

# The Rise of Party Control over Policy Stability: The Effects of 20th-Century Congressional Reforms on the House Ways and Means Committee

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**Abstract:** The House Ways and Means Committee, with a purview over matters concerning revenue and taxation, has been one of the most powerful committees in Congress since 1789. Under Chairman Wilbur Mills from 1958-1974, Democrats and Republicans compromised to successfully pass legislation; however, House reforms in the late 20th century revolutionized committee structure and member conduct. This paper examines how these reforms have changed the Ways and Means Committee by comparing the findings of Richard Fenno's *Congressmen in Committees* to the actions of the Committee from 2007-2018. By analyzing member behavior, committee activity, and floor success, this paper finds that polarization of members within Ways and Means has increased and the Committee's relative pass rate has decreased. An in-depth case study of the Tax Cuts and Jobs Act of 2017 reveals the effects of Committee partisanship on macroeconomic issues. This paper finds the influence of party control in the Committee to be all-encompassing, and generally emphasizes the need for policy stability across Congressional sessions in the Ways and Means Committee.

**Keywords:** House of Representatives, Ways and Means Committee, Congressional reform, party

## 1. Introduction

When Gallup asked the American electorate what the three most important issues of the 2020 election were, they responded with healthcare, taxes, and immigration (Newport 2020). Legislation affecting the healthcare system or taxation within the United States passes through the Ways and Means Committee of the House of Representatives, as it has since the Committee's inception in 1789. The Ways and Means Committee is known for its importance within Congress and for the American people due to its jurisdiction over taxation, trade policy, social insurance programs, healthcare, and social welfare.

Over the past fifty years, the House of Representatives has undergone reforms that transformed its entire structure and affected the behavior of members. The pre-Reform period, characterized by the authoritative power of committee chairs, changed first with a set of reforms in the 1970s meant to dismantle the seniority system. Then, the 1990s Reforms further expanded party control by nationalizing Congressional elections and centralizing legislative power onto the Speaker of the House. The effects of these reforms on the Ways and Means Committee, however, have not been studied. This paper will address the following question: How has the conduct of the House Ways and Means Committee changed in the post-Reform era?

After studying the Committee in the pre-Reform period and analyzing the later House Reforms, I hypothesized the Committee's entire conduct would evolve. Specifically, I predicted its partisanship would increase, legislative output would increase, and the House floor success rate would decrease. My findings matched these predictions. By examining the Committee from 2007 to 2018 to match Fenno's study from 1955 to 1966, I found that the current outside influences, legislative strategies, and floor success of Ways and Means are largely different from his findings. The use of party scoring systems revealed a Ways and Means Committee that was more partisan than the current House of Representatives and the Committee Fenno studied in the 20th century. Statistics from

Congressional sources showed a similar pass rate of Committee bills, but a lower relative pass rate when compared to other committees. Given the impact on the American people of the policies that fall under the purview of the Ways and Means Committee, this paper sees the potential need for future Congressional reform to ensure legislative permanence and establish policy stability for all.

## **2. Literature Review**

To study the activities of the Ways and Means Committee, I will begin by providing a review of the foundations of the American federal government and analyzing the findings contained in Fenno's Congressmen in Committees. I will then discuss the historical contexts and effects of the 1970s Democratic House Reforms and 1990s Republican House Reforms to inform my hypotheses on the differences between the committee of Fenno's study and that of today.

## **3. The American Political System**

The federal government of the United States is split into three branches: legislative, executive, and judicial. Congress falls under the legislative branch, which is designed to write the laws of the nation; this power is checked by the President, who can veto legislation, and by the federal courts, which can judge the constitutionality of challenged laws. Congress itself is split into two chambers: the House of Representatives, which consists of 435 voting members allocated by state population, and the Senate, composed of 2 Senators from each state. For laws to be drafted and passed, they can be introduced in either chamber, and they usually pass through a committee of that chamber for consideration based on the subject area of the proposed law. The Ways and Means Committee is a House committee that covers all taxation-based and spending bills; thus, Ways and Means has jurisdiction over issue areas such as public health measures, social security, unemployment insurance, and tax benefit

programs. After a bill passes through a House committee, the legislation is then considered and voted on by the entire 435 member House on the “floor.” Upon passage in one chamber, the bill will pass through the other chamber in the exact same steps, and then it is sent to the President, who can sign or veto. These interactions are additionally influenced by the hegemony of the Democratic and Republican Parties in the American electoral system. The impact of partisanship, developed through a series of influences discussed in this paper, changes the way individual members of Congress function within the system. The ability of the American electorate to vote directly for the executive is different from a parliamentary system, which selects its executive from the legislature. The direct vote system pushes all political interests into a two party structure. As a result, these parties encompass many different interests that agree on major policies such as taxation, but have more nuanced positions beyond the central issues. By consolidating interests on major issues into two opposing positions, the parties are pushed away from each other and polarization comes into play. Pressure to hold majorities to control the legislative agenda creates an environment of partisanship that is obstructive to the operation of the legislative branch. This has modified the ways individual members of Congress interact with the infrastructure around them. One major alteration is the creation of omnibus legislation, or a massive bill that houses multiple measures that often cover vastly different topics. By concentrating multiple bills into one adopted by a single floor vote, parties with solid majorities can force their entire coalition to support all of the initiatives present rather than losing some in separate votes. These practices also sacrifice efficiency and allow the inclusion of non-majority supported goals in future laws. It is with this background that I begin a proper analysis of Fenno’s research on committee conduct.

#### **4. Fenno’s Congressmen in Committees**

From 1955 to 1966, Richard Fenno, Jr. studied the activity of Congressmembers in their committees. In his study, Fenno focused on mem-

ber goals, environmental constraints, strategic premises, decision-making processes, and legislative outcomes. Fenno's work provides essential context as to how the Ways and Means Committee operated before the House reforms. Overall, he concludes that the Ways and Means Committee was successful at developing legislation that passed the House, despite its strong partisanship and controlling chairman, because members developed a group identification based on their shared Ways and Means membership.

First, Fenno found that those who sought membership on the Committee desired to have "power" and "prestige," which Ways and Means offered due to its influential jurisdiction (Fenno 1976, 2-3). Committees of Congress also face multiple outside influences with different degrees of responsiveness: for Ways and Means, Fenno discovered that other House members made the strongest efforts to influence the Committee's actions because of its policy impact on all congressional districts (Fenno 1976, 15-17). Party leadership played an active part in selecting members for Ways and Means due to the electoral consequences of the Committee's decisions, but was not involved in Committee activity (Fenno 1976, 15-17). The desire for power of Committee members and the heightened influence of other House members motivated Ways and Means members to work towards legislation that guaranteed House passage (Fenno 1976, 54-55). Even though the Committee had the strongest partisanship of all Committees analyzed by Fenno, the Committee strategically limited partisanship to the final stages of the Committee legislative process and therefore mostly operated in a nonpartisan environment (Fenno 1976, 56, 84).

In terms of leadership, the Chairman of Ways and Means dominated the entire legislative process from a bill's referral to the Committee to its floor vote (Fenno 1976, 114). Chairman Wilbur Mills had considerable influence over the committee due to both his expertise in the subjects it covered, his long tenure, and his ability to read attitudes on the House floor (Fenno 1976, 115-116). Not only would Mills compromise with Democratic leadership to make legislation more conservative, but

he also was the decision-maker in terms of fixing the final language of bills and determining when he had the votes to continue the legislative process on the floor (Fenno 1976, 116-117).

Because the Committee was well-respected by the House, their recommendations carried heavily on the floor (Fenno 1976, 203). According to Fenno, committee decisions were tested on 19 roll call votes with a 94% success rate (Fenno 1976, 203). Although this was the highest percentage of passed-and-unamended bills of all committees, Fenno noted it was not a strong comparison due to their common use of closed rule, which prevents the addition of amendments at any point on the House floor (Fenno 1976, 203).

The members of Ways and Means were also satisfied with their success in the House, as it had the smallest percentage in the House of members leaving their Committee assignment voluntarily (Fenno 1976, 211). Although it was consistently more partisan across all policy areas than the House, this finding reveals the satisfaction members of Ways and Means derived from their stronger influence. It also identifies how the Committee was able to overcome its strong partisanship; the Committee developed a strong group identification beyond party lines that ensured its success in passing legislation in the House (Fenno 1976, 212). While the Committee is known for its strong partisanship compared to other committees, Fenno demonstrated that the Ways and Means Committee was still successful at developing legislation that passed the House.

## **5. 1970s Democratic House Reforms**

The structure of the House evolved due to the 1970s Democratic House reforms that took power from committee leaders and expanded the scope of party leadership (Sinclair 1995, 19). During the time Fenno conducted his study, committee chairs had enormous power at their disposal; the seniority system in choosing chairs, however, generated a disproportionate number of Southern, conservative chairs (Sinclair 1995, 21-23). During the 1960s, the composition of the Democrat Party be-

came increasingly Northern and more liberal; the standing committee system, therefore, limited the influence of newer members (Sinclair 1995, 24, 26, 28).

To resolve this, the liberals believed they needed to distribute power to more members, design systems to hold chairs accountable to their committees, and strengthen the capacity of party leadership to advance the majority's objectives (Sinclair 1995, 34-35). They first established a system of regular meetings of the Democratic Caucus so that rank-and-file members could better share their views (Sinclair 1995, 34-35). In addition, the Steering and Policy Committee was formed to nominate committee chairmen so that they could be more responsive to the majority (Sinclair 1995, 34-35). The reformers also enacted rule changes to increase opportunities for participation and developed a more transparent legislative process (Sinclair 1995, 34-35). The reforms enacted immediately made committees more receptive to the growing liberal membership in the House, but the changes ultimately led to the emergence of strong centralized party leadership (Sinclair 1995, 38, 44; Lawrence 2018, 114). Because of the increase in amendments on bills, jurisdictional conflicts between committees, and omnibus legislation, party leaders were forced to intercede more frequently to ensure that desired legislation reached the floor (Sinclair 1995, 48-49, 163). According to Sinclair, votes on major legislation became increasingly split along party lines (Sinclair 1995, 304).

## **6. 1990s Republican Reforms**

The Republicans had been the minority party in the House for decades until they gained a majority in the 1994 elections and elected Representative Newt Gingrich as Speaker. In the election, Gingrich and the Republican Party organized all Congressional elections around his "Contract with America," which nationalized Congressional elections around a central partisan ideology and increased the powers of parties (Mitchell 1998). After being elected Speaker, Gingrich enacted multiple

reforms that further strengthened and centralized party leadership. By nationalizing elections, he changed member focus to fundraising and reelection, and he reinforced this ideology by shortening the Congressional workweek to three days. This cut the time members spent in the Capitol developing relationships with other members, especially those of the other party that could not benefit their reelection chances (Seitz-Wald 2016; Lessing 2011). Gingrich also enacted rules that further limited the power of committee chairs and strengthened the Speakership: first, he circumvented the Steering and Policy Committee to directly appoint key committee chairmanships (Seitz-Wald 2016; Broder 1998). This change allowed party leaders to empower junior members, control the agenda, and silence party factions (Seitz-Wald 2016; Broder 1998). He additionally set six-year term limits on committee chairmen, cut the size of committee staff, and banned votes by proxies (Broder 1998). The media describes his tenure as developing consistent party-line voting in the House and revolutionizing the focus of members to reelection instead of policy (Broder 1998). It was these reforms that directly painted the modern conception of Congress as being controlled by party leaders and operating without the public interest in mind. The approval ratings of Congress have rarely breached 50% since the 1970s (Gallup). Additionally, public trust in government, which sat at 78% in 1964, has remained below 50% through the Reforms and into today (Pew Research Center 2019).

## 5. Hypothesis

While Fenno's study leads to great insights, the rules and precedents regarding chairmen, the legislative process, and activity on the House floor have greatly changed in the post-Reform era. While the reforms clearly transformed the House, it is unclear how they affected the Ways and Means Committee, especially since the adjustments were motivated by social welfare policy for the Democrats and tax reform for the Republicans. In response to my research question, 'How has the conduct



of the House Ways and Means Committee changed in the post-Reform era,' I hypothesize that partisanship and polarization within the Committee increased, legislative output increased, and success on the House floor decreased.

Since the Democratic reforms weakened the power of committee chairs and strengthened the power of party leadership, the Committee will thus show stronger alignment with each party's values over the goals of the chairman and individual members. In addition, the Republican changes further weakened the nonpartisan group identity found by Fenno by strengthening party leadership and decreasing the time spent on Capitol Hill. The efforts of the Democratic reforms to increase the power of rank-and-file members allow all members of the Committee to introduce legislation, leading to a higher output. Lastly, I believe Ways and Means success on the House floor has decreased due to the changes in committee chairmanship from the Democratic reforms. Chairman Mills was mainly motivated to send legislation to the floor if he was certain of success; because leadership is now controlled by party, the chair may potentially push legislation to the floor with weak party majorities in the Committee only to fail on the floor.

## **6. Methods**

This section outlines the methods I employed to look into the partisanship, legislative output, success on the House floor, and overall conduct of the Ways and Means Committee.

### **A. Partisanship**

To investigate the changes in partisanship and polarization within the Committee, I use scores from the Americans for Democratic Action (ADA). This organization compiles a number of bills that were voted on the House floor, determines its partisan position on each bill, and scores members based on how much they agree with the party's principles. It

then reports this data, along with explanations for each bill chosen, in a newsletter that is posted online. Using collected data from the ADA from 1955-1966 and 2007-2018, I created a spreadsheet of the Ways and Means members of every Congress and recorded their scores (see Appendix A, Appendix B). I then calculated the average for Ways and Means Democrats and Republicans and documented the average of the House ratings for both parties. Using these numbers, I made two comparisons. The first comparison was between the Ways and Means Committee party averages and their counterparts in the House as a whole, in order to determine whether the Committee's party caucuses were more partisan than the House overall from 2007-2018. Then, I analyzed how the Committee has changed by comparing the average Committee party scores from the ADA from 1955-1966, when Fenno's study was done, to those of 2007-2018.

Although the data provides an overview of the Committee, it has inherent biases and limitations. The most critical is that the data only records floor votes for that year, and these do not measure the efforts of members in their committees or the context explaining why they supported each bill. In addition, the ADA only measures the adherence of members to liberal values; it may overestimate the partisanship of Republicans. Lastly, ADA scores for the years 1955-1962 were only provided by vote; I had to calculate the numerical score. I tallied the number of votes aligned with the ADA of each member and divided it by the total number of votes considered. Following their later models with numerical ratings, a "pair" for or against was equivalent to a yes or no vote (A "pair" occurs when a Representative who does not attend a vote arranges with a member who will be voting for the opposing position to announce that they are "pairing" with the absent member during the vote). If a member was absent for one vote, I removed that bill out of the total. If they were absent more than once, I calculated every two absences as a vote against the ADA to decrease their score.

## 7. Legislative Output, House Success, and Overall Conduct of the Ways and Means Committee

To measure the Committee's general ability to report bills and pass them through the House, I used data provided by Congress.gov, the official website for information on federal legislation, and compared it to the data reported by Fenno. I employed the following formula:

$$\frac{\text{Total bills passed on the House floor}}{\text{Total bills introduced on the House floor}}$$

For a true understanding of the Committee and how it operates, I interviewed two staffers from the Ways and Means Committee. They were a Legislative Director, who handles health care policy in Ways and Means, and a Legislative Assistant, who handles tax and trade issues in the Committee. These interviews were done under the condition of personal anonymity. By asking them questions that directly connect back to Fenno's research, I compared the Committee in its current form to its design in the pre-Reform era (see Appendix C). While these two individuals hold biases of their own based on party preference and personal experience, their insights are important because they have first-hand experience working with or in the Committee and understood beforehand that my research was coming from a nonpartisan standpoint. I also conducted a case study on the Tax Cuts and Jobs Act of 2017 (TCJA) to get a more specific sense of how the Ways and Means Committee operates when considering legislation. This piece of legislation was the policy the House Republican majority ran on in 2016, making it their central legislative aim of the 115th Congress. Both staffers I interviewed used the bill as a way to explain the Committee's conduct, so it was important to include it as context to my interviews. Although the TCJA is not comparable to many lower-profile bills considered by the Ways and Means Committee, the far-reaching effects of the bill on American taxpayers provided yet another reason to connect it with this research.

To analyze the TCJA, I compiled the transcripts of the Ways and Means Committee hearings on the bill to identify moments when Committee members exhibited partisanship. This could either be in their actions, comments, or questions for the witnesses. I then examined the committee markup period and looked at every vote held for amendments to determine how many were split exactly on party lines. By extensively studying the Tax Cuts and Jobs Act and utilizing the interviews to further inform my findings in other sections, this paper will present a comprehensive view of the current House Ways and Means Committee.

## **8. Findings**

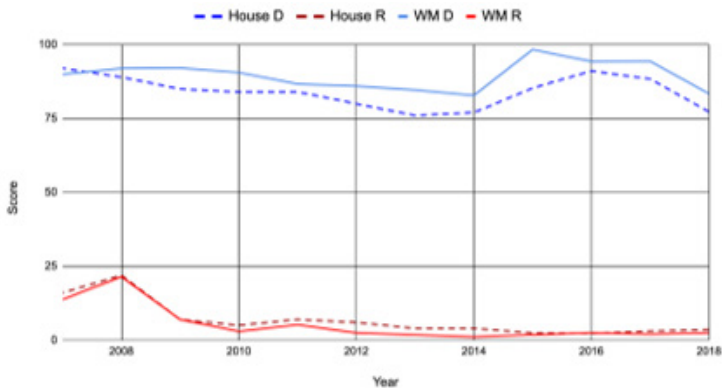
This section presents the quantitative data and qualitative analysis to determine how the Ways and Means Committee has changed in the post-Reform period.

### **A. Partisanship**

In Congressmen in Committees, Fenno made the argument that the Ways and Means Committee was the most polarized in Congress, and thus would exhibit more partisanship than its counterparts (Fenno 1976, 56). Given the House reforms of the late 20th century, I hypothesized that the Committee would exhibit increased partisanship due to the heightened general importance of party ties. To test this hypothesis, I first compared the ADA scores of each party's members of the more current Committee to the entire House, shown in Figure 1. After calculating the average rating of the Ways and Means Democrats and Republicans given the scores of individual members, I constructed line graphs to compare the score of the overall House to that of the Ways and Means Committee for the years 2007-2018.

The Committee's party caucuses are considered more partisan if their average score is 0.5% higher than the overall House parties. In Figure 1, the Committee Democrats are above the House and the Committee

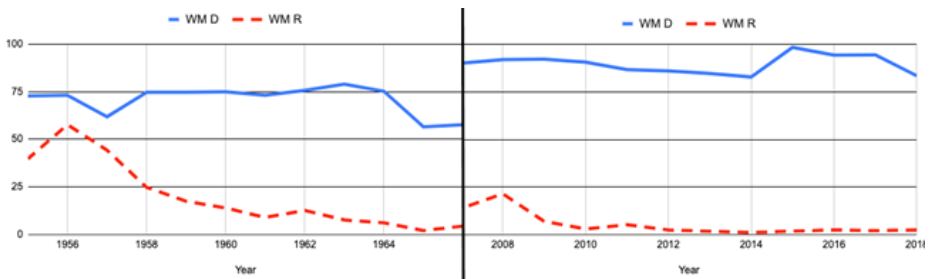
Republicans are below the House, constituting a more partisan Ways and Means Committee. The ADA averages illustrate that the Ways and Means Democrats are noticeably more partisan than the House. While the Ways and Means Republicans stay aligned with House Republicans across the time period, the Committee Democrats are consistently more partisan than their House counterparts. As Figure 1 demonstrates, at least one party in Ways and Means is more partisan than the general House every year from 2007 to 2018.



ADA Scores				
Year	Overall Dem Average	WM Dem Average	Overall Rep Average	WM Rep Average
2007	92	90	16	13.82
2008	89	91.957	22	21.47
2009	85	92.115	7	7
2010	84	90.576	5	3
2011	84	86.67	7	5.23
2012	80	86	6	2.5
2013	76	84.6875	4	1.791
2014	77	82.8125	4	1.087
2015	85.3	98.33	2.5	1.875
2016	91.1	94.33	2.3	2.5
2017	88.4	94.375	3.1	2.08
2018	77.3	83.4375	3.6	2.5

**Figure 1:** The ADA Party Average Scores from 2007-2018 for the House of Representatives and the Ways and Means Committee.

What did the Committee's partisanship look like during Fenno's time? To determine how partisanship changed in the post-Reform era, I tabulated and graphed the ADA scores of the Committee from 1955-1966 and put them side by side with the ADA scores from 2007-2018. The Ways and Means Committee began the period of Fenno's study relatively nonpartisan; as time passed, the Republicans became quite polarized while the Democrats stayed moderately liberal. This trend in the Democrats is most likely due to the seniority system in the pre-Reform House: members on Ways and Means were more likely to have served longer in Congress, and thus the majority of them in Ways and Means were Southern conservative Democrats.



**Figure 2:** Comparison of the ADA Party Average Scores from 1955-1966 and 2007-2018 for the Ways and Means Committee.

As shown by Figure 2, partisanship in Ways and Means changed from the period of Fenno's study to today. The partisanship is most noticeable in the Democrats movement from usually between 50% to 75% from 1955 to 1966 to reliably being above 75% from 2007 to 2018. The Republicans on the Committee, however, went through a shift at the beginning of Fenno's study, and strong partisanship as documented by ADA can still be found from 2007 to 2018. Based on these figures, it is clear that the Ways and Means Committee of the contemporary House is more partisan than the Committee during Fenno's Congressman in Committees.

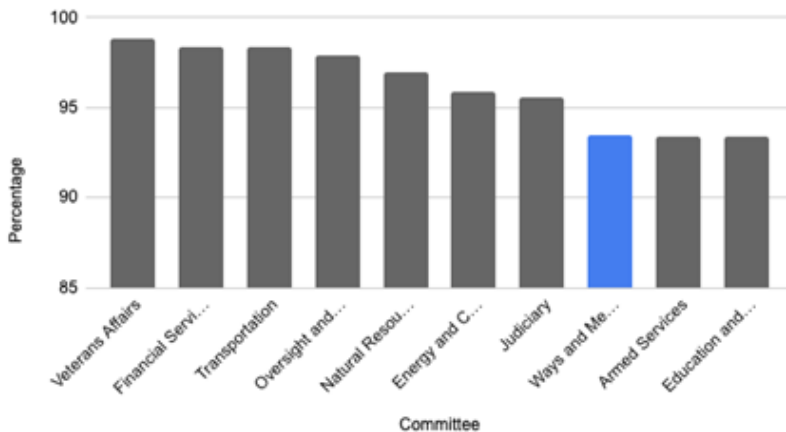
## B. Legislative Output and Success

In Fenno's research, the Ways and Means Committee wrote legislation that successfully passed the House, partially due to the expertise of Chairman Wilbur Mills and the frequent use of closed rule on bills (Fenno 1976, 203-204). The Committee's bills at this time had a 94% pass rate on 109 roll call votes (Fenno 1976, 203-204). Given the goals of the reforms made during the 1970s and 1990s, I predicted that the more recent Ways and Means Committees would increase legislative output. But, with increased partisanship controlling all committee activity, I assumed there would be lower success in bill passage.

How many Ways and Means bills made it to the House floor and what was the Committee's pass rate from 2007-2018? 10,762 bills introduced in the House were assigned to the Ways and Means Committee ("Committee Activity"). 854 of those bills received consideration from the Committee and 460 made it to the floor; 430 of the 460 passed the House, giving the Ways and Means Committee a 93.5% pass rate from the 110th to the 115th Congress ("Committee Activity"). The Committee, therefore, has a similar pass rate before and after the House reforms but with a significantly higher amount of legislation at stake.

To comprehend the significance of the pass rate of Ways and Means, I analyzed it in the context of other committees and the overall House from the 110th to the 115th Congress. In that time period, 6,849 bills received consideration in committees and 5,134 of those reached the floor ("Advanced Search"). 4,996 passed the House, leaving the House with a pass rate of 97.3% ("Advanced Search"). Out of the ten committees with the most bills considered from 2007-2018, the Ways and Means Committee ranks 8th in pass rate, as shown in Figure 3 ("Advanced Search"). Although Ways and Means has the highest number of bills being considered in the House, it has a lower pass rate when compared to other high-volume committees. Though the percentage is similar to that found in Fenno's study, the context is very different: the loss of protection by limiting the use of closed-rule, among other changes, lowered the relative

pass rate of Ways and Means. Although it is still above 90%, the lower relative pass rate implies that the two parties leading the American government cannot come together and operate within the Ways and Means Committee to successfully pass legislation that is important to Americans.



**Figure 3:** Comparison of the Relative Pass Rates of Committees of the House of Representatives from the period 2007-2018.

### C. Overall Conduct of Committee

To gain a more qualitative understanding of the Committee, I conducted interviews with a current Ways and Means Legislative Director and Legislative Assistant for Tax and Trade. I formatted these interviews in a similar fashion as Fenno's research structure to draw direct connections and conclusions between the two periods of activity I analyzed. When asked about their general impressions of the Committee, both staffers commented on the Committee's prestige (Interviews 2020). They stated that members hope to be on Ways and Means because the policy issues faced by the Committee are important nationwide and significant



to members' personal interests and reelection goals (Interviews 2020). This matches Fenno's findings that members are interested in joining the Ways and Means Committee due to its powerful position (Fenno 1976, 2-5).

While Fenno believes the largest environmental constraint on the Ways and Means Committee is other Representatives in the House, the staffers disagree with him (Fenno 1976, 15-17). Given their decade of experience lobbying Capitol Hill for housing and tax policy, the Legislative Assistant believes industry groups drive most legislation in the House, especially for the Committee (Interviews 2020). The Legislative Director does acknowledge the strength of interest groups in asking for small changes to overall legislation, but instead points to the House party leadership as having the strongest effect on the Committee (Interviews 2020).

In terms of the legislative strategies within the Committee, the Legislative Assistant provides a strong outline for how Ways and Means staff work on legislation with their Congressmembers. To work on a specific policy, the Legislative Assistant meets with interested stakeholders to discuss the issue and determine the goals desired (Interviews 2020). The Legislative Assistant further studies the history of the issue to gain a full understanding of the developing legislation and will then look for Senate supporters for the potential bill to become bicameral (Interviews 2020). Overall, the Legislative Assistant emphasized that compromise is central to drafting and expanding support of legislation, which the Legislative Director echoes in their comments (Interviews 2020). Yet, they both acknowledged the limits of compromise on big issues in taxes and healthcare; this is exactly when partisanship takes over (Interviews 2020). On these issues, both stated that partisanship rises and the ability to build bipartisan support diminishes (Interviews 2020). While Fenno writes that partisanship from 1955-1966 took control at the end of the legislative process across all issue areas, the staffers point out that partisanship spikes for certain issues and controls all legislative action around bills that fall under those issues (Interviews 2020; Fenno 1976, 84).

The staffers emphasized different aspects of committee Chairman Richard Neal's leadership. The Legislative Director noted the importance of the chairman for bipartisanship but stated that he can really only influence the majority party on votes; their key comment was that the chairman has no separate abilities, other than agenda setting, from regular Ways and Means members (Interviews 2020). On a similar note, the Legislative Assistant explained that the chairman's ability to garner votes depends on the issue being discussed (Interviews 2020). They stated that the chairman demonstrates his leadership when he provides talking points to members for important hearings and assists junior members in the Committee (Interviews 2020). Both stressed that a prospective chairman can only reach the position if they are close to House party leadership (Interviews 2020). Given the impact of the House reforms, the differences between the findings from my interviews and Fenno's study on the topic of the chairman were logical. The all-encompassing power of Chairman Mills during the 50s and 60s is quite different from Chairman Neal's Committee, in which legislative power has now spread throughout the Committee's members (Fenno 1976, 115-117).

When asked about the movement of legislation to the floor, the Legislative Director emphasized the complete control of the Speaker, who governs committee chairs and their committees' products (Interviews 2020). Legislation does not move without the Speaker's approval, so the success of the Ways and Means Committee on the floor no longer reflects the chairman's leadership (Interviews 2020). The difference from Fenno's findings is significant: although the chairman is still the leader of Ways and Means, he is more of a figurehead and it is party leadership that completely controls the floor process (Fenno 1976, 117, 204-206, 210).

The conduct of the House Ways and Means Committee has been transformed in the post-Reform era, even though the overall impressions and goals of serving members remain the same. The increase in the strength of outside lobbying efforts and heightened influence of the House party leadership changes the responsiveness of the Committee to other interests. Partisanship now controls all large issues that move through the

Committee but is mostly inactive on precise legislation. The chairman's leadership and the movement of bills to the floor is now an operation of House party leadership, ultimately demonstrating the partisan consolidation that was a major effect of the Reforms.

While the centralization of party control is seen in the Ways and Means interactions surrounding the Tax Cuts and Jobs Act that are more specifically discussed in the case study, there are other household-name bills from Ways and Means that have fallen prey to partisanship. One example is the Affordable Care Act, or Obamacare, which became law through partisan mechanisms during a period of Democratic control of the House, Senate, and Presidency. Partisan bickering was apparent in comments made regarding the bill; prominent Republicans called the proposed system "downright evil," and Democrats responded by stating that the Republican solution would push sick individuals to "die quickly" (Politico 2013). The public interpreted the maneuvering conducted by Speaker Nancy Pelosi and other leading Democrats to ensure passage of the Affordable Care Act as preventing Republican input and stifling bipartisanship on the biggest health reform package of the 21st century (Price 2014). The self-described Republican revenge against Obamacare came to fruition in later lawsuits challenging the bill's central tenets, but also came legislatively through the Tax Cuts and Jobs Act.

Another example of the impacts of partisanship is the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010, which was the Congressional response to the 2008 Great Recession. The gravity of the surrounding economic context led to strong partisan actions in debate that impacted the final language of the law. Representative Barney Frank, head of the House Financial Services Committee, made strong efforts to work with Republicans in drafting the legislation, but the pressure from the Obama administration forced the resulting compromises to be insignificant and not influential on the most groundbreaking measures in the law (Kaiser 2014, 231-232). When the bill passed the House, there was bipartisan opposition to it; the entire Republican Party and twenty-seven Democrats voted against it (Kaiser 2014, 230). This ultimately reveals a

Congress that was more aligned with party values than majoritarian politics.

These bills directly impact every American resident's access to healthcare and interaction with financial markets. The Affordable Care Act ensured every American could receive health coverage regardless of pre-existing conditions, mandated that every individual must have health insurance, and provided pathways and subsidies to help families receive affordable rates. The Dodd-Frank Act created the Consumer Financial Protection Bureau (CFPB) to prevent predatory mortgage lending, instituted limitations on the ways banks could invest their funds to prevent risky trading, and developed monitoring systems to avoid massive market failure in the future. Even though these measures are central to the livelihood of Americans, these bills fell victim to intense partisan fighting and only passed due to party control.

#### **D. Case Study: The Tax Cuts and Jobs Act of 2017**

To fully illustrate the post-Reform changes I found regarding partisanship, legislative output, and House floor success, I conducted a case study on the Tax Cuts and Jobs Act of 2017 (TCJA). The case study places the staffer interviews I conducted into their legislative context, as the TCJA was still a frequent topic in Ways and Means Committee hearings in Winter 2020. This legislation, otherwise known as the Trump Tax Cuts, established temporary reductions in income tax rates for individual tax brackets and permanently reduced the income tax rate for corporations (“2018 Tax Cuts...” 2018). To simplify the tax filing process, the TCJA ended personal exemptions on income taxes, limited itemized deductions, and doubled the standardized deduction (“2018 Tax Cuts...” 2018). To encourage more investment in the United States, the corporate tax rate became a flat 21% across all corporation types and income levels, and the “opportunity zone” system to incentivize investment in low-income zones was established (“2018 Tax Cuts...” 2018; Drucker 2019).

When President Trump took over the Executive Branch in 2017,

tax reform to match the Republican economic ideology was possible because of the Republican majority in the House and Senate. The bill, denoted as H.R. 1 to underline its centrality to the Republican goals of the 115th Congress, started in the House of Representatives and went through the Ways and Means Committee for debate and mark-up.

The Committee held three hearings for the TCJA and heard from thirteen witnesses. The first, held for the entire Committee, puts the partisanship of the Committee on display. As the staffers stated in their interviews, partisanship controls all action on macroeconomic issues (Interviews 2020). Committee Republicans used Chairman Brady's catchphrases, while the Democrats followed the sentiments of Ranking Member Neal. Since the Republicans were in the majority at the time, their comments mostly defended the President's plans and advocated for the Reagan ideal of trickle-down economics (Hearing no. 115-FC01 2017, 7-9, 61, 137). Democrats, in the minority, had to use Republican language and actions against them as a way to attack the TCJA. This included quoting Treasury Secretary Mnuchin saying there would be "no net tax cuts for the rich", calling the tax reform plan "phony and hypocritical" for not uplifting the middle class, commenting on the lack of diversity of the witness panel, and utilizing historical examples to show that tax cuts do not generate the growth promised by President Trump (Hearing no. 115-FC01 2017, 9-11, 65-66, 70, 75, 81, 108, 119). In response to partisan Democratic comments, Chairman Brady used statements relating his actions to the practiced traditions of the Committee, and Republican members grandstanded to defend their knowledge of business practices and assert their shared values (Hearing no. 115-FC01 2017, 76, 78, 81, 88, 116, 122, 137).

The other hearings, while held in the Ways and Means Subcommittee on Tax Policy, still demonstrated the partisanship that controlled the Committee debate. The first subcommittee hearing, on the effects of the bill on Small Businesses, included Democratic comments that referred back to Subcommittee Ranking Member Doggett's comments attacking Republicans on their delay to hold hearings and emphasizing the

bill's benefits for individuals like President Trump instead of American small businesses (Hearing no. 115-TP01 2017, 9-12, 53-55, 57, 63, 70, 87). Republicans focused more on the bipartisan belief in uplifting small businesses, but still included comments on the limited knowledge of the Democratic witness and the inability to compare the situation to ineffective historical tax cuts (Hearing no. 115-TP01 2017, 9-12, 53-55, 57, 63, 70, 87). The other hearing focused on the impacts on individuals and families (Hearing no. 115-TP02 2017, 11-16, 55-56, 61, 68, 70, 83). This hearing contained Democratic comments on the failed Republican efforts in the past, and featured Republican statements that emphasized various actions during the Obama administration that hurt American taxpayers (Hearing no. 115-TP02 2017, p. 11-16, 55-56, 61, 68, 70, 83). When the Ways and Means Committee took H.R. 1 into the mark-up period, there were 30 amendments considered ("Tax Cuts and Jobs Act" 2017). Every vote was split on party lines; thus, every Republican amendment passed and every Democratic one failed ("Tax Cuts and Jobs Act" 2017). The vote to send the bill to the House floor was also exactly split along partisan lines, and the bill, when considered on the floor, passed with every Democrat and twelve Republicans opposed ("Tax Cuts and Jobs Act" 2017; Roll Call 699 2017). These findings matched the staffers' responses when asked if the TCJA is "an example of the effects of partisanship in Ways and Means": both said it is a significant example, demonstrating the active Republican effort to stifle compromise and avoid working with Democrats (Interviews 2020).

As the three hearings and markup in Ways and Means illustrated, partisanship controlled the consideration of the TCJA. The Chairmen and Ranking Members, as representatives of party leadership, stuck to party catchphrases and call-out methods to demonstrate their support or opposition to the provisions in the bill. Although comments on bipartisanship came up in discussion, the members ultimately resorted to partisan language to get their point across.

## 7. Discussion

As shown in my findings, the conduct of the Ways and Means Committee is different in the post-Reform era. Although the member goals remained constant, the environmental constraints, legislative strategies, leadership, and floor success of the Committee changed. Many of these shifts can be, at least partially, attributed to changes enacted by the House reforms of the 70s and 90s. The heightened influence of House party leadership on the Committee is most directly connected to the Reforms and their efforts to increase party control of the House by consolidating power onto the Speaker and opening the legislature to public scrutiny. Legislative strategies of Ways and Means members have also transformed: although compromise is still central to the development of legislation, the role of partisanship evolved after the reforms. Instead of only affecting bills at the end of the legislative process, the interviews and the review of the TCJA illustrate the overall impact of partisanship on high profile issues. The findings presented earlier in the paper on the overall higher partisanship of today's Committee further point to the influence of the Reforms on the increased partisanship of Ways and Means.

Discussion of the power and influence of the Chairman yields further points of change since the Reforms. The most recent Chairman exhibits agenda setting as his sole exclusive power, a significant change from Fenno's study. Given the motivations behind the 70s Reforms to overhaul the seniority system and hold chairmen accountable to their committee members, these changes also logically follow from the Reforms. The evolution of the Chairmanship of Ways and Means also had effects on the perception of House floor success: now, the ability of Ways and Means to pass bills on the floor is a referendum on the Speaker of the House, not the Chairman of the Committee.

As the calculated statistics show, the committee had the same pass-rate percentage-wise even though it was tested on the floor over 300% more in the most recent period. But, when ranked amongst the ten most active committees of Congress (of which it was the most active under

Fenno), the committee has one of the lowest relative pass rates. Thus, the influence of the Committee is diminished when compared to Fenno's study period, which contributes to the commonly-held belief that Congress cannot act when Americans need their assistance the most. The Ways and Means Committee is the primary leader in American politics in establishing policy for healthcare, taxation, social security, and unemployment insurance. Yet, it is unable to move past partisan bickering to pass legislation in an attempt to reach better outcomes in American lives.

Analysis of the TCJA emphasizes the change in the Committee's conduct and the gravity of these issues. The limited amount of bill consideration in Ways and Means is apparent; the Committee only held three hearings and heard from thirteen witnesses. The Ways and Means consideration of the 1986 Reagan tax cut, done before the 90s Republican reforms, accepted testimony from over 450 witnesses and had 30 days of Committee hearings on tax reform (Rosenbaum 1986; "Then and Now" 2017). The language used and actions taken by the Committee throughout hearings and legislative markup demonstrated the influence of partisanship over the process. While the Reagan tax cut was considered a bipartisan process, the Congressional Republicans during the TCJA specifically used their party unity across Congress and the White House to force the passage of this legislation into public law with no consideration of Democrats ideas or amendments. Again, the reliance on party control to pass a bill with direct impacts on all Americans weakens the public's perception of Congress. During the most intense debate of the Affordable Care Act before its passage in late March 2010, public perception of Congress hit a low of 16% approval, with 80% of Americans disapproving of the legislature's ability to do its job (Gallup). Similarly, public approval of Congress was at 13% when the TCJA passed at the end of 2017 (Gallup). By not considering the views of an entire party when forming legislation, such as the Republicans during the TCJA and the Democrats during the ACA, Congressional leaders appear to be working for their own benefit instead of attempting to represent constituents and their needs.



## 8. Conclusion

The purview of the House Ways and Means Committee over issues such as taxes, healthcare, social insurance, and welfare programs make it an influential committee over the livelihood of all Americans. During the period of 1955 to 1966, Richard Fenno found that the Committee operated in a mostly non-partisan atmosphere. Specifically, the Committee was known for its responsiveness to other House members, nonpartisan legislative strategy, strong Chairman, and success at composing legislation that passed the House. This paper demonstrates that the conduct of the Ways and Means Committee has evolved, and the relevant changes can be traced back to the Reforms of the latter half of the 20th century. After the Democratic Reforms of the 1970s and Republican Reforms of the 1990s centralized legislative power to the party leadership through various measures, the changes in the Ways and Means Committee connected to those Reforms illustrate higher partisanship, higher legislative output, and lower relative success on the House floor. In addition, the Committee of the most recent six Congressional sessions can be characterized by the heavy influence of party leadership, partisan legislative strategy on high profile issues, a more figurative Chairman, and lower pass rate in the House.

The transformation of the Committee is blatantly apparent in the consideration of the Tax Cuts and Jobs Act of 2017. Although the majority of Americans disapproved of the plan while the Committee considered it, the Republican majority still passed the law due to their party unity across the Legislative and Executive branches (Quinnipiac University Poll 2017). The ability of the Committee to consider and pass massive policy overhauls when the majority party of the House flips creates an unstable environment for Americans in the issue areas where permanence is needed the most. Partisan control over the Ways and Means Committee has massive effects on Americans; the ability of the Committee to pass legislation with the public majority in opposition to the provisions within that legislation points to a major flaw in the American legislative system.

To ensure that Americans receive adequate healthcare, pay the proper amount of taxes, participate in effective worldwide trade, and receive a sufficient amount of welfare if they qualify, policy permanence must become a central goal of all legislation, and reforms of the Ways and Means Committee and Congress overall, must be considered in the future.

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## Appendix

### Appendix A: ADA Scores (2007-2018)

Year	Overall Dem Average	Overall Rep Average	WM Dem Average	WM Rep Average	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
115th					Brady	Sam	Nune	Reich	Rosk	Buch	Adria	Lynn	Pauls	Marc	Diane	Tom	Mike	Jim	R	Noer	Hold	Smith
2018	77.3	3.6	83.438	2.5	0	0	0	10	10	5	0	0	5	5	0	10	0	0	5	0	0	
2017	88.4	3.1	94.375	2.08	0	5	0	10	5	0	0	0	0	0	5	0	0	0	0	0	0	
114th					Brady	Johns	nune	liberi	reich	boust	rosk	price	buch	smith	jenkin	pauls	marc	black	reed	young	kelly	
2016 (d only)	91.1	2.3	94.33	2.5	0	5	0	0	10	0	0	0	5	0	0	0	0	5	0	0	0	
2015	85.3	2.5	98.33	1.875	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	5	0	
113th					Camp	buch	smith	schoz	jenkir	pauls	marc	black	reed	young	kelly	griffin	price	gerlai	nune	johns	brady	
2014	77	4	82.813	1.087	0	0	0	0	5	0	0	0	0	0	0	0	5	0	0	0	0	
2013	76	4	84.688	1.791	0	5	0	0	5	0	5	5	5	0	0	5	5	0	0	0	0	
112th					Camp	Rosk	gerlai	price	buch	smith	schoz	jenkir	pauls	marc	berg	black	boust	Herge	johns	brady	ryan	
2012	80	6	86	2.5	0	0	0	10	5	0	0	0	0	10	5	5	5	0	0	0	5	
2011	84	7	86.67	5.23	5	10	15	0	0	0	10	0	0	10	0	5	0	0	0	0	15	
111th					levin	range	stark	mcde	lewis	neal	tann	becer	dogg	pome	thom	larso	blum	kind	pascr	berki	crow	
2010	84	5	90.576	3	90	100	90	100	100	95	50	95	95	85	100	100	100	95	95	85	95	
2009 (d only)	85	7	92.115	7	90	95	70	95	85	95	75	100	95	85	100	100	90	90	90	100	100	
110th					Range	stark	levin	mcde	lewis	neal	mcnu	tann	becer	dogg	pome	thom	larso	eman	blum	kind	pascr	
2008	89	22	91.957	21.47	85	90	95	95	95	100	95	80	100	90	85	90	95	95	95	80	95	
2007	92	16	90	13.82	95	80	90	85	85	95	90	80	95	95	85	90	95	95	85	90	95	

Note: The red and blue for the representative names indicate party preference; the party that comes first is in the majority. All of the numbers provided are percentages or ratings. The year colors hold the following significance:

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**Yellow:** Both Democrats and Republicans in the Ways and Means committee are more partisan than the House.

**Orange:** Only one of the parties in Ways and Means is more partisan than the House.

To determine these differences, I used a 1 percentage point margin of error. So, if the Committee percentage is within 0.5% above or below the House score, they are considered as partisan as the House.

Data for ADA Scores from 2007-2018 in “2007 Congressional Voting Record,” “2008 Congressional Voting Record,” “2009 Congressional Voting Record,” “The ADA 2010 Voting Record: 111th Congress, 2nd Session,” “2011 Congressional Voting Record,” “2012 Congressional Voting Record,” “2013 Congressional Voting Record,” “2014 Congressional Voting Record,” “2015 Congressional Voting Record,” “2016 Congressional Voting Record,” “2017 Congressional Voting Record,” and “2018 Congressional Voting Record.”

## Appendix B: ADA Scores (1955-1966)

	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41
Rice	Schw	Walo	Curb	Mike	LaHo	Wens	Neal	Levin	Lewis	Dogg	Mike	Larso	Blum	Kind	Pascr	Crow	Dann	Sanch	Higgin	Sewe	DelBe	Chu		
0	0	0	10	0	0	0	80	90	90	95	90	75	95	65	90	85	80	80	90	55	80	95		
0	0	0	25	0	0	0	100	95	100	95	95	80	95	75	100	100	100	95	100	85	95	100		
renac	meeh	noem	hold	smith	dold	rice	levin	range	mcde	lewis	neal	becer	dogg	thom	larsor	blum	kind	pascr	crowl	davis	sanch			
0	5	0	0	0	30	0	95	95	85	100	100	95	95	95	95	75	100	100	90	100				
5	0	0	0	0	25	0	95	100	95	100	90	100	90	85	95	85	70	90	95	95	100			
ryan	tiberi	reich	boust	roska	renac	levin	pascr	crowl	schw	davis	sanch	kind	range	mcde	lewis	neal	becer	blum	dogg	thom	larsor			
0	5	10	0	0	0	90	90	80	55	95	80	75	70	95	85	80	90	80	95	80	85			
0	0	5	0	0	0	80	80	95	75	85	95	60	85	100	85	85	90	90	90	85	75			
reich	nume	tiberi	davis	reed	levin	kind	pascr	berkl	crowl	blum	larsor	lewis	range	stark	mcde	neal	becer	dogg	thom					
5	0	0	5	0	80	85	95	60	95	85	95	60	85	95	90	100	85	85						
25	0	10	5	5	80	75	75	80	80	85	90	100	90	95	95	85	90	90	90					
Van H	meeck	schw	davis	ether	sanch	higgin	yarm	camp	herge	johns	brady	ryan	canto	linder	nume	tiberi	brow	davis	reich	boust	heller	roska		
100	80	90	55	85	100	90	100	0	0	0	0	0	0	0	5	0	0	5	0	20	0	10	5	
100	95	100	70	95	95	85	100	100	15	0	0	0	0	0	0	15	15	5	45	5	5	5	0	
berk	crowl	van h	meeck	schw	davis	mcce	herge	camp	ramst	hohr	engls	welle	hulst	lewis	brady	reyns	ryan	canto	linder	nume	tiberi	porte		
85	100	100	95	90	85	5	10	20	65	0	65	30	10	10	10	20	15	5	0	0	35	65		
85	95	90	95	90	90	5	5	5	45	0	40	15	20	10	5	15	15	0	0	5	20	30		

Note: The red and blue for the representative names indicate party preference; the party that comes first is in the majority. The scores for years 1955-1962 were hand-calculated by me, using a system similar to that used by the ADA in later years to find each members’ Liberal Quotient. My way of calculating the scores is detailed in the Methods section. The

numbers for 1963-1966 were calculated by the ADA.

Data for ADA Scores from 1955-1966 in “84th Ducks Roll-Calls,” “84th Dealt People Out,” “Leadership Lacking in ‘57 Session,” “‘58 Session Falls Short of Sputnik,” “Ike Holds Sway, Dems Duck Issues in First Session,” “Record of Congress Makes Victory for Kennedy Imperative,” “Callous Neglect of Real National Needs Shown by Congress,” “National and World Challenges Ignored by 1962 Session,” “ADA Analysis Characterizes Congress As Indifferent and Irresponsible,” “ADA Dubs 88th Human Rights Congress, Cites Civil Rights and Poverty Acts,” “ADA Lauds 89th Congress Cites LBJ Leadership and DSG,” “Second Session of Good Congress Fails to Measure Up to First.”

### **Appendix C: Interview Questions**

1. What are your overall impressions about the committee?
2. What do you think are the main motivations for members to want to join the committee? What do you think is the impression of the committee to other House members that do not serve on Ways and Means?
3. Do you believe members in the committee have strong expertise/take legislative action in all of Ways and Means subcommittees, or do they mostly stick to the subcommittee they serve on?
4. Which of the following groups has the strongest effect on the committee members and their vote decisions: House leadership, the administration, or special interest groups?
5. Do you believe partisanship plays a major role in the committee throughout the legislative process? Does it spike at certain points? Describe what you have witnessed. Do you believe that the public polarized or Congress polarized first and thus moved the other?
6. How strong is the chairman’s leadership? Is the chairman an important influence in reaching across the aisle?
7. Do you believe the committee is successful at writing bills that pass the House? Why or why not?
8. In your opinion, how can the committee improve?
9. Describe your main impressions of the Trump Tax Cut and the Ways and Means involvement in its composition and progression into law.
10. Which outside group had the strongest effect in the progression of

the TCJA: the administration, House leadership, or special interests?  
11. Do you believe this bill was a significant example of the effects of partisanship in Ways and Means? Was there a policy focus in the composition of the bill? Explain why.

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