

**A Reality Check on the Republican
House Reform Revolution at the Decade Mark
Introductory Essay for Congress Project Roundtable
on “The Republican Revolution at 10:
Lasting Legacy or Faded Vision?”
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*This year’s election offers the chance, after four decades of one-party control, to bring to the House a new majority that will transform the way Congress works....To restore accountability to Congress. To end its cycle of scandal and disgrace. To make us all proud again of the way free people govern themselves.****On the first day of the 104th Congress the new Republican majority will immediately pass the following major reforms aimed at restoring the faith and trust of the American people in their government....*

-- “The Contract With America”
(September 27, 1994)

Introduction

If a revolution is, by definition, “a sudden, radical or complete change,” or the “complete overthrow of the established government and the substitution of another by the governed,” then the electoral upheaval against the U.S. Congress in 1994 certainly qualifies as a political revolution. The American voters effectively overthrew the long-established Democratic Party regime in Congress and installed in its place a controlling Republican majority in both houses for the first time in 40 years.

The victorious Republicans picked-up 52 seats in the House, in part by defeating 34 incumbent Democrats (House Speaker Tom Foley and two committee chairmen included), while sparing every sitting Republican. The newly empowered Republicans even had their own revolutionary manifesto called “The Contract with America” in which they promised to change the direction of the country and the way things are done in Washington. The Contract, which was signed on the Capitol steps by over 300 House Republican members and candidates on September 27, 1994, was more than just a campaign platform. It was also intended to be a governing document, or, as it self-proclaimed, “a detailed agenda for national renewal, a written commitment with no fine print.”

The Contract promised to bring ten major policy issues to a vote during the first 100-days of

the 104th Congress if Republicans won majority control. The package was a veritable cornucopia of poll-tested public favorites including tax cuts, welfare reform, a balanced budget constitutional amendment, a legislative line-item veto, term limits on Members, pro-defense and anti-crime measures, and “common sense legal reforms.” Moreover, the actual legislative language that was to be voted on was made publicly available at the time the Contract was signed. In a two-sided, cardboard pull-out ad in the October 22-28, 1994 *TV Guide*, paid for by the Republican National Committee, Republicans reproduced their Contract with a check-off box beside each Contract item so the public could keep score as measures were considered. Moreover, the ad exhorted readers: “If we break this contract, throw us out. We mean it.”

Not only did the Contract lay out the policy changes Republicans promised to bring to a vote, it also offered a harsh critique of how the Democrats had ruled Congress and promised to change the way things were done in the House, beginning on the very first day of the new Congress with eight fundamental changes in House rules and practices. As the soon to be elected House Speaker and prime architect of the Contract, Newt Gingrich (R-Ga.), explained the opening day scenario to an outside group on November 11, 1994, Republican members were saying in their Contract, “‘Look, we are a team; we are going to go in a dramatically different direction; we’re going to give you eight reforms on the opening day....’” After discussing some of the reforms, Gingrich offered the following warning:

If this just degenerates after an historic election back into the usual baloney of politics in Washington and pettiness in Washington, then the American people, I believe, will move towards a third party in a massive way. I think they are fed up with this city; they are fed up with its games; they are fed up with petty partisanship.¹

While no third party has emerged since those words were spoken, many observers would argue that Washington still runs on “the usual baloney of politics,” still plays the same games, and still engages in the same petty partisanship as it did a decade ago—if anything, more intensely than ever. After all, the term “revolution” has another definition and that is a 360 degree rotation, which brings things back to where they started. Could it be that Republicans soon adopted the governing techniques of their former Democratic masters ala George Orwell’s *Animal Farm*? Or, as this author posed the question in a chapter heading on Republican rule, “Coming Full Circle: The Complete Revolution?”²

The purpose of this essay is to explore the theoretical rationale behind the Republicans' House reform agenda and assess whether Republicans have indeed changed the way the House does business over the last decade or whether they have simply reverted to politics as usual in the way they govern the institution.

The House Reform Agenda

While most media and public attention was focused on the legislative measures considered during the first 100 days (some two dozen bills, as it turned out, after the ten issues were broken down into more edible legislative bites), what has often been lost sight of was the internal House reform agenda of the Contract-- eight additional items Republicans promised to bring to a vote on the very first day of the 104th Congress. The reform package, as the Contract described it, was "aimed at restoring the faith of the American people in their government" by transforming the way Congress works. It consisted mainly of directives and amendments to House rules, including the following:

- Conducting an independent audit of House finances;
- Cutting the number of committees, and reducing committee staff by one-third;
- Limiting the terms of all committee chairs to three terms (later extended to subcommittee chairs, along with a four term limit on the Speaker);
- Banning proxy voting in committees;
- Requiring committee meetings to be open to the public;
- Requiring a three-fifths majority vote to pass income tax increases; and
- Implementing zero-base-line budgeting.

The eighth item in the Contract's opening day reform pledge was a statutory measure, the "Congressional Accountability Act," which would require that "all laws that apply to the rest of the country also apply equally to the Congress." A similar measure had been incorporated as part of House Rules in the 103rd Congress, but Republicans now promised to take it a step farther by giving it statutory teeth.

Finally, the "opening day checklist" of reforms, as the GOP leadership had dubbed their comprehensive plan to overhaul House rules, procedures, and structures on the first day of the new Congress, included an additional 23 rules changes that were tucked into title II of H. Res. 6, the resolution adopting House rules for the 104th Congress. While these reforms were not included in the Contract, most do reflect long-standing reforms advocated by Republicans while in the minority,

including the following items:

- Requiring committees to adopt oversight agendas at the beginning of each Congress;
- Limiting members to no more than two committee and four subcommittee assignments;
- Limiting committees to no more than five subcommittees;
- Eliminating rolling quorums in committees;
- Requiring committee roll call votes to be published in committee reports;
- Restoring the minority's right to recommit bills on the floor with amendatory instructions;
- Banning commemorative bills (e.g., "National Clown Week") and Legislative Service Organizations (also known as informal member caucuses);
- Requiring that the Congressional Record be a substantially verbatim account of floor proceedings;
- Requiring automatic roll call votes on budget resolutions, and appropriations and tax bills; and
- Providing certain changes in procedures for considering appropriations bills, including allowing offsetting amendments and permitting the majority leader to move and end to the offering of limitation amendments.

The Republicans had devised a special procedure for adopting the rules package, allowing for a separate debate and vote on each of the eight Contract rules changes, and a single debate and vote on the remaining 23 items. Most of the votes were overwhelmingly bipartisan, the exceptions being the rule requiring a three-fifths vote on income tax rate increases, and the closed rule for consideration of the Congressional Accountability Act." As Democrat Pat Williams (D-Mont.) noted after the votes, "A lot of what Republicans are doing is good. Democrats should have done this if we could have, but we couldn't....We had a stake in continuing the status quo."³

The Republican Reform Rationale

The Republican push for transforming the House as an institution did not, like Athena from the forehead of Zeus, spring full-grown with the Contract's conception in 1994. The modern Republican reform tradition in the House goes back at least to the mid-1960s when the House Republican Conference published a book, *We Propose: A Modern House* based on recommendations of its Task Force on Congressional Reform and Minority Staffing.⁴ The book was timed to coincide with the work of the Joint Committee on the Organization of Congress that was created in the 89th Congress (1965-66) to study and make recommendations on the organization and operation of Congress. The ambitious Republican effort, consisting of 21 chapters authored by various House GOP members, was organized under four parts: committee structure; policymaking, lobbying, and

oversight; toward more efficiency and a better image; and information, technology, and citizens' rights. The chapters covered a wide variety of topics ranging from minority staffing, seniority, committee structure, science policy, and foreign policy, to budget machinery, floor procedure, electronic voting, and televised committee and floor sessions.

Several of the ideas eventually made it into the Legislative Reorganization Act of 1970 (e.g., televised committee sessions, electronic voting, and minority staffing), while others would be adopted by later Congresses (e.g., budget reform, televised floor sessions, and lobby reforms). Those that didn't were carried forward by future reform task forces which put their own imprint on the package and waited for the appropriate time to publicize and offer them.

One opportunity for highlighting the GOP reform agenda was on the opening day of a new Congress when the House adopts its rules. Although this window of opportunity was restrictive (only one hour of debate and no direct vote on alternatives unless a procedural motion (either to defeat the previous question or commit with instructions) was first adopted, Republicans could at least use half the hour and the indirect vote to emphasize their reform priorities. These were usually limited to two or three in the 1970s: one-third minority staffing on committees; equitable party ratios for minority seats on committees; and abolition of proxy voting. But, as the House became more partisan and subject to majority party leadership control in the 1980s, Republicans began putting forward more elaborate and detailed reform packages, replete with titles:

- A Republican Blueprint for a House That Works - 99th Congress (1985), 19 reforms;
- The Bicentennial [of the Constitution] House Restoration Project - 100th Congress (1987), 14 reforms;
- The Bicentennial [of Congress] House Restoration Amendments - 101st Congress (1989), 30 reforms;
- A Republican Reform Manifesto for a New House Revolution - 102nd Congress (1991), 35 reforms;
- A Mandate for Change in the People's House - 103rd Congress (1993), 48 reforms.

Not only did the Republican House reform proposals carry a title over the text and summaries of their House rules amendments, they also included a narrative rationale for the reforms along with relevant tables of comparative data on aspects of House operations (e.g., number of committee staff;

types and percentages of special rules; numbers and types of budget act waivers in special rules; percentage of bills considered under suspension of the rules; etc.).⁵

To get a better sense of the Republican critique of the House in the run-up to the party's takeover of Congress in 1994, it is useful to explore and summarize some of the narrative rationale accompanying the GOP alternative House rules package for the 103rd Congress offered on January 5, 1993.

The "Mandate for Change in the People's House" was laid out in debate on the rules by ranking Rules Committee Republican Gerald B.H. Solomon (R-N.Y.). Solomon, commenting on the limited time for debate and prohibition on amendments to the Democrats' package, sarcastically welcomed his colleagues "to our biennial exercise in futility when we are supposed to be debating and voting on the rules that will guide this House and its committees for the next two years." He went on to label the process, "the Democrat version of democracy," in which, "to paraphrase one of our founders, 'Here, sir, the people don't rule.'" After dissecting some of the harmful provisions in the majority's rules package, Solomon urged members to defeat the previous question and vote for the "special, comprehensive 48-point [GOP] plan to address real weakness of this House and reform this place so that you and I can be proud of it." At the conclusion of his remarks he inserted the full text of the Republican "Mandate for Change in the People's House."⁶

At the heart of the critique in the "Mandate" document were the following charges against Democrats' stewardship of the House:

The Democrats' control of the House of Representatives for 58 of the last 62 years has produced a bloated, muscle-bound bureaucracy characterized by a multiplicity of semi-autonomous subcommittees, multitudes of staff, a muddle of tangled jurisdictional lines, and a multiplication of mud-fights over turf.

And the critique goes on:

Democratic leadership efforts to produce legislative results out of this bureaucratic chaos by relying on ad hoc task forces and restrictive amendment procedures have not only resulted in ill-conceived and unrepresentative legislation but have further undermined deliberative democracy. Key decisions have been moved from the sun-filled committee rooms and chamber of the People's house to the smoke-filled back-rooms of partisan power brokers.⁷

The critique is broken down into two areas: the committee system and the floor situation.

The main charge against the committee system is that “in recent years that committee system has broken down into a fragmented system of subcommittee government which has proved to be incapable of developing coherent, cohesive, or consensus producing legislation.” In the 20 year period from 1972 to 1992, the number of subcommittees increased from 136 to 158, and committee staff increased from 889 to 2,295.

With the same number of members spread more thinly over a larger area of assignments and responsibilities, committees have had to rely increasingly on one-third quorums and proxy voting to get any work done. “This only contributes to producing legislation that is unrepresentative and for which there is little accountability,” the critique notes. Compounding the problem is the practice since 1975 of allowing bills to be referred to more than one committee without at the same time realigning committee jurisdictions along more rational and less duplicative lines. Moreover, despite the increases in staff and subcommittees, committee output actually declined between 1972 and 1992 from over 1,000 bills reported to less than 700.

Another factor in the decline of committees, according to the critique, is the large amount of time spent on budgetary and appropriations measures, something that has caused a “budgetary squeeze-out” of authorizing activity. Consequently, more and more unauthorized matters are included in appropriations bills, as are an increasing number of legislative provisions—both of which are prohibited by House rules but routinely waived. Finally, committee authority has been undermined by increasing leadership activity that circumvents the committees in order to forge acceptable compromise legislation for floor consideration through the use of ad hoc legislative task forces, completely new substitutes for committee reported bills, and even special rules that self-execute floor adoption of unreported amendments.⁸

The Republican critique finds a marked decrease in member participation and deliberation on House floor as well. At the heart of this decline is an increasing reliance on a restrictive floor amendment process through the use of special rules that provide for the consideration of major legislation. Whereas in the 97th Congress (1981-82) only 15 percent of the bills coming through the Rules Committee limited the floor amendment process, by the 102nd Congress (1991-92) 66 percent of the special rules were restrictive. While the defense of this trend has been “legislative efficiency” and “time management,” the critique notes, it is just as true in many instances that it is done for

“political expediency” and “legislative outcome management.”

Another sign of increasing restrictive floor procedures is the greater use of the “suspension of the rules” process which allows for just 40 minutes of debate, no amendments, no motion to recommit with instructions (which permits a final minority party amendment), and requires a two-thirds vote for passage. Whereas in the 95th Congress (1977-78) only 38 percent of all bills passed by the House were considered under suspension of the rules, by the 102nd Congress (1991-92), 52 percent of all bills passed were considered under suspension. The critique of the floor situation concludes that much of the problem is due to postponing action on bills until late in the session: “While democracy has never been noted for making all the trains run on time, it certainly should be more capable of avoiding the massive, legislative train wrecks that now tend to occur in the waning hours of a session.” Democracy is not responsible for these train wrecks, the Republicans conclude, but rather “the majority leadership’s undemocratic tactics designed to compensate at the end of the process for its failures to make the democratic process work from the beginning, especially at the critical committee stage.”⁹

In reviewing the Republicans’ 48-point, “Mandate for Change in the People’s House” for the 103rd Congress, one is struck by how many reforms were carried forward as part of the Republican majority’s House Rules package in the 104th Congress [one item, the abolition of all select committees, was actually accomplished at the beginning of the 103rd Congress by defeating their funding resolutions]. These include: reducing the number subcommittees and member committee assignments; reducing committee staff by 30 percent; eliminating proxy voting; opening committee meetings to the public; including committee roll call votes in reports on bills; limiting committee chairmen to three terms; requiring formal committee adoption of oversight agendas; eliminating the joint referral of bills to two or more committees; guaranteeing the minority party the right to offer a motion to recommit with instructions (a final amendment to a bill) on the floor; bringing the House under the coverage of certain labor laws; considering legislation giving the president a line-item veto; overhauling the House’s financial management system; requiring accuracy of the Congressional Record; and requiring automatic rollcall votes on appropriations, tax and budget resolutions.

Assessing the Change

There are two ways of looking at how the Republicans' institutional reform agenda has fared over the last decade. One way is the micro-view of the specific reforms adopted and whether they remain on the books and are still being observed. The other is the macro-view of the institution today and whether the Republicans' overall reform objective of changing the way the House does business has succeeded.

Turning first to the committee system, the rules changes made by Republicans in the 104th Congress remain largely intact and observed, though with a few notable exceptions. The larger goal of the committee changes was to reduce the number of committees, subcommittees, and member assignments so that members could better focus on fewer legislative responsibilities. As Table 1 below indicates, the number of standing committees was reduced from 23 to 20, and that has remained constant through the 108th Congress. The creation by the House of a new standing Committee on Homeland Security in the 109th Congress marks the first increase in committees under House Republicans (and will obviously add subcommittees and staff as well).¹⁰

**Table 1. - Data on House Committee System
103rd-108th Congresses (1993-2004)¹¹**

Item	103rd	104th	105th	106th	107th	108th
Standing Committees	23	20	20	20	20	20
Standing Subcommittees	118	86	83	87	93	92
Committee Staff	1,825	1,227	1,227	1,287	1,194	1,216

The number of subcommittees was cut in the 104th Congress by 32, from 118 to 86, but has crept-up slightly since to 92. One exception to the five subcommittee limit is a rule adopted at the beginning of the 106th Congress allowing committees having an oversight subcommittee to have six subcommittees. Only four standing committees do (Financial Services, Energy and Commerce, Veterans', and Ways and Means, but all of those had oversight subcommittees before the new incentive rule, and only Ways and Means and Veterans have added a subcommittee as a result. In addition, resolutions adopting rules for a new Congress will sometimes list committees that may have more than five subcommittees. For instance, in the 108th Congress, the resolution adopting House rules authorized the committees on Armed Services, International Relations, and Transportation and

Infrastructure each to have six subcommittees. Finally, the Government Reform Committee has been allowed seven subcommittees by a standing House rule since 1995 because it inherited the jurisdictions of two committees abolished in that Congress.¹²

The promised one-third cut in committee staff was achieved in the 104th Congress when total committee staff was reduced from over 1800 to around 1200.

The House rule on committee assignments limits members to no more than two full committee and four subcommittee assignments on standing committees (except by waiver approved by the House). However, the rule has been honored more in the breach than in the observance from the outset by both parties, with no attempt to bring waiver resolutions to the floor. Nevertheless, the average number of member assignments is down somewhat from the 102nd Congress (1992-93) in which the Joint Committee on the Organization of Congress found that the mean number of standing committee and subcommittee assignments per member was about 6.1. In the 108th Congress that figure stood at 5.6 standing committee and subcommittee assignments per member.

A look at individual member assignments, however, reveals a very large number of members holding over six assignments. Table 2 below shows that 143 members, or roughly one-third of the House membership, hold in excess of six standing committee/subcommittee assignments. Nearly 100 members have seven or eight assignments, while over 50 hold nine or more seats. The reasons for ignoring the assignment limits are apparent: members want more responsibility, especially on prestigious committees, and leaders are willing to hand these out as rewards to the faithful partisans in return for votes on major bills—even if it has meant increasing the size of many committees.

Table 2.
Members With More Than Six Standing Committee/Subcommittee Assignments¹³
108th Congress (2003-2004)

	7	8	9	10	11	Total
Republicans	29	22	24	9	8	92
Democrats	25	16	7	3	0	51
Total	54	38	31	12	8	143

The three-term limit on committee and subcommittee chairs has held-up remarkably well. The only exception prior to the 109th Congress was allowing Representative Phil Crane (R-Ill.) to retain

chairmanship of the Ways and Means Committee's Subcommittee on Trade for an additional two Congresses—compensation for not being named full committee chairman in the 107th Congress.

At the beginning of the 109th Congress the House adopted the first exception for a full committee chairman from the three term limit, granting the chairman of the Rules Committee a permanent exemption from the limit.¹⁴ Rules Chairman David Dreier had served his third term as chair in the 108th Congress, but it was widely rumored that he would receive a waiver for an additional term. The amendment to the standing rules took that a step further by recognizing the post as an institutional exception rather than just a temporary, personal waiver for a particular member. The argument made was that the Rules Committee is “the Speaker’s Committee” (a term often used by Dreier himself), and that the Speaker deserved to have the person of his choice in the chairmanship without a term limit. The Speaker, after all, nominates all Rules Committee majority members directly to the Republican Conference, rather than going through the Committee on Committees as most other committee members must.¹⁵ The House had already removed the four term limit on Speakers at the beginning of the 108th Congress, even though it was only the beginning of Speaker Dennis Hastert’s third term.¹⁶

The other committee reforms of the 104th Congress remain in place, including the ban on proxy voting, notwithstanding the desire of several committee chairmen over the last decade to restore the practice. At the beginning of the 108th Congress the proxy restoration almost made it to the full House, but was turned back in the Republican Conference in favor of an alternative rule that allows committee chairmen to postpone and cluster votes during committee markup. The new rule also allows debate to be reopened on any amendment on which a vote is postponed.¹⁷ The strategic advantage for chairmen, obviously, is that it enables them to ensure the votes are there when they need them. For members it provides more certainty of when their presence will be needed in committee. Another innovation of the Republican 104th Congress, the publication of committee rollcall votes in reports on legislation, so members have all the more reason to want to be on hand to vote. Accountability still counts.

It is difficult to assess whether the committee system has improved, deteriorated, or remained the same since the Republican takeover in 1995 absent any qualitative measures. Richard E. Cohen, the longtime congressional correspondent for the *National Journal*, produced remarkably similar

articles on the decline of the committee system in 1990 and 1999, respectively entitled, “Crumbling Committees,” and “Crackup of the Committees.”¹⁸ The latter article was even subtitled, “A Major Reason for the Chaos Pervading Capitol Hill Is That Committee Power Has Eroded to the Point of Collapse.” Cohen notes in both articles that many of the reforms of the 1970s combined with increased political competition between the parties and the two branches in the 1990s have contributed to the loss of committee clout and the increase in powers delegated to the party leadership by members. This trend has meant less open deliberation and compromise inside committees and more decisions being made behind closed doors between party leaders and committee chairmen.

A House Republican Leadership Task Force on Committee Review in the 104th Congress, chaired by Rep. David Dreier (R-Calif.) and co-chaired by Rep. Sam Brownbeck (R-Kansas) came to much the same conclusion as Cohen’s assessments in 1990 and 1999. The task force noted in its final report in November 1996 that, “The history of the House underscores that often there is an inverse relationship between parties and committees. As party power grows, committee power wanes.” The Task Force went on to note that while much of the 20th century could be characterized as “committee government” in Congress, “Party centralizing tendencies became evident during the speakership of Thomas O’Neill and escalated significantly during the 104th Congress.”¹⁹

Table 3 below reveals that committees are reporting roughly the same number of bills each Congress. For instance, in the last Democratic-controlled Congress, the 103rd (1993-94), House committees reported 544 bills, of which 466 were passed, while in the most recent Congress, the 108th (2003-04), 550 bills were reported of which 545 were passed. As the table indicates, reported bills passed as a percentage of public measures that pass has hovered around 60 percent over the last decade. Moreover, the percent of reported bills that were passed has remained relatively constant around 85 percent, one exception being the 107th Congress in which only 75 percent of the reported measures passed. That could be due in part to the September 11, 2001 terrorist attacks on the U.S. and the emergency legislation they necessitated, crowding out bills on the regular agenda.

The other exception is the 108th Congress in which preliminary final data, at least indicate that 99 percent of reported bills were passed (545 out of 550). That would seem to indicate that the Republican leadership, particularly the whip team, has become remarkably successful both in

**Table 3. - Reported and Unreported Measures Passed by House
103rd-108th Congresses (1993-2004)²⁰**

Item	103rd	104th	105th	106th	107th	108th
Public Bills Reported	544	518	511	654	510	550
Public Measures Passed	757	611	710	917	587	800
Reported Measures Passed	466	446	428	525	384	545
Unreported Public Measures Passed	291	165	282	392	203	255
Reported Passed as Percent of Measures Reported	86%	86%	84%	80%	75%	99%
Reported Passed as Percent of All Measures Passed	61%	73%	60%	57%	65%	68%

scheduling and holding votes on bills reported by committees, and in passing those bills. This can be attributed in large part to the most restrictive special rules ever plus the increased use of the suspension of the rules process.

While committee activity and productivity appear to remain relatively constant over the last decade, the data included here does not compare how much preparation time is taken per reported bill, both on hearings and bill markup. One of the legitimate criticisms of the legislative process in recent years is that committees have far too little time to work on legislation because of the abbreviated weekly floor schedule. During the first part of each session the House does not convene for votes until 6:30 p.m. on Tuesdays, and is usually adjourned for the week by around 2 p.m. on Thursdays, leaving just one full day for committee activity. During the second part of a session, the House will often (but not always) convene for votes on Monday evenings, and will sometimes remain until early Friday afternoons. But such four-day work weeks are increasingly rare.

This may help to explain why such cursory attention is given to legislation on the floor in recent times. Keep in mind that when in the minority, Republicans were very vocal critics of special rules that limited the floor amendment process. Incoming Rules Committee Chairman Gerald B.H. Solomon even indicated in November 1994 that his goal was to report 70 percent open rules that permitted an open floor amendment process on major bills.

Democrats had gone the other direction, and, according to some, were only allowing a

completely open amendment process on around 30 percent of major bills. However, Solomon fell far short of his 70 percent goal in the 104th Congress, turning out just 58 percent open or modified open rules (compared to 44 percent under Democrats in the 103rd Congress, using the same standards).

As Table 4 below reveals, open and modified open rules have declined as a percent of all rules reported ever since that historic 104th Congress, to 53 percent in the 105th (Solomon's last term in Congress), 51 percent in the 106th, and 37 percent in the 107th Congress. The final tally of open and modified open rules for the 108th Congress was just 26 percent of all rules reported. Perhaps more importantly, the emphasis in recent years has been more on modified closed rules in which just one minority substitute amendment is allowed, or closed rules, in which no amendments are allowed (other than the minority's motion to recommit with instructions). Whereas those two categories comprised just 18 percent of all rules in the last and worst Democratic Congress (the 103rd), by the 108th Congress they comprised 49 percent of all rules. As Speaker Hastert has explained it, the narrow margin of control and the inability to rely on any Democratic votes has often made it necessary to restrict the amendment process to ensure passage of the majority's preferred bills.²¹ Rules Committee Chairman Dreier has offered similar explanations about the realities of governing.

**Table 4. The Amendment Process Under Special Rules Reported
By The House Rules Committee,
103rd-108th Congresses²²**

Rule Type	103 rd Congress (1993-94)		104 th Congress (1995-96)		105 th Congress (1997-98)		106 th Congress (1999-2000)		107 th Congress (2001-2002)		108 th Congress (2003-2004)	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Open/Modified Open	46	44%	83	58%	74	53%	91	51%	40	37%	34	26%
Structured	40	38	20	14	6	4	32	18	20	19	34	26
Modified Closed	9	9	20	14	36	26	17	9	24	22	28	21
Closed	9	9	19	14	24	17	39	22	23	22	37	28
Totals	104	100	142	100	140	100	179	100	107	100	133	101

To their credit, Republicans have retained the provision included in their House Rules package

at the beginning of the 104th Congress that guarantees to the minority party a motion to recommit a bill with instructions, that is, a final opportunity to offer an amendment to a bill, even if it is brought up under a closed rule. However, it now appears that this guarantee is being used increasingly as justification for a more restrictive amendment process overall. That's what Speaker Hastert intimated in a speech given before a centenary conference on Joseph Cannon's speakership on November 12, 2003:

We take the job of fairness seriously....And we try to be fair in the Rules Committee process. We guarantee the Minority the right to recommit the bill with instructions, giving them one last chance to make their best arguments to amend the pending legislation. But while we strive to be fair, we also strive to get the job done. We are not the Senate. The rules of the House, while they protect the rights of the minority...also insure that the will of the majority of the House will prevail.²³

Another indication of increasing leadership intervention in the special rule process on legislation is the use of so-called self-executing rules in which an amendment to a bill is considered to have been adopted upon the adoption of the special rule—a process roundly criticized by Republicans when they were in the minority. Political scientist Barbara Sinclair (perhaps euphemistically) refers to such self-executing devices as “post-committee adjustments.”²⁴

Table 5. Self-Executing Rules: 101st- 108th Congresses

Congress	Total Rules	Self-Executing Rules	As Percent of Total
101st (1989-90)	90	16	18%
102nd (1991-92)	150	26	17%
103rd (1993-94)	135	30	22%
104th (1995-96)	151	38	25%
105th (1997-98)	142	46	32%
106th (1999-2000)	184	40	22%
107th (2001-2002)	115	42	37%
108th (2003-2004)	136	30	22%

The process provides a way to alter a bill without having a separate debate and direct vote on the amendment. Instead, the debate and vote on the rule encompasses and accomplishes the alteration

in the bill before it is even called-up. Table 5 above reveals the increasing use of self-executing rules, rising from 16 percent of all rules in the 101st Congress to a peak of 37 percent in the 107th Congress before dipping back down to 22 percent in the 108th Congress.

It is important, however, to distinguish between self-executing rules that merely provide for the adoption of a committee-reported amendment, and one that inserts new material into a bill that was not considered or recommended by the committee reporting the bill. Table 6 below shows that it is this latter use that is most prevalent in recent times. Whereas in the final three Democratic controlled Congresses, new amendments comprised on average around 86 percent of the self-executing rules, under Republicans it has been running closer to 70 percent in their last three Congresses. Nevertheless, it is a far cry from the GOP minority's call for eliminating this device, and a further indication that the GOP leadership is willing to use any procedural option available to increase the chances for passage of legislation it deems important to the party.

**Table 6. Self-Executing Rules for Committee Amendments
versus New Amendments, 101st-108th Congresses²⁵**

Congress	Committee Amendments	Comm.Amnds. as Percent of Total SE Rules	New Amendments	New Amnds. as Percent of Total SE Rules	Total SE Rules
101 st (1989-90)	2	13%	14	87%	16
102 nd (1991-92)	4	15	22	85	26
103 rd (1993-94)	4	13	26	87	30
104 th (1995-96)	4	11	34	89	38
105 th (1997-98)	12	23	40	77	52
106 th (1999-2000)	13	32	27	68	40
107 th (2001-02)	13	31	29	69	42
108 th (2003-04)	9	30	21	70	30

Finally, the floor situation has been altered by the increasing reliance on the suspension of the rules process under which bills may be called up on Mondays and Tuesdays. Suspension bills are debated for just 40 minutes, are not subject to amendment or to a motion to recommit, and must receive a two-thirds vote for passage. The process is obviously reserved for non-controversial bills given the super-majority vote required for passage, and, for the most part, bills are pre-cleared by the Speaker, minority leader, and relevant committee chairs and ranking minority members (though

minority sugb-off is not required by any formal rules or agreements).

At the beginning of the 108th Congress, the House adopted a temporary rule that allowed for bills to be considered under suspension on Wednesdays through mid-April. The practice was subsequently extended for the entire 108th Congress, and was made part of the standing rules of the House at the beginning of the 109th Congress.²⁶

**Table 7. Use of the Suspension of the Rules Process,
103rd-107th Congresses²⁷**

	103rd	104th	105th	106th	107th	108th
Measures Passed Under Suspension	420	343	461	669	464	594
Total Measures Passed	757	611	710	917	587	800
Suspensions as Percent of All Passed	56%	56%	65%	73%	79%	74%
Suspension Measures Enacted	227	194	258	437	255	388
Total Laws Enacted	465	333	394	580	377	498
Suspensions as Percent of All Laws	49%	58%	65%	75%	68%	78%

As Table 7 above indicates, suspension bills make up an ever-increasing portion of total bills passed and enacted. Whereas in the last Congress controlled by the Democrats, the 103rd, measures considered under suspension of the rules comprised 56 percent of all bills and joint resolutions passed by the House, and nearly half of all the laws enacted, by the 108th Congress they made-up 74 percent of all public measures passed by the House and 78 percent of the laws.

There are two theories that explain the increasing use of the suspension process, and they are not mutually exclusive. One theory is that suspensions are being used as filler material during the week since the amendment process on more substantive bills scheduled under special rules is increasingly truncated and restrictive, thereby freeing up more floor time. The other theory is that suspensions are being offered as palliatives for members who are being denied the opportunity to offer floor amendments to the more substantive policy legislation. This latter theory was confirmed to this author by a majority leadership aide who said suspensions are jokingly referred to as

“pacifiers.”

The fact that suspension measures tend to be non-controversial, inexpensive, and largely regional or locally focused, makes them a convenient and important tool for members in fulfilling their reelection and constituent service goals. While members are thwarted on the floor in fulfilling the goal of policy influence through the amendment process, they continue to make policy contributions through their committee work. It is clear that the suspension of the rules process is increasingly seen by the leadership as an important tool in carrying out its responsibility of “party maintenance,” or “keeping peace in the family,” by satisfying members’ reelection needs.

Conclusion

The answer to the question of whether the House has changed under Republicans since they took over in 1995, the answer is obviously “yes.” The House has certainly changed, but not in the ways minority Republicans envisioned it should, could, or would under their management. In greater measure, the House has changed Republicans in the ways they view things and act: they have been shaped by an environment of internal and external forces that was well in place before the takeover: more partisanship, less openness, greater party leadership control and micro-management of the legislative process and policy substance on matters of importance to the party. This was the direction in which things were headed under Speakers Tip O’Neill and Jim Wright, and the way Speaker Newt Gingrich and his successor, Dennis Hastert realized they must continue to head if Republicans wished to retain majority control. To do so involves passing legislation of importance to the party, its members, and their district and interest group constituencies. With razor-thin majority control, that entails designing a restrictive and efficient process with assured outcomes, even if it means offending minority party sensibilities from time to time. As political scientists Richard Fenno says of this metamorphosis from revolutionaries to realists, the Republicans are “learning to govern.”²⁸

Endnotes

1. *Contract With America: The Bold Plan by Rep. Newt Gingrich, Rep. Dick Armey, and the House Republicans to Change the Nation*, Ed Gillespie and Bob Schellhas, editors (New York: Times Books, 1994), “Rep. Newt Gingrich, Washington Research Group Symposium, Washington, D.C. November 11, 1994,” 193-195.
2. Donald R. Wolfensberger, *Congress and the People: Deliberative Democracy on Trial* (Baltimore: Johns Hopkins University Press, 2000), Chapter 12, “Coming Full Circle: The Complete Revolution?,” 192 *et seq.*

3. David S. Cloud, "GOP, to Its Own Great Delight, Enacts House Rules Changes," *Congressional Quarterly Weekly Report*, Jan. 7, 1995, 13, 14.
4. *We Propose: A Modern Congress*, Selected Proposals by the House Republican Task Force on Congressional Reform and Minority Staffing, Mary McInnis, editor (New York: McGraw-Hill Book Company, 1966).
5. Information cited is from author's files. The author was involved as a Rules Committee staffer in assisting the Republican leadership in developing the biennial House rules reform package for the minority. A full copy of the Republican reform package narrative, rules amendment summaries and texts can be found in the *Congressional Record* for the opening day of each Congress during debate on the resolution, "Adopting the Rules of the House of Representatives" for that Congress (usually H. Res. 5, but not always).
6. *Congressional Record*, House, January 5, 1993, H 9-31.
7. Ibid, "A Mandate for Change in the People's House," Republican Conference House Rules Amendments, 103rd Congress, H 16.
8. Ibid, H 16-17.
9. Ibid, H 17.
10. H. Res. 5, Adopting Rules for the One Hundred Ninth Congress, sec. 2(a), January 4, 2005.
11. Data in Table 1 on committees, subcommittees and staff is from *Congressional Staff Directories* and the report of House Administration Committee on committee expense resolution for the 107th Congress (H. Res. 84, H. Rept. 107-25), March 23, 2001, p. 5. The House Permanent Select Committee on Intelligence is included in this data on standing committees, but not any other select committees such as the select committees on Homeland Security in the 107th and 108th Congresses.
12. H. Res. 5, Adopting Rules for the One Hundred Eighth Congress, January 7, 2003, sec. 3(b). The Committee on Government Reform in the 104th Congress absorbed the jurisdictions of the committees on Post Office and Civil Service, and District of Columbia, and thus was allowed to create seven subcommittees. The Committee on Transportation and Infrastructure absorbed some of the jurisdiction from the Merchant Marine and Fisheries Committee and was allowed by House rule in the 104th Congress to have six subcommittees.
13. Data in Table 2 does not include assignments to the Select Committee on Intelligence since it is not considered a standing committee under House Rules. Also excluded from the assignment data are seats on the Select Committee on Homeland Security and any of the joint committees.

14. H. Res. 5, Adopting Rules for the One Hundred Ninth Congress, sec. 2(c)(2), January 4, 2005.

15. At the beginning of the 108th Congress the House adopted a waiver for Rep. Porter Goss retaining the Intelligence Committee chairmanship for an addition term, but that was a waiver of the House rule which prohibited a member from holding the chairmanship of that committee for more than two Congresses, or remaining on Intelligence for more than one term beyond the three term limit on committee membership. H. Res. 5, 108th Congress, sec. 2(e-1)(2), January 7, 2003.

16. H. Res. 5, Adopting Rules for the One Hundred Eighth Congress, sec. 2(b), January 7, 2003.

17. Ibid, sec. 2(g).

18. Richard E. Cohen, “Crumbling Committees,” *The National Journal*, August 4, 1990 (Vol. 22, No. 31), 1876 et seq.; Richard E. Cohen, “Crackup of the Committees,” *The National Journal*, July 31, 1999, 2210 et seq.

19. “Report on Reforming Committee Structure and Jurisdictions,” Final Report, Task Force on Committee Review, U.S. House of Representatives, November 6, 1996.

20. Data in Table 3 is derived from the “Resume of Congressional Activity” published in the Daily Digest of the *Congressional Record* the end of each session. For the 108th Congress data is current to Dec. 6, 2004, and does not necessarily reflect the final totals (the second session adjourned on Dec. 8, 2004). “Public measures” includes House and Senate bills and joint resolutions but no simple and concurrent resolutions.

21. See quote below from Hastert speech in November 2003.

22. Data has been compiled by the author using final Rules Committee activity reports and calendars for the 103rd & 104th Congresses, and an examination of texts of and reports on special rules reported by the House Rules Committee, from the Rules Committee web site for 105th-108th: Congresses. < <http://www.house.gov/rules/welcome.htm>>. An open rule permits any member to offer a germane amendment to a bill on the floor. A modified open rule requires pre-printing of amendments in the Congressional Record and/or sets an overall timecap on the amendment process for a bill. A structured rule allows only those amendments specified in the Rules Committee report on a special rule for a bill to be offered. A modified closed rule usually allows for just one minority substitute amendment. A closed rule allows for no amendments to be offered (except in the minority’s motion to recommit with instructions).

23. Speaker J. Dennis Hastert, “Reflections on the Role of the Speaker in the Modern Day House of Representatives,” November 12, 2003. Accessed on December 18, 2004, at <<http://speaker.house.gov/library/misc/03112reflect.shtml>>.

24. Barbara Sinclair, *Unorthodox Lawmaking: New Legislative Processes in the U.S. Congress* (Washington, D.C.: CQ Press, 2000, 2d edition), 28, 106.

25. Data compiled by author based on examination of all rules reported by the Rules Committee.

26. H. Res. 297, 108th Congress, “Providing for motions to suspend the rules,” adopted by the House on June 26, 2003, 226 to 203. As Rules Subcommittee on Technology and the House Chairman John Linder, explained at a hearing on the proposed extension: “Entertaining motions to suspend the rules on Wednesdays has been a valuable and helpful tool for the House Leadership in its ongoing efforts to effectively manage the flow of legislation through the House. As such, we should welcome an extension of this authority for the remainder of the 108th Congress.” (Quoted in H. Rept. 108-179 to accompany H. Res. 297). For the suspension change in the 109th Congress, see H. Res. 5, Adopting Rules for the 109th Congress, sec. 2(d), January 4, 2005.

27. Data on suspensions based on search of THOMAS under search term “suspension of the rules.” Data on total laws and public measures passed taken from “Resumes of Congressional Activity,” Daily Digest, Congressional Record, plus THOMAS. Measures referred to here are House and Senate bills and joint resolutions, and do not include simple and concurrent resolutions. Data for the 108th Congress is based on the Dec. 6, 2004, Resume of Congressional Activity (combined with that of the first session), and therefore may not comport with the final data for the session that ended on Dec. 8.

28. Richard F. Fenno, Jr., *Learning to Govern: An Institutional View of the 104th Congress* (Washington, D.C.: Brookings Institution Press, 1997).