

REPUBLICAN BROKEN PROMISES
from the House Rules Committee Democrats:

"We very specifically made the decision early on in our Contract with America that we would bring up all ten bills under open rules."

Speaker-elect Newt Gingrich told reporters November 11, 1994
Roll Call, February 13, 1995

'Chairman' Solomon Says He Plans to Grant Open Rules on 75 Percent of Bills Next Year
Roll Call, November 28, 1994

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APPLYING REPUBLICAN DEFINITIONS
TO REPUBLICAN RULES IN 104TH CONGRESS

	REPUBLICANS PROMISED		REPUBLICANS DELIVERED	
	Number of rules	Percent of total	Number of rules	Percent of total
Open	21	70%	7	23%
Restrictive	9	30%	23	76%

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APPLYING REPUBLICAN DEFINITIONS
TO REPUBLICAN RULES ON CONTRACT ITEMS

	REPUBLICANS PROMISED		REPUBLICANS DELIVERED	
	Number of rules	Percent of total	Number of rules	Percent of total
Open	24	100%	8	33%
Restrictive	0	0%	16	66%

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In the 103rd Congress, Republicans defined restrictive rules as follows:

Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole.

TALKING POINTS ON FLOOR PROCEDURE IN THE
104TH CONGRESS
FROM THE HOUSE RULES COMMITTEE DEMOCRATS

**** In the 103rd Congress the Republicans defined restrictive rules as follows:**

Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole

However, in the 104th Congress the Republicans have changed their math. Now modified open rules are put into the "non-restrictive" column when they present their tables.

**** Using the Republican scoring method, bills in this Congress have been considered under a restrictive process 74% of the time and under an open process only 26% of the time. On Contract legislation the Republicans have used a restrictive process 67% of the time and an open one just 33% of the time.**

**** Not included in this chart are three bills which should have been placed on the Suspension Calendar (they were in the 103rd Congress) which were brought up under open rules.**

**** They were not included because the Democrats, when in the majority, would not bring non-controversial Suspension Calendar bills before the House under special rules.**

**** In this Congress when these bills were considered, no amendments were offered and only one required a recorded vote which was 427-0-1 (H.R. 400).**

**** The bills are H.R. 101, H.R. 400 and H.R. 440.**

BILL #	TITLE	RESOLUTION #	PROCESS USED FOR FLOOR CONSIDERATION	AMENDMENTS IN ORDER
H.R. 1 * CONTRACT *	Compliance	H.Res. 6	Closed	None
H.Res. 6	Opening Day Rules Package	H.Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None
H.R. 5 * CONTRACT *	Unfunded Mandates	H.Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference	N/A
H.J.Res. 2 * CONTRACT *	Balanced Budget	H.Res. 44	Restrictive; only certain substitutes	2R; 4D
H.Res. 43	Committee Hearings Scheduling	H.Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A
H.R. 2 * CONTRACT *	Line Item Veto	H.Res. 55	Open; Pre-printing gets preference	N/A
H.R. 665 * CONTRACT *	Victim Restitution Act of 1995	H.Res. 61	Open; Pre-printing gets preference	N/A
H.R. 666 * CONTRACT *	Exclusionary Rule Reform Act of 1995	H.Res. 60	Open; Pre-printing gets preference	N/A
H.R. 667 * CONTRACT *	Violent Criminal Incarceration Act of 1995	H.Res. 63	Restrictive; 10hr. Time Cap on amendments	N/A
H.R. 668 * CONTRACT *	The Criminal Alien Deportation Improvement Act	H.Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A
H.R. 728 * CONTRACT *	Local Government Law Enforcement Block Grants	H.Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A
H.R. 7 * CONTRACT *	National Security Revitalization Act	H.Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A
H.R. 729 * CONTRACT *	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A
S. 2	Senate Compliance	N/A	Closed; Put on suspension calendar over Democratic objection	None
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed	H.Res. 88	Restrictive; makes in order only the Gibbons amendment; waives all points of order; Contains self-executing provision	1D

H.R. 830 * CONTRACT *	The Paperwork Reduction Act	H.Res. 91	Open	
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H.Res. 92	Restrictive; makes in order only the Obey substitute	ID
H.R. 450 * CONTRACT *	Regulatory Moratorium	H.Res. 93	Restrictive; 10hr. Time Cap on amendments; Pre-printing gets preference	N/A
H.R. 1022 * CONTRACT *	Risk Assessment	H.Res. 96	Restrictive; 10hr. Time Cap on amendments	N/A
H.R. 926 * CONTRACT *	Regulatory Flexibility	H.Res. 100	Open	N/A
H.R. 925 * CONTRACT *	Private Property Protection Act	H.Res. 101	Restrictive; 12hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment. waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	ID
H.R. 1058 * CONTRACT *	Securities Litigation Reform Act	H.Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaness against it.	ID
H.R. 988 * CONTRACT *	The Attorney Accountability Act of 1995	H.Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference.	N/A
H.R. 956 * CONTRACT *	Product Liability and Legal Reform Act	H.Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H.Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A

H.J.Res. 73 * CONTRACT *	Term Limits	H.Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4 * CONTRACT *	Welfare Reform	H.Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R
H.R. 1271 * CONTRACT *	Family Privacy Act	H.Res. 125	Open	N/A
H.R. 660 CONTRACT	Housing for Older Persons Act	H.Res. 126	Open	N/A
H.R. 1215 * CONTRACT *	The Contract With America Tax Relief Act of 1995	H.Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D
H.R. 483	Medicare Select Extension	H.Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D

* Contract Bills, 67% restrictive; 33% open.

** All legislation, 74% restrictive; 26% open.

*** Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress.

**** Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440

Passage of Contract Bills

Following are the votes the House took on passage of bills incorporating the "Contract With America." Also with each vote, listed by vote number, is the president's position on the bill, when available, and a reference to the Weekly Report story about the action. (*R* - *Republicans*; *D* - *Democrats*; *ND* - *Northern Democrats*; *SD* - *Southern Democrats*; *I* - *Independent*)

6. H Res 6. Rules of the House — Committee Staff Cuts. Adopted 416-12: R 224-0; D 191-12 (ND 132-7, SD 59-5); I 1-0, Jan. 4. (*p. 13*)

7. H Res 6. Rules of the House — Baseline Budgeting. Adopted 421-6: R 225-0; D 195-6 (ND 132-5, SD 63-1); I 1-0, Jan. 4. (*p. 13*)

8. H Res 6. Rules of the House — Term Limits for Speaker and Chairmen. Adopted 355-74: R 228-0; D 127-73 (ND 80-56, SD 47-17); I 0-1, Jan. 4. (*p. 13*)

9. H Res 6. Rules of the House — Proxy Voting Ban. Adopted 418-13: R 228-0; D 189-13 (ND 128-11, SD 61-2); I 1-0, Jan. 4. (*p. 13*)

10. H Res 6. Rules of the House — Open Committee Meetings. Adopted 431-0: R 227-0; D 203-0 (ND 139-0, SD 64-0); I 1-0, Jan. 4. (*p. 13*)

11. H Res 6. Rules of the House — Tax Increase Limitation. Adopted 279-152: R 227-0; D 52-151 (ND 23-116, SD 29-35); I 0-1, Jan. 4. (*p. 13*)

12. H Res 6. Rules of the House — House Audit. Adopted 430-1: R 228-0; D 201-1 (ND 138-1, SD 63-0); I 1-0, Jan. 4. (*p. 13*)

15. HR 1. Congressional Compliance. Passed 429-0: R 229-0; D 199-0 (ND 137-0, SD 63-0); I 1-0, Jan. 5. (*p. 16*)

51. H J Res 1. Balanced-Budget Constitutional Amendment. Passed 300-132: R 228-2; D 72-129 (ND 34-105, SD 38-24); I 0-1, Jan. 26. A "nay" was a vote in support of the president's position. (*p. 266*)

83. HR 5. Unfunded Mandates. Passed 360-74: R 230-0; D 130-73 (ND 79-60, SD 51-13); I 0-1, Feb. 1. (*p. 361*)

95. HR 2. Line-Item Veto. Passed 294-134: R 223-4; D 71-129 (ND 44-94, SD 27-35); I 0-1, Feb. 6. (*p. 441*)

97. HR 665. Victim Restitution. Passed 431-0: R 229-0; D 201-0 (ND 139-0, SD 62-0); I 1-0, Feb. 7. A "yea" was a vote in support of the president's position. (*p. 455*)

103. HR 666. Exclusionary Rule. Passed 289-142: R 220-7; D 69-134 (ND 36-103, SD 33-31); I 0-1, Feb. 8. A "nay" was a vote in support of the president's position. (*p. 455*)

109. HR 729. Death Penalty Appeals. Passed 297-132: R 226-1; D 71-130 (ND 34-103, SD 37-27); I 0-1, Feb. 8. (*p. 456*)

117. HR 667. Prison Construction. Passed 265-156: R 206-20; D 59-135 (ND 28-106, SD 31-29); I 0-1, Feb. 10. A "nay" was a vote in support of the president's position. (*p. 456*)

118. HR 668. Criminal Alien Deportation. Passed 380-20: R 216-1; D 163-19 (ND 116-13, SD 47-6); I 1-0, Feb. 10. (*p. 456*)

129. HR 728. Anti-Crime Block Grants. Passed 238-192: R 220-9; D 18-182 (ND 6-130, SD 12-52); I 0-1, Feb. 14. A "nay" was a vote in support of the president's position. (*p. 530*)

145. HR 7. National Security. Passed 241-181: R 223-4; D 18-176 (ND 6-130, SD 12-46); I 0-1, Feb. 16. A "nay" was a vote in support of the president's position. (*p. 535*)

157. HR 830. Paperwork Reduction. Passed 418-0: R 228-0; D 189-0 (ND 131-0, SD 58-0); I 1-0, Feb. 22. A "yea" was a vote in support of the president's position. (*p. 608*)

174. HR 450. Regulatory Moratorium. Passed 276-146: R 225-2; D 51-143 (ND 20-115, SD 31-28); I 0-1, Feb. 24. A "nay" was a vote in support of the president's position. (*p. 610*)

183. HR 1022. Risk Assessment. Passed 286-141: R 226-2; D 60-138 (ND 23-113, SD 37-25); I 0-1, Feb. 28. A "nay" was a vote in support of the president's position. (*p. 679*)

187. HR 926. Regulatory Overhaul. Passed 415-15: R 228-0; D 186-15 (ND 127-11, SD 59-4); I 1-0, March 1. (*p. 679*)

197. HR 925. Private Property Rights. Passed 277-148: R 205-23; D 72-124 (ND 33-103, SD 39-21); I 0-1, March 3. A "nay" was a vote in support of the president's position. (*pp. 680, 679*)

199. HR 9. Omnibus Regulatory Overhaul. Passed 277-141: R 219-8; D 58-132 (ND 23-110, SD 35-22); I 0-1, March 3. A "nay" was a vote in support of the president's position. (*p. 679*)

207. HR 988. Civil Litigation. Passed 232-193: R 216-11; D 16-181 (ND 4-133, SD 12-48); I 0-1, March 7. (*p. 745*)

216. HR 1058. Securities Litigation. Passed 325-99: R 226-0; D 99-98 (ND 57-80, SD 42-18); I 0-1, March 8. (*p. 744*)

229. HR 956. Product Liability. Passed 265-161: R 220-6; D 45-154 (ND 18-120, SD 27-34); I 0-1, March 10. (*p. 744*)

269. HR 4. Welfare Overhaul. Passed 234-199: R 225-5; D 9-193 (ND 3-135, SD 6-58); I 0-1, March 24. A "nay" was a vote in support of the president's position. (*p. 872*)

277. H J Res 73. Term Limits Constitutional Amendment. Rejected 227-204: R 189-40; D 38-163 (ND 22-117, SD 16-46); I 0-1, March 29. A two-thirds majority vote of those present and voting (288 in this case) is required to pass a joint resolution proposing an amendment to the Constitution. (*p. 918*)

283. HR 1240. Child Sex Crimes Prevention. Passed 417-0: R 225-0; D 191-0 (ND 132-0, SD 59-0); I 1-0, April 4. A "yea" was a vote in support of the president's position. (*p. 1030*)

287. HR 1271. Family Privacy Protection. Passed 418-7: R 225-0; D 192-7 (ND 132-4, SD 60-3); I 1-0, April 4. (*p. 1030*)

295. HR 1215. Tax and Spending Cuts. Passed 246-188: R 219-11; D 27-176 (ND 9-130, SD 18-46); I 0-1, April 5, 1995. A "nay" was a vote in support of the president's position. (*p. 1010*)

297. HR 660. Senior Citizens' Housing. Passed 424-5: R 228-0; D 195-5 (ND 136-2, SD 59-3); I 1-0, April 6. (*p. 1030*)

**THE AMENDMENT PROCESS UNDER SPECIAL RULES
 REPORTED BY THE RULES COMMITTEE,¹
 103RD CONGRESS V. 104TH CONGRESS
 (As of April 5, 1995)**

<u>Rule Type</u>	<u>103rd Congress</u>		<u>104th Congress</u>	
	<u>Number of rules</u>	<u>Percent of total</u>	<u>Number of rules</u>	<u>Percent of total</u>
Open/Modified-open ²	46	44%	21	72%
Modified Closed ³	49	47%	8	28%
Closed ⁴	9	9%	0	0%
<u>TOTALS:</u>	104	100%	29	100%

¹ This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

² An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be pre-printed in the Congressional Record.

³ A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

⁴ A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS
(As of April 5, 1995)

<u>H. Res. No.</u> <u>(Date rept.)</u>	<u>Rule Type</u>	<u>Bill No.</u>	<u>Subject</u>	<u>Disposition</u> <u>of Rule</u>
H. Res. 38 (1/18/95)	O	H.R. 5	--Unfunded Mandate Reform	A: 350-71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17- H.J. Res. 1 -	Social Security Balanced Budget Amndt.	A: 255-172 (1/25/95)
H. Res. 51 (1/31/95)	O	H.R. 101	- Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	O	H.R. 400	- Land Exchange, Arctic Nat'l. Park & Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	O	H.R. 440	- Land Conveyance, Butte County, Calif.	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	O	H.R. 2	- Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	O	H.R. 665	- Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	O	H.R. 666	- Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	- Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	O	H.R. 668	- Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	MO	H.R. 728	- Law Enforcement Block Grants	A: voice vote (2/10/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	- National Security Revitalization	PQ: 229-100; A:227-127 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	- Health Insurance Deductibility	PQ: 230-191 A: 229-188 (2/21/95)
H. Res. 91 (2/21/95)	O	H.R. 830	- Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	- Defense Supplemental	A:282-144 (2/22/95)

<u>H. Res. No.</u> <u>(Date rept.)</u>	<u>Rule Type</u>	<u>Bill No.</u>	<u>Subject</u>	<u>Disposition</u> <u>of Rule</u>
H. Res. 93 (2/22/95)	MO	H.R. 450 -	Regulatory Transition Act	A: 252-175 (2/23/95)
H. Res. 96 (2/34/95)	MO	H.R. 1022 -	Risk Assessment	A: 253-165 (2/27/95)
H. Res. 100 (2/27/95)	O	H.R. 926 -	Regulatory Reform & Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925 -	Private Property Protection Act	A: 271-151 (3/1/95)
H. Res. 104 (3/3/95)	MO	H.R. 988 -	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058 -	Securities Litigation Reform	
H. Res. 105 (3/6/95)	MO			A: 257-155 (3/7/95)
H. Res. 108 (3/6/95)	Debate	H.R. 956 -	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234-191 A: 247-181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1158 -	Making Emergency Supp. Approps.	A: 242-190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J.Res. 73 -	Term Limits Const. Amdmt.	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4 -	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217-211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271 -	Family Privacy Protection Act	A: 423-1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660 -	Older Persons Housing Act	

<u>H. Res. No.</u> <u>(Date rept.)</u>	<u>Rule Type</u>	<u>Bill No.</u>	<u>Subject</u>	<u>Disposition</u> <u>of Rule</u>
H.Res. 128 (4/4/95)	MC	H.R. 1215 - Contract With America Tax Relief Act of 1995		A: 228-204 (4/5/95)
H.Res. 130 (4/5/95)	MC	H.R. 483 - Medicare Select Expansion		

Codes: O-open; MO-modified open; MC-modified closed; C-closed; A-adoption vote; PQ-previous question vote.

Source: Notices of Action Taken, Committee on Rules, 104th Congress

"We very specifically made the decision early on in our Contract with America that we would bring up all ten bills under open rules."

Speaker-elect Newt Gingrich told reporters

November 11, 1994

Roll Call, February 13, 1995

'Chairman' Solomon Says He Plans to Grant Open Rules on 75 Percent of Bills Next Year

Roll Call, November 28, 1994