



Written by [Joe Wolverton, II, J.D.](#) on January 6, 2011

## New Leadership, New Rules: GOP Begins Promised Overhaul

Nine words taken from Article I, Section 5 of the Constitution are causing quite a stir among journalists and pundits today. The “controversial” clause reads in relevant part:

Each House may determine the Rules of its Proceedings....



This phrase endows each chamber of Congress with the right to establish the rules by which all business in that chamber will be conducted. No sooner had the 96 new members of the House of Representatives taken their hands off the Bible than they raised them in support of a “[radical](#)” new slate of guidelines for “[taking back America](#).” The changes to House rules passed by a vote of 240-to-191.

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Every Congress from the First in 1789 to the 112th in 2011 has exercised the right granted them by Article I to determine the rules that guide its work. Why, then, has this latest effort generated so much debate and siphoned so much ink from the pens of commentators?

There are a few likely explanations. First, there is the promise made by Republicans, especially those with Tea Party affiliation or endorsement, to reduce the size of government. The cancerous cells of government afflicting the body politic aren’t accustomed to such aggressive and invasive procedures.

Another possible source of the unusual attention being paid to this constitutional function is that it is exactly that — constitutional. So much of what typically goes on in the Capitol Building is far removed from the very limited and specifically enumerated powers granted to Congress in the Constitution that to have anyone attempt to actually respect the borders placed around its power is extraordinary and noteworthy of itself. Congress understandably recoils when threatened with the enforcement of checks and the application of balances.

Finally, there is an unspoken belief (and hope) that the new House leadership will fail in their quest to change congressional culture and that by shining a spotlight on those proposing the new rules and on the rules themselves, when there is even the slightest violation or deviation, the recriminations will be louder and the taint of hypocrisy will doom any legitimate effort to affect lasting change. Proof for this hypothesis is found, for example, in this [Politico.com article](#) that practically gloats in 3D with a headline that reads: “GOP bends its own new House rules.”

In order to rightly judge whether the new Congress is obeying its own rules, it is necessary to familiarize oneself with the basics of that new package of regulations. The rules are categorized into three broad areas: budget, transparency, and procedure. A brief summary of the recently enacted rules



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was published by [The New American](#). An updated summary is reproduced below.

- All bills must include likely budget effects through four ten-year periods. If mandatory spending increases the deficit by more than \$5 billion in any one of those decade-long windows, then the bill becomes vulnerable to a “point of order” debate. This measure is aimed at exposing the budgeting sleight of hand practiced so masterfully by these Potomac prestidigitators that makes budget bills appear to balance in the short-term while re-appearing somewhere further down the line.
- There is a balancing requirement called the “cut-go” rule. This rule replaces the earlier “pay-go” rule and requires that any new mandatory spending bill be offset by an equal or greater reduction in spending in some other category. Additionally, this rule would forbid any tax increase aimed at funding additional mandatory spending.
- The Budget Committee Chairman, Paul D. Ryan of Wisconsin, is required to establish budget enforcement mechanism for remainder of fiscal 2011. Ryan committed to cut non-security spending to the levels set in 2008.
- The so-called “Gephardt rule” that allowed the House to pass a debt ceiling increase upon adoption by both chambers of a concurrent budget resolution is repealed.
- Those in the House that do not represent states (that is, the so-called “delegates” and “resident commissioners”) will not be allowed to vote when the House sits as a committee of the whole.
- A term limit of six years will be reinstated on committee chairmen.
- The names of certain committees will be changed, as well. The Committee on Education and Labor will revert to its previous name, the Committee on Education and the Workforce. The Committee on Standards and Official Conduct will be renamed the Committee on Ethics. The Committee on Science and Technology will become known as the Committee on Science, Space, and Technology.
- In another attempt at transparency, the attendance records of every congressman will be posted online. Videos of the hearings will be broadcast online, as well.
- Former members who now work as lobbyists will be forbidden from using the House gym.

These rules are certainly ambitious and if followed they should may be sufficient to decelerate the pace of government growth (for example, the debt ceiling, which is the limit placed by Congress on the total national debt, has been raised five times since 2008, amounting to 46% to its current level of \$14.3 trillion. Meanwhile, the federal debt has grown from \$10.01 trillion to nearly \$14 trillion).

Of course, the most effective means of decreasing the size of government and giving more than [lip service](#) to the Constitution, is for every member of the House and Senate to turn over a few pages in their [pocket Constitution](#) from Article I, Section 5 to Article I, Section 8 and commit to memory — and commit to abiding by — the strict limits on legislative power set forth in that section. That will go a long way toward restoring the rule of law in our Republic.

*Photo: Outgoing House Speaker Nancy Pelosi of Calif. hands the gavel to the new House Speaker John Boehner of Ohio during the first session of the 112th Congress, Wednesday, Jan. 5, 2011, on Capitol Hill in Washington: AP Images*



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