

Opportunities Lost

The End of the Appropriations Process

July 2009



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1ST SESSION
H. R. 2847
[Report No. 111-149]

Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 12, 2009
Mr. MOLLATHAN, from the Committee on Appropriations, reported the following bill, which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed:

A BILL

Making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2010, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the

We have gotten so far from the regular order that I fear that if this continues, the House will not have the capacity to return to the precedents and procedures of the House that have given true meaning to the term “representative democracy.” The reason that we have stuck to regular order as long as we have in this institution is to protect the rights of every Member to participate. And when we lose those rights, we lose the right to be called the greatest deliberative body left in the world.

— DAVID R. OBEY, RANKING MEMBER
COMMITTEE ON APPROPRIATIONS

OCTOBER 6, 2000, DURING DEBATE ON FY 2001
TRANSPORTATION APPROPRIATIONS BILL

The appropriations process was always different. Even as consideration of bills in the House grew more and more structured, the appropriations process remained open and subject to little more than the basic rules of the House. On June 17, 2009 that all changed.

Claiming that Republicans abused the system, Appropriations Chairman David Obey and the rest of the Democratic leadership ended the process of considering appropriations bills under “open” rules, and instituted a “structured” amendment process where they alone dictated the amendments that Members of the House would be able to offer.

Unfortunately, the data does not support the accusations of “abuse,” and the statements of Chairman Obey and the Democratic leadership appear to indicate that there was another motive behind the change — limiting the opportunities of Members of both parties to offer amendments, particularly if they dealt with difficult political questions.

THE CLASSIC APPROPRIATIONS PROCESS

Appropriations bills are the manifestation of the responsibility delegated to the Congress by article I, section 9 of the Constitution prohibiting the spending of money by the government “but in Consequence of Appropriations made by Law.” The first appropriations bill was passed by Congress at the end of September 1789. The first rules limiting the material that could be added to a general appropriations bill were put in place in the House in 1837, prior to the creation of the Appropriations Committee in 1865.

In the modern era, the appropriations process has been seen through the prism of the general appropriations bills. Though the number has varied depending on the organization of the Appropriations Committee, each year the House was set to consider anywhere between 10 and 13 separate

appropriations bills funding various elements of the Federal government, although there has been mixed success in considering all of the bills by the end of the fiscal year on September 30.

By tradition, appropriations bills begin in the House, and each bill corresponds to an appropriations subcommittee. After the President submits his budget, each subcommittee crafts an appropriations bill based on his submissions. The Appropriations full committee then marks up the bill, and ultimately the appropriate subcommittee chair files the report with the House.

When they are reported by the Appropriations Committee, appropriations bills are “privileged,” meaning that the Rules of the House allow the bill to come to the floor without a special order of business reported by the Rules Committee. The bill is then debated under the “5-minute rule” allowing any Member to offer any amendment that complies with the other rules of the House.

Due to an increasing need to include provisions which could violate the House prohibition on changing existing law in an appropriations bill, in the 1980s the Appropriations Committee started regularly seeking protections from the Rules Committee against violations of House rules by the bills themselves. While the Rules Committee provided protection against “points-of-order,” amendments were still debated under the 5-minute rule. Any Member had the opportunity to offer nearly any amendment.

When an appropriations bill was considered under an open rule, after a 1-hour period of

general debate, the bill was read for amendment, paragraph-by-paragraph. As the House progressed through the bill, Members could offer amendments to the portion of the bill open for amendment at that time. The process was flexible, and allowed Members who don’t sit on the Appropriations Committee the opportunity to offer amendments.

Limitations on debate time or the number of amendments were generally reached by unanimous consent agreements proffered not by the leadership, but by those who know the bill best — the appropriations subcommittee chairman and ranking member. Sometimes the unanimous consent agreement would limit debate on a single amendment or a small group of amendments; in recent years, the practice has been to begin consideration of a general appropriations bill, and try to reach a “global” unanimous consent agreement limiting the “universe” of amendments and the total time for debating those amendments. Because the agreements require unanimous consent, individual members have the ability to ensure that their amendments are addressed, while the unanimous consent agreement provided the certainty required by the majority for floor management purposes.

Ultimately, the appropriations floor process was unique — it had its own set of rules, traditions, and practices which set it aside from every other kind of bill. The central tenet of was that every Member would have the opportunity to bring their issue before the House, with or without the consent of the majority leadership.

THE DAY APPROPRIATIONS DIED

History will mark that June 17, 2009 was the day that the 220 year history of open appropriations bills ended.

In response to what the Democratic majority believed was an unreasonable increase in the number of amendments offered and hours of debate during the 2007 appropriations season, as well as their own failure to consider any of

The appropriations floor process was unique ... Every Member would have the opportunity to bring their issue before the House.

the appropriations bills save one during the 2008 season, they announced their intention to change the way appropriations bills were handled during the 2009 season.

At the beginning of the fiscal year 2010 appropriations process, the majority leadership signaled their intention to break from the customary open process for considering general appropriations measures by having the Rules Committee announce an amendment filing deadline. This deadline required all Members to print their amendments in the Congressional Record by a date certain. In the case of the FY 2010 Commerce, Justice, Science bill, this deadline required amendment to be filed by the close of legislative business on Monday, June 15, 2009.

This process was used during the 2008 appropriations process when considering the Military Construction and Veterans Affairs Appropriations Act. Unfortunately, the experience of that year demonstrated that Members were going to be prohibited from modifying their amendment in order to either accommodate requests from the Committee or to make technical changes in order to comply with the Rules of the House, practices which were routine in prior years.

In light of this limitation, the Ranking Member of the Rules Committee advised Members to submit multiple versions of the same amendment as well as any conceivable amendment that they might want to offer in order to give Members every opportunity to have their amendment considered. He encouraged Members to be proactive in ensuring their opportunity to offer amendments, stating in a “Dear Colleague” letter that, “if it is not printed, it cannot be offered.”

Members followed this advice, filing multiple amendments or versions of amendments for a total of 127 amendments submitted for pre-

The Rules Committee — at the direction of the majority leadership — decides who can offer what amendments and when they will be offered.

printing in the Congressional Record by both Democrats and Republicans. While the overall number of amendments submitted was high, an objective analysis would have shown that the actual number of amendments that would have been offered would have been much closer to the average of 34 amendments offered to the bill in recent years.

Unwilling to assign anything other than a malicious explanation to the submission of the amendments, after the consideration of 2 major amendments, 11 lines into the reading of the bill and after 22 minutes of amendment debate had elapsed, Appropriations Chairman David Obey walked onto the floor and directed Commerce, Justice and Science Subcommittee Chairman Mollohan to take the bill off the floor so they could go back to the Rules Committee and restrict the debate even further.

THE NEW NORMAL

Not content to merely limit the amendment process, the rules reported on appropriations measures during this Congress have established a “new normal,” creating an atmosphere where the minority will be without options to offer alternatives and improvements.

The greatest restriction is the nature of the structured amendment process. Now the Rules Committee — at the direction of the majority leadership — decides who can offer what amendments and when they will be offered.

The rule also limits the amount of time an amendment could be debated. Under a traditional open rule (or even a rule requiring pre-printing) a member could offer a

pro forma amendment (known colloquially as “striking the last word”) in order to get 5 minutes to speak in support of or in opposition to an amendment. Now only the proponent and the opponent of an amendment are allowed

5 minutes each to speak on their amendment and if others wish to speak, they must get the time from the mere 5 minutes allotted to either party. The Chairman and the Ranking Member of the Committee on Appropriations are the only Members who are permitted to debate in this fashion, although they are given this option only once during consideration of the bill.

The new rules contain additional restrictions as well:

- It is no longer possible for any Member to obtain a separate vote in the House on an amendment adopted in the Committee of the Whole;
- A “motion to rise” is limited to the majority bill manager, rather than any Member;
- Amendments to “strike the enacting clause” — a tactic utilized by Chairman Obey in the past — are prohibited;
- For the first time ever, the rule allows the majority to unilaterally impose 2-minute voting, a practice which in the past has been identified with problems in the voting process.

In sum, the restrictiveness of the new appropriations rule demonstrates that it was more than a desire to simply limit the time the House spends on spending measures. This lets the majority party “cherry pick” amendments, to the detriment of rank-and-file Democrats and Republicans alike.

“THE ABILITY TO GET OUR WORK DONE”

Among the most basic arguments made by the Democratic majority is that Repub-

licans engaged in “filibuster-by-amendment” during the 2007 appropriations season, and therefore the restriction of the appropriations process is warranted. As the Majority Leader, Mr. Hoyer, stated on June 16, 2009 during the weekly legislative program colloquy, “We think, in years past, there have been a lot of amendments that have been offered, not for the purpose of the substance of the amendment but for the purpose of simply delaying the ability to get our work done.” He went on to say, “We’ve been in the minority ourselves. We understand the frustration that exists.”¹

They should understand. By examining the appropriations process in years in which there is a transition in the majority from one party to another, it is evident that there is a significant increase in appropriations activity from the prior year. Chart 1 shows the percentage increase in the total number of amendments to appropriations bills and the total number of hours spent debating those bills. When Republicans became the majority party in 1995, there was a significant increase in the number of amendments offered compared with the 1994 appropriations season. Both Democrats and Republicans offered more than twice the number of amendments as in the year prior.

Similarly, when the Democrats regained the majority in 2007, there was another substantial increase in both the number of amendments offered and hours spent on debate over the 2006 season. However, it’s worth noting that *the increase was far less than when the Republicans became the majority party in 1995*. In terms of the number of amendments offered, the increase was less than 40 percent of the increase experienced in 1995; similarly the increase in 2007 in the number of hours spent on debate was just more than half of the 1995 increase.

While the Democratic majority is correct — there was a spike both in the number of amendments and the hours

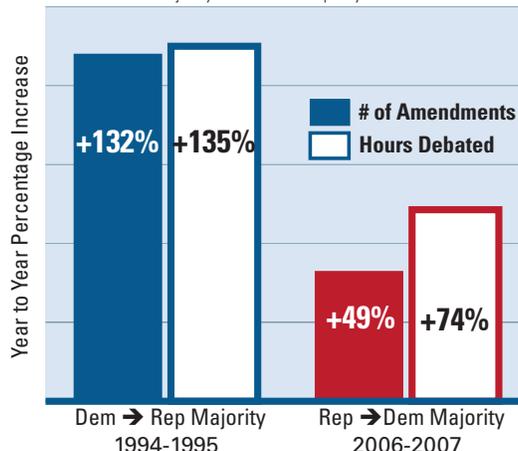
spent on debate — it was *substantially less* than the increase experienced when the Democrats became the minority party in 1995. In fact, in terms of raw hours spent on appropriations measures, the House actually spent *13 percent longer* on appropriations bills in 1995 than it did in 2007, 205 hours to 179.25 hours, despite processing 36 percent more amendments in 2007.

Similarly, in different years, there are different issues which drive the appropriations process. Chart 2 shows the absolute numbers of amendments offered throughout the entire period of this study, 1992 through 2008. While there are definite spikes in activity around majority-minority transition years, there are other spikes as well. It’s notable that there was a large increase in the appropriations activity in 2006, prior to the Democrats recapturing the majority.

Further, Democrats offered more amendments than Republicans in every year from 2000 through 2006. On average, between 1995 and 2006 (excluding 2002 as there isn’t enough data to be significant), Democrats offered 15 percent more amendments than did Republicans. Even looking at years in which the Democrats were in the majority (1992-1994), they offered an average of 6 percent more amendments than did Republicans during the same period.

Thus, the historical data seem to show a number of trends:

Chart 1: Comparison of appropriations activity before and after a transition to majority status of one party from the other.



- First, transition years appear to generate a substantial increase in the level of activity on appropriations bills, both in terms of the number of amendments offered and the hours spent on debate. In many respects, transition years seem to realign the “baseline” for appropriations activity, against which future years are measured.
- Second, even though transition years appear to set a new floor for appropriations activity, this is by no means set in stone. While there were spikes in 1995 and 2007, there were other spikes as well — 2000 and 2006 showed increases in appropriations activity from prior years.
- Third and finally, using the number of amendments offered by Members of one party or the other as a proxy for the general level of appropriations activity, Democrats were generally more active than Republicans throughout the period of this study. While recognizing that 2007 was an outlier in terms of appropriations activity, and both 2002 and 2008 were the same in terms of inactivity, there were only 4 years of the 17 years examined here where Republicans offered more amendments than did Democrats.

So while the Democratic majority was correct that 2007 represented a significant departure from prior years’ appropriations activity, their assertion that the increase was unprecedented rings hollow. Taken in historical context, the increase in appropriations activity experienced in 2007, while substantial, was not so far out of the norm as to justify the majority leadership’s response.

THE DEMOCRATIC BENCHMARK

Majority Leader Hoyer and Chairman Obey both claim that they had an agreement with the minority to take the same amount of time on appropriations bills in 2007 as the Democrats did in 2006.

In describing that agreement, the Majority Leader stated in the legislative program colloquy on June 19, 2009, “The agreement was that we would do exactly, not to the minute, but within the framework of the agreement that we gave to you to consider the bills that you brought to the floor in 2006. We expected the same consideration.”²

The argument goes that in 2006, the Democrats agreed to time agreements in order to move the process along, and that they generally were cooperative in allowing the House to complete its appropriations work. Accordingly, that was an appropriate amount of time to debate appropriations measures, and Republicans — whether in 2007 or 2009 — should be willing to limit debate to a similar time frame.

The Democrats were concerned that debate on the bills in 2007 took 53 hours longer than the 2006 bills. In response, the Democratic majority pressed for a different approach to implementing time agreements in 2009. They wanted Republicans to agree to limitations on amendments and debate time *prior to the bills even having been written*. This approach would not have been acceptable to any minority.

So how does this compare to the agreement struck by the Democrats in 2006? While there may have been a general agreement to expedite consideration of the bills, there were no global time agreements reached prior to consideration of the individual appropriations bills.

In 2006, the House considered all of the regular bills for that year except the Labor-HHS bill. In 2006, unanimous consent agreements were reached for debate on 7 of the 10 bills considered. Across those bills, the average amount of debate time that had expired prior to reaching that agreement was just over 3¼ hours. In terms of where in the debate those agreements were reached, on average 27 percent of the total debate time spent on the bill had elapsed prior to reaching the unanimous consent agreement.

Putting that issue aside for the moment, if the Democratic majority held the 2006 appropriations season as the model of how appropriations bills should be handled, one would expect that they would structure the 2009 process to resemble the process in 2006. Except they didn’t do that.

Chart 3 compares the number of amendments offered during 2006 appropriations season with the number of amendments made in order by the Rules Committee during the 2009 season. In all but 2 cases, the majority made fewer amendments in order than were offered during the 2006 season — an average of 36 percent fewer amendments for the same bill compared year-to-year.

In terms of hours spent on debating those bills, we see a very similar story. In 2006, among the appropriations bills considered in the House, each one was considered for an average of 10.3 hours; in 2009, this figure dropped to an average of 6 hours,

or a 41 percent decline in the hours spent debating appropriations bills.

Thus, while the majority tries to hold the 2006 appropriations season as the model, the 2009 season looks like a shell of their example, with substantially fewer amendments, and fewer hours of debate.

RATIONALIZING THE CHANGE BY DIMINISHING THE APPROPRIATIONS COMMITTEE

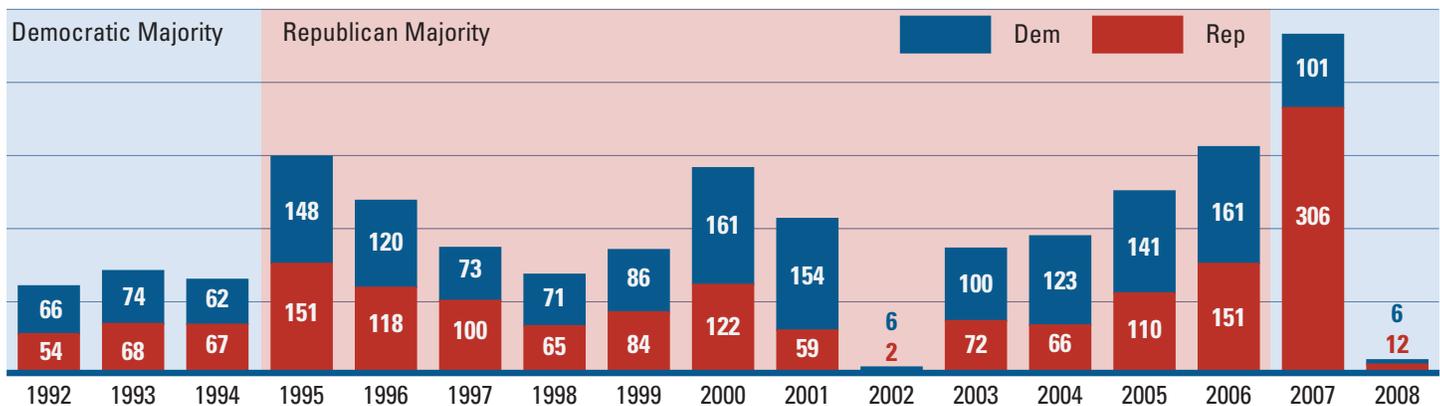
During his comments on July 10, 2009 during debate on the FY 2010 Military Construction and Veterans’ Affairs Appropriations bill, Appropriations Committee Chairman Obey posed the following question to the House: “Why is it that some Members of this House believe that the Appropriations Committee must bring bills to the floor that are totally open when the Ways and Means Committee, when it brings tax bills to the floor, is entitled to have a totally closed rule? ... There is no great historical or moral or substantive reason to have that differentiation.”³

Unfortunately, Mr. Obey’s theory overlooks one important fact: despite the power and prestige of the Committee on Ways and Means, it is just another authorizing committee, and is treated very differently under House rules and traditions.

For instance —

- The Committee on Appropriations may originate bills on its own; the Ways and Means Committee may only act on measures referred to it by the Speaker

Chart 2: Comparison of the total number of amendments offered during 1992 through 2007 appropriations seasons, broken down by party.



after they have been introduced in the hopper.

- Bills reported by the Committee on Appropriations are privileged, and could come to the floor without an order of business from the Committee on Rules; bills reported from the Ways and Means Committee do not enjoy the same status.
- The committee reports that accompany appropriations bills have a status that is envied by every authorizing committee: executive branch agencies give the language in those reports almost the force of law, making provisions in the report at least as important as those in the bill itself. This does not stem from any special status of the appropriations report itself; rather the annual nature of the appropriations process ensures that if an agency ignores the “suggestions” made in the report, it could face retribution during the next cycle. On the other hand, there are far fewer tax bills considered each year, and reports from the Ways and Means Committee enjoy no special status.
- While both appropriations bills and tax bills tend to have a wide test of germaneness for purposes of determining whether or not an amendment is “related” under the rules, appropriations bills enjoy the additional protection of clause 2 of rule XXI (prohibiting legislating on appropriations bills), which significantly restricts the kinds of

amendments that can be offered to an appropriations bill. For instance, while germaneness is the only limitation on amendments to tax bills (outside of the Budget Act) — including amendments contained in a motion to recommit — some items, such as a spending limitation amendment, *may only be offered in a motion to recommit if previously offered during consideration of the bill.*

Thus, to say that the difference between consideration of tax bills and appropriations bills is little more than an arbitrary fluke of history is to ignore the long-standing provisions in the rules which differentiate the work product of the two committees. Clearly, appropriations measures occupy a different position under the Rules than do revenue bills, and they are treated differently by the executive branch agencies which are the object of their provisions. Appropriations bills *are* different; just ask the chair of any authorizing committee.

THE REAL REASON BEHIND THE CHANGE

The most commonly cited concern of the Democratic majority was the ability to complete the appropriations bills without the need for continuing resolutions or “omnibus” appropriations measures, combining all of the yet-to-be enacted appropriations bills. However, when the majority’s solution — structuring the amendment process for appropriations bills — is laid

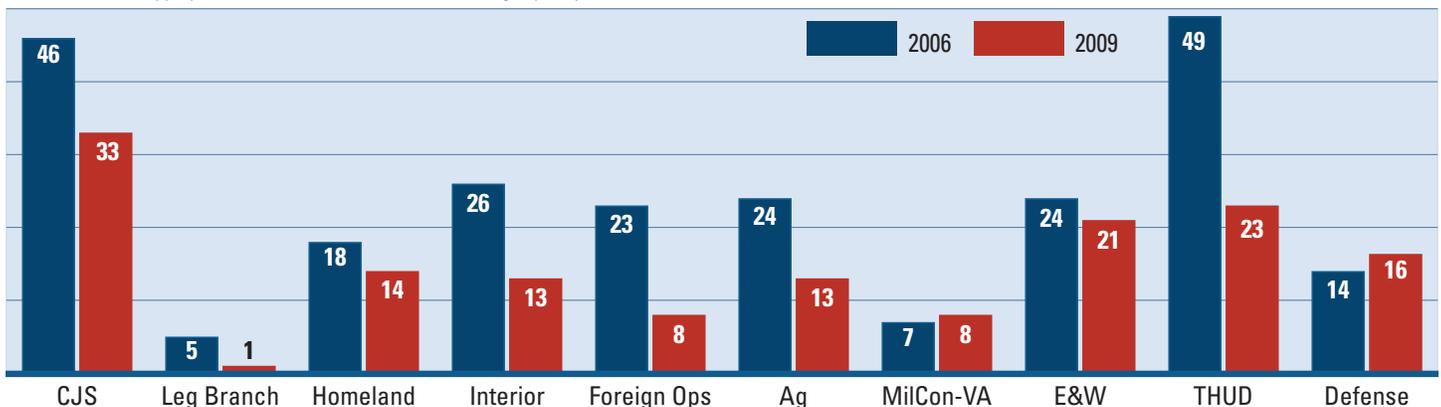
against the articulated problem, it just simply doesn’t hold up.

The most obvious flaw in the argument is the nature of the rules for appropriations bills themselves. If the majority was only interested in ensuring that they could complete action on all of the appropriations bills before the August District Work Period, the Rules Committee could have reported a rule which provided for an overall time limit for each bill. This is another variation of a “modified-open” rule which was described by the Rules Committee’s Democratic majority in 1992 as a “time-cap” rule: “These rules erect no direct barrier against offering any amendment except that an overall time limit is placed on consideration of all amendments.”⁴ During the 102nd Congress, this procedure was used 10 times, and the Rules Committee was quick to note that none of the bills considered consumed the entire time allotted.

However, from every indication, a time-cap rule was never considered this time around. As the majority was questioned further on the issue, new explanations began to emerge, explanations which appear to be closer to reality.

In a July 16, 2009 story from the Associated Press, reporters began to get to the crux of the issue: “Majority Leader Steny Hoyer, D-Md., acknowledged in a brief interview that one reason for restricting amendments is to save members of his party from

Chart 3: Comparison of amendments offered or made in order during consideration of appropriations bills during 2006 and 2009 appropriations seasons. This chart does not include the Financial Services appropriations bill as there is not a direct analog in prior years, and the Labor-HHS bill also is not included because it was not considered in 2006.



having to cast politically painful votes.”⁵ This was a sentiment echoed by Chairman Obey during recent testimony before the Rules Committee: “I think that the appropriation bills ought to be confined just as tightly as possible to appropriation issues, not issues left over from the last election that register either party, or people who want to have a second kick at an authorization.”⁶

So the real reason for these restrictions is not the timetable, as initially represented, but rather a desire for the appropriations committee to enjoy many of the same protections enjoyed by other committees on the floor — protections which permit the majority to pick and choose the issues that come before the House.

Mr. Obey’s quest to have appropriations bills considered in the same fashion as bills from the Ways and Means Committee suddenly makes more sense. As any veteran of the Rules Committee will note, committee chairs almost always believe that their work product is perfect, and no one’s amendment could improve it. However, rank and file Members, particularly those who do not sit on the committees, often disagree, and look to the floor for the opportunity to offer alternatives and improve legislation.

THE GREAT IRONY

When the Democratic majority ran on a platform of change in the House of Representatives in 2006, they argued strenuously for a more open process in the House. In a document that remains on the Speaker’s web site today, the majority declared that “Democrats believe that America needs — and Americans deserve — a new direction that provides ... opportunity for all.” They went on to promise that if they were elected, bills would “generally come to the floor under a procedure that allows open, full, and fair debate consisting of a full amendment process.”⁷

Unfortunately, the record has been just the opposite. The 110th Congress, their first congress in the majority, was characterized by having more closed rules than any congress in history. And the 111th Congress will forever be remembered as the congress when the open amendment process finally met its demise.

This is the irony of the last 3 years of the Democratic majority: the party that promised to do things differently has done so, but not in the direction that they promised. Rather than an open process, they chose to close it down; instead of opportunity, they limited debate.

The appropriations process offered every Member — Democrats and Republicans alike — the opportunity to represent those who elected them, without the consent of the majority leadership. Even if they didn’t serve on the appropriations committee, even if their issue made the majority leadership uncomfortable, the appropriations process gave each of those Members the opportunity to be heard on the House floor, even if they weren’t ultimately successful.

The ultimate problem is that the House has crossed the point of no return. There will always be an excuse for why the House cannot return to open rules — the time, policy, or politics will never again be right.

The question for many is why this majority has fallen so far so quickly. Even the Republican majority, which was oft maligned for taking procedural shortcuts in an effort to reach policy goals, largely left the appropriations process intact.

Chairman Obey, who in the winter of 2000 was concerned that a departure from regular order diminished the nature of the House as a deliberative body, now declares that “it is my job to see to it that the ... appropriations bills are done. And we have tried to do whatever had to be done in order to make sure that happened. And I don’t apologize for it.”⁸

The public answer provided by individuals like Majority Leader Hoyer and Chairman Obey is that they had a timetable to keep. But as this study demonstrates, even they are not making that argument any longer. Rather, their concern is for retaining the power of their majority, without regard to the damage it will do to the institution of the House.

This is particularly true when looking beyond consideration of bills in the House. The House will likely complete its work on all of the FY 2010 appropriations bills by the end of July. However, as of this writing, the Senate is on track to complete fewer than half of the bills before August, setting up a situation where only a handful of appropriations bills can be completed by the statutory deadline. So Congress will again have to operate under a continuing resolution, but will have done irreparable harm to the institution in the process.

The ultimate problem is that the House has crossed the point of no return. There will always be an excuse for why the House cannot return to open rules — the time, policy, or politics will never again be right. And after a few years, no one will be around who remembers how to manage a bill under

an open rule.

This summer marks the 220th anniversary of the introduction of the Bill of Rights by James Madison in the First Congress. It is a good thing that he is no longer alive to see what the House has become. If he were, he would wonder where we went wrong.

THE DATA: A MODERN HISTORY OF APPROPRIATIONS BILLS, 1992-2007

The following table shows the history of consideration of appropriations bills in the House from second session of the 102nd Congress through the first session of the 110th Congress. The data covers the last 3 years of the last Democratic majority, the entirety of the most recent Republican majority, and the first year of the current Democratic majority. The table shows how many amendments were offered by Members of both parties, as well as the total time spent on each bill in each year. The time spent on the bill is broken down by the total number of legislative days, as well as the total number of hours spent on consideration of the bill. Finally, the table shows how many hours into consideration of a bill it took to achieve a unanimous consent agreement limiting amendments.

- If an entry for a particular bill in a year is blank, then the House did not consider that bill during that year.
- If there is no entry in the “Hrs. Until UC” column, there was no unanimous consent agreement limiting overall amendments on a particular bill. The table does not track unanimous consent agreements that only applied to a subset of the amendments considered on a particular bill. If the column contains “N/A” that is because the bill was initially considered under a structured rule, and the Rules Committee established the universe of amendments and time for debate.
- If the name of a bill is displayed in *red bold italic*, it was considered under a restrictive rule, where the Rules Committee restricted the amendment process, either through requiring amendments be pre-printed, placing an overall cap on debate time, or specifying the amendments which could be offered. For a detailed explanation of how each of these rules was restricted, see table 2.

Table 1. Consideration of Appropriations Bills in the House, 1992-2007.

	Amendments Offered			Time on Bill			
	Rep	Dem	Total	Total Days	Total Hrs.	Hrs. Until UC	
1992 (FY 1993)	Agriculture	4	9	13	1	10	
	<i>Commerce, Justice</i>	1	6	7	1	7	
	Defense	3	6	9	0.5	4	0.5
	DC	1	0	1	0.25	2	
	Energy and Water	4	7	11	1	9	
	<i>For Ops</i>	2	2	4	1	7.5	N/A
	Interior	9	12	21	1.5	14	3
	Labor-HHS	5	1	6	0.3	3	0.75
	<i>Leg. Branch</i>	10	2	12	1	7.5	N/A
	Military Construction	1	1	2	0.5	4.5	
	Transportation	3	7	10	1	9	
	Treasury/Postal	6	5	11	1	9	
	VA/HUD	5	8	13	1.5	12.5	
Totals	54	66	120	11.55	99		
1993 (FY 1994)	Agriculture	7	6	13	1	10	
	Commerce, Justice	6	7	13	2	9	
	Defense	2	9	11	0.5	5	0.5
	DC	3	2	5	0.75	5.5	
	<i>Energy and Water</i>	9	5	14	2	11	
	<i>For Ops</i>	4	3	7	1	7	N/A
	Interior	10	11	21	1	8	
	Labor-HHS	4	4	8	0.75	6	
	<i>Leg. Branch</i>	3	3	6	1	8.75	N/A
	Military Construction	0	1	1	0.25	1	
	Transportation	6	8	14	1	6.5	
	Treasury/Postal	6	7	13	1	7.5	
	VA/HUD	8	8	16	2	14	
Totals	68	74	141	15.25	105.75		
1994 (FY 1995)	Agriculture	6	4	10	0.5	4	
	Commerce, Justice	14	10	24	3	17	
	Defense	0	2	2		0.75	
	DC	1	5	6	0.5	4	
	Energy and Water	0	5	5	0.5	4.5	
	<i>For Ops</i>	6	5	11	0.75	6	N/A
	Interior	9	5	14	2	11.5	
	Labor-HHS	11	3	14	2	10.5	7.5
	<i>Leg. Branch</i>	4	8	12	0.5	5	N/A
	Military Construction	0	0	0		1	
	Transportation	3	6	9	0.5	5.5	
	Treasury/Postal	9	6	15	0.5	5.5	
	VA/HUD	4	3	7	1	12	
Totals	67	62	129	11.75	87.25		
1995 (FY 1996)	Agriculture	15	15	30	2	16	
	Commerce, Justice	13	19	32	2	13.5	
	Defense	9	16	25	2	9	2
	<i>DC</i>	5	0	5	2	6	
	Energy and Water	9	12	21	2	15	
	<i>For Ops</i>	21	22	43	3	30	
	Interior	24	16	40	4	24.5	
	Labor-HHS	19	10	29	3	27	
	<i>Leg. Branch</i>	8	5	13	2	8.5	N/A
	Military Construction	4	4	8	2	9.5	
	Transportation	8	9	17	2	10.5	
	Treasury/Postal	7	4	11	2	1.5	
	VA/HUD	9	16	25	3	24	
Totals	151	148	299	31	205		
1996 (FY 1997)	Agriculture	4	6	10	2	8	
	Commerce, Justice	20	14	34	2	14	
	Defense	6	10	16	1	7	
	DC	1	2	3	0.5	4	
	Energy and Water	11	7	18	2	9	
	For Ops	10	16	26	2	15	
	Interior	8	16	24	2	20	
	Labor-HHS	18	17	35	2	17	10
	<i>Leg. Branch</i>	6	2	8	0.5	4.5	N/A
	Military Construction	0	1	1	0.25	2	
	Transportation	4	4	8	0.5	4.5	
	Treasury/Postal	11	7	18	2	10	
	VA/HUD	19	18	37	2	18	11
Totals	118	120	238	18.75	133		
1997 (FY 1998)	<i>Agriculture</i>	8	7	15	4	16	
	Commerce, Justice	14	16	30	3	20	
	Defense	3	10	13	0.5	5.5	
	<i>DC</i>	1	2	3	0.75	6	N/A
	Energy and Water	4	3	7	2	4.5	
	<i>Foreign Ops</i>	12	6	18	3	16	
	Interior	12	7	19	3	18.5	
	Labor-HHS	31	12	43	8	39	
	<i>Leg. Branch</i>	2	2	4	0.5	5	N/A
	MilCon	1	0	1	0.25	2	
	Transportation	1	1	2	0.33	3	
	Treasury/Postal	3	2	5	0.25	2	
	VA/Housing	8	5	13	2	12.5	
Totals	100	73	173	27.58	150		

	Amendments Offered			Time on Bill			
	Rep	Dem	Total	Total Days	Total Hrs.	Hrs. Until UC	
1998 (FY 1999)	Agriculture	7	3	10	2	11	
	Commerce, Justice	18	18	36	3	26	
	Defense	0	2	2	0.25	3	
	Energy and Water	1	1	2	0.25	0.3	
	Interior	9	11	20	3	16.5	
	Labor-HHS	2	0	2	0.25	2	
	Leg. Branch	0	2	2	0.25	2.5	N/A
	Military Construction	0	0	0	0.25	2	
	State Foreign Ops	4	4	8	1	8.5	
	Transportation-HUD	4	4	8	0.25	2	
	Treasury/Postal	7	7	14	2	14	
	VA/HUD	8	12	20	3	22	
	DC	5	7	12	1.25	10	
	Totals	65	71	136	16.75	119.8	
1999 (FY 2000)	Agriculture	16	7	23	3	20	
	Commerce, Justice	12	18	30	2	17.5	12
	Defense	2	3	5	0.25	2.5	
	Energy and Water	2	3	5	0.5	5	
	Interior	12	14	26	2	19	
	Labor-HHS						
	Leg. Branch	2	0	2	0.5	4	N/A
	Military Construction	0	0	0		1	
	State Foreign Ops	14	10	24	2	13.5	
	Transportation	5	2	7	0.5	4	
	Treasury/Postal	3	9	12	1	9	
	VA/HUD	10	19	29	2	14.5	
	DC	6	1	7	2	6.5	
	Totals	84	86	170	13.5	107	
2000 (FY 2001)	Agriculture	18	21	39	3	19	10.5
	Commerce, Justice	15	31	46	3	23	11
	Defense	0	6	6	0.5	4.5	
	Energy and Water	16	2	18	1	9	3
	Labor-HHS	16	21	37	4	25.5	8.5
	Military Construction	0	1	1		1.25	
	State Foreign Ops	6	23	29	2	16.5	7
	Transportation	5	4	9	0.5	3.5	
	Treasury/Postal	11	11	22	1	9	2
	VA/HUD	8	23	31	3	21	
	Leg. Branch	3	0	3	.5	3.5	N/A
	DC	4	4	8	2	6	3
	Interior	20	14	34	3	21.5	
	Totals	122	161	283	23	164	
2001 (FY 2002)	Agriculture	8	25	33	2	12	5
	Commerce, Justice	11	21	32	2	12.5	2.5
	Defense	8	11	19	1	9.5	
	Energy and Water	4	7	11	2	9.5	5.5
	Labor-HHS	7	2	9	1	7.75	
	Military Construction	0	0	0		1	
	State Foreign Ops	7	20	27	2	12	8.5
	Transportation	3	8	11	1	7	
	Treasury/Postal	4	12	16	1	10.5	8
	VA/HUD	3	32	35	3	19.5	11
	DC	2	4	6	0.3	3.5	
	Leg. Branch	0	2	2		1.5	N/A
	Interior	2	10	12	1	8.5	2
	Totals	59	154	213	16.3	114.75	
2002 (FY 2003)*	Agriculture						
	Commerce, Justice						
	Defense	1	5	6			
	Energy and Water						
	Labor-HHS					2.25	
	Military Construction	1	0	1			
	State Foreign Ops						
	Transportation					2.25	
	DC						
	Leg. Branch	0	1	1			N/A
	VA/HUD						
Interior					3		
Totals	2	6	8	0	7.5		

	Amendments Offered			Time on Bill				
	Rep	Dem	Total	Total Days	Total Hrs.	Hrs. Until UC		
2003 (FY 2004)	Agriculture	3	9	12	1	5.5	3.5	
	Commerce, Justice	10	6	16	2	16		
	Defense	2	5	7	1	7		
	Energy and Water	4	6	10	0.5	4		
	Labor-HHS	4	5	9	1	9	3	
	Military Construction	0	1	1	0.25	2		
	State Foreign Ops	7	12	19	1	10.5		
	Transportation	13	17	30	2	16	8	
	DC	3	1	4	0.5	5.5		
	Leg. Branch	1	0	1	0.25	2	N/A	
	VA/Housing	6	18	24	0.5	5	0.017	
	Interior	12	12	24	2	16	5	
	Homeland	7	8	15	1	8		
	Totals	72	100	172	13	106.5		
2004 (FY 2005)	Agriculture	8	15	23	2	10	4	
	Commerce, Justice	10	20	30	2	16.5	7	
	Defense	1	5	6	0.33	3.5		
	Energy and Water	4	5	9	0.5	5.5	3	
	Interior	5	14	19	2	12.5		
	Labor-HHS	14	19	33	2	14	9.5	
	Military Construction	0	0	0	1	9		
	State Foreign Ops	7	11	18	1	11	2.5	
	Transportation-HUD	8	15	23	4	16.5	7	
	Leg. Branch	1	1	2	0.3	3	N/A	
	DC	1	0	1	0.25	2		
	VA/HUD							
	Homeland	7	18	25	2	13.5		
	Totals	66	123	189	16.8	117		
2005 (FY 2006)	Agriculture	11	13	24	1	9		
	Commerce, Justice	20	26	46	3	20.5	6	
	Defense	1	13	14	1	6.5		
	Energy and Water	6	6	12	.5	5.5	2.5	
	Interior	14	12	26	1	9	4	
	Labor-HHS	13	14	27	2	14	6.5	
	Military Construction/VA	1	6	7	0.5	4.25		
	State Foreign Ops	10	13	23	1	10	4.5	
	Transportation-HUD	20	29	49	2	20.25	8	
	Leg. Branch	4	1	5	0.5	4	N/A	
	Homeland	10	8	18	1	7		
	Totals	110	141	251	11.5	98.5		
	2006 (FY 2007)	Agriculture	22	18	41	1	10.5	4
		Commerce, Justice	38	37	75	3	19.5	1.5
Defense		13	11	24	1	8.5		
Energy and Water		11	13	24	1	9	1	
Interior		15	13	28	1	11	4	
Labor-HHS								
Military Construction		1	8	9	0.5	5		
State-Foreign Ops		10	12	22	2	10.5		
Transportation-HUD-DC		23	26	49	2	14.5	4	
Leg. Branch		0	1	1		1.25	N/A	
Homeland		18	22	40	2	13	5	
Totals		151	161	313	13.5	102.75		
2007 (FY 2008)		Agriculture	13		13	2	11	
		Commerce, Justice, Science	41	16	57	2	18	12.5
	Defense	14	1	15	0.33	3	2 hrs. prior	
	Energy and Water	34	11	45	3	17	5	
	Interior	44	14	58	2	20	6	
	Labor-HHS	73	14	87	3	26	11	
	Military Construction	11	4	15	0.5	5	Prior to	
	State Foreign Ops	30	11	41	2	15.5	1.5	
	Transportation-HUD	34	12	46	2	17.5	5	
	Leg. Branch	3	0	3	0.5	4.25	N/A	
	Homeland	40	10	50	4	28.5	19	
Financial Services	29	8	37	2	13.5	1.5		
Totals	366	101	467	23.33	179.25			

Table 2. Appropriations Measures Considered under Restrictive Rules, 1992-2007.

Season	Appropriations Bill	Rule Type	Notes
1992 (FY 1993)	Commerce, Justice	Modified Open	Set a limit of 20 minutes debate per amendment.
	Foreign Ops.	Structured	Rules Committee specified amendments made in order.
	Leg. Branch	Structured	Rules Committee specified amendments made in order.
1993 (FY 1994)	Energy & Water	Modified Open	Set a limit of 1-hour of debate on the Super Colliding Super Conductor amendment.
	Foreign Ops.	Structured	Rules Committee specified amendments made in order.
	Leg. Branch	Structured	Rules Committee specified amendments made in order.
1994 (FY 1995)	Foreign Ops.	Structured	Rules Committee specified amendments made in order.
	Leg. Branch.	Structured	Rules Committee specified amendments made in order.
1995 (FY 1996)	DC	Modified Open	Set a limit of 30 minutes debate per amendment.
	Foreign Ops.	Open / Structured	Rules Committee specified amendments made in order. Structured rule reported after 3 days of debate under open rule.
	Leg. Branch	Structured / Closed	Rules Committee specified amendments made in order. After initial bill vetoed, rule for 2nd bill was closed.
1996 (FY 1997)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
1997 (FY 1998)	Agriculture	Open / Structured	Rules Committee made only amendments already printed in Congressional Record in order. Structured rule reported after 3 days of debate under open rule.
	DC	Structured	Rules Committee specified amendments made in order.
	Foreign Ops.	Modified Open (UC)	Limited amendments to those printed in the Congressional Record. Agreed to by unanimous consent.
	Leg. Branch	Structured	Rules Committee specified amendments made in order.
1998 (FY 1999)	Defense	Modified Open	Set a time limit on debate of amendments related to the War Powers Act.
	Leg. Branch	Structured	Rules Committee specified amendments made in order.
	Foreign Ops.	Modified Open	Limited amendments to those printed in the Congressional Record.
1999 (FY 2000)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
	DC	Open / Closed	Bill considered initially under an open rule. After veto, 2nd and 3rd bills were considered under closed rules.
	Foreign Ops.	Modified Open	Limited amendments to those printed in the Congressional Record. Set overall time limit on amendment debate of 5 hours.
2000 (FY 2001)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
	DC	Modified Open	Limited amendments to those printed in the Congressional Record.
2001 (FY 2002)	Foreign Ops.	Modified Open	Limited amendments to those printed in the Congressional Record.
	Leg. Branch	Structured	Rules Committee specified amendments made in order.
2002 (FY 2003)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
2003 (FY 2004)	Leg. Branch	Closed	No amendments permitted.
2004 (FY 2005)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
2005 (FY 2006)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
2006 (FY 2007)	Leg. Branch	Structured	Rules Committee specified amendments made in order.
2007 (FY 2008)	Agriculture	Open / Structured	Rules Committee specified amendments made in order. Structured rule reported after 1 day of debate under open rule.
	Leg. Branch	Structured	Rules Committee specified amendments made in order.

NOTES:

All data appearing in this document were compiled from legislative records by the Republican staff of the House Committee on Rules, unless otherwise noted.

All references to years refer to calendar years, unless otherwise specifically noted.

¹ Congressional Record, Jun. 16, 2009. P. H6899.

² Congressional Record, Jun. 19, 2009. P. H7068.

³ Congressional Record, Jul. 10, 2009. P. H7956.

⁴ Survey of Activities of the House Committee on Rules, 102d Congress. H.Rept. 102-1101. Dec. 31, 1992, p. 23.

⁵ “House Democrats muzzle GOP on sensitive issues.” Taylor, Andrew. Associated Press. June 16, 2009.

⁶ Hearing of the Committee on Rules on H.R. 3293, Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2010. July 23, 2009.

⁷ A New Direction for America. <http://www.speaker.gov/pdf/thebook.pdf>. P. 24.

⁸ Hearing, id.

* For fiscal year 2003, most bills were included in the Consolidated Appropriations Resolution, 2003.

