

FACT SHEET ON HOUSE RULES PACKAGE

Overview:

Commonsense reforms to the House Rules will enable Congress to work even more effectively for America.

In the 110th Congress, Democrats put forth critical measures to restore integrity and accountability to the House. These measures included banning gifts from lobbyists, prohibiting the use of corporate jets, mandating ethics training for all House employees, establishing a new, independent Office of Congressional Ethics, and ensuring transparency for budget earmarks by requiring the full disclosure of earmarks in all bills and conference reports.

Rules changes this year will further strengthen the integrity of the institution. Commonsense reforms incorporated into the House Rules Package include:

- Closing the loophole that allowed ‘lame duck’ Members to negotiate employment contracts in secret to ensure full transparency in future negotiations.
- Removing reference to term limits for Committee Chairs from this package to remove political considerations from the official Rules of the House. Term limits were originally incorporated into the House rules by Republicans in 1995, and as a result, elevated fundraising as a prerequisite for election to Chair.
- Making commonsense changes to the motion to recommit that preserve the Minority’s legitimate right to present policy alternatives while denying them the abusive practice of subverting the work of Congress by working to kill key measures that have broad, bipartisan support from the American people by raising unrelated amendments for the sole purpose of scoring political points.
- Codifying additional budget earmark reforms adopted mid-term in the 110th Congress resulting in even further transparency and accountability in the earmark process.
- Maintaining strong PAYGO rules that will help restore fiscal discipline.

Detailed Highlights of the Rules Package:

Strengthening Disclosure Requirements for Member Employment Negotiations –

- In the 110th Congress, Democrats amended the Rules of the House to require Members negotiating post-House employment to disclose details of their negotiations until their successor was elected.
- The new rules package further strengthens the integrity of the House by requiring Members to disclose employment negotiations until the end of their service in the House.

Ending Term Limits for Committee Chairs –

- By removing term limits for Committee Chairs from House Rules, political considerations will be eliminated from the official House Rules.
- Term limits were originally incorporated into the House rules by Republicans in 1995. This provision has resulted in Members jockeying for chair positions and has elevated fundraising over experience and knowledge base as a prerequisite for those positions.

- During the 109th Congress, Rep. Rogers (R-KY), a frontrunner in the battle for Appropriations chair, “boasted” of his claimed \$5 million in campaign donations as part of his case for receiving the position to then-Speaker Dennis Hastert (R-IL)¹.

Continuing The Office of Congressional Ethics –

- Created by a bipartisan majority during the 110th Congress and governed by a bipartisan board, the independent Office of Congressional Ethics establishes a fair and just manner of investigating allegations of unethical conduct.
- Its establishment was supported by good government groups such as Common Cause and U.S. PIRG, as well as by Thomas Mann of the Brookings Institution and Norman Ornstein of the American Enterprise Institute. The independent office will be continued without change except that the office is authorized to hire consultants as necessary.

Continued Commitment to Fiscal Responsibility Through PAYGO –

- The prior Republican-controlled Congress under the leadership of a Republican President did not reinstate statutory PAYGO rules to ensure fiscal responsibility. This failure led to years of “borrow and spend” policies that have weighed down our grandchildren’s future with \$9 trillion in foreign-owned national debt.
- When Democrats regained control of Congress in 2007, Congress restored the commitment and enforced tough PAYGO rules in nearly all legislation in the 110th Congress, including suspension bills. The Congress was praised by four Federal budget watchdog groups for its commitment to fiscal discipline.
- This PAYGO provision in the Rules Package for the 111th Congress would align the House’s PAYGO rules with those of the Senate so that both chambers use the same Congressional Budget Office baselines – a measure likely to improve bicameral negotiations.
- The changes would also allow one House-passed measure to pay for spending in a separate House-passed measure if the two are linked at the engrossment stage.
- By permitting the separate consideration and subsequent linking of bills that increase spending to bills that provide offsets for such increases, the rule requires the bill as a whole to comply with PAYGO.

Medicare Cost Containment –

- The rules package ‘turns off’ section 803 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003. This section triggers cumbersome and disruptive procedures when general revenues cover less than 45 percent of overall Medicare costs – an ideologically-driven target based on a misleading measure of Medicare’s financial health.
- This commonsense provision in the rules package will allow Congress to consider all options for improving Medicare financing to provide a balanced and equitable solution. The statutory procedures in the 2003 legislation were so poorly drafted that they would allow Members to offer unrelated, non-germane and fiscally irresponsible amendments that would have no tendency to address Medicare’s long-term financing issues.

Commonsense Changes to the Motion to Recommit –

- A commonsense change to the motion to recommit will make Congress more effective while preserving Minority party rights. This provision amends the House Rules to provide that a motion to recommit a bill or joint resolution may include instructions only in the form of a direction to report an amendment back to the House “forthwith,” instead of “promptly.”

¹ Washington Post, 1/5/05

- Minority party Members will still have the ability to propose policy improvements to the bill by offering a motion that amends the bill or a “straight” motion that sends the bill back to committee without amendment.
- As the highly respected Congressional scholar Norman Ornstein has pointed out, “Using ‘promptly’ is a subterfuge, a way to kill bills, and reflects a desire not to legislate but embarrass vulnerable majority Members through a ‘gotcha’ process.” (Roll Call, 8/13/07).
- The 110th Congress saw a dramatic uptick in the use of the motion to recommit “promptly,” which rose to the level of abuse. In the 110th Congress alone, the Republican Minority offered 50 “promptly” motions to recommit to send a bill back to committee, almost all of which were clearly designed to kill legislation. Yet during the 12 years of Republican control of the House, Democrats offered “promptly” motions only 36 times over the course of more than a decade, using the motions to propose legitimate amendments that would otherwise violate House Rules. The inclusion of specific amendatory text in nearly 80 percent of the Minority’s “promptly” motions further demonstrates their abuse of the motions.
- In prior Congresses, nearly all instructions included in a motion to recommit were “forthwith.” These motions require an immediate vote on the amendment included in the instruction. Democrats have repeatedly offered to accept amendments proposed in “promptly” motions to recommit if the motion were amended to be “forthwith,” yet the Republicans have repeatedly refused the offer, demonstrating that their objective in offering such motions is not to improve the underlying bill. In a number of instances, the final product of the House has benefited from the constructive amendments offered by the Minority in their legitimate “forthwith” motions to recommit, 25 of which have been adopted.
- In discussing Rep. Smith’s “promptly” motion to recommit on legislation involving the Washington, DC Voting Rights Bill, Norman Ornstein said, “The Smith motion to recommit with instructions to the DC voting bill did not use the term “forthwith.” It substituted the term “promptly.” That meant that the bill would disappear into some legislative limbo and not be immediately dealt with by the House. The language change was clever, in a subversive way, and reflected the reality that Smith and leadership wanted to kill the bill without doing so directly.”²
- Ornstein also explained that, “A Minority party deserves the right to be heard and to have alternatives considered, but with those rights come responsibilities. If the Minority uses the opportunity to offer amendments to exploit cynically the opening for political purposes -- through ‘gotcha’ amendments designed to offer 30-second attack ads against vulnerable majority lawmakers, or through poison-pill alternatives designed only to scuttle a bill, not to offer a real alternative -- it soon will lose its moral high ground for objecting to Majority restriction on debate an amendments.”

Strengthening Earmark Reform –

- The 110th Congress reformed the earmark process to ensure transparency by requiring the full disclosure of spending earmarks by project as well as sponsor in all bills and conference reports. In the 111th Congress, we are strengthening earmark reform by codifying the so-called “air drop” earmark point of order.

Continuing Authority Over Executive Branch Lawsuit –

- Congress has the responsibility and constitutional right to oversee the Executive Branch. The lawsuit was filed in order to preserve and enforce the House’s constitutional responsibility and right to oversee the Executive Branch; it also was filed to preserve the Executive Branch’s responsibility to comply with congressional subpoenas and to restore the institutional integrity of Congress. This provision authorizes the Committee on the Judiciary and the House General Counsel to continue the lawsuit derived from the House holding White House Chief of Staff Josh Bolten and former White House Counsel Harriet Miers in contempt of Congress for failure to comply with congressional subpoenas. Because the subpoenas expire at the end of the 110th Congress, the resolution is needed so that the Judiciary Committee can continue to appear in court in the 111th Congress.

² Roll Call, May 2, 2007

- With respect to the continued investigation into the firing of certain United States Attorneys, this provision authorizes the chairman of the Judiciary Committee to issue subpoenas and the taking of depositions by Members or counsel, which will be governed by rules printed in the Congressional Record by the Rules Committee chair or otherwise prescribed by the Judiciary Committee. In addition, it authorizes the Judiciary Committee and General Counsel to add as a party to the lawsuit any individual subpoenaed by the Committee in the 110th Congress who failed to comply.
- The House has already won the contempt of Congress case at the trial level; a Federal judge ordered Mr. Bolten and Ms. Miers to comply with valid congressional subpoenas – this resolution allows for the continuance of that lawsuit during the appeal.

Conduct of Votes –

- This provision deletes the rule that “A recorded vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote.” Striking this provision follows the bipartisan recommendation of the Select Committee to Investigate Voting Irregularities of August 2nd that was charged with studying the voting process.
- The sentence being removed from the rules, which was adopted by the 110th Congress, was a well-intentioned response to the infamous three-hour vote on November 22, 2003, on the Medicare prescription drug conference report when Republicans controlled Congress. In practice, it proved unworkable and difficult to enforce, thus prompting the Select Committee to advise against retaining it.

Standards of Official Conduct: Automatic Empanelling of an Investigative Subcommittee When a Member is Indicted –

- This provision will update the Standards of Official Conduct to carry over a resolution that requires the Ethics Committee to empanel an investigative subcommittee whenever a Member is indicted.

The Select Committee on Energy Independence and Global Warming –

- The Committee’s important work to study and highlight energy and climate solutions will be continued in the 111th Congress. As a new Administration comes into office with a strong focus on freeing us from our dependence on foreign oil, growing our economy with clean energy jobs and technologies, and lowering energy costs and greenhouse gas emissions that cause global warming through efficiency and innovation, this committee’s focus and work is vital.

The Tom Lantos Human Rights Commission –

- The mission of the Tom Lantos Human Rights Commission is to promote and advocate in a nonpartisan manner, both within and outside of Congress, internationally recognized human rights norms as enshrined in the Universal Declaration of Human Rights and other relevant international human rights instruments. The Commission will be continued in the 111th Congress.

House Democracy Assistance Commission –

- The House Democracy Assistance Commission works to promote responsive, effective government and strengthen democratic institutions by assisting legislatures in emerging democracies around the world. The Commission was created in the 109th Congress and enjoys broad bipartisan support. It will be continued in the 111th Congress.

For additional fact sheets and resources on the Rules package, visit: <http://majorityleader.house.gov>

For a full summary of the 111th House Rules Package, visit: www.rules.house.gov