The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, pursuant to House Resolution 3, the Chair announces the Speaker's appointment of the following Members to the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Virginia (Mr. CANTOR) and

The gentlewoman from California (Ms. PELOSI).

There was no objection.

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DINGELL. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected John A. Boehner, a Representative from the State of Ohio as Speaker, and Karen L. Haas, a citizen of the State of Maryland as Clerk, of the House of Representatives of the One Hundred Twelfth Congress:

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. CANTOR. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Eleventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Eleventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Twelfth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3, 4, and 5.

SEC. 2. CHANGES TO THE STANDING RULES.

(a) CITING AUTHORITY UNDER THE CONSTITUTION.—

(1) In clause 7 of rule XII, add the following new paragraph:

''(c)(1) A bill or joint resolution may not be introduced unless the sponsor submits for printing in the Congressional Record a statement citing as specifically as practicable the power or powers granted to Congress in the Constitution to enact the bill or joint resolution. The statement shall appear in a portion of the Record designated for that purpose and be made publicly available in electronic form by the Clerk.

''(2) Before consideration of a Senate bill or joint resolution, the chair of a committee of jurisdiction may submit the statement required under subparagraph (1) as though the chair were the sponsor of the Senate bill or joint resolution.''.

(2) In clause 3(d) of rule XIII—

(A) strike subparagraph (1) (and redesignate the succeeding subparagraphs accordingly); and

(B) in subparagraph (2), as redesignated, strike ''subparagraph (2)'' each place it appears and insert (in each instance) ''subparagraph (1)''.

(b) THREE-DAY AVAILABILITY FOR UNREPORTED MEASURES.—In rule XXI, add the following new 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.''.

(c) TRANSPARENCY FOR HOUSE AND COMMITTEE OPERATIONS.—

(1) STANDARDS FOR ELECTRONIC DOCUMENTS.—In clause 4(d)(1) of rule X—

(A) in subdivision (C), strike ''and'';

(B) in subdivision (D), strike the period and insert ''; and''; and

(C) add the following new subdivision:

''(E) establish and maintain standards for making documents publicly available in electronic form by the House and its committees.''.

(2) ENSURING THAT TEXT IS PUBLICLY AVAILABLE IN ELECTRONIC FORM.—In rule XXIX, add the following new clause:

''3. If a measure or matter is publicly available in electronic form at a location designated by the Committee on House Administration, it shall be considered as having been available to Members, Delegates, and the Resident Commissioner for purposes of these rules.''.

(3) MINIMUM NOTICE PERIOD FOR COMMITTEE MEETINGS AND HEARINGS.—In rule XI, amend clause 2(g)(3) to read as follows:

''(3)(A) The chair of a committee shall announce the date, place, and subject matter of—

''(i) a committee hearing, which may not commence earlier than one week after such notice; or

''(ii) a committee meeting, which may not commence earlier than the third day on which members have notice thereof.

''(B) A hearing or meeting may begin sooner than specified in subdivision (A) in either of the following circumstances (in which case the chair shall make the announcement specified in subdivision (A) at the earliest possible time):

''(i) the chair of the committee, with the concurrence of the ranking minority member, determines that there is good cause; or

''(ii) the committee so determines by majority vote in the presence of the number of members required under the rules of the committee for the transaction of business.

''(C) An announcement made under this subparagraph shall be published promptly in the Daily Digest and made publicly available in electronic form.

''(D) This subparagraph and subparagraph (4) shall not apply to the Committee on Rules.''.

(4) MINIMUM PERIOD FOR AVAILABILITY OF COMMITTEE MARKUP TEXT.—In clause 2(g) of rule XI, insert the following new subparagraph, and redesignate the succeeding subparagraphs accordingly:

''(4) At least 24 hours prior to the commencement of a meeting for the markup of legislation, or at the time of an announcement under subparagraph (3)(B) made within 24 hours before such meeting, the chair of the committee shall cause the text of such legislation to be made publicly available in electronic form.''.

(5) AVAILABILITY OF VOTES IN ELECTRONIC FORM.—In clause 2(e)(1)(B)(i) of rule XI—

(A) in the first sentence, before the period at the end thereof insert ''and also made publicly available in electronic form within 48 hours of such record vote''; and

(B) in the second sentence, strike ''for public inspection''.

(6) AVAILABILITY OF THE TEXT OF AMENDMENTS IN ELECTRONIC FORM.—In clause 2(e) of rule XI, add the following new subparagraph:

''(6) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by a committee, the chair of such committee shall cause the text of each such amendment to be made publicly available in electronic form.''.

(7) AVAILABILITY OF ''TRUTH IN TESTIMONY'' INFORMATION IN ELECTRONIC FORM.—In clause 2(g)(5) of rule XI, as redesignated, add the following new sentence: ''Such statements, with appropriate redactions to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.''.

(8) AVAILABILITY OF COMMITTEE RULES IN ELECTRONIC FORM.—In clause 2(a) of rule XI, amend subparagraph (2) to read as follows:

''(2) Each committee shall make its rules publicly available in electronic form and submit such rules for publication in the Congressional Record not later than 30 days after the chair of the committee is elected in each odd-numbered year.''.

(9) AUDIO AND VIDEO COVERAGE OF COMMITTEE HEARINGS AND MEETINGS.—In clause 2(e) of rule XI, add the following new subparagraph:

''(5) To the maximum extent practicable, each committee shall—

''(A) provide audio and video coverage of each hearing or meeting for the transaction of business in a manner that allows the public to easily listen to and view the proceedings; and

''(B) maintain the recordings of such coverage in a manner that is easily accessible to the public.''.

(10) RECORD VOTES IN THE COMMITTEE ON RULES.—In clause 3(b) of rule XIII, strike ''a report by the Committee on Rules on a rule, joint rule, or the order of business or to''.

(11) ELIMINATION OF DUPLICATIVE PROGRAMS.—In clause 2(d)(1) of rule X—

(A) in subdivision (D), strike ''and'';

(B) in subdivision (E), strike the period and insert ''; and''; and

(C) add the following new subdivision:

''(F) include proposals to cut or eliminate programs, including mandatory spending programs, that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.''.

(d) INITIATIVES TO REDUCE SPENDING AND IMPROVE ACCOUNTABILITY.—

(1) CUT-AS-YOU-GO.—In rule XXI, amend clause 10 to read as follows:

''10.(a)(1) Except as provided in paragraphs (b) and (c), it shall not be in order to consider a bill or joint resolution, or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing mandatory spending for the period of either—

''(A) the current year, the budget year, and the four fiscal years following that budget year; or

''(B) the current year, the budget year, and the nine fiscal years following that budget year.

''(2) For the purpose of this clause, the terms 'budget year' and 'current year' have the meanings specified in section 250 of the Balanced Budget and Emergency Deficit Control Act of 1985, and the term 'mandatory spending' has the meaning of 'direct spending' specified in such section 250 except that such term shall also include provisions in appropriation Acts that make outyear modifications to substantive law as described in section 3(4)(C) of the Statutory Pay-As-You-Go Act of 2010.

''(b) If a bill or joint resolution, or an amendment thereto, is considered pursuant to a special order of the House directing the Clerk to add as new matter at the end of such bill or joint resolution the entire text of a separate measure or measures as passed by the House, the new matter proposed to be added shall be included in the evaluation under paragraph (a) of the bill, joint resolution, or amendment.

''(c)(1) Except as provided in subparagraph (2), the evaluation under paragraph (a) shall exclude a provision expressly designated as an emergency for the Statutory Pay-As-You-Go Act of 2010, in the case of a point of order under this clause against consideration of—

''(A) a bill or joint resolution;

''(B) an amendment made in order as original text by a special order of business;

''(C) a conference report; or

''(D) an amendment between the Houses.

''(2) In the case of an amendment (other than one specified in subparagraph (1)) to a bill or joint resolution, the evaluation under paragraph (a) shall give no cognizance to any designation of emergency.''.

(2) REQUIRING A VOTE ON RAISING THE DEBT LIMIT.—Rule XXVIII is amended to read as follows:

''RULE XXVIII

''(RESERVED.)''.

(3) CLARIFYING THE ROLE OF THE CHAIR OF THE COMMITTEE ON THE BUDGET.—In rule XXIX, add the following new clause:

''4. Authoritative guidance from the Committee on the Budget concerning the impact of a legislative proposition on the levels of new budget authority, outlays, direct spending, new entitlement authority and revenues may be provided by the chair of the committee.''.

(4) HIGHWAY FUNDING.—In rule XXI—

(A) amend clause 3 to read as follows:

''3. It shall not be in order to consider a general appropriation bill or joint resolution, or conference report thereon, that—

''(a) provides spending authority derived from receipts deposited in the Highway Trust Fund (excluding any transfers from the General Fund of the Treasury); or

''(b) reduces or otherwise limits the accruing balances of the Highway Trust Fund, for any purpose other than for those activities authorized for the highway or mass transit categories.''; and

(B) in clause 3, strike the caption.

(5) LIMITATION ON INCREASES IN DIRECT SPENDING IN RECONCILIATION INITIATIVES.—In rule XXI, amend clause 7 to read as follows:

''7. It shall not be in order to consider a concurrent resolution on the budget, or an amendment thereto, or a conference report thereon that contains reconciliation directives under section 310 of the Congressional Budget Act of 1974 that specify changes in law such that the reconciliation legislation reported pursuant to such directives would cause an increase in net direct spending (as such term is defined in clause 10) for the period covered by such concurrent resolution.''.

(e) OTHER CHANGES TO HOUSE OPERATIONS.—

(1) TWO-MINUTE VOTING.—In clause 6 of rule XVIII—

(A) in paragraph (f), strike ''five minutes'' and insert ''not less than two minutes''; and

(B) in paragraph (g), strike ''five minutes'' and insert ''not less than two minutes''.

(2) USE OF ELECTRONIC DEVICES ON THE FLOOR.—In clause 5 of rule XVII, amend the penultimate sentence to read as follows: ''A person on the floor of the House may not smoke or use a mobile electronic device that impairs decorum.''.

(3) UPDATING RULES GOVERNING THE MEDIA.—

(A) In clause 2 of rule VI, strike the penultimate sentence, and amend the last sentence to read as follows: ''The Speaker may admit to the floor, under such regulations as the Speaker may prescribe, not more than one representative of each press association.''.

(B) In clause 3 of rule VI, strike the last sentence and insert ''The Speaker may admit to the floor, under such regulations as the Speaker may prescribe, not more than one representative of each media outlet.''.

(C) In clause 4(f)(7) of rule XI, strike the first sentence.

(4) VOTING BY DELEGATES AND THE RESIDENT COMMISSIONER IN THE COMMITTEE OF THE WHOLE.—

(A) In clause 3(a) of rule III, strike the first sentence.

(B) In rule XVIII—

(i) in clause 1, strike '', Delegate, or the Resident Commissioner''; and

(ii) in clause 6, strike paragraph (h).

(5) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—In rule XVIII, strike clause 11 (and redesignate the succeeding clause accordingly).

(6) CLARIFYING JURISDICTION OVER CERTAIN CEMETERIES.—In clause 1(c) of rule X, add the following subparagraph:

''(16) Cemeteries administered by the Department of Defense.''.

(7) DESIGNATING COMMITTEE ON EDUCATION AND THE WORKFORCE.—In rule X—

(A) in clause 1(e), strike ''Committee on Education and Labor'' and insert ''Committee on Education and the Workforce''; and

(B) in clause 3(d), strike ''Committee on Education and Labor'' and insert ''Committee on Education and the Workforce''.

(8) DESIGNATING COMMITTEE ON ETHICS.—

(A) In the standing rules, strike ''Committee on Standards of Official Conduct'' each place it appears and insert (in each instance) ''Committee on Ethics''.

(B) In clause 1 of rule X, insert paragraph (q) after paragraph (f) (and redesignate the succeeding paragraphs accordingly).

(C) In the standing rules, strike ''clause 1(j)(1) of rule X'' each place it appears and insert (in each instance) ''clause 1(k)(1) of rule X''.

(9) DESIGNATING THE COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—In rule X—

(A) in clause 1(p), as redesignated, strike ''Committee on Science and Technology'' and insert ''Committee on Science, Space, and Technology''; and

(B) in clause 3(k), strike ''Committee on Science and Technology'' and insert ''Committee on Science, Space, and Technology''.

(10) ELIMINATING THE SELECT INTELLIGENCE OVERSIGHT PANEL.—In clause 4(a) of rule X, strike subparagraph (5).

(11) ADJUSTING THE SIZE OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE.—In clause 11(a)(1) of rule X, strike ''22'' and insert ''20'' and strike ''13'' and insert ''12''.

(12) RESTORING THE TERM LIMIT RULE FOR COMMITTEE CHAIRS.—In clause 5 of rule X, redesignate paragraph (c) as subparagraph (c)(1) and add the following new subparagraph:

''(2) Except in the case of the Committee on Rules, a member of a standing committee may not serve as chair of the same standing committee, or of the same subcommittee of a standing committee, during more than three consecutive Congresses (disregarding for this purpose any service for less than a full session in a Congress).''.

(13) COMMITTEE ACTIVITY REPORTS.—In clause 1 of rule XI, amend paragraph (d) to read as follows:

''(d)(1) Not later than the 30th day after June 1 and December 1, a committee shall submit to the House a semiannual report on the activities of that committee.

''(2) Such report shall include—

''(A) separate sections summarizing the legislative and oversight activities of that committee under this rule and rule X during the applicable period;

''(B) in the case of the first such report, a summary of the oversight plans submitted by the committee under clause 2(d) of rule X;

''(C) a summary of the actions taken and recommendations made with respect to the oversight plans specified in subdivision (B);

''(D) a summary of any additional oversight activities undertaken by that committee and any recommendations made or actions taken thereon; and

''(E) a delineation of any hearings held pursuant to clauses 2(n), (o), or (p) of this rule.

''(3) After an adjournment sine die of a regular session of a Congress, or after December 15, whichever occurs first, the chair of a committee may file the second or fourth semiannual report described in subparagraph (1) with the Clerk at any time and without approval of the committee, provided that—

''(A) a copy of the report has been available to each member of the committee for at least seven calendar days; and

''(B) the report includes any supplemental, minority, or additional views submitted by a member of the committee.''.

(14) MODIFYING STAFF DEPOSITION AUTHORITY.—In clause 4(c)(3)(B) of rule X—

(A) in item (i), strike ''and'';

(B) in item (ii), strike the period and insert ''; and''; and

(C) add at the end the following new item:

''(iii) shall, unless waived by the deponent, require the attendance of a member of the committee.''.

(f) TECHNICAL AND CLARIFYING CHANGES.—

(1) In clause 3(a) of rule III, strike ''of the House''.

(2) In rule IV—

(A) in clause 1, strike ''The Speaker may not entertain a motion for the suspension of this clause.''; and

(B) in clause 2(b), after ''clause'' insert ''or clauses 1, 3, 4, or 5''.

(3) In clause 3(o)(2) of rule XI, after ''investigation'' insert ''when''.

(4) In clause 7 of rule XII, strike ''primary sponsor'' each place it appears and insert (in each instance) ''sponsor''.

(5) In clause 6(c) of rule XIII, strike ''Senate bill or resolution'' and insert ''Senate bill or joint resolution''.

(6) In clause 2(c) of rule XV—

(A) strike ''Clerk shall make signatures'' and insert ''Clerk shall make the signatories''; and

(B) strike ''published with the signatures'' and insert ''published with the signatories''.

(7) In clause 6(c) of rule XXIII, strike ''a campaign accounts'' and insert ''a campaign account''.

(8) In clause 13 of rule XXIII, strike ''Clerk shall make signatures'' and insert ''Clerk shall make the signatories''.

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1) During the One Hundred Twelfth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Twelfth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Twelfth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Twelfth Congress, except as provided in subparagraph (C), a motion that the Committee of the Whole rise and report a bill to the House shall not be in order if the bill, as amended, exceeds an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974, as estimated by the Committee on the Budget.

(B) If a point of order under subparagraph (A) is sustained, the Chair shall put the question: ''Shall the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted notwithstanding that the bill exceeds its allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974?''. Such question shall be debatable for 10 minutes equally divided and controlled by a proponent of the question and an opponent but shall be decided without intervening motion.

(C) Subparagraph (A) shall not apply—

(i) to a motion offered under clause 2(d) of rule XXI; or

(ii) after disposition of a question under subparagraph (B) on a given bill.

(D) If a question under subparagraph (B) is decided in the negative, no further amendment shall be in order except—

(i) one proper amendment, which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole; and

(ii) pro forma amendments, if offered by the chair or ranking minority member of the Committee on Appropriations or their designees, for the purpose of debate.

(b) BUDGET ENFORCEMENT.—

(1) The chair of the Committee on the Budget (when elected) shall include in the Congressional Record budget aggregates and allocations contemplated by section 301 of the Congressional Budget Act of 1974 and allocations contemplated by section 302(a) of that Act for fiscal year 2011, and the period of fiscal years 2011 through 2015.

(2) The aggregates and allocations specified in subsection (1) shall be considered as contained in a concurrent resolution on the budget for fiscal year 2011 and the submission thereof into the Congressional Record shall be considered as the completion of congressional action on a concurrent resolution on the budget for fiscal year 2011.

(c) EMERGENCIES AND CONTINGENCIES.—

(1) EMERGENCIES.—Until adoption of a concurrent resolution on the budget for fiscal year 2012, if a bill or joint resolution is reported, or amendment thereto is offered or a conference report thereon is filed, that provides new budget authority and outlays or reduces revenue, and such provision is designated as an emergency pursuant to this section, the chair of the Committee on the Budget shall not count the budgetary effects of such provision for purposes of titles III and IV of the Congressional Budget Act of 1974 and the Rules of the House of Representatives.

(2) EXEMPTION OF CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM.—For any bill or joint resolution, or amendment thereto or conference report thereon, that makes appropriations for fiscal year 2011 for contingency operations directly related to the global war on terrorism, then the new budget authority or outlays resulting therefrom shall not count for purposes of titles III or IV of the Congressional Budget Act of 1974.

(d) DEFICIT-NEUTRAL REVENUE RESERVE.—Until the adoption of a concurrent resolution on the budget for fiscal year 2012, if any bill reported by the Committee on Ways and Means, or amendment thereto or conference report thereon, decreases revenue, the chair of the Committee on the Budget may adjust the allocations, the revenue levels, and other aggregates referred to in subsection (b)(1), provided that such measure would not increase the deficit over the period of fiscal years 2011 through 2021.

(e) LIMITATION ON ADVANCE APPROPRIATIONS.—

(1) Except as provided by paragraph (2), any general appropriation bill or joint resolution continuing appropriations, or amendment thereto or conference report thereon, may not provide advance appropriations.

(2) Advance appropriations may be provided—

(A) for fiscal year 2012 for programs, projects, activities, or accounts identified in the Congressional Record under the heading ''Accounts Identified for Advance Appropriations'' in an aggregate amount not to exceed $28,852,000,000 in new budget authority, and for 2013, an aggregate amount not to exceed $28,852,000,000 for accounts separately identified under the same heading; and

(B) for the Department of Veterans Affairs for the Medical Services, Medical Support and Compliance, and Medical Facilities accounts of the Veterans Health Administration.

(3) In this subsection, the term ''advance appropriation'' means any new discretionary budget authority provided in a general appropriation bill or any new discretionary budget authority provided in a joint resolution making continuing appropriations for fiscal year 2011 that first becomes available for a fiscal year after fiscal 2011.

(f) COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT OF ACT OF 1990.—

(1) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974, section 13301 of the Budget Enforcement Act of 1990, and section 4001 of the Omnibus Budget Reconciliation Act of 1989, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration and of the Postal Service.

(2) SPECIAL RULE.—For purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any off-budget discretionary amounts.

(g) LIMITATION ON LONG-TERM SPENDING.—

(1) It shall not be in order to consider a bill or joint resolution reported by a committee (other than the Committee on Appropriations), or an amendment thereto or a conference report thereon, if the provisions of such measure have the net effect of increasing mandatory spending in excess of $5,000,000,000 for any period described in paragraph (2).

(2)(A) The applicable periods for purposes of this clause are any of the first four consecutive 10-fiscal-year periods beginning with the first fiscal year following the last fiscal year for which the applicable concurrent resolution on the budget sets forth appropriate budgetary levels.

(B) In this paragraph, the applicable concurrent resolution on the budget is the one most recently adopted before the date on which a committee first reported the bill or joint resolution described in paragraph (a).

(h) EXEMPTIONS.—

(1) Until the adoption of the concurrent resolution on the budget for fiscal year 2012, the chair of the Committee on the Budget may adjust an estimate under clause 4 of rule XXIX to—

(A) exempt the budgetary effects of measures extending the Economic Growth and Tax Relief Reconciliation Act of 2001;

(B) exempt the budgetary effects of measures extending the Jobs and Growth Tax Relief Reconciliation Act of 2003;

(C) exempt the budgetary effects of measures—

(i) repealing the Patient Protection and Affordable Care Act and title I and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010;

(ii) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010; or

(iii) reforming the Patient Protection and Affordable Care Act and the Health Care and Education Affordability Reconciliation Act of 2010 and the payment rates and related parameters in accordance with section 1848 of the Social Security Act;

(D) exempt the budgetary effects of measures that adjust the Alternative Minimum Tax exemption amounts to prevent a larger number of taxpayers as compared with tax year 2008 from being subject to the Alternative Minimum Tax or of allowing the use of nonrefundable personal credits against the Alternative Minimum Tax, or both as applicable;

(E) exempt the budgetary effects of extending the estate, gift, and generation-skipping transfer tax provisions of title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010;

(F) exempt the budgetary effects of measures providing a 20 percent deduction in income to small businesses; and

(G) exempt the budgetary effects of measures implementing trade agreements.

(2) A measure may only qualify for an exemption under subsection (h)(1)(C)(ii) or (iii) if it does not—

(A) increase the deficit over the period of fiscal years 2011 through 2021; or

(B) increase revenues over the period of fiscal years 2011 through 2021, other than by—

(i) repealing or modifying the individual mandate (codified as section 5000A of the Internal Revenue Code of 1986); or

(ii) modifying the subsidies to purchase health insurance (codified as section 36B of the Internal Revenue Code of 1986).

(i) DETERMINATIONS FOR PAYGO ACTS.—In determining the budgetary effects of any legislation for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010 (including the required designation in PAYGO Acts), the chair of the Committee on the Budget may make adjustments to take into account the exemptions and adjustments set forth in subsection (h).

(j) SPENDING REDUCTION AMENDMENTS IN APPROPRIATIONS BILLS.—

(1) During the reading of a general appropriation bill for amendment in the Committee of the Whole House on the state of the Union, it shall be in order to consider en bloc amendments proposing only to transfer appropriations from an object or objects in the bill to a spending reduction account. When considered en bloc under this clause, such amendments may amend portions of the bill not yet read for amendment (following disposition of any points of order against such portions) and are not subject to a demand for division of the question in the House or in the Committee of the Whole.

(2) Except as provided in paragraph (1), it shall not be in order to consider an amendment to a spending reduction account in the House or in the Committee of the Whole House on the state of the Union.

(3) It shall not be in order to consider an amendment to a general appropriation bill proposing a net increase in budget authority in the bill (unless considered en bloc with another amendment or amendments proposing an equal or greater decrease in such budget authority pursuant to clause 2(f) of rule XXI).

(4) A point of order under clause 2(b) of rule XXI shall not apply to a spending reduction account.

(5) A general appropriation bill may not be considered in the Committee of the Whole House on the state of the Union unless it includes a spending reduction account as the last section of the bill. An order to report a general appropriation bill to the House shall constitute authority for the chair of the Committee on Appropriations to add such a section to the bill or modify the figure contained therein.

(6) For purposes of this subsection, the term ''spending reduction account'' means an account in a general appropriation bill that bears that caption and contains only a recitation of the amount by which an applicable allocation of new budget authority under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of new budget authority proposed by the bill.

(k) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Twelfth Congress—

(1) the Committee on Armed Services may have not more than seven subcommittees;

(2) the Committee on Foreign Affairs may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(l) EXERCISE FACILITIES FOR FORMER MEMBERS.—During the One Hundred Twelfth Congress—

(1) The House of Representatives may not provide access to any exercise facility which is made available exclusively to Members and former Members, officers and former officers of the House of Representatives, and their spouses to any former Member, former officer, or spouse who is a lobbyist registered under the Lobbying Disclosure Act of 1995 or any successor statute or agent of a foreign principal as defined in clause 5 of rule XXV. For purposes of this section, the term ''Member'' includes a Delegate or Resident Commissioner to the Congress.

(2) The Committee on House Administration shall promulgate regulations to carry out this subsection.

(m) NUMBERING OF BILLS.—In the One Hundred Twelfth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker and the second 10 numbers for bills (H.R. 11 through H.R. 20) shall be reserved for assignment by the Minority Leader.

(n) TRANSITION RULE.—Pending the designation of a location by the Committee on House Administration pursuant to clause 3 of rule XXIX, documents may be made publicly available in electronic form at the following locations:

(1) with respect to consideration by the House, the majority website of the Committee on Rules; and

(2) with respect to consideration by a committee, the majority website of the committee.

SEC. 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES.

(a) HOUSE DEMOCRACY PARTNERSHIP.—House Resolution 24, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such resolution applied in the One Hundred Tenth Congress except that the commission concerned shall be known as the House Democracy Partnership.

(b) TOM LANTOS HUMAN RIGHTS COMMISSION.—Sections 1 through 7 of House Resolution 1451, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such provisions applied in the One Hundred Tenth Congress, except that—

(1) the Tom Lantos Human Rights Commission may, in addition to collaborating closely with other professional staff members of the Committee on Foreign Affairs, collaborate closely with professional staff members of other relevant committees; and

(2) the resources of the Committee on Foreign Affairs which the Commission may use shall include all resources which the Committee is authorized to obtain from other offices of the House of Representatives.

(c) OFFICE OF CONGRESSIONAL ETHICS.—Section 1 of House Resolution 895, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such provision applied in the One Hundred Tenth Congress, except that the Office of Congressional Ethics shall be treated as a standing committee of the House for purposes of section 202(I) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)) and references to the Committee on Standards of Official Conduct shall be construed as references to the Committee on Ethics.

(d) EMPANELING INVESTIGATIVE SUBCOMMITTEE OF THE COMMITTEE ON ETHICS.—The text of House Resolution 451, One Hundred Tenth Congress, shall apply in the One Hundred Twelfth Congress in the same manner as such provision applied in the One Hundred Tenth Congress, except that references to the Committee on Standards of Official Conduct shall be construed as references to the Committee on Ethics.

SEC. 5. ADDITIONAL ORDERS OF BUSINESS.

(a) READING OF THE CONSTITUTION.—The Speaker may recognize a Member for the reading of the Constitution on the legislative day of January 6, 2011.

(b) PROVIDING FOR CONSIDERATION OF CERTAIN MOTIONS TO SUSPEND THE RULES.—It shall be in order at any time on the legislative day of January 6, 2011, for the Speaker to entertain motions to suspend the rules related to reducing the costs of operation of the House of Representatives, except that notwithstanding clause 1(c) of rule XV such motion shall be debatable for two hours, equally divided and controlled by the proponent and an opponent.

Mr. CANTOR (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO REFER

Ms. NORTON. Mr. Speaker, I rise to offer a motion that is at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Ms. Norton moves to refer the resolution to a select committee of five members, to be appointed by the Speaker, not more than three of whom shall be from the same political party, with instructions not to report back the same until it has conducted a full and complete study of, and made a determination on, the constitutionality of the provision that would be eliminated from the Rules that granted voting rights in the Committee of the Whole to the Delegates from the District of Columbia, American Samoa, Guam, the Virgin Islands and the Northern Mariana Islands and the Resident Commissioner from Puerto Rico, including the decision of the United States Court of Appeals for the District of Columbia in Michel v. Anderson (14 F.3d 623 (D.C. Cir. 1994)), which upheld the constitutionality of these voting rights.

MOTION TO TABLE

Mr. CANTOR. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. Cantor moves to lay on the table the motion to refer.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. NORTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 223, nays 188, not voting 20, as follows:

[Roll No. 3]

YEAS—223

Adams	Benishek	Brooks
Aderholt	Biggert	Broun (GA)
Akin	Bilbray	Buchanan
Alexander	Bilirakis	Bucshon
Amash	Bishop (UT)	Burgess
Austria	Black	Burton (IN)
Bachmann	Blackburn	Calvert
Bachus	Bonner	Camp
Bartlett	Bono Mack	Campbell
Barton (TX)	Boustany	Canseco
Bass (NH)	Brady (TX)	Cantor

Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crenshaw
Culberson
Davis (KY)
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (TN)
Emerson
Farenthold
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
King (NY)
Kingston
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walden
Walsh (IL)
West
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—188

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—20

Barletta
Berg
Buerkle
Cicilline
Crawford
Denham
Duncan (SC)
Edwards
Ellmers
Fincher
Harris
Kelly
Kinzinger (IL)
Langevin
McCotter
Nunes
Walberg
Webster
Westmoreland
Wilson (FL)

□ 1511

Messrs. LEVIN, BRADY of Pennsylvania, HINOJOSA, ALTMIRE, CARDOZA, and Mrs. MALONEY changed their vote from ''yea'' to ''nay.''

Mr. JONES, Mrs. MYRICK, Mrs. BACHMANN, and Ms. HAYWORTH changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. ELLMERS. Mr. Speaker, on rollcall No. 3, had I been present, I would have voted "yea."

Ms. BUERKLE. Mr. Speaker, on rollcall No. 3, I was unavoidably detained. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Virginia is recognized for 1 hour.

Mr. CANTOR. Madam Speaker, I yield the hour to the gentleman from California (Mr. DREIER), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 1 hour.

There was no objection.

Mr. DREIER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from Rochester, New York (Ms. SLAUGHTER).

Pending that, I yield 1 minute to the distinguished majority leader.

Mr. CANTOR. I thank the gentleman.

Madam Speaker, it is a great honor to call up the rules package for the 112th Congress. Two months ago, voters sent a clear message of repudiation against a government that failed to deliver results.

Government for too long has operated under the flawed assumption that growing bigger and controlling more is necessarily better. Consequently, Washington has grown inefficient, unfocused and wasteful. Spending has gone progressively higher while results for all Americans have not been realized.

Our new majority stands for a different and better way. We believe in a government that controls less and spends less but accomplishes more. We believe in a smarter government, a more efficient government, a more focused government. The new House majority will be about ''cut and grow.'' We are going to cut spending and job-killing government regulations, and grow the economy and private-sector jobs.

Madam Speaker, each day, we will hold ourselves accountable by asking the following questions:

Are our efforts addressing job creation and the economy? Are they cutting spending? Are they shrinking the size of the Federal Government while protecting and expanding individual liberty? If not, why are we doing it?

This rules package reflects these priorities.

We establish a Constitution-focused House of Representatives, which starts by reading the Constitution of the United States on the House floor and requiring that every bill be accompanied by a statement of constitutional authority.

We make in order our first spending cut—a reduction of at least 5 percent to Congress' own budget, including Members, leadership, and committees. We replace PAYGO with ''cut as you go'' to ensure that all spending increases are offset by spending cuts elsewhere in the budget. And on all appropriations bills, Members can now offer spending reduction amendments, which will help ensure that savings actually go toward cutting the deficit rather than being spent elsewhere.

In this spirit, over the coming weeks, we will pass a repeal of last year's health care bill to remove the strain on job creators. We will cut spending in the current fiscal year back down to 2008 pre-bailout levels, and we will identify and eliminate job-killing regulations that are impeding capital formation in America.

Madam Speaker, these actions will send a credible signal to families, businesses, and financial markets that we are dead serious about getting spending under control and regaining our competitive footing in America.

Our majority will return America to prosperity by promoting a culture of success. Our mission is not to redistribute wealth or tell people how to live their lives, but instead to lift people up by giving them opportunity and encouraging them to take responsibility.

By passing this rules package, we will take a significant step in the right direction. It will put us on the road to weaning America off its dependence on debt and government programs as an economic lifeline, and it will help us build a new, more hopeful future rooted in limited government, long-term investment, innovation, and entrepreneurship.

Ms. SLAUGHTER. I am pleased to say this morning that I am delighted to be here.

I want to give my congratulations to Mr. DREIER on reclaiming the Rules seat, and we are very keen on our side to make our case before you today.

Madam Speaker, actually, my head is somewhat spinning because, not 20 minutes ago, the new Speaker of the House of Representatives stood where you are and said he was going to be listening to people, but the first order of business before the House came from the delegates whom this rule disenfranchises—not only the delegate of the District of Columbia but all of the Territories. They didn't get to say a word. So my head is somewhat spinning at this point, and we hope to try to at least give them unanimous consent so that they can try to get some message into the RECORD.

It is again part of the rhetoric from the last campaign that keeps spinning in our heads: All we want to do, they said, is to bring down the deficit. We're going over a cliff, and we've got to bring down the deficit.

As we stand here today, on the brink of a new session of Congress, the concern about deficits has disappeared from everything but the press releases. Under the new majority rules, the other side will essentially gut PAYGO—the pay-as-you-go rules adopted by Democrat majorities in the House and Senate in 2007 under which tax cuts or increases in entitlement spending must be offset by tax increases or entitlement cuts. Under President Clinton, it gave us the biggest surplus we have ever had. It was a hallmark of Democrat leadership, and we are proud of it. We adhered to responsible spending levels and affordable tax cuts, and we took sensible steps towards controlling the deficit.

But not today.

Their talk about belt-tightening and deficit reduction is going to be thrown out the window so that they can free themselves to hand out even more tax credits to their friends, the corporations. Under these proposed rules, notes The Washington Post, tax cuts for the wealthiest are fully protected, but tax help for those at the other end of the income spectrum? Forget about it.

Obviously, The New York Times, The Washington Post and other respected news organizations have cried foul at this sleight of hand. In recent days, editorials have appeared slamming this hypocrisy and phony attempt at fiscal austerity.

What seems crystal clear to me is that the other side has doubled down and adopted the mentality of former Vice President Dick Cheney, who responded to the 2002 midterm elections by advocating in favor of more than $1 trillion in tax cuts. ''Reagan proved that deficits don't matter. We won the midterm elections. This is our due,'' said the Vice President. The other side now wants to adopt the posture of budget cutters, but when it gets right down to it, they want to be able to make sweetheart deals without having to pay for them.

Nor is their sleight of hand or hypocritical actions an isolated event. It was less than a month ago that Republicans successfully held unemployment benefits for Americans hostage until they got their wish—more Bush-era tax cuts for the people making more than $1 million a year. That package added another $140 billion to the deficit, but that didn't seem to bother them either, obviously, as they have told the world it is their number one priority.

□ 1520

Just this week, Republican new Members ushered in the new Congress with a $2,500 a plate fundraiser at the W Hotel in downtown Washington. Lobbyists, political action committee members, and other exclusive guests were treated to a night of drinks and entertainment by country singer LeAnn Rimes. Those who donated $50,000 were treated to a VIP suite at the W, along with the rest of the night's entertainment.

Last month, the incoming chairman of the House Financial Services Committee offered his own assessment of Republican oversight. He told the Birmingham News in Alabama, ''In Washington, the view is that the banks are to be regulated, and my view is that Washington and the regulators are there to serve the banks.''

And according to Politico, the incoming chairman of the House Oversight and Government Reform Committee is looking for ways to make government more responsive to Wall Street and their corporate allies like Big Oil, Big Pharma, and Big Health.

Instead of all this business as usual—and we are headed right back into where we were before 2006—what I'd like to see is an honest attempt to create a set of rules that provide for openness, transparency, and good government. This set of rules is not that document. And I hope that the other side—and I believe they have good intentions—will join us in supporting this effort.

DEFICIT HYPOCRISY

[From the New York Times, Dec. 29, 2010]

It was not long ago that Republicans succeeded in holding unemployment benefits hostage to a renewal of the high-end Bush-era income tax cuts and—as a little bonus—won deep estate tax cuts for America's wealthiest heirs. Those cuts will add nearly $140 billion to the deficit in the near term, while doing far less to prod the economy than if the money had been spent more wisely.

That should have been evidence enough that the Republican Party's one real priority is tax cuts—despite all the talk about deficit reduction and economic growth. But here's some more:

On Dec. 22, just before they left town for the holidays, House Republican leaders released new budget rules that they intend to adopt when they assume the majority in January and will set the stage for even more budget-busting tax cuts.

First, some background: Under pay-as-you-go rules adopted by Democratic majorities in the House and Senate in 2007, tax cuts or increases in entitlement spending must be offset by tax increases or entitlement cuts. Entitlements include big health programs like Medicare and Medicaid, for which spending is on autopilot, as well as some other programs for veterans and low-income Americans. (Discretionary spending, which includes defense, is approved separately by Congress annually.)

The new Republican rules will gut pay-as-you-go because they require offsets only for entitlement increases, not for tax cuts. In effect, the new rules will codify the Republican fantasy that tax cuts do not deepen the deficit.

It gets worse. The new rules mandate that entitlement-spending increases be offset by spending cuts only—and actually bar the House from raising taxes to pay for such spending.

Say, for example, that lawmakers want to bolster child credits for families at or near the minimum wage. One way to help pay for the aid would be to close the tax loophole that lets the nation's wealthiest private equity partners pay tax at close to the lowest rate in the code. That long overdue reform would raise an estimated $25 billion over 10 years, but the new rules will forbid being sensible like that.

Even worse, they direct the leader of the House Budget Committee to ignore several costs when computing the budget impact of future actions, as if the costs are the natural course of politics for which no payment is required.

For example, the cost to make the Bush-era tax cuts permanent would be ignored, as would the fiscal effects of repealing the health reform law. At the same time, the new rules bar the renewal of aid for low-income working families—extended temporarily in the recent tax-cut deal—unless it is fully paid for.

House Republicans obviously believe they have a good thing going with voters by sanctifying tax cuts and demonizing spending. That's been their approach for 30 years after all, and it unfailingly rallies their base.

The challenge for President Obama and Democratic lawmakers is not to get drawn into that warped mind-set. They need to present an alternative, including investments—in energy, technology, infrastructure and education. They also need a plan for long-term deficit reduction that recognizes what the Republicans ignore: Never-ending tax cuts make the deficit worse. Prudent tax increases need to be part of the solution.

NEW PAY-GO RULES REVEAL GOP'S MISPLACED PRIORITIES

[From the Washington Post, Jan. 3, 2011]

Are House Republicans serious about dealing with the deficit? You could listen to their rhetoric—or you could read the rules they are poised to adopt at the start of the new Congress. The former promises a new fiscal sobriety. The latter suggests that the new GOP majority is determined to continue the spree of unaffordable tax-cutting.

The ominous signs come in the wording of the new majority's version of its pay-as-you-go rules, which normally require that new programs or tax initiatives be covered with cuts to other programs or new revenue. In

the GOP concept, pay-as-you-go applies only to spending programs. When it comes to tax cuts, it's all go, no pay. Taxes can be cut, and the national debt increased, without any offsetting savings.

If you thought the sticker shock of the latest tax deal served as a useful reminder that tax cuts cost the Treasury money, think again. Deficit financing is fine, it seems, when it comes to tax cuts. But that's not all. Under the new rules, not only are tax cuts exempted from the pay-go concept, but the only way to pay for spending increases is with spending cuts elsewhere. No tax increases allowed—not even in the form of eliminating loopholes or cutting back on tax breaks. Of course, if you wanted to expand the loopholes, no problem. No need to pay for that.

Having made clear that no tax cuts need be paid for, the rules then take the extra step of specifying which deficit-busting tax cuts the new majority has in mind. They assume the continuation of all the Bush tax cuts; extension of the new version of the estate tax; and the creation of a big tax break to let ''small businesses,'' which can be expansively defined, take a deduction equal to 20 percent of their gross income.

Tax cuts for the wealthiest are fully protected. But tax help for those at the other end of the income spectrum? Forget it. The expansion of the Earned Income Tax Credit and the Child Tax Credit, programs that help keep low-income working parents and children out of poverty, are not assumed to continue and would have to be paid for—with, of course, spending cuts. This is about as upside-down a set of priorities as can be imagined.

I reserve the balance of my time.

Mr. DREIER. Madam Speaker, congratulations. It's very nice to see you in the chair.

I would like to insert a section-by-section analysis of the resolution to appear at this point in the RECORD.

SECTION 1. RESOLVED CLAUSE.

This section provides that the Rules of the 112th Congress are the Rules of the 112th Congress, except with the amendments contained in section 2 of the resolution, and orders contained in sections 3, 4, and 5.

SECTION 2. CHANGES TO THE STANDING RULES.

Citing Authority under the Constitution. Paragraph (a) creates 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.

While the rule requires that a Member submit the statement at the same time as the bill is introduced, there is nothing in the rule to prevent the sponsor of the bill from submitting an additional statement later in the process if he or she wants to revise the initial statement. With regard to electronic availability, appearance in the electronic version of the Congressional Record will initially satisfy the electronic availability requirement of this paragraph. However, ultimate the intention is that the Clerk will make the statements available in a searchable, sortable, and downloadable database as soon as practicable.

With respect to Senate bills, the provision authorizes the chair of a committee of jurisdiction, prior to consideration of the Senate bill, to submit a statement as if the chair were the sponsor. Finally, the provision also repeals the current requirement for a similar statement in committee reports.

When a Member introduces a bill or joint resolution, the Clerk must ensure that a statement required under this paragraph accompanies the measure. However, the Clerk is not required to evaluate the content of the statement or its adequacy; those are matters to be considered by Members during consideration of the legislation.

Three-Day Availability for Unreported Bills. This provision adds 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. Subparagraph (i) directs the Committee on House Administration to establish and maintain standards for documents made available in electronic form by the House and its committees. Subparagraph (2) provides 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 intention of these provisions is to ensure that Members and the public have easy access to bills, resolutions, and amendments considered in committee and by the House. The standard for electronic documents is intended to evolve over time. While the standard may initially include more static formats such as a searchable PDF, the intention is to eventually transition to more flexible structured data formats, such as XML, as the tools become available to ease the creation and ensure the integrity of House documents. With respect to availability, the provision is intended to place electronic distribution on par with traditional printing; rather than entirely replace it. Finally, the rule contemplates a singular location that will direct Members and the public to the text of measures to be considered by the House and its committees.

Subparagraph (3) amends clause 2(g)(3) of rule XI to provide for a minimum notice period of 3 days for a committee meeting. This joins the current requirement for 7 days notice for a committee hearing. The provision maintains the current ability of the Chair, with the concurrence of the ranking minority member, to waive both notice periods if they find good cause to start the hearing or meeting sooner. The provision can also be waived by a majority vote of the committee.

Subparagraph (4) requires 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. Accordingly, if the committee is considering a committee print, or the Chair of a committee intends to use an amendment in the nature of a substitute as the base text for purposes of further amendment, circulation of that text will satisfy this requirement. While the rule requires that the text be circulated at least 24 hours in advance of the meeting, that text should be circulated as early as possible to provide members the maximum amount of time to review the measure or matter and draft any desired amendments.

Subparagraph (5) requires that the chair of a committee make the results of any record vote publicly available in electronic form within 48 hours of the vote, while subparagraph (6) requires that the text of any adopted amendment be made similarly available, along with the text of the measure being marked up, within 24 hours of commencement of the markup or adoption of the amendment.

Subparagraph (7) requires the 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). Subparagraph (8) requires public availability in electronic form of the committee rules.

Subparagraph (9) requires 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. This subparagraph is not intended to require audio and video coverage in situations where it would be technically impracticable, such as where a hearing or meeting is held in a room without audio and video broadcast equipment, or create a defect with a hearing or meeting if a webcast or recording is not available due to technical issues.

Subparagraph (10) strikes 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.

Subparagraph (11) amends clause 2(d)(1) of rule X to require 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. Subparagraph (d)(i) replaces the current ''pay-as-you-go'' requirements 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.

Subparagraph (2) strikes 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. Subparagraph (3) adds 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 current practice under majorities of both parties.

Subparagraph (4) 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.

Subparagraph (5) modifies clause 7 of rule XXI, which places restrictions on reconciliation directives contained in a budget resolution. The new modification would specify

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. Paragraph (e)(1) provides the Chair of the Committee of the Whole with authority to employ two minute voting during a series of votes.

Subparagraph (2) changes 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.

For historical purposes, it is important to note that the use of electronic devices in the chamber of the U.S. House of Representatives is governed by the rules of the House. In the 111th Congress, the fourth sentence of clause 5 of rule XVII read as follows: ''A person may not smoke or use a wireless telephone or personal computer on the floor of the House.''

The House first adopted a rule prohibiting the use of ''personal, electronic office equipment (including cellular phones and computers)'' on the floor in 1995. The rule was specifically changed in 2003 to prohibit the use of ''a wireless telephone or personal computer,'' thereby tacitly permitting a smartphone (e.g., a BlackBerry) to be used on the floor.

No formal ruling has been made by the Speaker on whether an electronic-tablet device (e.g., an iPad) might constitute a ''personal computer'' within the meaning of the version of the rule in 111th Congress. Members of the House have used them on the floor, both informally and even while under recognition, without reprimand. The Parliamentarian has informally advised that they may be used unobtrusively pending review of the broader questions their proliferation might engender. Wi-Fi service has not been enabled in the chamber of the House. However, like many smartphones, some electronic-tablet devices have wireless-data capability that enables internet access in the chamber.

As the popularity of electronic-tablet devices increases, the House has observed how Members use them and their effect on decorum and has evaluated whether the use of electronic-tablet devices poses either audible or visual impairments to decorum in the chamber. Unlike bulkier notebook and laptop computers, electronic-tablet devices can be used without obscuring the Member behind a screen or creating the visual of a sea of screens across the chamber. In addition, these devices are implemented with silent keyboards that limit audible disruptions.

The House has reconsidered the way it regulates the use of such devices. Rather than continuing to address devices by category (e.g., ''phones'' or ''computers''), the current rule will instead will address them by their attributes (e.g., form-factor or character). The rule speaks generally of devices that are disruptive of the decorum of the House and leaves it to the Speaker to enunciate policies to react to changes in technology. (This approach already has been employed to extend the prohibition on the use of wireless telephones also to the wearing of wireless headsets while in the chamber.)

Subparagraph (3) updates the House rules governing the media to eliminate references to specific media organizations.

Subparagraph (4) ends 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.

Subparagraph (5) strikes 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.

Subparagraph (6) clarifies 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.

Subparagraphs (7) through (9) change, respectively, the name of the Committee on Education and Labor to the Committee on Education and the Workforce, the Committee on Standards of Official Conduct to the Committee on Ethics, and the Committee on Science and Technology to the Committee on Science, Space, and Technology. Subparagraph (10) eliminates the Select Oversight Panel of the Committee on Appropriations.

Subparagraph (11) reduces the size of the Permanent Select Committee on Intelligence from a total of 22 members (13 from the majority party) to 20 members (12 from the majority party). The next subparagraph restores the term limit rules for committee chairs to the same state it existed in the 109th Congress.

Subparagraph (13) increases the frequency of committee activity reports from once per congress to four times per congress. This provision is intended to provide the House with more frequent updates regarding the oversight and legislative activities of the committees.

Subparagraph (14) modifies 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.

Technical and Clarifying Changes. These provisions correct a host of typographic and other simple errors. Subparagraph (1) corrects a typographic error, and subparagraph (2) corrects an errant reference to simple resolutions. The next subparagraph corrects an unintentional narrowing of the circumstances regarding the Speaker's regulation of access to the floor, and the following provision corrects another word that was inadvertently removed during the recodification of the House rules in the 106th Congress. Lastly, the provision eliminates unnecessary usage of ''Members of the House'' and makes clear that the Clerk does not have to disclose actual Member signatures, just their names, when making a disclosure under clause 13 of rule XXIII.

SECTION 3. SEPARATE ORDERS.

Budget Matters. Subparagraphs (a)(i) through (3) clarify 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 makes 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. Specified or minimum levels of compensation for Federal office will not be considered as providing new entitlement authority.

Subparagraph (4) prevents 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. Subsections (b)(1) and (2) require the chair of the Committee on the Budget to submit for printing in the Congressional Record budget aggregates and allocations contemplated by section 301 (Content of the Concurrent Resolution on the Budget) for 2011, and 2011 through 2015. Publication of these aggregates and allocations will be considered to be the adoption of a concurrent resolution on the budget for fiscal year 2011. This provision is intended to give 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. Subparagraphs (c)(1) and (2) provide for exemptions for designated emergencies and the continuation of contingency operations related to the Global War on Terror.

Deficit-Neutral Revenue Reserve. Paragraph (d) allows 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.

Limitation on Advanced Appropriations. Subparagraphs (e)(1) through (3) restrict the ability to provide advanced appropriations by establishing an aggregate spending ceiling.

Compliance with Section 13301 of the Budget Enforcement Act of 1990. Paragraph (f) provides temporary budget enforcement for matters related to certain off budget trust funds.

Limitation on Long-term Spending. Subparagraphs (g)(1) and (2) prohibit the consideration of measure which increase mandatory spending above $5,000,000,000 for any 10 year window within a 40 year period.

Exemptions. Subparagraphs (h)(1) through (7) authorize 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 exempts 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 are also exempted. The exemption is limited to measures which do not increase the deficit or revenues over the ten-year budget window, except for increases in revenue which meet certain specific criteria.

Determinations for PAYGO Acts. Paragraph (i) allows the Chairman of the Budget Committee to take into account the exemptions provided under paragraph (h) for the purpose of complying with Statutory PAYGO.

Spending Reduction Amendments in Appropriations Bills. Paragraph (j) requires 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.

Certain Subcommittees. This section waives 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. This is a standard provision carried in the rules package during the last several congresses.

Exercise Facilities for Former Members. This section continues 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. This provision reserves the first 10 numbers for bills (H.R. 1 through H.R. 10) for assignment by the Speaker and the second 10 numbers (H.R. 11 through H.R. 20) for assignment by the Minority Leader.

SECTION 4. COMMITTEES, COMMISSIONS, AND HOUSE OFFICES

Subparagraphs (a) and (b) reauthorize the House Democracy Partnership and the Tom Lantos Human Rights Commission.

Subparagraph (c) reauthorizes the Office of Congressional Ethics for the 112th Congress.

Subparagraph (d) continues House Resolution 451, 110th Congress, directing the Committee 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.

SECTION 5. ADDITIONAL ORDERS OF BUSINESS

Reading of the Constitution. This paragraph allows the Speaker to recognize Members for the reading of the Constitution on the legislative day of January 6, 2011.

Providing for Consideration of Certain Motions to Suspend the Rules. This provision provides 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.

Mr. DREIER. Madam Speaker, I yield myself such time as I might consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. As we've seen here today, Madam Speaker, we are marking an important turning point in the history of the United States House of Representatives. We have before us a package of reforms that will bring greater transparency and accountability to this House, and it will once again give the American people the opportunity to participate in the legislative process. They've made clear to us that what their priorities are—job creation, economic growth, and a smaller, more accountable Federal Government—must be done. The reforms included in the rules package are designed to ensure that those priorities are met and that we are held responsible for our actions to do the people's work.

Madam Speaker, I want to thank each and every one of my colleagues who have worked tirelessly on this rules package. Never before in history has there been the kind of Member involvement—bipartisan Member involvement—in an opening day rules package. I particularly want to thank my good friends GREG WALDEN, who led our transition team, and ROB BISHOP, who led the rules reform effort, as well as the other members of our transition working group. We had four new Members of Congress who right after the election got involved in working on this very, very important transition, and I want to express my appreciation.

As I said, Madam Speaker, this has, for the first time, ever been bipartisan. I don't want to claim that my Democratic colleagues are supportive of this rules package, but I will say that when we began the process, I'm happy that former Speaker PELOSI designated as liaisons to work with us through the transition process the distinguished former chair of the Administration Committee, the gentleman from Pennsylvania (Mr. BRADY), and the gentleman from New Jersey (Mr. ANDREWS), and I want to express my appreciation to them again for their hard work.

As we looked for ways to chart a new course and reduce congressional waste, we knew that we had to consider good ideas from both political parties, and that's why I'm happy to say we had input from both Democrats and Republicans in fashioning this opening day rules package. Our Democratic liaisons were tremendous partners, and again, I express my appreciation to my Democratic colleagues for joining with us in this effort.

Now, having completed our transition work, we are now beginning a new Congress. Each of us faces the new beginning with the knowledge that congressional approval ratings are abysmally low. It's rare that the Congress is held in high esteem by the American people—we all know that—but it is even rarer to have an approval rating that is as low as it is right now.

Now, why is it that this body has become so unpopular? The reason is that the American people felt that they were not being listened to. They have sent us here to conduct the 112th Congress differently than any Congress of the past. I'm not going to just talk about the last two Congresses, Madam Speaker; I'm going to say that they sent us here this year to perform differently than any Congress of the past. What's more, they have given us, as Speaker BOEHNER likes to say, some pretty simple and clear and direct marching orders when it comes to our work: fulfill our constitutional duties in an open and transparent way.

Now, Madam Speaker, this rules package that we have before us provides us the tools to do just what the American people have asked: to perform our constitutional duties in a transparent and open way. Because our highest priorities are job creation and economic growth, we must rein in the government spending that has spiraled out of control over the past several years. We're taking several steps to meet that goal.

For starters, we're requiring that any new spending be offset for five 10-year budget windows. If a bill increases the deficit by more than $5 billion in any of these 10-year windows, it will be subjected to a point of order. In other words, we're changing the rules of the House to ensure that we look at short, medium, as well as long-term consequences to Federal spending. We should not, and cannot, consider legislation that pushes the Federal budget deficit and the problems down the road.

We will also be reforming the spending process by replacing PAYGO with CutGo. Rather than pairing spending with tax increases, job-killing tax increases, we will pair it with spending cuts. It's often been said that we don't have a revenue problem; we have a spending problem. These new rules will make it easier to reduce spending rather than increase it. In fact, the idea behind this package is to focus on ways in which we can increase the opportunity to reduce spending rather than increase it.

Now, Madam Speaker, we're also taking important steps to make us more accountable to the American people, the people whom we're so honored to represent. We won't be voting on bills unless they've been available for at least 3 calendar days. We will be returning much of the legislative work back to the committees where greater transparency will be required. The work product, the recorded votes, and the video archives of all committees are required by these rules to be posted online. No longer will massive legislation be written behind closed doors, regardless of political party, and rammed through the House before anyone has the chance to review or amend the text. Our work will be done in an open way that affords all Members the opportunity to participate and scrutinize.

Another key reform by this rules package is the creation of an electronic format for legislation. This represents a dramatic change in how legislation is made available, not just to Members but to the public and the press as well. Now, Madam Speaker, for the last two centuries, legislation was considered available when a paper copy was dropped off in the document room across the street. Now it will be considered available when anyone with access to the Internet can look it up.

This new format will evolve over time, and there's work ahead that still has to be done as we implement these rules changes, but no Member should consider this vote as the end of the reform efforts of this Congress. Again, what we're doing here today is simply the first step in what is going to be a one-year, 2-year process of reform.

We will not be wed to the way we used to do things. Rather, we will be looking for new and different ways to do our jobs and to do them in the most transparent and accountable way. And let me say again, Madam Speaker, it is very important for us to ensure that we have the input of my friend from Rochester (Ms. SLAUGHTER) and other Democrats, as well as Republicans, in this process.

□ 1530

Madam Speaker, this rules package is a very significant first step. We have learned the hard way that bad process inevitably results in bad outcomes. We need look no further than our ailing economy and spiraling deficit, not to

mention Congress' abysmal approval rating, to see that that is true.

By reforming the rules of the House, we set the stage for reforming the entire Federal Government. Ultimately, we ensure fidelity to the original rules document, that being the Constitution. And I am so pleased that tomorrow on the House floor, led by our friend from Virginia (Mr. GOODLATTE), we will be having a bipartisan reading of the Constitution.

Madam Speaker, our Founders understood better than anyone the importance of restraining Federal power. I think that Thomas Jefferson put it best when he said, ''In questions of power, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.''

Now, Madam Speaker, in this Congress, we will refocus our efforts on fulfilling our constitutional duties in a transparent and responsible way. We will be reform-minded and accountability-oriented, and we will be driven by the number one concern of the American people—getting our economy back on track. Madam Speaker, form dictates function, and these new rules will set us on the path toward greater economic growth and confidence for the American people.

With that, I urge support of this very important resolution and reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON) who, as I said, is disenfranchised by this rule. Millions of Americans will be underrepresented.

Ms. NORTON. I thank the gentlelady from New York for yielding.

Madam Speaker, for myself and for the Delegates from American Samoa, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, the resident commissioner of Puerto Rico, I offered a motion earlier that the House conduct a full and complete study of the constitutionality of the vote in the Committee of the Whole for the Delegates which is eliminated by this rule. This is nearly the same motion that the Republicans offered when we first were granted the right to vote on the House floor. The delegate vote was challenged by the Republicans in the courts and found to be constitutional, however.

Madam Speaker, this vote is a mere recognition of our American citizenship. The Delegates are no different from others in this House. It is one thing not to have the vote. It is quite another to be stripped of your vote. The vote is said to be symbolic by some. Well, to us it is symbolic. It is symbolic of the American citizenship of our constituents. It meant everything to us. There are differences among us, of course, but we ask you to think again about this vote and to restore the vote of the Delegates on the floor in the Committee of the Whole.

Mr. DREIER. Madam Speaker, at this time I am very pleased to yield 2 minutes to the gentleman from Auburn, Washington, Sheriff REICHERT, our distinguished colleague and a member of the Ways and Means Committee.

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, I am excited to be here today. And I thank my constituents for the opportunity to once more serve them again as their Representative here in the United States Capitol.

In the days ahead, Congress will debate and pass proposals that will affect the health, the livelihood, and the well-being of every American citizen. Today, as Mr. DREIER said, we are setting the tone now for how well we will serve them in this Congress. Our service should, first and foremost, be transparent and be respectful, be inclusive, work together.

So I am proud that legislation that I authored a couple of years ago is now included in this rules package that we are about to vote on today. My bill requires each of the 21 standing committees in this House to post recorded votes on their Web sites within 48 hours because Americans deserve to know how bills take shape at every step along the way. They deserve easy access to votes taken not just on the floor but also in the committee.

Government transparency is essential to a healthy democracy. By using existing committee Web sites, we can offer this information in a fiscally responsible and easily accessible way. And I am pleased that my work was included in this bill.

Ms. SLAUGHTER. Mr. Speaker, for the purpose of a unanimous consent request, I yield to the gentleman from Puerto Rico (Mr. PIERLUISI).

(Mr. PIERLUISI asked and was given permission to revise and extend his remarks.)

Mr. PIERLUISI. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, I rise in strong opposition to the Republican rules package, because it sends a message of exclusion and indifference to my constituents and those of my fellow delegates from the other U.S. territories and the District of Columbia.

As the Resident Commissioner from Puerto Rico, I represent nearly four million U.S. citizens, far more than any other member of this Chamber. Together, the delegates from the other U.S. territories and the District of Columbia represent over one million people. Our constituents are part of the American family. They pledge allegiance to the same flag as their fellow Americans in the 50 states. They fight—and many of them have died—in defense of our nation.

Under a rule in place for the last three Democratic-controlled Congresses, the Representatives from the territories and the District were given a single, extremely circumscribed privilege on the House floor. We were permitted to vote on amendments when the House resolved into the Committee of the Whole, a parliamentary device designed to allow greater participation by Members in debate. The rule provided for an automatic revote to be held in the exceedingly rare instance where our votes affected the outcome. This rule was upheld by the federal courts and did not impede the work of this House in any way.

This simple privilege promoted responsible and transparent government. By obligating us to take public stands on issues of importance, it enabled our constituents to better evaluate both our governing philosophy and the quality of our representation. The privilege also sent a clear moral message—a message of inclusiveness—conveying to our constituents that their voices counted.

In a move that is as unnecessary as it is unjust, the Republican package will deprive us of this privilege, which may have been small in their eyes, but which held significant meaning for us and those we represent. The Republican package dishonors men and women from the territories and the District of Columbia. And in so doing, it does grave damage to the principles of equality and justice that our constituents, side by side with all of your constituents, fight to defend here at home and in distant lands. This is a true shame.

Ms. SLAUGHTER. I yield to the Delegate from Guam, Delegate BORDALLO.

(Ms. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, the Republican rules package makes this body less transparent and less responsive to the American people. By obligating the Delegates to take public stands, our limited vote showed our constituents where we stood on important issues. Our vote also helped ensure legislation considered by the House took our constituents into account. When an amendment came forward last Congress regarding the transfer of detainees from Guantanamo into the U.S., the territories were initially excluded from the prohibition. Our vote compelled the House to address our concerns. This is precisely how representative democracy is meant to work.

Ms. SLAUGHTER. I yield to the Delegate from the Virgin Islands, Dr. CHRISTENSEN.

(Mrs. CHRISTENSEN asked and was given permission to revise and extend her remarks.)

Mr. Speaker, I rise in opposition to the Rules Package which once again removes the opportunity for Delegates to Congress and the Resident Commissioner to vote on amendments in the Committee of the Whole. It was our privilege in the past two Congresses to vote along with our colleagues on issues of importance to all Americans, especially the over 4 million of us who live and work in the U.S. territories.

The people of the U.S. territories are a diverse group, much like their fellow citizens on the mainland. Some are born in the territories under the American flag, some have migrated there and embraced our culture and our values before naturalization, others were born in the states and have chosen by virtue of their chosen occupation or by love of our islands to make the territories their home. All are Americans in every sense of the word, except for full representation in the House of Representatives and the ability to vote for the President of the United States.

Mr. Speaker, the people of the U.S. territories have served their country in all of its

conflicts from the American Revolution to the recent conflicts in Iraq and Afghanistan. They have given their youth, their time and even their lives for our country. We had hoped through our participation to obtain the good will of all of our colleagues to ensure full participation in the democratic process for all citizens of our country. The events of this week have proved to us once more that we still have a long way to go to ensure equality and justice for all.

Ms. SLAUGHTER. I yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, on behalf of the tens of thousands of our men and women in military uniform from the U.S. territories, I just ask my good friend, the Honorable Speaker, restore our symbolic vote. That's all we are asking for.

Mr. Speaker, the proposed rules by the Republicans for the 112th Congress give unfair treatment to some 5 million Americans residing in the U.S. territories. In particular, it eliminates the rule that allows the Delegates to vote when the House resolves into the Committee of the Whole, and that provides for an automatic revote in the full House when such vote is the deciding margin.

The U.S. Court of Appeals has upheld the Delegate vote on the basis that there is automatic reconsideration of votes in the House when the Delegate vote is decisive. Automatic reconsideration preserves the House proper as the sole arbiter for changes made in the legislation that the House considers.

During the three Congresses in which the rule has been in place, the record shows that the Delegate vote in the Committee of the Whole has not in any way hindered the work of the House. From 1993 to 2010, the House had a total of 132 separate votes demanded in the House on first degree amendments reported from the Committee of the Whole. In the same period, only four such amendments were reconsidered as a result of the Delegates being the deciding votes. this proves that the Delegates vote does not impede the work of the House.

While symbolic, the Delegate vote is important for transparency and political accountability. It compels us, representatives of the U.S. Territories, to make public our views and positions on issues of national interest that are important to our constituents. Hence, the constituents are able to make an informed decision to elect those that better represent their views.

Above all, the Delegate vote underscores fairness and has moral implications for the institution and this great nation. As part of the American family, a disproportionate number of our sons and daughters are fighting in the U.S. military in defense of the values and principles upon which this country was founded.

A statistical profile of Americans killed in the war in iraq shows my district, the U.S. Territory of American Samoa, has the highest rate of deaths per 1 million population in all of the United States. Just last month, I attended the funeral of another soldier from my district killed in Iraq. Staff Sergeant Loleni Gandy, originally from American Samoa, was 36 years old, and has served in the U.S. Army for 17 years. He is survived by his wife and four young sons who now have to cope with the loss of their father. Like Americans in other States, the love and loyalty my people feel for the United States remains unchanged.

It is disconcerting therefore that under the new rules proposed for the 112th Congress, the Delegates are stripped of the power to vote in the Committee of the Whole. This is an affront to the tremendous sacrifice made by Americans in the Territories and further restricted what modest representation they have in Congress.

I urge my friends on the other side to reverse course and reinstate the rule to allow the Delegates to vote in the Committee of the Whole.

CONGRESSIONAL RESEARCH SERVICE,
December 29, 2010.

To: House Subcommittee on Insular Affairs, Oceans and Wildlife, Attention: Jed Bullock.

From: Christopher M. Davis, Analyst on Congress and the Legislative Process.

Subject: Amendments Reported from the Committee of the Whole Subject to a Demand for a Separate House Vote or Automatic House Reconsideration: 103rd–111th Congress

This memorandum responds to your request for statistical information about amendments adopted in the Committee of the Whole House on the State of the Union from 1993 to the present on which a demand for a separate vote was subsequently made in the House of Representatives or which were subject to automatic reconsideration in the House because the votes of the Delegates and the Resident Commissioner were decisive in the Committee.

SEPARATE VOTES AND AUTOMATIC RE-VOTES IN THE HOUSE

Under the longstanding practice of the House of Representatives, first degree amendments adopted in the Committee of the Whole House of the State of the Union and reported to the House are not considered finally adopted until agreed to by the House. The philosophy underlying this practice is that the Committee of the Whole is only recommending amendments to the House; the House proper is the sole arbiter of changes made in the legislation it considers and, as such, must act to approve or disapprove the recommendations made by the Committee.

For this reason, when the Committee of the Whole rises and reports legislation to the House, the House must vote on any first degree amendments included in measure as reported. In the vast majority of cases, the House, by unanimous consent, acts to approve all of the committee reported amendments en gros by voice vote, before quickly moving to the final parliamentary steps of considering a measure. It is the right of any Member, however, to demand a separate vote in the House on any first degree amendment reported from the Committee of the Whole, and Members sometimes avail themselves of this right. There may be various motivations for a Member demanding what is often essentially a ''re-vote'' in the House on an amendment which a majority of Members voted for only a short time earlier in the Committee of the Whole. These motivations include, but are not limited to, hoping to defeat an amendment unexpectedly agreed to by the Committee and to force the House to expend time in taking recorded votes.

As you know, there also exists in House rules a separate and unique parliamentary mechanism by which an amendment receiving a vote in the Committee of the Whole is subject to immediate and automatic reconsideration in the House when it has been determined that the votes of the Delegates and the Resident Commissioner have made the difference in the vote's outcome. Provisions contained in clause 6 of House Rule XVIII, as adopted in the 111th Congress (2009–2010), state that when the House is sitting as the Committee of the Whole House on the State of the Union, the Delegates and Resident Commissioner have the same right to vote as Representatives, subject to immediate and automatic reconsideration in the House when their recorded votes ''have been decisive'' in the committee. Rules related to the votes of the Delegates and Resident Commissioner which were identical in effect were in force in the 110th (2007–2008) and 103rd (1993–1994) Congresses.

RESULTS AND RESEARCH METHOD

At your request, CRS conducted a search to identify first-degree amendments reported from the Committee of the Whole which were subject to a demand for a separate vote in the House from the 103rd (1993–1994) through the 111th (2009–2010) Congress. These amendments were identified by searching the universe of House amendments in the Legislative Information System of the U.S. Congress (LIS) using the term ''separate vote.'' These results were cross-checked with demands for a separate vote noted in individual issues of the Congressional Record Daily Digest.

CRS has also previously identified amendments that were subject to automatic reconsideration in the House pursuant to the terms of clause 6 of House Rule XVIII, described above. Table 1 presents the number of amendments falling into these two categories over the period examined. Material identifying the specific amendments in question is provided under separate cover.

TABLE 1—FIRST DEGREE AMENDMENTS REPORTED FROM THE COMMITTEE OF THE WHOLE ON WHICH A DEMAND FOR A SEPARATE VOTE WAS MADE IN THE HOUSE OR WHICH WERE SUBJECT TO AUTOMATIC RECONSIDERATION PURSUANT TO CLAUSE 6 OF HOUSE RULE XVIII

[103rd–111th Congress (1993–2010)]

Congress & Years	Separate Votes Demanded in the House on First Degree Amendments Reported from the Committee of the Whole	Amendments Reconsidered in the House Pursuant to Clause 6 of House Rule XVIII
103rd (1993–1994)	70	3
104th (1995–1996)	5	—
105th (1997–1998)	29	—
106th (1999–2000)	5	—
107th (2001–2002)	1	—
108th (2003–2004)	4	—
109th (2005–2006)	1	—
110th (2007–2008)	13	0
111th (2009–2010)	6	1
Total	132	4

Source: CRS analysis of information from the Legislative Information System of the U.S. Congress and the Congressional Record Daily Digest.

Notes: Congresses in which Delegates and the Resident Commissioner were not permitted to vote in Committee of the Whole subject to an automatic reconsideration in the House are noted with a dash.

I trust this information is responsive to your needs.

[Congressional Research Service, Dec. 23, 2010]

PARLIAMENTARY RIGHTS OF THE DELEGATES AND RESIDENT COMMISSIONER FROM PUERTO RICO

(By Christopher M. Davis, Analyst on Congress and the Legislative Process)

SUMMARY

As officers who represent territories and properties possessed or administered by the United States but not admitted to statehood, the five House Delegates and the Resident Commissioner from Puerto Rico are not Members of Congress, and do not enjoy all the same parliamentary rights as Members. They may vote and otherwise act similarly to Members in legislative committee; may

not vote in the House, but may participate in debate and make most motions there; and, under the rules of the 111th Congress (2009–2010), may preside over, and vote in, Committee of the Whole subject to an immediate revote in the House if their votes are decisive.

A proposed rules change for the 112th Congress (2011–2012) released by the House Republican leadership in December of 2010 would, if subsequently adopted by the House, eliminate the right of the Delegates and Resident Commissioner to vote in, or preside over, the Committee of the Whole.

This report will be updated as circumstances warrant.

INTRODUCTION

The offices of the Resident Commissioner from Puerto Rico and the Delegates to the House of Representatives from American Samoa, the District of Columbia, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands are created by statute, not by the Constitution. Because they represent territories and associated jurisdictions, not states, they are not Members of Congress and do not possess the same parliamentary rights afforded Members. This report examines the parliamentary rights of the Delegates and the Resident Commissioner in legislative committee, in the House, and in the Committee of the Whole House on the State of the Union.

IN LEGISLATIVE COMMITTEE

Under Clause 3 of Rule III, the Delegates and the Resident Commissioner are elected to serve on standing committees in the same manner as Representatives and have the same parliamentary powers and privileges as Representatives there—the right to question witnesses, to debate, offer amendments, vote, offer motions, raise points of order, include additional views in committee reports, accrue seniority, and chair committees and subcommittees. The same rule authorizes the Speaker to appoint Delegates and the Resident Commissioner to conference committees as well as to service on select and joint committees.

IN THE HOUSE

The Delegates and the Resident Commissioner may not vote in or preside over the House. While they take an oath to uphold the Constitution, they are not included on the Clerk's roll of Members-elect, and may not vote for Speaker. They may not file or sign discharge petitions. They may, however, sponsor and cosponsor legislation, participate in debate, including managing time, and offer any motion which a Representative may make, except the motion to reconsider. A Delegate or Resident Commissioner may raise points of order and questions of personal privilege, call a Member to order, appeal rulings of the chair, file reports for committees, object to the consideration of a bill, and move impeachment proceedings.

IN COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Under Rule III and Rule XVIII, as adopted in the 111th Congress (2009–2010), when the House is sitting as the Committee of the Whole House on the State of the Union, the Delegates and Resident Commissioner have the same right to vote as Representatives, subject to immediate reconsideration in the House when their recorded votes ''have been decisive'' in the Committee. House rules also authorize the Speaker to appoint a Delegate or the Resident Commissioner to preside as Chairman of the Committee of the Whole.

The rules of the 111th Congress are identical in effect to those in force in the 110th Congress (2007–2008) and before that, in the 103rd Congress (1993–1994), which permitted the Delegates and the Resident Commissioner to vote in, and to preside over, the Committee of the Whole. These provisions were stricken from the rules as adopted in the 104th Congress (1995–1996) and remained out of effect until readopted in the 110th Congress. At the time of the adoption of the 1993 rule, then-Minority Leader Robert H. Michel and 12 other Representatives filed suit against the Clerk of the House and the territorial delegates, seeking a declaration that the rule was unconstitutional. The constitutionality of the rule was ultimately upheld on appeal based on its inclusion of the mechanism for automatic reconsideration of votes in the House. A draft of the proposed rules package for the 112th Congress (2011–2012) released by the House Republican leadership on December 23, 2010, would amend Rules III and XVIII to eliminate the ability of the Delegates and the Resident Commissioner to vote in, or preside over, the Committee of the Whole.

The votes of the Delegates and the Resident Commissioner were decisive, and thus subject to automatic revote by the House, on three occasions in the 103rd Congress. There were no instances identified in the 110th Congress in which the votes of the Delegates and the Resident Commissioner were decisive. In the 111th Congress, the votes of the delegates were decisive, and subject to an automatic revote, on one occasion.

The rule governing voting in the Committee of the Whole by Delegates and the Resident Commissioner has not been interpreted to mean that any recorded vote with a difference of six votes or less is subject to automatic reconsideration. In determining whether the votes of the Delegates and the Resident Commissioner were decisive, the Chair follows a ''but for'' test—namely, would the result of a vote have been different if the Delegates and the Commissioner had not voted? If the votes of the Delegates and the Resident Commissioner on a question are determined to be decisive by this standard, the committee automatically rises and the Speaker puts the question to a vote. The vote is first put by voice, and any Representative may, with a sufficient second, obtain a record vote. Once the final result of the vote is announced, the Committee of the Whole automatically resumes its sitting.

Ms. SLAUGHTER. I yield for the purpose of a unanimous consent request to the gentleman from the Northern Mariana Islands (Mr. SABLAN).

(Mr. SABLAN asked and was given permission to revise and extend his remarks.)

Mr. Speaker, the people of the Northern Mariana Islands are citizens of the United States. And the Constitution declares we are "subject to the jurisdiction thereof."

But today the majority's Rules exclude us from even symbolic representation in our government.

The Pledge to America declared the majority would fight those who whisper America's standing as the world leader of democracy is ending.

But today the majority breaks its own Pledge with Rules that take away the vote from 5 million Americans.

What a sad way to begin this new Congress.

Ms. SLAUGHTER. I yield 2 minutes to the gentleman from Maryland (Mr. HOYER), the minority whip.

Mr. HOYER. Mr. Speaker, I rise in opposition to this rule not for small reasons of this rule or that rule but because it authorizes trillions of dollars of new debt without paying for it.

There are two ways to create debt: You can buy things and not pay for it, or you can simply cut revenues and make yourself unable to pay for things. Statutory PAYGO was designed to accomplish the objective of having us do what is difficult to do—pay for what we buy. If we are honest with one another, it doesn't matter whether you want to spend or simply cut revenues. If you don't do both—cut spending and either maintain or cut revenues consistent with your cutting of spending—then you will inevitably create new debt.

Now, all of you have heard about my three children, my three grandchildren, and my one great-granddaughter. They, frankly, won't care how the debt was created, whether it was created because we cut revenues but didn't cut spending, which is what happened, of course, in the 2000s, or what happened in the eighties, where we incurred trillions of dollars of additional debt. During the Clinton administration, we didn't do that, and we restrained spending. Our Republican colleagues were very helpful in doing that, obviously, and we continued to pay for what we bought. We created 4 years of surplus. So I oppose this rule because of the trillions of dollars that it will authorize, be incurred in new debt.

Secondly, I oppose this rule, as do my friends from the various territories, from Puerto Rico, from the Virgin Islands, the District of Columbia, and the Pacific Islands. We talked about, during the course of the campaign, listening to people. We have almost 5 million people who are American citizens. How do we listen to them? We listen to them when their Representatives put their green or red on the board.

I will be introducing a resolution tomorrow, which will be referred to the Rules Committee, and I hope you will consider it.

The SPEAKER pro tempore (Mr. LATHAM). The time of the gentleman from Maryland has expired.

Ms. SLAUGHTER. I yield the gentleman 1 additional minute.

Mr. HOYER. I thank the gentlelady.

I was telling my friend, the chairman of the Rules Committee, congratulations to him for his obtaining the chairmanship. A thoughtful and hard-working Member of this House will chair the Rules Committee. I am going to be introducing an amendment to the rules that, my presumption is, we will adopt today which will return this symbol of respect, this symbol of inclusion, this symbol of colleagueship, if you will, to our six representatives of American citizens.

□ 1540

I hope my friend will hold hearings on that. I would like to testify on that issue.

And I say to my friends that I hope we reject these rules so that we can correct both the trillions of dollars of exposure that it creates and to ensure the inclusion, in a real and meaningful way, but not constitutionally objectionable way, our friends who represent

the District of Columbia and our territories.

Mr. DREIER. Mr. Speaker, I yield myself such time as I might consume, and I would like to respond to some of the comments made by my very good friend, the minority whip.

On the issue of CutGo versus PAYGO, I think it's important to note that in the bipartisan agreement that was put together just last month, supported by President Obama, there was an actual embrace of the John F. Kennedy vision of recognizing that economic growth and an enhanced level of revenues to the Federal Treasury come about by keeping marginal rates low.

Now I will say, Mr. Speaker, that was a bipartisan agreement; and so what we've said is that as we look at growing the economy, we are very enthused at the fact that job creators are going to be able to have revenues focused on job creating, therefore enhancing the opportunity for more revenues coming to the Federal Treasury.

Second, I think it's also very important for us to realize that the focus does need to be on spending; and we believe very passionately that, in the last 4 years since we've seen a 92 percent increase, a 92 percent increase, Mr. Speaker, in nondefense discretionary spending, that we need to have a laser-like focus on that.

Now, Democrats and Republicans, Mr. Speaker, have come together to decry both the lack of jobs that exist in our economy, as well as deficit spending. There's clear bipartisan agreement on that. We all want to create more private sector jobs, and we all want to see the deficit reduced.

Now, how is it, Mr. Speaker, that we deal with those two issues?

The single most important thing that we can do to ensure that we address that is to ensure economic growth. And so the notion behind PAYGO, which would, in fact, bring about, unfortunately, an increase in taxes that dramatically would stall this recovery—and even Keynesian economists, those through the 1930s, 1940s—John Maynard Keynes died in 1950—there are many people who have followed his economic model, that being stimulating through greater Federal spending.

Keynesian economists, Mr. Speaker, acknowledge that increasing taxes, when you're dealing with a difficult economy, in fact, undermines the potential for economic growth.

Now, let me take the second issue that my friend mentioned, Mr. Speaker, and that issue has to do with the question of our delegates. They're all friends of mine and I respect—I've visited most of the territories, if not all, and I will say that these are very diligent, hardworking Members.

But we all know what the bottom line comes to here. The bottom line comes down to that the vote here in the Committee of the Whole counts until it doesn't count, and it doesn't count if it counts. And that's why I understand. And my friend, Mr. FALEOMAVAEGA, said correctly, this is a symbol. It is a symbol. And I think that their membership and participation on committees is important, and there is a great deal of camaraderie that does go on with our friends.

But the fact is, when you have a structure where the vote counts until it doesn't count and doesn't count if it counts, it seems to me that that is not the proper route for us to take; and so that's the reason that this action has been taken.

Mr. Speaker, I am happy to yield to my very good friend, the distinguished minority whip.

Mr. HOYER. I thank the chairman of the Rules Committee for yielding.

I tell my friend, you and I have been here some period of time.

Mr. DREIER. I've actually been here a few months longer than my friend has.

Mr. HOYER. Well, that's true, so I'll be very respectful.

I've heard that argument that you just made made in 1981, in 1989, and again in 2001. I tell my friend, my experience has been that it hasn't worked, and we have incurred substantial trillions of dollars of debt pursuing the Rules Committee philosophy that is represented in your rule.

On the other hand, a bill that you opposed, and every member of your party opposed in 1993, which you say was pursuing a job-killing policy, in fact created more jobs than any other administration since you and I have served here, some 22 million jobs and, additionally, balanced the budget. Did we work together to do that? We did.

But I will tell you my experience and yours has been that we did, in fact, balance the budget on the philosophy of statutory PAYGO.

Mr. DREIER. Mr. Speaker, if I could reclaim my time, I would say that I began by talking about a great Democratic President, John F. Kennedy, who used this model. And the notion of simply looking at 1981, 1989, and 2001 is not the simple basis for the argument that I'm propounding. I'm beginning, if you look at modern history, with John F. Kennedy as President of the United States.

And I will also say that, in looking at the 1993 bill, I am convinced, as I stand here today, that if we had had simply that tax increase and not put into place the measures that we did in 1994, 1995, 1996 that focused on job creation and economic growth, reducing the top rate on capital gains and, in fact, bringing about marginal rate reduction, we would not have enjoyed that tremendous period of growth that we experienced through the decade of the 1990s which, as we all know, was the time that the Republicans were, in fact, in control here.

We've had a nice exchange. If I could reserve the balance of my time. I would love to hear further from my friend if Ms. SLAUGHTER would yield to him.

Ms. SLAUGHTER. Mr. Speaker, at the end of this debate, if we defeat the previous question, Mr. VAN HOLLEN of Maryland will offer an amendment to restore fiscal discipline in the House.

I yield 4 minutes to the ranking member of the Budget Committee now, so that he may explain his amendment.

Mr. VAN HOLLEN. Mr. Speaker, on this opening day of the new Congress I know that we all hope to work together to tackle the major problems that face our country. We heard that sentiment expressed by the outgoing Speaker, NANCY PELOSI, and by the incoming Speaker, JOHN BOEHNER. That is why the rules package, the plan put forth by the Republican majority not less than 2 hours after those comments were made, is so disappointing, because after months on the campaign trail telling the American people that they want to reduce deficits and the debt, this rule opens the door to larger deficits and a bigger national debt. It is a fiscally reckless blueprint, and the American people deserve better.

Why do I say that?

Because this plan guts the existing pay-as-you-go rule that limits mandatory spending and tax breaks that add to our deficits.

It also creates a mechanism to do an end run against the pay-as-you-go law recently signed by President Obama that will limit increases in our national debt.

How does this proposal do that?

The rule and the laws we've been operating on say you can't add to the deficit by adding new spending entitlements. This rule, properly, keeps that restraint, as it should.

But the rule being proposed, the plan being proposed, also eliminates provisions that says you can't add to the deficit by creating special interest tax breaks. The proposal before us eliminates that limitation. It says that the Congress will ignore the deficit impact of tax breaks whether they're for hedge funds or for other special interests.

Now, Mr. Speaker, every small business knows that there are two sides to balancing the books: the costs incurred by the business and the revenue the business brings in.

□ 1550

This one-sided rule ignores half of that equation. No small business could operate and survive that way in the United States and neither can the Federal Government.

Mr. Speaker, if we defeat the previous question, I plan to offer an amendment to the Republican plan that is very simple. It says that a measure may only qualify for an exemption under this subsection if it does not increase the deficit over the period of fiscal years 2011 through 2021 beyond the exemptions permitted under the current law of the land, under statutory PAYGO. And, at the appropriate moment, we will offer that.

Mr. ANDREWS. Will the gentleman yield?

Mr. VAN HOLLEN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I think the gentleman, Mr. Speaker, aptly points out, the majority promised accountability but they are delivering hypocrisy.

They said that their number one goal would be job creation. There is not a bill, not a word, not an idea about job creation the first 2 weeks of the new Congress.

They said they were running on reducing the debt and the deficit. Well, as Mr. VAN HOLLEN very accurately points out, this rule says, We will reduce the deficit, except when we deal with health care or tax cuts for the wealthy, in which case we'll pretend it doesn't exist. We'll pretend there is no deficit when it comes to health care, the largest Federal expenditure, at least one of the largest, and tax cuts for the wealthy.

Then finally, hours ago, the majority said: We're going to cut $100 billion from this year's budget. And then they said, well, we didn't really mean $100 billion. We're going to cut something, but we'll tell you later what it is.

Americans who are concerned about the debt and the deficit should be very concerned about the lack of accountability they are seeing here today: A rule that blows open the deficit, a procedure that ignores job creation, and a $100 billion promise that just vanished like the champagne bubbles at their fund raiser last night.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to our very distinguished new Republican whip, my good friend and fellow Californian, the gentleman from Bakersfield, Mr. MCCARTHY.

Mr. MCCARTHY of California. Mr. Speaker, I thank the new chairman of the Rules, Mr. DREIER, for yielding.

We are debating the rules package. Why is it important to have a rules package? Because structure dictates behavior.

For America, we know that, for far too long, the structure of this House was dictating a behavior that the American public did not care for nor did they want. They watched for too long bills written by a few come to the floor where Members have not even read it, the public has not even been able to see it, and a debate and a vote, then passed. We watched where we didn't even have an open rule. Not one freshman in this building that became a sophomore ever saw a open rule. But today is a new day. Today is a new opportunity.

Now, what went into the rules package and how did you come about crafting it and creating it? Well, it wasn't crafted today, and it wasn't crafted with one side of the aisle. We reached out to both sides. But we reached beyond this House. We reached where this House was supposed to go, to the people.

Last fall, our new Speaker BOEHNER asked us to open up to the American people and ask them what they needed from here. We created America Speaking Out. Anybody could come in and give you an idea, and not once did we ask them what party they were registered or affiliated with. Just the power of the idea should win at the end of the day.

And do you know what they said? They said a bill shouldn't come to the floor but it should have 3 days so that not only Members of Congress could read it but the American public. You know what? It's in the rules.

They said you have a $1.3 trillion deficit and, for the first time since the Budget Act of 1974 was passed, you don't even have a budget. So you should make it harder to spend and easier to cut. Well, that's what this rule package does.

This rule package gives us an opportunity to do exactly what President Lincoln wanted, a House of the people, for the people, by the people. And the structure at the end of the day will make it more open, more transparent, and more accountable. That's what the people asked for, and that's what we were sent here to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts, a member of the Rules Committee, Mr. MCGOVERN.

Mr. MCGOVERN. Well, Mr. Speaker, that didn't take long. Our Republican friends have been in charge of the House for about 1 hour, and already they are up to their old discredited tricks.

They promised the American people that they were serious about deficit reduction. Apparently that promise was for campaign purposes only, because the Republicans' rule package before us today paves the way for a huge explosion in our national debt to the tune of $5 trillion. That's trillion with a ''t''.

The new Republican majority is attempting to drag this country back to their supply-side fantasyland where deficits either don't matter or could be addressed by giving huge tax breaks to the very, very wealthy. Back here in the real world their proposals would do real harm to real middle class families. They want to slash funding for education, for infrastructure, for investments and new technology, for medical research, for job training. You name it. If the new program benefits working families, it's on the chopping block.

But if you are a wealthy hedge fund manager or a huge defense contractor or a playboy son of a dead multimillionaire, you are in luck. Your tax breaks are safe. As The Washington Post said in a recent editorial, When it comes to tax cuts, it's all go, no pay.

I would say to my Republican friends, if you care about deficit reduction, if you meant what you said on the campaign trail, then vote against this misguided rules package. If you want transparency, then do away with the smoke and mirrors. If you want accountability, then stop the hypocrisy. This rules package is shameful.

This new Republican majority appears determined to do what they have done in the past, and that is dig this country deeper and deeper into debt. It is the wrong thing to do. Vote ''no.''

Mr. DREIER. Madam Speaker, I am happy to yield 2 minutes to the gentleman who led our effort to bring about reform of the rules and help put this package together, my very good friend, Mr. BISHOP, the gentleman from Utah.

Mr. BISHOP of Utah. Madam Speaker, I appreciate the gentleman from California recognizing me.

Every time we talk about rules, I realize for the majority of people, their eyes kind of glaze over. But every kid who has spent time in an elementary yard realizes that the rules are important to the game.

We are here, though, on this floor doing the people's business, and it is not a game, and the rules become significant. And the rules are significant because they are responsive to what the people have said.

People told us very clearly they are interested in jobs, they are interested in spending. The rules package before us right now facilitates the growth of the former and helps in the limitation of the latter.

True, PAYGO will be replaced in this rule. PAYGO was the process that was honored in its breach and suspension as often as its application, and it is replaced with CutGo, a process that zeroes in on the real problem, which is spending. And if indeed we suspend CutGo as frequently as PAYGO was suspended, then it would be justified to criticize us at that particular time.

This rule says committees are important. It's not just a box you check to say you have done regular order. We have now provided for time for committees to do their job. We have provided for pre-meeting requirements and post-meeting requirements and accountability, and respect for the product of the committees will be here on the floor.

Once again, in this rule the Constitution is now in vogue again, and the bills coming to the floor will become readable so that you will never see again a multihundred-page amendment coming before this body in the wee hours of the morning of its actual debate.

Many of us who worked on these rules have had legislative experience in our home States. We brought different ideas, realizing that a better process equals a better policy. We have changed the schedule so that time management will be seriously considered. We have added to transparency for what takes place on the committee as well as on the floor. We, to use cliches, thought outside of the box. But in so doing, we included more Members than ever before, Republicans and Democrats, who were invited to give specific input into what we indeed are doing.

The SPEAKER pro tempore (Mrs. CAPITO). The time of the gentleman has expired.

Mr. DREIER. I am happy to give my friend an additional 30 seconds.

Mr. BISHOP of Utah. We reached consensus. We found that making the right decisions is not necessarily a difficult process. All you need to do is throw strikes.

Satchel Paige, when he was advising a young pitcher who was having a problem with his control trying to hit the corners simply looked at him and said, ''Just throw strikes. Home plate don't move.''

This rule is strikes, because home plate don't move. Will it change Washington and the way we do business? Yes. And appropriately so.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentlewoman from Florida, a former member and missed member of the Rules Committee, Ms. CASTOR.

□ 1600

Ms. CASTOR of Florida. Madam Speaker, I thank the gentlewoman for yielding time.

As a former member of the Rules Committee, I felt compelled to come to the floor of the House now because the Republican rules package is asking us to vote on a huge deception of the American people. Over the last year, we have had a robust debate about deficits and debt in this country, and yet the first significant vote the Republicans are asking us to vote on will add to burgeoning deficits and debt.

Here is a good example: No matter how you feel about the health reform law, the nonpartisan CBO says that that health reform law will cut the deficit by $143 billion over the next few years. What the Republican rules package says is, when they bring up repeal of health reform next week, they are not going to count that money; they are going to add that again to the debt. So the first significant vote they are asking us to take on the floor is one that will set us on a course to adding $143 billion to the deficit and debt.

I urge everyone to oppose the rules package.

Mr. DREIER. Madam Speaker, I am happy to yield 45 seconds to the distinguished new chair of the Committee on Transportation and Infrastructure, the gentleman from Florida (Mr. MICA).

Mr. MICA. I would like to rise to engage Chairman DREIER in a brief colloquy regarding the highway funding point of order that is included in this rules package as clause 3 of rule XXI.

It is my understanding that this point of order makes no change in the manner in which highway, highway safety, motor carrier safety, and transit programs are currently funded, which is through contract authority derived from the highway trust fund and provided in authorization acts. Rather, the new point of order provides that Members will have the ability under House rules to offer amendments to reduce funding for such programs, if they choose to do so.

In the interest of clarity and mutual understanding, I want to be assured that my understanding of this proposed change to clause 3 of rule XXI is correct.

Mr. DREIER. If the gentleman would yield, I would say, Madam Speaker, the gentleman from Florida is absolutely correct. Clause 3 of rule XXI, as amended, does not change the way in which the underlying programs are funded, which is through contract authority provided by authorization acts.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Transportation.

Mr. RAHALL. I thank the distinguished gentlelady for yielding the time.

While I regret I did not hear all of the previous colloquy, I do want to express my strong reservation and opposition to these rule changes because of the effects it would have on transportation-related issues.

The Republican rules package eliminates the current rules' direct tie between revenues to the highway trust fund, paid by the users through gas taxes at the pump, and the level of investment for these programs.

Currently, House rules provide that appropriators must fund highway and transit programs at levels set forth in surface transportation authorizations. This provision was championed by a Republican, our former colleague Bud Shuster, and was put into place to prevent funds building up in the highway trust fund to be used to mask the true size of the Federal deficit. The provision was intended to stop the same old smoke-and-mirrors game of Federal spending.

As their very first act as the majority, I find it incredible that Republicans would want to pursue a job-killing proposal like this, one that not only threatens jobs, but which could lead to dramatic reductions in spending for very necessary and worthy highway projects throughout the Nation.

Americans understand and they support paying motor fuel taxes at the pump, so long as they are guaranteed that those funds will be spent on transportation. The Republican rules package smears that guarantee and will have a potentially devastating effect on the level of Federal investment in vital highway and transit programs.

After more than a decade of effort by the Committee on Transportation and Infrastructure, the House adopted the current rule in 1998. The principle was simple: Gas taxes collected to improve highway and transit systems must be used for that purpose. The previous rule restored trust to the trust fund, and it has served the House and our Nation well for the past 12 years.

Today, the House Republican majority breaks that trust. They are returning to the ways of old—no hearings, no public debates, no discussion with any Member on this side of the aisle on the effects of the proposed rule on transportation investment.

Regrettably, these issues are steeped in arcane budget rules, so, therefore, many Members, especially new Members, are not aware of what they are voting on and its consequences.

I urge my colleagues to oppose this rules change, as do so many highway contractors and the U.S. Chamber of Commerce.

Mr. DREIER. Madam Speaker, I yield 2 minutes to the very distinguished chairman of our transition committee, my friend from Hood River, Oregon (Mr. WALDEN).

Mr. WALDEN. Madam Speaker, I want to thank the chairman of the Rules Committee.

I wanted to talk just briefly about the transition itself, and I want to thank members of both parties who participated in very meaningful ways in our transition. I think it was an unprecedented effort in terms of its size and inclusiveness. Four members of our team were incoming freshmen. We offered Democrats the opportunity to participate both formally and informally, an act of bipartisanship that has been missing, frankly, from prior organizations going back over both parties' tenure in leadership.

I asked Speaker PELOSI to designate two Democratic participants. We distributed surveys to every Member, chief of staff, and scheduler on both sides of the aisle to get as many ideas as possible to reform the people's House. Let us always remember that this is the people's House. It is their business. It is the taxpayers' money, and the public has the right to observe and participate in this process. The outcome is the rules package before us today. The transition team received more than 2,000 suggestions from the general public submitted through our Web site.

And what did we accomplish? Bills will now be posted online in a searchable format at least 3 days before receiving a vote on the House floor. No longer will bills be dropped in the middle of the night and voted on the next day. We require that all bills include a citation of constitutional authority so Congress respects the limits imposed on it by the founding document.

To begin to control the explosion in spending, we are clamping down on budgetary sleights of hand that hide spending beyond the first 10-year window of a bill; any legislation projected to increase the deficit by more than $5 billion in any single 10-year window out to 50 years will be subject to a point of order; a new CutGo rule requiring any suspension bill that increases authorizations or creates new programs to make equal or greater cuts elsewhere; a legislative calendar to ensure Members will be back home listening to the people who sent us here at least a week every month; ending the practice of passing comprehensive or omnibus bills that package unrelated legislation together in an effort to avoid public scrutiny; and will require every committee to Webcast

their hearings and markups and make them available online.

Transparent, open, accountable. This is the rules package to change the House.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Madam Speaker, I thank the Member from New York.

Let me start by acknowledging two things: One, the Republican majority won the election and has the right to bring this rules package with changes to the floor. Number two, there are some good provisions in this. Mr. WALDEN just described several. But, three, there is a time bomb in this.

The major responsibility that we have in Congress is to debate taxes and spending—taxes and spending. The provision that basically will protect privileged tax breaks so that we cannot have a debate about whether or not a hedge fund billionaire should pay at least the same rate of income tax as his or her chauffeur or cook; the fact we cannot have a debate as to whether mature and profitable industries should continue to get taxpayer subsidies, like the oil industry, instead of being able to divert them to emerging technologies; the fact that these are off the table so that the only outcome will be cuts in spending that affect every single person without any debate, that is the problem. And when Mr. MCCARTHY said that the rules dictate behavior, he left out that the rules dictate outcome as well.

Mr. DREIER. May I inquire of the Chair how much time remains on each side?

The SPEAKER pro tempore. The gentleman from California has 4¼ minutes remaining, and the gentlewoman from New York has 11½ minutes.

Mr. DREIER. I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Madam Speaker, today was a glorious day, but as we begin to discuss the rules that are now taking place, I raise questions.

I would like to understand, if we are going to go forward in a fiscally responsible way, and I have heard so much about the Tea Party and I welcome certainly the expressions of those who have been elected as Republicans of those views, but we stand in this House, Republican and Democrat and some Independent, to work on issues for the American people.

□ 1610

How do you in fact then eliminate, in some sense, the pay-as-you-go rule, which we have all been committed to, which allows us to pay for what we want to encourage the American people to have. But now we have a rule that says that you cannot raise revenue. So if your soldiers on the battlefield need more resources, you can only get it by cutting spending of some other vulnerable population. What sense does that make?

When we speak of open rules, what sense does it make to have a rule tomorrow that indicates that we're repealing the health care bill under a closed rule, where we'll be saving some $143 billion over 3 years, but that rule would not allow that. This is a rules package that needs fixing, and I hope that we can go back to the drawing board.

Mr. DREIER. Madam Speaker, I yield 2 minutes to the distinguished chair of the Committee on the Budget, the gentleman from Janesville, Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman from Los Angeles, California, for yielding.

Madam Speaker, it's a good day because we're bringing some fiscal sanity back to this institution. What governed this place with the rules in the last two Congresses was a ruled called PAYGO. Let me walk you through what PAYGO accomplished. Before we had the Democrats' PAYGO rule, the deficit was $161 billion. Now it's $1.4 trillion. Its report card wasn't so good. After the last two Congresses, PAYGO was gimmicked or waived 32 times, to the net total of $932 billion in extra deficit spending. But when PAYGO was used, when it was invoked, it was more often used to raise taxes.

Madam Speaker, we do not have a revenue problem. We have a spending problem. And that is why this brings CutGo—cut-as-you-go. If you want new spending, you better cut spending somewhere else to pay for it.

This does a couple of other things. It gets rid of a gimmick which was used very artfully in the last Congress to use reconciliation procedures to grow more government and create new spending programs. It also adds a new rule that says we need to look at the fiscal consequences in the future of what we're doing—not just in 5 years, not just in 10 years, but in the out years—because the debt crisis is coming, mark my words.

It also gets rid of the automatic debt increase. We used to call this the Gephardt rule. Congress has to vote a clear up-or-down as to whether or not to vote the debt limit. And what also happened last session for the first time since the 1974 Budget Act passed is that the House didn't even propose, let alone pass, a budget. That is why this gives us an interim authority to actually put a budget in place so that we can have a mechanism to actually police the budget. We have no budget; we have no limits; no restraints; no priorities whatsoever because of the failure of the leadership in the last Congress. And that is why this interim authority occurs: so that we can actually put some numbers in from the CBO to police and actually have budget enforcement until the new budget arrives.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Thank you, Madam Ranking Member.

I come to the floor opposing the rule only because there's a provision in it that indicates that our delegates from all over the globe will not be allowed to exercise any of their voting privileges that they had earlier. And when my friend, Mr. DREIER, the distinguished chairman of this committee, indicated it was all symbolic, I just would hope that if we do get a chance to pull this out of the package and perhaps vote on this in a separate way, that you might see your way clear to understand that these Americans and citizens who volunteer and fight for this great country and support our flag, and in many cases have per capita more of their young people killed in action and wounded in action than those of us on the mainland, that I think it deserves a better classification than to say that it's respecting their friends and it's symbolic.

Mr. DREIER. Will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from California.

Mr. DREIER. I will simply say I was quoting Mr. FALEOMAVAEGA and Mr. HOYER when they used that term.

I thank my friend for yielding.

I reserve the balance of my time, Madam Speaker.

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the gentlelady and ranking member for the time.

I rise in opposition to this rule, but in one way I'm thankful for it because it does help to go right to the heart of the matter, right to the thing that divides us most. On the one hand, Republicans want to give tax cuts to the wealthiest Americans and shrink government services. On the other hand, Democrats want to have adequate funds to fund services that are necessary for the American people.

Under this rule, which I ask all Members to oppose, the Republican rule, tax cuts will no longer have to be paid for. They don't have to be budget neutral. So tax cuts passed by the House can increase the deficit. Also, under the Republican rule, increases to mandatory spending must be paid for by reducing spending somewhere else. Therefore, if the House wanted to extend the child tax credit to minimum-wage families, then the Republican new rules would not allow this to be paid for by closing a corporate loophole. Instead, they would have to be paid for by taking away from some other group of people. This is wrong. And it speaks to the heart of what divides us. And I'm glad we're doing this today.

Mr. DREIER. Madam Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Today's rules package reveals only one thing—and that is hypocrisy. Despite all the rhetoric about the deficit, the Republicans' first act in the majority will be to allow a legislative process that goes back to exploding our national debt. The Republicans' new plan will replace a strict pay-as-you-go policy with a much weaker one-sided policy known as cut-as-you-go, under which mandatory spending still needs to be paid for, but tax cuts do not. And this means that Republicans can cut taxes for the rich and increase the deficit while doing it.

But, Madam Speaker, it only gets worse. The Republicans know that the new health care reform bill reduces the deficit by a trillion dollars over the next two decades, and they've put a special exemption in their rule that says as long as we're repealing health care reform, we can increase the deficit.

Republicans will be judged on the promises they make to the American people. And so far they're already failing to live up to the standard that they've set for themselves.

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to another gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. The question that will be before the ladies and gentlemen of the House on this rules package is: Do you want to honor the commitment to reduce the deficit or abandon it? The rules plan permits an abandonment of the promise to reduce the deficit because it ignores the fiscal consequences of the repeal of the health care bill, which the Congressional Budget Office has said will reduce the deficit by more than a trillion dollars over the next 20 years, and it ignores the fiscal consequences of permanently extending the tax cuts of 2001 and 2003 for the wealthiest Americans.

This is not a question of liberal or conservative, Republicans or Democrat. It's a question of honoring a promise or abandoning it. To those who wish to honor the promise of deficit reduction, the right vote on this rules package is ''no.''

Mr. DREIER. Mr. Speaker, I continue to reserve the balance of my time.

□ 1620

Ms. SLAUGHTER. I am pleased to yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, on day one of this new Congress, these Republicans take a giant step backwards. They profess such great concern about their ability to cut wasteful spending.

First off, they abandon pay-as-you-go budgeting, returning to the Bush-Cheney approach of endless borrowing. They claim they could cut so much, but they reject a rule that requires them to cut spending as one way to offset revenue losses for each new tax break they approve. Their misleading CutGo just cuts fiscal discipline and says to go borrow from the Chinese. These Republicans are like the fellow who bellies up to the bar and says, Just one more round of tax breaks for my buddies. Put it on my tab.

Except it's our tab.

All Americans will pay for their endless borrowing for endless tax breaks. They are indifferent to our national debt except when it comes to cutting vital initiatives that they wanted to weaken or eliminate in the first place.

We need pay-as-you-go budgeting just like a family that faces a high credit card debt and knows it can't balance its budget by cutting off its income or by simply cutting school lunches or other necessities. Neither can America afford to distort this budget.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, deficit reduction requires tough choices, and PAYGO helps us make those tough choices because, if you increase spending, you have to pay for it—either raise the money or cut spending somewhere else. If you cut taxes, you have to raise somebody else's taxes or cut some programs. You have to pay for it.

In 1993, under PAYGO and a tough Democratic budget, we eliminated the deficit and were on our way to paying off the national debt. We created millions of jobs. Unfortunately, 50 Democrats lost their seats in a budget that the Democrats voted for but that not a single Republican voted for. These are tough choices. Unfortunately, this package fails to make those tough choices because it exempts trillions of dollars from PAYGO.

Mr. Speaker, you are simply not having a serious discussion about deficit reduction when the discussion begins with massive tax cuts which will add trillions of dollars to the national debt without beginning to pay for them at all. We need to get serious about deficit reduction, and this package does not do it.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. As I listen to this debate, I want to say that I and many of my colleagues agree that we must take the deficit seriously; but to do so, we have to not only examine spending cuts. We have to look at tax expenditures.

This new rule that is being presented is literally less than 3 hours old. Since the Republicans have taken control, they have said simply—and so most Americans understand this—that they will look at spending cuts as really being cost-savers for the government, but tax expenditures—tax cuts—maybe for the wealthiest Americans, maybe for certain companies—maybe some good, maybe some we would even agree with—will not be counted as part of a cost to government, as a reduction in the amount of revenue that we get into the government. They will simply ignore it, and the expenditures will just get added to the deficit.

Just last week—and for weeks and weeks before that—they said deficit reduction was at the top of their agenda. It took them 3 hours to make that an untrue statement. They have simply already set up a situation where they can add trillions and trillions of dollars to the national deficit, and we can do nothing about it.

Mr. DREIER. I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Speaker, the American people did not bargain for a plan in the first 24 hours of the new Congress that would blow a hole in the deficit and expand the debt.

The chairman of the Rules Committee mentioned the recent bipartisan tax agreement. We also recently had a bipartisan commission on the deficit and debt reduction. It looked at both sides of the equation—spending and the fact that we have created lots of tax loopholes that have lost revenue to special interests. What this plan does, what the rule does, is say that that doesn't matter, that it doesn't count against the deficit.

In fact, the existing rules under the House say that you cannot use the budget reconciliation process to add to the deficit. Your rule specifically eliminates that restriction. Your rule says go ahead and use the budget reconciliation process to add to the deficit and debt. You strike it. You give a green light. This rule also contains, on page 28, a little noticed provision that opens the door to politically motivated, Enron-style accounting as a means to do an end run around the pay-as-you-go law signed by President Obama.

The current practice of this Congress has been that we will use the budget estimates of the nonpartisan Congressional Budget Office to determine the deficit impact on the laws that we pass here in this body for the purpose of pay-as-you-go. That is because, while we should have a vigorous debate over policy, we don't want politicians inventing self-serving budget numbers.

Now, the Congressional Budget Office serves as our umpire. They call the balls and the strikes, as you know. Sometimes we don't like the calls they make. Sometimes we do. Yet what this rule says is we are going to take the umpire off the field when it comes to statutory PAYGO. We are going to substitute our accounting for the folks

whose professional job it is to determine the deficit impact of different legislation that we pass.

I think when the American people find out that this opens the door to this kind of fun and games, they are going to ask themselves: Is this something I really bargained for?

Mr. DREIER. Mr. Speaker, will the gentleman yield on that point?

Mr. VAN HOLLEN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say to the commission that I think it is very important to note that they argued that there should be a reduction to 26 percent as the top corporate rate and 23 percent as the top tax rate.

I thank my friend for yielding.

Mr. VAN HOLLEN. Reclaiming my time, I think my friend knows they did that as part of a whole tax reform package that closed the tax loopholes that your proposal would open.

Ms. SLAUGHTER. I yield myself the balance of my time.

Mr. Speaker, I ask Members on both sides of the aisle to vote ''no'' on the previous question so that we can take serious action described by Mr. VAN HOLLEN to decrease the deficit rather than to simply make it easier to give tax breaks to billionaires.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge a ''no'' vote on the previous question and on the rule, and I yield back the balance of my time.

Mr. DREIER. I yield myself the balance of my time.

Mr. Speaker, everyone is very enthused about today. It is a great day. We have 96 new Members of this institution—87 Republicans and nine Democrats—nearly 100 new Members. They are here having carried a very strong and powerful message from the American people, which is we have got to create jobs, get our economy growing, reduce the size and scope and reach of government, and do it in a more transparent, open and accountable way.

Mr. Speaker, that is exactly what we are doing. That is exactly what we are doing with this rules package.

Now, there seems to be a little disagreement on the notion of dealing with spending and taxes. The fact of the matter is we all know—several of us have said it through the debate—that we don't have a revenue problem. We have a spending problem. What we need to do is to focus on reducing spending, and we are absolutely committed with a laser-like approach to doing that. It is going to be tough. It is going to be painful. I hope that, as we reached out and had bipartisan input on this rules package for the first time ever, that we will be able to do the exact same thing, Mr. Speaker, when we deal with the question of getting our economy growing and the other challenges that lie ahead of us.

□ 1630

We never before have had the opportunity that we are going to have in just a few minutes. The Rules Committee is going to meet after we are seated, and when I came to the Rules Committee two decades ago, I was told by the dean of the Washington press core, David Broder, that the Rules Committee hearing room was small by design. Why? To keep us out, Mr. Broder said to me.

Well, Mr. Speaker, for the first time in this quest for transparency, we are going to have online streaming of our Rules Committee meeting that will take place after we are seated here.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all of our Members have 5 legislative days in which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RAHALL. Mr. Speaker, I rise in strong opposition to H. Res. 5, the new Republican Majority's proposed rules for the House of Representatives.

The Republican Rules package eliminates the current Rule's direct tie between revenues to the Highway Trust Fund—paid by users through gas taxes at the pump—and the level of investment for surface transportation programs. This rules change will have a devastating effect on transportation and infrastructure investment.

Currently, House Rules provide that appropriators must fund highway and transit programs at levels set forth in surface transportation authorizations. This provision was championed by a Republican, our former colleague Bud Shuster, and was put into place to prevent funds building up in the Highway Trust Fund to be used to mask the true size of the federal deficit.

As their very first act in the Majority, I find it incredible that Republicans would want to pursue a job-killing proposal like this. One that not only threatens jobs but which could lead to dramatic reductions in spending for very necessary and worthy highway projects throughout the Nation.

Americans understand, and support, paying motor fuel taxes at the pump so long as they are guaranteed that those funds will be spent on transportation. The Republican Rules package smudges that guarantee and will have a potentially devastating effect on the level of Federal investment in vital highway and transit programs.

After more than a decade of effort by the Committee on Transportation and Infrastructure, the House adopted the current rule in 1998. The principle was simple: gas taxes collected to improve highway and public transit systems must be used for that purpose. The Rule restored ''trust'' to the Trust Fund, and it has served the House well for the past 12 years.

Today, the new Republican Majority breaks that trust. We will soon return to the days where gas taxes are collected and used not to invest in infrastructure, but to hide the size of the deficit.

The new Republican Majority also institutes a new ''Cut-Go'' rule to cut spending. However, in the process, the Republicans have obliterated the basic premise of the Highway and Airport and Airway Trust Funds. Under the new Republican rule, the Committee on Transportation and Infrastructure cannot bring a bill to the Floor that increases highway, public transit, or airport infrastructure investment (contract authority) financed by revenues from the appropriate trust fund, unless the bill makes cuts to other mandatory programs. It does not matter if the Trust Fund has the resources to finance the investment; the Committee still has to provide offsetting cuts. The basic premise of the transportation trust funds—user fees are collected to finance infrastructure improvements—is obliterated.

Regrettably, because these issues are steeped in arcane budget rules, I fear that Members are voting on this package without understanding its consequences. I regret that the Republican Leadership, which has talked so much about transparency and openness, begins this Congress, on its first day, with the ways of old: no hearings, no public debate, and no discussion with any Member on this side of the aisle on the effects of the proposed rule on transportation investment.

You do not have to take my word for it, listen to the transportation community: State Departments of Transportation, public transit agencies, highway contractors, equipment manufacturers, the trucking industry, moving companies, the U.S. Chamber of Commerce, highway users, and construction workers all vigorously oppose the rules.

And you can listen to what Wall Street thinks of the effect on Republican Rules package on highway construction companies: although the Dow Jones Industrial Average went up yesterday, highway contractors and material suppliers took a significant hit throughout the day: Martin Marrietta, down 6.5 percent; Vulcan Materials, down 5.2 percent; Granite Construction, down 4.4 percent; CRH Oldcastle, down 4.4 percent.

As one Wall Street analyst who downgraded two of these firms stated in a written investment report specifically citing the Republican's Rules package:

''. . . [T]his is not an encouraging signal from the new [Republican] congressional leadership in terms of its commitment to infrastructure spending. . . .''; and

''. . . a move to allow revenues previously set aside for road spending to be spent elsewhere would not only act to reduce total [highway] spending levels but also limit visibility amid an already constrained outlook by the lack of a multi-year highway bill.''

Mr. Speaker, it is a sad day for transportation. The Republican Rules package creates uncertainty in an industry that cannot afford it. The Republican Rules package will hurt highway, transit, and airport construction companies and kill jobs.

I urge my colleagues to join me and defeat H. Res. 5. Let us go back to the drawing table and work together to help the American people.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to express my concern about the failure of the Republican Majority's Rules

package to fix jurisdiction over homeland security.

In July 2004, the 9/11 Commission Report recommended that there be not more than one authorizing Committee in the House for the Department of Homeland Security.

They argued that consolidated jurisdiction would provide the newly-established Department of Homeland Security with the same kind of strong Congressional partner that the Department of Defense has in the Committee on Armed Services.

Upon establishment of the Committee on Homeland Security in 2005, Republican Leadership rebuffed this critical recommendation when it failed to designate the Committee on Homeland Security as the "principal point of oversight and review for homeland security."

I can tell you—from first-hand experience—that fractured jurisdiction results in absurd outcomes—with referrals of homeland security bills often bypassing the Committee on Homeland Security altogether.

More than a few of you would probably be surprised to hear that the following three bills were not referred to the Committee on Homeland Security: a bill authorizing the protection of federal buildings from terrorist attacks and other threats—a Department of Homeland Security responsibility; a bill providing resources for DHS to prepare for and respond to acts of terrorism; and a bill to require airports to mitigate against the threat of a terrorist attack.

The absurd and damaging effect of fractured jurisdiction has not gone unnoticed over the past six years.

Every Secretary of Homeland Security—from Tom Ridge to Michael Chertoff to Janet Napolitano—has expressed concerns about fractured jurisdiction over the Department of Homeland Security.

Indeed, in April 2010, Secretary Napolitano wrote that fractured jurisdiction has negatively impacted the Department's ability to fulfill its mission.

Then, in May 2010, 9/11 Commission Chair Tom Kean testified that fractured jurisdiction over the Department of Homeland Security risks making the country less safe.

The 111th Congress, under the leadership of Speaker PELOSI, approved a Rules package that included new language to underscore that the Committee on Homeland Security is the lead congressional committee for homeland security matters within the House.

While this change represented progress, there was still a pressing need for legislative jurisdiction over homeland security to be consolidated.

The Rules package under consideration today does nothing to end fractured jurisdiction over homeland security.

Inexplicably, the package only changes the jurisdictional statement for the Committee on Armed Services—a committee that already has sweeping jurisdiction over the Defense Department.

I am disappointed to see that the newly-minted House Leadership, despite assurances from the incoming Chairman of the Committee on Homeland Security that Republican Leadership would do so, refuses to tackle what the 9/11 Commission said of all its recommendations was "the most difficult and important."

For this reason, I cannot support House Resolution Five (H. Res. 5) and urge my colleagues to join me in opposing this measure that knowingly turns a blind eye to a glaring deficiency in the House Rules that three Secretaries of Homeland Security, the 9/11 Commission and scores of homeland security experts have identified.

The material previously referred to by Ms. SLAUGHTER is as follows:

AMENDMENT TO H. RES. 5

Page 28, after line 10, insert the following:

(3) A measure may only qualify for an exemption under this subsection if it does not increase the deficit over the period of fiscal years 2011 through 2021 beyond the exemptions permitted in the Statutory Pay-As-You-Go Act of 2010.

Mr. DREIER. It is with a great deal of zeal, enthusiasm, and gratitude that I move the previous question and yield back the balance of my time.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 188, not voting 7, as follows:

[Roll No. 4]

YEAS—236

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—188

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Woolsey
Wu
Yarmuth

NOT VOTING—7

Barletta
Johnson (GA)
Reed
Rogers (AL)
Serrano
Speier
Wilson (FL)

□ 1657

Messrs. GEORGE MILLER of California, HOLT, CUELLAR, KILDEE, Ms.

LEE of California, Messrs. GUTIERREZ, CARSON of Indiana, and CONYERS changed their vote from ''yea'' to ''nay.''

Mr. SULLIVAN changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO COMMIT

Mr. CROWLEY. Madam Speaker, I have a motion to commit at the desk.

The SPEAKER pro tempore (Mrs. BIGGERT). The Clerk will report the motion.

The Clerk read as follows:

Mr. Crowley moves that the resolution (H. Res. 5) be committed to a select committee composed of the Majority Leader and the Minority Leader with instructions to report it forthwith back to the House with the following amendment:

At the end of rule XXVI, add the following new clause:

''4.(a) Not later than 15 days after taking the oath of office, a Member, Delegate, or Resident Commissioner shall notify the Clerk of whether that Member, Delegate, or Resident Commissioner elects to participate in the Federal Employees Health Benefits Program.

''(b) The notifications made pursuant to paragraph (a) shall be made under the same terms as the financial disclosure statement required under this rule.''.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CROWLEY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 191, nays 238, not voting 2, as follows:

[Roll No. 5]

YEAS—191

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hanabusa
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NAYS—238

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—2

Ellison
Walsh (IL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). One minute remains in this vote.

□ 1717

So the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. ELLISON. Madam Speaker, on January 5, 2011, I inadvertently missed rollcall No. 5. Had I been present I would have voted ''yes.''

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 238, nays 191, not voting 2, as follows:

[Roll No. 6]

YEAS—238

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heller
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer

Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—191

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Welch
Wilson (FL)
Woolsey
Wu
Yarmuth

NOT VOTING—2

Crawford
Hanabusa

□ 1734

Mr. BERMAN changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, a stray numeral ''3'' is stricken on page 26, line 10.

There was no objection.

A motion to reconsider was laid on the table.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. HENSARLING. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Lucas, Chairman.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Rogers of Kentucky, Chairman; Mr. Young of Florida; Mr. Lewis of California; Mr. Wolf; Mr. Kingston; Mr. Frelinghuysen; Mr. Latham; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Simpson; Mr. Culberson; Mr. Crenshaw; Mr. Rehberg; Mr. Carter; Mr. Alexander; Mr. Calvert; Mr. Bonner; Mr. LaTourette; Mr. Cole; Mr. Flake; Mr. Diaz-Balart; Mr. Dent; Mr. Austria; Mrs. Lummis; Mr. Graves of Georgia; Mr. Yoder; Mr. Womack; and Mr. Nunnelee.

(3) COMMITTEE ON ARMED SERVICES.—Mr. McKeon, Chairman.

(4) COMMITTEE ON THE BUDGET.—Mr. Ryan of Wisconsin, Chairman.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Kline, Chairman.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Upton, Chairman.

(7) COMMITTEE ON ETHICS.—Mr. Bonner, Chairman; Mr. McCaul; Mr. Conaway; Mr. Dent; and Mr. Harper.

(8) COMMITTEE ON FINANCIAL SERVICES.—Mr. Bachus, Chairman.

(9) COMMITTEE ON FOREIGN AFFAIRS.—Ms. Ros-Lehtinen, Chairman.

(10) COMMITTEE ON HOMELAND SECURITY.—Mr. King of New York, Chairman.

(11) COMMITTEE ON HOUSE ADMINISTRATION.—Mr. Daniel E. Lungren of California, Chairman; Mr. Harper; Mr. Gingrey of Georgia; Mr. Schock; Mr. Rokita; and Mr. Nugent.

(12) COMMITTEE ON THE JUDICIARY.—Mr. Smith of Texas, Chairman.

(13) COMMITTEE ON NATURAL RESOURCES.—Mr. Hastings of Washington, Chairman.

(14) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Issa, Chairman.

(15) COMMITTEE ON RULES.—Mr. Dreier, Chairman; Mr. Sessions; Ms. Foxx; Mr. Woodall; Mr. Nugent; Mr. Scott of South Carolina; and Mr. Webster.

(16) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. Hall, Chairman.

(17) COMMITTEE ON SMALL BUSINESS.—Mr. Graves of Missouri, Chairman.

(18) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Mica, Chairman.

(19) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Miller of Florida, Chairman.

(20) COMMITTEE ON WAYS AND MEANS.—Mr. Camp, Chairman; Mr. Herger; Mr. Sam Johnson of Texas; Mr. Brady of Texas; Mr. Ryan of Wisconsin; Mr. Nunes; Mr. Tiberi; Mr. Davis of Kentucky; Mr. Reichert; Mr. Boustany; Mr. Heller; Mr. Roskam; Mr. Gerlach; Mr. Price of Georgia; Mr. Buchanan; Mr. Smith of Nebraska; Mr. Schock; Mr. Lee of New York; Ms. Jenkins; Mr. Paulsen; Mr. Berg; and Mrs. Black.

Mr. HENSARLING (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 2

In the Senate of the United States, January 5, 2011.

Resolved, That the Secretary inform the House of Representative that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

The message also announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 1. Concurrent resolution providing for a conditional recess or adjournment of the Senate and an adjournment of the House of Representatives.

The message also announced that pursuant to Public Law 95–521, the Chair, on behalf of the President pro tempore, appoints Morgan J. Frankel as Senate Legal Counsel for a term of service to expire at the end of the 113th Congress.

The message also announced that pursuant to Public Law 91–521, the Chair, on behalf of the President pro tempore, appoints Patricia Mack Bryan as Deputy Senate Legal Counsel for a term of service to expire at the end of the 113th Congress.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CAPUANO. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.