropriations or  
12 their respective designees for the purpose of debate. Each  
13 such amendment may be offered only in the order printed  
14 in the report, may be offered only by a Member designated  
15 in the report, shall be considered as read, shall be debat-  
16 able for the time specified in the report equally divided  
17 and controlled by the proponent and an opponent, shall  
18 not be subject to amendment, and shall not be subject to  
19 a demand for division of the question in the House or in  
20 the Committee of the Whole. All points of order against  
21 such amendments are waived. At the conclusion of consid-  
22 eration of the bill for amendment the Committee shall rise  
23 and report the bill to the House with such amendments  
24 as may have been adopted. The previous question shall  
25 be considered as ordered on the bill and amendments

- 1 thereto to final passage without intervening motion except
- 2 one motion to recommit with or without instructions.