U.S. House of Representatives
Committee on Agriculture
Room 1301, Longworth House Office Building
Washington, DC 20515–6001

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June 13, 2011

The Honorable David Dreier
Chairman
The House Committee on Rules
H 312 Capitol
Washington, DC 20515

Dear Mr. Chairman:

I am writing to ask that the House Committee on Rules not waive points of order against §§741, 743 and 744 of H.R. 2112, the Agriculture Appropriations bill for Fiscal Year 2012.

§741 (page 78, lines 8-15) requires the Secretary of Agriculture to reduce the payment rate for upland cotton as necessary so that reductions in the amount of direct payments completely offset the payments to the Brazil Cotton Institute. The provision creates a new obligation on the Secretary of Agriculture in managing mandatory expenditure accounts and therefore is legislating on an appropriations bill. Striking the provision in question has no budget effect in FY 2012.

§743 (page 78 lines 24 and 25, page 79, lines 1 and 2) prohibits funds from this or any other act to be used to provide payments to the Brazil Cotton Institute. By prohibiting funds from any other act, this provision goes beyond the scope of this bill and therefore is legislating on an appropriations bill. By striking the provision in question, it would cause the bill to be in breach of its 302(b) allocation by $147 million, since the provisions in question is used to offset other costs in the bill.

§744 (page 79 lines 3-10) prohibits funds from this or any other act to pay the salary and expenses of USDA personnel to pay any covered benefit to a person or legal entity who has an average adjusted gross income exceeding $250,000. By prohibiting funds from any other act, this provision goes beyond the scope of this bill and therefore is legislating on an appropriations bill. Striking the provision in question has no budget effect in FY 2012.

The language in all 3 sections violates clause 2 of House Rule XXI. The subject matter concerned is within the jurisdiction of the House Agriculture Committee so committed by House Rule X(a).

I have discussed this matter with Chairmen Rogers and Kingston and they are aware of my concerns with these provisions.

Thank you for your attention to this request.

Sincerely,

Frank D. Lucas
Chairman