

Tuesday, January 6, 2009

House Meets At...	Votes Predicted At...
12:00 p.m. to convene the 111 th Congress	Last Vote: 7:00 p.m.

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **Quorum Call:** There will be a recorded Quorum Call vote at approximately 12:00 p.m. following the Pledge of Allegiance:
 - **Democrats are urged to vote present.**
- **Election of the Speaker of the House:** This election is held by manual roll call vote, with each Member called individually, in alphabetical order, by the Clerk:
 - **Democrats are urged to vote to re-elect Rep. Nancy Pelosi (D-CA) Speaker of the House.**
- **Swearing-in of Members:** After the Speaker is elected, the Oath of Office is administered to Members and Delegates.
- **H. Res. 5 – House Rules Package for the 111th Congress (Rep. Slaughter -Rules):** The Rules Package sets forth the internal rules governing structure, composition, decorum, and debate in the House for the 111th Congress. Debate on the rule will be managed by Rep. Slaughter, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

Bill Summary & Key Issues

H.Res. 5: House Rules Package for the 111th Congress

The proposed Opening Day Rules Package builds on the reforms implemented by the new Democratic Majority in the 110th Congress. A number of the proposals make commonsense changes intended to maintain the integrity of the institution and enable the House to operate more efficiently as we work to address the challenges facing our nation. Other proposals codify and strengthen changes we instituted in our Rules Package in the 110th Congress. A detailed summary of the package follows:

Ending Term Limits for Committee Chairs

- By removing term limits for Committee Chairs from House Rules, we are removing political rules from the official House Rules where they don't belong.

Commonsense Changes to the Motion to Recommit

- This provision amends the House Rules to provide that a motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report an amendment back to the House "forthwith," instead of "promptly." This rules change prevents motions to recommit containing amendments unrelated to the underlying bill with the sole purpose of killing or delaying a popular bill in order to create political attack ads.
- Republicans will still have the ability to propose improvements to the bill by way of amendment. By making commonsense changes to the motion to recommit, Democrats preserve the Minority's legitimate right to present their policy alternatives while denying them the abusive practice of subverting the work of Congress by working to kill key measures that have broad, bipartisan support from the American people by raising unrelated amendments for the sole purpose of scoring political points.

Postponement Authority

- This provision gives permanent authority to the Chair to postpone further consideration of legislation prior to final passage.
- This postponement authority provides useful flexibility to the House and was contained in most special rules providing for consideration of legislation in the 110th Congress.
- Although rarely used, this postponement authority has been used by leadership to pause or postpone the consideration of legislation when last-minute developments create unanticipated obstacles to passage.

Continued Commitment to Fiscal Responsibility Through PAYGO

- The PAYGO rule has been rewritten to make the following changes:
 - (1) The first is a technical change that would align the House's PAYGO rules with those of the Senate so that both chambers use the same CBO baselines. This change addresses complications encountered in the 110th Congress when, for example, the rule required CBO to use a different baseline to estimate the cost of the conference report on the Farm Bill than it did to estimate the cost of the Farm Bill when it was initially reported from committee, resulting in a technical PAYGO violation on the conference report.
 - (2) The second change would allow one House-passed measure to pay for spending in a separate measure if the two are linked at the engrossment stage. This rule maintains our commitment to fiscal discipline by ensuring that the combined bill as a whole complies with PAYGO.
 - (3) The third change allows for an emergency exception to PAYGO for provisions designated as emergency spending in a bill, joint resolution, amendment made in order as original text, conference report, or amendment between the Houses (but not other amendments). The rule would also provide for a vote on the question of consideration on any measure containing any provisions designated as emergency spending pursuant to the rule.

Strengthening Earmark Reform

- The earmark rule we implemented in the 110th Congress – which made earmarks transparent by requiring that earmarks and their sponsors be identified – remains unchanged, except that the resolution codifies into the standing rules the so-called “air drop” earmark point of order created in 2007 by the unanimous adoption of H.Res. 491.
- Under this rule, as was the case in the 110th Congress under H.Res. 491, a point of order lies against any general appropriations conference report containing earmarks added in conference. The point of order is disposed of by a vote on the question of consideration, debatable for 20 minutes equally divided.

Conduct of Votes

- In the Opening Day Rules Package in the 110th Congress, a provision was inserted in rule XX requiring that “[a] record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.” This rules change would remove that provision from House rules.
- Striking this provision follows the recommendations made by a bipartisan Select Committee charged with studying the voting process – the

bipartisan Select Committee to Investigate the Voting Irregularities of August 2. The Select Committee made the recommendation to strike this provision after determining that, in practice, the rule was unworkable.

- This provision does not change the standard of behavior for the Chair: Any perceived misconduct by the Chair will remain now, as it always has been, subject to a question of privileges of the House.

Continuing Authority Over Executive Branch Lawsuit

- This provision authorizes the Committee on the Judiciary and the House General Counsel to continue the lawsuit derived from the House holding White House Chief of Staff Josh Bolten and former White House Counsel Harriet Miers in contempt of Congress for failure to comply with Judiciary Committee subpoenas, which was initiated in the 110th Congress.
- Because the underlying subpoenas expire at the end of the 110th Congress and may take the lawsuit with them, the provision in the Opening Day Rules Package is needed so that the Judiciary Committee can continue to appear in court in the 111th Congress.
- With respect to the continued investigation into the firing of certain United States Attorneys, this provision authorizes:
 - (1) the chairman of the Judiciary Committee to issue subpoenas;
 - (2) the taking of depositions by Members or counsel, which shall be governed by rules printed in the Congressional Record by the Rules Committee chair or otherwise prescribed by the Judiciary Committee;
 - (3) the Judiciary Committee and General Counsel to add as a party to the lawsuit any individual subpoenaed by the Committee in the 110th Congress who failed to comply.

Medicare Cost Containment

- The Rules Package turns off Section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. This section triggers cumbersome and disruptive procedures when general revenues cover less than 45 percent of overall Medicare costs – an ideologically driven target based on a misleading measure of Medicare’s financial health.
- This commonsense provision in the Rules Package will allow Congress to consider all options for improving Medicare financing to provide a balanced and equitable solution rather than adhere to the cumbersome and disruptive statutory procedures that were included in the Republican’s Medicare prescription drug bill in 2003. The statutory procedures were so poorly drafted that they would allow Members to offer unrelated, non-germane and fiscally irresponsible amendments that would not address Medicare’s long-term financing issues.

Homeland Security Additional Oversight

- The proposed changes to Rule X concerning the Committee on Homeland Security solidify and clarify the Committee's authority to conduct oversight over the Department of Homeland Security.

Calendar Wednesday

- The proposed change would modernize the Calendar Wednesday rule to require the Clerk to read only those committees for which the committee chair has given notice to the House on Tuesday that he or she will seek recognition to call up a bill under the Calendar Wednesday rule. This will replace the requirement that the Clerk read the list of all committees. Calendar Wednesday in its current form has not been used for consideration of legislation in almost 25 years.

Closing Loophole on Employment Negotiations

- Although the rules require Members negotiating future employment or compensation to disclose that fact, a loophole allowed lame duck Members to avoid disclosure. This change closes that loophole.

Gender Neutrality

- This provision amends the Rules of the House to render them neutral with respect to gender.

Continuation of Select Committee, Commissions, Outside Ethics

- These provisions continue the Select Committee on Energy Independence and Global Warming, the House Democracy Assistance Commission, the Tom Lantos Human Rights Commission and the Office of Congressional Ethics, with several technical changes.
- All were created by the adoption of bipartisan House resolutions in prior Congresses.

Continuation of Ethics Investigative Subcommittees

- This provision reaffirms the House's direction to the Committee on Standards of Official Conduct that it respond to the indictment of, or the filing of criminal charges against, any Member by empanelling an investigative subcommittee to review the allegations not later than 30 days after the date the Member is indicted or the charges are filed.

Quote of the Day

"The beginning is the most important part of the work."

- Plato

The Office of the House Majority Whip | H-329, The Capitol
Washington, DC 20515 | p. (202)226-3210 | f. (202)225-9253