



Legislative Bulletin.....January 25, 2011

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H.Res. 38—To reduce spending through a transition to non-security spending at fiscal year 2008 levels.

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Order of Business: H.Res. 38 is scheduled to be considered by the House on Tuesday, January 25, 2011 under a closed rule that provides one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules or their respective designees.

Summary: Since the previous Democrat Congress failed to pass a budget, the House rules package for the 112th Congress gave the House Budget Committee Chairman the authority to set a 302(a) allocation for FY 2011.

H.Res. 38 would direct that this allocation assume non-security FY 2008 spending levels *or less* for the *remainder* of the current fiscal year (FY 2011). The wording of the resolution prohibits an allocation that is higher than envisioned by H.Res. 38, but would allow a lower allocation.

This would not require the allocation for final year FY 2011 spending to meet the original House Republican proposal of \$100 billion of savings compared to the Democrats’ 302(b) spending plan. It would, however, require an allocation with substantial savings (at FY 2008 levels or below for non-security spending) for the portion of the fiscal year that remains.

In other words, the resolution would require an allocation providing a spending rate for the remainder of FY 2011 at FY 2008 levels or less, but would not require additional reductions of an amount needed to cover the higher spending already enacted for the first five months of the fiscal year by the Democrat Congress.

Additional Background: RSC Chairman Jim Jordan will file an amendment in the Congressional Record, though it will not be made in order under the rule, that would require an allocation that “provides a total non-security fiscal year 2011 allocation that is at least \$100 billion less than provided for in House Report 111-565.” This committee report was the House Democrat spending plan for FY 2011.

Cost to Taxpayers: The resolution would direct the Budget Committee chairman to set a 302(a) allocation for FY 2011 at FY 2008 levels (or less) for the remaining months of the current fiscal year. The resolution would impact future spending legislation, but does not in and of itself impact the federal budget.

Committee Action: The House Rules Committee has original jurisdiction over the resolution. It was reported out of the committee (as amended) by voice vote on January 19, 2011.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: House rules do not require constitutional authority statements from sponsors of house resolutions. Article I, Section 5, states: “*Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.*” [emphasis added]

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