Patterns of Floor Consideration in the House of Representatives

Stanley Bach

Congressional Research Service / Library of Congress

Center for American Political Studies

HARVARD UNIVERSITY

Occasional Paper 88-9

SUPPORTED BY THE JOSEPH B. GROSSMAN FUND

Department of Government / Littauer Center M-25 / Cambridge MA 02138 / 617 495-9271

PATTERNS OF FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES

by

Stanley Bach
Congressional Research Service
Library of Congress

Occasional Paper 88-9

Prepared for presentation at the Center for American Political Studies of Harvard University, Cambridge, Massachusetts, on December 9, 1988.

PATTERNS OF FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES

Stanley Bach*
Congressional Research Service
The Library of Congress

In holding the legislative veto unconstitutional, Chief Justice Burger discerned in Article I "the Framer's decision that the legislative power of the Federal Government be exercised in accord with a single, finely wrought and exhaustively considered procedure."[1] While this may be an appropriate interpretation of the constitutional requirements for bicameral agreement and presentment, it is difficult to reconcile Burger's assertion with Congress' exercise of the authority, also granted by Article I, for each house to determine the rules of its proceedings. The Senate's legislative process may involve exhaustive consideration, for example, but it is hardly a single, finely wrought process, if by that we mean a process that is patterned, consistent, and predictable.

By the same token, there is no single procedure, finely wrought or otherwise, by which the House of Representatives exercises its legislative power. In fact, one of the more important characteristics of the legislative process in the House is the availability of alternative procedures for considering bills and resolutions on the floor. This study examines those procedures for two related purposes: first, to ascertain how the House actually has acted on legislation during recent Congresses; and second, to explore the implications of these patterns and trends for members' ability to participate actively in

---

*The views expressed here do not constitute a position of the Congressional Research Service or the Library of Congress.

devising and refining the language of law through the amendment process on the House floor. We shall find that the House has been considering a large and increasing proportion of measures under procedures that limit deliberation in favor of expediting decisions. Roughly 40 percent of all the bills and joint resolutions the House now passes are effectively protected against floor amendments either because the procedures under which these measures are considered prohibit amendments altogether or because members find it prohibitively difficult to overcome the procedural obstacles that amendments confront.[2] A somewhat larger share of the measures passed may be amendable in principle but they are not amended in practice because their content and purposes give members no reason to offer amendments to them. Only for the remaining small fraction of measures, no more than one measure in nine during 1985-1986, is there a real likelihood that the amendment process on the House floor can and will make a significant difference in the outcome of the legislative process.

This study begins with a summary of the ways in which measures can reach the House floor, and the linkages between these paths to the floor and the House's four different procedures on the floor for debating, perhaps amending, and then voting on legislation. In the second section, we briefly examine these alternative procedures and the possibility or likelihood of floor amendments under each of them. Those familiar with these matters may turn directly to the third section, which discusses the frequency with which, and the purposes for which, the House has used each of its paths and procedures between 1975 and 1986, during the 94th-99th Congresses. The concluding section begins an assessment of what these patterns of floor consideration mean for the members of the House and for the legislative process.

THE QUESTION OF CONSIDERATION

As Figure 1 portrays, there are essentially three ways in which bills and resolutions can reach the House floor for initial consideration: as privileged measures or orders of business, under special rules, and by unanimous consent.[3] The first of these paths to the floor includes a number of separate tracks.

Certain kinds of measures, when reported by certain committees, are privileged; the committee's chairman or another authorized member may call one of them up for consideration when there is no other matter pending on the House floor.[4] These measures include general appropriations bills reported by the Appropriations Committee, budget resolutions and reconciliation bills reported by the Budget Committee, and committee funding resolutions reported by the House Administration Committee.[5] Also privileged are resolutions, reported by the Rules Committee, affecting the House's rules or its order of business on the floor.[6] The privileged standing of some other kinds of measures also depends on their content or purpose, but not on approval by a standing committee. Among other privileged measures, for example, are committee assignment resolutions offered at the direction of either party caucus,[7] resolutions of inquiry seeking information from the Executive Branch,[8] and resolutions of approval or disapproval considered under expedited procedures enacted in rule-making statutes.[9]

Appropriations measures are the only significant and numerous class of bills and joint resolutions that are privileged for initial floor consideration at any time.[10] With few other exceptions, such as occasional reconciliation bills and joint resolutions of approval or disapproval, most privileged measures are House or concurrent resolutions with no force beyond Capitol Hill

(especially after the Chadha decision). So most proposed laws must reach the House floor by other means.

To this end, the House's rules also create special orders of business by which other measures can be called up for consideration on designated days. Rule XXIV sets aside two Mondays of each month for the District of Columbia Committee to call up bills it has reported;[11] and private bills affecting specific persons or entities are in order only on two Tuesdays.[12] Other special orders of business are not tied to the content or purpose of measures. On any Monday and Tuesday, for instance, the House can consider any measure as part of a motion to suspend the rules.[13] And on any Wednesday, a committee could invoke the almost moribund Calendar Wednesday procedure to bring up a bill it has reported.[14] Reported bills that members have placed on a special Consent Calendar are called up on two days each month,[15] just as two other days are set aside for motions to discharge committees and bring measures directly to the floor.[16]

As we shall find, these special orders of business are not well-suited for considering major and controversial measures that are not privileged in their own right. Instead, each of these bills usually reaches the floor under the terms of a special rule--a privileged resolution affecting the order of business--reported by the Rules Committee and adopted by the House. A primary purpose of most such rules is to make a non-privileged measure in order for floor consideration and passage by majority vote. Alternatively, and finally, any member may ask unanimous consent that the House take up any measure, regardless of its subject or legislative history, and notwithstanding all of the House's formal rules and precedents governing the order of business on the floor.[17]

Just as there are several ways in which bills and resolutions can reach the House floor, there also are several ways in which the House can consider them on the floor: (1) in the House, (2) in Committee of the Whole, (3) in the hybrid form known as the House as in Committee of the Whole, or (4) under suspension of the rules. Analytically, the question of whether the House shall consider a measure is separate and distinguishable from the question of how the House shall consider it. Procedurally, however, the two questions often are linked, when the House's rules require that a certain procedure govern floor action on some or all measures reaching the floor in a certain way. For example, special rules are considered in the House, whereas general appropriations bills called up as privileged measures are considered in Committee of the Whole.[18] Bills from the Private Calendar are considered in the House as in Committee of the Whole.[19] And measures called up via suspension motions are considered under the special procedure that is always used for acting on such motions, and for no other purpose.[20]

In other cases, bills reaching the floor in the same way may be considered in different ways, depending on their content and, therefore, the calendar on which they have been placed (or would have been placed, if reported from committee). In general, all authorization, appropriation, tax, and budget measures are placed on the Union Calendar when reported from committee, and then are considered in Committee of the Whole or in the House as in Committee of the Whole.[21] Other measures are placed on the House Calendar and then are considered in the House. Thus, a bill coming to the floor via Calendar Wednesday or the discharge rule is considered either in the House or in Committee of the Whole, depending on the calendar on which it is listed (or would have been listed if reported). And a bill called from the Consent Calendar is considered

either in the House or in the House as in Committee of the Whole, depending on whether it had rested previously on the House or Union Calendar. Finally of course, by agreeing to a special rule or unanimous consent request, the House can decide to consider any measure in any way, without regard to what House rules and precedents otherwise would require. These options for bringing bills and resolutions to the floor and then for considering them give rise to the matrix depicted in Figure 1.

OPPORTUNITIES FOR AMENDMENT

Thus, the procedure by which the House considers a measure can be decided by application of its standing rules and precedents or by adoption of a special rule or unanimous consent agreement. And this decision matters; it affects whether and how the House may change the bill's provisions before voting on it. So we turn next to a brief examination of the House's four procedures, focusing on how easy or difficult it is for members to offer floor amendments to measures being considered under each of them.[22]

The suspension procedure imposes the most severe constraints on members' participation because it limits floor debate to 40 minutes and prohibits all floor amendments, but then requires a two-thirds vote for passage.[23] The House must vote for or against the bill as it is presented for consideration.[24] A member may move to suspend the rules and pass a bill as amended, in which case the House casts a single vote on amending the measure and passing it. But amendments that are proposed as part of suspension motions almost invariably are included by direction or with approval of the committee of jurisdiction.[25] Individual Representatives have no opportunity at all to propose floor amend-

ments. For this reason, members occasionally have complained that bills have been brought up under suspension to protect them against potentially winning amendments, but the two-thirds vote requirement severely limits the appeal of this strategy.[26] The use of suspension motions may suppress amendments that members otherwise would offer, but it is much less likely to preclude amendments that a majority of the House would adopt. And because of the two-thirds vote requirement, the constraints of the suspension procedure affect all members equally on the floor. Suspension motions do not put the minority party at any special disadvantage because passing them almost always requires at least some Republican support. Therefore, any objections that most minority party members share must be accommodated.[27]

The procedure for considering bills in the House, under the one-hour rule, does not prohibit floor amendments altogether, but it does place an imposing obstacle in the way of any member wishing to offer one. This obstacle is the motion to order the previous question which, when adopted, precludes all amendments and all further debate and usually brings the House to an immediate vote on approving the measure. Thus, by agreeing to this motion, a simple majority of Representatives can prevent all their colleagues from offering any amendments.

When a bill is called up in the House, the Speaker recognizes the majority floor manager to control the floor for the first hour of consideration. During the hour, that member may propose an amendment (presumably supported by most of the committee), but no one else can do so unless the floor manager yields for that purpose, which he or she is very unlikely to do. If an amendment would be welcome, the floor manager normally prefers to offer it; if the amendment would be unwelcome, he or she declines to yield to anyone for the purpose of

proposing it. By the end of this first hour of consideration, the majority floor manager always moves the previous question which, if adopted, precludes a second hour of consideration during which the next member to control the floor could offer an amendment. In principle, the floor manager could decline to move the previous question, and so permit a second hour of consideration and a floor amendment, but there is no reason for him or her not to make the motion. The manager has no interest in prolonging the debate, nor in losing control of the floor and the measure, and certainly not in permitting an unwelcome amendment.

In the House, therefore, a member wishing to offer an amendment against the will of the floor manager first must convince a majority to vote against ordering the previous question.[28] The vote on this motion becomes a test vote on the amendment to be proposed if the motion is defeated; however, this vote is not always an accurate indicator of support for the amendment itself. All members who vote against ordering the previous question almost certainly would vote for the amendment; but members who would be obligated to support the amendment, if offered, sometimes can support the committee's position by voting for the previous question, a "procedural vote" (as it often is characterized) that is difficult to explain simply and clearly. So the procedure in the House strongly militates against any floor amendment, and makes a series of first and second degree amendments almost inconceivable because the previous question would have to be rejected or not offered before members could propose each of them.[29]

We can gauge the paucity of amendment activity in the House by examining efforts to amend the most important and contentious of the measures considered regularly in this way--the special rules reported by the Rules Committee for

considering other bills and resolutions. Between 1975 and 1986, the House adopted a total of 945 special rules providing for initial floor consideration of measures. Only 5 percent of the time (47 instances) was there a rollcall vote on ordering the previous question, which any one member usually can require. And only 3 of the 945 resolutions actually were amended.[30] In view of the controversy these rules often have provoked, this record can only be taken as evidence of members' belief, borne out by experience, that it usually is futile to attempt to amend them.[31] There is no particular procedural difficulty involved in defeating the previous question to consider an amendment in the House; it merely requires majority support. In practice, however, this motion is a very difficult obstacle to overcome during consideration of special rules because, as noted earlier, the vote on it can be characterized as merely procedural, making it somewhat easier for Democratic members to vote with their party and committee leaders. On the other hand, we shall find that members fail to amend (or make no attempt to amend) most bills and joint resolutions considered in the House not because of the procedural obstacle amendments face, but because the nature of these measures gives members no compelling interest in attempting to surmount it.

The essential difference between the procedure in the House and the procedure in the House as in Committee of the Whole lies in the difference between the one-hour rule and the five-minute rule. Under the latter procedure, each member who is recognized, even the majority floor manager, controls the floor for only five minutes, not for an hour; and any member recognized under the five-minute rule may engage in debate or propose an amendment.[32] As in the House, however, a member controlling the floor also may move the previous question on the bill, thereby proposing to conclude debate and preclude further

amendments. The floor manager even could make this motion after his or her five-minute statement to open the debate, just as he or she does by the end of the first hour of consideration in the House. But this would be unacceptable to the membership, because in addition to blocking amendments it would limit all debate on the bill to no more than five minutes. In the House as in Committee of the Whole, therefore, other members can expect to have opportunities to control the floor and offer amendments until no one else wishes to do so or until the floor manager judges that the House is ready to end the process by ordering the previous question.

Clearly, then, this third procedure is much better suited than the procedure in the House to a process of offering and debating floor amendments. But considering a measure in the House as in Committee of the Whole is not a particularly orderly way of conducting business because members can propose their amendments to any part of the measure in any order, which does not make for systematic consideration of related issues and proposals. Also, the Speaker's conventional practice of recognizing senior committee members first to offer amendments can put other members at a severe disadvantage under this procedure. For such reasons, the House considers few bills in this way that members want to change. The measures that most members are most anxious to amend are considered in Committee of the Whole instead.

The amendment process in Committee of the Whole also is governed by the five-minute rule. However, it is preceded by a period for general debate, and followed by a final stage of consideration in the House, after the Committee of the Whole rises and reports the bill back to the House with whatever amendments it has adopted. The members then vote once again on these amendments before voting on final passage, but they do not propose additional amendments at this

point because the previous question is ordered immediately.[33] Of greater importance for our purposes are two other differences between procedure in the House as in Committee of the Whole and procedure in Committee of the Whole: under the latter procedure, measures normally are read for amendment by sections or titles, and the previous question is not in order.

Each Representative controlling the floor for five minutes in Committee of the Whole may use that time to debate or to propose an amendment. Most often, though, members can offer amendments only to whatever section or title of the bill is open for amendment at that time.[34] This makes for a more systematic procedure that is conducive to orderly consideration of many amendments,[35] but it also imposes severe limits on the majority floor manager's control over the proceedings, and especially over the amendments other members propose. The floor manager cannot preempt further amendments by moving the previous question, nor is there any other motion by which a majority can vote in Committee of the Whole to prevent consideration of amendments they prefer to avoid.[36] He or she can only move to end the debate on an amendment or on the pending portion of the bill (and all amendments to it), but not on the parts of the bill that have yet to be read for amendment. Moreover, this motion does not prevent members from offering additional amendments, which they even have time to explain if the amendments were printed in advance in the Congressional Record. If the floor manager fears one or more amendments, he or she can stop consideration of the bill at any time by moving that the Committee "rise."[37] But this leaves the Committee's work unfinished and the bill ineligible for passage. Under the regular procedure in Committee of the Whole, therefore, the amendment process ends only when there are no more germane amendments to be

offered or when there is no part of the bill that has not already been fully amended.[38]

Clearly, then, the House's four procedures have different effects on the likelihood of amendment activity. Under suspension of the rules, floor amendments are prohibited. In the House, an amendment can be proposed but only if the previous question is not ordered; and offering more than one amendment to a measure under this procedure would be extraordinarily unlikely. In the House as in Committee of the Whole, members can offer amendments more freely but the floor manager always can propose to end the process by moving the previous question. It is only in Committee of the Whole that members are not precluded by House rules from proposing amendments or cannot be prevented at any time from doing so by simple majority vote.[39] These differences affect what happens to measures on the floor, but they also affect what bills are taken up under each procedure.[40] Democratic party and committee leaders can bring up bills under suspension, or attempt to call them up in the House, in order to preclude floor amendments and expedite their passage. But there is little point in doing so unless the leaders are supported by the required majority. On the other hand, very few amendable bills actually are amended. The likelihood that members will offer amendments to a measure depends both on how the House considers it and what it proposes to do.

PATTERNS OF CONSIDERATION

With this foundation laid, we can inquire into the extent to which Representatives have been able and likely to participate in the making of law on the House floor. Table 1 presents data for the 94th-99th Congresses (1975-

1986) on floor consideration of bills and joint resolutions--the only measures that can become law.[41] This table re-arranges and simplifies the matrix presented in Figure 1, and excludes references to House and concurrent resolutions. From the table, we can assess the opportunities for floor amendments, and also draw some inferences about the likelihood of amending activity from the way in which measures have reached the floor for consideration.[42]

During 1975-1976 (the 94th Congress), the House passed 1,083 bills and joint resolutions, of which more than one-quarter were considered under suspension and so were immune from all floor amendments. An additional 12 percent were considered in the House; but of these 130 measures, there is good reason to believe that members would have been interested in amending no more than 5 of them, even if they all had been considered under a procedure more conducive to amendments. These 5 measures were considered in the House pursuant to special rules--an approach the Rules Committee is likely to recommend only when most members share an interest in passing a bill with dispatch and without amendment.[43] In spite of the increasing frequency of special rules restricting floor amendments, discussed below, the burden of proof continues to rest on members advocating the kinds of constraints these 5 rules imposed. So the Rules Committee rarely has anything to gain by proposing to limit or prohibit amendments unless it anticipates that members are prepared to offer one or more amendments that many of their colleagues prefer not to consider.

By contrast to these 5 measures, almost 9 of every 10 bills considered in the House were Senate bills passed "in lieu," as part of a routine and wholly non-controversial procedure to begin the process of reaching bicameral agreement, by a House-Senate conference or amendments between the houses. In fact, the House did amend each of these Senate bills, typically by striking out its

entire text (everything after the enacting clause) and replacing it with the text of a House bill on the same subject that the House had just passed.[44] This uncontested process of considering, amending, and passing the companion Senate bill often is necessary to bring the two houses to the point of having passed different versions of the same bill, so they can begin formally to resolve their policy differences. The process occurs by unanimous consent or under the terms of the special rule for considering the related House bill. In either event, it only takes moments and no policy questions are at stake.

The remaining few bills considered in the House reached the floor on calls of the Consent Calendar; on the floor, these 10 measures were treated in this way because they had originally been placed on the House Calendar when reported from committee. The first time a bill is called from the Consent Calendar, an objection by any member, for whatever reason, is enough to prevent its consideration. The bill then can be presented a second time, several weeks later, and is considered unless three or more members object. In practice, objections often are registered for members by their party's designated "objectors," who monitor bills on the Consent Calendar and object to passing them at the behest of party colleagues or at their own initiative. Instead of attempting to amend any one of these measures, therefore, a member unsatisfied in any way with its provisions has the simpler and more effective alternative of objecting to its consideration, or threatening to do so in order to open negotiations toward a satisfactory compromise. Moreover, most of the bills brought to the floor from the Consent Calendar are of narrow or purely local concern. Both parties' objectors have an express policy of objecting to the passage of any bill in this way if it involves a cost of at least $1 million or makes a permanent change in national or international policy.[45] For these reasons, then, there is very

little likelihood that the members of the House in the 94th Congress (or thereafter) would have offered significant amendments to measures from the Consent Calendar even if they had not been considered in the House.

Almost another quarter of the bills the House passed during 1975-1976 were considered in the House as in Committee of the Whole, so members could amend each of them until the House ordered the previous question. In most cases, however, they had very little reason to do so. Roughly three-fourths of the measures considered in this way were private bills, and any such bill is automatically recommitted to committee when two or more members object to passing it.[46] Forty-four of the remaining bills were called from the Consent Calendar and considered in the House as in Committee of the Whole because they had originally resided on the Union Calendar. Another 13 bills had been reported by the District of Columbia Committee. Such measures usually do not provoke much interest among members; controversial issues concerning the District arise more often when the House acts on its annual appropriations bill. Finally, and undoubtedly of greatest interest to the House, 11 measures to make or rescind appropriations were considered in the House as in Committee of the Whole by unanimous consent.

An additional 150 measures are listed in Table 1 as having been "considered by unanimous consent and passed without objection," a characterization at odds with our summary of how measures reach the House floor and can be considered. In fact, each of these bills actually was considered in the House or in the House as in Committee of the Whole.[47] But it sometimes is impossible to determine from observation or from the Congressional Record which of the two procedures technically was in force;[48] and in any case, it makes no difference. Almost without exception, these measures were taken up by unanimous

consent and passed almost immediately--without opposition, sometimes with very little explanation, and certainly without amendments contesting the committee's position. The entire process of bringing up and considering a bill in this way typically consumes no more than a minute or two, and the brief explanatory exchange about the bill often occurs before the House formally agrees to the unanimous consent request to consider it.[49] It hardly matters what procedure the House would follow if anyone wanted to offer a floor amendment that any other member might oppose, because that member need only object instead to considering the bill in the first place.[50]

What remained in the 94th Congress were 257 measures that the House considered in Committee of the Whole before passing them. Of these, 217 were considered under the terms of special rules; the remainder were privileged appropriations, budget, and rescission measures from the Union Calendar. As we have seen, measures considered in this way are most readily amendable; but the opportunities for members to offer amendments in Committee of the Whole depend on the provisions of each special rule. Table 2 indicates that open rules clearly predominated during the 94th Congress. Ninety percent of more than 200 special rules in 1975-1976 left measures considered in Committee of the Whole fully open to members' amendments.[51] Only 1 rule prohibited all amendments to such a bill, and another 20 imposed some restrictions on the amendments that members could propose. Almost without exception, appropriations and other privileged measures considered in Committee of the Whole also were (and are) fully open to amendment, as if they were considered under open rules. But even if we add to the 256 measures that were wholly or partially amendable in Committee of the Whole the 24 money and District of Columbia bills considered in the House as in Committee of the Whole, it can fairly be said that only one

of every four measures the House passed was truly a plausible target for floor amendments.

Table 3 offers a somewhat different perspective on the remaining three-quarters of the measures the House passed. It re-combines and collapses the categories of Table 1 into a trichotomy: (1) measures subject to objection, (2) measures not subject to amendment, and (3) measures subject to amendment. Admittedly, this table mixes two issues: how bills reach the floor (i.e., by unanimous consent), and the procedures by which the House considers them on the floor (i.e., under procedures that permit or preclude amendments). However, the trichotomy reflects the dynamics of the legislative process in the House, and emphasizes a premise of this analysis: when a member wishes to change some provision of a non-privileged bill, he or she prefers whenever possible to provoke an accommodation by objecting unilaterally to the measure's consideration, rather than allowing the bill to come to the floor and then offering an amendment to it (or attempting to do so), knowing that the amendment may be opposed by the floor manager and that it will require a majority vote for adoption. Almost certainly there have been exceptions; the House is too complicated a place to think otherwise. But if this calculation generally is sound, it matters little whether a measure is subject to amendment once we know that it is subject to objection. And from this perspective, roughly three-quarters of the bills and joint resolutions the House passed during the 94th Congress can be divided almost evenly between those that members could not amend and those that members would not amend.[52]

In the mid-1970s, then, bills and joint resolutions that were possible or likely subjects of House floor amendments, even under restrictions imposed by

special rules, were much more the exception than the rule. How have the patterns of the 94th Congress changed during the following decade?

The total number of bills and joint resolutions the House passed every two years remained quite stable during the 94th-99th Congresses, except for a marked dip during 1981 and 1982 (the 97th Congress).[53] These were the first two years of the Reagan Administration, when the Democratically-controlled House was adjusting to the political and policy implications of the 1980 election results, and when the legislative landscape was dominated by omnibus and highly controversial reconciliation bills. Within this general pattern of stability, however, there were some notable trends in how the House acted on the measures it passed during these 6 Congresses.

One of the most striking developments has been the increasing number and proportion of measures on which the House has acted by unanimous consent. The number of bills the House considered and passed in this way more than doubled between 1975-1976 and 1985-1986; in relative terms, the percentage of bills taken up by unanimous consent and approved without objection almost tripled. In the overwhelming majority of such cases, floor action consumes no more than a matter of minutes, there is no serious opposition expressed nor significant amendments offered, and few procedural formalities are invoked or observed. Yet during the 99th Congress, the House acted on more measures by this "non-procedure" than by any other means. Forty percent of the House's legislative "output"--at least as measured by discrete bills and joint resolutions passed--evoked so little interest or controversy that no member felt compelled to oppose each of the measures or insist that it be considered in a more elaborate and systematic way.[54]

There also has been some increase, though not so steady or dramatic, in the use of suspension motions, continuing a trend that can be traced back at least to the 90th Congress.[55] Between the 94th and 99th Congresses, the fraction of bills the House passed under suspension increased from more than one-fourth to more than one-third. Taken together, these two trends indicate a remarkable change in the House's legislative agenda. Much of the House's legislative workload has been routine throughout this period; of the bills it passed in 1975-1976, it considered fully 40 percent of them under suspension or by unanimous consent. This proportion then increased in each succeeding Congress until, in 1985-1986, it accounted for almost three-quarters of the House's legislative activity. In all these cases, the majority floor managers accurately predicted that the House would pass their bills with no floor amendments, by at least a two-to-one margin, and under what can hardly qualify as a "finely wrought and exhaustively considered procedure."[56]

As we would expect, there have been commensurate decreases in the proportion of measures the House passed by its more elaborate procedures, under which floor amendments are at least somewhat more likely. The percentage of bills passed after consideration in the House declined by one-third, though much of this decline is attributable to the House passing fewer Senate bills "in lieu," a development of no apparent policy significance.[57] There was a much sharper decline in the frequency with which members have considered bills, and could offer amendments to them, in the House as in Committee of the Whole. Most of this change reflects a marked drop after 1980 in the number of private bills passed.[58] And members have used the Consent Calendar somewhat less often during the most recent Congresses, perhaps because it is simpler, more convenient, and just as acceptable to call bills up instead by unanimous consent.

In short, in few instances during any one of the six Congresses were members significantly constrained by having bills considered on the floor by either of these procedures.

From the perspective of members' amending opportunities, the most significant trend lies in the House's changing use of the Committee of the Whole, its most elaborate procedure and the one most conducive to floor amendments. In both absolute and relative terms, the House's reliance on this procedure decreased by more than half between 1975-1976 and 1985-1986, from almost one-fourth of the measures passed to only 11 percent of them. While the House passed more than a thousand bills in 1985 and 1986, only 112 were considered in Committee of the Whole under the five-minute rule. And while the number of spending and budget bills considered in this way has remained relatively stable since the 95th Congress, the House debated less than half as many bills in Committee of the Whole under the terms of special rules during the 99th Congress as it had during the 94th. During 1985 and 1986, only one out of every nine bills the House passed was considered under the procedure best suited to an open amendment process.

As noted earlier, however, special rules for considering bills in Committee of the Whole need not leave those bills fully open to amendment. Restrictive and closed rules accounted for less than 10 percent of all such rules in 1975-1976, but Table 2 indicates a notable decline in the House's reliance on open rules in the succeeding Congresses. The number of restrictive rules increased only from 20 to 30 between the 94th and 99th Congresses, but this represented almost a quadrupling of restrictive rules in percentage terms. And the House has adopted fewer and fewer open rules, in both relative and absolute terms. The proportion of open rules declined from 90 percent to slightly more

than 60 percent, while the number of such rules fell by almost three-quarters; during 1985 and 1986, the House passed only 53 bills and joint resolutions after considering them under open rules in Committee of the Whole.[59]

The trichotomy presented in Table 3 allows us to focus more directly on the implications of these trends for the prospect of members' floor amendments. During the 6 Congresses studied, there was approximately a 25 percent increase in the number and proportion of bills that reached the House floor in ways that made their consideration subject to objection by any member. There is good reason to assume, therefore, that members rarely had any interest in offering floor amendments to these measures, regardless of whether they technically were considered in the House or in the House as in Committee of the Whole. During 1985 and 1986, almost half the measures the House passed were considered in this way. Also during the 99th Congress, more than 40 percent of the measures passed were effectively closed to amendment, for reasons of procedure or circumstance--either amendments were precluded by a standing or special rule, or the House was almost certain to prevent consideration of any amendments by ordering the previous question. But there was not much increase in either the total number or the proportion of measures that were not subject to amendment; the increasing use of suspension motions was offset by the fewer numbers of Senate bills passed "in lieu."

Only 11.3% of the measures the House passed in 1985 and 1986 were subject to amendment, compared with a quarter of the measures passed during the 94th Congress. But these figures are somewhat deceiving because they include District of Columbia bills, which rarely attract the attention and amendments of many members, and bills considered under restrictive rules, which often have precluded all but one or a small handful of floor amendments. For this reason,

the data presented in Table 4 are re-tabulated in two different ways. After reiterating the total numbers and percentages of bills the House passed after considering them in Committee of the Whole, the next three rows of the table adjust those figures by excluding bills considered in Committee of the Whole under restrictive or closed rules; then the final two rows add to the adjusted data the few bills of national effect considered in the House as in Committee of the Whole.

The last row of Table 4 depicts the two most striking conclusions to emerge from this examination of the patterns and trends in the House's floor consideration of prospective laws. First, at no time since the mid-1970s have members had an opportunity to freely propose significant floor amendments to as much as one-fourth of the bills and joint resolutions they have voted to pass. Instead, most measures have reached the House floor by unanimous consent, making it unnecessary for members to resort to the formal amendment process, or the bills have been considered under standing or special rules that either prohibit amendments or make offering them prohibitively difficult. And second, the percentage of bills and joint resolutions to which members are better able and more likely to offer amendments before passing them has fallen steadily and by almost two-thirds between 1975-1976 and 1985-1986. In no sense, then, can it fairly be said that Representatives typically can and do propose floor amendments in attempts to affect the content of proposed laws.[60]

We can test the strength of these inferences and the lines of argument supporting them by treating them not as conclusions but as hypotheses. Specifically, we would expect (1) that of the floor amendments members have proposed to bills and joint resolutions the House subsequently has passed, the vast majority of them have been offered to measures being considered in Committee of

the Whole under special rules or as privileged measures, (2) that a far smaller number of amendments have been proposed during proceedings in the House as in Committee of the Whole, and (3) that only a very few remaining amendments have been offered to the vast majority of bills and joint resolutions the House has considered and passed in other ways. And this is exactly what we find when we examine all the non-committee amendments proposed on the House floor during 4 of the 6 Congresses this study encompasses.[61]

Representatives offered a total of 5,119 floor amendments during the 94th, 95th, 96th, and 99th Congresses to the bills and joint resolutions it then passed. (See Table 5.) And of these amendments, fully 97.7 percent were offered in Committee of the Whole--80.5 percent to measures being considered under special rules, and 17.2 percent to appropriations and other bills being considered as privileged measures.[62] Even during the 99th Congress, when members could propose amendments in Committee of the Whole to only 110 of the more than one thousand bills and joint resolutions the House passed, these amendments still constituted 96.6 percent of all the floor amendments offered. Amending activity in the House as in Committee of the Whole was insignificant; as anticipated, members chose to offer a total of only 7 amendments to the 40 District bills considered in this way. And only in one of the four Congresses were the remaining amendments more than 2.5 percent of the total. With only a handful of exceptions, moreover, these few amendments were adopted without delay or controversy after having been offered or quickly accepted by the majority floor manager. Unquestionably then, amending activity on the floor has been concentrated on a small percentage of the proposed laws the House passed, as our analysis of the House's procedures had led us to expect.

Also as we might expect, the marked decline since the 94th Congress in the number of measures effectively subject to amendment before passage has been accompanied by a decline, in both total and per capita terms, in the number of floor amendments that members have offered.

Smith has found that amending activity on the House floor had become more widespread during the two decades preceding the starting point of this study. In the 84th Congress (1955-1956), members proposed one or more floor amendments to only 5.7 percent of the bills and joint resolutions the House passed. Roughly 10 percent of such measures were targets of amendments in the 88th Congress (1963-1964), as were almost 20 percent in the 92nd (1971-1972). The total number of floor amendments, the number of contested amendments, and the number of amendments offered per capita all more than tripled between the 84th and 93rd Congresses, and the hourly and daily rates of amending activity more than doubled.[63] This author's study of House floor amendments to general appropriations bills found similar trends. The total number of these amendments grew from 63 during 1963-1964 to 270 in 1979-1980, and this development was accompanied by increases in the average number of floor amendments per bill and in the total and average numbers of contested amendments.[64]

From a long-term perspective, these increases are important and impressive. As Table 5 indicates, however, the trend line of amending activity has begun to change direction during the last decade. According to Smith, amending activity on the House floor peaked during the 95th Congress (1977-1978) and has tended to decline since then. The total number of floor amendments members offered decreased from a total of 1695 in the 95th Congress to a low of 887 in the 98th before rebounding to 1074 during the following two years.[65] This pattern is consistent with the data presented in Table 3, indicating a fairly

regular decline since the 94th Congress in both the number and percentage of measures that were available and plausible targets for amendments, primarily in Committee of the Whole, before being passed.[66]

BIFURCATION OF THE LEGISLATIVE AGENDA

The patterns of floor consideration that have characterized the House's legislative activity throughout the 1975-1986 period document a striking and consistent bifurcation of the legislative agenda. Representatives have been willing to forego their right to amend between 75 and 90 percent of all the proposed laws they pass simply because most or all members have no interest in exercising this right. So much of the legislative agenda is non-controversial, if we include under that rubric any bill that members support by at least a two-to-one margin.

Representatives and those interested in their behavior and decisions naturally devote most of their time and energy to the small proportion of measures that members debate at length and try to amend. Usually the committee positions (or majority party positions, if any) on these bills prevail, though not always; and sometimes the bills even are defeated, though not often. But while members stake out and publicize their positions, draft their amendments and floor statements, meet to count heads and plan tactics, and then debate and vote on the floor, the legislative "assembly line" continues to run, as the House passes three-quarters or more of the measures that ultimately become law with little debate, no significant amendments, and, therefore, no major changes in the recommendations of its committees or committee leaders. This is not necessarily a recent development nor is it one that has passed wholly un-

noticed, but it is all too easily overlooked at the risk of fostering a distorted impression of legislative decision-making in the House.[67]

In assessing the contemporary patterns of floor consideration, it bears emphasizing that the procedure by which the House considers each measure is a matter of choice. Although we have noted that House rules or precedents require certain kinds of measures to be considered in certain ways, it is equally true that any such requirement can be superseded by special rules, suspension motions, and unanimous consent agreements. So each decision to schedule a bill for floor consideration also involves a decision about procedure, and both decisions are powerfully influenced, when not actually controlled, by the Democratic leadership--especially by the Speaker and those acting with or for him, usually in cooperation with Democratic committee leaders and often with assistance of the Democratic majority on the Rules Committee.

In most cases, the majority party leaders exercise an effective veto over the choice of procedure. First, unanimous consent agreements to take up measures almost invariably are initiated from the Democratic side of the aisle, and only with the foreknowledge and approval of the majority leaders.[68] Second, Democratic members acting on behalf of their party have the same ability as Republicans to prevent consideration of measures from the Consent and Private Calendars. Third, the Speaker controls suspension motions though his discretionary power of recognition, and he rarely recognizes any member to make such a motion except a committee or subcommittee chairman who has arranged it with him in advance.[69] And fourth, the majority party and its leaders exert an effective negative control over measures considered under special rules through the disproportionate number of Democrats, all nominated by the Speaker,

who serve on the Rules Committee. Exceptions to this veto power are the measures that are privileged under House rules or rule-making statutes.[70] But few of these are bills or joint resolutions except for appropriations measures, and any rule or rule-making provision can be superseded by adoption of a special rule recommended by the Rules Committee.

On the other hand, the ability of Democratic leaders to impose their choice of procedure is limited. All members have equal authority to block consideration of bills by unanimous consent and prevent their passage from the Consent and Private Calendars; in this respect, at least, the most junior Republicans have as much power as any Democratic leaders. A committee chairman and the Speaker may be able to compel the House to vote on a suspension motion, but the two-thirds vote requirement normally means that such motions require bipartisan support to prevail. And unanimous consent is required for the House to consider any privileged measure, including District bills, in the House as in Committee of the Whole. In short, it is only through the device of special rules that a reasonably united majority party can impose a procedural decision on an equally united and determined minority.

There is persuasive though unsystematic evidence that these procedural decisions usually have been well-calculated. Between 1977 and 1980, for example, the House passed 3,012 measures and defeated only 72, whatever the majorities required for passage.[71] During the 94th-98th Congresses (1975-1984), the House considered 1,880 suspension motions (of which most were for initial passage of measures), and failed to pass only 113, or 6.0 percent of them; and in none of the 5 Congresses did the House agree to less than 92 percent of the suspension motions it considered.[72] Between 1975 and 1986, only 11 special rules for considering bills and joint resolutions were defeated.

Attempts to amend these rules by voting not to order the previous question have been relatively unusual, as we have observed, and successful amendments have been exceedingly are.[73] And only twice during 1975-1986 did members secure a rollcall vote on ordering the previous question on a bill or joint resolution in the hope of either proposing or precluding an amendment to such a measure during its initial floor consideration in the House or in the House as in Committee of the Whole.[74] This record is too impressive to be attributable largely to the effective efforts of Democratic party leaders; the divisions within the Democratic majority have been far too severe throughout this period to sustain such a contention.

Thus, both the logic of House procedures and the record of their use indicate that what we have observed here does not represent a calculated and systematic attempt to achieve partisan advantage, nor is it a pattern deliberately arranged to protect the interests of the House's committees. Although committee proposals usually are subject to floor amendment, except for the fraction of measures considered in Committee of the Whole, committees enjoy this protection only because at least two-thirds of the House are willing to forego their amendment opportunities or because a majority of members are willing to adopt a special rule restricting the floor amendments they can offer. What this analysis emphasizes is the obvious truth that not all bills are the same, and that we can usefully distinguish between the House's deliberative agenda--the relatively small number of measures that consume most public attention and so much of the House's floor sessions--and its more routine agenda--the far larger number of bills and joint resolutions that provoke little if any debate or disagreement and that usually pass with no more than a passing thought by most members.[75]

It rarely makes sense, for example, for Democratic party and committee leaders to bring a measure to the floor under suspension because the bill requires protection from amendments (especially when they have the option of seeking a restrictive rule). Instead, bills are considered under suspension because they are expected to enjoy the requisite level of support, except perhaps at the end of the Congress when there may be no opportunity to consider them by more time-consuming procedures. Rather than asking what procedure would be most advantageous, the proponents of legislation are much more likely to ask whether they can devise or revise their bill so that it remains acceptable to them but also so that it can take a place among the bulk of measures constituting the House's routine agenda. If not, they must either risk the uncertainties of an open rule or pursue the alternative of securing adoption of a restrictive or closed rule.

Although so much of the House's workload is of largely parochial or symbolic importance, the measures that are so routinely enacted do serve the needs of individual members by satisfying district interests and by enabling them to associate themselves with attractive symbols and appealing causes. There are legislative achievements to be claimed, and they are available to members of both parties. These achievements may not alter important national or international policies, but they are the stuff of which incumbency advantages and re-election victories are made. The political payoff of designating commemorative days and weeks may be marginal, but the costs of doing so are negligible. And the passage of a bill transferring title to a parcel of public land from the national government to a local community is likely to have more political significance for the community's Congressman or Congress-

woman than all of his or her votes on foreign aid programs or funding for the Strategic Defense Initiative.

Especially during the 1980s, when the legislative process has appeared to be more like a zero-sum game than at any time in recent history, members could derive personal satisfaction and reap electoral benefits from the relatively cost-free opportunities for position-taking that the routine agenda affords. The congressional politics of the Reagan era produced unusually powerful incentives for the House to concentrate more of its real legislative work in a smaller portion of its legislative workload through the use of omnibus measures, of which continuing resolutions and reconciliation bills were the most obvious but by no means the only examples. By packaging together proposals that, under other political circumstances, would have been considered in several or many separate bills, the Democratic leadership could try to insulate them all by making the costs of a presidential veto unacceptably high.[76] At the same time, the looming budget deficits combined first with divided partisan control of Congress and then with a Democratic majority uncertain of its policy direction to create a situation in which legislative "victories" were more likely than usual to be confined to measures that could pass under suspension or by unanimous consent.

Moreover, this routine agenda probably has an unintended but nonetheless real institutional value that complements its advantages for Representatives individually, as it reminds them that the controversial issues dividing them should not, and do not, prevent the House from continuing to do its daily work.

Consider the House in session on March 3, 1988, for example, when members debated and voted on a joint resolution addressing one of the most persistent and controversial foreign policy issues of the 1980s, aid to the Contras. The

Republicans vehemently opposed the rule for considering the measure because it permitted a vote on the Republican leadership proposal only if the House first rejected a Democratic leadership substitute. Using unusually strong language, both the Minority Leader and the Minority Whip suggested that the rule violated an agreement that the Speaker had made. "Is there any honor and trust left between us in this institution?", Trent Lott asked. The Republicans voted unanimously against ordering the previous question and against adopting the resolution, and on each vote they were opposed by more than 90 percent of the Democrats. Only three Republicans voted for the Democratic substitute, which barely prevailed by a five vote margin, 215 to 210. And then on final passage, all but five Republicans unexpectedly voted to have no bill at all rather than the Democratic proposal, as the House rejected the amended joint resolution by a 208-216 vote.[77] In short, it was a difficult day on the floor, marked by partisan acrimony and a series of close votes on a contentious and emotionally charged issue.

Those familiar with the House in session can imagine the scene on the floor after the Speaker announced the defeat of the resolution. The chamber was filled with members who had come to the floor to vote and had remained to watch the electronic voting "scoreboard" as the 15 minute clock ticked down, and then to discuss with surprise or satisfaction the success of the Republicans' tactical decision to vote against final passage. Then, after pounding his gavel repeatedly, the Speaker restored a semblance of order and the work of the House proceeded. A Republican received unanimous consent to have his name removed as co-sponsor of a bill. The House agreed without objection to a resolution providing for a ten-day recess that was about to begin. The chairman of the Merchant Marine and Fisheries Committee received permission by

unanimous consent to file a report when the House was not in session on the Merchant Marine Medals and Decorations Act. And finally, the House returned to its law-making function by considering and passing, also by unanimous consent, a bill to extend for two months the authority of North Carolina and South Carolina to employ 17 year-old school bus drivers.[78]

The House had turned once again from its deliberative agenda to its routine agenda. Its passage of the school bus bill may have been trivial (except to the North and South Carolina delegations), but not the message implicit in this routine action: the House is a continuing body in a sense far more important than whether its rules automatically remain in force from one Congress to the next. No matter how divisive the issues on which it votes, and no matter how much contention and anger these issues and votes provoke, the work of the House then continues, usually with little evidence of party or ideological differences. To all members and especially to newcomers who are still learning what it means to be a Representative, it is a recurring reminder that the business of the House may be a "legislative struggle," as Bertram Gross put it, but it is not war.

Figure 1:
Modes of Legislative Action in the House of Representatives

BILLS AND RESOLUTIONS REACH THE HOUSE FLOOR:

AND ARE CONSIDERED:	As privileged measures or orders of business	By unanimous consent	Under special rules
In the House	Measures reported by the Committee on Rules, House Administration, or Standards of Official Conduct Resolutions of approval or disapproval under rule-making laws Measures on the House Calendar called up on Calendar Wednesday Questions of privilege Measures discharged by motion belonging on the House Calendar House Calendar measures called up from the Consent Calendar Resolutions of inquiry Committee assignment resolutions Concurrent adjournment resolutions Routine organizational resolutions	Any measure on the House Calendar Any discharged measure that would have been on the House Calendar if reported Any other measure, when the request is for consideration "in the House" [Typically: commemorative measures; "naming" measures; Senate measures considered immediately after passage of companion House measures; short-term or emergency measures such as continuing resolutions]	Any measure [Typically: Senate measures considered immediately upon passage of companion House measures; emergency or short-term measures]
In Committee of of the Whole	Measures reported by the Committee on Appropriations or the Budget under Rule XI(4) or the Budget Act Measures on the Union Calendar called up on Calendar Wednesday Measures discharged by motion belonging on the Union Calendar	Any measure, when the request is for consideration "in Committee of the Whole" [Typically: short-term or emergency measures, belonging on the Union Calendar, that have not satisfied layover requirements]	Any measure [Typically: most major measures]
In the House as in Committee of the Whole	Measures on the Private Calendar Union Calendar measures called up from the Consent Calendar District of Columbia measures, usually considered in the House as in Committee of the Whole by unanimous consent	Any measure on the Union Calendar Any discharged measure that would have been on the Union Calendar if reported Any other measure, when the request is for consideration "in the House as in Committee of the Whole"	Any measure (equivalent to an open rule with no general debate, but with the measure open to amendment at any point and subject to the previous question)
Under suspension of the rules	Any measure considered as part of a suspension motion		

Table 1
Bills and Joint Resolutions Passed by the House of Representatives: 94th-99th Congresses

	Congress					
	94th	95th	96th	97th	98th	99th
Considered in Committee of the Whole:						
Under a special rule	217	164	152	89	110	85
As a privileged appropriations, budget, or rescission measure	40	33	26	28	26	24
Under a rule-making statute	0	0	2	0	0	3
From the Union Calendar on Calendar Wednesday	0	0	0	0	1	0
From the Union Calendar, discharged by motion	0	0	0	0	0	0
Total	(257) (23.7%)	(197) (16.9%)	(180) (17.0%)	(117) (15.3%)	(137) (13.2%)	(112) (11.0%)
Considered in the House as in Committee of the Whole:						
Under a special rule	0	0	6	0	0	0
As an appropriations or rescission measure, by unanimous consent	11	12	4	0	2	0
From the Union Calendar and the Consent Calendar	44	49	40	45	27	17
As a private measure under Rule XXIV	188	203	138	58	75	48
As District of Columbia business, by unanimous consent	13	14	8	5	13	5
Total	(256) (23.6%)	(278) (23.9%)	(196) (18.5%)	(108) (14.1%)	(117) (11.3%)	(70) (6.9%)
Considered in the House:						
Under a special rule	5	2	6	4	5	9
As an appropriations or rescission measure, by unanimous consent	0	1	2	8	3	9
As a privileged measure on the House Calendar	0	0	1	1	0	1
From the House Calendar and the Consent Calendar	10	42	26	9	17	16
From the House Calendar on Calendar Wednesday	0	0	0	0	0	0
From the House Calendar, discharged by motion	0	0	0	0	0	0
As a Senate measure "passed in lieu"	115	130	131	66	57	49
Total	(130) (12.0%)	(175) (15.0%)	(166) (15.6%)	(88) (11.5%)	(82) (7.9%)	(84) (8.3%)
Considered by unanimous consent and passed without objection	150 (13.8%)	124 (10.7%)	179 (16.9%)	201 (26.3%)	327 (31.6%)	401 (39.5%)
Considered under suspension of the rules	290 (26.8%)	389 (33.4%)	340 (32.0%)	251 (32.8%)	371 (35.9%)	349 (34.3%)
Total	1083	1163	1061	765	1034	1016

Notes on sources and methods: It being impractical to examine the proceedings in the Congressional Record on each of the thousands of bills and joint resolutions the House passed between 1975 and 1986, this table is based instead on a combination of sources and methods. The catalogue of bills and joint resolutions passed during each Congress is taken from the section of the final edition of the House Calendar entitled "Numerical Order of Bills and Resolutions Which Have Passed Either or Both Houses, and Bills Now Pending on the Calendars." (Excluded are joint resolutions raising the public debt ceiling which the House is deemed to have passed, pursuant to House Rule XLIX, upon adoption of the conference report on a budget resolution.) The summaries of legislative action on each such measure are the basis for data on (1) measures considered under suspension of the rules, (2) private measures under Rule XXIV, (3) Senate measures "passed in lieu," after passage of House companion measures, and (4) routine designation ("naming"), proclamation, commemoration, and memorial measures considered by unanimous consent after committee discharge. (The category of private measures under Rule XXIV, considered in the House as in Committee of the Whole, includes the few private measures considered instead by unanimous consent upon committee discharge or receipt from the Senate, but it does not include the very few such measures considered (1) under suspension of the rules or (2) in the House as Senate measures "passed in lieu." Thus, this category does not quite include all the private measures which the House passed in one way or another.) Data on measures considered under special rules are taken from the "Rules Granted" section of the final Calendar of the House Rules Committee for each Congress. The Congressional Record or House Journal was consulted for information about consideration of (1) measures reported by the District of Columbia Committee, and (2) appropriations, budget, rescission, and other privileged measures. For the remaining measures, the bill files of the SCORPIO data base of the Library of Congress generally permitted identification of those called up and passed from the Consent Calendar (after having been placed on the House or Union Calendar), and those considered by unanimous consent and passed without objection. The information in this data base was assumed to be accurate whenever it was unambiguous and plausible; in the remaining cases, the information was confirmed or corrected by reference to the Record or Journal. It is possible, and even likely, that these data-collection procedures resulted in occasional errors.

Table 2
Special Rules Affecting Floor Amendments in Committee of the Whole, for Bills and Joint Resolutions Passed by the House of Representatives: 94th-96th Congresses

	Congress					
	94th	95th	96th	97th	98th	99th
Open rules	196 (90.3%)	144 (87.8%)	122 (80.3%)	71 (79.8%)	77 (70.0%)	53 (62.3%)
Restrictive rules	20 (9.2%)	17 (10.4%)	20 (13.2%)	16 (18.0%)	24 (21.8%)	30 (35.3%)
Closed rules	1 (0.5%)	3 (1.8%)	10 (6.6%)	2 (2.2%)	9 (8.2%)	2 (2.4%)
Total	217	164	152	89	110	85

Source: Data adapted from Bach and Smith, Managing Uncertainty in the House of Representatives, especially Table 3-3, p. 57.

Table 3
Bills and Joint Resolutions Subject to Objection or Amendment, and Passed by the House of Representatives: 94th-99th Congresses

	Congress					
	94th	95th	96th	97th	98th	99th
Measures subject to objection:						
In the House from the Consent Calendar	10	42	26	9	17	16
In the House as in Committee of the Whole:						
From the Consent Calendar	44	49	40	45	27	17
From the Private Calendar	188	203	138	58	75	48
By unanimous consent	150	124	179	201	327	401
Subtotal	392 (36.2%)	418 (35.9%)	383 (36.1%)	313 (40.9%)	446 (43.1%)	482 (47.4%)
Measures not subject to amendment:						
In the House:						
Under a special rule	5	2	6	4	5	9
As a privileged measure	0	1	3	9	3	10
As a Senate measure passed "in lieu"	115	130	131	66	57	49
In Committee of the Whole, under a closed rule	1	3	10	2	9	2
Under suspension of the rules	290	389	340	251	371	349
Subtotal	411 (37.9%)	525 (45.1%)	490 (46.2%)	332 (43.4%)	445 (43.0%)	419 (41.2%)
Measures subject to amendment:						
In Committee of the Whole:						
Under an open or restrictive rule	216	161	142	87	101	83
As a privileged measure	40	33	28	28	26	27
From the Union Calendar on Calendar Wednesday	0	0	0	0	1	0
In the House as in Committee of the Whole:						
Under a special rule	0	0	6	0	0	0
By unanimous consent	11	12	4	0	2	0
For District business	13	14	8	5	13	5
Subtotal	280 (25.9%)	220 (18.9%)	188 (17.7%)	120 (15.7%)	143 (13.8%)	115 (11.3%)
Total	1083	1163	1061	765	1034	1016

Table 4
Bills and Joint Resolutions Open to Amendment Before Passage
by the House of Representatives, 94th-99th Congresses

	Congress					
	94th	95th	96th	97th	98th	99th
The total number of bills and joint resolutions considered in Committee of the Whole before being passed	257	197	180	117	137	112
As a percentage of all bills and joint resolutions passed	23.7%	16.9%	17.0%	15.3%	13.2%	11.0%
The number of such measures considered without restrictions on amendments--i.e., considered under open rules or without rules governing the amendment process*	236	177	150	99	104	80
As a percentage of all bills and joint resolutions considered in Committee of the Whole before being passed	91.8%	89.8%	83.3%	84.6%	75.9%	71.4%
As a percentage of all bills and joint resolutions passed	21.8%	15.2%	14.1%	12.9%	10.1%	7.9%
National legislation subject to an open amendment procedure before being passed.**	247	189	160	99	106	80
As a percentage of all bills and joint resolutions passed	22.8%	16.2%	15.1%	12.9%	10.2%	7.9%

* Includes appropriations and other privileged measures considered in Committee of the Whole under special rules designed solely or primarily to waive points of order. A few of these rules also have imposed restrictions on floor amendments; these data do not reflect such exceptional cases.

** Includes bills and joint resolutions considered in the House as in Committee of the Whole, but not District of Columbia measures and measures called from the Consent and Private Calendars.

Table 5
Floor Amendments to Bills and Joint Resolutions Passed by the House of Representatives: 94th, 95th, 96th, and 99th Congresses

	Congress			
	94th	95th	96th	99th
Amendments proposed to measures considered in Committee of the Whole:				
Under special rules	1048 (81.9%)	1267 (82.5%)	945 (74.1%)	863 (83.9%)
To privileged appropriations, rescission, and budget measures	206 (16.1%)	264 (17.2%)	279 (21.9%)	131 (12.7%)
Subtotal	1254 (98.0%)	1531 (99.7%)	1224 (96.0%)	994 (96.6%)
Amendments proposed to measures considered in the House as in Committee of the Whole:				
Under special rules	0 ---	0 ---	13 (1.0%)	0 ---
By unanimous consent	5 (0.4%)	0 ---	6 (0.5%)	0 ---
As District of Columbia business	4 (0.3%)	0 ---	3 (0.2%)	0 ---
Subtotal	9 (0.7%)	0 ---	22 (1.7%)	0 ---
Remaining floor amendments	16 (1.3%)	5 (0.3%)	29 (2.3%)	35 (3.4%)
Total number of amendments proposed	1279	1536	1275	1029

Notes

1. INS v. Chadha, 462 U.S. 919, 951 (1983).

2. This study focuses on the amendment process as a means for individual Representatives to propose significant policy changes in legislation that almost always comes to the floor with the approval, or at least the acquiescence, of one or more of the House's standing committees. For this reason, all references here to "floor amendments" exclude amendments formally proposed by the committee of jurisdiction and amendments routinely offered by the committee or subcommittee chairman serving as the measure's majority floor manager, as well as the somewhat more amorphous category of minor amendments proposed by other members but accepted so readily by the floor manager that he or she might just as well have offered them instead.

3. This discussion only addresses procedures governing initial consideration of measures on the House floor, not procedures affecting subsequent House action--e.g., action on Senate amendments, conference reports, or presidential veto messages. See also Stanley Bach, Arranging the Legislative Agenda of the House of Representatives: The Impact of Legislative Rules and Practices. Report for the Congress by the Congressional Research Service. Report No. 86-110; June 1, 1986.

4. Such a bill or resolution is privileged in that its consideration may interrupt the daily order of business specified in Rule XXIV, clause 1. The lack of a clear and authoritative rank ordering among privileged measures and other matters such as conference reports leaves the Speaker considerable latitude in arranging and controlling the floor schedule through his power of recognition.

5. Rule XI, clause 4(a).

6. Ibid.

7. Rule X, clause 6(a)(1).

8. Rule XXII, clause 5.

9. See the section on "Congressional Disapproval Provisions Contained in Public Laws" in the compilation of House rules for each Congress. Concurrent adjournment resolutions also are privileged, as are certain routine organizational resolutions (e.g., to elect House officers) and resolutions raising "questions of privilege" (as opposed to privileged business) under Rule IX, such as questions affecting the rights of the House or one of its members.

10. In addition to general appropriations bills, continuing resolutions for a fiscal year also are privileged when reported by the Appropriations Committee after September 15th of the preceding fiscal year. Rule XI, clause 4(a).

11. Rule XXIV, clause 8.

12. Rule XXIV, clause 6.

13. Rule XXVII, clause 1. Suspension motions also can be in order on other days by unanimous consent, on the closing days of each annual session, and pursuant to a resolution reported by the Rules Committee. The Democratic Caucus directs the Speaker not to permit consideration of certain costly bills under suspension, but this directive is not a rule of the House and so cannot be enforced on the floor.

14. Rule XXIV, clause 7.

15. Rule XIII, clause 4.

16. Rule XXVII, clause 4.

17. In 1981, Speaker O'Neill announced that he would decline to entertain any unanimous consent request to consider a measure that had not been reported from committee unless he had assurance that the request was supported by the floor and committee leaders of both parties. See, for example, Congressional Record, December 15, 1981, p. 31590. In effect, the Speaker stated a condition under which he would exercise his right as a member to object to such a request.

18. Rule XXIII, clause 3.

19. Rule XXIV, clause 6.

20. Rule XXVII, clauses 1-3.

21. Rule XIII, clause 1; Rule XXIII, clause 3.

22. For a more complete discussion of this subject, see Stanley Bach, The Amending Process in the House of Representatives. Report for the Congress by the Congressional Research Service. Report No. 87-778; September 22, 1987. See also Walter J. Oleszek, Congressional Procedures and the Policy Process. Washington: Congressional Quarterly Inc., 1984; pp. 99-149.

23. See Stanley Bach, Suspension of the Rules in the House of Representatives. Report for the Congress by the Congressional Research Service. Report No. 86-103; May 12, 1986.

24. Before 1979, a majority could refuse to consider a measure under suspension by voting not to order a second on the motion. At the beginning of the 96th Congress, however, the House amended Rule XXVII, clause 2, to waive the requirement for a second "where printed copies of the measure or matter as proposed to be passed or agreed to by the motion have been available for one legislative day before the motion is considered." The goal was to minimize an opportunity for members to require uncontested but time-consuming rollcall votes. In the process, however, the House also lost a degree of control over its floor agenda. See ibid., pp. 44-45.

25. When members anticipate that the House will consider a bill by this procedure, they can propose to amend it during committee mark-up, or demonstrate enough potential floor votes against it to convince its floor manager to respond to their concerns with an amendment to be included as part of the suspension motion itself.

26. In 1983, a proposed Equal Rights Amendment was called up under suspension, ostensibly because, as a constitutional amendment, it required a two-thirds vote in any case. As critics were quick to point out, however, this procedure also precluded the floor amendments they were prepared to offer. Suspension motions also allow Democratic party and committee leaders to try to protect controversial proposals that might not pass on their own by packaging them with other proposals that members want or need to support. Under other circumstances, members could untie the package by agreeing to motions to strike the controversial provisions. But these motions are amendments, and so are not in order during consideration of suspension motions. See Bach, Suspension of the Rules in the House of Representatives, pp. 42-44.

27. There is no requirement, of course, that certain measures must be considered under suspension. So if a bill's proponents are unwilling to make the accommodations necessary to attract a two-thirds vote for it, they can attempt to bring it to the floor under one of the procedures requiring only a simple majority vote for passage. But this is not always a realistic alternative. The majority vote procedures are more time-consuming, so proponents sometimes must choose between bringing up their bill under suspension or not having it scheduled for floor action at all. Also, as the suspension procedure has become more popular, members undoubtedly have come to expect that it will be used to act on bills they consider to be relatively minor. A committee or subcommittee chairman who cannot secure such a bill's passage under suspension risks appearing ineffectual to his colleagues.

28. In principle, a member of the minority has a much better opportunity than a majority party member to offer an amendment in the House. If the House votes not to order the previous question, the Speaker recognizes the leading advocate of that position to control the second hour, and so to offer an amendment. And this member is invariably from the minority party. The minority floor manager usually is given control of half of the first hour, "for purposes of debate only," so he or she is in the best position to lead the fight against ordering the previous question or to give a fellow partisan enough time to do so.

29. If the previous question is rejected and an amendment offered, the member proposing it then moves the previous question on both the amendment and the measure. The House would have to defeat this motion before it could consider a second degree amendment. And it would have to order the previous question on the first degree amendment, but not on the measure, and then dispose of that amendment before it could consider another amendment to the bill or resolution itself.

30. These data are adapted from Stanley Bach and Steven S. Smith, Managing Uncertainty in the House of Representatives: Adaptation and Innovation in Special Rules. Washington: The Brookings Institution, 1988; especially Table

4-1, p. 99. Robinson found only two instances during the 75th-86th Congresses (1937-1960) in which the previous question was rejected and rules were amended. James A. Robinson, The House Rules Committee. Indianapolis: The Bobbs-Merrill Company, 1963; pp. 40-41.

31. In a few other instances, the germaneness requirement has precluded consideration of amendments to special rules. In such cases, the House usually has defeated the rule in the expectation that the Rules Committee then would report another one more to the majority's liking.

32. This assumes, of course, that the amendment meets the other requirements of House rules and precedents.

33. Special rules for considering bills in Committee of the Whole routinely provide for the previous question to be considered as ordered when the Committee transforms itself back into the House. In the case of general appropriations bills, which usually are not considered under such rules, the previous question is routinely ordered without objection as soon as the Committee rises and reports the bill back to the House. See also note 39.

34. Any committee amendments to each section or title are the first to be considered after it is read, just as all committee amendments are considered before any floor amendments when a measure is considered in the House as in Committee of the Whole. The process of reading measures for amendment by sections or titles puts junior and non-committee members at less of a disadvantage in Committee of the Whole, because they are competing for recognition with senior committee members only when they have amendments to the same part of the bill.

35. In some cases, bills are treated in Committee of the Whole as "having been read and open to amendment at any point." Unless stipulated in a special rule, this requires a unanimous consent agreement which the floor manager proposes only when he or she anticipates so few amendments that the order in which members offer them makes no difference.

36. Rule XXI, clause 2, does allow the majority floor manager of a general appropriations bill to move that the Committee rise and report the bill back to the House for final passage, as a way of preventing consideration of one or more limitation amendments that would impose restrictions on the availability of the appropriated funds.

37. This is a motion that can be defeated by majority vote, but it rarely is contested because it is treated as an exercise of the majority leadership's responsibility for scheduling business on the House floor.

38. The effects of special rules on the amendment process in Committee of the Whole are considered in the next section.

39. There usually is one additional opportunity to offer a floor amendment, except to measures being considered under suspension of the rules. After third reading and engrossment but before the vote on final passage, a member opposed

to the bill (at least in its present form) may offer a motion to recommit the bill with instructions. When the instructions contain an amendment, as they usually do, the vote on the motion is really a test vote on the amendment. If the House adopts the motion, it then votes directly on the amendment and agrees to it. Offering this motion is a prerogative of the minority, and it normally is in order even when a bill is being considered under a closed rule. However, some special rules have included explicit prohibitions against instructions containing certain amendments or any amendments, or have achieved the same purpose indirectly by prohibiting some or all amendments in the House as well as in Committee of the Whole. Because recommittal motions almost always come from the Republican side of the aisle, members of both parties usually perceive them to be partisan questions. Consequently, such motions usually lose. During the 96th-99th Congresses, the House considered 87 motions to recommit with instructions, and agreed to 18 (or slightly more than 20 percent) of them. (Data compiled by Ilona Nickels of the Congressional Research Service.)

40. It bears repeating that any House rules requiring certain kinds of bills to be considered under certain procedures can be superseded by suspension motions, special rules, or unanimous consent agreements.

41. From this point on in the analysis, the terms "bills" and "measures" are used interchangeably to include joint resolutions but not House resolutions and concurrent resolutions. Because the latter two types of measures are excluded, the data presented and discussed here do not present a complete picture of patterns of floor consideration in the House. But see note 60.

42. On the 82nd-87th Congresses (1951-1962), see Robinson, The House Rules Committee, p. 5.

43. See, for instance, two special rules the House adopted early in the 100th Congress for considering bills it had passed in essentially the same form during the preceding Congress: H.Res. 27 for considering H.R. 1, the Water Quality Act of 1987 (Congressional Record, daily edition, January 8, 1987, pp. H161-168), and H.Res. 38, for considering H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Congressional Record, daily edition, January 21, 1987, pp. H281-288).

44. In policy terms, including these measures constitutes a form of double-counting in that, in almost every case, the House passed two bills on the same subject. Exceptional cases arise when the Senate bill passed "in lieu" is significantly narrower or broader in legislative scope than the companion House bill.

45. See Congressional Record (daily edition), March 4, 1987, pp. H959-H960. There are comparable objectors assigned by each party to monitor the Private Calendar.

46. Rule XXIV, clause 6 also provides for "omnibus bills containing bills or resolutions which have previously been objected to on a call of the Private Calendar," but such bills rarely are presented.

47. A measure on (or that would belong on) the House Calendar that the House takes up by unanimous consent is considered in the House; if the measure is (or would belong) on the Union Calendar, it is considered instead in the House as in Committee of the Whole.

48. Many unanimous consent requests to consider bills also include requests to discharge committees from considering them further or to take the bills from the "Speaker's table" where they have remained since arriving from the Senate. Less often, Representatives introduce measures and ask unanimous consent for their immediate consideration. Of the 148 measures reaching the House floor by unanimous consent during the 94th Congress, for example, 57 or almost 40 percent of them were not called up from either the House or Union Calendar. To determine the procedure applicable in each such case, the text of the measure would have to be inspected to judge whether it would have been assigned to the House or Union Calendar if it had been reported by a House committee. Moreover, any unanimous consent request can provide for considering a bill "in the House," whether or not this would be the applicable procedure. And in some instances, the Congressional Record shows that such requests were made and agreed to without being recorded in the House Journal, which is the official record of House proceedings. For such reasons, it would be as fruitless as it is pointless to attempt to attribute a mode of consideration to each measure the House routinely considers by unanimous consent and passes without objection.

49. This exchange usually occurs when the ranking Republican on the committee or subcommittee reserves the right to object to considering the bill. But he or she does so only to have the opportunity to express support for the bill and to yield to the chairman to describe it briefly. When the reservation is withdrawn, the Speaker usually declares that the bill is passed "without objection" and with no further comment from the floor.

50. Many of these measures have concerned public lands, Indian affairs, or tariffs. Others have named federal office buildings and other installations after distinguished Americans, including former or retiring members of Congress. But the largest, fastest growing, and therefore the most controversial single category of measures considered by unanimous consent are commemorative bills and resolutions designating certain days, weeks, or months for national recognition of people, places, things, and events. Between the 97th and 99th Congresses, these holiday, celebration, and national observance proposals grew from 16.9% to 34.8% of all the measures enacted into law. During these 6 years, Congress approved a total of 457 such proposals, constituting 26.0% of all public laws enacted. If commemorative legislation is defined also to include "naming" bills and those conferring Federal charters and congressional awards, such proposals constituted 658 (or 37.4%) of the public laws enacted between 1983 and 1986 and fully 46.3% of the public laws of the 99th Congress. As the number of national observance measures has increased, the Committee on Post Office and Civil Service, which has jurisdiction over them, has brought them to the House floor more and more often via unanimous consent requests that also discharge the Committee from considering them further. This approach eliminates the need for a majority of the Committee to attend a formal meeting to report them and for the Committee staff to prepare written reports on them.

See Sula P. Richardson, National Observance and Other Commemorative Legislation. Report for the Congress by the Congressional Research Service. Report No. 87-878; October 30, 1987.

51. It bears emphasizing that the amendment process never is completely unrestrained. There are various conditions and constraints to which all amendments are subject, and which any member can enforce by making points of order unless they are waived by special rules or unanimous consent. The germaneness requirement is the most visible restriction, but by no means the only one. For example, amendments may not propose to change non-contiguous provisions of a bill or amend only provisions of a bill that already have been fully amended. See Bach, The Amending Process in the House of Representatives.

52. Some Senate measures passed "in lieu" are called up by unanimous consent, but members do not object, or threaten to object, to their consideration as a way of gaining some policy accommodation. To do so probably would strike most members as dilatory and obstructive. And the House could circumvent such an objection by allowing the Senate to initiate the process of going to conference by taking essentially the same procedural step in reverse.

53. These data are derived from an inspection of the legislative history, as summarized in the final House Calendar for each Congress, of each bill reported by a House committee, considered on the House floor, or received from the Senate. The data are not fully consistent with those compiled from other official House sources; the reasons are unclear but the trend lines are the same. See Roger H. Davidson and Carol Hardy, Indicators of House of Representatives Workload and Activity. Report for the Congress by the Congressional Research Service. Report No. 87-492; June 8, 1987, p. 65.

54. Again, it should be noted that there have been exceptions to this generalization. In some instances, members have permitted bills to come to the floor by unanimous consent, but then discussed them more seriously, offered one or more amendments to them, or required a rollcall vote on final passage. In others, the House has allowed bills to pass in this way, while leaving important policy issues to be resolved at a later stage of the process, just as the House routinely amends and passes Senate bills "in lieu" in order to arrange for conferences with the Senate. Although there are no data available on the frequency of such occurrences, there is no reason to think that they account for more than a very small fraction of the 1,382 potential laws the House initially considered in this way.

55. Bach, Suspension of the Rules in the House of Representatives, p. 62. The number of days on which suspension motions are in order was doubled in January 1973 at the beginning of the 93rd Congress and doubled again four years later in January 1977 when the 95th Congress convened.

56. See note 1.

57. This development may reflect increasing legislative difficulties and delays in the Senate, with the result that the "other body" was less often able to act before the House passed its bill on the same subject.

58. See Richard S. Beth, Private Immigration Measures in the House of Representatives: Contemporary Procedure and Its Historical Development. Report for the Congress by the Congressional Research Service. Report No. 87-408; May 8, 1987.

59. On the trends in special rules, see Bach and Smith, Managing Uncertainty in the House of Representatives. That study encompasses all special rules to which the House agreed, whereas this analysis is limited to rules adopted for considering bills and joint resolutions the House ultimately passed.

60. Furthermore, these data almost uncertainly over-estimate the percentage of all measures, including simple and concurrent resolutions, to which members are able or likely to propose floor amendments. Budget resolutions are among the very few such measures required to be considered in Committee of the Whole under the House's rules or rule-making statutes. And during the 94th-99th Congresses, the House adopted only 41 special rules for acting on simple or concurrent resolutions in Committee of the Whole. Moreover, only 7 of them were open rules; half were restrictive and an additional one-third were closed rules. Thus, of the 2,939 simple and concurrent resolutions the House adopted between 1975 and 1986, the overwhelming majority of them undoubtedly were not subjected to significant floor amendments. (For the data, see Davidson and Hardy, Indicators of House of Representatives Workload and Activity, p. 65.)

61. The author wishes to express his gratitude to Steven S. Smith for his extraordinary generosity in making available these data on House floor amendments even before the appearance of the study for which they were developed. For his analysis of legislative politics in both houses, see Smith, Call to Order: Floor Politics in the House and Senate. Washington: The Brookings Institution, forthcoming.

62. These data exclude committee amendments. Also excluded are floor amendments to House and concurrent resolutions and to all measures the House failed to pass.

63. Steven S. Smith, "Decision Making on the House Floor." Paper presented at the 1986 Annual Meeting of the American Political Science Association, Washington, D.C., Tables 2, 4, 6, and 7.

64. Stanley Bach, "Representatives and Committees on the Floor: Amendments to Appropriations Bills in the House of Representatives, 1963-1982," Congress and the Presidency, v. 13, n. 1, Spring 1986; pp. 41-58.

65. There also has been a decline since the 95th Congress in amending activity per capita. Smith, "Going to the Floor: Changing Patterns of Participation in the U.S. House of Representatives, 1955-1986." Paper presented at the 1987 Meeting of the Social Science History Association; New Orleans, Louisiana; Table 1 and Figures 1 and 4, and Smith, Call to Order: Floor Politics in the House and Senate. By contrast, the number of appropriations amendments continued to increase, but then experienced a notable decline in the 97th Congress (1981-1982), even before the 1983 change in Rule XXI that made it more difficult for members to propose limitation amendments. Bach, "Representatives

and Committees on the Floor," Table 1, p. 45.

66. What did not decline, on the other hand, was the rates at which the House adopted the amendments that were offered. Again according to Smith, the success rate for amendments by all House members increased steadily from 42.5 percent in the 88th Congress (1963-1964) to 69.1 percent in the 96th Congress (1979-1980), and then approached 80 percent in the 99th (1985-1986). Comparing the same three Congresses, the success rates jumped from 33 to 62 to 66 percent for amendments proposed by Republicans and from 26 to 65 to 69 percent for amendments offered by first-term members (Smith, "Going to the Floor," Table 2 and Figures 1, 3, and 5). Similar trends characterized floor amendments to appropriations bills during the same period (Bach, "Representatives and Committees on the Floor"). Once the proponents of bills could no longer be confident of defeating floor amendments, they had a powerful incentive to prevent them from being offered. As this author has joined with Smith to argue, it is precisely this calculation which has been one of the primary reasons for the growing use of special rules that have restricted the amending process in Committee of the Whole (Bach and Smith, Managing Uncertainty in the House of Representatives).

67. Robinson reported that approximately 90 percent of the legislation the House passed during the annual sessions between 1951 and 1962 were considered under suspension or from the Private or Consent Calendars. However, his data are too incomplete to interpret satisfactorily. See Robinson, The House Rules Committee, pp. 4-5.

68. See note 17.

69. As noted earlier, there is a limit on the Speaker's discretion; he is not to permit consideration of a bill under suspension if it involves a cost of $100 million or more in any fiscal year. By adopting this ceiling as part of its party rules, the Democratic Caucus imposed a constraint on its own elected leader which the Democratic Steering and Policy Committee can waive.

70. Essential to the exercise of legislative vetoes, especially before the 1983 Chadha decision, were packages of expedited procedures that were included in law to assure prompt floor votes on resolutions of approval or disapproval. But some members of the Rules Committee have become increasingly dubious about enacting these procedures precisely because they dilute the Committee's ability to influence the floor schedule and procedures. See U.S. Congress. House of Representatives. Committee on Rules. Legislative Veto After Chadha. Hearings. 98th Congress, 2nd Session, 1984.

71. Stanley Bach, "Parliamentary Strategy and the Amendment Process: Rules and Case Studies of Congressional Action," Polity, v. XV, n. 4, Summer 1983, p. 573.

72. Bach, Suspension of the Rules in the House of Representatives, p. 62.

73. According to Robinson, "[i]n the twenty-four years from 1937 to 1960 only twenty-four rules were defeated....With two exceptions, they were voted down not because the House thought the rules unfair or inadequate, but because it was opposed to the bills that they would have brought to the floor." Robinson, The House Rules Committee, p. 37. See also note 30.

74. Data provided by the Inter-University Consortium for Political and Social Research. Both exceptional incidents occurred in 1979. See House consideration of H.J.Res. 74, a constitutional amendment on school busing (Congressional Record, July 24, 1979, pp. 20358-20413), and H.J.Res. 419, a continuing resolution (Congressional Record, September 25, 1979, pp. 26135-26153).

75. See Roger H. Davidson, "The Legislative Work of Congress." Paper presented at the 1986 Annual Meeting of the American Political Science Association, Washington, D.C., pp. 31-33.

76. As Smith has reported, "[t]he number of bills considered on the floor has actually fallen by more than 40 percent since a peak in 1955-56, but the total number of pages in bills enacted into law has more than doubled since the 1950s and the number of pages per bill has more than tripled...." ("Decision Making on the House Floor," pp. 2-3). This increase began in the mid-1970s, well before the beginning of the Reagan administration. Davidson and Hardy, Indicators of House of Representatives Workload and Activity, p.63.

77. Congressional Record, daily edition, March 3, 1988, pp. H643-H694.

78. Ibid., pp. H694-H695.