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114TH CONGRESS
1st Session
HOUSE OF REPRESENTATIVES

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

FEBRUARY 10, 2015. Approved by the Committee on Rules.

Mr. SESSIONS, from the Committee on Rules, submitted to the Committee on Oversight and Government Reform and the Committee 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 Representatives requires each standing Committee, not later than February 15 of the first session, to adopt an oversight plan for the 114th 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 114th 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 established 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 114th Congress include:

• Updating the Truth-in-Testimony requirements for nongovernmental witnesses to disclose payments or contracts to the witness or an organization they represent originating from foreign governments in the required disclosure;

• Requiring the Congressional Budget Office and Joint Committee on Taxation to incorporate the macroeconomic effects of "major legislation" into the official cost estimates used for enforcing budget resolution and other rules of the House;

• Continuing the prohibition against 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 nonmeans-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;

• Providing clarification on the procedures of the House upon receipt of Article V memorials from the States;

• Continuing the authorization of a 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;

• Continuing the requirement that committee reports on bills or joint resolutions to include a statement estimating the number of directed rule-makings required by the measure; and

• Requiring that a Ramseyer print contained in committee reports show the entire text of amended or repealed sections of statute along with proposed changes. The Committee will continue to work with the House Office of Legislative Counsel and committees to determine the steps necessary to comply with the updated rule.

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 eighteen fiscal years, Congress has failed to enact some or all of the annual appropriations bills prior to the start of the new fiscal year. Over that same time period, Congress only completed action on the budget resolution by the target date three times, failed to adopt a budget resolution nine times, and, in the remaining years, adopted a budget resolution 31 days late on average. 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.

In the 113th Congress, the House passed a concurrent resolution on the budget in both fiscal years 2014 and 2015, as well as 4 and 8 regular appropriations bills, respectively. The Senate failed to pass a single regular appropriations bill in either session while only passing a concurrent resolution on the budget for fiscal year 2014. While some progress was made with the enactment of the Bipartisan Budget Act of 2013, which reflected an agreement on discretionary spending caps for fiscal years 2014 and 2015 between the House and Senate, the Senate was unable to adopt a fiscal year 2015 budget resolution.

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; however, there is the potential for unintended consequences on authorizing and appropriations committees, which should be examined further.

The Nation is 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.

Macroeconomic Analysis. The American public and many in Congress continue to highlight the pressing need to reduce Federal government spending and by extension our debt. 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. The 114th Congress rules package provides that cost estimates for major legislation incorporate macroeconomic effects into official cost estimates. Major legislation is defined as measures that cause a gross budgetary effect in any fiscal year of the current budget resolution that is equal to or greater than 0.25 percent of the projected GDP for that year. The analysis will continue to be performed by the non-partisan Congressional Budget Office and Joint Committee on Taxation. Incorporating these impacts will improve the quality and accuracy of budget estimates. The committee will continue to monitor the effectiveness of this analysis.

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 114th Congress include two modifications to rule X. The first adds language to the Committee on the Judiciary's jurisdictional statement with respect to the criminaliza-

tion of conduct. Currently, the committee maintains jurisdiction over measures that create or repeal a crime, and over measures that alter criminal penalties with regard to crimes already existing in law. The rules change is intended to cover measures that alter the elements of a crime so as to criminalize new conduct, and in so doing, trigger an existing criminal penalty. This rules change is not intended to cover measures that merely supply the regulatory framework or address the regulatory underpinnings of the overall enforcement scheme.

The second modification adds language to the Committee on Appropriations' jurisdictional statement with respect to certain loan obligations and new loan guarantees with a textual reference to section 504(b) of the Congressional Budget Act.

The Committee notes that there was minimal jurisdictional conflict in the 112th and 113th 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 114th 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 reports 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 rules of the 114th Congress continue to embrace the work of the 112th and 113th Congresses with respect to electronic availability as an alternative to physical printing by the Government Publishing 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 the 113th 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.

H. Res. 5 (114th Congress) instructs the appropriate officers and committees to continue to advance government transparency by taking further steps to publish documents of the House in machine-readable formats.

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.

For fiscal year 2015, this framework requires CBO to estimate the direct mandate costs of intergovernmental mandates exceeding $77 million and of private sector mandates exceeding $154 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 governments 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.

Since the 112th Congress, the House has passed several measures aimed at improving the effectiveness of UMRA. In the 114th 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 (114th 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 114th 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 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 114th Congress, the Rules Committee may examine the CRA, and its procedures, in order to determine if the CRA can be better utilized to ensure that burdensome regulations do not impede job creation and economic growth, as well as continue to support efforts to adopt the REINS Act, which will provide for more Congressional scrutiny of major agency regulations.

COMMITTEE CONSIDERATION

The Committee on Rules met in open session on February 10, 2015 and ordered the measure reported by voice vote, a quorum being present.