

[COMMITTEE PRINT]

113TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES

OVERSIGHT PLAN OF THE COMMITTEE ON RULES FOR THE
ONE HUNDRED THIRTEENTH CONGRESS

FEBRUARY __, 2013. Approved by the Committee on Rules.

Mr. SESSIONS, from the Committee on Rules, submitted to the
Committee on Oversight and Government Reform and the Commit-
tee on House Administration the following

R E P O R T

Clause 2(d)(1) of rule X of the Rules of the House of Represent-
atives requires each standing Committee, not later than February
15 of the first session, to adopt an oversight plan for the 113th
Congress. The oversight plan must be submitted simultaneously to
the Committee on Oversight and Government Reform and the
Committee on House Administration.

The following agenda constitutes the oversight plan of the
Committee on Rules for the 113th Congress. It includes areas in
which the Committee and its subcommittees expect to conduct
oversight during this Congress, but does not preclude oversight or
investigation of additional matters or programs as they arise. The
Committee will consult, as appropriate, with other committees of
the House that may share jurisdiction on any of the subjects listed
below.

BACKGROUND

The Committee on Rules has existed as part of the House
committee structure since the First Congress, when it was estab-
lished in 1789 as a select committee. The essential portion of the

present jurisdiction of the Committee is set forth in clause 1(o) of rule X, which grants the Committee jurisdiction over:

(1) Rules and joint rules (other than those relating to the Code of Conduct) and the order of business of the House.

(2) Recesses and final adjournments of Congress.

In addition, clause 3(j) of rule X assigns to the Committee special oversight responsibility over the congressional budget process.

The Committee on Rules has always been at the forefront of efforts to reform the processes and procedures of the House to improve the effectiveness of the institution.

The Committee also continues to play a lead role in providing recommendations for substantive changes to the rules of the House, which are adopted on the opening day of each Congress. Such changes have included streamlining the committee system to be more effective in conducting oversight and other business, ensuring the continuity of Congress in the face of man-made and natural disasters, increasing the transparency of committee and House actions, and modernizing the operations of the House.

Some of the substantive changes to House rules adopted on the opening day of the 113th Congress include:

- Streamlining the voting process for several specific instances in the House and the Committee of the Whole, including reducing the time for voting on motions to recommit to not less than five minutes;

- Improving the readability of the comparative print required by clause 3(e) of rule XIII—commonly known as a “Ramseyer”—by including other contiguous portions of law if they will be useful in understanding the change made by the amendment;

- Prohibiting the consideration of a concurrent resolution on the budget, or any proposed amendment to or conference report on, unless it includes specified information and estimates related to direct spending, including means-tested direct spending and non-means-tested direct spending;

- Continuing the requirement for “spending reduction” accounts in appropriations bills to ensure that spending cuts can reduce the costs of appropriations bills rather than be used exclusively as offsets for additional spending;

- Authorizing the chair of a committee to request that the Government Accountability Office perform a duplication analysis of any bill or joint resolution referred to that committee; and

- Requiring committee reports on bills or joint resolutions to include a statement estimating the number of directed rule-makings required by the measure.

In addition to the items discussed below, the Committee will continuously monitor the implementation and effectiveness of the rules changes adopted at the beginning of this Congress.

MAJOR AREAS FOR OVERSIGHT

Budget Process Reform. The annual budget process continues to present challenges to authorizing committees, appropriations committees, and the House as a whole. In each of the last sixteen fiscal years, Congress has failed to enact some or all of the annual appropriations bills prior to the start of the new fiscal year. In the second session of the 111th Congress, the House and Senate not only failed to adopt a concurrent resolution on the budget, but for the first time the House and Senate Budget Committees failed to even report a resolution. Congress also failed to enact even a single regular appropriations bill for fiscal year 2011. In the 112th Congress, the House passed a concurrent resolution on the budget for two consecutive years, but the Senate did not consider a budget resolution during either session of the 112th Congress.

To improve the efficiency and effectiveness of the legislative budget process, the Committee will examine alternative budget processes, including the use of biennial budgeting. A two-year budget cycle could provide committees and Members much-needed flexibility and time for increased scrutiny of government programs and funding requests.

The Nation, and by extension the taxpayers, are facing record deficits and record levels of public debt. Congress must ensure that its processes are best structured to allow for comprehensive oversight and informed decision-making.

The Committee will also continue to pursue the establishment of a joint select committee on budget process reform. The Committee recognizes that ultimately a bicameral solution is necessary in order to successfully implement reforms to the congressional budget process.

Dynamic Scoring. The American public and many in Congress continue to highlight the pressing need to reduce Federal government spending. This increased focus on government spending has also led to greater interest in the cost and revenue estimates of proposed legislation. In many cases, these estimates are also used to trigger budget enforcement mechanisms.

The Committee is committed to ensuring that the most accurate and comprehensive analysis is available to Members and the public. In the 113th Congress, the Committee will examine current estimating models, including the feasibility of further incorporating macroeconomic impacts of legislation in Congressional esti-

mates in order to determine whether rules changes are necessary to improve the quality and accuracy of budget estimates.

Effective and Efficient Committee Jurisdiction. The Committee on Rules has always played an integral role in modernizing the rules of the House, including its rules on jurisdiction. In the 104th Congress, the House streamlined what was considered to be a bloated and ineffective committee system, abolishing three full committees (Committees on Post Office and Civil Service, the District of Columbia, and Merchant Marine and Fisheries). In the 107th Congress, the trend toward jurisdictional efficiency continued with the establishment of a new Committee on Financial Services. In the 108th Congress, the House responded to the changing security environment and the creation of the Department of Homeland Security by creating the Select Committee on Homeland Security, which became a standing committee of the House in the 109th Congress.

The House rules for the 113th Congress include two clarifications to rule X. The changes include clarifying that the Committee on Homeland Security's jurisdiction includes the general management of the Department of Homeland Security. This change is intended to clarify the Committee's existing jurisdiction over the organization and administration of the department, and is not intended to alter the pattern of bill referrals to the Committee on Homeland Security, nor is it intended to alter the existing oversight jurisdiction of the Committee on Homeland Security. Additionally, the changes conform terminology used in the jurisdiction of the Committee on Natural Resources to terminology recognized by the Departments of State and Interior.

The Committee notes that there was a minimum of jurisdictional conflict in the 112th Congress. In furtherance of this goal, the Committee on Rules will continue to review proposals to streamline the committee system and increase effective oversight of the Executive branch and the Federal budget during the remainder of the 113th Congress.

Impact of New Information Technologies on the House. In recent years, the House has adapted and upgraded its technological capabilities to improve efficiency, accessibility, and transparency. Members are communicating more effectively with their constituents through the use of websites, blogs, and tele-townhalls, and many Members communicate with their constituents in real time through social media applications.

Technology is also affecting the way Congress considers legislation. For example, more data and analysis is readily available to Members in the execution of their duties. Bills and committee re-

ports are available and often searchable electronically, and the public can follow Congressional proceedings in real time through “cybercasts.”

Providing real-time information allows the broader public access to the day-to-day proceedings of the House. Technology is helping bridge the gaps of time and distance to bring representative government closer to the people and Members closer to their constituents. Technology is helping to create a more orderly process and to reduce costs and bureaucracy.

The 113th Congress rules continue to embrace the work of the 112th Congress of recognizing electronic availability as an alternative to physical printing by the Government Printing Office. Like any major change, this one will require oversight and adjustment as the House gains experience with the new rule and its implementation. In the 112th Congress, the House opened its portal for hosting electronic versions of text at <http://docs.house.gov>. At the beginning of this congress, the second phase of the project — the committee “repository” — came online to host electronic versions of committee documents. The House Office of Legislative Counsel, in conjunction with the Law Revision Counsel, is working on a series of electronic tools to facilitate “comparative prints” of legislation, amendments, and statutes.

The Committee will continue to monitor the progress of these projects and determine whether any additional rule or policy changes are necessary.

Unfunded Mandates Reform Act. As the House focuses its attention on creating jobs and restoring economic growth, it is critical that the Federal government not impose burdensome mandates on our nation’s job creators nor on our state and local governments.

In the 104th Congress, the 1996 Unfunded Mandates Reform Act (UMRA) was enacted. Among a number of provisions designed to reduce or eliminate unfunded mandates, the law requires the Congressional Budget Office (CBO) to estimate the cost of unfunded public and private sector mandates. CBO cost estimates are required to be included in committee reports accompanying legislation brought to the House floor for consideration.

In 2013, this framework requires CBO to estimate the direct mandate costs of intergovernmental mandates exceeding \$75 million and of private sector mandates exceeding \$150 million proposed in any measure reported from a committee. It also establishes a point of order against consideration of legislation that contains intergovernmental mandates with mandate costs estimated to exceed the threshold amount. In addition, Title II requires Federal administrative agencies to assess the effects on state and local gov-

ernments and the private sector of proposed and final Federal rules and to prepare a written statement of estimated costs and benefits for any mandate requiring an expenditure exceeding \$100 million in any given year.

In the 113th Congress, the Committee will continue to examine the application of the procedures and enforcement mechanisms associated with UMRA, as well as proposals for expanding the application of the law to capture indirect costs.

Health Care Reform Legislation. In March 2010, President Obama signed health care reform legislation into law (P.L. 111-148 & P.L. 111-152). The law created an Independent Payment Advisory Board and contains rules and procedures for congressional consideration of the Board's proposals. The law also contains expedited procedures for consideration of a joint resolution for the dissolution of the Board.

Section 3(a) of H. Res. 5 (113th Congress) contained a provision that suspends the procedures for congressional consideration of IPAB proposals. The Rules Committee will use this opportunity to review necessary changes to House procedures relating to IPAB.

The Congressional Review Act of 1996. Job creation and economic growth continues to be the number one priority for the House in the 113th Congress. Part of this agenda includes a systematic review of existing Executive branch regulations that could hinder economic growth and job creation. While the House undertakes a review of existing regulations and their potential impacts on job creation and the economy, it is essential that Congress also be prepared to respond to future regulatory proposals.

The Congressional Review Act (CRA) provides Congress with an opportunity to review—and stop—regulations before their final implementation. Under the expedited procedures established by P.L. 104-121, if a majority of the House and Senate vote to approve a joint resolution of disapproval and the president signs it into law within 60 legislative days of the regulation's publication in The Federal Register, the proposed regulation cannot go into effect.

In the 113th Congress, the Rules Committee may examine the CRA, and its procedures, in order to determine if the CRA can be better utilized to ensure burdensome regulations do not impede job creation and economic growth.

Treatment of Confidential Business Information. During the normal course of oversight, committees obtain a wide variety of information, including confidential business information. This can take the form of trade secrets, personnel information, attorney-client privileged matter, or other kinds of data that would not otherwise be publicly available. Sometimes that information comes to

the committee from the owner of the information, and other times it comes via a Federal regulatory agency which receives the information during the normal course of regulatory enforcement.

Often, this information is essential to providing committees with the background necessary to conduct effective oversight of public and private entities alike. However, if that same information is disclosed publicly, it has the potential to cause irreparable harm to the entity to whom the information belongs. The firms providing this kind of information often have protections against disclosure by Federal agencies, but do not enjoy the same kinds of protections when this information is provided to the House.

The Senate has a rule prohibiting disclosure of confidential business information in the possession of a Senate committee; the House has no analog. While House committees often deal with these questions on a case-by-case basis, some individuals have asked whether more robust protections are necessary to avoid disclosure of confidential business information when disclosure is not essential to the advancement of oversight. Any change in the regime governing this kind of committee information must balance the needs of the owner of the information with the needs of the House to conduct effective oversight. Further, the operation of the "speech and debate" clause of the Constitution must also inform any changes in this area.

In the 113th Congress, the Committee will conduct a review of existing laws and committee rules and procedures governing the handling of confidential business information. This review is intended to provide the background necessary for the Committee to consider whether any changes to the Rules of the House are necessary.

COMMITTEE CONSIDERATION

The Committee on Rules met in open session on _____, 2013 and ordered the measure reported by [a voice vote, a quorum being present].