March 1 2006 - 109th Congress Rules Reform Package Summary

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H.Res. 686

-Rule Changes Affecting Conference Reports: In the 109th Congress...Conference equals Corruption

Crackdown on Sneaky Back Room Legislating:

1) Require that the rule providing for consideration of any conference report must contain an itemized list of any provisions in the conference report that are in violation of scope.

This rule could not be waived against the conference report (unless a separate rule was approved prior to the conference rule that waived the scope reporting requirement).

2) Provide that whenever a conference report has scope violations, it is in order for a Member to raise a point of order against the rule and get an automatic debate and vote to determine whether the House will consider the rule for the conference report.

This would be similar to the consideration point of order that is available in the instance of an unfunded mandate (sections 424, 425 and 426 of the Congressional Budget Act of 1974). Any Member could raise a point of order against the conference rule on a scope violation. The question would be on whether or not to consider the offending conference report. Raising the point of order would provide for an automatic 20-minutes of debate followed by a vote. A prevailing "no" vote would block consideration of the conference report. A "yes" vote would allow the conference report to go forward.

3) Add a new House rule (similar to that for unfunded mandates- Clause 11, Rule XVIII) that would make it always in order, unless specifically prohibited in the rule, to offer a motion to strike items that are beyond the scope of a conference.

This provision would allow any House Member to offer a motion to strike any language in a conference report that violates the scope of the conference, that is, anything included in the conference report that was not contained in either the House or Senate passed versions of the bill. The motion to strike would automatically be in order unless the language in the rule specifically prevents it.

4) Whenever 3-day layover is waived against a conference report, it is in order for the Minority Leader or a designee to raise a point of order against the rule to determine whether the House will consider the conference report.

This process would also be similar to the consideration point of order that is available in the instance of an unfunded mandate (sections 424, 425 and 426 of the Congressional Budget Act of 1974). Only the Minority Leader or a designee could raise the point of order against consideration of any conference report that violates the 3-day layover requirement. The question would be on whether or not to consider the offending conference report. Raising the point of order would provide for an automatic 20 minutes of debate followed by a vote. A prevailing "no" vote would block consideration of the conference report. A "yes" vote would allow the conference report to go forward.

5) Create a new Majority/Minority leader point of order that can be raised against a conference report where the integrity of the conference is in question.

The violations would include, but not be limited to, serious scope violations; changes to the conference report after the conferees had reached a final agreement (including additions or deletions); and instances where the minority was not allowed to fully participate in the conference committee process. The point of order to consider the conference would be available to the Majority or Minority Leader if that individual, in good faith, has substantial reason to believe that the events surrounding the conference committee meeting and/or conference report were in serious violation of House rules.

Once again, the process would mirror the point of order that is referenced in the previous provision (#2 & #4). The question would be on whether or not to consider the offending conference report. Raising the point of order against the conference rule would provide for an automatic 20 minutes of debate followed by a vote. A prevailing "no" vote would block consideration of the conference report. A "yes" vote would allow the conference report to go forward.

If You Change it, Vote on It

6) Require a roll-call vote, in an open meeting, on the final version of a conference report.

-Rules Which Implement Accountability, Transparency and Fiscal Responsibility

Allow Members to Actually Read the Bills They Pass

7) Use actual time (24-hours as opposed to one legislative day) rather than simply one legislative day to determine how soon a rule can be called up on the House Floor after it is reported from the Rules Committee.

Require that any rule providing for consideration of any measure cannot be called up for at least 24 hours after it is reported from the Rules Committee (rather than allowing it to come up on the next legislative day). The Rules Committee has on several occasions met at 7:00 a.m. on one legislative day to report a rule that is brought to the Floor as early as 10:00 am on the same calendar, but next legislative day giving Members only three hours to read both the rule and the underlying bill before they are considered and voted on.

The Hammer Rule: Crackdown on Arm-twisting and Influence Peddling on the House Floor

8) Require, for any recorded vote that is held open beyond 30-minutes, that the Speaker publish in the Congressional Record a log of the voting activity that occurs after that 30-minute time frame.

The log would show which Members voted after that time and which Members changed their votes during that period. While this would not stop the Republican Leadership's practice of holding votes open while arm twisting members, it would provide an official record of which Members are changing their votes under such pressure. It will also show how many Members actually vote for the first time after the 30-minutes time frame.

The Tauzin Rule: End Conflict of Interest Job Negotiations

9) Prohibit any sitting Member of Congress from negotiating future employment with any organization or individual that has a direct interest in legislation referred to any committee on which that Member serves (this language is identical to language that was part of the Democratic motion to commit on the 109th Congress opening day rules package).

In the 108th Congress, at least two high ranking Republicans negotiated lucrative jobs in the very fields that were within the immediate jurisdiction of committees on which they sat.

Impose Fiscal Accountability for Taxpayer Dollars:

10) Add a new House rule that prohibits any legislation that authorizes or appropriates over $100 million from being considered under suspension of the rules.

Under suspension of the rules, all House rules are waived, debate is limited to 40-minutes, there is no opportunity for amendment and no motion to recommit. Although suspension bills require a 2/3rds majority for passage and generally are widely supported, we believe that any measure, no matter how meritorious, that spends $100 million of taxpayer dollars should be considered under the regular process. It is interesting to note that in previous Congresses, the Republican conference rules included this provision but it was dropped from their most recent rules.

11) Require that Members of the House vote directly on increasing the federal debt limit.

Repeal House Rule XXVII, which provides that a vote on the budget resolution provides for an automatic increase in the debt ceiling. The public debt is growing every second of every day and is all ready a staggering $8.25 trillion. Members should be given the opportunity for a straight, up or down vote on raising the federal debt limit. Republicans howled about this provision when they were in the minority, repealed it when they first took control of the House, and then promptly reinstated it when their members wanted to avoid taking tough votes on further increasing our already escalating national debt.

The Dreier Rule: Stifling Debate Means Stifling Democracy

12) During consideration of the rule, immediately before moving the previous question, the minority will be given the ability to offer one amendment to the rule.

This rule change would allow the minority to offer a real opportunity to change the rule and not just through the previous question vote which is portrayed by the Republicans as a "procedural vote" to give cover to their members even when the potential amendment is one that they would otherwise support.

Furthermore, this language was one of the recommendations made in Final Report of the Joint Committee on the Organization of Congress-December 1993, of which now Rules Chairman Dreier was the vice chairman in the 103rd Congress when he was in the minority.

Require Leadership to Consider Ideas from Both Parties

13) Require the Speaker, to the extent practicable to allow an equal number of suspension bills for minority and majority party.

Democrats represent more than 46 % of the membership of this House. They should have an equal opportunity to offer non-controversial legislation under this process.

14) Prohibit the Speaker/Chair from entertaining a unanimous consent agreement that alters a rule unless the text of the unanimous consent agreement has been available for a minimum of 24 hours.

On those rare occasions when the Rules Committee actually does report an open rule, it is unfair to change that rule unless Members are given ample notice of that change and the opportunity to object.