



111th Congress Rules Package: Commonsense Reforms, Building on the Sweeping Reforms of the 110th Congress

Key Points:

- **In January 2007, the new Democratic-led 110th Congress, in its Rules Package, enacted the most sweeping ethics and lobbying reforms since Watergate – changing the way we do business in Washington and restoring fiscal responsibility and accountability to government.**
- **The reforms adopted by the 110th Congress included banning gifts from lobbyists, prohibiting the use of corporate jets, mandating ethics training for all House employees, establishing an Office of Congressional Ethics, imposing tough PAYGO rules, and ensuring transparency for earmarks by requiring full disclosure in all bills and conference reports.**
- **Now, the proposed Rules Package for the 111th Congress builds on these reforms to further strengthen the integrity of this institution and enable Congress to work more effectively.**
- **Key provisions include closing a loophole regarding “lame-duck” Members negotiating post-Congressional employment, codifying additional earmark reforms adopted mid-term in the 110th Congress, continuing the Office of Congressional Ethics, maintaining strong PAYGO rules, and improving Congress’s effectiveness by removing an abusive practice where popular measures are killed through unrelated, “gotcha” amendments on motions to recommit.**

Following is an overview of some of the key provisions in the proposed House Rules Package.

Strengthening Earmark Reform

- The 110th Congress reformed the earmark process to ensure transparency by requiring the full disclosure of earmarks in all bills and conference reports.
- The new Rules Package continues these key reforms and also codifies additional earmark reforms adopted mid-term in the 110th Congress, resulting in even further transparency and accountability in the earmark process.
- For example, the new Rules Package codifies the so-called “air drop” earmark point of order – which provides an opportunity for a separate debate and vote on the consideration of a conference report containing “air-dropped” earmarks that had not been included in either the House or Senate-passed versions of the legislation.

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.

Improving Congress's Effectiveness by Reforming Motion to Recommit

- The new Rules Package will preserve the Minority's legitimate right to present their policy alternatives while preventing the abusive practice of 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 and forcing votes for electoral advantage.
- The Rules Package amends the House Rules to provide that a motion to recommit a bill may include instructions only in the form of a direction to report an amendment back to the House "forthwith," instead of "promptly" ("forthwith" results in an immediate vote; "promptly" sends the bill back to committee.)
- Noted congressional scholar Norm 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 Rules Package protects Minority rights – with the Minority still having two possible motions to recommit it can offer. Under the Package, the Minority can offer a motion to recommit "forthwith," (in which the GOP amendment is immediately voted upon and, if adopted, is added to the bill); and it can offer a straight motion to recommit the bill to committee (in which case the vote occurs on the merits of the bill itself).
- Republicans have a clear record of abusing the motion to recommit "promptly." In the 110th Congress alone, the GOP Minority offered 50 "promptly" motions to recommit, almost all of which were clearly designed to kill the bill (compared to three a year when the Democrats were the Minority, who used them for legitimate amendments).
- Examples of key bills with broad, bipartisan support that the Republican Minority successfully killed in the 110th Congress through the use of the "promptly" motion include:
 - **AmeriCorps Reauthorization (H.R. 2857)** – This popular, bipartisan bill that improves and reauthorizes for five years AmeriCorps was killed when it had to be pulled from the Floor when the GOP Minority offered a "promptly" motion to recommit, which would have sent the bill back to committee with an unrelated sex offender amendment.
 - **Public Housing (H.R. 3521)** – This bipartisan bill that makes some improvements in how HUD manages public housing programs was killed when it had to be pulled from the Floor when the GOP Minority offered a "promptly" motion to recommit, which would have sent the bill back to committee with an unrelated gun ownership amendment.

- Examples of key bills with broad, bipartisan support that the Republican Minority was almost successful in killing through the use of the “promptly” motion include:
 - **FY 2009 Defense Authorization Bill (H.R. 5658)** – In a cynical attempt to score political points on gas prices, the GOP Minority tried to use a “promptly” motion to recommit to kill this critical, bipartisan bill, which included a pay raise and increased health benefits for our troops, as well as numerous provisions to strengthen our national security. The motion would have sent the bill back to committee with an unrelated gas price amendment. Fortunately, the motion was rejected by a relatively narrow vote of 186 to 223.
 - **Small Business R&D (H.R. 5819)** – In another cynical attempt to score political points on gas prices, the GOP Minority also tried to use a “promptly” motion to recommit to kill this bipartisan bill, which helps the nation’s small businesses by extending and improving two key small business R&D programs -- Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR). The motion would have sent the bill back to committee with an unrelated gas price amendment. Fortunately, the motion was rejected by a narrow vote of 195 to 215.
 - **Federal Employees Paid Parental Leave (H.R. 5781)** – The GOP Minority also tried to use a “promptly” motion to recommit to kill this bipartisan bill, which helps families by providing four weeks of paid parental leave for federal employees for the birth or adoption of a child. The motion would have sent the bill back to committee with an unrelated child support amendment. Fortunately, the motion was rejected by a narrow vote of 206 to 220.

Removing Term Limits for Committee Chairmen

- By removing term limits for Committee Chairs from House Rules, we are removing political rules from the official rules of the House. Instead, each party should determine its own rules on the tenure of Committee Chairs and/or Ranking Members – and they should be reflected in Democratic Caucus Rules and Republican Conference Rules.
- The term limits for Committee Chairs was a failed experiment by the Republicans. In a January 5th letter to the Speaker, Republican Leader Boehner wrote that the term limits were established to “help restore Americans’ trust and confidence in the People’s House.” However, these term limits have done just the opposite.
- In practice, term limits have resulted in the creation of a “pay-to-play” system – where the chief criterion for being selected as a new Chair has in many instances been a Member’s fundraising prowess. Instead of reforming the institution, this focus on fundraising undermines the integrity of the institution and the legislative process.
- An example was the contest between Reps. Ralph Regula, Harold Rogers, and Jerry Lewis to become the new Chair of the Appropriations Committee in early 2005. As CQ Politics in America reported, “House GOP leaders chose Lewis for his track record raising money for the party... Lewis had spent a year auditioning for the job, aggressively raising campaign contributions for fellow Republicans – more than \$1.35 million in the 2004 election cycle.”

- Under Democratic Caucus rules, Committee Chairs are approved by the overall Caucus. No Member is guaranteed their position as Committee Chair from Congress to Congress. Therefore, only those Committee Chairs who reflect the will of rank-and-file Members can continue in their positions – enhancing accountability.

Continuing the Office of Congressional Ethics

- Created by a bipartisan majority during the 110th Congress and governed by a bipartisan board, the 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 Norm Ornstein of the American Enterprise Institute. Under the new Rules Package, 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 Republican-led Congress and the Republican President allowed the PAYGO law to lapse in 2002 – ushering in an era of fiscal irresponsibility.
- Then, in 2007, the new Democratic-led 110th Congress reinstated PAYGO – adding tough PAYGO rules to the House rules, in order to reinstitute fiscal discipline.
- The new Rules Package continues these tough PAYGO rules and also aligns the House's PAYGO rules with those of the Senate so that both chambers use the same Congressional Budget Office baselines, facilitating bicameral negotiations.
- The new Rules Package also allows for an exception to PAYGO for emergencies – an exception narrowly drafted.