

# CORD

## Activities and Summary Report on the House Committee on Rules: 112th Congress, First Quarter

Item Type	House Committee Approved Report
Download date	2026-06-06 08:04:24
Link to Item	<a href="https://hdl.handle.net/20.500.14300/715">https://hdl.handle.net/20.500.14300/715</a>

## Union Calendar No. 79

112TH CONGRESS }  
*1st Session*

HOUSE OF REPRESENTATIVES

{ H.REPT.  
112-129

SURVEY OF ACTIVITIES OF THE HOUSE  
COMMITTEE ON RULES FOR THE FIRST  
QUARTER OF THE 112TH CONGRESS

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R E P O R T

OF THE

COMMITTEE ON RULES  
U.S. HOUSE OF REPRESENTATIVES

together with  
MINORITY VIEWS



JUNE 28, 2011—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed.

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U.S. GOVERNMENT PRINTING OFFICE

99-006

WASHINGTON : 2011

COMMITTEE ON RULES

DAVID DREIER, California, *Chairman*

PETE SESSIONS, Texas

VIRGINIA FOXX, North Carolina

ROB BISHOP, Utah

ROB WOODALL, Georgia

RICHARD B. NUGENT, Florida

TIM SCOTT, South Carolina

DANIEL WEBSTER, Florida\*

LOUISE MCINTOSH SLAUGHTER, New York

JAMES P. MCGOVERN, Alabama

ALCEE L. HASTINGS, Florida

JARED POLIS, Colorado

HUGH NATHANIAL HALPERN, *Staff Director*

MILES M. LACKEY, *Minority Staff Director*

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\*TOM REED of New York was elected to the Committee on April 5, 2011 and served until he resigned on June 14, 2011 to serve on the Committee on Ways and Means.

**LETTER OF TRANSMITTAL**

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RULES,  
*Washington, DC, June 28, 2011*

Hon. KAREN HAAS,  
*Clerk, United States House of Representatives,*  
*Washington, DC.*

DEAR MADAM CLERK: Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives for the 112th Congress, I transmit herewith a report entitled "Survey of Activities of the House Committee on Rules for the First Quarter of the 112th Congress."

The Committee adopted and ordered this matter reported on June 22, 2011 in open session by a voice vote.

Sincerely,

DAVID DREIER  
*Chairman.*

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## Union Calendar No. 79

112TH CONGRESS }  
*1st Session* } HOUSE OF REPRESENTATIVES { REPORT  
112-129

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### SURVEY OF ACTIVITIES OF THE HOUSE COMMITTEE ON RULES FOR THE FIRST QUARTER OF THE 112TH CONGRESS

JUNE 28, 2011.—Committed to the Committee of the Whole House on the State of  
the Union and Ordered to be Printed.

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

### R E P O R T

together with

### MINORITY VIEWS

Pursuant to clause 1(d) of rule XI of the Rules of the House of Representatives, the Committee on Rules met in open session on June 22, 2011 and ordered the following report on its activities during the first quarter of the 112th Congress reported to the House by a voice vote.

#### I. HISTORY, FUNCTION, AND ORGANIZATION OF THE COMMITTEE ON RULES

##### A. INTRODUCTION

In the 112th Congress, the Committee on Rules retained its traditional structure and purpose in the House of Representatives. Its size and super majority party ratio remain the same as in previous Congresses, under both Republican and Democratic control of the institution. Its central function also continues to be setting the conditions under which major legislation is considered on the House floor, including the terms of debate and the consideration of amendments.

The Committee has been described by various scholars and Members as a “legislative traffic cop,” “gatekeeper,” “field commander,” and “the Speaker’s Committee.” All of these terms underscore the critical role the Committee plays in the conduct of legislative business in the House. While the primary responsibility of the Committee is to be the scheduling arm of the majority leadership, it also exercises “original jurisdiction” over the rules of the House,

joint rules of the House and Senate, the order of business in the House, and the budget process. Although the principal purpose of this report is to summarize the activities of the Rules Committee during the first six months of the 1st Session of the 112th Congress, its secondary purpose is to view these activities in the context of the evolution of the Committee and the House of Representatives since the First Congress in 1789.

## B. HISTORY AND FUNCTION

The history of the Committee on Rules roughly parallels the evolution of the House over the past 222 years. The House established the first Rules Committee as a select committee of the House on the second day of the First Congress, April 2, 1789, pursuant to the Constitutional mandate in Article I, section 5, clause 2, that “Each House may determine the rules of its proceedings...”. The House order creating the Committee stated “that a committee be appointed to prepare and report such standing rules and order of proceeding as may be proper to be observed in this House...”.

The Members serving on the Rules Committee have included some of the most prominent Members of the House. Of the first 11 Members on the Committee, several had been Founding Fathers of the nation. These included: (1) Representative James Madison of Virginia, the “Father of the Constitution” and future President of the United States; (2) Representative Roger Sherman of Connecticut, the only one of the Founding Fathers to help prepare and sign all four of the most important documents of the early nation namely — the Articles of Association, the Articles of Confederation, the Declaration of Independence, and the Constitution; (3) Representative Elias Boudinot of New Jersey, President of the Continental Congress from November 1782 to November 1783; and (4) Representative Elbridge Gerry of Massachusetts, a future Vice President of the United States and a signer of both the Declaration of Independence and the Articles of Confederation.

Five days after its appointment, the first Select Committee on Rules reported back a set of four rules on: (1) the duties of the Speaker, (2) decorum and debate, (3) the disposition of bills, and (4) the operations of the Committee of the Whole. Six days later, on April 13th, the Select Committee reported an additional eight rules dealing with such matters as the service of Members on committees, Members’ attendance during floor proceedings, the creation of a standing Committee on Elections, the duties of the Clerk, and the duties of the Sergeant at Arms. Following the adoption by the House of these rules, the Select Committee was dissolved.

During the first 90 years of the House, this pattern continued. At the beginning of a congress the House would establish a Select Committee on Rules, which would report any recommended revisions in the standing rules of the House from those of the previous, and then dissolve. In some Congresses, the House did not appoint a Select Committee on Rules, and operated under the rules recommended by the Committee and adopted in the preceding Congress.

Although in its early years the House relied primarily on select committees to draft legislation, by the mid nineteenth century this system had evolved into thirty-four standing committees that would assume such responsibilities. The House briefly converted

the Rules Committee into a standing committee between 1849 and 1853. In 1880, the House ultimately converted the Rules Committee into a permanent standing committee chaired by the Speaker of the House. It was this Speaker-Chairman position, combined with the newly-emerging role of the Committee to report rules managing consideration of legislation on the floor, that cemented the Committee's place in legislative history.

In 1883, the modern Rules Committee began to emerge when the House upheld the right of the Committee to issue "special orders of business" or "special rules" providing for the consideration of legislation from other committees. By 1890, this new role was accepted as the exclusive prerogative of the Rules Committee.

Special rules, which were and are House resolutions, also known as simple resolutions reported from the Rules Committee, were important because they only required a majority vote of the House to provide for the consideration of bills out of the order in which they appeared on the floor Calendar. This is notable because, until the use of special rules, a two thirds vote was required to suspend the rules and consider a bill out of order. A simple majority could now accomplish what previously required a super-majority. Special rules gained importance because they gave the House flexibility in its legislative agenda, which in turn, allowed for House leadership to respond to changing judgments about the nation's needs at any given time.

The individual most responsible for recognizing and utilizing the full potential of the combined powers of Speaker and Rules Committee chairman was Representative Thomas Brackett Reed of Maine who served in those two roles between 1889-91, and 1895-99. Not only did he use his authority as Speaker to make rulings from the Chair that outlawed certain dilatory and obstructionist tactics on the House floor; he also proceeded to codify these rulings, known as "Reed's Rules," in the standing rules of the House through his capacity as Rules Committee chairman. Speaker Reed also made regular use of the Rules Committee to report special rules that enabling him to schedule bills he wanted considered on the floor when he wished and under his terms of debate and amendment.

It was not until 1910 that this powerful Speaker-Chairman combination was broken up by a revolt against Speaker Joseph Cannon of Illinois, who had served as Speaker and Rules Committee Chairman since 1903. A group of progressive Republican insurgents joined with the Democratic minority to bypass the Rules Committee and directly amend the House Rules from the floor. When Speaker Cannon upheld a point of order that only the Rules Committee could recommend changes in House Rules, the group voted to overturn the ruling. They were then able to amend the rules of the House, stripping the Speaker of his chairmanship and membership on the Rules Committee, as well as his power to appoint Members to the Committee. They also voted to enlarge the Committee from 5 to 10 Members, elected by the House. The following year, the new Democratic majority in the House completed the revolution by taking away the Speaker's power to appoint Members to all the other committees of the House. Since then, the House has elected all Members of standing committees.

This revolt had far-reaching and long-lasting consequences. The standing committees became independent power centers, no longer directly accountable to the Speaker. While the Rules Committee continued to serve as the scheduling arm of the Leadership, it developed an independent streak when reaction set in against the New Deal in 1937. From that time until 1961, the Committee was dominated by a conservative coalition of Southern Democrats and Republicans who would sometimes refuse to report rules on bills the majority leadership wanted on the floor, or would only report such rules under their terms and timing. A successful effort by Speaker Sam Rayburn of Texas and President John F. Kennedy in 1961 to enlarge the Committee from 12 to 15 Members, including two more liberal Democrats, did not resolve this problem. It was not until the mid seventies, with a large influx of new Democrats, that the Rules Committee was fully restored as an arm of the majority leadership.

The reform movement of the mid 1970's, with the emergence of more independent Members and the proliferation of semi autonomous subcommittees furthered the decentralization of power in the House. This decentralization soon led to pressures to give the majority leadership, particularly the Speaker acting through the Rules Committee, more authority to direct the business of the House.

In 1975, the Democratic Speaker was given authority under Caucus rules to appoint all Rules Committee Democrats, subject to Caucus ratification. In 1989, the Republican Conference gave the minority leader the same authority to appoint all Rules Committee Republicans. The slates of appointees recommended by both Leaders are still subject to approval by the whole House in the form of a simple resolution. This practice continues today. In the 112th Congress, all of the Republican Members were appointed to the Rules Committee through the adoption of H. Res. 6, H. Res. 33 and H. Res. 202. The Democratic Members of the Committee were appointed through the adoption of H. Res. 7. Overall, the Rules Committee continues its role of facilitating the deliberation and amendment of major legislation in the House.

While the most high-profile role of the Rules Committee is to direct legislative traffic to the House floor, the Committee is also responsible for other important business. For instance, as part of its gate-keeping work, the Committee must help resolve jurisdictional disputes between other standing committees. As is often the case, committees will report legislation with amendments that impact the jurisdiction of other committees. When legislation with such cross-jurisdictional language comes to the Rules Committee, the Committee must resolve these disputes to ensure that legislation reaches the floor without controversy between House committees.

Finally, with the aid of the Office of the Parliamentarian, the Committee plays a role in ensuring compliance with the House Rules. Authorizing and appropriating committees often seek guidance in how to conduct their oversight and legislative responsibilities in accordance with the Rules, and when questions arise regarding the propriety of certain courses of action, they turn to the Rules Committee or the Parliamentarian for the answer.

Overall, and notwithstanding changes in majority control, the Rules Committee continues its role of facilitating the deliberation and amending of legislation in the House.

### C. COMMITTEE ORGANIZATION DURING THE 112TH CONGRESS

At the beginning of the 94th Congress, the Committee membership was increased from fifteen Members (ten Democrats and five Republicans) to sixteen Members (eleven Democrats and five Republicans). This ratio remained until the 98th Congress, when the membership was reduced to thirteen Members (nine Democrats and four Republicans). The membership has remained at thirteen through the beginning of the 112th Congress. The ratio of majority party Members to minority party Members also has remained the same. However, in the 104th through the 109th Congresses and in the 112th Congress, Republicans were in the majority and Democrats were in the minority. During the 110th and 111th Congresses, Democrats were in the majority.

Seven of the thirteen Members of the Rules Committee served on the Committee during the 111th Congress. The returning Republican Representatives were David Dreier of California, Pete Sessions of Texas, and Virginia Foxx of North Carolina. In addition, one of the Republican Members of the Rules Committee, Mr. Bishop of Utah, previously served on the committee in the 109th Congress. The new Republican Representatives appointed to serve on the Rules Committee for the 112th Congress were Rob Woodall of Georgia, Richard B. Nugent of Florida, Tim Scott of South Carolina, Daniel Webster of Florida, and Tom Reed of New York. Mr. Reed resigned from the Committee on June 14, 2011 upon his appointment to the Committee on Ways and Means. The returning Democratic Representatives were Louise McIntosh Slaughter of New York, James McGovern of Massachusetts, Alcee Hastings of Florida, and Jared Polis of Colorado.

The Committee held its organizational meeting on January 5, 2011. Chairman David Dreier of California opened the meeting, welcomed members, and introduced new members.

Chairman Dreier announced that the proposed Committee rules would be considered as read and open for amendment at any point. He explained that the proposal calls for the adoption of the Committee's rules for the 111th Congress with one change that was necessary to comply with new House rules, the Committee will make all votes available electronically within 48 hours of a hearing.

Ms. Foxx offered a motion that the Rules Committee adopt the proposed Committee rules for the 112th Congress. Ms. Foxx's motion to adopt the Committee rules was agreed to by voice vote after two amendments were adopted by voice vote and two amendments failed by a vote of 4 to 7. Specifically: Amendment #1, offered by Mr. Hastings, to require all proceedings be streamed live and archived on the Committee's website, was adopted by voice vote; Amendment #2, offered by Mr. Polis, to require that the chair include in the report on any rule an explanation of any waivers granted to the legislation, was adopted by voice vote; Amendment #3, offered by Mr. Hastings, to require that any bill or substitute amendment that is reported out of the Rules Committee be accompanied by a cost estimate from the Congressional Budget Office, was defeated by a record vote of 4 to 7; and Amendment #4, offered by Mr. McGovern, to ensure that any bill, substitute amendment, or self-executing amendment that is before the Rules Committee would be available for members to read for at least 24 hours before

the Committee would vote on a rule related to the legislation, was defeated by a record vote of 4 to 7.

Pursuant to Clause 2(d) of rule XI of the Rules of the House, Chairman Dreier designated Pete Sessions as the Vice Chairman of the Rules Committee to act on the Chairman's behalf during a temporary absence of the Chairman.

Mr. Sessions offered a motion that pursuant to Rule 5(c) of the Committee on rules, the Subcommittee on Rules and Organization of the House and the Subcommittee on Legislative and Budget Process would each be composed of five majority and two minority Members, identical to the ratio used in recent Congresses. Mr. Sessions's motion was adopted by voice vote. Chairman Dreier asked unanimous consent that any appointments to the subcommittees be postponed until the chair and ranking member have had time to consult with members and each other. As June 15, 2011 the Committee had yet to populate its subcommittees.

#### D. INFORMATION TRANSPARENCY FOR THE RULES COMMITTEE

Due to its unique role in the legislative process, the Committee on Rules has traditionally assumed the role of providing the portal for Members and the public to access major legislation in the House. Whether it is early access to legislation or conference reports, or the text of amendments submitted to the Committee or made in order for the floor, the Rules Committee has always served as the central repository for those documents.

That role became official in the 112th Congress, even if only on a temporary basis. The rules changes for the 112th Congress conferred the same status on documents in electronic form as traditionally printed documents for purposes of layover and availability — a first for the House of Representatives. While H.Res. 5 also directed the establishment of a central location for the posting of electronic legislative documents, that resolution also designated the Rules Committee website as the temporary central location for those documents until that site was ready.

With the transition to a new majority this congress, the Rules Committee website was redesigned to emphasize transparency in the Rules Committee process and for legislation destined for floor consideration. This represents the most fundamental update of the site since it first went live in 1999. Among the new features for the site in the 112th Congress—

- Dedicated pages for each bill, with a tabbed interface showing the disposition of all submitted amendments and a new “at-a-glance” view to provide links to important information;
- Pages for each hearing where the Committee posts statements submitted for the record and other hearing materials;
- Links to webcasts for each hearing and meeting held by the Committee, both live and archived;
- Links to the text of all bills to be considered in the coming week, usually in both PDF and XML formats; and
- An “important policies” section, which provides links to the text of the policies and protocols which govern the Rules Committee and majority leadership's scheduling of measures for the floor.

Additionally, the website also maintains links to much of the historical and educational material which Members, staff, citizens, and academics find useful in understanding the legislative process

in the House. The Committee is continuing its efforts to update and modernize those materials and plans on adding more in the months to come.

These features continue to make the site a destination for everybody seeking information about the legislative process in the House. From the beginning of the 112th Congress through the end of May 2011, the Committee's website has had nearly 17 million hits, an average of nearly 111,000 per day.

In addition to the Committee's public web site, the Committee operates the Committee on Rules Electronic Database (CORED), an internal tracking and workflow system. Originally developed in the 109th Congress as a statistical repository, majorities of both parties have made significant investments to turn it into the backbone of the Committee's operation it is today.

This system allows the Committee to quickly process submitted amendments and proposed rules to meet its own needs and ultimately produce the resolutions, reports, and other materials needed for filing with the House. CORED also automates the posting of amendments and other information on the Committee's public website. CORED allows the Committee to simultaneously increase its efficiency and improve its transparency by closely linking the production of committee work product to its public disclosure responsibilities.

#### E. RULES OF THE COMMITTEE ON RULES FOR THE 112TH CONGRESS

##### RULE 1.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the Rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

##### RULE 2.—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

###### *Regular Meetings*

(a)(1) The Committee shall regularly meet at 10:00 a.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for the meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

*Notice for Regular Meetings*

(b) The Chair shall notify in electronic or written form each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting:

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution;

(B) any committee reports thereon; and

(C) any letter requesting a rule for the bill or resolution; and

(2) for each other bill, resolution, report, or other matter on the agenda a copy of—

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

*Emergency Meetings*

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

*Special Meetings*

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3.—MEETING AND HEARING PROCEDURES

*In General*

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the Committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and

still photography in accordance with the provisions of clause 4 of rule XI of the Rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

#### *Quorum*

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B)), or of taking any other action.

#### *Voting*

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each member of the Committee on each record vote on any measure or matter before the Committee shall be made publicly available in electronic form within 48 hours, and with respect to any record vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

#### *Hearing Procedures*

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable:

(A) each witness who is to appear before the Committee shall file with the Committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or

- contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.
- (2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.
- (3) The provisions of clause 2(k) of rule XI of the Rules of the House shall apply to any hearing conducted by the Committee.

*Subpoenas and Oaths*

- (e)(1) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.
- (2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.
- (3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.
- (4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4.—GENERAL OVERSIGHT RESPONSIBILITIES

- (a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.
- (b) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House Rule X.

RULE 5.—SUBCOMMITTEES

*Establishment and Responsibilities of Subcommittees*

- (a)(1) There shall be two subcommittees of the Committee as follows:
- (A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.
- (B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

*Referral of Measures and Matters to Subcommittees*

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

*Composition of Subcommittees*

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full committee shall designate a member of the majority party on each subcommittee as its vice chairman.

*Subcommittee Meetings and Hearings*

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

*Quorum*

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

*Effect of a Vacancy*

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

*Records*

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

## RULE 6.—STAFF

*In General*

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of Rule X of the Rules of the House.

*Associate Staff*

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of Rule X of the Rules of the House.

*Subcommittee Staff*

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of Rule X of the Rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

*Compensation of Staff*

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

*Certification of Staff*

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who su-

pervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made—

(A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and

(B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

RULE 7.—BUDGET, TRAVEL, PAY OF WITNESSES

*Budget*

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

*Travel*

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

*Pay of Witnesses*

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of Rule XI of the Rules of the House.

## RULE 8.—COMMITTEE ADMINISTRATION

*Reporting*

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution. Any such report shall contain all matters required by the rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

*Records*

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of Rule XI of the Rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the Congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of Rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

*Committee Publications on the Internet*

(c) To the maximum extent feasible, the Committee shall make its publications available in electronic form.

*Calendars*

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and

other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions—

(A) reported from the Committee but not yet considered by the House, and

(B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf):

(A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution; and

(B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

*Other Procedures*

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

RULE 9.—AMENDMENTS TO COMMITTEE RULES

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of Rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs. Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.



## II. HOUSE RULES CHANGES ADOPTED AT THE BEGINNING OF THE 112TH CONGRESS

### A. INTRODUCTION

The resolution proposing the rules of a new Congress is usually called up by the chairman of the Rules Committee from the prior congress or the Majority Leader, debated for one hour, and given an up-or-down vote after the minority attempts to bring up an alternative, which is traditionally defeated by a party line vote.

On January 5, 2011, Majority Leader Eric Cantor called up the opening day rules package (H. Res. 5). The Delegate from the District of Columbia, Ms. Holmes Norton, moved to refer the resolution to a select committee of five Members, appointed by the Speaker and of which not more than three could be from the same political party, to consider the constitutionality of not retaining provisions in the rules permitting the delegates and the Resident Commissioner to cast votes in the Committee of the Whole. That motion was defeated by a record vote of 223 yeas and 188 nays.

The rules package for the 112th Congress was the result of an unprecedented collaborative process. Almost immediately after the election, then-Republican Leader Boehner appointed a transition committee of 22 Members under the chairmanship of Mr. Walden to make recommendations to the Republican Conference on matters related to the organization of the new congress. The transition committee was divided into three subcommittees, which addressed rules and procedures, the legislative schedule, and House officers and operations. At the invitation of Chairman Walden, then-Speaker Pelosi appointed Mr. Andrews and Mr. Brady to function as liaisons between the transition committee and the Democratic caucus.

After numerous meetings and listening sessions with both returning and new Members, the transition committee made a number of recommendations that formed the basis of H. Res. 5. Among the major changes contained in the package are:

- A requirement that a statement describing the Constitutional authority for enactment accompany each introduced bill;
- Applying the 3-day layover requirement to unreported bills, in addition to the pre-existing requirement for bills reported by a committee;
- Replacing the House “PAYGO” rule with “CUTGO,” placing an emphasis on cuts in spending rather than increases in revenue; and
- Placing documents made publicly available in electronic form on equal footing with those made available after printing by the Government Printing Office.

The proposed rules changes for the 112th Congress were adopted by the House by a vote of 238 yeas and 191 nays, after defeating the motion to commit by a vote of 236 yeas and 188 nays.

B. SUMMARY OF SUBSTANTIVE CHANGES CONTAINED IN H. RES. 5,  
ADOPTING HOUSE RULES FOR THE 112TH CONGRESS

Citing Authority under the Constitution. H. Res. 5 established a new clause 7 in rule XII providing that a Member may not introduce a bill or joint resolution unless the sponsor also submits a statement citing as specifically as practicable the power or powers under the Constitution authorizing the enactment of that bill or joint resolution. The statement will appear in a separate section in the Congressional Record and be made available to the public in electronic form.

*Three-Day Availability for Unreported Bills*

This provision of H. Res. 5 added a new clause to rule XXIX establishing a point of order against consideration of a bill or joint resolution that has not been available for three calendar days. This provision mirrors existing layover rules prohibiting consideration of bills reported by a committee or conference reports.

*Transparency for House and Committee Operations*

These provisions of H. Res. 5 are intended to make the text of legislation more easily available to Members and the public. H. Res. 5 directed the Committee on House Administration to establish and maintain standards for documents made available in electronic form by the House and its committees. It also provided that a measure or matter will have been considered as having been “available” within the meaning of the rules if it was publicly available in electronic form at a location designated by the Committee on House Administration.

The rules package provided for a minimum notice period of 3 days for a committee meeting. This joined the pre-existing requirement for 7 days notice for a committee hearing. It also required that the chair of the committee make the text of the measure or matter being marked up publicly available in electronic form at least 24 hours prior to commencement of the meeting. This provision is intended to ensure that members have the text of the measure or matter in sufficient time to review the measure and draft any amendments.

Committee chairs are now required to make the results of any record vote publicly available in electronic form with 48 hours of the vote, and the text of any adopted amendment within 24 hours of commencement of the markup or adoption of the amendment.

Additionally, H. Res. 5 required the electronic posting of non-governmental witness “truth-in-testimony” information (with appropriate redactions, such as a home address or phone number, to protect the privacy of the witness) and that the committee rules be publicly available in electronic form.

The resolution also directed each Committee, to the maximum extent practicable, to provide audio and video coverage of each committee hearing or meeting and maintain recordings that are easily accessible to the public. It also struck an exception, adopted in the 110th Congress, for the Committee on Rules to accurately report its votes in committee reports to accompany a rule, joint rule, or a special order of business.

Finally, the package required committees, during development of their oversight plan, to include proposals to cut or eliminate mandatory and discretionary programs that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.

*Initiatives to Reduce Spending and Improve Accountability*

The package replaced the “pay-as-you-go” requirements of prior congresses with a “cut-as-you-go” requirement. The provision prohibits consideration of a bill, joint resolution, conference report, or amendment that has the net effect of increasing mandatory spending within a five-year or ten-year budget window. This provision continues the current practice of counting multiple measures considered pursuant to a special order of business which directs the Clerk to engross the measures together after passage for purposes of compliance with the rule and provides a mechanism for addressing “emergency” designations.

H.Res. 5 also struck the “Gephardt rule” that provides for the automatic engrossment and transmittal to the Senate of a joint resolution changing the public debt limit, upon the adoption by Congress of the budget resolution, thereby avoiding a separate vote in the House on the public debt-limit legislation.

It also added a new clause to rule XXIX that clarifies that the chair of the Committee on the Budget, rather than the entire committee, is authorized to provide guidance to the presiding officer on the budgetary impact of legislative proposals. This change reflects the long-standing practice under majorities of both parties. It also modifies clause 3 of rule XXI, pertaining to transportation obligation limitations, to protect the balances of the Highway Trust Fund by establishing a point of order against consideration of any general appropriation bill or joint resolution, or accompanying conference report, that provides spending authority from balances in the trust fund (other than those from transfers from the General Fund of the Treasury) or reduces or limits the accruing balances of that trust fund for anything other than activities authorized for the highway or mass transit programs.

H. Res. 5 also specified that it would not be in order to consider a budget resolution or amendments thereto, or a conference thereon which would have the effect of increasing net direct spending. Other Changes to House Operations. The 112th Congress rules package authorized the Chair of the Committee of the Whole to employ two minute voting during a series of votes and changed the current rule regarding electronic devices, which prohibits the use of mobile phones and personal computers on the floor, to prohibit the use of any mobile electronic device that is disruptive of the decorum. This change will give the Speaker greater latitude in deciding which mobile electronic devices may or may not be used by Members on the floor.

H. Res. 5 also restored prohibition on the ability of delegates and the Resident Commissioner to vote in, and preside over, the Committee of the Whole House on the State of the Union that was in place from the 104th through 109th Congresses. It also eliminated clause 11 of rule XVIII, which allows a motion to strike a provision from a bill that is asserted to be an unfunded mandate, even if the

amendment would not otherwise be in order during consideration of the bill.

H. Res. 5 made only a single change to rule X (related to the jurisdiction of committees) to clarify the Armed Services Committee jurisdiction over Department of Defense administered cemeteries. The jurisdiction of the Committee on Veterans' Affairs with respect to cemeteries for veterans remains unchanged.

The package also made several changes to the names of committees, to and altered the size of the Select Committee on Intelligence.

In an effort to improve oversight, the rules for the 112th Congress increased the frequency of committee activity reports from once per congress to four times per congress, providing the House with more frequent updates regarding the oversight and legislative activities of the committees. The rules package also modified existing staff deposition authority for the Committee on Oversight and Government Reform by requiring the committee to adopt a rule requiring that a member of the committee be present at any deposition conducted by a staff member. The deponent is permitted to waive this requirement.

As is traditional, the rules package also carried a number of separate orders addressing a host of matters. While these are not amendments to the standing Rules of the House, they function with the same force and effect as a rule during the 112th Congress.

#### *Budget Matters*

The package clarified that section 306 of the Budget Act (prohibiting consideration of legislation with the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple or concurrent resolutions. It also made a section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as an original bill by a special rule. It also provided that specified or minimum levels of compensation for Federal office would not be considered as providing new entitlement authority.

It also prevented the Committee of the Whole from rising to report a bill to the House that exceeds an applicable allocation of new budget authority under section 302 (b) (Appropriations subcommittee allocations) as estimated by the Budget Committee and creates a point of order.

#### *Budget Enforcement*

H. Res. 5 also gave the Chair of the Committee on the Budget authority to set aggregates and allocations to complete the unfinished fiscal year 2011 budget resolution cycle, taking into account the latest CBO baseline, including its 5-year projections.

Emergencies and Contingencies. H. Res. 5 provided for exemptions for designated emergencies and the continuation of contingency operations related to the Global War on Terror.

#### *Deficit-Neutral Revenue Reserve and Exemptions*

The package also contained an order authorizing the Budget Committee to make appropriate budget adjustments prior to the

adoption of a budget resolution to account for the repeal or modification of the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010.

H. Res. 5 also authorized the Budget Committee Chair, prior to the adoption of a budget resolution, to exempt from estimates the budgetary effects of the Economic Growth and Tax Relief Reconciliation Act of 2001 and the Jobs and Growth Tax Relief Reconciliation Act of 2003. It also exempted the budgetary effects of the repeal of the Patient Protection and Affordable Care Act and Education Affordability Reconciliation Act of 2010. The budgetary effects of AMT relief, estate tax, trade agreements and small business tax relief were also exempted. The exemption is limited to measures that do not increase the deficit or revenues over the ten-year budget window, except for increases in revenue that meet certain specific criteria. It also allowed the Chairman of the Budget Committee to take into account the exemptions provided under paragraph (h) for the purpose of complying with Statutory PAYGO.

*Limitation on Long-term Spending*

H. Res. 5 also established a new point of order for the 112th Congress to prohibit the consideration of measures that increase mandatory spending above \$5,000,000,000 for any 10-year window within a 40 year period.

Spending Reduction Amendments in Appropriations Bills. H. Res. 5 also required that in each general appropriations bill there be a “spending reduction” account, the contents of which is a recitation of the amount by which, through the amendment process, the House has reduced spending in other portions of the bill and indicated that such savings should be counted towards spending reduction. It provides that other amendments that propose to increase spending in accounts in a general appropriations bill must include an offset of equal or greater value.

*Prior Provisions*

H. Res. 5 also carried provisions carried in prior rules packages waiving clause 5(d) of rule X to allow the Committees on Armed Services and Foreign Affairs up to seven subcommittees each, and the Committee on Transportation and Infrastructure up to six subcommittees and the prohibition on access to any exercise facility which is made available exclusively to Members, former Members, officers and former officers of the House and their spouses to any former member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995.

*Numbering of Bills.*

As is usual, the package reserves the first 10 numbers for bills (H.R. 1 through H.R. 10) for assignment by the Speaker and, new for this Congress, the second 10 numbers (H.R. 11 through H.R. 20) for assignment by the Minority Leader.

Continuation of Committees, Commissions, and House Offices. The resolution reauthorized the House Democracy Partnership, the Tom Lantos Human Rights Commission, and the Office of Congressional Ethics for the 112th Congress. Finally, it directed the Com-

mittee on Standards of Official Conduct (now Ethics) to empanel investigative subcommittees within 30 days after the date a Member is indicted or criminal charges are filed.

*Additional Orders of Business*

The rules package also carried two orders of business, the first allowing the Speaker to recognize Members for the reading of the Constitution on the legislative day of January 6, 2011, and the second providing that on January 6, 2011 the Speaker may entertain motions to suspend the rules related to reducing the costs of operation of the House and allow two hours of debate equally divided and controlled by the proponent and an opponent.

### III. COMMITTEE OVERSIGHT PLAN

Pursuant to clause 2(d)(1) of rule X, the Committee met in public session on February 14, 2011 and adopted by voice vote the Committee's Oversight Plan for the 112th Congress. Pursuant to clause 1(d) of rule XI, the Committee is required to include within this activity report a separate section summarizing that plan and the actions taken throughout the Congress to implement that plan, as well as any additional oversight activities that were conducted.

The Nation, and by extension the taxpayers, are facing record deficits and record levels of public debt. Congress must ensure that its processes are best structured to allow for comprehensive oversight and informed decision-making. In its oversight plan for the 112th Congress, the Committee highlighted a need to conduct more effective oversight of the Congressional budget process, dynamic scoring, and committee jurisdiction in order to ensure that Congress has effective processes in place, has the best available information when making decisions, and is organized in the most effective and efficient manner.

In recent years, the House has adapted and upgraded its technological capabilities to improve efficiency, accessibility, and transparency. Members are communicating more effectively with their constituents through the use of websites, blogs, and tele-townhalls. Technology is also affecting the way Congress considers legislation. For example, more data and analysis is readily available to Members in the execution of their duties. Bills and committee reports are available and often searchable electronically, and the public can follow Congressional proceedings in real-time through "cybercasts." The 112th Congress also took the landmark step of recognizing electronic availability as an alternative to physical printing by the Government Printing Office. Like any major change, this one will require oversight and adjustment as the House gains experience with the new rule and its implementation.

In light of the tragedy in Tucson, there has been additional focus on the need for increased civility in debate and national dialogue more generally. The Committee is committed to ensuring that the House rules are utilized to make certain that Members adhere to the rules of decorum.

The Committee also highlighted the need to review specific Congressional procedures, including the expedited procedures contained in the Patient Protection and Affordable Care Act passed in the 111th Congress (P.L. 111-148 & P.L. 111-152), the Unfunded Mandates Reform Act of 1995, and the Congressional Review Act of 1996. The Committee strongly believes that focusing its attention on the procedures associated with these laws will ensure that the Congress has the best possible tools at its disposal.



## IV. COMMITTEE JURISDICTION AND ACTIVITIES

### A. INTRODUCTION

The jurisdictional mandate of the Committee on Rules is set forth in clause 1(o) of rule X as follows:

(o) Committee on Rules.

- (1) The rules and joint rules (other than those relating to the Code of Official Conduct) and order of business of the House.
- (2) Recesses and final adjournments of Congress.

The special oversight function of the Committee is outlined in clause 3(j) of rule X as follows:

(j) The Committee on Rules shall review and study on a continuing basis the congressional budget process, and the committee shall report its findings and recommendations to the House from time to time.

The jurisdictional mandate of the Committee for the purposes of this survey of activities is broken down into two subcategories: original jurisdiction matters and special rules (order of business resolutions). In practice, these subgroups are intertwined in a manner that greatly affects the way in which the House conducts its business. Original jurisdiction matters include all measures pertaining to the rules of the House, the budget process and joint rules. These measures are either referred directly to the Committee by the Speaker or originate in the Committee itself. They not only pertain to changes in House procedure, but also cover the Committee's power to establish select committees, authorize certain investigations, provide enforcement procedures for the budget process, and to establish congressional procedures for considering certain executive branch proposals.

Through May of the first session of the 112th Congress, the Committee has held two original jurisdiction hearing and three original jurisdiction mark ups on three. These three measures were reported to the House for consideration, and were subsequently adopted by the House.

The other subgroup of the Committee's jurisdictional mandate, referred to as order of business resolutions or "special rules," is used by the Committee to direct the manner in which a bill or resolution will be considered by the House. "Special rules," in the form of House resolutions, tailor the time allotted for debate and the process by which a bill can be amended. This is done to allow the House to consider the subject matter in a way which best suits the bill's individual issues and/or controversy. These "rules" may also contain waivers of specific House rules or provisions of the Congressional Budget Act. It is sometimes necessary to waive the rules of the House in order to allow the House to consider all the facets of the particular issue or to facilitate the House resolving its differences with the Senate. Special rules also allow the House to con-

sider measures according to the majority leadership's legislative scheduling priorities rather than in the numerical order in which they were reported.

Through May of the first session of the 112th Congress, the Committee held 31 days of hearings pursuant to the 25 written requests received from Committee chairs seeking rules. These formal requests do not reflect additional requests of an emergency nature made in person by the chairs of the various legislative committees. The Committee granted 33 rules: 31 rules provided for consideration of bills and resolutions (5 of which provided for consideration of multiple measures) and 2 rules dealt with the disposition of Senate amendments.

The Committee granted 1 open rule, 6 modified open rules, 15 structured rules, and 16 closed rules. The Committee granted 33 rules waiving all points of order to permit consideration of either the underlying measure, the matter made in order as the original text, motions, or against the amendments made in order. In summary, the Committee on Rules reported 33 rules. Of these the House adopted 33, rejected none, and tabled none.

As of May 31, 2011, no rules remained on the House Calendar. In addition, the Committee on Rules reported three original jurisdiction measures, which were ultimately adopted by the House. As of the end of May 2011 the Subcommittee on Legislative and Budget Process and the Subcommittee on Technology and the House had yet to be constituted and thus have not conducted hearings concerning other matters in the Committee's jurisdiction.

## B. SPECIAL ORDERS OR RULES

### 1. RULE REQUESTS

The process of considering requests for special orders or "rules" usually begins when the Committee on Rules receives a letter from a legislative committee chairman requesting that it hold a hearing and consider a rule for a particular measure. The letter is signed by the full committee chairman and most often makes a specific request for the type of rule desired by the legislative committee. In some cases, the emergency nature of the legislation does not allow adequate time for a formal request to be registered. In these cases, the requests are made in person by the chairman of the committee with jurisdiction. Once a hearing has been scheduled, the Committee on Rules allows any House Member who has an interest in testifying to do so. Under normal circumstances and pursuant to Committee rules, printed copies of the legislation and accompanying committee report or conference report are provided to the Committee members at least 24 hours in advance of the meeting on the underlying legislation.

The Committee gives written notice to its members and notifies the pertinent committee of the scheduled hearing date at least 48 hours prior to the commencement of the hearing, unless an emergency situation exists. If Budget Act violations are present, the Budget Committee chairman often advises the Committee on Rules whether the Budget Committee objects to or supports the granting of specific waivers. The position of the Budget Committee on these matters is merely advisory in nature; the Committee on Rules has

sole jurisdiction over waivers of the Budget Act, subject to House approval of the special rule containing such waivers.

## 2. HEARINGS

The Rules Committee chairman controls the order in which witnesses appear and also initiates the questioning. Typically, the chairman of the committee of jurisdiction or a designee requesting the rule makes a short statement. The chairman is followed by the ranking minority member. Sometimes the subcommittee chair and ranking minority member appear on behalf of their full committee counterparts on the rule request. It is often the case that Members wishing to testify in favor of or in opposition to a bill, amendment, or type of procedure may do so as part of a panel of witnesses.

In many cases, the components of the proposed special order form the basis for the dialogue between substantive committee leaders asking for the rule and the Rules Committee members. More often than not, the questioning escalates into discussions about the merits of the bill itself. If the legislation is particularly wide-ranging or controversial, Representatives who do not sit on the relevant legislative committee seek to testify. (Except in the most unusual circumstances, only House Members are allowed to testify during a rule request hearing.) Questioning of each witness takes place under the five-minute rule until each Committee member has had an opportunity to question each witness. Questioning is rather informal. The Chairman rarely enforces the five-minute rule, and Committee members yield to one another to allow their colleagues to make a specific point or follow up on a line of questioning.

A quorum, at least seven members of the thirteen, must be present before a recommendation on a rule can be ordered reported, postponed, or tabled (killed).

After the Committee votes to approve a rule, the chairman and ranking minority member each assign one of their members to manage the rule on the floor. The majority manager's name appears on the rule and report, and that Member usually files the rule from the House floor, at which time the resolution and report are assigned a number.

Any member may ask for a record or a division vote. In the past, most decisions of the Committee were made by voice vote, but in the last several Congresses there has been an increase in the number of record votes demanded. For the entire 100th Congress there were 18 roll call votes demanded; in the 101st Congress there were 26; in the 102nd there were 193; in the 103rd there were 533; in the 104th there were 327; in the 105th there were 104; in the 106th there were 119; in the 107th there were 176; in the 108th there were 326; and in the 109th there were 254; in the 110th there were 620; and in the 111th there were 517. Through May of the first session of the 112th Congress, the Committee had taken 100 recorded votes.

Once a special rule has been reported, the Majority Leader—working closely with the Speaker, the Rules Committee chairman, and the substantive committee chairman, decides upon an appropriate date and time for the consideration of the rule on the floor. Rules can be considered on the same day they are reported, if the

House agrees to consideration of the rule by a two-thirds vote. After a one-day layover, rules may be considered at any time without being subject to a question of consideration. The Committee may occasionally report a rule waiving this requirement with respect to another rule.

### 3. SPECIAL ORDERS OR RULES

#### *a. Background*

Table 1 in the Appendix categorizes all special rules granted by the Committee. These special rules are broken down into seventeen different categories dealing with all stages of the legislative process in the House.

The Rules Committee has granted special rules that provided for specified amendment and debate structures that assisted floor managers in managing the schedule. The Committee has also granted special rules for the consideration of legislation that resolved differences among and responded to the legislative actions of committees and that addressed House Senate relations. The explanations of these types of special rules and their methods of categorization are outlined below.

#### *b. Categories of Rules Granted with Amendment Structures*

In categorizing special rules that specified an amendment structure, this report focuses only on those rules which provided for the initial consideration of bills, joint resolutions or budget resolutions and which provided for an amending process. Therefore, rules providing for general debate only, stopping short of consideration of the measure for amendment, or providing for consideration of a conference report (which are otherwise privileged and, under regular order are non amendable) are not included in these categories. The amendment structure categories are as follows: (1) open rules, (2) modified open rules, (3) structured rules, and (4) closed rules.

##### (1) Open Rules

Under an open rule, any Member may offer an amendment that complies with the standing rules of the House and the Budget Act. The rule itself places no restrictions or prohibitions on amendments and provides an equal opportunity for all Members to offer amendments.

##### (2) Modified Open Rules (time cap on consideration of amendments/required amendment preprinting in the Congressional Record)

This type of rule permits the offering of only those amendments preprinted in the Congressional Record and/or places an overall time cap for the consideration of amendments or one which does both. A modified open rule with a preprinting requirement could require that amendments be printed in the Congressional Record by a specific date; in some cases the amendment must be printed before its consideration; and in other cases before the consideration of the bill for any amendment. In most cases these rules do not prohibit second degree amendments. Requiring that amendments be printed in advance of their consideration affords Members a better

idea of the range of issues to be debated and voted on during consideration of the bill. This can particularly be true of bills or joint resolutions involving complex matters.

### (3) Structured Rules

Under a structured rule, the Rules Committee limits the amendments that may be offered to only those amendments designated in the special rule or in the Rules Committee report to accompany the rule, or which precludes amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment. In the case of a structured rule, the Chairman will announce through a one minute speech on the floor of the House and/or through a “Dear Colleague” letter the intention of the Committee to hold a hearing on a measure and to review all amendments. The Chairman requests that Members provide the Rules Committee with copies of their proposed amendments in advance of the Committee meeting. In some instances, the amendments made in order represent all of the amendments submitted to the Committee.

### (4) Closed Rules

This type of rule is one under which no amendments may be offered other than amendments recommended by the committee reporting the bill. However, the Rules Committee is prohibited under the Rules of the House from reporting a special rule providing for consideration of a bill or joint resolution that denies the minority the right to offer amendatory instructions in a motion to recommit if offered by the minority leader or a designee.

### *c. Categories of Rules Granted with Certain Floor Management Tools*

Special rules are often utilized to assist the Majority Leader in setting the Floor schedule of the House, as well as to equip committee chairmen and ranking minority members with the special procedural tools necessary to efficiently manage the floor consideration of a bill. These categories include (1) expedited procedure rules, (2) suspension day rules, and (3) chairman’s en bloc authority rules.

#### (1) Expedited Procedure Rules

This type of rule waives clause 6(a) of rule XIII (requiring a two thirds vote to consider a special rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. These rules generally specify the measures or object to which the waiver applies, as well as a defined time period for its application. These rules are commonly referred to as “same-day” rules. In some cases the rule will not specify the object of the waiver. These rules are referred to as “blanket same-day” rules.

#### (2) Suspension Day Rules:

Under House Rule XV, it is in order on Monday, Tuesday and Wednesday of each week, and during the last six days of a session, for the Speaker to entertain motions to suspend the rules and pass

legislation. This category of rule authorizes the Speaker to entertain motions to suspend the rules on days other than Mondays, Tuesdays and Wednesdays. Generally, these rules specify the object which is to be considered under suspension of the rules. In some cases the object may not be identified but the rule may provide that the Majority leader or their designee shall consult with the Minority Leader or their designee on the object of any suspension considered under the rule.

### (3) Chairman's En Bloc Authority Rules

This category of rule authorizes the chairman of a committee (usually the majority floor manager of the bill under consideration) or his designee to offer amendments en bloc consisting of amendments made in order by the special rule that have not earlier been disposed of, and in some cases the rule allows germane modifications to any such amendments included in the en bloc amendment. With the exception of rules on appropriations bills (which permit en bloc amendments that do not increase budget authority or outlays in the bill), a Member seeking to offer amendments en bloc must obtain unanimous consent if they amend portions of the bill not yet open to amendment, unless a special rule authorizes several amendments to be offered and considered as a group. There is usually a specified time for divided debate on the en bloc amendment and a prohibition on amendments to and demands for a division of the question on the en bloc amendment. Generally, the original sponsor of the amendment must agree to having the amendment considered en bloc, and these rules generally provide that the original proponent of an amendment included in such an en bloc amendment may insert a statement in the Congressional Record immediately before the disposition of the en bloc amendment. Such a rule enables the floor manager to maximize efficiency and consensus while minimizing duplicative floor time and consideration.

#### *d. Categories of Rules Granted to Resolve Differences Among and Responding to the Legislative Actions of Committees*

As the nexus of the legislative process in the House, the Rules Committee is often the institutional mechanism used to reconcile differences in legislative recommendations among multiple committees. Two often used, and often misunderstood, special rule features utilized to achieve these goals are (1) self executing rules and (2) original text rules.

#### (1) Self Executing Rules

This type of rule provides that, upon the adoption of the special rule, the text of a reported or introduced bill, as the case may be, is modified or amended in some specified manner. Therefore, the House's adoption of the rule itself has the effect of amending the underlying bill. Occasionally, a self executing rule may also provide for the adoption of other unrelated measures or actions, such as adopting another simple resolution, bill, joint resolution or conference report. Self executing rules may be utilized by the Rules Committee for a variety of reasons, including but not limited to: the correction of rule or Budget Act violations, the reconciling of

multiple committee legislative recommendations, the elimination of procedural votes, the separation of policy issues or the complete re-drafting of the legislation.

(2) Original Text Rules

When a committee reports a measure, it will often favorably report the measure with a recommendation that an amendment or amendments be adopted by the full House. These amendments reflect the collegial action of the committee on that measure. This type of rule generally provides that the committee recommended amendment be adopted by the House and become the base text for the purpose of further amendment to the bill. This is often done to acknowledge the actions of the committee at the beginning of the consideration of a bill, and also to simplify the amendment process.

*e. Categories of Rules Granted Dealing with House-Senate Relations*

While resolving differences with the Senate often involves privileged motions in the House, the Rules Committee is often called upon to expedite such procedural situations or to address unique procedural circumstances. The categories of such special rules are (1) Senate hook up rules, (2) motion to go to conference rules, (3) disposition of Senate amendments rules, (4) conference report rules, and (5) engrossment of multiple measures rules.

(1) Senate Hook up Rules

The Rules of the House provide for three methods of getting to conference with the Senate: (1) agreeing to a motion to go to conference by unanimous consent; (2) obtaining a special rule from the Rules Committee; or (3) receiving specific authorization from each committee which received an initial referral of and reported the bill (clause 1 of Rule XX). Most often chairmen obtain conference authority from their committee at the time a bill is ordered reported. Most special rules allowing for a Senate hook up provide that after passage of a House bill, it shall be in order to take a specific Senate bill from the Speaker's table, consider it in the House, and to move to strike all after the enacting clause and insert the text of the House bill as passed by the House. These special rules further provide that if the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendment and request a conference with the Senate. These hook up provisions can either be included in the original rule providing for consideration of the House bill or in a separate special rule only providing for the motion to go to conference.

(2) Motion to go to Conference Rules

These special rules are those separate rules which only provide for the motion to go to conference with the Senate.

(3) Disposition of Senate Amendment Rules

This type of rule generally provides for the consideration of a Senate amendment or amendments in the House and for a motion to concur in the Senate amendment with or without an amendment. These rules also usually specify a period of time for debate

on the motion equally divided and controlled by the chairman and ranking minority member of the committee of jurisdiction, as well as any necessary waivers against consideration of either the Senate amendment or against the motion to concur.

#### (4) Conference Report Rules

Under the standing rules of the House, conference reports are privileged matters. Unless the requirement is waived, House rules require that a conference report be available for at least three calendar days (excluding Saturdays, Sundays, and legal holidays) before it can be called up for consideration. After that time, because it is privileged, it can be called up at any time without a rule from the Rules Committee. However, if a conference report is in violation of a rule of the House or some extraordinary procedure for consideration of the report is desired, a special rule may be necessary for the conference report to be considered. Consequently, conference report rules generally provide waivers of all points of order against consideration of the conference report and provide that the conference report be considered as read, which effectively waives the three day availability requirement.

It should be noted that points of order against a conference report lie against its consideration, not against individual provisions contained within the report. A conference report represents the collective agreement of the House and the Senate. Changing individual components of the agreement violates the sanctity of the agreement itself. Consequently, agreeing to a conference report is an all or nothing question. This is also the reason why, even as privileged matters, conference reports are not amendable on the Floor of the House.

#### (5) Engrossment of Multiple Measures Rules

These type of special rules generally provide for separate consideration and final passage votes on multiple bills, generally relating to a similar issue. The rule then instructs the House enrolling clerk to enroll the individually passed bills into one bill before transmitting them to the Senate for consideration.

### 4. FLOOR CONSIDERATION OF A SPECIAL RULE

When the time comes to call up a special rule, the majority member who filed the rule (a privileged House resolution), or another majority member of the Rules Committee designated by the chairman, is recognized by the Speaker. That member stands at the majority committee table on the House Floor. Once recognized, the member States:

Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution \_\_\_\_\_, and ask for its immediate consideration.

(Any member of the Committee on Rules may be recognized to call up a rule that has been on the House Calendar for at least seven legislative days, and the Speaker is required to recognize the Rules Committee member as a privileged item, so long as the member has given one day's notice of an intent to seek recognition for that purpose.)

Once the Clerk has read the resolution, the Speaker recognizes the majority Rules Committee member handling the rule for one hour. The majority floor manager then customarily yields thirty minutes to a minority counterpart for the purposes of debate only. The length of debate on the rule varies according to the complexity of the rule and the degree of controversy over the bill, but debate on most noncontroversial rules is over within fifteen or twenty minutes and the rule may be adopted by voice vote.

Since a rule is considered in the House under the hour rule, no amendments are in order unless the majority floor manager offers an amendment or yields to another Member for that purpose. At the conclusion of debate on the rule, the floor manager moves the previous question. If no objection is heard, the House proceeds to vote on the rule. If objection is heard, a vote occurs on the previous question. If the previous question is rejected, however, a Member who opposed the previous question (usually the Rules Committee minority floor manager) is recognized. That Member then controls one hour of debate time on the amendment. The Member controlling the time may offer an amendment to the rule and then move the previous question on the amendment and on the rule when debate has concluded. Once the rule is adopted (with or without amendments), the legislation it concerns is eligible for consideration under the terms of the rule.

#### 5. RULES REJECTED, TABLED, OR PENDING

Through May 31st of the 1st Session of the 112th Congress, the Committee on Rules reported 33 rules as of May 31, 2011. The House adopted all 33 of these rules and tabled none of the rules. As of May 31, 2011, no rules were rejected by the House or remain pending.

##### a. Rules rejected by the House as of May 31, 2011

There were no rules rejected by the House as of May 31, 2011.

##### b. Rules tabled by the House as of May 31, 2011

There were no rules tabled as of May 31, 2011.

##### c. Rules Pending as of May 31, 2011

House Resolution 287, 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.

#### 6. WAIVERS OF HOUSE RULES

The following compilation identifies the Rules of the House which were waived in specific resolutions and the legislation which required the waiver. There is also an indication whether the rule was waived against the bill (B), original text (OT), an amendment (A), a motion (M), a conference report (CR), or provisions (P).

Rule XIII, Clause 3(c)(4) — Requiring the inclusion of general performance goals and objectives in a committee report

Resolution	Bill	Title	Object
H. Res. 245 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year, 2012.	B

Rule XIII, Clause 3(c)(4) — Requiring the inclusion of general performance goals and objectives in a committee report—Continued

Resolution	Bill	Title	Object
H. Res. 257 .....	H.R. 1231 .....	Reversing President Obama's Offshore Moratorium Act.	B

Rule XIII, Clause 3(e) — Requiring the inclusion of a comparative print for a bill or joint resolution proposing to repeal or amend a statute

Resolution	Bill	Title	Object
H. Res. 269 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year, 2012.	B

Rule XIII, Clause 4(a)— Requiring a three-day layover of the committee report

Resolution	Bill	Title	Object
H. Res. 269 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year, 2012.	B

Rule XIII, Clause 4(c) — Requiring the three-day availability of printed hearings on a general appropriations bill

Resolution	Bill	Title	Object
H. Res. 287 .....	H.R. 2017 .....	Department of Homeland Security Appropriations Act, 2012.	B

Rule XIII, Clause 6(a) — Requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee

Resolution	Bill	Title	Object
H. Res. 92 .....	H.R. 1 .....	Full-Year Continuing Appropriations Act, 2011	B
H. Res. 206 .....	H.R. 1363 .....	Further Additional Continuing Appropriations Amendments, 2011.	B
H. Res. 269 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year, 2012.	B
H. Res. 269 .....	H.R. 1216 .....	To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations..	B

Rule XVI, Clause 7 — No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment

Resolution	Bill	Title	Object
H. Res. 170 .....	H.R. 839 .....	HAMP Termination Act .....	OT
H. Res. 170 .....	H.R. 861 .....	NSP Termination Act .....	OT
H. Res. 189 .....	H.R. 658 .....	FAA Reauthorization and Reform Act of 2011	OT

Rule XVI, Clause 7 — No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment—Continued

Resolution	Bill	Title	Object
H. Res. 203 .....	H.R. 910 .....	Energy Tax Prevention Act of 2011 .....	OT
H. Res. 264 .....	H.R. 754 .....	Intelligence Authorization Act for Fiscal Year 2011.	OT

Rule XVIII, Clause 10 — Requires amendments to the budget resolution be mathematically consistent and prohibits amendments from proposing to change the appropriate level of public debt set forth in the concurrent resolution, as reported

Resolution	Bill	Title	Object
H. Res. 223 .....	H. Con. Res. 34 ..	Establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021..	A

Rule XXI, Clause 2 — Prohibiting unauthorized appropriations, reappropriations or legislative provisions in a general appropriations bill

Resolution	Bill	Title	Object
H. Res. 287 .....	H.R. 2017 .....	Department of Homeland Security Appropriations Act, 2012.	P

Rule XXI, Clause 4 — A bill or joint resolution carrying an appropriation may not be reported by a committee not having jurisdiction to report appropriations, and an amendment proposing an appropriation shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction

Resolution	Bill	Title	Object
H. Res. 264 .....	H.R. 754 .....	Intelligence Authorizations Act for Fiscal Year 2011.	OT
H. Res. 276 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.	OT

Rule XIII, Clause 5(a) — A bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures, and an amendment in the House or proposed by the Senate carrying a tax or tariff measure shall not be in order during the consideration of a bill or joint resolution reported by a committee not having that jurisdiction

Resolution	Bill	Title	Object
H. Res. 186 .....	H.R. 471 .....	Scholarships for Opportunity and Results Act	P
H. Res. 189 .....	H.R. 658 .....	FAA Reauthorization and Reform Act of 2011	OT
H. Res. 237 .....	H.R. 3 .....	No Taxpayer Funding for Abortion Act .....	OT

Rule XXI, Clause 11 — It shall not be in order to consider a bill or joint resolution which has not been reported by a committee until the third calendar day (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day) on which such measure has been available to members, Delegates, and the Resident Commissioner

Resolution	Bill	Title	Object
H. Res. 115 .....	H.J. Res. 44 .....	Further Continuing Appropriations Amendments, 2011.	B

7. WAIVERS OF THE BUDGET ACT (EXCEPT FOR THE UNFUNDED MANDATE POINT OF ORDER UNDER SECTION 425 AND 426 OF THE CONGRESSIONAL BUDGET ACT OF 1974)

The following compilation identifies the sections of the Budget Act which were waived in specific resolutions and the legislation which required the waiver. There is also an indication whether the rule was waived against the bill (B), the original text (OT), an amendment (A), a motion (M), a conference report (CR), or provisions (P).

Section 302(f) of the Congressional Budget Act — Prohibiting consideration of legislation providing new budget authority in excess of a subcommittee's 302(b) allocation of such authority

Resolution	Bill	Title	Object
H. Res. 115 .....	H.J. Res. 44 .....	Further Continuing Appropriations Amendments, 2011.	B
H. Res. 167 .....	H.J. Res. 48 .....	Additional Continuing Appropriations Amendments, 2011.	B
H. Res. 206 .....	H.R. 1363 .....	Department of Defense and Further Additional Continuing Appropriations Act, 2011.	B
H. Res. 218 .....	H.R. 1473 .....	Department of Defense and Full-Year Continuing Appropriations Act, 2011.	B
H. Res. 245 .....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act ..	B

Section 303(a) of the Congressional Budget Act — Prohibiting consideration of legislation, as reported, providing new budget authority, change in revenues, change in public debt, new entitlement authority, or new credit authority for a fiscal year until the budget resolution for that year has been agreed to

Resolution	Bill	Title	Object
H. Res. 26 .....	H.R. 2 .....	Repealing the Job-Killing Health Care Law ....	B
H. Res. 129 .....	H.R. 4 .....	Small Business Paperwork Mandate Elimination Act of 2011.	B
H. Res. 245 .....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act ..	B
H. Res. 269 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.	B
H. Res. 276 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.	B

Section 306 of the Congressional Budget Act —Prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by the Budget Committee

Resolution	Bill	Title	Object
H. Res. 287 .....	H.R. 2017 .....	Department of Homeland Security Appropriations Act, 2012.	B

#### 8. WAIVING ALL POINTS OF ORDER

The following compilation identifies the House Resolutions reported by the Committee on Rules that waived all points of order against consideration of a bill, text, resolution, motion, or conference report. There is also an indication whether the rule was waived against the bill (B), original text (OT), an amendment (A), a motion (M), a conference report (CR), or provisions (P).

#### Rules Including a Waiver of All Points of Order

Resolution	Bill	Title	Object
H. Res. 26 .....	H.R. 2 .....	Repealing the Job-Killing Health Care Law Act	B, P
H. Res. 26 .....	H. Res. 9 .....	Instructing certain committees to report legislation replacing the job-killing health care law.	B, A
H. Res. 43 .....	H. Res. 38 .....	To reduce spending through a transition to non-security spending at fiscal year 2008 levels or less.	B
H. Res. 54 .....	H.R. 359 .....	To reduce federal spending and the deficit by terminating taxpayer financing of presidential election campaign and party conventions..	B, P
H. Res. 73 .....	H. Res. 72 .....	Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth..	B
H. Res. 79 .....	H.R. 514 .....	To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011..	B, P
H. Res. 92 .....	H.R. 1 .....	Full-Year Continuing Appropriations Act, 2011	B, P
H. Res. 93 .....	H.R. 514 .....	Senate amendment to H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011..	M

## Rules Including a Waiver of All Points of Order—Continued

Resolution	Bill	Title	Object
H. Res. 115 .....	H.J. Res. 44 .....	Further Continuing Appropriations Amendments, 2011.	B, P
H. Res. 128 .....	H.R. 662 .....	Surface Transportation Extension Act of 2011	B, P, A
H. Res. 129 .....	H.R. 4 .....	Small Business Paperwork Mandate Elimination Act of 2011.	B, P-SE
H. Res. 150 .....	H.R. 830 .....	FHA Refinance Program Termination Act .....	B, OT
H. Res. 151 .....	H. R. 836 .....	Emergency Mortgage Relief Program Termination Act.	B, OT
H. Res. 167 .....	H.J. Res. 48 .....	Additional Continuing Appropriations Amendments, 2011.	B, P
H. Res. 170 .....	H.R. 839 .....	HAMP Termination Act of 2011 .....	B, OT, A
H. Res. 170 .....	H.R. 861 .....	NSP Termination Act .....	B, OT, A
H. Res. 174 .....	H.R. 1076 .....	To prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content..	B, P
H. Res. 186 .....	H.R. 471 .....	Scholarships for Opportunity and Results Act	B, P, A
H. Res. 189 .....	H.R. 658 .....	FAA Reauthorization and Reform Act of 2011	B, OT, A
H. Res. 194 .....	H.R. 1255 .....	Government Shutdown Prevention Act of 2011	B, P
H. Res. 200 .....	H.J. Res. 37 .....	Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices..	B, P
H. Res. 203 .....	H.R. 910 .....	Energy Tax Prevention Act of 2011 .....	B, OT, A
H. Res. 206 .....	H.R. 1363 .....	Department of Defense and Further Additional Continuing Appropriations Act, 2011..	B, P
H. Res. 218 .....	H.R. 1473 .....	Department of Defense and Full-Year Continuing Appropriations Act, 2011..	B, P
H. Res. 218 .....	H. Con. Res. 35 ..	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473..	B
H. Res. 218 .....	H. Con. Res. 36 ..	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473..	B
H. Res. 219 .....	H.R. 1217 .....	To repeal the Prevention and Public Health Fund.	B, P, A
H. Res. 223 .....	H. Con. Res. 34 ..	Establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021..	B, OT, A
H. Res. 236 .....	H.R. 1213 .....	To repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges..	B, P, A
H. Res. 236 .....	H.R. 1214 .....	To repeal mandatory funding for school-based health center construction..	B, P
H. Res. 237 .....	H.R. 3 .....	No Taxpayer Funding for Abortion Act .....	B, P
H. Res. 245 .....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act ..	B, P, A
H. Res. 245 .....	H.R. 1230 .....	Restarting American Offshore Leasing Now Act.	B, P, A

## Rules Including a Waiver of All Points of Order—Continued

Resolution	Bill	Title	Object
H. Res. 257 .....	H.R. 1231 .....	Reversing President Obama's Offshore Moratorium Act.	B, P, A
H. Res. 264 .....	H.R. 754 .....	Intelligence Authorization Act for Fiscal Year 2011.	B, OT, A
H. Res. 269 .....	H.R. 1216 .....	To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.	B, P
H. Res. 269 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.	B
H. Res. 276 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.	OT, A
H. Res. 281 .....	S. 990 .....	Small Business Additional Temporary Extension Act of 2011.	M
H. Res. 287 .....	H.R. 2017 .....	Department of Homeland Security Appropriations Act, 2012.	B, P

## C. ORIGINAL JURISDICTION MATTER

## 1. COMMITTEE CONSIDERATION OF ORIGINAL JURISDICTION MEASURES

The following is a list of original jurisdiction measures which that considered by the Committee through May of the first session of 112th Congress. The list identifies the measures by number and title or subject and includes the action and date the action was taken by the Committee and by the House.

## Committee Consideration of Original Jurisdiction Measures

Bill	Title	Reported	Status
H.Res. 9 .....	Instructing certain committees to report legislation replacing the job-killing health care law.	Resolution Reported 1/6/2011.	Resolution Reported 1/6/2011
H.Res. 38 .....	Reducing no-security spending to fiscal year 2008 levels or less.	Resolution Reported 1/19/2011.	Passed House 1/25/2011
H.Res. 72 .....	Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.	Resolution Reported 2/8/2011.	Passed House 2/11/2011

## 2. ORIGINAL JURISDICTION FULL COMMITTEE HEARINGS

*a. H. Res. 9, Instructing certain committees to report legislation replacing the job-killing health care law.*

On January 5, 2011, Chairman Dreier introduced H. Res. 9, instructing certain committees to report legislation replacing the job-

killing health care law and the resolution was referred to the Committee on Rules. On January 6, 2011 the full Committee held a hearing on H. Res. 9 and H.R. 2, Repealing the Job-Killing Health Care Law Act, and received testimony from members of the committees of jurisdiction, as well as rank-and-file members who were offering amendments. Specifically, the Committee received statements from the following Members of Congress: Chairman of the Education and Workforce Committee, John Kline (R-MN); Chairman of the Energy and Commerce Committee, Fred Upton (R-MI); Rep. Steve King (R-IA); Rep. John D. Dingell (D-MI); Rep. Anna G. Eshoo (D-CA); Rep. Lois Capps (D-CA); Rep. Janice D. Schakowsky (D-IL); Rep. Jay Inslee (D-WA); Rep. Anthony D. Weiner (D-NY); Rep. Jim Matheson (D-UT); Rep. Kathy Castor (D-FL); Rep. Christopher S. Murphy (D-CT); Rep. Peter Welch (D-VT); Rep. Frank Pallone, Jr. (D-NJ); Rep. Bruce L. Braley (D-IA); Rep. Edward J. Markey (D-MA); Rep. Lynn C. Woolsey (D-CA); Rep. Donald M. Payne (D-NJ); Rep. Robert E. Andrews (D-NJ); Rep. Ruben Hinojosa (D-TX); Rep. John Tierney (D-MA); Rep. D. Rush Holt (D-NJ); Rep. Susan A. Davis (D-CA); Rep. Raul Grijvalva (D-AZ); Rep. Joe Courtney (D-CT); Rep. Paul Tonko (D-NY); Rep. Judy Chu (D-CA); Rep. Jerrold Nadler (D-NY); Rep. Sheila Jackson Lee (D-TX); Rep. Henry C. "Hank" Johnson, Jr. (D-GA); Rep. Theodore E. Deutch (D-FL); Rep. Danny Davis (D-IL); Rep. Chris Van Hollen (D-MD); Rep. Tammy Baldwin (D-WI); Rep. Debbie Wasserman Schultz (D-FL); Rep. Jim McDermott (D-WA); Rep. Mike Thompson (D-CA); Rep. Bill Pascrell, Jr. (D-NJ); Rep. Marcy Kaptur (D-OH); Rep. Gwen Moore (D-WI); Rep. Rick Larsen (D-WA); Rep. Niki Tsongas (D-MA); Rep. Jackie Speier (D-CA); Rep. Donna Edwards (D-MD); and Rep. Martin T. Heinrich (D-NM).

*b. H. Res. 38, Reducing non-security spending to fiscal year 2008 levels or less.*

On January 18, 2011, Chairman David Dreier introduced H. Res. 38, to reduce spending through a transition to non-security spending at fiscal year 2008 levels and the resolution was referred to the Committee on Rules. On January 19, 2011 the full Committee held a legislative hearing on H. Res. 38 and received testimony from Rep. Van Hollen (D-MD), the ranking member of the Committee on the Budget, who testified in opposition of the resolution.

*c. H. Res. 72, Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.*

On February 8, 2011, Representative Pete Sessions introduced H. Res. 72, directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth and the resolution was referred to the Committee on Rules. While no original jurisdiction hearing was held on H. Res. 72, the Rules Committee held a regular meeting on February 8, 2011, to report a rule for H. Res. 72. No witnesses testified at the meeting, but Vice Chairman Pete Sessions submitted a statement in support of the resolution.

## 3. ORIGINAL JURISDICTION MEASURES REPORTED

*a. H. Res. 9, Instructing certain committees to report legislation replacing the job-killing health care law.*

On January 5, 2011, Chairman Dreier introduced H. Res. 9, instructing certain committees to report legislation replacing the job-killing health care law and the resolution was referred to the Committee on Rules. On January 6, 2011 the full Committee held a hearing on H. Res. 9 and H.R. 2 - Repealing the Job-Killing Health Care Law Act, and received testimony from members of the committees of jurisdiction, as well as rank-and-file members who were offering amendments.

The 111th Congress passed health care reform proposing it would create jobs, lower costs, and allow Americans to keep their health care. President Obama signed health care reform into law in March 2010. Immediately following enactment of the law, several lawsuits were filed in various courts challenging the constitutionality of the law's individual mandate and expansion of Medicaid. On December 13, 2010, a District Court Judge ruled in *Virginia v. Sebelius* that section 1501 of P.L. 111-148 requiring individuals to purchase health insurance is unconstitutional because it exceeds Congress's authority under the Commerce Clause. At the end of 2010, seven States: Arizona, Georgia, Idaho, Louisiana, Missouri, Utah and Virginia have enacted statutes exempting state residents from compliance with certain health care law provisions. During the last ten months public opposition to the law has grown, as has support for its repeal. On January 2, 2011, Rasmussen Reports conducted a national survey of 1,000 likely voters and 60 percent favored repealing the health care law. It is important that "the People's House" respond to the concerns of the American people and work to develop common-sense health care solutions that will help create jobs, lower costs, and allow Americans to keep their health care.

This resolution was intended to jump start the committee process of replacing the current health care law and it complements legislation to repeal the health care law, H.R. 2.

On January 6, 2011 the Committee held a legislative markup of H. Res. 9 and ordered the resolution favorably reported to the House by a record vote of 6 to 4. No amendments were offered at the markup.

A section-by-section analysis of H. Res. 9 is as follows:

Section 1 of the resolution instructs the Committee on Education and the Workforce, the Committee on Energy and Commerce, the Committee on the Judiciary, and the Committee on Ways and Means to each report legislation to the House proposing changes to existing law within the committee's jurisdiction with provisions that:

- Foster economic growth and private sector job creation;
- Lower health care premiums;
- Preserve a patient's ability to keep his or her health insurance;
- Provide people with pre-existing conditions access to affordable health coverage;
- Reform medical liability system;
- Increase the number of insured Americans;

- Protect the doctor-patient relationship;
- Provide States greater flexibility to administer Medicaid programs;
- Expand incentives to encourage personal responsibility for health care coverage and costs;
- Prohibit taxpayer funding of abortions and provide conscience protections for health care providers;
- Eliminate duplicative government programs and wasteful spending; or
- Do not accelerate the insolvency of entitlement programs or increase the tax burden on Americans.

*b. H. Res. 38, Reducing non-security spending to fiscal year 2008 levels or less.*

On January 18, 2011, Chairman David Dreier introduced H. Res. 38, to reduce spending through a transition to non-security spending at Fiscal Year 2008 levels and the resolution was referred to the Committee on Rules. On January 19, 2011 the full Committee held a legislative hearing on H. Res. 38.

Over the preceding three years, non-security discretionary spending has increased 88 percent. As a result, the U.S. government borrows 41 cents of every dollar spent. In addition, for the first time in 36 years the 111th Congress failed to produce a budget resolution for Fiscal Year 2011. This means that at that time the Committee considered the resolution there were no budget guidelines in place for the Committee on Appropriations to follow. The Committee felt it critical at the start of the 112th Congress, as Congress moved to address the country's massive deficit and significant over-spending, that committees have budgetary guidance in place.

The legislation was intended to put Congress on a path to making more responsible spending proposals for the remainder of Fiscal Year 2011.

On January 19, 2011 the Committee held a legislative markup of H. Res. 38 and ordered the resolution favorably reported to the House as amended by a voice vote. At the markup, the following amendments were considered:

(1) Mr. Scott of South Carolina #1, to amend the resolution to clarify the spending reduction by striking the language relating to a transition and providing that the levels can be 2008 levels or less. Agreed to: 8 yeas and 4 nays.

(2) Mr. McGovern #2, to add a new section to the resolution that would require a vote by the full House before any 302(a) allocation inserted in the Congressional Record by the Chair of the Committee on the Budget becomes effective. Not agreed to: 4 yeas and 8 nays.

A section-by-section analysis of H. Res. 38 is as follows:

Section 1 of the resolution provides that, pursuant to section 3(b)(1) of House Resolution 5, the Chair of the Committee on the Budget shall include in the Congressional Record an allocation contemplated by section 302(a) for the Committee on Appropriations for the remainder of fiscal year 2011 that assumes non-security spending at fiscal year 2008 levels or less.

*c. H. Res. 72, Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.*

On February 8, 2011, Representative Pete Sessions introduced H. Res. 72, directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth and the resolution was referred to the Committee on Rules. While no original jurisdiction hearing was held on H. Res. 72, the Rules Committee held a regular meeting on February 8, 2011, to report a rule for H. Res. 72. No witnesses testified at the meeting, but Vice Chairman Pete Sessions submitted a statement in support of the resolution.

The Federal Government produces an average of 4,000 final regulations each year with about 500-700 reviewed by the White House. Of those reviewed, between 45 and 75 have significant economic impacts. The Small Business Administration estimates that government regulations cost the economy \$1.75 trillion per year, nearly double the amount of individual income taxes collected last year. The Heritage Foundation approximates that 43 rules released in Fiscal Year (FY) 2010 will cost \$28 billion annually—a record increase. In FY 2010 only five significant regulations reduced burdens and of those, only two reduced costs for a total savings of \$1.5 billion. That is a \$26.5 billion net increase in the cost of regulatory burdens in FY 2010. Without action, the cost and burden of regulations will continue to grow in 2011 as agencies further promulgate new rules related to energy, health care and financial services.

On January 18, 2011, President Obama issued Executive Order 13563, which instructs Federal agencies to facilitate the periodic review of existing regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome.

Congress must also use its authority to repeal costly and unnecessary existing regulations that impede private-sector job creation, discourage innovation and entrepreneurial activity, and hurt economic growth and investment. This resolution is intended to launch the committee process and take the steps necessary to stem the growth of and reduce unnecessary and costly regulations, and to create a more cost-effective and transparent regulatory system that supports long-term private-sector job creation and economic growth.

On February 8, 2011 the Committee held a legislative markup of H. Res. 72 and ordered the resolution favorably reported to the House as amended by a voice vote. At the markup, the following amendment was considered: (1) Mr. Bishop of Utah #1, to amend the resolution to add another matter for committees to consider related to dependence of the United States on foreign energy sources. Agreed to by voice vote.

A section-by-section analysis of H. Res. 72 is as follows:

Section 1 of the resolution directs standing committees listed in section 3 to inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures

by agencies of the Federal Government within their jurisdiction. Each committee must conduct hearings and other oversight activities it deems necessary and identify any oversight or legislative activity conducted in support of, or as a result of, the inventory and review, in its semiannual activities reports submitted to the House in the first session of the 112th Congress.

Section 2 provides that in completing the review and inventory, each committee must identify regulations, executive and agency orders, and other administrative actions or procedures that:

- Impede private-sector job creation;
- Discourage innovation and entrepreneurial activity;
- Hurt economic growth and investment;
- Harm the Nation's global competitiveness;
- Limit access to credit and capital;
- Fail to utilize or apply accurate cost-benefit analyses;
- Create additional economic uncertainty;
- Are promulgated in such a way as to limit transparency and the opportunity for public comment, particularly by affected parties;
- Lack specific statutory authorization;
- Undermine labor management relations;
- Result in large-scale unfunded mandates on employers without due cause;
- Impose undue paperwork and cost burdens on small businesses; or
- Prevent the United States from becoming less dependent on foreign energy sources.

Section 3 specifies the committees required to complete the activities under the resolution, including the Committee on Agriculture, Committee on Education and the Workforce, Committee on Energy and Commerce, Committee on Financial Services, Committee on the Judiciary, Committee on Natural Resources, Committee on Oversight and Government Reform, Committee on Small Business, Committee on Transportation and Infrastructure, and the Committee on Ways and Means.

**V. STATISTICAL PROFILE OF THE COMMITTEE ON RULES  
THROUGH MAY 31, 2011**

**A. Statistics on Special Orders or Rules**

1. Number of formal requests for Rules Committee hearings .....	25
(a). Number of rules requested for original consideration of measures, rules for further consideration, rules for disposition of Senate amendments .....	25
(b). Number of rules requested on conference reports .....	0
(c). Number of rules requested on procedural matters .....	0
(d). Number of formal rules requests otherwise disposed of by procedures other than the Rules Committee .....	0
2. Number of formal requests pending as of May 31, 2011 .....	2
3. Number of hearing days — .....	31
(a) 1st Session .....	31
(1) Regular meetings .....	18
(2) Emergency meetings .....	11
(3) Regular/Emergency meeting .....	2
4. Number of bills, resolutions, and conference reports on which hearings were held for the purpose of considering special order or “rules” — .....	33
(a) Number of rules granted .....	33
(1) Bills and Resolutions .....	40
(2) Conference Reports .....	0
(3) Providing for general debate only, waiving 2/3 requirement or creating suspension days .....	4
(b) Types of amendment structures for consideration of bills and resolutions— .....	1
(1) Open .....	1
(2) Modified Open — Required Preprinting in the Congressional Record .....	6
(3) Structured .....	15
(4) Closed .....	16
(c) Categories of Rules Granted with Certain Floor Management Tools .....	3
(1) Expedited Procedures Rules .....	3
(2) Suspension Day Rules .....	0
(3) Chairman’s en bloc authority .....	1
(d) Categories of Rules Granted to Resolve Differences Among and Responding to the Legislative Actions of Committees .....	8
(1) Self-Executing Rules .....	8
(2) Original Text Rules .....	9
(e) Categories of Rules Granted Dealing with House-Senate Relations .....	0
(1) Senate Hook-up Rules .....	0
(2) Disposition of Senate Amendments .....	2
(3) Conference Report Rules .....	0
(4) Engrossment of Multiple Measures Rules .....	1
(5) Motions to go to conference .....	0
(f) Disposition of the 33 rules granted .....	33
(1) Adopted by the House .....	33
(2) Rejected by the House .....	0
(3) Laid on the Table .....	0

## A. Statistics on Special Orders or Rules—Continued

(4) Pending on the House Calendar at Adjournment .....	N/A
5. Rules of the House waivers granted (waivers may be underlying measures, matters made in order as original text, motions, or amendments) .....	
(a) Types of waivers (number of resolutions waiving each rule): .....	
(1) Waiver of all Rules of the House .....	40
(2) Waiving all points of order against provisions in the bill, except as specified in the rule .....	
(A) Rule XIII, clause 3(c)(4): .....	2
(B) Rule XIII, clause 3(e) .....	1
(C) Rule XIII, clause 4(a) .....	1
(D) Rule XIII, clause 4(c) .....	1
(E) Rule XIII, clause 6(a) .....	3
(F) Rule XVI, clause 7 .....	5
(G) Rule XVI, clause 10 .....	1
(H) Rule XXI, clause 2 .....	1
(I) Rule XXI, clause 4 .....	1
(J) Rule XXI, clause 5(a) .....	3
(K) Rule XXI, clause 11 .....	1

## B. Statistics on Original Jurisdiction Measures

1. Full Committee .....	
(a) Number of bills and resolutions referred .....	76
(b) Number of measures referred to the subcommittees .....	0
(1) Exclusive Referrals to the Subcommittee on Rules and Organization of the House .....	0
(2) Exclusive Referrals to the Subcommittee on the Legislative and Budget Process .....	0
(3) Joint Referrals .....	0
(c) Number of original jurisdiction measures heard by the full committee .....	3
(d) Number of hearings and markups held by the full committee .....	3
(e) Number of measures reported by the full committee .....	3
(1) Disposition of measures reported .....	
(a) Measures adopted by the House .....	3
(b) Measures reported and pending floor action as of May 31, 2011 .....	0
(c) Measures rejected by the House .....	0
(d) Measures tabled by the House .....	0
2. Subcommittee on the Legislative and Budget Process .....	
(a) Measures referred .....	0
(b) Days of hearings and markups .....	0
(c) Measures reported: .....	0
3. Subcommittee on Rules and Organization of the House .....	0
(a) Measures referred .....	0
(b) Days of hearings and markups .....	0
(c) Measures reported .....	0

## VI. PUBLICATIONS

## A. PRINTED PUBLICATIONS

1. H.R. 658—FAA Air Transport Modernization and Improvement Act. Committee Print.

## VII. APPENDICES

### A. Table 1a —Types of Rules Granted (Consideration)

	Resolution	Bill	Title
General Debate	H. Res. 269 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.
Open	H. Res. 287 .....	H.R. 2017 .....	Department of Homeland Security Appropriations Act, 2012.
Modified open	H. Res. 54 .....	H.R. 359 .....	To reduce Federal spending and the deficit by terminating taxpayer financing of presidential campaign and party conventions.
	H. Res. 92 .....	H.R. 1 .....	Full Year Continuing Appropriations Act, 2011.
	H. Res. 150 .....	H.R. 830 .....	FHA Refinance Program Termination Act.
	H. Res. 151 .....	H.R. 836 .....	Emergency Mortgage Relief Program Termination Act.
	H. Res. 236 .....	H.R. 1214 .....	To repeal mandatory funding for school-based health center construction.
	H. Res. 269 .....	H.R. 1216 .....	To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.
Structured	H. Res. 26 .....	H. Res. 9 .....	Instructing certain committees to report legislation replacing the job-killing health care law.
	H. Res. 128 .....	H.R. 662 .....	Surface Transportation Extension Act of 2011.
	H. Res. 170 .....	H.R. 839 .....	HAMP Termination Act of 2011.
	H. Res. 170 .....	H.R. 861 .....	NSP Termination Act of 2011.
	H. Res. 186 .....	H.R. 471 .....	Scholarships for Opportunity and Results Act.
	H. Res. 189 .....	H.R. 658 .....	FAA Reauthorization and Reform Act of 2011.
	H. Res. 203 .....	H.R. 910 .....	Energy Tax Prevention Act of 2011.
	H. Res. 219 .....	H.R. 1217 .....	To repeal the Prevention and Public Health Fund.
	H. Res. 223 .....	H. Con. Res.34 ..	Establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021.
	H. Res. 236 .....	H.R. 1213 .....	To repeal mandatory funding provided to States in the Patient and Affordable Care Act to establish American Health Benefit Exchanges.
	H. Res. 245 .....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act.
	H. Res. 245 .....	H.R. 1230 .....	Restarting American Offshore Leasing Now Act.
	H. Res. 257 .....	H.R. 1231 .....	Reversing President Obama's Offshore Moratorium Act.

A. Table 1a —Types of Rules Granted (Consideration)—Continued

	Resolution	Bill	Title
	H. Res. 264 .....	H.R. 754 .....	Intelligence Authorization Act for Fiscal Year 2011.
	H. Res. 276 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.
Closed	H. Res. 26 .....	H. Res. 27 .....	Relating to the status of certain actions taken by Members-elect.
	H. Res. 26 .....	H.R. 2 .....	Repealing the Job-Killing Health Care Law.
	H. Res. 43 .....	H. Res. 38 .....	To reduce spending through a transition to non-security spending at fiscal year 2008 levels or less.
	H. Res. 73 .....	H. Res. 72 .....	Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.
	H. Res. 79 .....	H.R. 514 .....	To extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.
	H. Res. 115 .....	H.J. Res. 44 .....	Further Continuing Appropriations Amendments, 2011.
	H. Res. 129 .....	H.R. 4 .....	To repeal the expansion of information reporting requirements for payments of \$600 or more to corporations, and for other purposes.
	H. Res. 167 .....	H.J. Res. 48 .....	Additional Continuing Appropriations Amendments, 2011.
	H. Res. 174 .....	H.R. 1076 .....	To prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content.
	H. Res. 194 .....	H.R. 1255 .....	Government Shutdown Prevention Act of 2011.
	H. Res. 200 .....	H.J. Res. 37 .....	Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.
	H. Res. 206 .....	H.R. 1363 .....	Department of Defense and Further Additional Continuing Appropriations Act, 2011.
	H. Res. 218 .....	H.R. 1473 .....	Department of Defense and Full-Year Continuing Appropriations Act, 2011.
	H. Res. 218 .....	H. Con. Res.35 ..	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.
	H. Res. 218 .....	H. Con. Res.36 ..	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.
	H. Res. 237 .....	H.R. 3 .....	No Taxpayer Funding for Abortion Act.

A. Table 1b —Types of Rules Granted (Special Procedures)

	Resolution	Bill	Title
Waiving Rule XIII, clause 6(a), requiring a two-thirds vote to consider a rule on the same day it is reported from the Committee on Rules:	H. Res. 92 .....		Special rule reported on the legislative day of February 15, 2011 through February 17, 2011, providing for the consideration or disposition of the bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the government for the fiscal year ending September 30, 2011, and for other purposes.
	H. Res. 206 .....		Special rule reported on the legislative day of April 7, 2011 through April 11, 2011, providing for the consideration or disposition of a measure making or continuing appropriations for the fiscal year ending September 30, 2011.
	H. Res. 269 .....		Special rule reported on the legislative day of May 24, 2011 through May 27, 2011, providing for the consideration or disposition of a measure addressing expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005.
Chairman's en bloc authority:	H. Res. 276 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.
Self-Executing Amendments	H. Res. 26 .....	H.R. 2 .....	Repealing the Job-Killing Health Care Law Act.
	H. Res. 43* .....	H. Res. 38. . ....	Reducing Non-security spending to fiscal year 2008 levels or less.
	H. Res. 73* .....	H. Res. 72 .....	Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.
	H. Res. 129 .....	H.R. 4 .....	Small Business Paperwork Mandate Elimination Act of 2011.
	H. Res. 186* ....	H.R. 471 .....	Scholarships for Opportunity and Results Act.

A. Table 1b —Types of Rules Granted (Special Procedures)—Continued

	Resolution	Bill	Title
	H. Res. 237 .....	H.R. 3 .....	No Taxpayer Funding for Abortion Act.
	H. Res. 245* ....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act.
	H. Res. 257* ....	H.R. 1231 .....	Reversing President Obama's Offshore Moratorium Act.
Makes in order original text:	H. Res. 150 .....	H.R. 830 .....	FHA Refinance Program Termination Act.
	H. Res. 151 .....	H.R. 836 .....	Emergency Mortgage Relief Program Termination Act.
	H. Res. 170 .....	H.R. 839 .....	HAMP Termination Act of 2011.
	H. Res. 170 .....	H.R. 861 .....	NSP Termination Act.
	H. Res. 189 .....	H.R. 658 .....	FAA Reauthorization and Reform Act of 2011.
	H. Res. 203 .....	H.R. 910 .....	Energy Tax Prevention Act of 2011.
	H. Res. 223 .....	H. Con. Res. 34	Establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021.
	H. Res. 264 .....	H.R. 754 .....	Intelligence Authorization Act for Fiscal Year 2011.
	H. Res. 276 .....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.
Disposition of Senate Amendments	H. Res. 93 .....	H.R. 514 .....	Senate amendment to H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Reauthorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011.
	H. Res. 281 .....	S. 990 .....	Senate Amendment to the House Amendment to S. 990, the Small Business Additional Temporary Extension Act of 2011.
Providing for the Consideration of Multiple Measures	H. Res. 26 .....	H.R. 2 .....	Repealing the Job-Killing Health Care Law Act.
		H. Res. 9 .....	Instituting certain committees to report legislation replacing the job-killing health care law.
		H. Res. 27 .....	Relating to the status of certain actions taken by Members-elect.
	H. Res. 170 .....	H.R. 839 .....	HAMP Termination Act of 2011.

A. Table 1b —Types of Rules Granted (Special Procedures)—Continued

Resolution	Bill	Title	
	H.R. 861 .....	NSP Termination Act.	
H. Res. 218 .....	H.R. 1473 .....	Department of Defense and Full-Year Continuing Appropriations Act, 2011.	
	H. Con. Res. 35	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.	
	H. Con. Res. 35	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.	
H. Res. 236 .....	H.R. 1213 .....	To repeal the mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefits Exchanges.	
	H.R. 1214 .....	To repeal mandatory funding for school-based health center construction.	
H. Res. 245 .....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act.	
	H.R. 1230 .....	Restarting American Offshore Leasing Now Act.	
H. Res. 269 .....	H.R. 1216 .....	To amend the Public Health Service Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.	
.....	H.R. 1540 .....	National Defense Authorization Act for Fiscal Year 2012.	
Providing for the Engrossment of Multiple Measures	H. Res. 245 .....	H.R. 1229 .....	Putting the Gulf of Mexico Back to Work Act.
		H.R. 1230 .....	Restarting American Offshore Leasing Now Act.

\* Denotes the self-execution of amendments limited to those recommended by the reporting committee and printed in the Calendar print of the bill.

B. Table 2—Resolutions Reported

Rule	Bill	Title or Floor Action	Date	Managers
H. Res. 26, H. Rept 112-2	H.R. 2	Repealing the Job-Killing Health Care Law Act	1/6/2011	Dreier/Slaughter
	H. Res. 9	Instructing certain committees to report legislation replacing the job-killing health care law.	1/7/2011	
	H. Res. 27	Relating to the status of certain actions taken by members-elect.	1/7/2011	
		Reported from Rules	1/6/2011	Dreier/Slaughter
		Previous Question Agreed to 236-182	1/7/2011	
H. Res. 43, H. Rept 112-4	H. Res. 38	Rule Adopted Record Vote 236-181, 2 present	1/7/2011	
		To reduce spending through a transition to non-security spending at fiscal year 2008 levels or less.		
		Reported from Rules	1/19/2011	Dreier/McGovern
		Previous Question Agreed to 238-174	1/24/2011	
		Rule Adopted Record Vote 240-168	1/24/2011	
H. Res. 54, H. Rept. 112-5	H.R. 359	To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions.		
		Reported from Rules	1/25/2011	Foxx/Hastings
		Previous Question Agreed to 234-178	1/26/2011	
		Rule Adopted Voice Vote	1/26/2011	
H. Res. 73, H. Rept. 112-7	H. Res. 72	Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.		
		Reported from Rules	2/8/2011	Sessions/Hastings
		Previous Question Agreed to 240-180	2/10/2011	
		Rule Adopted Record Vote 255-169	2/10/2011	

H. Res. 79, H. Rept. 112-8 .....	H.R. 514 .....	To extend expiring provisions of the USA PATRIOT Improvement and Authorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011. Reported from Rules .....	2/9/2011 .....	Dreier/Polis
H. Res. 92, H. Rept. 112-13 .....	H.R. 1 .....	Rule Adopted Record Vote 248-176 .....	2/10/2011 .....	
		Full Year Continuing Appropriations Act, 2011 .....		
		Reported from Rules .....		
		Previous Question Agreed to 240-179 .....	2/14/2011 .....	Woodall/Slaughter
H. Res. 93, H. Rept. 112-14 .....	H.R. 514 .....	Rule Adopted Record Vote 242-174, 2 present .....	2/15/2011 .....	
		Senate Amendments to H.R. 514, to extend expiring provisions of the USA PATRIOT Improvement and Authorization Act of 2005 and Intelligence Reform and Terrorism Prevention Act of 2004 relating to access to business records, individual terrorists as agents of foreign powers, and roving wiretaps until December 8, 2011. Reported from Rules .....	2/15/2011 .....	
		Rule Adopted Record Vote 254-176 .....	2/15/2011 .....	Dreier/Polis
H. Res. 115, H. Rept. 112-19 .....	H.J. Res. 44 .....	Further Continuing Appropriations Amendments, 2011. Reported from Rules .....	2/16/2011 .....	
		Rule Adopted Record Vote 251-170 .....		
		Surface Transportation Extension Act of 2011 .....		
H. Res. 128, H. Rept. 112-20 .....	H.R. 662 .....	Reported from Rules .....	2/28/2011 .....	Woodall/Polis
		Previous Question Agreed to 241-179 .....	3/1/2011 .....	
		Rule Adopted Record Vote 251-170 .....	3/1/2011 .....	
		Surface Transportation Extension Act of 2011 .....		
		Reported from Rules .....	3/1/2011 .....	Sessions/Hastings
H. Res. 129, H. Rept. 112-21 .....	H.R. 4 .....	Rule Adopted Record Vote 256-169 .....	3/2/2011 .....	
		Small Business Paperwork Mandate Elimination Act of 2011. Reported from Rules .....	3/1/2011 .....	Scott/Polis

B. Table 2—Resolutions Reported—Continued

Rule	Bill	Title or Floor Action	Date	Managers
H. Res. 150, H. Rept. 112-27	H.R. 830	Previous Question Agreed to 243-185 Rule Adopted Record Vote 252-175 FHA Refinance Program Termination Act Reported from Rules	3/2/2011 3/2/2011	
H. Res. 151, H. Rept. 112-28	H.R. 836	Previous Question Agreed to 235-186 Rule Adopted Record Vote 240-180 Emergency Mortgage Relief Program Termination Act Reported from Rules	3/8/2011 3/9/2011 3/9/2011	Bishop/Polis
H. Res. 167, H. Rept. 112-33	H.J. Res. 48	Rule Adopted Voice Vote Additional Continuing Appropriations Amendments, 2011.	3/8/2011 3/9/2011	Sessions/Slaughter
H. Res. 170, H. Rept. 112-34	H.R. 861 H.R. 839	Reported from Rules Rule Adopted Record Vote 241-181 NSP Termination Act HAMP Termination Act of 2011	3/14/2011 3/15/2011	Woodall/McGovern
H. Res. 174, H. Rept. 112-35	H.R. 1076	Reported from Rules Rule Adopted Record Vote 241-180 To prohibit Federal funding of National Public Radio and the use of Federal funds to acquire radio content.	3/15/2011 3/16/2011	Sessions/Polis
H. Res. 186, H. Rept. 112-45	H.R. 471	Reported from Rules Previous Question Agreed to 233-179 Rule Adopted Record Vote 236-181 Scholarships for Opportunity and Results Act	3/16/2011 3/17/2011 3/17/2011	Nugent/Slaughter
H. Res. 189, H. Rept. 112-46	H.R. 658	Reported from Rules Previous Question Agreed to 237-182 Rule Adopted Record Vote 235-178 FAA Reauthorization and Reform Act of 2011	3/29/2011 3/30/2011 3/30/2011	Bishop/Hastings

H. Res. 194, H. Rept. 112-49 .....	H.R. 1255 .....	Reported from Rules .....	3/30/2011 .....	Webster/McGovern
		Rule Adopted Record Vote 249-171 .....	3/31/2011 .....	
		Government Shutdown Prevention Act of 2011 .....		
		Reported from Rules .....	3/31/2011 .....	Woodall/Slaughter
		Previous Question Agreed to 230-187 .....	4/1/2011 .....	
H. Res. 200, H. Rept. 112-53 .....	H.J. Res. 37 .....	Rule Adopted Record Vote 229-187 .....	4/1/2011 .....	
		Disapproving the rule submitted by the Federal Communications Commission with respect to regulating the Internet and broadband industry practices.		
		Reported from Rules .....	4/4/2011 .....	Woodall/Polis
		Previous Question Agreed to 241-175 .....	4/5/2011 .....	
		Rule Adopted Record Vote 241-178 .....	4/5/2011 .....	
H. Res. 203, H. Rept. 112-54 .....	H.R. 910 .....	Energy Tax Prevention Act of 2011 .....	4/5/2011 .....	Sessions/Polis
		Reported from Rules .....	4/6/2011 .....	
		Previous Question Agreed to 266-158 .....	4/6/2011 .....	
		Rule Adopted Record Vote 250-172 .....	4/6/2011 .....	
H. Res. 206, H. Rept. 112-56 .....	H.R. 1363 .....	Department of Defense and Further Additional Continuing Appropriations Act, 2011.		
		Reported from Rules .....	4/6/2011 .....	Fox/McGovern
		Previous Question Agreed to 238-185 .....	4/7/2011 .....	
		Rule Adopted Record Vote 228-189 .....	4/7/2011 .....	
H. Res 218, H. Rept 112-60 .....	H.R. 1473 .....	Department of Defense and Full-Year Continuing Appropriations Act, 2011.		
H. Rept. 112-60, Part 2 .....	H. Con. Res. 35 ...	Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.		
		H. Con. Res. 36 ...		
		Directing the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 1473.		
		Reported from Rules .....	4/12/2011 .....	Dreier/Polis
		Previous Question Agreed to 242-183 .....	4/13/2011 .....	

B. Table 2—Resolutions Reported—Continued

Rule	Bill	Title or Floor Action	Date	Managers
H. Res. 219, H. Rept. 112-61	H.R. 1217	Rule Adopted Record Vote 241-179 To repeal the Prevention and Public Health Fund	4/13/2011	
		Reported from Rules	4/12/2011	Foxx/Hastings
		Previous Question Agreed to 238-182	4/13/2011	
H. Res. 223, H. Rept. 112-62	H. Con. Res. 34	Rule Adopted Record Vote 237-180 Establishing the budget for the United States Government for fiscal year 2012 and setting forth appropriate budgetary levels for fiscal years 2013 through 2021.	4/13/2011	
		Reported from Rules	4/13/2011	Scott/Slaughter
		Previous Question Agreed to 238-183	4/14/2011	
H. Res. 236, H. Rept. 112-70	H.R. 1213	Rule Adopted Record Vote 243-181 To repeal mandatory funding provided to States in the Patient Protection and Affordable Care Act to establish American Health Benefit Exchanges.	4/14/2011	
		To repeal mandatory funding for school-based health center construction.		
		Reported from Rules	5/2/2011	Reed/Polis
		Previous Question Agreed to 234-185	5/3/2011	
H. Res. 237, H. Rept. 112-71	H.R. 3	Rule Adopted Record Vote 237-185 No Taxpayer Funding for Abortion Act	5/3/2011	
		Reported from Rules	5/2/2011	Nugent/Slaughter
		Rule Adopted Record Vote 243-177	5/4/2011	
H. Res. 245, H. Rept. 112-73	H.R. 1229	Putting the Gulf of Mexico Back to Work Act		
	H.R. 1230	Restarting American Offshore Leasing Now Act		
		Reported from Rules	5/4/2011	Bishop/Polis
		Previous Question Agreed to 241-171	5/5/2011	
		Rule Adopted Record Vote 245-167	5/5/2011	

H. Res. 257, H. Rept. 112-74	.....	H.R. 1231	.....	Reversing President Obama's Offshore Moratorium Act.	5/10/2011	.....	Reed/McGovern
				Reported from Rules	5/10/2011	.....	
				Previous Question Agreed to 241-179	5/11/2011	.....	
				Rule Adopted Record Vote 241-179	5/11/2011	.....	
H. Res. 264, H. Rept. 112-75	.....	H.R. 754	.....	Intelligence Authorization Act for Fiscal Year 2011	5/11/2011	.....	Sessions/Hastings
				Reported from Rules	5/11/2011	.....	
				Rule Adopted Record Vote 251-133	5/13/2011	.....	
H. Res. 269, H. Rept. 112-86	.....	H.R. 1216	.....	To amend the Public Health Services Act to convert funding for graduate medical education in qualified teaching health centers from direct appropriations to an authorization of appropriations.			
				National Defense Authorization Act for Fiscal Year 2012.			
				Reported from Rules	5/23/2011	.....	Foxx/McGovern
				Previous Question Agreed to 233-179	5/24/2011	.....	
				Rule Adopted Record Vote 238-181	5/24/2011	.....	
H. Res. 276, H. Rept. 112-88	.....	H.R. 1540	.....	National Defense Authorization Act for Fiscal Year 2012.			
				Reported from Rules	5/24/2011	.....	Bishop/McGovern
				Previous Question Agreed to 239-181	5/25/2011	.....	
				Rule Adopted Record Vote 243-170	5/25/2011	.....	
H. Res. 281, H. Rept. 112-92	.....	S. 990	.....	Senate Amendment to the House Amendment to S. 990, the Small Business Additional Temporary Extension Act of 2011.			
				Reported from Rules	5/26/2011	.....	Dreier/Polis
				Rule Adopted Voice Vote	5/26/2011	.....	
H. Res. 287, H. Rept. 112-95	.....	H.R. 2017	.....	Department of Homeland Security Appropriations Act, 2012.			
				Reported from Rules	5/31/2011	.....	Reed/Polis
				Previous Question Agreed to 235-186	6/1/2011	.....	

B. Table 2—Resolutions Reported—Continued

Rule	Bill	Title or Floor Action	Date	Managers
		Rule Adopted Record Vote 231-187 .....	6/1/2011 .....	

## C. Table 3.—Resolutions Discharged

The Committee was not discharged from the consideration of any resolution.

## D. Table 4.—Resolutions Laid on the Table

No resolutions reported by the Committee were laid on the table.

## E. Table 5.—Resolutions Amended

Resolution	Bill	Title
H.Res. 276 .....	H.R. 1540 .....	Providing for further consideration of the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities for the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes.

## F. Table 6a—List of Original Jurisdiction Referrals—House Resolutions

H. Res. 9 .....	Representative Dreier of California, January 5, 2011. A resolution instructing certain committees to report legislation replacing the job-killing healthcare law.
H. Res. 14 .....	Representative Gingrey of Georgia, January 5, 2011. A resolution amending the Rules of the House of Representatives to require that standing committees make available the record of recorded votes within 48 hours after that vote.
H. Res. 15 .....	Representative Gingrey of Georgia, January 5, 2011. A resolution amending the Rules of the House of Representatives to require that general appropriations for military construction and veterans' affairs be considered as stand-alone measures.
H. Res. 22 .....	Representative Walden of Oregon, January 6, 2011. A resolution reducing the amount authorized for salaries and expenses of Member, committee, and leadership offices in 2011 and 2012.
H. Res. 24 .....	Representative Hoyer of Maryland, January 6, 2011. A resolution amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union.
H. Res. 30 .....	Representative Deutch of Florida, January 7, 2011. A resolution amending the Rules of the House of Representatives to require that plain English section by section analyses be posted on the Internet for bill and joint resolutions reported by committees.
H. Res. 38 .....	Representative Dreier of California, January 18, 2011. A resolution to reduce spending through a transition to non-security spending at fiscal year 2008 levels.
H. Res. 45 .....	Representative Gerlach of Pennsylvania, January 19, 2011. A resolution amending the Rules of the House of Representatives to encourage bipartisan amendments.
H. Res. 46 .....	Representative Yarmuth of Kentucky, January 20, 2011. A resolution restoring the democratic process by providing that section 3(b) of H. Res. 5 shall have no force or effect during the remainder of the 112th Congress.
H. Res. 48 .....	Representative Lee of California, January 20, 2011. A resolution establishing a select committee to review national security laws, policies, and practices.
H. Res. 67 .....	Representative Lamborn of Colorado, January 26, 2011. A resolution to amend the Rules of the House of Representatives to prohibit bills and joint resolutions from containing more than one subject.

## F. Table 6a—List of Original Jurisdiction Referrals—House Resolutions—Continued

H. Res. 70 .....	Representative Schweikert of Arizona, January 26, 2011. A resolution amending the Rules of the House of Representatives to prohibit the consideration of any bill or joint resolution carrying more than one subject.
H. Res. 72 .....	Representative Sessions of Texas, February 8, 2011. A resolution directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effort on jobs and economic growth.
H. Res. 82 .....	Representative Duncan of South Carolina, February 10, 2011. A resolution amending the Rules of the House of Representatives to establish the Committee on the Elimination of Nonessential Federal Programs.
H. Res. 111 .....	Representative King of New York, February 28, 2011. A resolution establishing a Select Committee on POW and MIA Affairs.

## Table 6b—List of Original Jurisdiction Referrals—House Bills

H.R. 2 .....	Representative Cantor of Virginia, January 5, 2011. A bill to repeal the job-killing health care law and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.
H.R. 10 .....	Representative Davis of Kentucky, January 20, 2011. A bill to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.
H.R. 84 .....	Representative Jackson Lee of Texas, January 5, 2011. A bill to amend title 28, United States Code, to grant to the House of Representatives the authority to bring a civil action to enforce, secure a declaratory judgment concerning the validity of, or prevent a threatened refusal or failure to comply with any subpoena or order issued by the House or any committee or subcommittee of the House to secure the production of documents, the answering of any deposition or interrogatory, or the securing of testimony, and for other purposes.
H.R. 104 .....	Representative Boustany of Louisiana, January 5, 2011. A bill to ensure that amounts credited to the Harbor Maintenance Trust Fund are used for harbor maintenance.
H.R. 105 .....	Representative Burton of Indiana, January 5, 2011. A bill to repeal the Patient Protection and Affordable Care Act and related health-care provisions and to enact in its place incentives to encourage health insurance coverage, and for other purposes.
H.R. 114 .....	Representative Dreier of California, January 5, 2011. A bill to provide a biennial budget for the United States Government.
H.R. 125 .....	Representative Gingrey of Georgia, January 5, 2011. A bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.
H.R. 141 .....	Representative King of Iowa, January 5, 2011. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010.
H.R. 145 .....	Representative Mack of Florida, January 5, 2011. A bill to repeal the Patient Protection and Affordable Care Act (Public Law 111-148) and related health-care provisions.
H.R. 187 .....	Representative Wilson of South Carolina, January 5, 2011. A bill to provide that rates of pay for Members of Congress shall not be subject to automatic adjustment; and to provide that any bill or resolution, and any amendment to any bill or resolution, which would increase Members' pay may be adopted only by a recorded vote.
H.R. 215 .....	Representative Young of Alaska, January 7, 2011. A bill to repeal the Patient Protection and Affordable Care Act and title I of the Health Care and Education Reconciliation Act of 2010 while preserving the reauthorization of the Indian Health Care Improvement Act.

Table 6b—List of Original Jurisdiction Referrals—House Bills—Continued

H.R. 265 .....	Delegate Norton of District of Columbia, January 12, 2011. A bill to provide for the admission of the State of New Columbia into the Union.
H.R. 299 .....	Representative Broun of Georgia, January 18, 2011. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010, repeal the 7.5 percent threshold on the deduction for medical expenses, provide for increased funding for high-risk pools, allow acquiring health insurance across State lines, and allow for the creation of association health plans.
H.R. 339 .....	Representative Jenkins of Kansas, January 19, 2011. A bill to deem any adjournment of the House of Representatives which is in effect on the date of the regularly scheduled general election for Federal office held during a Congress to be adjournment sine die, and to amend title 31, United States Code, to provide for automatic continuing appropriations if a regular appropriation bill for a fiscal year does not become law before the date of the regularly scheduled general election for Federal office held during such fiscal year.
H.R. 364 .....	Representative Latham of Iowa, January 20, 2011. A bill to repeal the Patient Protection and Affordable Care Act and to take meaningful steps to lower health care costs and increase access to health insurance coverage without raising taxes, cutting Medicare benefits for seniors, adding to the national deficit, intervening in the doctor-patient relationship, or instituting a government takeover of health care.
H.R. 373 .....	Representative Foxx of North Carolina, January 20, 2011. A bill to amend the Unfunded Mandates Reform Act of 1995 to ensure that actions taken by regulatory agencies are subject to that Act, and for other purposes.
H.R. 385 .....	Representative Lee of California, January 20, 2011. A bill to require poverty impact statements for certain legislation.
H.R. 397 .....	Representative Herger of California, January 24, 2011. A bill to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 and to take meaningful steps to lower health care costs and increase access to health insurance coverage without raising taxes, cutting Medicare benefits for seniors, adding to the national deficit, intervening in the doctor-patient relationship, or instituting a government takeover of health care.
H.R. 408 .....	Representative Jordan of Ohio, January 24, 2011. A bill to reduce Federal spending by \$2.5 trillion through fiscal year 2021.
H.R. 429 .....	Representative Issa of California, January 25, 2011. A bill to repeal the Patient Protection and Affordable Care Act and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010 and to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes.
H.R. 452 .....	Representative Roe of Tennessee, January 26, 2011. A bill to repeal the provisions of the Patient Protection and Affordable Care Act providing for the Independent Payment Advisory Board.
H.R. 462 .....	Representative Goodlatte of Virginia, January 26, 2011. A bill to terminate the Internal Revenue Code of 1986.
H.R. 506 .....	Delegate Norton of District of Columbia, January 26, 2011. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly passed District laws.
H.R. 539 .....	Representative Deutch of Florida, February 8, 2011. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to make improvements in the old-age, survivors, and disability insurance program, to provide for cash relief for years for which annual COLAs do not take effect under certain cash benefit programs, and to provide for Social Security benefit protection.

Table 6b—List of Original Jurisdiction Referrals—House Bills—Continued

H.R. 636 .....	Representative Granger of Texas, February 10, 2011. A bill to repeal PPACA and the health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes.
H.R. 663 .....	Representative Brady of Texas, February 11, 2011. A bill to delay the implementation of the health reform law until the Supreme Court determines the constitutionality of the individual mandate
H.R. 779 .....	Representative Kinzinger of Illinois, February 17, 2011. A bill to establish the Grace Commission II to review and make recommendations regarding cost control in the Federal Government, and for other purposes.
H.R. 882 .....	Representative Johnson of Illinois, March 2, 2011. A bill to require that any local currencies used to provide per diems to Members and employees of Congress for official foreign travel for a fiscal year be obtained by Congress and paid for using funds appropriated for salaries and expenses of Congress for the fiscal year, to enhance the disclosure of information on official foreign travel of Members, officers, and employees of the House of Representatives, and for other purposes.
H.R. 903 .....	Representative Calvert of California, March 3, 2011. A bill to greatly enhance the Nation's environmental, energy, economic, and national security by terminating longstanding Federal prohibitions on the domestic production of abundant offshore supplies of oil and natural gas, and for other purposes.
H.R. 965 .....	Representative Slaughter of New York, March 9, 2011. A bill to amend the Federal Food, Drug, and Cosmetic Act to preserve the effectiveness of medically important antibiotics used in the treatment of human and animal diseases.
H.R. 1040 .....	Representative Burgess of Texas, March 11, 2011. A bill to amend the Internal Revenue Code of 1986 to provide taxpayers a flat tax alternative to the current income tax system.
H.R. 1043 .....	Representative Van Hollen of Maryland, March 11, 2011. A bill to provide an optional fast-track procedure the President may use when submitting rescission requests, and for other purposes.
H.R. 1118 .....	Representative Weiner of New York, March 16, 2011. A bill to establish a point of order against any efforts to reduce benefits paid to Social Security recipients, raise the retirement age, or create private retirement accounts under title II of the Social Security Act.
H.R. 1122 .....	Representative Richardson of California, March 16, 2011. A bill to provide for merit-based investment in the freight transportation system of the United States to ensure economic growth, increase vitality and competitiveness in national and global markets, address goods mobility and accessibility issues, reduce air pollution and other environmental impacts of freight transportation, better public health conditions, enhance energy security, and improve the condition and connectivity of the freight transportation system, and for other purposes.
H.R. 1125 .....	Representative Fattah of Pennsylvania, March 16, 2011. A bill to establish a fee on transactions which would eliminate the national debt and replace the income tax on individuals.
H.R. 1135 .....	Representative Jordan of Ohio, March 16, 2011. A bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs.
H.R. 1148 .....	Representative Walz of Minnesota, March 17, 2011. A bill to prohibit commodities and securities trading based on nonpublic information relating to Congress, to require additional reporting by Members and employees of Congress of securities transactions, and for other purposes.

Table 6b—List of Original Jurisdiction Referrals—House Bills—Continued

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H.R. 1155 .....	Representative Peters of Michigan, March 17, 2011. A bill to establish procedures for the expedited consideration by Congress of the recommendations set forth in the Terminations, Reductions, and Savings report prepared by the Office of Management and Budget.
H.R. 1167 .....	Representative Jordan of Ohio, March 17, 2011. A bill to provide information on total spending on means-tested welfare programs, to provide additional work requirements, and to provide an overall spending limit on means-tested welfare programs.
H.R. 1185 .....	Representative Issa of California, March 17, 2011. A bill to delay the implementation of the health reform law in the United States until there is final resolution in pending lawsuits.
H.R. 1280 .....	Representative Ros-Lehtinen of Florida, March 31, 2011. A bill to amend the Atomic Energy Act of 1954 to require congressional approval of agreements for peaceful nuclear cooperation with foreign countries, and for other purposes.
H.R. 1302 .....	Representative Quigley of Illinois, March 31, 2011. A bill to make the Federal budget process more transparent and to make future budgets more sustainable.
H.R. 1320 .....	Representative Berman of California, April 1, 2011. A bill to strengthen United States nonproliferation activities and to amend the Atomic Energy Act of 1954 to strengthen nuclear energy cooperation and nonproliferation, and for other purposes.
H.R. 1605 .....	Representative Duncan of Tennessee, April 15, 2011. A bill to reduce Federal spending in a responsible manner.
H.R. 1609 .....	Representative Gibson of New York, April 15, 2011. A bill to amend the War Powers Resolution to limit the use of funds for introduction of the Armed Forces into hostilities, and for other purposes.
H.R. 1630 .....	Representative Murphy of Pennsylvania, April 15, 2011. A bill to establish a procedure to safeguard the surpluses of the Social Security and Medicare hospital insurance trust funds.
H.R. 1637 .....	Representative Poe of Texas, April 15, 2011. A bill to safeguard the Crime Victims Fund.
H.R. 1734 .....	Representative Denham of California, May 4, 2011. A bill to decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.
H.R. 1848 .....	Representative Mack of Florida, May 11, 2011. A bill to prevent a fiscal crisis by enacting legislation to balance the Federal budget through reductions of discretionary and mandatory spending.
H.R. 1861 .....	Representative Murphy of Pennsylvania, May 12, 2011. A bill to greatly enhance America's path toward energy independence and economic and national security, to conserve energy use, to promote innovation, to achieve lower emissions, cleaner air, cleaner water, and cleaner land, to rebuild our Nation's aging roads, bridges, locks, and dams, and for other purposes.
H.R. 1866 .....	Representative Chaffetz of Utah, May 12, 2011. A bill to require Members of Congress to disclose delinquent tax liability and to require an ethics inquiry into, and the garnishment of the wages of, a Member with Federal tax liability.
H.R. 2013 .....	Representative Nunes of California, May 26, 2011. A bill to empower States with programmatic flexibility and financial predictability to improve their Medicaid programs and State Children's Health Insurance Programs by ensuring better health care for low-income pregnant women, children, and families, and for elderly individuals and disabled individuals in need of long-term care services and supports, whose income and resources are insufficient to meet the costs of necessary medical services.
H.R. 2041 .....	Representative Kingston of Georgia, May 26, 2011. A bill to reduce Federal spending in a responsible manner.

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Table 6c—Original Jurisdiction Measures Referred—House Concurrent Resolutions

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H. Con. Res. 2 .. Representative Issa of California, January 5, 2011. A concurrent resolution establishing the Congressional Commission on the European Union, and for Other Purposes

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Table 6d—Original Jurisdiction Measures Referred—House Concurrent Resolutions

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H.J. Res. 2 ..... Representative DeFazio of Oregon, April 7, 2011. A joint resolution to amend the War Powers Resolution.

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## VIII. MINORITY VIEWS

The new Republican Majority took control of the House of Representatives in January with two basic pledges—a promise to create jobs and a promise to make the House of Representatives more open and transparent.

In principle, the Rules Committee is the very place where these two promises should be honored and kept—the Committee is both the “traffic cop” for bills to get to the floor and the place where the amendment process is determined.

Yet after the first six months of this congress, the new Majority in the Rules Committee is falling short on both of these basic pledges.

Even though the Committee has held 29 meetings, reported 33 rules, and heard from 170 witnesses—we have yet to consider a single piece of legislation to create new jobs in America.

And while the Committee has allowed an open debate on several measures, almost half of the rules we have approved have been completely closed, blocking all amendments.

Over these first six months, the Committee has produced a disappointing record of missed opportunities on jobs and misguided restrictions on open debate.

### AGENDA OF THE REPUBLICAN-CONTROLLED HOUSE

#### *Where are the Jobs?*

The new Majority’s oversight plan for this congress boldly stated:

*“Job creation and economic growth is the number one priority for the House in the 112th Congress.”*

Unfortunately, the Majority has not been nearly as bold in their actions. Failure to consider a single jobs bill while millions of Americans are out of work requires a tremendous disregard for the priorities of the American people. Rather than focusing on jobs, the Majority has passed the following legislation:

H.R. 1076	Defunding National Public Radio (doing so in a way that would not reduce the deficit).
H.R. 2	Repealing the Affordable Care Act in its entirety, including health care benefits such as free preventative healthcare services for Medicare recipients.
H.J. Res. 37	Disapproving of “net neutrality.”

H.R. 830	Ending assistance to homeowners who are underwater on their mortgages.
H.R. 836	Terminating the Emergency Mortgage Relief Program.
H.R. 1255	Deeming the House Republicans' FY2011 spending bill into law if the Senate failed to vote on the legislation in a timely manner.

### *The Ryan Budget*

The Republican Majority's most important legislation has been H. Con. Res. 34, the so-called "Ryan Budget." The Ryan Budget was unveiled with much fanfare, including a video message which made exaggerated proclamations about how the budget would solve America's fiscal problems. What the Republican promotional tour did not describe was the exacting toll their budget would take on middle- and lower-income Americans.

First and foremost, this budget would end Medicare as we know it, replacing a guaranteed public service with private vouchers that provide inadequate assistance for seniors facing rising healthcare costs. In addition to eliminating a healthcare system that our seniors have counted on for 45 years, the Ryan Budget makes current tax breaks for millionaires and billionaires permanent, and preserves subsidies for big oil companies—companies that have reported record profits this year while gas prices for average Americans hover around \$4 a gallon.

Instead of providing help to the unemployed, the working poor, and the middle class, House Republicans have been focused on their real priorities—providing tax breaks and new benefits to those who need it the least.

#### ABUSES OF POWER

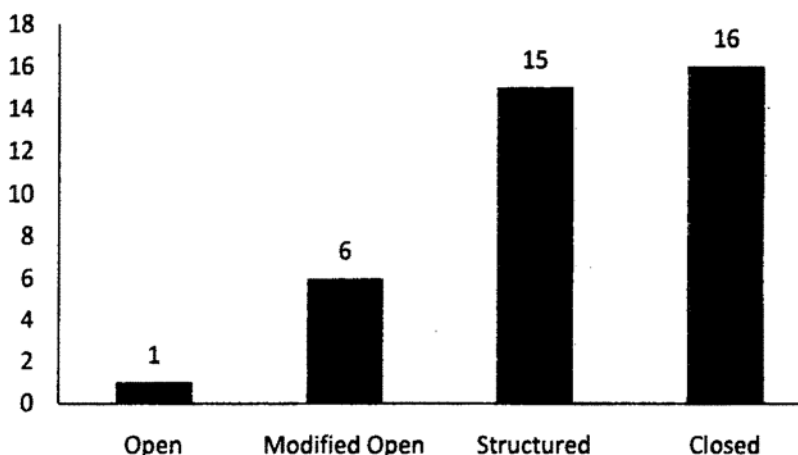
### *Closed Rules*

Despite protests from the Minority, the Republican Majority has pursued a Rules Committee process that is designed to prevent open debate on the Majority's most controversial legislation. This abuse of process ensures the protection of tax giveaways for the wealthiest corporations, record profits for the oil industry, and an increased burden on the working poor and middle class.

While an open amendment process has been allowed in some cases, much more often the Republican Members of the Committee have chosen to block all amendments. In the first six months, the vast majority of rules have been either restrictive or closed. In fact, nearly half of the rules reported were completely closed, allowing for no amendments and in most cases allowing for only one hour of debate.

## Rules Reported Under Republican Control January 2011 to June 2011

Source: Republican Survey of Activities, 112th Congress



### *“Deem and Pass”*

Just last year, the prospect of using the “deem and pass” procedure to help pass healthcare reform legislation was derided by the then-Minority Republicans as the “Slaughter Solution.” Speaker Boehner called the procedure “an affront to every American.” Ultimately, Democrats chose not to use the procedure to pass the Affordable Care Act. Instead, that landmark reform bill was considered under the most inclusive process in the history of the institution as evidenced by the numerous committee hearings and mark-ups and the literally hundreds of town hall meetings.

Despite their derisive slogans in the past, during the 112th Congress the Republicans have already deemed passage of amendments several times.

The Republican Leadership even used the procedure in an attempt to bypass the Senate. H.R. 1255 stated that if the Senate did not act on a House bill by April 6, 2011, then “the provisions of H.R. 1, as passed by the House on February 19, 2011, are hereby enacted into law.” Now that Republicans control the House, it seems the so-called “deem and pass” procedure is no longer “an affront to every American.”

### *Waiving the Rules*

Just six months into this session, the Committee has waived EVERY rule of the House 40 times. While the Democratic Minority has to jump through every parliamentary hoop, the Republican Majority is not encumbered by the rules that they themselves put in place.

### *Emergency Meetings, But No Jobs*

The Majority has used emergency procedures to get around rules designed to allow Members time to read legislation. The Repub-

lican-led Rules Committee has called meetings using these “emergency” procedures 41% of the time (12 of 29 meetings) during the first six months of this Congress.

If these emergency procedures had been employed to consider legislation to create jobs or get the economy moving again, they might be understandable. But again, despite their stated commitment to make jobs the number one priority, none of these emergency meetings have been to consider a jobs bill.

#### MISSED OPPORTUNITIES

Democrats have repeatedly attempted to help unemployed and middle class Americans only to be opposed or blocked by the Republican Majority.

Democrats have offered the following bills to create jobs—none of which have been considered by the Majority.

H.R. 1693	<b>Permanent R&amp;D Tax Credit</b> —Makes permanent and expands the Research and Development Tax Credit so research investments can draw capital to create tomorrow’s jobs.
H.R. 1180	<b>Small Business Start-Up Savings Accounts</b> —Makes it easier for small business start-ups to succeed by providing for tax exempt savings accounts to pay for trade or business expenses.
H.R. 1912	<b>Make it in America Block Grant Act</b> —Provides small and medium sized manufacturers with the resources they need to retool their operations and train their workforce in order to transition to the manufacturing of clean energy, high technology, and advanced products.
H.R. 1325	<b>American Manufacturing Efficiency &amp; Retraining Investment Collaboration (AMERICA Works)</b> —Strengthens our workforce by helping American workers earn certifications, degrees, and qualifications for the jobs American industry needs to fill.

Additionally, the next table is just a sample of Democratic legislation aimed at helping the middle class. All of these measures were blocked on the House floor with unanimous Republican opposition in the first six months alone.

Date	Legislation	Democrats Voting to Consider the Measure	Republicans Voting to Block Consideration
1/5/2011	<p><b>Honest Budgeting:</b>            Democrats offered a proposal to require honest, non-partisan scorekeeping on House legislation. Republicans voted unanimously to exempt their top agenda items—tax breaks for the wealthy and repeal of health care reform—from regular budget scorekeeping..</p>	188	236
2/10/11	<p><b>Creating Jobs and Building Infrastructure:</b>            Democrats called a vote on H.R. 11, the “Build America Bonds to Create Jobs Now Act”. The legislation would help American workers by extending the Build America Bonds program to create jobs immediately and build the infrastructure that is the backbone of future economic growth. Republicans unanimously voted to block consideration..</p>	180	234
3/3/11	<p><b>Preventing a Middle Class Tax Increase:</b>            Democrats offered an amendment to prohibit a bill (H.R. 4) from taking effect if it raised taxes on any individual below 500% of the poverty line. Republicans unanimously voted to block consideration..</p>	185	239
3/9/11	<p><b>Saying ‘No’ to Gasoline Price Gouging:</b>            Democrats asked for a vote on H.R. 964, the “Federal Price Gouging Prevention Act.” The legislation would outlaw the sale of gasoline at excessive prices (price gouging) during an international oil crisis. Republicans unanimously voted to block consideration..</p>	186	234

Date	Legislation	Democrats Voting to Consider the Measure	Republicans Voting to Block Consideration
5/3/11	<p><b>Promoting American Manufacturing:</b>            Democrats introduced H.R. 1366, the National Manufacturing Strategy Act of 2011, which would begin the process of developing a national plan for ensuring American Manufacturers can compete, grow and thrive. Republicans unanimously voted to block consideration..</p>	185	231
5/5/11	<p><b>Ending Tax Giveaways for Big Oil Companies:</b>            While Republicans advocated legislation that would continue subsidies to oil companies, Democrats introduced H.R. 1689, the “Big Oil Welfare Repeal Act of 2011.” The legislation would close tax loopholes and ensure the Big 5 oil companies don’t receive a tax deduction for domestic oil and natural gas production. Republicans unanimously voted to block consideration..</p>	171	234
5/25/2011	<p><b>Protecting Veterans and Military Families:</b>            H.R. 1979—“To amend title 10, United States Code. . .” Democrats tried to end the Disabled Veterans Tax to ensure all disabled military retirees receive their full pensions and disability benefits, end the Military Families Tax to secure full benefits for the more than 50,000 survivors of our fallen heroes and ensure reservists receive the retirement pay they have earned..</p>	181	236

## CONCLUSION

The record is clear. Despite a stream of press releases, statements and rhetoric about a commitment to jobs and an open process, the Republican Majority has used this Committee, and the House of Representatives, to push legislation that preserves the benefits of special interests and does nothing to put Americans back to work.

Six months into the 112th Congress, the Republican Majority must make a choice. They can choose to work with Democrats to address the serious issues facing the country, or they can continue to run a Congress designed to serve special interests and the wealthiest Americans. Should the Majority choose to focus on jobs, we stand ready to work with them to get Americans back to work. Until then, we will insist the leadership the Republican Majority promised when they took office six months ago.

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