



“Committees and Leaders”

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Committees and Leaders: Outline

Introduction

- a. Updates

House Leaders

- a. Speaker
- b. Majority Leader
- c. Minority Leader
- d. Whips
- e. House Rules Committee

History

- a. Reed
- b. Cannon
- c. Rayburn and committee deference

Committees

- a. Duties
- b. Drafting and Reporting
- c. Oversight
- d. Authorizing v. Appropriating



Committee Decline

- a. Bypassing Committees
- b. Resources
- c. Seniority
- d. Fewer Hearings

Next: Cooper-Brady (1981)

House Party Organization



Above: House Minority Leader Kevin McCarthy (R-CA) hands the Speaker's gavel to newly elected Speaker Nancy Pelosi (D-CA)

The majority party in the House is led by the Speaker of the House, whose chief assistants are the majority leader and the majority whip.

The minority party has a minority leader and party whips to lead them.

Speaker of the House



Above: Former House Speaker John Boehner (R-OH) and Speaker Nancy Pelosi (D-CA) with Boehner's comically sized gavel. This is a pretty awkward photo.

Article I, Section 2 of the U.S. Constitution states, "The House of Representatives shall choose their Speaker and other Officers."

- Although the Constitution does not require the Speaker to be a Member of the House, all Speakers have been Members.

Elected on the first day, the House Speaker rarely votes or participates in floor debates.

Today, the House Speaker is considered exceptionally powerful. She refers bills to committees, can recognize members for speaking or making motions and serves as the chair of the its committee assignment panel. The Speaker is the leader of the majority party and serves as their lead negotiator.

Historically, the powers of the House Speaker have fluctuated a great deal and generally had an inverse relationship with Committee power.

Majority Leader



Left: 116th Congress House Majority Leader Steny Hoyer (D-MD). Right: Former House Majority Leader Eric Cantor (R-VA), whose 2014 primary defeat sent shockwaves through the Republican Party.

The majority leader is second to the Speaker in the party hierarchy. Elected by secret ballot of the majority party's caucus or conference in organizational meetings prior to the start of a new Congress.

- charged with scheduling legislation for floor consideration
- helps plan daily, weekly, and annual legislative agendas
- consults with Members to gauge sentiment on issues
- urges colleagues to support or defeat measures on the floor
- works to advance the goals of the majority party
- watches and monitors floor activities, especially the opposition party's parliamentary maneuvers

Minority Leader



Above: House Minority Leader Kevin McCarthy (R-CA). McCarthy was elected minority leader despite being bypassed for the Speakership when Rep. John Boehner (R-OH) in 2015

The minority leader is both the minority party's counterpart to the Speaker, and the floor leader of the "loyal opposition." Elected by the minority party caucus or conference at organizational meetings prior to the start of a new Congress, the minority leader speaks for the minority party and its policies.

- strives to protect the minority's rights
- organizes and leads criticism of the majority party
- devises parliamentary strategies and tactics that can put to best use the abilities of his party to influence legislative outcomes
- minority leader chairs the party's committee assignment panel and also directly nominates or appoints minority party members to serve on certain standing committees
- when the minority leader's party holds the White House, the minority leader may be the President's chief spokesperson in the House.

Whips



Leader's Floor Update

The House is now taking the following votes:

- 1) **Adjournment Resolution** (H. Con. Res. 172) - To provide for the House to adjourn for the August District Work Period - **YOTE**
YES - 15 minutes
- 2) **H.Res. 691** - Rule providing for consideration of H.R. 2749 - Food Safety Enhancement Act of 2009 - **YOTE YES - 2 minutes**
- 3) **H.R. 2728** - William Orson Law Library Improvement and Modernization Act (Rep. Lofgren - House Administration) Suspension bill - **2 minutes**
- 4) **H.R. 2810** - Absentee Ballot Track, Receive, and Confirm Act (Rep. Davis (CA) - House Administration) Suspension bill - **2 minutes**

Next votes: about an hour, on motion to recommit and final passage of H.R. 2749 - Food Safety Enhancement Act of 2009 (Rep. Dingell - Energy and Commerce).



Left: 116th Congress House Majority Whip James Clyburn (D-SC), at 79 years old, the youngest member of the House leadership team. Center: An example floor update and vote recommendation. Right: 116th Congress House Minority Whip Steve Scalise (R-LA) after being shot in 2017.

Republican and Democratic party whips are elected by each party caucus at early organizational meetings.

- heads an extensive whip network comprised of party loyalists
- each party selects at least one chief deputy whip and a number of deputy and other whips
- job of the whips is to maintain communication between the leadership of the party and its members
- marshal support for party positions on the floor, count votes on key legislation
- persuade wavering Members to vote for the party position

House Rules Committee

The Rules Committee is, in effect, also a tool of the majority party.

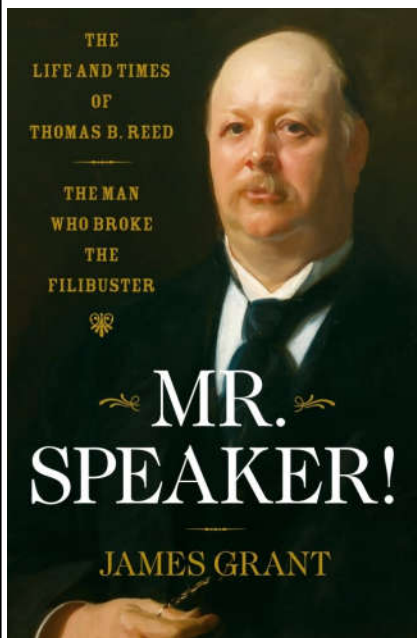
Party members give House party leaders resources for inducing members to cooperate when they are tempted to go their own way as free riders.

These resources take the form of favors they may grant or withhold (committee assignments, direction of the legislative agenda).



Above: A bobble head of former Rules Committee Chairman Dave Dreier (R-CA). Can you believe this baby only cost me 20 bucks on eBay? No, no you can't. I could not find a bobble head for former Rules Chair Louise Slaughter (D-NY).

Speaker Power: History



In 1890 Speaker Thomas Brackett Reed (R-ME) orchestrated significant changes to the standing rules of the House.

The need for these changes — which became known as Reed's Rules — appeared obvious to Reed, who had witnessed House minority filibusters derail key legislative priorities in previous congresses.

In particular, Reed's rules empowered the Speaker to count members present but not voting for the purpose of making a quorum, lowered the threshold of members necessary to form the Committee of the Whole, and prohibited the offering of certain dilatory motions

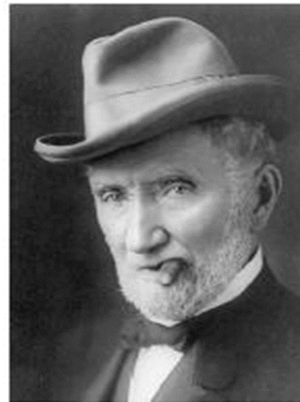
Speaker Power: History

Subsequent speakers exercised similar authorities.

In the early 1900s, Speaker "Uncle" Joe Cannon (R-IL) often exercised unlimited power of recognition (who could speak on the floor).

Imposed additional rules against the minority. Frequently denounced as a "tyrant." But supported by his party.

Service in House had not yet become a career. Once these conditions no longer held, there was a revolt.



Above: Former Speaker "Uncle" Joe Cannon (R-IL)

Speaker Power: History



Above: Former Speaker Sam Rayburn (D-TX) was said to preside over a period of committee deference.

When Speaker Cannon lost power in 1910, power was basically transferred to committee chairs.

Owed positions to seniority, not party leaders.

By the 1950s, both chambers were run by a handful of powerful committee chairs.

Conservative southern Democrats, continually reelected from one-party strongholds, chaired the most powerful committees.

The Committee System



Above: Senator John Tester (D-MT). When running for office against a senior Republican, Montana was promised Tester would be appointed to the influential Appropriations Committee should he win.

The standing committees of the House and Senate -- those that exist from one Congress to the next unless disbanded -
- embody Congress's division of legislative labor.

- They have fixed jurisdictions and stable memberships, which facilitates specialization.

Assignments to committees are made by party committees under the firm control of senior party leaders and are ratified by the party membership.

Members pursue committee assignments that allow them to serve special constituent interests as well as their own policy and power goals.

Least desirable committee assignment: any dealing with the internal administration of Congress – particularly members' ethics

The Committee System



Above: Longtime former Judiciary Committee Chairman Jack Brooks (D-TX)

Two primary formal functions for committees:

- (1) **Drafting and reporting** legislation;
- (2) Collecting information through hearings and investigations, which are generally referred to as **oversight**.

The Committee System: Drafting and Reporting



Above: During the 2020 impeachment, Speaker Pelosi sought to bypass Judiciary Committee Chair Jerry Nadler (D-NY) in favor of Intelligence Committee Chair Adam Schiff (D-CA)

After introduction, a bill is referred by the Speaker which can be complicated. Modern speakers have a high degree of autonomy and will employ it to favor certain committees over others.

While committees sought to defend their turf vigorously throughout history, multiple referral has undercut them in recent years.

May also go to a subcommittee...Why? Specialization.

Committee will **mark up** (or amend) the bill, hold hearing, invite witnesses. In short, the text of the bill WILL often change at the committee stage.

Committees rely heavily on the experts on the staff in both drafting and oversight.

The Committee System: Drafting and Reporting



Above: Then House Ways & Means Committee Chair Kevin Brady (R-TX) during a hearing on the Tax Cuts and Jobs Act

Changes in committee will be discussed and key aspects of the bill will be summarized in the committee reports. In recent decades, the minority and majority views are included in the same report, though historically, they have been reported separately.

The ability of committees to block bills through refusing to hold hearings or report legislation has waned in recent decades. However, it still represents an important, **negative agenda-setting** power.

The Committee System: Oversight



"The Senate has surrendered so much power; it's hard to see where his authority stops."

Article II of the Constitution: "the executive power shall be vested in a president of the united states of America." Does not describe this power.

Lack of administrative power for the president suggested it would be difficult for presidents to gain control over public policy.

Congressional oversight of executive agencies also hampered the president.

However, as government grew, delegation became common. By delegating to the president and the appointed executive branch the discretion to decide how best to implement and adjust policy to achieve its objectives, Congress shares its lawmaking powers with the president. Why?

The Committee System: Oversight



Why delegate?

1. Programmatic necessity. They disagree over the specifics, so they intentional keep the language vague to avoid alienating potential bill supporters.
2. Sincere policy need. They lack the expertise to make an informed, specific policy choice.
3. Political advantage. They know a policy will cause problems so they pass the buck to the executive.
4. Speed. Decisions need to be made quickly and the President is in the best position to do so.



The Committee System: Oversight

As attractive as delegation may be, it always has costs associated with it.

Agents may shift policy in an undesirable direction.

When that agent is the president, it is difficult to "fire" the agent. Difficult when the president chooses to administer a program in a direction different from the one Congress intended.

One must monitor agents' performance to ensure that they are vigorously pursuing the tasks delegated.

Monitoring is difficult and costly: "Fire Alarms, not Police Patrols."



The Committee System: Authorizing v. Appropriating

Most legislative committees are responsible for **authorizing legislation** related to the agencies and programs under their jurisdiction; most standing committees have authorizing responsibilities.

The unauthorized federal government

The percentage of discretionary spending that is unauthorized continues to grow.



Above: Authorizations are declining.

Appropriating committees actually allocate and spend the money. This leads to conflict.

Committee Membership

Members often **self-select** committees. Meaning, they request service on committees that will help them electorally. Such requests are often granted.



Above: Former House Judiciary Committee Chair John Conyers (D-M)

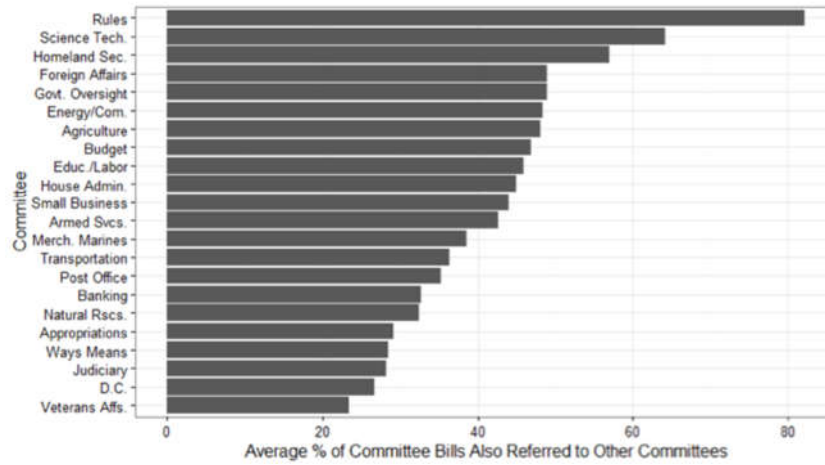
However, “**prestige**” committees are often more difficult to be appointed to. While the list of these is not fixed, in the House, Rules; Appropriations; Ways & Means and Energy & Commerce often are often included.

Seniority and substantive **experience** helps determine committee chairmanships, but it is no longer the dominant consideration it once was. Today, **loyalty** and **campaign fundraising prowess** plays a more pronounced role.

Party ratios on committees generally reflect party strength in the chamber.

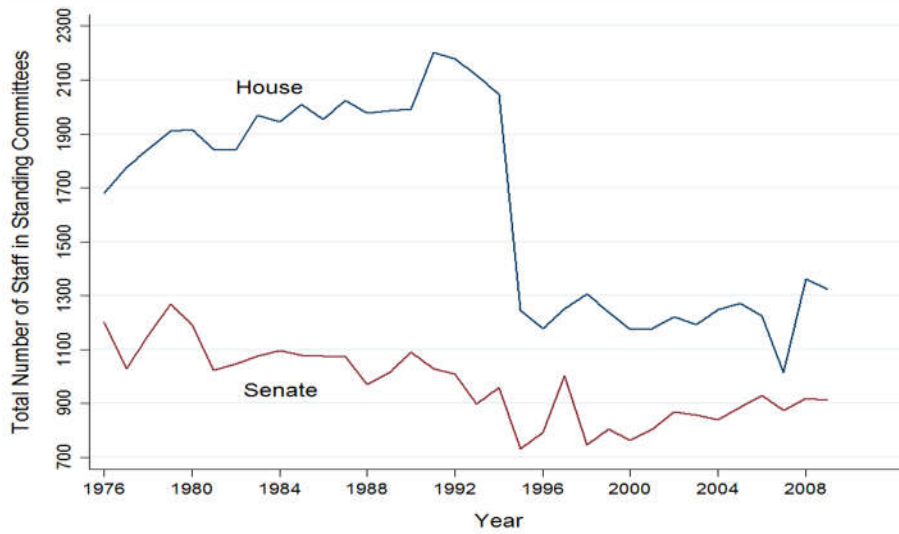
Committee Decline: Bypassing Committees

Panel B: Multiple Referrals by Committee



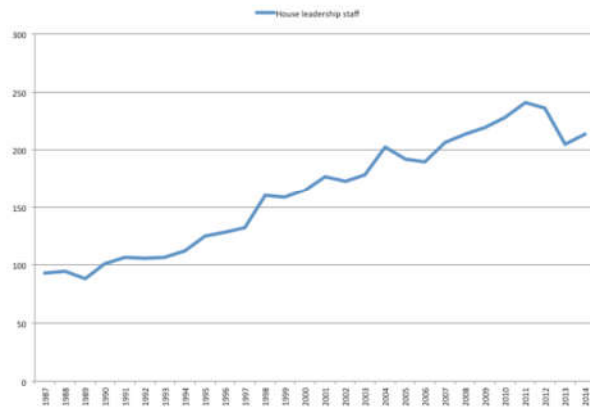
Source: Curry (2015)

Committee Decline: Resources



Committee Decline: Resources

House Leadership Staff, 1987-2014



Graphic by the R Street Institute based upon Congressional Research Service data.

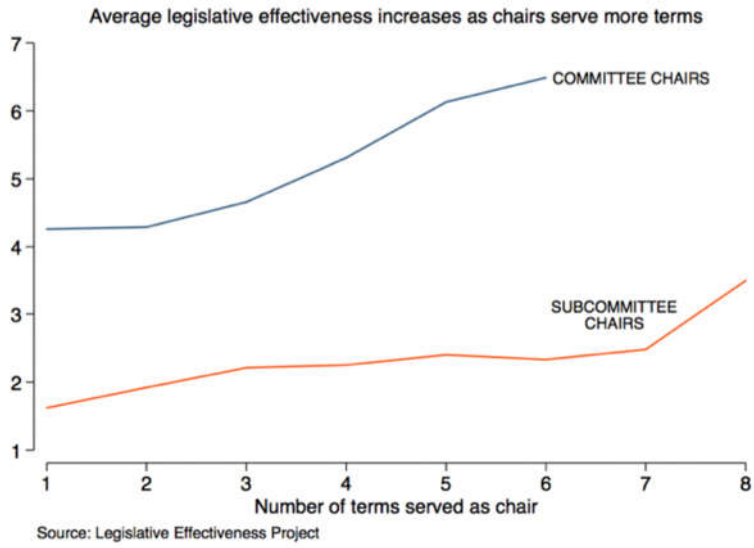
In contrast, leadership staff has sharply increased.

Committee Decline: Bypassing Seniority for Chairs

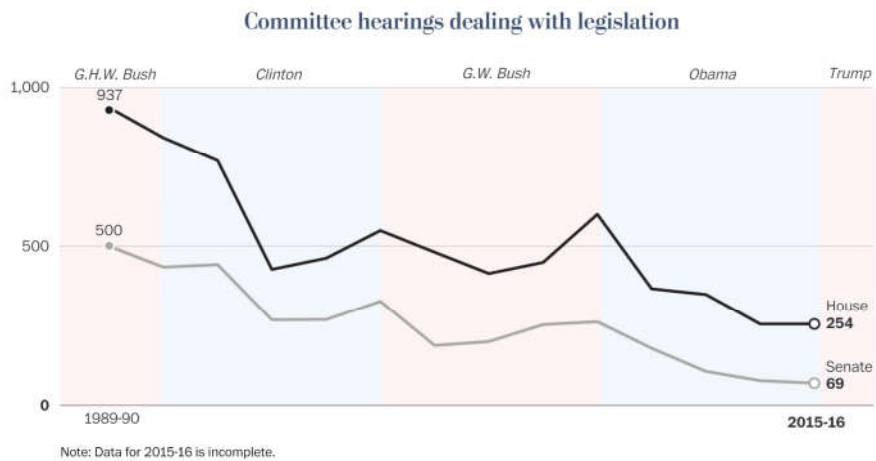
115th Congress Committee Chairs, members with X's were chairs despite lacking seniority.



Committee Decline: Bypassing Seniority for Chairs



Committee Decline: Decreasing Hearings



Questions, Concerns, Angry Rants?



Next: Cooper and Brady