

MINORITY VIEWS

The 113th Congress has been one of broken promises and broken records. After pledging openness, transparency, and bipartisanship, the Majority has delivered none of these things. The many lists and statistics in this Survey of Activities tell an important story; they document the Majority leadership's use of this committee to shut out dissenting voices and close down potential avenues for bipartisan compromise and accomplishment.

BROKEN PROMISES OF OPENNESS

On January 5, 2011, newly-elected Speaker John Boehner made a promise:

To my friends in the minority, 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.¹

House Republicans have not only broken this promise of openness, but they have broken all previous records as the most closed Congress in history. While closing down the legislative process has become more common under the leadership of both parties over the last two decades, the current Majority has dramatically accelerated this trend. In the 113th Congress, Republicans approved 83 entirely closed rules, where no Member had the opportunity to offer an amendment. That is more than twice the 37 closed rules approved during the last Democratic-controlled Congress. In fact, the House GOP passed as many closed rules in a single *week* in October 2013 as during the entire final *year* of Democratic control.

BROKEN PROMISES OF TRANSPARENCY

House Republicans also made a very specific pledge regarding transparency in the legislative process. Writing in *The Dallas Morning News* on October 28, 2009, Speaker Boehner said that he had "listened to the American people, and we're united in our support for common-sense changes such as 'read the bill' reform that would require all bills to be posted online for a minimum of 72 hours before they are brought to a vote."² He reiterated this pledge on *Fox News*

¹ 157 Cong. Rec. H5, (daily ed. Jan. 5, 2011) (statement of Rep. Boehner).

² Hon. John Boehner, *Let America Read the Bill*, Dallas Morning News, Oct. 28, 2009, <http://www.speaker.gov/op-ed/let-america-read-bill-boehner-op-ed-dallas-morning-news>.

on July 22, 2010, saying that “I will not bring a bill to the floor that hasn’t been posted online for at least 72 hours.”³

Upon taking over the House, Republicans immediately began to backtrack. Just during this Congress, they violated their 72-hour pledge nearly 50 times. The reason for this heavy-handed practice is obvious; it has allowed them to bypass the normal legislative process, skip vital committee hearings and markups, and instead draft legislation behind closed doors with only Republicans and special interest lobbyists.

This partisan rush has also required them to constantly convene “emergency meetings” of the Rules Committee, where the normal requirements of two business days’ notice and one day’s availability of the bill’s text are waived. By conducting so much of our business on an “emergency” basis, they make bipartisan cooperation exceedingly difficult; only Republicans know what is in the bill before it comes to the Rules Committee, and Democrats often barely know the bill is coming. All told, the Rules Committee held 34 emergency meetings this Congress, more than a third of the total meetings during the last two years.

BROKEN PROMISES OF BIPARTISANSHIP

On November 4, 2010, Speaker Boehner said on *ABC News* that he wanted “an opportunity to heal the House and restore the institution of the Congress for the American people, because if we're serious about taking on the big challenges that face our country, I think it's important that we have a healthy institution where parties really can work together, where people can work together across the aisle.”⁴

Republicans have consistently fallen short of that promise. The House has voted over 50 times to repeal the Affordable Care Act; filed a partisan, taxpayer-funded lawsuit against the president for doing his job; launched multiple, duplicative, taxpayer-funded witch hunts aiming to place blame on the Obama Administration for the attack in Benghazi. House Republicans have undermined traditional bipartisanship in areas such as the farm bill, disaster relief, and the Violence Against Women Act. And they have squandered historic opportunities for cooperation on tax reform and the bipartisan, Senate-passed immigration bill.

The Rules Committee, which is empowered to grant waivers of the various rules of the House that enforce budget discipline, guarantee availability of legislative language, and generally

³ Hon. John Boehner, *GOP Leader Discusses Transparency Initiative, America Speaking Out, and Better Solutions to Get People Working Again*, July 21, 2010, <http://www.speaker.gov/general/boehner-fox-congress-needs-read-bill-reform-now>.

⁴ Devin Dwyer, *Rep. John Boehner Says ‘Partisanship Got Worse’ Under Pelosi*, ABC News, Nov. 4, 2010, <http://abcnews.go.com/Politics/rep-john-boehner-partisanship-worse-pelosi/story?id=12058152>.

protect the integrity of the legislative process, approved 181 waivers in the 113th Congress. One hundred seventy five of them were for Republican proposals. In other words, the partisanship in the Committee's selective enforcement of the Rules of the House is so pronounced that nearly 97 percent of the waivers are given to Republican Members of the House.

But perhaps nothing demonstrates the Majority's willingness to engage in partisan warfare better than the series of manufactured crises and near-disasters we experienced with the debt ceiling crisis of 2011, the "fiscal cliff" of 2012, the government shutdown of 2013 (which Standard & Poor's estimated cost the U.S. economy \$24 billion), and the threatened shutdown of the Department of Homeland Security in 2015. We have reached a point where many Americans consider it a "success" if Congress is able to avert economic suicide at least one day before the deadline. The Majority has objected to calling their behavior "hostage-taking," but that is truly the right name for threatening to shut down the government, default on the national debt, or raise everyone's taxes if they are not given political and legislative concessions.

CONCERN FOR THE 114th CONGRESS

It is not a coincidence that this heavy-handed legislative process -- made possible by the Rules Committee -- has led to poor legislating and governing, institutional dysfunction, a record lack of productivity, record low approval for Congress, and less trust in government generally.⁵

The Majority in the next Congress has a chance to reverse course and deliver on the promises of openness, transparency, and bipartisanship they made to the American people. We could return to a more open process on the House floor where Members have the opportunity to negotiate, compromise, put forward serious alternatives, and attempt to persuade their colleagues to support them when it comes time for a vote.

But while we remain hopeful, we have reason for great concern. On November 5, 2014, Speaker Boehner and incoming Majority Leader McConnell wrote in *The Wall Street Journal* that they were "renewing [their] commitment to repeal Obamacare,"⁶ which will mean more taxpayer money and more legislative days wasted in a partisan attempt to deny health care coverage to millions of Americans. And Republicans have announced their intention to manipulate the basic economic data underlying the budget process itself, replacing honest, non-partisan budget rules with "dynamic scoring" -- a rigged system that will favor Republican policies to provide tax breaks for the wealthy, increase the deficit, and slash investments in our nation's economy. Republicans want to require the scorekeepers to use exaggerated and unscientific assumptions about the impact of conservative policies.

⁵ See, e.g., Dana Milbank, *Good Riddance to the Worst Congress Ever*, Wash. Post, Dec. 19, 2014, appended below.

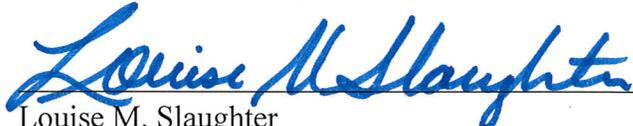
⁶ Hon. John Boehner and Hon. Mitch McConnell, *Now We Can Get Congress Going*, Wall St. J., Nov. 5, 2014, <http://www.wsj.com/articles/john-boehner-and-mitch-mcconnell-now-we-can-get-congress-going-1415232759>.

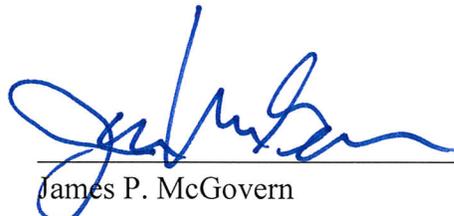
Former Reagan economic policy advisor Bruce Bartlett described it best, saying that “dynamic scoring...is not about honest revenue-estimating; it’s about using smoke and mirrors to institutionalize Republican ideology into the budget process.”⁷ If the non-partisan Congressional Budget Office and Joint Committee on Taxation are forced by Republicans to employ what the first President Bush famously called “Voodoo Economics” -- whether through rule changes or by installing partisan staff -- the result will be a historic and possibly irreversible injection of partisanship into even the *mathematics* underlying our public policy.

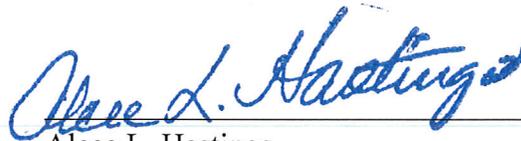
CONCLUSION

The Majority has once again expressed a desire to bring some measure of bipartisanship back to Congress. We share this desire to focus on finding common-sense solutions to the nation’s problems, and we have a proposal for how to start making this happen: change course on the way the Majority has managed the House of Representatives over the past four years.

⁷ Bruce Bartlett, *Dynamic Scoring Once Again*, N.Y. Times Economix blog, Apr. 2, 2013, http://economix.blogs.nytimes.com/2013/04/02/dynamic-scoring-once-again/?_r=0.


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The Washington Post
Good Riddance to the Worst Congress Ever
Dana Milbank
December 19, 2014

The 113th Congress this week went the way of the dodo — literally.

The lawmakers of the 2013-2014 legislative session finally put themselves out of their misery but not before Harry Reid's Senate passed one final piece of legislation: S. Res. 564, marking "the centennial of the passenger pigeon extinction."

This bipartisan legislation recalled the Sept. 1, 1914, death at the Cincinnati Zoo of Martha, the last of a population of *ectopistes migratorius*, once 3 billion-strong in North America. It hailed the work of Project Passenger Pigeon, devoted to making sure Martha did not die in vain.

This commemoration of extinction was a perfect end to what was, by just about every measure, the worst Congress ever.

According to a tally by the Library of Congress, 296 bills were presented to the president by this Congress — nearly the same as the 284 presented by the previous Congress, the fewest of any Congress since the counts began in the 1940s. (The "do nothing" Congress of 1948 passed about 900.) More than 10 percent of the bills presented were about naming or renaming things and awarding medals.

House Speaker John Boehner said last year that Congress should be judged not by laws passed but by "how many laws we repeal." To calculate that, you add the ones column, the tens and the hundreds, and you get — let's see here — zero.

Here is what Congress did achieve:

The 113th Congress was responsible for the 16-day government shutdown in 2013, preceded and inspired by the "Green Eggs and Ham" filibuster by Sen. Ted Cruz (R-Tex.). The legislative term also saw the criminal indictment of one House Republican on tax-evasion charges (he was reelected), the resignation of another after a cocaine arrest and the defeat of a third who was caught on film kissing a staffer. Perhaps that's because they had so little work to do: A Politico count found that the Senate was in session 141 days per year on average in this Congress, and the House 147 days.

Lawmakers passed into law not a single one of the 12 annual appropriations bills this year and no budget resolution. The House voted on seven of the spending bills, and the Senate didn't vote on a single one. Instead, they passed a series of continuing resolutions that left government spending on autopilot — further

squeezing domestic programs and the military while doing little to curb entitlement programs that threaten the nation's finances.

House Republicans set a record for the number of "closed rules" — those blocking amendments — at 83, compared with a previous record of 61. Rep. Louise Slaughter (N.Y.), the top Democrat on the House Rules Committee, said this blocked compromise and created "the least productive Congress in history."

In the Senate, meanwhile, Majority Leader Harry Reid (D-Nev.) used a legislative maneuver to block amendments more times in his tenure than under the last five majority leaders combined, Republicans point out. Reid also detonated the "nuclear option" during this Congress, stripping decades of tradition that gave the minority the right to filibuster judicial nominations. He was so successful at bottling up legislation passed by the House that President Obama didn't have to issue a single veto.

Congress failed to take meaningful action on immigration, the economy, the tax code and the fight against Islamic State. But the House continued to hold votes to repeal Obamacare (more than 50 since 2011) and it spent \$1.5 million to form a new "select committee" on the Benghazi, Libya, terrorist attacks — even though several congressional investigations led by Republicans and Democrats alike have found no scandal in the administration's handling of the incident. House Republicans are also suing Obama over the Affordable Care Act.

The gushing sewer of money into politics — some \$4 billion spent on this year's midterm elections, a record — further undermined Americans' trust. Gallup found that Americans' approval of Congress averaged 15 percent in 2014 and a record low 14 percent in 2013. Disdain was shared equally by Republican, Democratic and independent respondents.

It's no coincidence that this worst Congress was also the one that saw the departure of its last three World War II veterans: One died, one retired and one was defeated. Less than 20 percent of lawmakers now are veterans — compared with about 75 percent a generation ago — and fewer are able to grasp that their political opponents are patriotic Americans and not the enemy.

In January, eight years of Democratic control of the Senate come to an end and Republicans will have sole responsibility for Congress. There's little prospect of improvement, but at least Republicans will benefit from low expectations: Americans assume Congress can fly no better than a passenger pigeon.