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The House's Corrections Calendar

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Summary

On June 20, 1995, the House of Representatives passed a resolution (H.Res. 168) by a 271 to 146 vote to create an expedited procedure to repeal or correct laws, rules, and regulations that are, as then Rules Chairman Gerald Solomon stated, "obsolete, ludicrous, duplicative, burdensome, or costly."¹ The resolution amended the House rulebook by repealing the Consent Calendar and replacing it with a new Corrections Calendar.

Background

The Consent Calendar originated in 1909 as a way to expedite floor action on noncontroversial measures. Legislation on that calendar, in order on the first and third Mondays of the month, typically passed quickly without amendment by unanimous consent. However, the Consent Calendar fell into disuse as the House increasingly employed other procedures (unanimous consent or suspension of the rules) to process noncontroversial or relatively noncontroversial legislation. No measures were called up on Consent Days during the 102nd and 103rd Congresses.

The idea for the Corrections Calendar was highlighted early in 1995 by Speaker Newt Gingrich. Crediting the concept to Michigan Governor John Engler, the Speaker stated that he wanted to establish a "Corrections Day" procedure for repealing "the dumbest things the federal government is currently doing and just abolish them."² In subsequent weeks, the Speaker raised the Corrections Day idea in different forums and provided some additional details as to how the concept might be implemented.

¹ Congressional Record, June 20, 1995, p. H6104.

² The Washington Post, Jan. 31, 1995, p. A13. See John Copeland Nagle, "Corrections Day," UCLA Law Review, April 1996, pp. 1267-1319.

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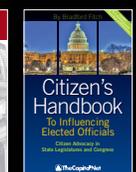


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On March 23, 1995, the Speaker announced the formation of a Corrections Day Steering Group, chaired by Representative Barbara Vucanovich, R-Nev., with Representatives Bill Zeliff, R-N.H., and David McIntosh, R-Ind., serving as co-chairs. "For years," the Speaker said, "businesses of all sizes have voiced concerns and objections to the high cost and abundance of regulations they are subjected to, which makes little sense, but are required by law."³ The basic mission of the Corrections Day Steering Group was to assess how the Speaker's plan might be implemented so that wasteful and unnecessary regulations or laws could be considered for termination by the House in an expedited manner.

Subsequently, public hearings were held on the Corrections Day concept. On May 2, 1995, appropriate subcommittees of the Committees on Government Reform and Rules held a joint hearing with Speaker Gingrich as the lead-off witness. The Speaker stressed the importance of returning to common sense in crafting regulations and noted that Corrections Day would allow citizens to have an effective way to address legal, but stupidly legal, rules and regulations and that the procedure would enhance congressional oversight of federal agencies.

Other witnesses provided examples of what in their judgment constituted especially onerous and arbitrary laws and regulations; identified procedural options, including a Corrections Day Calendar, for implementing the corrections concept; and highlighted the value of having a "rapid response" and bipartisan procedure for considering what seemed to be plainly ridiculous and wasteful laws and regulations. Concern was also expressed at the hearing that any Corrections Day procedure not be employed by special interests that may want to repeal rules they say are mistakes or silly when in fact the regulations serve a beneficial public purpose. Some witnesses also stressed the complexity of issues treated by regulations and emphasized the need for committee review of any proposed "corrections" bill. Still others highlighted the need to allow for minority party participation in the process. Some witnesses also wondered why existing procedures, such as suspension of the rules, could not be employed for corrections legislation.

Consideration by the House Rules Committee

On June 6, 1995, Representative Vucanovich introduced H.Res. 161, which proposed to abolish the Consent Calendar and establish in its place a Corrections Calendar. The product of her task force's work, the resolution laid out a procedural blueprint for implementing the Speaker's goal of having a Corrections Day. In addition, the Corrections Day Steering Group suggested during its deliberations that an advisory panel of Republicans and Democrats be established to assist the Speaker in formulating criteria as to what constituted a "corrections" bill and in establishing guidelines for screening and scheduling such measures.

On June 13, 1995, the Rules Committee received testimony on the proposal to establish a Corrections Calendar from Members and other witnesses. Three days later, the committee favorably reported a privileged resolution (H.Res. 168) to abolish the

³ The Speaker's Press Room, "Speaker Gingrich Announces Corrections Day Steering Group," March 23, 1995.

Consent Calendar and to establish a new Corrections Calendar for the House. Subsequently, as noted earlier, the House established the Corrections Calendar.

H.Res. 168 did not include a definition of statutory or regulatory measures that might be candidates for consideration on Corrections Day. Informally, the Corrections Day Advisory Group developed criteria for making their recommendations to the Speaker. As one member of the Advisory Group said: “The guidelines we developed for the Corrections Day Advisory Committee say that a corrections bill should address laws and regulations that are ambiguous, arbitrary, or ludicrous. The bill should be noncontroversial and have broad bipartisan support.”⁴ The first corrections bill to be signed into law by the President was the Edible Oil Regulatory Reform Act (P.L. 104-55).

When the House adopted its rules on the opening day (January 7, 1997) of the 105th Congress, three changes were made in the Corrections Calendar procedure. First, House Rule I (Rule XX under the 1999 recodification of House rules) was amended to permit the Speaker to postpone until later in the day or for up to two legislative days roll call votes--on amendments, on ordering the previous question, or on the motion to recommit--involving Corrections Calendar legislation. Second, House Rule XIII (now Rule XV) was amended to allow the Speaker to call the Corrections Calendar at any time during a Corrections Day rather than, as previously required, immediately after recitation of the Pledge of Allegiance. Third, House Rule XIII (now Rule XV) was further amended to grant discretionary authority to the Speaker to call up measures on the Corrections Calendar in any order, provided they had been on the calendar for three legislative days. Formerly, corrections measures were taken up based on their numerical placement on the Corrections Calendar. The general purpose of these changes, especially the latter two, was to “permit the Leadership, in working with committee chairmen, to have the maximum flexibility possible in scheduling both Corrections bills and Suspension bills on [Tuesday].”⁵

The 105th Congress House made another change involving business on the Corrections Calendar. It adopted a resolution (H.Res. 7) on the opening day that created a new “Corrections Calendar office.” Under the terms of the authorizing resolution, the office “shall have the responsibility of assisting the Speaker in the management of the Corrections Calendar.” No more than five employees, appointed by the Speaker in consultation with the minority leader, are to staff the Corrections Calendar Office. The Office was also established in permanent law (P.L. 105-55).

No changes were made in the 106th Congress involving the Corrections Calendar. However, at the start of the 107th Congress when the House adopted H. Res. 5 amending its standing rules, two modifications were made to Corrections Calendar procedure. First, the House amended Rule XV by deleting the requirement that bills must be on the Corrections Calendar for 3 legislative days before they may be taken up. Under this change, measures on the Corrections Calendar need not satisfy the 3-day layover requirement before being eligible for floor consideration. As the section-by-section summary of H. Res. 5 states: “On the second and fourth Tuesdays of a month, a bill that

⁴ Congressional Record, November 28, 1995, p. H13675.

⁵ Congressional Record, January 7, 1997, p. H14.

is printed in the Corrections Calendar section of the daily calendar may be considered without further layover.” Second, a conforming amendment was also made to Rule XIII, clause 4(a)(2). This rule requires that before most measures can be taken up in the House, their accompanying committee report must be available to Members for three calendar days (excluding Saturdays, Sundays, and legal holidays unless the House is in session.) The amendment to Rule XIII states that bills called from the Corrections Calendar are exempt from the 3-day availability requirement for their committee reports.

No changes were made to the Corrections Calendar rule at the start of the 108th Congress. However, in Fall 2003, the Corrections Calendar Office, which existed in name only, was abolished when Congress enacted the legislative branch appropriations bill (H.R. 2657) for fiscal year 2004. In general, there has been a decline in the use of the corrections procedure since its inception in the mid-1990s. Twenty-two bills were considered under Corrections Day procedures during the 104th Congress, but only one corrections measure was taken up in the 107th Congress.

Main Features of the Corrections Calendar

- Only bills favorably reported from committees and assigned to either the House or Union Calendars are eligible for placement on the Corrections Calendar.
- The Speaker, after advance consultation with the minority leader, places bills on the Corrections Calendar.
- The Speaker has discretionary authority to call the Corrections Calendar on the second and fourth Tuesdays of each month.
- The Speaker may call up Corrections bills at any time during a Corrections Day and in any order from the Corrections Calendar.
- Corrections Day bills are debated for one hour (equally divided) in the House and not in the Committee of the Whole. Amendments, therefore, are not in order under the five-minute rule. Only amendments offered by the chairman of the primary committee or authorized by that panel are in order during the one-hour period.
- The previous question is automatically ordered on passage of the bill and any amendments thereto (which would be voted upon separately before final action).
- A motion to recommit corrections bills, with or without instructions, is in order.
- The Speaker is authorized to postpone roll-call votes on amendments to Corrections Day bills, on ordering the previous question, or on the motion to recommit legislation considered under the Corrections Day procedure.

- A three-fifths vote of those present and voting, a quorum being present, is required to pass bills brought to the floor via the Corrections Calendar.
- A bill that fails to attract the three-fifths majority remains on its original calendar and continues to be eligible for floor consideration under other House procedures.
- A bipartisan Corrections Day Advisory Group advises the Speaker on which measures should be placed on the Corrections Calendar. Representative Dave Camp, R-Mich., is the 108th Congress chair of the Speaker's Advisory Committee on Corrections. Worth noting is that the Corrections Day Advisory Group has a Web site [www.house.gov/camp/corrections] to inform Members of the Corrections Calendar and to permit citizens to learn about the procedure and to offer suggestions.

The Corrections Calendar (Rule XV, Clause 6)

“6. (a) After a bill has been favorably reported and placed on either the Union or House Calendar, the Speaker, after consultation with the Minority Leader, may direct the Clerk also to place the bill on the “Corrections Calendar.” At any time on the second and fourth Tuesdays of a month, the Speaker may direct the Clerk to call a bill that is printed on the Corrections Calendar.

“(b) A bill called from the Corrections Calendar shall be considered in the House, is debatable for one hour equally divided and controlled by the chairman and ranking minority member of the primary committee of jurisdiction, and shall not be subject to amendment except those recommended by the primary committee of jurisdiction or offered by the chairman of the primary committee or a designee. The previous question shall be considered as ordered on the bill and any amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

“(c) The approval of three-fifths of the Members voting, a quorum being present, shall be required to pass a bill called from the Corrections Calendar. The rejection of a bill so-called, or the sustaining of a point of order against it or against its consideration, does not cause its removal from the Calendar to which it was originally referred.”

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