Congressional Reform: A Perspective

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SUMMARY

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Congressional reform is a perennial issue for the House and Senate. Typically, it means a change for the better; Members' views on that may diverge significantly. Lawmakers who benefit from existing institutional arrangements are unlikely to yield power voluntarily and may try to thwart reorganization efforts. Reform advocates have the task of persuading opponents or on-the-fence lawmakers of the virtues of congressional reorganization.

The purposes of legislative reform are many. For example, these initiatives may produce congressional alterations that are big or little, few or many; occur through formal actions (laws and rules) or informal developments (changes in practices, such as wider use of omnibus measures); and are considered in diverse venues, such as during debates in committee, the House and Senate chamber, party caucuses, or the offices of top party leaders. In short, congressional reform is a significant undertaking replete with its own set of policy, political, partisan, and procedural complexities.

This report's principal objectives are threefold. First, it starts with a brief examination of the word *reform* and its popularity on Capitol Hill. Even so, as a top House party leader and later President of the United States (Gerald Ford) cautioned: "Reform is a tricky word; change per se is not necessarily the same as progress." The word is "tricky" in part because lawmakers often disagree on whether a legislative "reform" is an improvement over the status quo.

The focus of this report is on the internal operation and organization of Congress. It does not address the array of external matters that affect the House and Senate, such as campaign fundraising or gerrymandering House districts.

Second, the report highlights six reform goals that commonly suffuse major congressional reorganization initiatives. They include improving efficiency, redistributing power, promoting transparency, enhancing public standing, achieving policy results, and strengthening congressional prerogatives. Each objective would likely provoke an array of discrete reform suggestions proposed by Members and many others (e.g., scholars, commentators, and think-tank analysts).

Third, the bulk of the report provides an examination of three joint reorganization panels whose mission was to study and make recommendations for improving the organization, operation, and role of the legislative branch. The three joint panels were created in 1945, 1965, and 1993. Specifically, the report addresses several matters that overlap each reform committee and several that are unique to each joint panel, such as the factors and forces that influenced why these bicameral panels were created and what were several of their main recommendations.

Different legislative eras give rise to different congressional reform responses. During much of the 20th century, for example, the issue of seniority—a Member of the majority party who served the longest consecutively on a committee would become its chair—was a prominent reform topic, in part because it advantaged lawmakers regularly elected from safe states and congressional districts as chairs, regardless of their abilities or policy preferences. Seniority waned as a major reform topic starting in the 1970s going forward with the influx of reform-minded lawmakers. They won adoption of party rules requiring prospective committee chairs to stand for separate, secret-ballot election by their partisan colleagues. This process led to the ouster of several chairs.

The report closes with summary observations.

Contents

Contacts

Introduction

Congressional reform is a perennial topic for lawmakers, scholars, analysts, and many others. Its salience can vary over time, but the reformist tradition in Congress remains strong, persistent, and genuine. This tradition is of critical importance because it underscores that there are lawmakers and many others (academics, commentators, groups, and so on) who care about the work, role, and performance of Congress as the "first branch" (Article I of the Constitution) in the nation's tripartite and interconnected constitutional system.

Congressional reform reflects in its broadest sense the actions and efforts of Members to accommodate the inevitable changes (social, demographic, political, global, technological, and so on) that influence the performance of Congress's major, overlapping responsibilities: lawmaking, representation, and oversight. The broad purpose of each responsibility is clear—making national policy, serving constituents, and overseeing the administration of laws.

Reform, therefore, is an attractive word because it implies change and improvement for the better. A dictionary definition refers to *reform* as "improve by alteration" or "put into a better condition." Because many things require periodic repair and renewal, *reform* is a popular word that is also affixed to many legislative proposals: tax reform, health reform, campaign finance reform, budget reform, lobbying reform, and so on. *Congressional reform* typically elicits a favorable response from lawmakers and the general public. In the abstract, reform is likely to be supported by many people.

Even so, the term is imprecise and overly general. It lacks concreteness as to the particulars of congressional change, such as what organizational, procedural, or structural features of the legislative branch require improvement in the judgment of reform advocates and for what reasons. The goals and specifics of reorganization often arouse disagreement, and that can occur whether reforms are comprehensive, incremental, or something in-between. Members may prefer the status quo they know and benefit from compared to the unknown consequences of legislative change. One person's reform, after all, can be another's deform.

Legislative "change" and "reform" are not necessarily identical. As House Minority Leader (and later U.S. President) Gerald Ford cautioned: "Reform is a tricky word; change per se is not necessarily the same as progress. Each and every proposal for reform of Congress must be weighed against other suggested reforms, and all must be weighed in the balance of power between the branches of government."[1] Such assessments can be problematic because the costs, benefits, or implications of major or minor legislative alterations may take some time to come to light. Something that might seem like a minor or modest change, such as obligating the House Parliamentarian to publish the chamber's previously privately kept precedents, can influence the fate of legislation.

Congressional reforms can upend the status quo by affecting the institutional distribution of power: who has it, who wants it, and who benefits or loses from the proposed revisions—for example, Members, committees, parties, or some combination. Whether a particular innovation would resolve the problem for which it was designed—or even whether it would produce positive, negative, or unanticipated consequences—is uncertain. Even the most useful reforms can over time become ineffective, unnecessary, or obsolete. Reforms of one era can spark their repeal or renovation in another.

[1] Mary McInnis, ed., *We Propose: A Modern Congress, Selected Proposals by the House Republican Task Force on Congressional Reform and Minority Staffing* (New York: McGraw-Hill Book Co., 1966), p. xii.

In sum, the goals of this report are to provide an analysis of three joint reorganization committees—1945, 1965, and 1993—with sweeping mandates to study the organization, operation, and role of the legislative branch and to make recommendations for improving and strengthening the work of Congress and its Members. Specifically, the report's main purpose is to analyze several key factors and forces that influenced each panel's creation, work, and accomplishments, including the historical context of the times and the role of top party leaders. Some of the factors are unique to each joint panel, and some overlap all three.[2] First, it is useful to discuss several reform objectives that commonly permeate legislative reform initiatives.[3]

Reform Objectives

A distinctive feature of legislative reform, wrote a congressional scholar, is that "Congress is an institution that reforms itself, and therefore special conditions must obtain before the membership will be moved to upset familiar ways of doing business." He added that "the roots of reform are to be found in how members look at themselves and their perceptions of how others look at them."[4] For example, frustration, dismay, and general disgruntlement with Congress's performance could provoke Members' reform impulses. Their focus might range from enhancing the authority of the majority or minority parties; strengthening the role of individual lawmakers in shaping policy; encouraging greater oversight of the executive branch; emphasizing "textbook" legislating (committee hearings, markups, and floor amendments, for instance) over nontraditional lawmaking (bypassing committee review); or augmenting staff expertise on Capitol Hill. Several broad aims of congressional reform are these half-dozen: improve efficiency, redistribute power, promote transparency, enhance public standing, achieve policy results, and strengthen congressional prerogatives.

Improve Efficiency

The Founding Fathers designed a complex, bicameral Congress, now numbering 535 Members who represent the diversity of interests and values of their districts or states in a nation of over 330 million people. Efficiency in lawmaking was not their highest objective. Simply put, the Framers designed a constitutional separation of powers system that makes it difficult to enact laws without some measure of public support and the requirement of favorable House and Senate action and presidential signature. Efficiency, therefore, is not easy to attain in an institution replete with policy disagreements, personality clashes, procedural controversies, and partisan conflicts.

Nonetheless, efficiency has long been an objective of legislative reformers. After all, Members typically want their structures, processes, and procedures to function with significant effectiveness, minimizing unnecessary conflict, delay, or expense. They recognize the value of efficiency in such matters as scheduling the congressional workweek, minimizing committee

[2] This report does not discuss the array of external matters that affect the House and Senate, such as campaign fundraising and gerrymandering House district boundaries.

[3] In response to criticisms and other developments, the House and Senate have many ways to advance and structure legislative reforms. Joint committees are one mechanism to carry out this work. Other reform devices include the formation of select committees or commissions of the House or Senate. In addition, the caucuses and conferences of each House and Senate party have a long history of advancing procedural and structural changes. See CRS Report RL31835, *Reorganization of the House of Representatives: Modern Reform Efforts*, by Judy Schneider and Christopher M. Davis; and CRS Report RL32112, *Reorganization of the Senate: Modern Reform Efforts*, by Judy Schneider et al.

[4] Charles O. Jones, "Will Reform Change Congress," in Lawrence C. Dodd and Bruce I. Oppenheimer, eds., *Congress Reconsidered* (New York: Praeger Publishers, 1977), pp. 251-252.

meeting conflicts, divesting Congress of nonessential functions, or improving the legislature's capacity to address and analyze public problems. The Legislative Reorganization Act of 1946, signed into law by President Harry Truman, was even entitled "An Act to Provide for Increased Efficiency in the Legislative Branch of Government."

Redistribute Power

Reforms that redistribute power are among the most difficult to enact. Those who gain from existing institutional and party arrangements are unlikely to yield power voluntarily and may try to thwart reform efforts. Significant committee jurisdictional realignment often triggers sharp disagreements between the champions of committee restructuring and the affected committee chairs, who typically oppose jurisdictional shifts that diminish their authority. Sometimes, rank-and-file Members advocate reforms to increase procedural opportunities for individual legislators to advance policy ideas.

A traditional clash over power is that between advocates of centralization (party leaders as paramount decisionmakers) versus decentralization (committees and their chairs dominate policymaking). These two centers of power in Congress—committees and parties—have prompted many reform movements. A committee-centric era (roughly the 1920s into the 1970s) gradually gave way to today's party-centric, partisan polarized period. Representative John Dingell, the longest serving Member of Congress (1955-2015), captured the fundamental difference between the committee and party eras: "It used to be that the chairman would call the Speaker up and say, 'I want this bill on the floor at this time.' Now it's the opposite."[5]

Heightened intensity of electoral competition between two parties with large ideological and policy differences—intensified by outside groups affiliated with each party and reinforced by partisan media outlets—is among the factors that shifted the internal distribution of power between committees and party leaders. This change occurred gradually and brought with it a sharper, more combative partisanship that largely reflects the divergent perspectives of the people lawmakers represent (the GOP "red" states and the Democratic "blue" states). Partisan polarization in a closely divided Congress and nation elevates the policy and political stakes of holding or winning majority control of the House or Senate—a fundamental job of majority and minority party leaders.

Promote Transparency

Another reform impulse is to promote greater transparency of Congress's decisionmaking processes. In recent decades, the House and Senate have taken significant actions to improve the public visibility of their actions. For example, committee hearings and markups are mostly open to public observation; there is the presumption in House and Senate rules that conference committees—created to resolve bicameral differences on legislation—should conduct open negotiating sessions; and both chambers—the House in 1979 and the Senate in 1986—provide gavel-to-gavel coverage of their floor (and many committee) proceedings over C-SPAN (the cable satellite public affairs network).

A current transparency issue is that major legislation is often drafted in private meetings by a few lawmakers—sometimes only of the majority party—and top executive officials. The "regular order" of committee consideration (hearings, markups, and reports) may be set aside, a policymaking pattern commonly seen on omnibus appropriations measures. Members of both

[5] Paul Glastris and Haley Sweetlands Edwards, "The Big Lobotomy," *Washington Monthly*, June/July/August 2014, p. 57.

chambers have sometimes lamented this type of lawmaking. For example, Senator John McCain explained what can happen when omnibus spending bills negotiated by a select few are taken up in the Senate.

> We walked into [the chamber], and here was this bill [hundreds of pages in length] … that no one had read, no one had a chance to peruse, and even if we had, we couldn't do anything about it because the bill was not amendable because if we amend it, then it bounces back to the [House], and we run out of time, and the government shuts down. That is the wrong way to do business.[6]

There can be good reasons for circumventing the committee process (e.g., fast-approaching deadlines, emergencies). If circumvention becomes commonplace, it can trigger bipartisan calls for reform from legislators who urge policymaking that is more open, inclusive, and deliberate.[7] An ongoing challenge is to determine the balance between openness and secrecy. As former Representative Lee Hamilton pointed out, "congressional negotiators need space to find common ground without being forced to posture for the cameras, there is a place for secrecy. But transparency ought to be the rule."[8]

Enhance Public Standing

Reelection-minded lawmakers are typically sensitive to the public's view of Congress's performance. They understand that citizen approval of Congress as an institution is traditionally not high. Part of the reason for Congress's low public standing is the complexity of what pundits call its "sausage-making" procedures that are often messy and filled with conflict. Members typically realize, too, that the press and the media are replete with negative views of the legislative branch. Today, media pundits, think-tank analysts, and journalists regularly state that Congress is "broken," "dysfunctional," "weak," or in "decline."

A number of lawmakers share these sentiments and favor concrete reforms that address and ameliorate these negative characterizations. While public opinion can be diffuse, inchoate, and mercurial, if it generates reformist sentiment in the country or solidifies behind a reorganization proposal (e.g., ethics), it can be an idea whose time has come. Criticism of Congress during the World War II era contributed to the formation of the 1945 joint reorganization as "members of both parties believed reorganization could improve Congress's tattered reputation."[9] In short, legislative reforms may occur if there is a strong sense in the public that Congress must resolve certain institutional ailments. (Paradoxically, voters typically disapprove of Congress but approve of the performance of their House and Senate Members, as manifested by their high reelection rates.[10])

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[6] Sen. John McCain, "Omnibus and Defense Authorization Bill," *Congressional Record*, vol. 162 (March 9, 2016), p. S1370.

[7] The 117th House adopted a rule "requiring committee hearing and markup on bills and joint resolutions." For some legislation considered by the chamber, House Rule XXI states: "It shall not be in order to consider a bill or joint resolution pursuant to a special order of business reported by the Committee on Rules that has not been reported by a committee." Several exceptions are allowed, including for legislation not referred to committee. *Congressional Record*, vol. 167 (January 4, 2021), pp. H14-H15.

[8] Lee H. Hamilton, "How To Fix Distrust in Government," Center on Congress at Indiana University, November 9, 2011, p. 2. See also Yuval Levin, "Transparency Is Killing Congress," *The Atlantic*, February 9, 2020.

[9] Eric Schickler, *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress* (Princeton, NJ: Princeton University Press, 2001), p. 143.

[10] Two political scientists wrote that Congress is "structured to embody what [people] dislike about modern democratic government, which is almost everything" [long debates, imperfect solutions, conflict, etc,]. See John R. Hibbing and Elizabeth Theiss-Morse, *Congress as Public Enemy* (Cambridge, MA: Cambridge University Press, 1995), p. 158.

Achieve Policy Outcomes

The impetus for legislative reforms is often linked to Congress's failure to pass certain legislation. For decades, as an example, the Senate's filibuster—extended debate and other actions taken to prevent a vote—was blamed for the chamber's inability to pass civil rights legislation. Although the Senate does have a formal rule (Rule XXII) to end "talkathons," a supermajority vote of 60 of 100 Senators is required to invoke cloture (the closure of debate) on bills and resolutions. This voting threshold is difficult to attain, especially in closely and deeply divided Senates, such as the 50-50 party alignment of the 117th Senate. Nonetheless, Senate reformers have succeeded periodically in amending Rule XXII, such as in 1975, when the vote to invoke cloture was lowered to the current 60 (three-fifths of Senators duly chosen and sworn) from the previous standard of 67 (two-thirds of Senators present and voting). Perhaps unexpectedly, a new normal gradually emerged as an institutionalized norm of the Senate: Today, 60 votes are often required for enacting virtually all types of legislative proposals.

Given the intensity of partisan polarization and the procedural hurdle of attracting 60 votes to bring extended debate to a close, filibusters are once more a significant reform issue. Consider President Biden's ambitious and often contentious policy agenda. Many Senate Democrats worry that their party's policy agenda, even on measures that enjoy bipartisan support, would be blocked by filibusters conducted by a few opposition-party lawmakers. Today, Senators of both parties are discussing whether to abolish, change, or retain the legislative filibuster.

Strengthen Institutional (Inter-Branch) Prerogatives

Many legislative reforms seek to strengthen Congress as a co-equal branch of government (the "first branch" in the Constitution). Changes of this sort might occur if Congress's Article I prerogatives are challenged by presidential actions. A major reason why Congress passed the landmark Congressional Budget and Impoundment Control Act of 1974 was the chief executive's refusal to spend (i.e., willingness to impound) appropriated dollars to fund national priorities that he disagreed with. The President's aggressive use of impoundments was a major stimulus that prompted Congress to revamp its budgeting system to reclaim greater control over federal expenditures. For example, the 1974 act created three new institutional entities: the House Budget Committee, the Senate Budget Committee, and the Congressional Budget Office, which provides independent analyses to the two budget panels as well as to other legislative entities.[11]

Another source of periodic disagreement between Congress and the President is over their shared war powers. The Constitution states that the President is commander-in-chief of the nation's military, while Congress has the power to declare (authorize) war. Upset with the presidential conduct of the Vietnam War, Congress enacted, over President Nixon's veto, the War Powers Resolution. Its fundamental purpose is to limit the President's power to deploy U.S. military forces to war without congressional approval. The resolution was controversial when enacted, and it remains so today. In the face of undeclared and unconventional warfare, there is large concern that Congress's war-declaring authority has migrated to the President.

[11] Allen Schick, *Congress and Money* (Washington, DC: Urban Institute Press, 1980). Schick said this about impoundments, for example: "Far from administrative routine, Nixon's impoundments in late 1972 and 1973 were designed to rewrite national policy at the expense of congressional power and intent" (p. 46).

The 1945 Joint Committee on the Organization of Congress

Context

On the eve of World War II, many leaders inside and outside Congress expressed concern about the condition of the legislative branch. They had witnessed the fall of parliamentary systems in Europe and the expansion in the executive branch's authority. Widespread public interest in congressional reform was triggered by articles in the press and popular journals, radio debates, civic discussions, and reports by professional groups. Bipartisan champions of legislative reform in both chambers, such as Representatives Jerry Voorhis and Everett McKinley Dirksen and Senators Robert LaFollette Jr. and Claude Pepper, urged Congress to revamp its organization and operations. Academics, led by the Committee on Congress of the American Political Science Association prepared reports on ways to improve Congress. The committee also mobilized scholarly and public support for congressional reform.[12]

The mood or atmosphere of this historical period sparked significant interest in legislative reorganization. It was an era of national transition. World War II was winding down, it was the dawn of the Atomic Age, the United States was emerging as a global power, and a new President (Harry Truman) occupied the White House. Reform-minded lawmakers also recognized the challenges Congress confronted by the expanding power of the President and the executive branch. The times encouraged and supported efforts to modernize Congress's old ways of doing business and to bolster its constitutional Article I powers.

In brief, several main stages led to passage of the Legislative Reorganization Act (LRA) of 1946, an omnibus reform bill that made an array of significant institutional changes to the House and Senate. Among the key stages:

- In February 1945, the 12-member bipartisan joint reorganization panel began its work—to study and make recommendations concerning the organization and operation of the legislative branch. The joint panel held hearings from mid-March to the end of June 1945, and issued its final report on March 4, 1946. That report contained 37 specific reform recommendations to improve the performance of Congress.
- Subsequently, the Senate created a Special Committee on the Reorganization of Congress, chaired by Senator LaFollette (who also chaired the Joint Committee). This special committee drafted the reform bill (S. 2177) for the Senate's consideration. A Senate majority approved the measure and sent it to the other body. The House took charge of the Senate-passed bill, eliminated provisions it disliked, and returned the amended bill to the Senate. Foregoing a conference committee, the Senate agreed to the House's amendments to S. 2177, which cleared the measure for presidential consideration.
- President Harry Truman signed the measure into law (P.L. 79-601).

[12] *The Reorganization of Congress, A Report of the Committee on Congress of the American Political Science Association* (Washington, DC: Public Affairs Press, 1945).

Restricted Charter

The Joint Committee was established by concurrent resolution and its leadership and membership appointed in 1945. The chair of the panel, as noted, was Senator LaFollette; its vice chair was Representative Mike Monroney. (The joint panel was informally known as the LaFollette-Monroney Committee.) The Joint Committee's mandate was broad, but there were certain restrictions. Its authorizing resolution prohibited it from making "any recommendation with respect to the rules, parliamentary procedure, practices, and/or precedents of either House, or the consideration of any matter on the floor of either House." The restricted charter softened opposition to the Joint Committee's creation, but it meant that the panel could not recommend changes on matters that the legislative "power structure" (influential committee chairs and party leaders) wanted left untouched—such as the filibuster, the seniority system, and the role of the House Rules Committee. However, people who testified before the Joint Committee did discuss those topics.

Role of Party Leaders

The top leaders of the House and Senate agreed that the Senate should begin consideration of the reform bill (S. 2177). Majority Leader Alben Barkley supported congressional self-improvement. He offered amendments regarding budgetary matters and encouraged Senators to stay informed of reform developments. Senator Barkley and the minority leader (Senator Wallace White) both voted for legislative reorganization. Senator White was also part of the 12-person, bipartisan joint reorganization panel: six from each chamber equally divided by party (counting Progressive LaFollette as a Republican). As the majority floor manager, Senator LaFollette led the debate on Senate passage of the LRA. He was aided in this assignment by Senator White, among others, who worked to defeat unwanted amendments. After four days of debate (June 6-10, 1946), the Senate approved the reform bill (S. 2177) by a 49-16 vote and sent the measure to the House. The Senate bill closely tracked the Joint Committee's recommended reform proposals.

House party leaders exerted major influence over the contents of the Senate-passed reorganization bill. Speaker Sam Rayburn, Majority Leader John McCormack, and Minority Leader Joe Martin opposed certain controversial provisions that appeared to weaken their leadership prerogatives, such as the creation of party policy committees and a legislative-executive council. House leaders also objected to the Senate's proposal "to stimulate joint action between the twin committees of the two houses."[13] These proposals aimed to strengthen party responsibility and accountability and improve coordination between the two chambers and the legislative and executive branches. Contrarily, Speaker Rayburn and the House's influential seniority leaders—the committee chairs—believed that these recommendations would erode their agenda-setting authority.

House opposition to the Senate's bill became quickly evident. When the House receives a Senate-passed bill, typical practice is to refer the measure to the appropriate standing committee(s). Instead, S. 2177 was held at the Speaker's desk in the chamber for nearly two months until the two floor managers (Democrat Monroney and Republican Dirksen) agreed to drop the troublesome provisions. (House Rule XII states that the Speaker refers bills.)

Speaker Rayburn even took the unusual step of addressing the Committee of the Whole—the chamber's traditional amending forum, which the Speaker does not preside over and rarely addresses. In this case, Rayburn spoke against an amendment adopted in the Committee of the Whole to establish a monthly committee "docket day"—lawmakers whose bills had not received

[13] George B. Galloway, "The Operation of the Legislative Reorganization Act of 1946," *American Political Science Review*, March 1951, p. 44.

committee consideration could appear before the panel to discuss their legislation and argue for its consideration by the House. Speaker Rayburn's opposition and that of the committee chairs led to House rejection of the docket day proposal. In brief, the combination of Speaker Rayburn and influential committee chairs was sufficient to defeat the reform recommendations they opposed.

Time as a Legislative Resource

Time is a resource that suffuses all lawmaking, because measures must be enacted within the two-year life of a Congress, which includes signature by the President. Deadline lawmaking abounds on Capitol Hill, and the types also vary, such as statutory, political, emergency, or individual.[14] Eleventh-hour legislating can occur when each side waits until the final hours before accepting a compromise in the belief that it heightens its bargaining leverage.

The Speaker and Senate majority leader are largely in charge of scheduling the business of their respective chambers. As a Senate majority leader stated: "Deadlines here, deadlines there. But always deadlines. Management by crisis."[15] Consider timing's influence in enactment of the 1946 LRA.

Debate on the reform bill (S. 2177) began on June 5, 1946, and concluded five days later with Senate passage by a 49-16 vote. The bill was then forwarded to the House. Recall that the House (i.e., the Speaker) delayed floor consideration for almost two months to win concessions from the other body, such as elimination of the Senate provision establishing party policy committees in each house.[16] On July 25, 1946, the House took up S. 2177 under an open amendment process. After adopting a number of amendments, the House passed S. 2177, as amended, by a division vote of 229-16. (Division votes provide only vote totals with no record of how individual Members voted.) The House returned the amended bill to the Senate.

By this time, many lawmakers seeking reelection were already exiting Washington, DC, for a key reason. The *sine die* adjournment of Congress was only a few days away (it occurred on August 2, 1946), and Members wanted to concentrate their attention and energy full-time on campaigning for reelection. The Senate faced a difficult decision: agree to the Senate bill as amended by the House (sending the measure to the White House) or seek a conference with the House to negotiate their bicameral differences. With time for legislative action fast running out, Senator LaFollette proposed that the Senate accept the House's amendments to S. 2177. His recommendation was agreed to by voice vote. In short, time had run out for the Senate to negotiate its differences with the House. Confronted by this reality, the Senate opted to "take" the bill rather than "leave it" behind to an uncertain fate. On August 2, President Truman signed the legislation into law, calling "it one of the most significant advances in the structure of Congress since its establishment."

[14] A 2021 Senate example involving a bipartisan infrastructure package is illustrative of the panoply of ways that time could influence decisionmaking. As two journalists reported: "It was clear from the outset that Wednesday's [July 21] vote would fail. But Senate Majority Leader Charles E. Schumer (D-N.Y.) pressed ahead, hoping to signal to the senators crafting the deal that time was not unlimited," as liberal colleagues were "impatient with the slow pace of the Senate talks." Seung Min Kim and Tony Romm, "Senate Republicans Block Debate on Infrastructure Bill, but a Deal Is Close," *Washington Post*, July 22, 2021, p. A7.

[15] Jake Sherman and Burgess Everett, "Congress Faces a Fall from Hell," *Politico*, July 29, 2015, p. 11.

[16] Galloway, "The Operation of the Legislative Reorganization Act of 1946," p. 51. In 1947, the Senate established and funded party policy committees.

Outreach

The Joint Committee worked diligently to generate public and Member support for congressional reorganization. Many civic groups, radio stations, and national magazines backed the Joint Committee's recommendations. The League of Women Voters made congressional reorganization their top priority. *Life* magazine (June 1945) ran a cover story on legislative reorganization ("U.S. Congress: It Faces Great New Tasks With Outworn Tools"). All House and Senate members received from the Joint Committee articles and bills on legislative reorganization; members of the Joint Committee "talked up" reform with their colleagues. In brief, this public outreach program represents a mid-1940s version of the more sophisticated political messaging strategies commonly employed today.

Sweeteners

Sometimes it is easier to make hard choices if there are "sweeteners" that encourage, in this case, lawmakers to vote for the LRA because it contains attractive provisions that garner support and overcome opposition. As Vice Chairman Monroney said, a few "ice cream" provisions "make the 'spinach' provisions more palatable." He often said "that the 1946 act had been approved partly because it had been accompanied by a pay raise and a retirement plan desired by most members."[17] Specifically, the sweeteners hiked Members' salaries from $10,000 to $12,000. In addition, the act included a $2,500 tax-free expense allowance and granted lawmakers the opportunity of enrolling in the federal retirement system. Other provisions also aided Members by lightening their workload (e.g., delegating private claims to the Court of Claims) and providing permanent professional and clerical staff to the standing committees.

Summary of Major Provisions, 1946 LRA

The 1946 LRA addressed a wide variety of topics, such as committee procedures, legislative oversight, and lobby regulation. Three goals, however, were paramount. First in priority was modernization of the committee system. As Vice Chair Monroney stated, the "keystone of the reorganization of Congress was the reorganization of the committees."[18] The number of standing committees was reduced in each chamber, many inactive and unnecessary. The House went from 48 to 19 committees, the Senate from 33 to 15. Committee jurisdictions were also codified by the 1946 act. In sum, committee realignment aimed to reduce jurisdictional overlaps, imbalances in committee workload, and the number of committee assignments per lawmaker. Perhaps unexpectedly, the reduction in the number of standing committees soon spawned the growth of subcommittees.

Second, the 1946 law created a Joint Budget Committee (composed of members from the tax and appropriations committees of each chamber) to prepare a budget for Congress, somewhat similar to the concurrent budget resolution of the 1974 Budget Act. Monroney later said that this proposal was a total failure. He wrote: "The hostility of the leaders of the appropriations committees to the idea of a legislative budget has been so intense that it is difficult to achieve any sort of

[17] John F. Bibby and Roger H. Davidson, *On Capitol Hill: Studies in the Legislative Process*, 2nd ed. (Hinsdale, IL: Dryden Press, 1972), p. 253.

[18] Mike Monroney, *The Strengthening of American Political Institutions* (Ithaca, NY: Cornell University Press, 1949), p. 9.

enthusiastic cooperation on this important provision."[19] The legislative budget became a nullity, languishing on the statute books.

Third, all standing committees were provided, for the first time in history, permanent professional (six) and clerical staff (four). "More and better staff aids for members and committees of Congress were a major objective of the Act," wrote the staff director of the joint panel, "and much progress in the staffing of Congress has been achieved."[20] This provision has generally stood the test of time, with Member and committee staff gradually increasing—with reductions at times—over subsequent decades.[21]

The 1965 Joint Committee on the Organization of Congress

Context

In the mid-1950s and into the 1960s, there were again calls for congressional reform from lawmakers, commentators, journalists, and scholars. Despite the improvements made by the 1946 LRA, advocates of legislative reorganization argued that the job was not done. A legislative expert who worked closely with the Joint Committee wrote, "Inevitably, some of the 1946 act's deficiencies, omissions, and outright failures, combined with new grievances that emerged in the following years, generated another call for massive congressional reform."[22] Congress also faced new developments: the addition of two new states, a population hike in the millions, the birth of the space age, a communications and technology revolution, and at least a doubling in the workload of Members.

Inside and outside Congress there was large support for legislative reorganization. Inside, lawmakers such as Representative Richard Bolling and Senator Joseph S. Clark were critical of Congress's organization and operation. Bolling, for instance, wrote *House Out of Order* (1964), and Clark penned *Congress: The Sapless Branch* (1963). Outside, the influx of change-oriented Members from the 1958 and 1964 elections fueled the drive for a new joint reorganization panel. Scholars and commentators were critical of the legislative branch. NBC televised in prime time an hour-long special titled "Congress Needs Help." In short, there were favorable conditions inside and outside Congress for another comprehensive review of the legislative branch. (Because the 1970 LRA required over five years to become law, other contextual factors also emerged to bolster the urgency of congressional reform, particularly sharper legislative-executive conflicts over the Vietnam War and national budgeting.)

In 1964, Mike Monroney, now a Senator, announced that he would introduce legislation (S. Con. Res. 2) to establish a successor to the 1945 Joint Committee. Reform ranks were swollen in both chambers by the large influx of change-oriented Democrats, especially after the landslide election

[19] Monroney, *The Strengthening of American Political Institutions*, p. 9.

[20] Galloway, "The Operation of the Legislative Reorganization Act of 1946," p. 53.

[21] Recent years have sparked concern that Congress has not invested sufficiently in its staffing given the complexity of many contemporary challenges. See Timothy M. LaPira, Lee Drutman, and Kevin R. Kosar, eds., *Congress Overwhelmed: The Decline in Congressional Capacity and Prospects for Reform* (Chicago: University of Chicago Press, 2020).

[22] Walter Kravitz, "The Legislative Reorganization Act of 1970," *Legislative Studies Quarterly*, August 1990, pp. 375-376.

of November 1964 (House, 295D, 140R; Senate, 68D, 32R). House companion legislation was introduced in January 1965 by Representative Ray J. Madden, a member of the Rules Committee. Senator Monroney told his Senate colleagues that the intent of his proposal was "to seek solutions to the problems of Congress on which there is consensus that something should be done."[23] In March 1965 the second Joint Committee was established. Its mandate was similar to the 1945 joint panel: to study and make recommendations to improve the organization and operation of Congress. Informally, the joint panel was referred to as the Monroney-Madden Committee after the two co-chairs. The joint panel consisted of 12 members, six from each chamber equally divided between the two parties.

Charter Restrictions

Like its predecessor, the 1965 Joint Committee was prohibited from recommending changes in House or Senate rules that would affect either chamber's power structure, such as seniority or the filibuster. These constraints encouraged a moderate and centrist approach to reorganization by the Joint Committee. The joint panel received testimony on many other topics during hearings conducted from May to September 1965. The Joint Committee's printed testimony consumed over 2,300 pages.

On July 21, 1966, after 10 months of negotiations, the Joint Committee unanimously reported 66 reform recommendations. The Joint Committee's report (S. Rept. 1414) contained a list of reforms on such matters as the elimination of proxy voting in committee, more availability of budget information to lawmakers through automatic data processing, additional oversight assistance to committees by the General Accounting Office (GAO)—renamed the Government Accountability Office in 2004—and allowing broadcasting of committee hearings. In the view of Co-Chair Monroney, "A lot of little reforms add up to big reform. If we're going to get an up-to-date, modern Congress, it will be a mosaic you build from lots of little improvements."[24]

Role of Party Leaders

After the Joint Committee issued its final report in July 1966, the Senate, emulating the approach of its predecessor, established a Special Committee on the Organization of Congress (composed of the Senate members of the Joint Committee). Its mission: transform the reform recommendations into legislative language (the Legislative Reorganization Act of 1966). Although the 1966 measure was introduced in both houses, neither chamber acted on the bill before the 89th Congress adjourned. When the 90th Congress convened, Senator Monroney introduced the Legislative Reorganization Act of 1967 (S. 355). On a bipartisan basis, the Senate's leadership backed the bill. Majority Leader Mike Mansfield set aside six weeks for the consideration for S. 355, which gave Senators ample time to have their say on reform. On March 7, 1967, the Senate passed S. 355 by a vote of 75-9. The reform bill was then sent to the House.

Speaker John McCormack opposed the Senate bill and referred it to the House Rules Committee, headed by conservative Chairman William Colmer. Colmer also opposed the measure. A member of the Rules Committee remarked that the Speaker had "put the bill in the refrigerator"—where it would stay for the next three years.[25]

[23] Bibby and Davidson, *On Capitol Hill*, p. 253.

[24] Bibby and Davidson, *On Capitol Hill*, p. 255.

[25] Bibby and Davidson, *On Capitol Hill*, p. 257.

Chairman Colmer held one day of hearings on S. 355; thereafter, the bill languished in the Rules Committee until the 90th Congress adjourned in October 1968. Various groups of reform-minded Democrats and Republicans tried unsuccessfully to pressure the Rules Committee to report S. 355 for House consideration. For example, Representative Donald Rumsfeld formed an ad hoc group, dubbed "Rumsfeld's Raiders," to stall House action in the hopes of forcing the Speaker to schedule floor consideration of the reorganization bill. The pressure tactics did not succeed.

When the 91st Congress began in January 1969, Richard Nixon was in the White House, liberal Democrats and reform-minded Republicans were anxious to put the House in order, nearly half the House had sponsored or co-sponsored reform bills, and many House Democrats were intensely frustrated and discontented with their top leaders and the way the chamber was being managed. Representative Allard Lowenstein compared the House to the "Black Hole of Calcutta. Nothing prepares you for its horrors."[26]

In this legislative climate, liberal Representative Morris Udall challenged John McCormack for the speakership. Udall's action in the Democratic Caucus failed, but it sent an unmistakable message: It was time for legislative reorganization. The Speaker and Rules Chairman Colmer agreed to take action despite their arguably limited commitment to reform. In 1969, Chairman Colmer appointed a three-person Rules subcommittee to draft a reform bill. After considerable work, including hearings over three months (October, November, and December), the subcommittee produced a draft bill (H.R. 17654). It was presented to the Rules Committee early in 1970. The legislation made it to the floor in July 1970 and, after intermittent debate over nearly 10 weeks—a reform Member said of the slow pace, the Democratic leadership is "loving this bill to death"[27]—the measure was agreed to by the House (326-19) in September 1970 and sent to the Senate. After two days of debate, the Senate agreed to H. R. 17654 with amendments on October 6 by a vote of 59-5. Two days later, bypassing the conference stage, the House agreed to the Senate's amendments and sent the LRA of 1970 to the White House. President Nixon signed the legislation into law (P.L. 91-510) on October 26, 1970.

Persistence and Adaptation

Congressional reform, like so many issues, is not for the faint-hearted. It can take years—even much longer—for some ideas to become law. Many unexpected and unwanted things can happen along the procedural and political pathway to foil the plans of reorganization leaders. Recall that time ran out on the 1966 LRA. Neither the House nor Senate considered the reform bill. The next year, the Senate, over a three-month period, debated and passed the 1967 LRA. The House refused to call up the bill. After the 1968 election, momentum began to develop for enactment of legislative reform. From start to finish, enactment of the reorganization bill required close to five-and-one-half years of commitment and effort. Senator Monroney, who was defeated for reelection, was not even serving in the Congress that passed his progeny: the 1970 LRA.[28]

Congressional reorganization is neither easy to achieve nor ever over. As a dynamic institution, Congress adapts constantly to internal and external developments. Purposeful reforms enable Members of the House and Senate to respond and adjust to new challenges and conditions. Reform success often depends on a variety of overlapping factors, such as skillful leaders who can produce a reform product that attracts sufficient support to win enactment in one or both

[26] Norman C. Miller, "Updating Congress," *Wall Street Journal*, March 27, 1969, p. 1.

[27] Bibby and Davidson, *On Capitol Hill*, p. 273.

[28] In the November 1968 election, Senator Monroney lost his Oklahoma seat to Henry Bellmon, the state's GOP governor.

chambers and adroit strategies that both harness the backing of diverse lawmakers and surmount the inevitable obstacles to institutional change (lawmakers who perceive losses to their influence, for instance). Skillful leaders and good strategies contributed to the enactment of the 1970 LRA. Unlike the ambitious aims of its 1946 counterpart (e.g., major committee restructuring), the 1970 LRA "did solve or alleviate a wide range of procedural and institutional problems."[29] For instance, the requirement that standing committees adopt formal, written procedural rules (regular meeting days, for instance) weakened the arbitrary scheduling authority of powerful committee chairs.

Bicameral Coordination

When the 90th Congress began, the first major measure taken up by the Senate was the Legislative Reorganization Act of 1967 (S. 355). Debate on the bill consumed 18 days, extending from January 25 to March 7, before the Senate passed the 1967 bill by a 75-9 vote. The momentum and outlook for reform appeared bright. Instead, upon receipt of the 1967 bill from the Senate, the House pigeonholed S. 355 in the largely anti-reform Rules Committee. The measure was never subject to floor consideration.

When the 91st Congress began, an informal, bicameral understanding was reached: The House would act first on legislative reorganization to see if the votes were there to pass the reform measure (H.R. 17654). Simply put, the Senate did not want to waste valuable floor time debating the bill if the House was unlikely to act on legislative reform. Acting first, the House debated, amended, and passed (326-19) the reform bill, a period that extended from July through September 17, 1970. The House bill was then sent to the Senate. That chamber amended and then adopted H.R. 17654 on October 6 by a wide margin (59-5). The measure was returned to the House, which agreed to the Senate amendments on October 8 by voice vote, clearing the bill for presidential consideration. On October 26, 1970, President Nixon signed H.R. 17654 into law (P.L. 91-510).

Outreach: Building Public Support

Although press and media coverage of the reorganization effort was not extensive, one House bipartisan floor amendment to the LRA did attract considerable national publicity and support. The amendment's purposes—anti-secrecy and transparency—resonated with the general public as well as many Members of both parties. The bipartisan amendment would require the votes of Members to be recorded in the House's key amending forum: the so-called Committee of the Whole. Prior to this new change (which was referred to as "recorded teller voting"), the ballots of lawmakers in the Committee of the Whole were not recorded. Amendments passed (or failed) by voice votes or raw numerical counts—150 ayes, 80 nays, for example—with no notice of how individual lawmakers voted. A consequence of the recorded teller change was to weaken Member deference to committee chairs and their policy positions. In the view of a legislative expert, "By denying members the anonymity they previously enjoyed, the new [recorded teller vote] rule encouraged them to vote on amendments as they believed their constituents wanted them to, even if this meant defying committee leaders."[30]

This "sunshine" amendment, which was adopted, helped to generate an outside reform constituency of people and groups who favored stronger Member accountability to their

[29] Kravitz, "The Legislative Reorganization Act of 1970," p. 396. This article identifies a wide array of legislative reforms that Kravitz characterized as "modest" but important nevertheless.

[30] Kravitz, "The Legislative Reorganization Act of 1970," p. 391.

constituents. A leader in this effort was former journalist Dick Conlon, the staff director of the Democratic Study Group, a liberal House reform organization. He understood the need to mobilize the support of lobby groups (the AFL-CIO, for instance) and the editors of the nation's press. Conlon's strategy won outside support that contributed to House adoption of recorded teller voting. To illustrate: The Member who chaired the Democratic Study Group "wrote to the editors of 600 newspapers, as well as to national political columnists. A two-page letter [signed by 22 bipartisan House members] was mailed to 2,000 editorial page editors and news editors." An official of the University of Missouri's Freedom of Information Center "alerted 770 daily newspapers and 600 radio and television stations in urban areas" to champion adoption the anti-secrecy amendment.[31]

House adoption of recorded teller voting increased floor amending activity, which contributed to the gradual weakening the committee-centric model of decisionmaking then in place. A congressional scholar stated: "Whereas standing committees—and their senior members, in particular—had in the past been the primary shapers of legislation, the floor became an increasingly critical battleground in the 1970s."[32]

Several Notable Provisions of the 1970 LRA

In general, the broad themes of the 1970 LRA were threefold: strengthen the analytical capacity of Congress, achieve a prudent balance between majority and minority party prerogatives, and enhance transparency.[33] Several specific changes pertinent to each theme are mentioned next.

- **Transparency.** The law ended unrecorded votes in the Committee of the Whole, required advance public notice of committee hearings, allowed radio and television broadcasting of hearings, and made committee roll call votes public.
- **Majority and minority rights.** The law granted each committee's minority party one-third of the investigative funds allocated to the majority, allowed the committee minority party one day in which to call witnesses of their choosing, banned general proxies (absentee voting) in committee—a practice that augmented the chairs' powers (they could cast the votes of absentee lawmakers)—and guaranteed the House minority party half the floor debate time for consideration of conference reports.
- **Analytical capacity.** The law authorized professional training for committee staff, renamed the Legislative Reference Service the Congressional Research Service and granted it a larger role in policy analysis, and assigned additional program performance responsibilities to GAO.

The 1970 LRA addressed a large number of other topics, such as authorizing installation of electronic voting in the House, requiring House and Senate committees to prepare biennial oversight reports, directing the House Appropriations Committee to hold annual hearings on the President's budget, publishing House precedents, and creating the Capitol Guide Service.

[31] Bibby and Davidson, *On Capitol Hill*, p. 270. Also see Schickler, *Disjointed Pluralism*, pp. 213-217.

[32] Schickler, *Disjointed Pluralism*, p. 217.

[33] For a detailed discussion of House and Senate changes wrought by the 1970 Act, see Kravitz, "The Legislative Reorganization Act of 1970."

The 1993 Joint Committee on the Organization of the Congress

Context

Many factors and interests influence major reform efforts, as noted by the 1945 and 1965 initiatives. Three developments encouraged the creation of the 1993 Joint Committee, which emulated the aims of its two predecessors.[34] First, a more aggressive form of partisanship was taking hold in Congress, especially in the House. Gradually, House Republicans became more and more frustrated at being the "permanent minority"—Democrats were the majority party for 40 years (1955-1995). Many Republican lawmakers opposed actions of the majority party that minimized the role of the minority, such as restricting GOP opportunities to offer floor amendments.[35] Democrats disputed the minority's views, arguing that restrictive rules facilitated the orderly conduct of business and blocked politically charged GOP amendments designed to create reelection grief for vulnerable House Democrats. Even so, legislative reform soon became a key theme for many GOP lawmakers as well as for newly elected, change-oriented Democrats. They stoked reform interest in both legislative parties.

Second, the so-called House bank scandal triggered huge public anger at Congress. A GAO report in September 1991 revealed that many lawmakers had collectively written thousands of checks without sufficient funds in their accounts, yet the House bank covered their overdrafts with no penalty. Many constituents were livid at this practice, and implicated lawmakers of both parties were defeated in the November 1992 elections. (There was also a Postal Service scandal in 1991 involving Members who converted office funds into cash for personal use. In the Senate, allegations in 1990 and 1991 suggested that several Senators sought to influence federal regulators at the behest of Charles Keating, a campaign contributor.)

Third, public approval of Congress plummeted and fueled the urgency of institutional reform. Gallup polls revealed that public approval of Congress was 26 percent in 1990 and 18 percent in 1992. Extensive media coverage heightened the electoral potency of the scandals, which encouraged lawmakers to support creation of a joint reorganization panel. In short, reelection incentives encouraged some Members to be pro-reform advocates.

Bipartisan lawmakers in both chambers urged formation of another joint reorganization panel. Among the major bipartisan and bicameral advocates of a new joint reform panel were Senators David Boren and Pete Domenici; the initial House champions were Lee Hamilton and Bill Gradison. (Representative Gradison resigned from the House in January 1993. He was replaced as vice chair of the joint panel by David Dreier.)

In July 1991, companion legislation was introduced in each chamber and adopted (H. Con. Res.192) first by the House (412-4) on June 18, 1992, and unanimously by the Senate in July after it approved one amendment. That amendment, which the House concurred in, prohibited the joint panel from conducting business until after the November elections. The 28-member bipartisan panel (14 from each chamber) was co-chaired by Representative Hamilton and Senator

[34] This discussion of the 1993 Joint Committee, as well as the earlier section on reform objectives, draws upon the observations made by C. Lawrence Evans and Walter J. Oleszek, *Congress Under Fire: Reform Politics and the Republican Majority* (Boston: Houghton Mifflin Company, 1997).

[35] William F. Connelly Jr. and John J. Pitney Jr., *Congress' Permanent Majority? Republicans in the U.S. House* (Lanham, MD: Littlefield Adams, 1994).

Boren. The vice chairs were Representative Dreier and Senator Domenici. The majority and minority leaders of each chamber served as *ex officio* members of the Joint Committee.

Hearings and Related Activities

The Joint Committee devoted the first half of 1993 to an extensive round of televised (over C-SPAN) hearings to review the broad landscape of reorganization alternatives. The Speaker and the top two party leaders of each chamber testified and offered their perspectives on reform. The joint panel also held four roundtables (budget process reform, committee structure, legislative-executive relations, and staffing) with a number of current and former congressional staff, academics, and outside experts. The joint panel sponsored surveys of House and Senate Members and staff to solicit their ideas and views of congressional reform options. In addition, outside organizations also prepared commissioned reports for the joint panel. In June 1993, the committee held a two-day retreat at the U.S. Naval Academy, and the four chairs of the joint panel sent a letter and op-ed article on legislative reform to 1,600 newspaper editors requesting that they let their readers know that the Joint Committee wanted to hear their views on reform. Over a thousand individuals responded to the joint panel's request.

Markup

An early clue of the bicameral and partisan difficulties ahead concerned the markup phase of committee decisionmaking. There was no bicameral markup by the Joint Committee because of partisan and policy disagreements between the two chambers. Instead, the Joint Committee split, and each chamber devised its own markup proposal. Senators Boren and Domenici had little difficulty in drafting a consensus reform plan for markup by the Senate Members of the Joint Committee. The Senate side easily adopted the Boren-Domenici plan.

On the House side, Representative Hamilton drafted a stripped-down "mark" that included only reform proposals that enjoyed broad bipartisan support. Sharp party differences on key issues provoked this development. Partisan polarization was also more evident in House proceedings. Specifically, Representative Dreier wanted the Joint Committee's markup package to include a number of minority rights proposals, such as an end to proxy voting in committee. Panel Democrats, along with the Democratic Caucus, opposed consideration of the GOP's proposals for enhanced minority rights until the Senate agreed to revamp its filibuster (prolonged debate) procedure. Senate leaders did not agree to this proposal. In the end, the House members of the joint panel agreed to a package of changes that somewhat resembled the Senate's bipartisan plan.

Recommendations

Each House and Senate group made a number of recommendations unique to their chambers concerning the committee system, floor procedure and scheduling, staffing, the ethics process, and legislative-executive relations. There were also similar reform recommendations included in each group's recommendations, such as applying workplace safety laws to Congress. Biennial budgeting was endorsed by both groups. The House's version of the proposal stated that there should be two-year presidential budget submissions, two-year concurrent budget resolutions, multi-year authorizations, and two-year appropriations. The Senate's version was somewhat similar: two-year budget resolutions and biennial appropriations, with the spending bills adopted during the first session and authorizations enacted in the second session of a Congress. For a review of the Joint Committee's reform proposals, three final reports of the panel provide detailed information regarding the scope of its recommendations, such as the committee system, floor

procedure and scheduling, the budget process, staffing, application of laws to Congress, ethics, legislative-executive relations, information technology, and public understanding of Congress.[36]

Legislative Reorganization Act of 1994

Despite the inter-chamber divide on the Joint Committee, the two sides introduced on February 3, 1994, their version of the Legislative Reorganization Act of 1994 (S. 1824 and H.R. 3801). Neither bill received floor consideration in its respective chamber. On the Senate side, the reorganization bill introduced by Senators Boren and Domenici was referred to the Committee on Rules and Administration. The panel held hearings on their bill in the spring and then, at a June meeting, Rules and Administration divided the measure into three parts and favorably reported a modified version of S. 1824 and two resolutions: S. Res. 27 (committee size reductions) and S. Res. 28 (floor procedure). The Senate did not consider these measures, in part because legislative leaders did not want to open fissures in majority party ranks in a mid-term election year. Frustrated that the majority leader would not schedule floor consideration of the reform measures, Senators Boren and Domenici offered an amendment to the District of Columbia appropriations bill that included all the recommendations of the Joint Committee. The Boren-Domenici amendment was rejected by the Senate.

In the House, Representative Hamilton introduced the Legislative Reorganization Act (H.R. 3801), which was referred jointly to three committees (Rules, House Administration, and Government Operations). Rules took the lead on the measure. The vice chair of the Joint Committee, David Dreier, chose not to co-sponsor the legislation because Speaker Thomas Foley would not commit in advance to an open floor amendment process. The Rules Committee, led by Chairman Joe Moakley, held two public markup sessions on the bill. During the midway point of the second markup (September 21), Chairman Moakley recessed the meeting, went into a nearby room, and spoke with Speaker Foley about two controversial amendments opposed by many in the majority party: banning proxy voting in committee and revamping committee jurisdictions. When Moakley returned to the markup session, he declared the meeting over. No further House action occurred on H.R. 3801, which died at the end of the 103rd Congress.

Reform Resurrected

The November 1994 mid-term elections produced an electoral earthquake: Republicans won control of the House after 40 consecutive years of Democratic majorities. The Senate went Republican for the first time in a decade. Because of Representative Dreier's lead role on the Joint Committee, the soon-to-be new Speaker, Newt Gingrich, asked him to take the lead in recommending legislative reforms to be part of the package of House rule changes adopted on the opening day of the 104th Congress. After four decades in the minority, the new majority wanted major institutional change. A response: Representative Dreier ensured that many of the Joint Committee's recommendations became part of the House's new rules, such as banning proxy (absentee) voting in committee, designating a primary committee of jurisdiction when a measure is jointly referred, and restricting the number of subcommittees per most standing committees.

Dreier also backed restructuring the 104th House's committee system, something that he could not achieve as vice chair of the Joint Committee but could as Speaker Gingrich's reform leader. For

[36] *Organization of the Congress, Final Report of the House Members of the Joint Committee on the Organization of Congress*, House Report 103-413, vol. I, December 1993; *Organization of the Congress, Final Report of the Senate Members of the Joint Committee on the Organization of Congress*, Senate Report 103-215, vol. I, December 1993; and *Organization of the Congress, Final Report of the Joint Committee on the Organization of Congress*, House Report 103-413, vol. II, and Senate Report 103-215, vol. II, December 1993.

example, rules for the new House eliminated three standing committees (District of Columbia, Post Office and Civil Service, and Merchant Marine and Fisheries) and renamed several others: For instance, the Interior and Insular Affairs Committee became the Natural Resources Committee. Consider that the first bill signed into law by President Bill Clinton in 1995 was the Congressional Accountability Act—applying workplace safety laws to Congress—recommended by the Joint Committee and popular among numerous lawmakers of both parties.

Republican initiatives also accelerated the House's shift from the "committee-centric" model of decisionmaking to today's "party-centric" form of governance—a fundamental transformation in the dynamics of congressional power. Gingrich spurred this development. For example, he took actions that simultaneously strengthened the Speaker's authority and reduced the influence of the committee chairs, long a rival center of power. Two party rule changes were instrumental in this transition. First, Gingrich transformed the GOP's committee assignment process by augmenting the Speaker's authority. New Republican Conference rules made the Speaker the chair of the party assignment panel, allowed the Speaker to influence the membership of the panel, and gave the Speaker more votes (five) than any other Republican when balloting was utilized by the party committee. Second, Gingrich backed a six-year term limit for committee (and subcommittee) chairs, ensuring that committee chairs recognize that they are not independent actors—common in the rigid seniority system of the committee-centric era—but dependent on the majority leadership for their positions. The bottom line: Not since the 1946 LRA did the House reorganize itself in so many significant ways.

Concluding Observations

History demonstrates that Congress is a dynamic institution, willing to reform its procedures, structures, and processes to meet new circumstances and to better fulfill its major responsibilities: crafter of federal laws, voice of the people (as Members interpret), and overseer of the executive branch. Institutional alterations occur in various ways—formal and informal, planned and unplanned. Their fate is uncertain and variable. For example, some reforms and changes are permanent and others temporary; some become obsolete and are discarded; some require periodic repair and renewal; some fail outright or in a short time period; some are comprehensive and some incremental; some occur rather quickly; others may take years or decades to emerge as significant parliamentary developments. Consider this momentous transformation. Where power was once dispersed among many powerful committee chairs, it is now centralized in the hands of majority party leaders. No legislative reform committee—like the three formed in 1945, 1965, and 1993—recommended this consequential change in the lawmaking process. It emerged over time for many reasons that have been examined by numerous scholars, such as the intensity of electoral competition between the two political parties to win or hold majority control of the House and Senate, as well as the White House.[37]

Legislative reorganizations commonly address an array of similar reform topics. They include such matters as: committee structure (e.g., the number, workload, and jurisdiction of committees); floor procedure for debate and amendment in the House and Senate; legislative staffing for Members, committees, party leaders, and legislative support units; the power relationship between committees and party leaders; the budget process (authorizations, appropriations,

[37] Frances E. Lee, *Unstable Majorities: Congress and the Perpetual Campaign* (Chicago: University of Chicago Press, 2006). Also see Nathaniel Persily, ed., *Solutions to Political Polarization in America* (New York: Cambridge University Press, 2015); James A. Thurber and Antoine Yoshinaka, eds., *American Gridlock: The Sources, Character, and Impact of Political Polarization* (New York: Cambridge University Press, 2015); and Nolan McCarty, *Polarization: What Everyone Needs to Know* (New York: Oxford University Press, 2019).

continuing resolutions, and so on); or the schedule of chamber business (e.g., four- or five-day workweeks or three weeks in Washington, DC, and one week in the district or state). These constants of reform occur because they are core features of Congress and fundamental to its organization and operation. Congressional committees, for instance, have been in existence since the 1st Congress, albeit early on mainly as temporary panels.

In the ever-changing institution that is Congress, different types of reform proposals emerge to reflect evolving developments (social, electoral, economic, and so on) in Congress and the country. Examples include employing new technologies in the work of Congress (Zoom hearings in Congress and remote voting on the House floor, both prompted by Coronavirus Disease 2019); encouraging greater civility and comity in lawmaking in this period of sharp, sometimes combative, partisan polarization (wider use of bipartisan committee staff and Member retreats); and improving the working conditions and retention rates of congressional staff (better compensation, more diversity, and professional training opportunities). In short, change and reform are permanent features of the legislative branch. Thomas Jefferson emphasized that "as new discoveries are made, new truths discovered and manners and opinions change, with the change in circumstances, institutions must advance also to keep pace with the times."[38]

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Disclaimer

[38] Letter to Samuel Kercheval, July 12, 1816, *The Writings of Thomas Jefferson, Memorial Edition*, vol. 15 (Washington, DC: Thomas Jefferson Memorial Association of the United States, 1904), p. 41.