

# The Woebegone 118th Congress

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February 2025

## Key Points

- The 118th Congress passed 274 laws, fewer than any other since the Civil War. Other metrics confirm its poor productivity. It was also among the most omnibus-dependent congresses in American history.
- Especially in the House of Representatives, familiar legislative pathways failed. The Republican majority frequently broke ranks on procedural questions, effectively forcing reliance on suspension of the rules, a procedure that requires the support of two-thirds of members and cuts off deliberation.
- The Congress will be remembered for two dramatic struggles over the speakership, but as yet it is unclear whether these fights meaningfully altered the centralized dynamics of the House.

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Faced with the likelihood of losing the presidency, Harry Truman executed a bold maneuver in the summer of 1948. As he accepted the Democratic Party's nomination at its Philadelphia convention, he declared that the Republican Congress had not done enough to address the nation's many problems before adjourning. He took the unusual step of calling legislators back into session and challenged them to take up his agenda.

In a two-week session running from late July into August, Republicans passed two laws. Predictably, Truman criticized this output as inadequate. Asked by a reporter if it was a “do-nothing” session, he agreed and added, “I think that’s a good name for the 80th Congress.” In the following months, he relentlessly smeared Republicans for their failure to move any of his Fair Deal legislation, making 1948 a rare presidential contest focused largely on Congress’s performance.<sup>1</sup>

Truman’s campaign against the “Do-Nothing Congress” was good politics but bad history. In fact, the 80th Congress (1947–49)—the only one controlled by Republicans between 1931 and 1953—was remarkably productive, passing the Marshall Plan, the National

Security Act of 1947, the Taft-Hartley Act (over Truman’s veto), and the Women’s Armed Services Integration Act, among other significant legislation. Overall, the Congress enacted 906 public laws.

By contrast, the woebegone 118th Congress enacted 274 public laws—fewer than any other Congress since the Civil War. With Republicans controlling the House and Democrats controlling the Senate, in an era of keen partisan enmities, expectations coming out of the 2022 midterms were low, and yet somehow our legislators failed to meet them. They steered clear of government shutdowns and debt-ceiling meltdowns, but that is about the best that can be said.

Congress only managed to agree on spending levels for fiscal year (FY) 2024 in March, when it was halfway through. In December 2024 it punted final decisions for FY2025 to the next Congress. In the House, the 118th saw the first forcible ejection of a Speaker of the House and featured two messy struggles over the gavel. Well-worn procedural pathways broke down, and meaningful deliberation all but shriveled up.

It is worth recording all the strange features of the 118th Congress, which this report does in brief.

## A Do-Little, Conflictual Congress

To assess the 118th Congress, it seems fair to begin with its lawmaking activities. By whatever metric we choose, they are underwhelming.

### Total Lawmaking Output

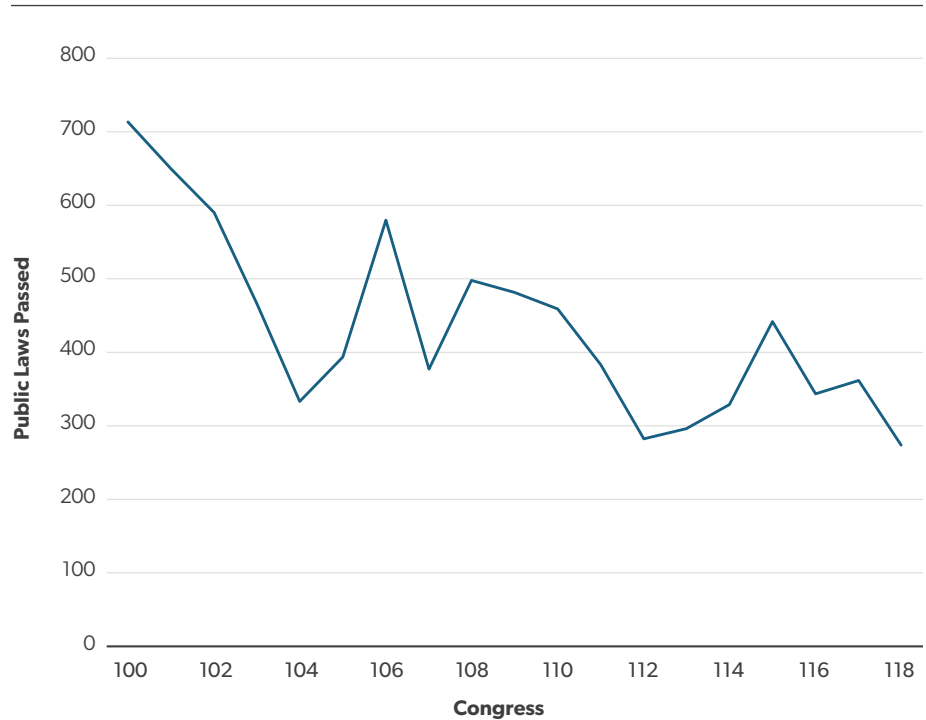
Start with the raw count of statutes enacted into law. With just 274 enactments (79 of which are commemorative), the 118th Congress passed fewer laws than any of its predecessors since the US Civil War. (See Figures 1 and 2.)

Having noted this historic nadir, it is only fair to admit that this measure is somewhat misleading. A decades-long downward trend in the number of statutes passed combines with a lengthening of statutes such that the total page output of contemporary congresses has mostly been steady (Figure 3). But when we look at total pages of legislation enacted, the low productivity of the 118th Congress is still readily apparent—it is the lowest since at least the 100th Congress.<sup>2</sup>

### Dominance of Omnibuses

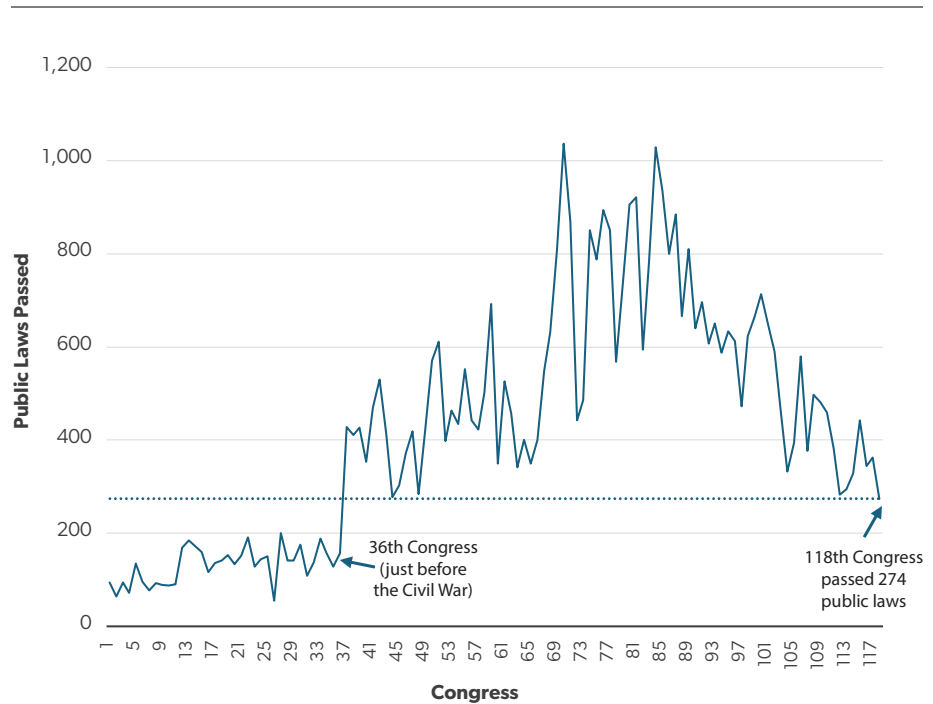
The 118th also had near-record performance on another dimension: the predominance of giant statutes over smaller and more tractable enactments. Two measures tell this story. If we consider what portion of the Congress’s total output was packed into its 10 longest bills, the 118th’s 82.6 percent comes in second of all time, trailing

**Figure 1. Public Laws Passed by Each Congress, 1987–2025**



Source: US Government Publishing Office, United States Statutes at Large, <https://www.govinfo.gov/app/collection/statute>.

**Figure 2. Public Laws Passed by Each Congress, 1789–2025**



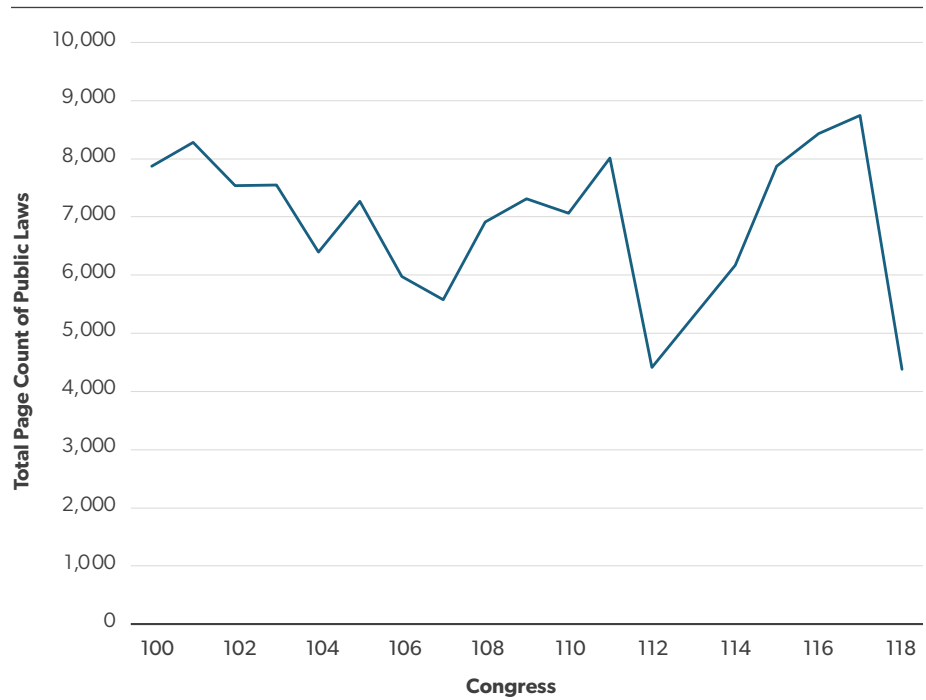
Source: US Government Publishing Office, United States Statutes at Large, <https://www.govinfo.gov/app/collection/statute>.

only its immediate predecessor. Alternately, if we want a measure of concentration that accounts for the length of all bills, we can use the Herfindahl-Hirschman Index (HHI), a measure most famously used to assess the extent of market concentration for antitrust considerations.<sup>3</sup> The enactments of the 118th Congress have the third highest HHI (at 1,154), with only the two preceding congresses showing greater concentration.

The 116th (Democratic House, Republican Senate, Republican president), 117th (Democratic House, Democratic Senate, Democratic president), and 118th (Republican House, Democratic Senate, Democratic president) Congresses each had different political configurations, but they shared a remarkable and unprecedented reliance on omnibus legislation. In the 118th, the two National Defense Authorization Acts, which combined for 1,767 pages, represented fully 40 percent of the Congress's output, an all-time high. Although 1980s conservatives routinely bemoaned the rise of omnibuses, their era was one of spread-out law-making relative to the present (Figure 4).

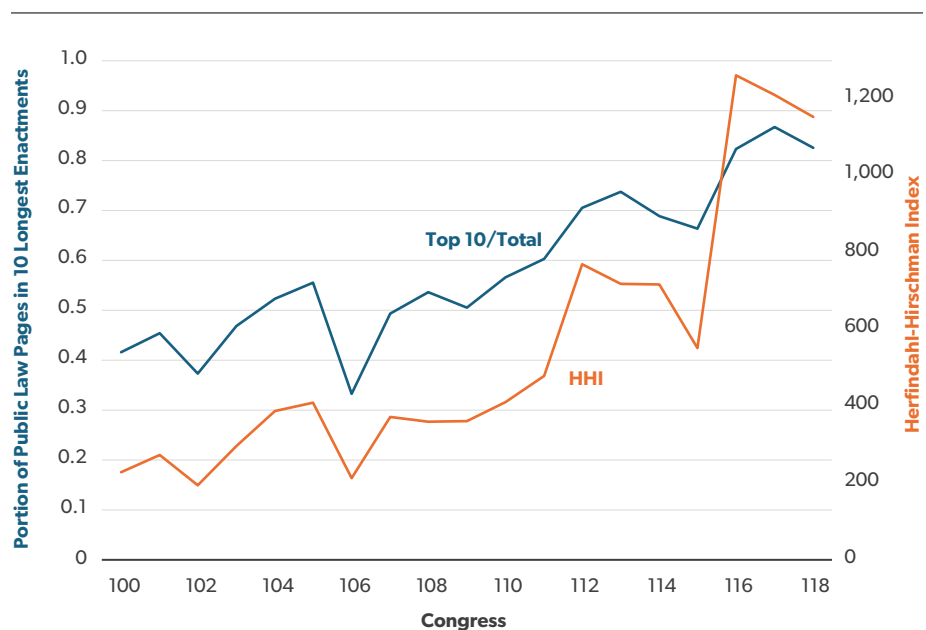
Should normal citizens, or legislators themselves, be concerned about this trend of accretion? Some defenders of the current style say that heavy reliance on deals brokered by top partisan leaders is simply a sensible adaptation to a sharply polarized environment. But

**Figure 3. Total Page Count of Public Laws Passed by Each Congress, 1987–2025**



Source: US Government Publishing Office, United States Statutes at Large, <https://www.govinfo.gov/app/collection/statute>.

**Figure 4. Increasing Concentration of Congressional Enactments, 1987–2025**



Source: Author's calculations from US Government Publishing Office, United States Statutes at Large, <https://www.govinfo.gov/app/collection/statute>.

few have grappled with just how hard it has become to move substantive legislation on its own merits. No bill can “hitch a ride” on the omnibus without the participation of top leaders who are brokering this deal. This not only forces every member to curry favor with their leaders but, in most political moments, also creates a real bandwidth constraint. Leaders can kill a bill’s chances for passage intentionally, but they also doom many through simple neglect.

### **Fiscal Indecision**

Perhaps the most frustrating area of poor performance for the 118th Congress was its approach to the country’s rather sorry fiscal situation. Although the economy was quite healthy and there was no outstanding crisis in the post-COVID years of 2023 and 2024, the federal government ran historically large deficits of \$1.7 trillion and \$1.83 trillion in FY23 and FY24. Outside of the crisis response years of 2009–12 and 2020–21, these deficits of more than 6 percent of gross domestic product were the largest in post-World War II American history.<sup>4</sup>

Members of Congress generally express serious alarm at these deficits, but their institution utterly failed to grapple with them in a serious way. Neither chamber passed a budget resolution. The Fiscal Responsibility Act of 2023 was quite unambitious in its goals—to a close approximation, it locked in the spending status quo rather than realizing significant cuts. And appropriations bills were not finalized for FY24 until March 2024 (nearly halfway through); as of this writing, FY25 spending levels have yet to be finalized.

Perhaps the biggest fiscal accomplishment of the 118th Congress is that it did not heap on any major new spending projects, as the 117th Congress did. But by the same token, it should be noted that political stalemate is not inevitable in the current political moment. Democrats in the 117th Congress passed many ambitious laws, including a number with significant bipartisan support (e.g., the Infrastructure Investment and Jobs Act, the Bipartisan Safer Communities Act, and the Creating Helpful Incentives to Produce Semiconductors and Science Act). Most of these were negotiated by bipartisan “gangs” of senators and then passed by the House without any alterations. The 118th Congress never discovered an equivalent engine for policymaking; a major bipartisan effort to achieve permitting reform failed to

secure passage, although it may have set the 119th Congress up for success.

### **Confirmations and Oversight**

Given the difficulty of finding common ground from which to legislate in the 118th Congress, the efforts that each chamber undertook independently were arguably of greater importance.

In the Democrat-controlled Senate, the number one priority was confirming President Joe Biden’s federal judicial nominees. The goal was to help Biden match Donald Trump’s record during his (first) term in office, and the Senate achieved that. Biden got a total of 228 judges confirmed to the courts of appeals and district courts, compared to Trump’s 226. In the 118th Congress alone, the Senate confirmed 17 judges for the courts of appeals (14 of whom received 53 or fewer votes) and 119 judges for district courts (74 of whom received 53 or fewer votes). According to the Pew Research Center, more than a quarter of all active federal judges are now Biden appointees.<sup>5</sup>

In an era when we expect many policy disputes to be settled in the courts, this is a major accomplishment, achieved at a hefty procedural cost: A huge proportion of these nominations were brought up for votes only after the invocation of cloture, still a cumbersome procedure even after the reduction in hours of debate required for lower-court nominees. The 118th Senate took 241 votes on cloture, invoking it 227 times (the third highest on both counts, trailing the previous two senates).<sup>6</sup>

In the Republican-controlled House, on the other hand, oversight of the Biden administration was the primary objective. The House Oversight Committee buzzed throughout, covering a huge range of topics, including the Biden family’s influence peddling, the administration’s handling of the Southern border, the administration’s jawboning of social media companies, fraud in pandemic relief policies, the Secret Service’s failures leading to the assassination attempt on President Trump, and the Chinese government’s influence in the United States.<sup>7</sup>

A separate select committee, chaired first by Representative Mike Gallagher and then Representative John Moolenaar, also investigated threats from China and was instrumental in passing one of the only surprise bipartisan enactments, a law requiring divestment of Chinese ownership of the social network TikTok.<sup>8</sup>

The House Committee on Homeland Security also drove an investigation into Secretary of Homeland Security Alejandro Mayorkas, culminating in his impeachment in two articles passed on February 13, 2024. This was just the second impeachment of a cabinet official in American history and the first since 1876. Democrats’ steadfast defense of Mayorkas meant his job was never seriously in jeopardy; in April the Senate used two points of order to dismiss both articles as unconstitutional. Nevertheless, through the Mayorkas impeachment and other congressional oversight efforts, Republicans did raise the salience of Southern border security, and this worked to their advantage in the 2024 election.<sup>9</sup>

## Procedural Breakdown in the House

In thinking about congressional performance, we must consider not only *what* the outputs are but also *how* they are achieved. If there is no respect for process, there will be no legitimate outputs. In our current era, the House and Senate have had significant procedural difficulties that have led to a degradation of deliberation. Rank-and-file members feel excluded from the substance of law-making because they are given fewer opportunities for participation.

### Fewer Opportunities

At the simplest level, this is because leaders’ scheduling choices have simply reduced the total amount of floor time. In both chambers, total hours have been trending downward for more than a decade and have now reached a low point for many decades (Figure 5).

In the Senate, that has been accompanied by a precipitous drop in amending activity (Figure 6). Amendments were once the beating heart of the institution, with senators working collaboratively in real time to

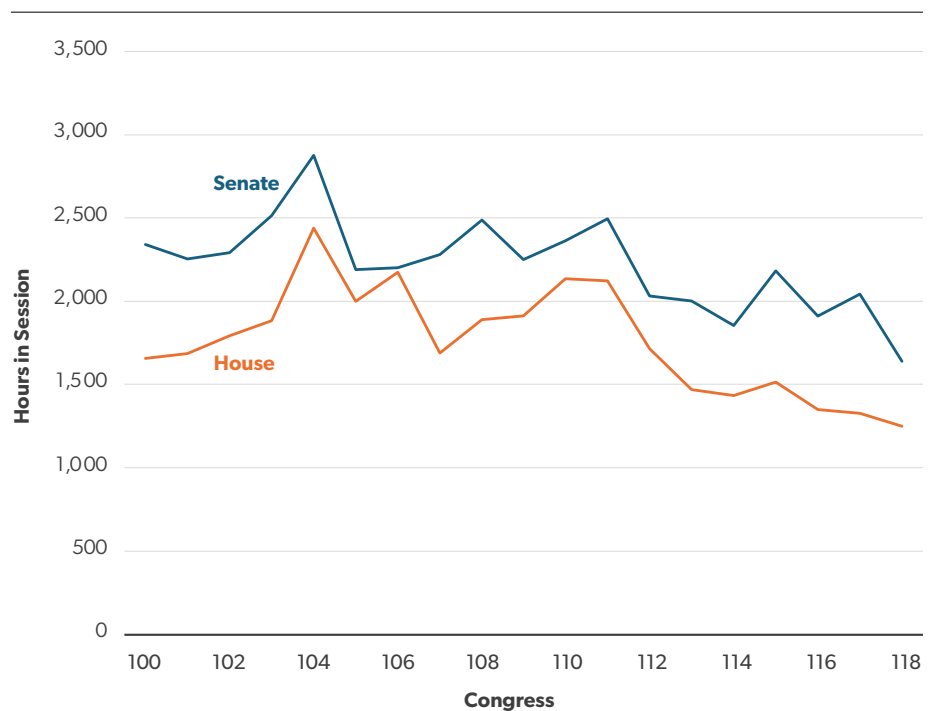
improve legislation under consideration. Now they are mostly barred, often by means of the majority leader “filling the tree.”

Another procedure that empowered members to shape bills in the final stages of the legislative process, the conference committee, has also fallen nearly into disuse. From the 1980s to the early 2000s, seven or more of the 10 longest enactments in each Congress went to conference on their way to final passage. In this way, dozens of members, who represented different interests and had been involved throughout the legislative process in each chamber, would come together to negotiate the final form of the bill. In the 21st century, one chamber often simply accepts the version passed by the other as final, or negotiations supervised by leaders frame a new version of the bill that is then introduced as a substitute and passed with little debate. Of the 10 longest laws of the 118th Congress, just one went to conference; in the 117th, none.

### Controversies over House Rules

In the 118th House, stunted deliberation was caused in part by the difficulties of the Rules Committee.<sup>10</sup> In recent decades, the Rules Committee has been a reliable

**Figure 5. Decreasing Time in Session in the House and Senate, 1987–2025**

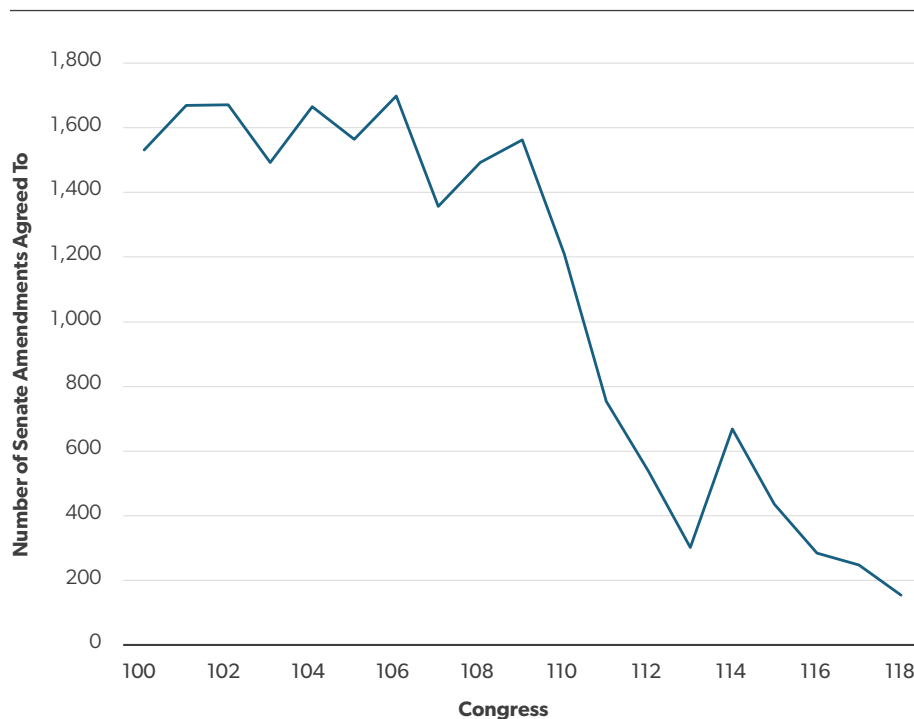


Source: United States Senate, Resume of Congressional Activity, <https://www.senate.gov/legislative/ResumesofCongressionalActivity1947present.htm>.

partisan workhorse and partner of the Speaker, framing debates according to the majority party's preference on nearly all important and controversial bills. There has been a general trend toward closed rules, but amendments on many important bills are still allowed through "structured" rules that make selected amendments in order. This model depends on a high degree of partisan cohesiveness in procedural votes, and in the 118th House, the slim Republican majority simply did not possess it.

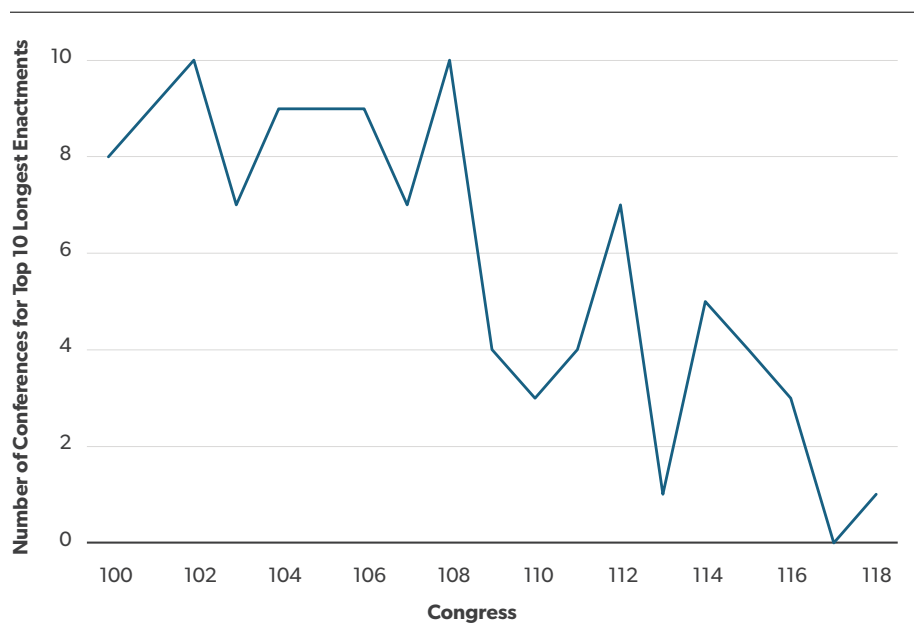
This became painfully apparent in one of the more dramatic episodes on the House floor in many years. Faced with a rapidly approaching debt-limit deadline, at the end of May 2023, Congress sought to pass the Fiscal Responsibility Act, a bill quickly negotiated by the Biden White House and Speaker Kevin McCarthy after a long standoff. (For much of the spring, Democrats contemplated circumventing McCarthy and most Republicans by means of a discharge petition, but the deal rendered this strategy moot.)<sup>11</sup> Members of the House Freedom Caucus, among other Republicans, were dismayed by the deal McCarthy had struck, feeling that it would not sufficiently restrain spending. That included two members of the Rules Committee, Representative Chip Roy and Representative Ralph Norman, who voted no on the rule for the bill, breaking with the recent tradition of lockstep partisan unity.<sup>12</sup>

**Figure 6. Decline of Senate Amendments Agreed To, 1987–2025**



Source: Author's calculations from Congress.Gov, website, [www.congress.gov](http://www.congress.gov).

**Figure 7. Decline of Conference Committees in Passage of Longest Enactments, 1987–2025**



Source: Author's calculations from Congress.Gov, website, [www.congress.gov](http://www.congress.gov).



When the rule was brought to the floor on May 31, it seemed likely that Republicans lacked the votes to pass it on their own. Once the vote commenced, dozens of Democrats held back to take the lay of the land. With more than two dozen Republicans voting against the rule, for a quarter hour past the vote time's expiration the nays exceeded the yeas. Finally, after much commotion on the floor, 52 Democrats gave their support to the rule and set up a (closed) vote on final passage. Democrats portrayed themselves as having bailed out a Republican majority incapable of governing.<sup>13</sup>

Republican opponents of the law, on the other hand, remained furious with McCarthy, leading to a series of attacks on rules in the following months. On June 6, 11 GOP members unexpectedly sunk a rule and threatened to vote against all future rules until given various assurances about spending levels.<sup>14</sup> In September, handfuls of members defeated two more rules.<sup>15</sup> At that point, as discussed below, McCarthy was ejected from the speakership, but Mike Johnson inherited the same issues. More rules were rejected in November, January, February, and April, for a grand total of seven—more than in any Congress in the past few decades.<sup>16</sup>

### **Rise of Suspension of the Rules**

All this rules drama led to the ascendance of suspension of the rules as a technique for moving important legislation, especially spending bills. Four continuing resolutions used to stave off government shutdowns (passed by the House on September 30, November 14, January 18, and February 28) were brought up for votes using suspension of the rules.<sup>17</sup> The final FY24 appropriations bills, passed in March 2024, were passed by means of self-executing rules that were themselves advanced under suspension, rather than having moved through the Rules Committee.<sup>18</sup>

Suspension, which requires a two-thirds vote, ensures legislation will have strong bipartisan support. At the same time, it precludes all amendments and ensures that floor debates have a perfunctory character. Most importantly, because recognition to move to suspend the rules is entirely at the Speaker's discretion, reliance on suspension exacerbates leader dominance. For important legislation to move via suspension, it almost certainly has to be the result of a deal between top partisan leaders, who in turn must get most of the members of their party to trust in their judgment. Given

the amount of populist mistrust roiling both parties (but especially Republicans) today, this model is likely to run into serious difficulties.

### **Discharge Petitions**

Perhaps unsurprisingly, frustrations with leadership's discretion led to two successful discharge petitions—just the second and third to reach 218 signatures in the past two decades. The first was a natural disaster relief law supported by a broad bipartisan coalition but opposed by many Republicans. Speaker Johnson at first refused to bring the bill up under suspension, doing so only after the discharge petition succeeded and made a floor vote inevitable.<sup>19</sup>

The second was the Social Security Fairness Act, pertaining to the treatment of public employees who paid into pension systems other than Social Security. The bill had a whopping 330 cosponsors, but the sponsors' attempt to move it by means of the Consensus Calendar was frustrated (showing the weaknesses of that procedure). Instead, they turned to the discharge petition. Again, once their petition succeeded, Johnson acceded to a suspension vote, and the bill went on to become law with little debate, notwithstanding serious negative repercussions for the solvency of the Social Security Trust Fund.<sup>20</sup> While the discharge petition provides a safety valve against excessive gatekeeping, it does nothing to guarantee high-quality deliberation.

### **Did the Speaker Dramas Mean Anything?**

Congress has a long history, such that there are few true novelties. Processes ebb and flow, and the current era of leader dominance is reminiscent of the first decade of the 20th century, at least in the House.

Nevertheless, the 118th House earned the dubious distinction of having been the first Congress to feature two separate floor fights over the speakership. These were the first open struggles in a century and only the second and third since the Civil War. It is thus worth recording at least a few of the particulars of these fights for posterity and reflecting on what they signify.

### **McCarthy's January 2023 Election**

Representative Kevin McCarthy had been heir apparent to the speakership once before, when he was House majority leader in the 114th Congress and the Speaker,

John Boehner, resigned his office. But, for a variety of reasons, McCarthy's colleagues balked at elevating him and chose Representative Paul Ryan to become Speaker instead. McCarthy remained the number two House Republican until Ryan's retirement after the 2018 midterms, after which he became House minority leader from 2019 to 2022. When Republicans retook the majority in the 2022 midterm, he was the conference's presumptive choice for Speaker. On November 15, 2022, he easily won the conference's vote 188–31.

But, of course, the Republican conference alone does not elect the Speaker. The whole House does so, and (in the absence of some specially adopted rule) election requires a clear majority of the votes of every member voting by name. It quickly became apparent that enough of McCarthy's detractors were willing to vote against him on the floor to deny him the speakership. The existence of potential holdouts is nothing new—indeed, majority-party floor votes cast for someone other than the eventual Speaker have become normal in recent years.<sup>21</sup> But Republicans held an especially slim majority, 222–212, giving them less room for error.

McCarthy and the holdouts failed to reach any accord before the new Congress began on January 3, leading Representative Andy Biggs to mount a protest candidacy. On the first ballot, McCarthy got 203 votes, Biggs got 10, and other Republicans got nine, leaving McCarthy well short of what he needed. Very little changed on the second and third ballots taken that same day. Nor did much change the following day, on which ballots four through six were taken; McCarthy got 201 votes in each. January 5 brought more of the same; on ballots seven through 11, McCarthy got 201, 201, 200, 200, and 200 votes.

Finally, that evening, McCarthy managed to strike a deal with a large group of process-focused holdouts, led by Roy. McCarthy made various commitments about how he would approach spending negotiations, agreed to numerous rules changes, and promised to appoint three skeptical Republican members to the Rules Committee (out of the GOP's nine seats on the committee), including Roy. One fateful concession McCarthy made was to allow a so-called motion to vacate the Speaker's chair—that is, to remove him from his post—to become privileged even if backed by just one member.

With this deal in place, McCarthy was much closer to securing the necessary votes—but not yet there.

On the 12th ballot, on January 6, he got 213 votes; on the 13th, 214. Six GOP holdouts remained: Representatives Biggs, Lauren Boebert, Eli Crane, Matt Gaetz, Bob Good, and Matt Rosendale. As documented by an instantly famous photograph of Representative Marjorie Taylor Greene holding up her cell phone showing “DT” on the line, Trump intervened at this stage, telling the remaining holdouts to stop embarrassing the party.<sup>22</sup> On the 14th ballot, Boebert and Gaetz changed their votes to “present,” while the remaining four still voted for others; that left the count at 216–212–4 (2 present). Finally, on the 15th ballot, all remaining holdouts changed their votes to “present,” and McCarthy was elected 216–212 (6 present).<sup>23</sup>

Having finally won the Speaker's gavel, McCarthy enjoyed a brief honeymoon. He promised openness to all corners of his conference, and in late January, Republicans debated an energy bill under an open rule, the first the House had seen in many years.<sup>24</sup> But, as noted in the previous section, goodwill for McCarthy disappeared after the debt-ceiling impasse was resolved in the spring, leaving his ability to bring Republicans together permanently in doubt—and yet most observers believed that he would struggle on in his position.

### **McCarthy's Ouster**

Instead, Gaetz made good on threats to put McCarthy's speakership to the test. On October 2, 2023, Gaetz declared his intention to make a privileged motion to proceed to his resolution declaring the speakership vacant on the following day. McCarthy expressed confidence in his ability to survive the vote.<sup>25</sup> On October 3, Gaetz proceeded.<sup>26</sup> A motion to table failed 208–218, with 11 Republicans joining all Democrats in voting no.<sup>27</sup> The House then voted on the resolution itself, which passed 216–210, with 208 Democrats joined by eight Republicans (Representatives Biggs, Ken Buck, Tim Burchett, Crane, Gaetz, Good, Nancy Mace, and Rosendale).<sup>28</sup>

For the first time in the history of the House, a Speaker was removed in the midst of a session. Following a procedure put into the House rules in 2003 and never previously used, the clerk of the House then announced that McCarthy had designated Representative Patrick McHenry as his preferred temporary replacement. McHenry became the chamber's first Speaker pro tempore, a presiding role that he believed



only narrowly empowered him to seek the election of a new permanent Speaker.<sup>29</sup>

### **The Struggle to Elect a New Speaker**

The House recessed while Republicans sought to determine who could win the conference's support. On October 11, the conference met and voted 110–99–8 (3 present) for Majority Leader Steve Scalise (their number two leader) over Representative Jim Jordan, perhaps the most prominent member of the conference's right wing. Numerous members who had supported Jordan immediately declared they would not support Scalise on the House floor, and there seemed little chance that Scalise could secure the necessary floor majority.<sup>30</sup> He withdrew the next day.

The Republican conference took another vote on October 13. This time, Jordan won over Representative Austin Scott (who effectively put himself forward as a placeholder for “not Jordan”), 124–81–7 (1 present). The conference then took the unusual step of polling whether members would support Jordan on the floor; 152 voted in the affirmative, but 55 voted no. Jordan went to work trying to win over his skeptics, though it seemed doubtful he could succeed.

He took his nomination to the floor in three separate ballots on October 17, 18, and 20, in which he received 200, 199, and 194 votes.<sup>31</sup> Across the three votes, 27 Republicans voted for someone other than Jordan (most of them all three times), including numerous moderates and many members of the Appropriations Committee. Some members reported that their opposition to Jordan earned them death threats and other unhinged hatred from right-wing critics, which merely stiffened their resolve.<sup>32</sup>

After the third failed vote with Jordan as their official nominee, the GOP conference voted 112–86 (5 present) to move on from Jordan. Next, on October 23, the conference took five ballots to select their next choice: the majority whip, Representative Tom Emmer. But only 193 members indicated on a subsequent secret ballot that they would vote for Emmer on the floor. Adding to Emmer's obstacles, Trump soon came out against him. He withdrew later in the day.

Finally, on October 24, the conference took three ballots to select Johnson as their nominee, and 199 members indicated their willingness to vote for him—with none indicating their intention to vote for others. On

October 25, Johnson was elected Speaker with the support of every Republican.<sup>33</sup>

Not surprisingly, the new Speaker enjoyed an outpouring of good feelings, as Republicans were grateful to move past their internecine struggles. But the fundamental fiscal suspicions between the two wings of the party had not ended with McCarthy's speakership. Instead, Johnson generally made perfunctory efforts to pass party-line bills, all the while knowing that governing realities would require moving forward spending bills supported by large bipartisan majorities (and vociferously opposed by most Freedom Caucus members).

### **The Failed Attempt to Remove Johnson**

Johnson's inability to fundamentally alter intra-GOP dynamics meant that, before long, he had to contend with members angry enough to seek his ouster. Once the House had navigated the FY24 spending fights, Johnson's speakership was also put to the test in May 2024, when Greene decided to bring a resolution declaring a vacancy in the speakership, just as Gaetz had done seven months earlier. Although Greene had been vocal in her criticisms of Johnson, her move nevertheless surprised her colleagues, many of whom booed her.

Given that Democrats found Johnson relatively likable and trustworthy, they approached this challenge differently than they had in October. A motion to table Greene's privileged motion carried 359–43.<sup>34</sup> Eleven Republicans voted against tabling, suggesting that Johnson might well have lost his gavel without Democrats' support. Greene reported that she was “thrilled with the whole thing. . . . Even the booing from both sides, I fully expected it. My district is thrilled.”<sup>35</sup>

### **Consequences of the Speaker Fights**

For Congress watchers, the speakership fights in January and October 2023 (and the abortive attempt in May 2024) were captivating—but were they anything more than spectacles? Did they change the way the House does business?

In the 118th House itself, Republican critics of the Speakers effectively decreased the value of Republicans' “procedural cartel.” In the 117th Congress, Democrats also held just 222 seats, and yet they mostly managed to stay united behind Speaker Nancy Pelosi's leadership.

They thus held firm control of the agenda. With the same number of seats in the 118th, Republicans could not hold a united front.

Instead, a “governing coalition” big enough to move bills under suspension of the rules emerged. The Speaker remained the most influential force in shaping the agenda, and Johnson used that power creatively on a few occasions.<sup>36</sup> But he was severely constrained by the difficulties of bringing together all Republicans. Of course, these limitations could just as easily be attributed to the overall political configuration as any development in the House itself. On a few highly salient matters, Republicans did come together to pass a party-line bill in the House, but they did not have any illusions that these bills would go on to become law.

Beyond the particulars of the 118th itself, it remains to be seen whether Gaetz’s ouster of McCarthy has permanently weakened the speakership—or, put more positively, begun to swing power away from partisan leaders and toward the broader membership of the chamber.<sup>37</sup> Trump’s attempt to appoint Gaetz as his attorney general failed spectacularly fast, largely because Republican legislators resented the role Gaetz had played. Meanwhile, Johnson’s reelection as Speaker on January 3, 2025, was fraught but ultimately not terribly complicated. His (currently) strong alliance with President Trump and Republicans’ unified control of government may entirely change the calculus for his intraparty antagonists.

It is at least suggestive that the 119th House adopted, with minimal debate, a rules package nearly identical to that of the 118th.<sup>38</sup> One small adjustment strengthened the Speaker’s hold on his position: To become privileged, a resolution seeking to vacate the chair must now

have at least nine cosponsors from the majority party. While this is certainly a more onerous requirement than a single member, it remains a low bar. Meanwhile, another small change modestly erodes the Speaker’s discretion: Bills can no longer be passed using suspension of the rules from Thursday through Sunday. While it shows that members are uncomfortable with the growing reliance on deliberation-poor suspension, this requirement at most changes the timetable for pushing through take-it-or-leave-it deals.

Arguably, the Speaker dramas made it easier for the Speaker to avoid larger questions of institutional reform. If members see a choice between open intra-party warfare and simple support for leaders, most will choose party loyalty even if they resent how restricted the process is. Larger changes are likely to come only when members can organize their energies around some more constructive cause—when their desire to act as policymakers on some pressing issue becomes so strong that they will no longer accept a passive role.

While there are currently many complaints and plenty of ideas for reform, there is no sign that dissidents are united around any alternative vision.<sup>39</sup> That is true in the Senate and the House. With a new Republican leader, Senator John Thune, and plenty of grumbling about the chamber’s stultifying floor procedures, senators may chart a new path. But there are few members offering clear alternatives to the leader centrism of recent years.

The woebegone 118th Congress is now just gone. Time will tell whether it may yet come to be seen as a turning point in the institution’s history—or whether future congresses will plumb new depths of woe in the years to come.

## About the Author

**Philip Wallach** is a senior fellow at the American Enterprise Institute, where he studies America’s separation of powers. He is the author of *Why Congress* (2023).

## Notes

1. US Senate, “‘Turnip Day’ Session,” [https://www.senate.gov/artandhistory/history/minute/Turnip\\_Day\\_Session.htm](https://www.senate.gov/artandhistory/history/minute/Turnip_Day_Session.htm).
2. Page counts are derived from the US Statutes at Large, which is the official record of congressional enactments. Most of the data used in these calculations come from Brian Libgober, “A Comprehensive Dataset of U.S. Federal Laws (1789–2022),” *Scientific Data* 11, no. 16 (2024), <https://doi.org/10.1038/s41597-023-02758-z>. However, I found certain irregularities in Libgober’s data and therefore made numerous adjustments. Updated data are on file with the author and available by request.

3. The Herfindahl-Hirschman Index (HHI) (here, as generally, multiplied by 10,000 for ease of interpretation) equals the sum of the squares of the proportion of every member of the set. If Congress enacted a thousand five-page bills, the HHI would be one; if it enacted one giant 5,000-page bill, the HHI would be 10,000; four equal-sized 1,250-page bills would give an HHI of 2,500.

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