

MINORITY VIEWS

The Rules Committee played much the same role in the 114th Congress as it did in the 113th and 112th Congresses: closing down the legislative process in the House to facilitate passage of a highly partisan legislative agenda that favors the wealthy and the powerful, and enabling use of the House floor and Congressional investigations for Republicans' political campaign purposes.

The Rules Committee's record stands in sharp contrast to the promises made by the two Speakers who served during the 114th Congress, John Boehner and Paul Ryan. Shortly after taking the gavel, Speaker Ryan said the following:

I want the House to work its will. I think that's the way the founders envisioned it to work...The way I am trying to do this job is the way I always thought it should have been done and that is to make this a more open process...So that every citizen of this country through their elected representatives has the opportunity to make a difference. That is the people's House. This is the branch of government closest to the people...So I wanted to have a process that is more open, more inclusive, more deliberative, more participatory and that's what we're trying to do. (Politico, November 5, 2015)

Speaker Ryan's words were remarkably similar to those of his predecessor, John Boehner:

As the Chamber closest to the people, the House works best when it is allowed to work its will...I offer a commitment: Openness, once a tradition of this institution but increasingly scarce in recent decades, will be the new standard...you will always have the right to a robust debate in an open process that allows you to represent your constituents, to make your case, offer alternatives, and be heard. (House Floor, January 5, 2011)

The Rules Committee is the instrument Republicans used to break both Speakers' promises and shut out the elected representatives of half the country. The Committee has sent to the floor a steady stream of bills to help Wall Street, Big Oil, Big Business and the like. Meanwhile, hiding behind points of order and closed rules, the Committee has blocked bills and amendments that would protect middle class families, workers, consumers, or the environment.

Partisan Selective Enforcement of the House's Rules

Instead of using the Rules Committee's considerable power to fulfill the promises of bipartisanship made by Speaker Ryan and Speaker Boehner, Republicans selectively enforced the Rules of the House to block Democratic ideas and ease passage of Republican proposals. Of the 267 waivers of House rules granted in the 114th Congress, only three of them were for Democrats. In other words, 99 percent of all waivers of points of order handed out by the Republican Rules Committee were for Republican proposals.

Continued Closing of the Legislative Process

While its 76 closed rules make the 114th Congress only the *second* most closed in history,¹ the Republicans still managed to break a record: the first session of the 114th Congress saw the most closed rules in a single session, with 48.

Despite Speakers Boehner and Ryan specifically promising openness, the 114th Congress saw no fully open rules at all. Indeed, in the last six years Republicans have averaged just over three open rules per year, approximately half of the average number per year as when Democrats last controlled the House.

Even the use of “modified open” rules was abandoned this Congress when Republicans decided they did not want to face votes on issues such as LGBT civil rights or the Confederate flag. In their place, the Rules Committee sent legislation to the floor under more restrictive “structured rules,” with only unthreatening amendments pre-screened and hand-selected by the Majority allowed to get a vote.

Promoting a Legislative Agenda Focused on Protecting the Wealthy and the Powerful

Aided by its selective enforcement of the rules and a closed process, the Committee flooded the House floor schedule with legislation that would help the rich get richer, roll back safeguards designed to prevent another financial crisis, make it harder to protect the safety of employees and consumers, and endanger public health and the environment.

Nearly 40 percent of the measures the Rules Committee met on in the 114th Congress dealt with just four topics: 1) deregulating Wall Street and business in general, 2) weakening environmental protections, 3) repealing or undermining the Affordable Care Act or, 4) attacking women’s reproductive rights. On average, each week the House was in session the Rules Committee considered one or two bills on this narrow range of subjects.

Enabling Abuses of Congressional Investigative Powers and Wasting of Taxpayer Money

With sole jurisdiction over the rules of the House, the Rules Committee is responsible for the creation of new committees and the handing out of powerful investigative tools. For the past six years the Rules Committee has ignored its role as a protector of the institution of the House and its dignity; on Republicans’ watch the House has continued or initiated a number of politically-motivated, taxpayer-funded witch hunts designed to energize the conservative base and influence elections.

Each Congress Republicans give the politically-motivated investigations broader powers and bigger stages. In the 114th Congress, more committees gave unilateral subpoena authority to their chairs,

¹ The record for most closed rules in an entire Congress still belongs to the Republican-controlled 113th Congress, at 83 closed rules.

allowing single Members to force private citizens to travel across the country to testify under oath, or produce any document Republicans wanted to look at -- even private medical records. And five committees were given staff deposition authority, allowing Republican committee staff to hold ordinary Americans in a room and subject the deponents to invasive questions for as long as the staff wish.

Republicans also gave subpoena and staff deposition authority to the newly-created Select Investigative Panel on Planned Parenthood and the continued Select Committee on Benghazi. These two investigations, along with much of the work of the Oversight and Government Reform Committee, were nakedly political and their creation should never have been recommended to the House by the Rules Committee.

These blatantly political investigations have wasted tremendous amounts of taxpayer money. The Republican Rules Committee recommended creation of the Planned Parenthood Select Panel, which then spent over \$1.5 million, despite the fact that three House committees had conducted their own investigations of the alleged offenses and found no evidence of wrongdoing. The Rules Committee also recommended creation of the Benghazi Select Committee, which has spent over \$9 million, even though the same questions had been examined by an independent Accountability Review Board and seven different congressional committees, which issued a combined total of nine separate classified and unclassified reports. (All this is on top of the taxpayer money spent on the operation of the House of Representatives -- which CBS news estimated at \$24 million per week -- as the Rules Committee and the Republican Majority spent week after week scheduling 65 votes to repeal or undermine the Affordable Care Act since 2011.)

Lack of Rules Committee Consideration of Serious Changes Proposed to House Rules

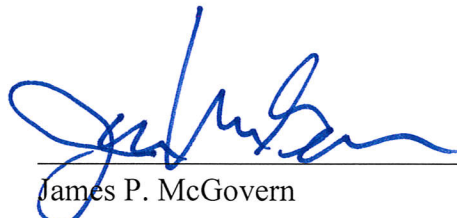
Instead of using the beginning of a new Congress as an occasion to back away from the Committee's role in promoting partisanship, closing down the legislative process, passing a legislative agenda dangerous to the middle class, and exploiting Congressional authority for political purposes, Republicans have decided to go even further.

A draft of proposed rules changes for the 115th Congress includes such items as: a possibly unconstitutional mechanism for punishing Members for violations of the rules on decorum; expansion of staff deposition authority to nearly *all* committees as well as removal of the requirement that a Member be present; new committee oversight plan requirements that could set the stage for the dismantling of the Social Security and Medicare guarantees; reinstatement of a House rule that enabled direct targeting of Federal employees' jobs and salaries in appropriations measures; the shielding of an Affordable Care Act repeal from points of order concerning increases in direct spending; and more.

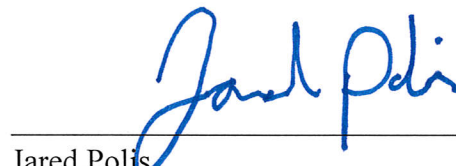
Many of these rules changes are completely new and warrant careful consideration before Members vote whether to support or oppose them. Even with two hearings held in the 114th Congress on possible rules changes, most of these major proposals were never presented or discussed.

We are deeply concerned about how much further House Republicans and the Republican-led Rules Committee will take this partisanship, closing of the legislative process, protection of the wealthy and powerful, and politicization of Congressional investigations. We urge the Majority to think about the damage it is doing not only to the institution, but to the country.


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