

would be thrown back into the Medicare Part D Donut Hole, which the healthcare reform law would have closed by 2020.

Let me share with you a letter that I received from one of my constituents in the 11th Congressional District of New York. Jonathan writes:

"I am a two-time cancer survivor, constantly worrying about being denied coverage because of my pre-existing condition. I'm not comfortable that corporations under the old rules would consider me "unprofitable". I think it's a disgrace that this problem has existed in our country. I, for one, will move to Canada or elsewhere if Healthcare Reform is repealed and I ever have a reoccurrence of my cancer. Meanwhile, I think it's every American's responsibility to not allow other people with pre-existing conditions to be denied coverage."

As Jonathan notes, this repeal would once again allow big insurance companies, who are only focused on profitability, to deny coverage to him and so many others with pre-existing conditions.

Are we going to allow Jonathan to be punished and denied coverage simply for being a cancer survivor? Repeal of this healthcare law would punish so many.

Healthcare is a fundamental human right, rather than a commodity, which is why I stand in strong opposition to repeal.

#### RULES OF PROCEDURE OF THE COMMITTEE ON THE JUDICIARY

### HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2011

Mr. SMITH of Texas. Mr. Speaker, I would like to submit the Rules of Procedure of the Committee on the Judiciary. They were adopted by the Committee on January 19, 2011.

#### MEMBERS OF COMMITTEE

##### ONE HUNDRED TWELFTH CONGRESS

Lamar Smith, Texas, Chairman  
 F. James Sensenbrenner, Jr., Wisconsin  
 Howard Coble, North Carolina  
 Elton Gallegly, California  
 Bob Goodlatte, Virginia  
 Daniel E. Lungren, California  
 Steve Chabot, Ohio  
 Darrell Issa, California  
 Mike Pence, Indiana  
 J. Randy Forbes, Virginia  
 Steve King, Iowa  
 Trent Franks, Arizona  
 Louie Gohmert, Texas  
 Jim Jordan, Ohio  
 Ted Poe, Texas  
 Jason Chaffetz, Utah  
 Tom Reed, New York  
 Tim Griffin, Arkansas  
 Tom Marino, Pennsylvania  
 Trey Gowdy, South Carolina  
 Dennis Ross, Florida  
 Sandy Adams, Florida  
 Ben Quayle, Arizona  
 John Conyers, Jr., Michigan, Ranking Member  
 Howard L. Berman, California  
 Jerrold Nadler, New York  
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 Melvin L. Watt, North Carolina  
 Zoe Lofgren, California  
 Sheila Jackson Lee, Texas  
 Maxine Waters, California  
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 Henry C. "Hank" Johnson, Jr., Georgia

Pedro Pierluisi, Puerto Rico  
 Mike Quigley, Illinois  
 Judy Chu, California  
 Ted Deutch, Florida  
 Linda T. Sánchez, California  
 Debbie Wasserman Schultz, Florida

#### RULES OF PROCEDURE

##### RULE I.

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

##### RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 3 days (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.

(d) In an emergency that does not reasonably allow for 3 days' notice, the Chairman may waive the 3-day notice requirement with the concurrence of the Ranking Minority Member.

(e) At least 48 hours prior to the commencement of a meeting for the markup of legislation, the text of such legislation shall be made publicly available in electronic form.

(f) To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing or electronically to the designee of both the Chairman and Ranking Member at least 24 hours prior to the consideration of the measure or matter. The Chairman may use his discretion to give priority to amendments submitted in advance.

(g) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(h) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(i) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(j)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may

resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(k) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.

(1) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

##### RULE III. HEARINGS

(a) The Committee Chairman or any Subcommittee Chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee Chairman shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

##### RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

## RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over such matters as determined by the Chairman.

(b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

The Subcommittee on Courts, Commercial and Administrative Law shall have jurisdiction over the following subject matters: Administration of U.S. Courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on the Constitution shall have jurisdiction over the following subject matters: constitutional amendments, constitutional rights, Federal civil rights, ethics in government, tort liability, including medical malpractice and product liability, legal reform generally, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Intellectual Property, Competition, and the Internet shall have jurisdiction over the following subject matters: copyright, patent, trademark law, information technology, antitrust matters, other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Crime, Terrorism, and Homeland Security shall have jurisdiction over the following subject matters: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, and other appropriate matters as referred by the Chairman, and relevant oversight.

The Subcommittee on Immigration Policy and Enforcement shall have jurisdiction over the following subject matters: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, Federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

## RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and other Subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and Subcommittee meetings or hearings whenever possible.

## RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give no-

tice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

## RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

## RULE IX. OFFICIAL COMMITTEE WEBSITE

(a) The Chairman shall maintain an official website on behalf of the Committee for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House.

(b) The Chairman shall make the record of the votes on any question on which a record vote is demanded in the full Committee available on the Committee's official website not later than 48 hours after such vote is taken. Such record shall identify or describe the amendment, motion, order, or other proposition, the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of the Members voting present.

(c) Not later than 24 hours after the adoption of any amendment to a measure or matter considered by the Committee or its Subcommittees, the Chairman shall make the text of each such amendment publicly available in electronic form.

(d) Not later than 3 days after the conclusion of a Committee meeting, the transcript of such meeting and the text of all amendments offered shall be made available on the Committee website.

(e) The Ranking Member is authorized to maintain a similar official website on behalf of the Committee Minority for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

## PERSONAL EXPLANATION

## HON. ROBERT J. DOLD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 20, 2011*

Mr. DOLD. Mr. Speaker, on rollcall No. 10, I was unavoidably detained. Had I been present, I would have voted "yes."

IN HONOR OF LIEUTENANT  
ROBERT G. SHARP

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 20, 2011*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Lieutenant Robert G. Sharp, upon his retirement from the Rocky River Police Department, following over 30 years of dedicated service.

Born in Berea, Ohio on December 20, 1952, Lt. Sharp was raised in the West Park area of Cleveland. A few years after Mr. Sharp graduated from John Marshall High School, he joined the Rocky River Police Department. He earned an associate degree in Law Enforcement in 1982 from Cuyahoga Community College and a bachelors degree in Technical Education in 1989 from the University of Akron.

Throughout the course of his career, Lt. Sharp received numerous commendations and special recognitions for his courage, lifesaving efforts, and dedication to those he served. In 1980, Mr. Sharp was promoted to Sergeant and later Lieutenant in 1984. He also served as the Commander of the Westshore S.W.A.T. Team from 1986 to 1996.

In addition to his outstanding career as a police officer, Lt. Sharp has been an active member of the community. He is a member of the Westpark Cleveland Historical Society, and in the past participated in the National Tactical Officer's Association as well as the Ohio Tactical Officer's Association.

Mr. Speaker and colleagues, please join me in honor of Lieutenant Robert G. Sharp for his exemplary service on behalf of his community. At the age of 58, Lieutenant Sharp has served and protected the people of Rocky River with courage for 34 years.

HONORING MAJOR GENERAL  
ALLEN E. TACKETT, THE ADJUTANT  
GENERAL, WEST VIRGINIA  
NATIONAL GUARD

## HON. NICK J. RAHALL, II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, January 20, 2011*

Mr. RAHALL. Mr. Speaker, today, I rise in recognition for one of West Virginia's most beloved sons, a genuine and proven leader, an American patriot, and my dear friend, Major General Allen Tackett.

Tomorrow, after 48 years of faithful service to our State and our Nation, General Tackett will step down as Commander of more than 6,000 West Virginia citizen soldiers and airmen. He will begin his retirement having earned the outstanding distinction of not only being the longest-serving adjutant general of the West Virginia National Guard, but also of being our Nation's longest-serving adjutant general.

In West Virginia, the men and women of our National Guard are held in high regard by their fellow citizens. Since 1995, through the leadership of General Tackett, they annually rank number one in the country for mission readiness. Whether it is a perilous flight mission in the depths of winter to rescue military personnel trapped in our deep, snow-covered mountains, or a mission to provide aid and comfort to fellow West Virginians ravaged by flood waters, or deployed to far corners of the world to protect our democracy and ensure peace around the globe, the West Virginia National Guard has answered the call, time and again.

From the Civil War that gave birth to my State, to present-day wars in Iraq and Afghanistan, the record of service by so many patriotic West Virginians places our State in the top percentage of all Americans who have