



## "House Leaders and Committees"

Prof. Anthony Madonna  
 POLS 4790H Spring Semester  
 2/2/2021  
 University of Georgia

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## House Leaders and Committees: Outline

2/2/2020

### Introduction

- Updates
- News
- Legislative History Slides

### House Leaders

- Speaker
- Majority Leader
- Minority Leader
- Whips
- House Rules Committee

### History

- Reed
- Cannon
- Rayburn and committee deference

### Committees

- Duties
- Drafting and Reporting
- Oversight
- Authorizing v. Appropriating



### Committee Decline

- Bypassing Committees
- Resources
- Seniority
- Fewer Hearings

Thursday: Cooper-Brady (1981)

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## Legislative History Groups (1/26)



Students	Group #	Congress	Year	Enactment
Anderson, Potreau, Zaleski, Ledet	1	112	2012	Violence Against Women Reauthorization Act of 2012
Duley, Cose, Zachary Williams	2	109	2005	USA PATRIOT Improvement and Reauthorization Act of 2005
Gusman, Leggett, Payan	3	91	1970	Comprehensive Drug Abuse Prevention and Control Act of 1970
Raley, Schiffhauer, Sorohan, Langfelder	4	92	1972	Title IX Amendment of the Higher Education Act of 1972
Ted Williams, Rademacher, Cook	5	81	1949	National Security Act Amendments of 1949
Greeson, Gagliano, Livsey, Snyder	6	93	1974	Federal Election Campaign Act Amendments of 1974
Fisher, Gregg, Cochran, Feyerabend	7	104	1995	Lobbying Disclosure Act of 1995
Pope, Campbell, Dukes, Roone	8	109	2005	Energy Policy Act of 2005
Khan, Canavino, Woodson, Ransom	9	90	1968	Civil Rights Act of 1968
Pliner, Cederbaum, Wilson, Huberman	10	103	1993	Family and Medical Leave Act of 1993
McIntyre, McMillin, Crane	11	101	1990	Americans with Disabilities Act of 1990
Bishop, Lazard, Williamson	12	106	1999	Financial Services Act of 1999
Goodby, Schmid, Tumethy, Hignite	13	104	1995	Antiterrorism and Effective Death Penalty Act of 1996
Levy, McCallar	14	94	1976	The Hyde Amendment
Kirby, Rabban	15	65	1917	Sedition Act
Coughlin, Elmore, Higgins	16	103	1994	Violent Crime Control and Law Enforcement Act of 1994
Bozza, Decker, Edelson	17	108	2003	Medical Prescription Drug, Improvement and Modernization Act of 2003
Rogers, Solis, Kiefer	18	104	1996	Illegal Immigration Reform and Immigrant Responsibility Act of 1996

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## General Paper Tips



Please, **e-mail me with questions and comments**. Undergraduate research essentially replaces lectures with focused interactions with your instructor. I'm basically operating as a research assistant for you. Take advantage of that.

I also absolutely love this stuff.

"Enough rope to hang yourself."

Regardless if you're doing the Research Design or the Legislative History option, **download the instructions and keep them handy**. I will be updated them, but there are lots of useful sources are listed and detailed there.

In both instances, you're hopefully going to be using concepts from APD on policy evolution. In nearly every instance, you're going to find that our current policy was not the product of a well-thought and implemented grand design. Path dependence will play a depressing role for most topics.

Again, you can make this work for other classes or topics. Just be sure to following the structure for one of the two assignments.

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## Course Updates (2/2)

### ELC:

Updated some things, should continue to post more.

Legislative Histories Prompt Sheets

Summary Sections (**Due 2/11**)

### EMAILS:

Should be caught up.

### VIDEOS:

Coming along slowly. Don't hesitate to use selectively.



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## Undergraduate Research

The School of Public and International Affairs (SPIA) is pleased to announce a call for proposals for the SPIA Undergraduate Research Colloquium. This event will bring together faculty and students from across SPIA to celebrate the accomplishments of our students and the faculty that facilitate their research. Students may submit research projects completed or currently in progress, as part of course work, CURO, internships, or independent research. We invite paper and poster presentation submissions on research drawing from all academic concentrations within SPIA including American Politics, International Relations, Comparative Politics, Political Theory, Criminal Justice, and Public Administration. Due to the COVID-19 pandemic it is expected that most, if not all, presentations will take place remotely.

**\*\*Interested students should complete this form by Tuesday, February 16, 2021.\*\***

Application form link: <https://bit.ly/spia-urc>  
The form will require applicants to include:

1. Contact Information
2. Your SPIA major
3. Title of paper
4. An abstract (summary) of your research of approximately 250 words
5. A brief (100 word max) explanation of whether this research was completed (or is currently taking place) in a SPIA course, as part of a CURO project, an internship, or some other experience
6. Whether you wish to be considered for a panel presentation, poster session, or both (see website for more information on the different formats).

Applicants will be notified of acceptances by early March. Please send all questions to [spia.urc@gmail.com](mailto:spia.urc@gmail.com).

Additional information about the SPIA Undergraduate Research Colloquium is available at:  
<https://spia.uga.edu/news-events/signature-events/undergraduate-research-colloquium/>

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## News 2/2



What do you guys have here? News items you want to discuss?

Senate power-sharing agreement; COVID relief bill; Reconciliation; Game Stop/STOCK Market; Super Bowl; Cabinet Appointments; PAYGO rules; Executive Orders

Anything else?



## Hastert Rule

Sarah Binder, Monkeycage (2013): Most Congress watchers yesterday quickly noted the remarkable House vote to pass the Violence Against Women Act (VAWA): For the third time this year, the House passed an important bill over the objections of a majority of the majority party. Another "Hastert Rule violation," many reporters correctly observed.

Observers noted that the leadership brought the VAWA bill to the floor (knowing the GOP majority would be rolled on final passage) as a calculated move to repair damage done to the party's brand name in the last election. As the Los Angeles Times reported, many GOP strategists "feared that keeping the bill in limbo could expose the party to complaints they were hostile to women." I think the coverage of the VAWA bill has been right on the mark. Still, we should be cautious in writing the Hastert Rule's obituary. Some considerations:



First, as many reporters noted, the substance of the yesterday's bill mattered. Concern about the party's electoral reputation likely helped to encourage the GOP to bring the bill to the floor (on a nearly unanimous procedural vote). We see some evidence of that concern in the makeup of the sixty Republicans who broke ranks to vote against the conservatives' alternative bill: Roughly sixty percent of them hailed from blue states won by Obama in 2012. (Note: GOP women were more likely to stick with their conservative brethren on that substitute vote, with roughly 80 percent of the GOP women favoring the more limited bill.) Moreover, on final passage, nearly three-quarters of the Republicans who voted with the Democrats hailed from blue states. I think it's reasonable to expect that on other electorally-salient bills this Congress we might see the leadership allow party splitting measures on the floor, letting the chamber median work its will in favor of passage. As many others have noted, immigration reform could provide another such opportunity. In short, the terrain for future Hastert rule violations might be quite limited.

## Hastert Rule

Second, keep in mind that all three of the Hastert Rule violations occurred on legislative measures already cleared by the Senate. Mitch McConnell and Joe Biden negotiated the fiscal cliff bill that was passed 89-8 with broad bipartisan support. Hurricane Sandy relief was first cleared by the Senate on a (narrower) bipartisan vote. And the Senate had also already endorsed the more expansive version of the VAWA bill, with a majority of Senate GOP joining every Democrat in voting for the bill. The support of Republican senators (albeit to varying degrees) for



Democratic measures makes it far harder for the Speaker to stick with his conservative conference majority. Instead, he offers them a vote to establish their conservative *bona fides* and then allows the Democrats to win the day. Split party control seems to limit the viability of the Hastert Rule, at least on those few measures on which Senate Democrats can attract GOP support to prevent a filibuster. Ironically, the new Boehner Rule of "Make the Senate Go First" (insert saltier language for full effect) undermines the Hastert Rule. Given the difficulty Boehner faces in assembling a chamber majority without Democratic votes on bigger issues of the day, perhaps we shouldn't be surprised to see this periodic scuttling of the majority of Boehner's majority.

Finally, yesterday's vote helps us to better identify the far right flank of the House GOP. Here, I consider the far right of the conference those Republicans who voted against waiving the debt limit for three months, against Hurricane Sandy relief, and against the VAWA bill. That group sums to 26 GOP. Given 232 House Republicans, Boehner can't bring party-favored bills to the floor without moving exceedingly far to the right. That's helps to explain why Boehner insists on letting the Senate go first on issues that evoke tough dissent within his party. He has no choice, even if that sets him up for potential majority rolls on important roll call votes. Ultimately, the fate of the Hastert Rule depends on how the Speaker balances his support within the conference with the responsibility of tending to the party's brand name (let alone to the will of the chamber).

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**Committee Decline**

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**Thursday: Cooper-Brady (1981)**

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## Finding Your Enactment in Historical Newspapers

ProQuest

Advanced Search

Education

AND

Publication date

Start: March 23 1965

End: March 28 1965

Click on "Advanced Search." You might have to play with the search terms, but select "Specific Date Range" and enter a few days before and after.

This was March 24<sup>th</sup>, 1965.

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## Finding Your Enactment in Historical Newspapers

The Results...

66 results

Sorted by: Relevance

1 School Bill Passes First Reading: Approval of Aid To Poor Students Is A Major Victory For Civil Rights - Washington Post, Times Herald (1965-03-24); Washington, D.C. Washington, D.C. 1965, 41

2 School Aid House Stays: House Debate Stays Down In House Over Church-State Snag; Shouting Match Legal Dynasty: School Aid House Stays: House Passage Seems Sure - Washington Post, Times Herald (1965-03-24); Washington, D.C. 1965, 41

3 School Aid Stays: Senate - The House Committee (1965-03-24); Atlanta, Ga. Atlanta, Ga. 1965, 12

4 School Bill Passes First Reading: Approval of Aid To Poor Students Is A Major Victory For Civil Rights - Washington Post, Times Herald (1965-03-24); Washington, D.C. 1965, 41

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Additional Sources: Google Scholar

Google Scholar

Articles Case law

Four additional sources that students are encouraged to consult are (1) Google Scholar; (2) ProQuest Congressional; (3) HeinOnline's U.S. Federal Legislative History Library; and (4) Congressional Research Service Reports.

1) A google scholar search of your bill's title will frequently pull up a number of articles. These pieces are often law or policy related and can provide both useful background on your enactment and highlight the policy ramifications of it. The latter is particularly useful for your "Aftermath" section. Google scholar can be found here:

<https://scholar.google.com/>

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Additional Sources: CRS

4) As noted on the Federation of American Scientists website, "The Congressional Research Service, a component of the Library of Congress, conducts research and analysis for Congress on a broad range of national policy issues. While many CRS memoranda are generated in response to individual Member or staff inquiries and are confidential, most CRS reports are available to anyone who has access to a congressional intranet."



Congressional Research Service

Informing the legislative debate since 1914

CRS Reports are frequently drafted in response to certain legislation and often will provide detailed historical background and a discussion of the policy ramifications of a given bill. While Congress has directed CRS to not publicize their reports, a number of websites have publicized them. Before checking the websites listed below, I recommend students do a simple google search of their bill title and CRS report. If a report isn't listed, checking the websites below for a relevant report may be worthwhile:

- [www.everycrsreport.com](http://www.everycrsreport.com)
- <https://www.fas.org/spp/crs/>
- <http://stanistan.org/index.html>
- [http://archives.democrats.rules.house.gov/archives/crs\\_reports.htm?utm\\_content=buffer4c368&utm\\_medium=social&utm\\_source=twitter.com&utm\\_campaign=buffer](http://archives.democrats.rules.house.gov/archives/crs_reports.htm?utm_content=buffer4c368&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer)

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Additional Sources: BioGuide

Biographical Directory of the United States Congress

1774 - Present

New Search

House History

Senate History

Copyright Information

Privacy

Our new website is coming soon.

Learn more

Enter desired criteria and click "Search"

Last Name

First Name

Position

State

Party

Year or Congress

Search

Clear

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## Committee Resources

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.



Using Congress.gov, the committee reports can be found here.

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## Committee Resources

ProQuest | Legislative Insight

Home Quick Search Guided Search Search by Number Timeline Browse Legislative Info

PDF | Print | Export | Legislative Process

Options | Sort by pub type Publication Filter Show all

PL 95-504 contains 89 publications. Find items on this page: [ ] Go Find items in full text publications: [ ] Go

Tip: Begin your research with reports marked with [ ]

Search this topic [ ]

Cumulative Contents [ ] (Show: Items 1-6, 1979) [ ]

Publication of Documents [ ]

Page 1/25

Airline Deregulation Act of 1978

Publication Type Legislative History

DOI/OL PDF ID: PUB-004  
PUBLICATION PDF ID: PUB-004  
DATE: Oct 24, 1979  
ENACTED BILL: H.R. 2480  
STATUTE AT LARGE: 92 Stat. 1035  
CONGRESS: 95-2  
WORDS: 19,000 (S 101, 16,000 (S 112, 16,000 (S 171, more...  
DURATION: 1000  
DURATION URL: https://congressional-proquest.com/proxy-remote-path-ups/airlineproquest/

SUMMARY:  
To amend the Federal Aviation Act of 1958, to encourage, develop, and obtain an air transport to determine the quality, variety, and price of air services, and for other purposes.

REGULATORY HISTORY:  
View the administrative rule-making process related to this public law.  
Open in Regulatory Insight: Regulatory History of PL 95-504 at

SUPREME COURT CASE HISTORY:  
View Supreme Court cases related to this public law, and their associated documents.  
Open in Supreme Court Insight: Johnson v. American Airlines, Inc. v. Wiggins (52-2461) | 47  
Johnson v. American Airlines, Inc. (54-1175) | 47  
Alaska Airlines, Inc. v. Wiggins (55-6302) | 47  
American Airlines, Inc. v. Wiggins (55-1285) | 47  
Northwest, Inc. v. Grisham (55-4521) | 47

In addition to Congress.gov, committee reports can be found in other places.

Scrolling down on **ProQuest Congressional** will give you Committee Hearings transcripts as well as committee reports.

Hein's Legislative History library will also have some reports.

Other sources to identify what happened in Committee: Historical newspapers, CQ Almanac.

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## Assorted Process Terms

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## Rules Committee

Why a Rule? Priority.

Who serves on the Rules Committee? How does one become Chair?

9 to 4 majority party advantage on Rules...

History: Power stems from reforms in the late 19th Century.

Rules can block germane amendments, provide time limits.

Types of rules: closed, open, structured.  
Why is it so important to control the amending process?

Minority input on Rules?



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## Open Rule



The most common rule type for many congresses is the open rule. An open rule will include language to the effect of "amendments will be considered under the 'five-minute' rule." This means any amendment can be offered and five-minutes will be permitted for debate and/or discussion.

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## Modified-Open Rule



A modified-open rule is generally considered an open rule with some non-discriminatory limitation. Generally, this takes the form of a time limit or a pre-printing requirement. In the case of a pre-printing requirement, the rule specifies that amendments will only be considered if they are printed in the Congressional Record by a certain time period. Practically, what this means is that the majority wants to know what amendments are coming ahead of time. The language will look like this rule from the 104<sup>th</sup> Congress: "No amendment to the committee amendment in the nature of a substitute shall be in order unless printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII before the beginning of consideration of the bill for amendment." Time limits will simply state that any amendments can be offered, but they will state that consideration of the bill and amendments will end at a specified time (i.e. at 5 p.m.) or after an allotted time period (i.e. two hours).

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## Closed Rule



A **closed rule** is the most restrictive type of rule. It bars any amendments from being offered. The rule text will generally not reference amendments of any kind. Instead, it will specify control over debate and then include language like the following: "The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except ne motion to recommit with or without instructions."

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## A Standard Closed Rule

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1430) to provide for a temporary increase in the public debt limit. All points of order against the bill and against its consideration are waived. Debate on the bill shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. **The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.** Sec. 2. Upon its passage by the House, H.R. 1430 shall be considered to constitute reconciliation legislation pursuant to section 7(a) of the conference report to accompany the concurrent resolution (H. Con. Res. 64) setting forth the congressional budget for the United States Government for the fiscal years 1994, 1995, 1996, 1997, and 1998.

The debate supports this as a purely closed rule. Here's the manager, Moakley (D-MA):

"[A] closed rule on a debt limit bill is traditional, especially for a new President, and closed rules in this circumstance have won overwhelming bipartisan support every time in the past."

And on the minority side, here's Solomon (R-NY):

"The new Members were told of the tradition and custom of closed rules on debt limit bills. They were told of procedural problems-of futile previous question fights, of germaneness rules, of closed rules, and on and on and on. But, Mr. Speaker, one of those new Members cut right through the smoke that was thrown in his face by the Rules Committee. He put it quite simply and eloquently when he said the American people do not care about these procedural customs and traditions and precedents and obstacles. They do not really understand them."

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## A Modified-Closed Rule

A **modified-closed** rule is also highly restrictive. It will bar nearly all amendments, but may specify that an amendment will be offered by the Committee Chairman or his/her designee (or a set of amendments may be offered that have been approved of by the committee). A modified-closed rule also includes rules that are completely closed in one section, but open, modified-open or structured in other sections.



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## A Structured Rule



A **structured rule** is a restrictive rule that provides for only certain amendments to be in order. These are usually list in a report of the Committee on Rules. An announcement for a structured rule is typically made several days in advance. Amendments are then proposed and screened by the Rules Committee. Those found to be acceptable are printed in the report. The language will often look like this: "No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution."

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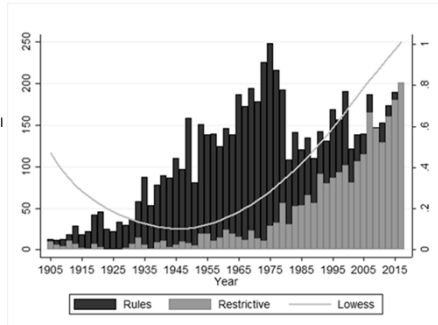
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## Rules over Time; Other Provisions

1. Waiver only
2. Special Order
3. King-of-the-Hill
4. Queen-of-the-Hill
5. Self-executing
6. Martial Law
7. Bifurcated

Other floor options:  
Suspension;  
Unanimous consent.



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## Voting on the Floor



First vote may be to order the previous question motion on the Rule, followed by a vote on the Rule itself.

Debate here is structured by the rule. Generally, the floor is empty and the outcome is pre-determined.

**Note:** Not all votes are recorded!

This is often followed by debate on the bill, votes on any amendments (may not be recorded), a motion to recommit with instructions, potential votes on points of order and a vote on the bill.

What influence member votes? Reelection, policy goals, reelection, party loyalty, reelection. Priorities are often as important as policy goals.

Different vote types: Voice, Division, Teller, Recorded/Roll Call...

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## Voice Vote

The default voting mechanism in Congress is the **voice vote**.

During a voice vote, the chair will put forward two questions: "all in favor say 'Yea,'" and "all opposed say 'Nay'."

The job of tallying the votes in such a situation falls to the chair, and his or her count cannot be appealed. While members may make their opinions clearly known, voice votes produce no record of individual positions on a given bill.



The SPEAKER. The time of the gentleman from Texas has expired.  
Mr. SABATH. Mr. Speaker, I move the previous question.  
The previous question was ordered.  
The SPEAKER. The question is on agreeing to the resolution.  
The resolution was agreed to.

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## Division Vote

A **division vote** can be requested by any member.

Once requested, members rise if they take the affirmative on a question and they are then counted by the chair.

This process is repeated for those in opposition.

Division votes are not recorded and – like with voice votes – the chair's count of the votes cannot be appealed.



The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.  
The question was taken; and on a division (demanded by Mr. Knutson) there were—ayes 135, noes 152.  
So the amendment was rejected.

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## Teller Vote

A **teller vote** is a vote in which members of Congress pass between two tellers, who write down the votes of each member, along with their names.

Teller voting is restricted to the House of Representatives and is used infrequently in the modern era.

While it is likely to yield more accurate vote totals than either voice or division votes, it is similar to these in that it also does not produce a record of how members cast their votes



The CHAIRMAN. The time of the gentleman has expired. All time has expired on the pending amendment.  
The question is on the amendment offered by the gentleman from Minnesota (Mr. Knutson).  
Mr. KNUTSON. Mr. Chairman, I demand tellers.  
Tellers were ordered, and the Chairman appointed as tellers Mr. DOWSTON of North Carolina and Mr. KNUTSON.  
The committee divided; and the tellers reported that there were—ayes 174, noes 197.  
So the amendment was rejected.

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## Roll Call Vote

To receive a **roll call vote** in either chamber a member needs a second of "one-fifth of those present."

In the House of the Representatives, once a sufficient second is voiced a roll call vote is taken. This voting has largely been done electronically since 1972. When the vote is called, members insert a personalized voting card into a station on the House floor and press either "Present", "Yea", or "Nay". Members' votes are then displayed on panels throughout the chamber.

While the speaker does have authority to extend votes, few last longer than the 15 minute requirement.

In the Senate, once the yeas and nays are ordered, the clerk begins to call the names of each senator alphabetically. The senator then has, generally, 15 minutes to respond to his or her name.

[illegible]

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## Senate Floor Process: Filibusters

Here's where the process generally gets weird.

No feature comparable to the House Rules Committee. Lack of a simple-majoritarian method for ending debate makes the Senate extremely unique. So how does a bill get to the Senate floor? Leader will offer a motion to proceed. But ending debate on that is difficult.

Primarily two options:

1. **Cloture.** 60 votes and extremely time-consuming. May need cloture on the motion to proceed and then on the bill itself.
2. **Unanimous Consent.** Necessitates even more compromises than cloture.



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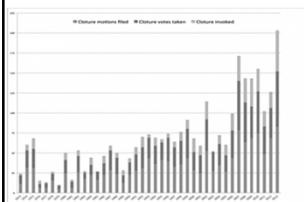
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## Senate Floor Process: Filibusters



### Understanding the filibuster

The Senate "filibuster" is not a rule in the Senate (sorry, Mr. President). It owes its existence to the absence of a rule allowing a simple majority to end a debate.

Rule XXII, or cloture, established in 1917, provides for a supermajority to end debate.

Historically, floor time is so valuable in the Senate that measures subject to filibusters are not brought to the floor and cloture votes are not taken.

Because of this, determining when a filibuster has taken place—or providing a count of filibusters—is almost completely arbitrary.

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## Senate Floor Process: Filibusters

### Understanding the filibuster

Often times, obstruction through long speeches on the Senate floor are for "show." See recent speeches by Senators Paul (R-KY), Cruz (R-TX) and Merkley (D-OR).

Even when cloture is not invoked, the Senate's debate rules have an effect on policy output. See Senator Tom Coburn (R-OK) and the Zadroga Health Compensation Act of 2010.

Because of workload and time demands, the modern U.S. Senate is largely run by unanimous consent.

Want a longer discussion? E-mail me...



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## Senate Floor Process: Amendments

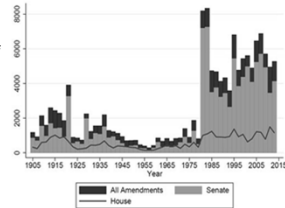
The amending process on the Senate floor is crazy.

Individual members have a great deal of leverage, so we see a large number of amendments offered and voted on in the Senate.

Most are of the position-taking variety. Why do this?

Some will be bills offered "as amendments."

Can be offered as motions to strike, strike and insert, etc....A major job for staffers and interns is summarizing amendments and writing vote recommendations for their members. Unlike bills, where members have a great deal of notice and information from committee mark-ups, introductory speeches, lobbyists and party leaders, amendments are often offered with no supplemental information and very little time to process.



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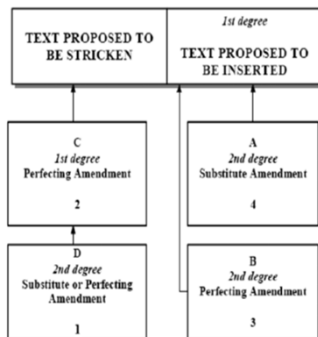
## Amendment Tree

Depending on the kinds of amendments that members offer and the order in which they are recognized to offer their amendments, members can offer anywhere from three to 11 amendments before the Senate has to vote on any of them.

As a general rule, a measure being considered on the House or Senate floor is open to amendment in only two degrees.

**Amendment trees** are the graphic ways of depicting these possible situations.

One such tree is presented in the adjacent Figure.



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## House Leaders and Committees: Outline

2/2/2020

**Introduction**

- Updates
- News
- Legislative History Slides

**House Leaders**


- Speaker
- Majority Leader
- Minority Leader
- Whips
- House Rules Committee

**History**

- Reed
- Cannon
- Rayburn and committee deference

**Committees**

- Duties
- Drafting and Reporting
- Oversight
- Authorizing v. Appropriating



**Committee Decline**

- Bypassing Committees
- Resources
- Seniority
- Fewer Hearings

**Thursday: Cooper-Brady (1981)**

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## 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.

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## 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.

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## 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

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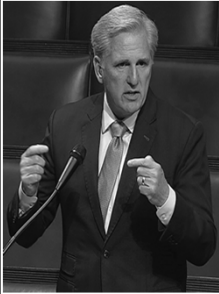
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## Minority Leader



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.

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## Whips



### Leader's Floor Update

The House is now taking the following votes:

- 1) Adjournment Resolutions (H. Con. Res. 172) - To provide for the House to adjourn on the August Director's Work Period - [H.R. 172](#) - [11/10/2018](#)
- 2) H.R. 691 - Rule providing for consideration of H.R. 2749 - Food Safety Enhancement Act of 2019 - [H.R. 691](#) - [11/10/2018](#)
- 3) H.R. 2728 William O'Connell Law Library Improvement and Modernization Act (Rep. Lofgren - House Administration) Suspension bill - [H.R. 2728](#) - [11/10/2018](#)
- 4) H.R. 2410 - Abnerne Butler Track, Racine, and Condon Act (Rep. Davis (CA) - House Administration) Suspension bill - [H.R. 2410](#) - [11/10/2018](#)

Now votes about an hour on motion to recommit and final passage of H.R. 2749 - Food Safety Enhancement Act of 2019 (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

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## 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).

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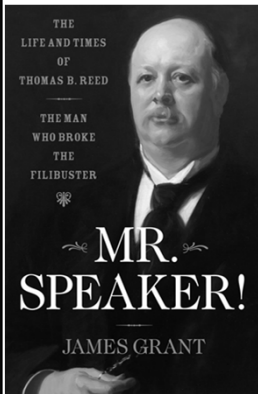
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## Speaker Power: History



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

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## 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)

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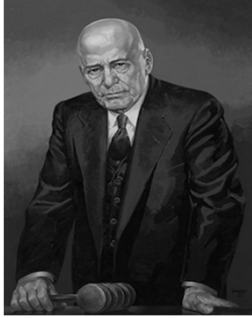
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## Speaker Power: History



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.

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## 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

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## 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**.

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### 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.

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### 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.

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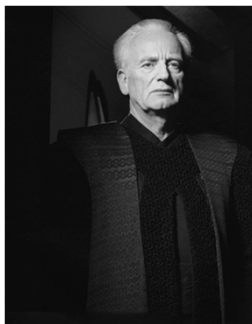
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### The Committee System: Oversight



"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?

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## 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.

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## 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."




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## 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.

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## 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-MI)

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.

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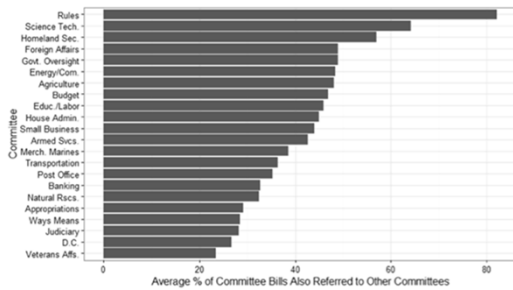
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## Committee Decline: Bypassing Committees

Panel B: Multiple Referrals by Committee



Source: Curry (2015)

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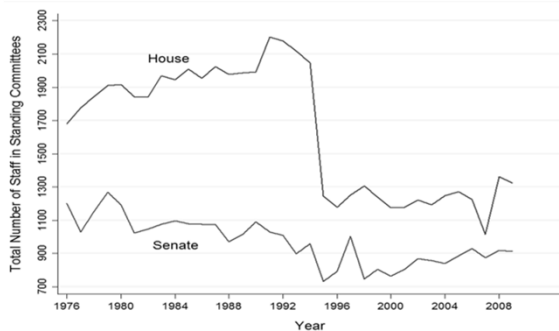
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## Committee Decline: Resources




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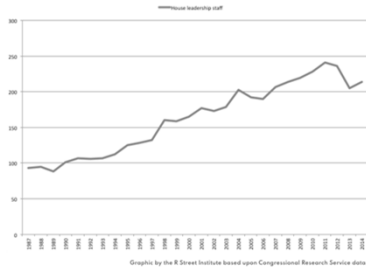
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## Committee Decline: Resources

House Leadership Staff, 1987-2014



In contrast, leadership staff has sharply increased.

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## Committee Decline: Bypassing Seniority for Chairs

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




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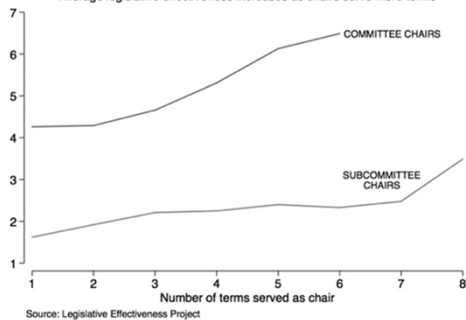
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## Committee Decline: Bypassing Seniority for Chairs

Average legislative effectiveness increases as chairs serve more terms




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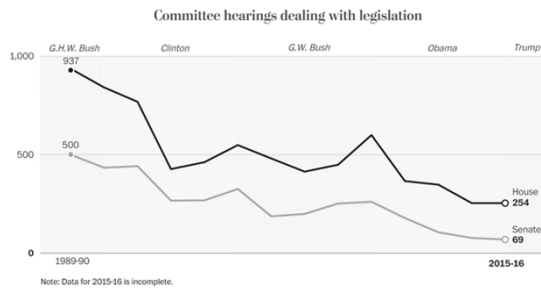
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## Committee Decline: Decreasing Hearings



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## Questions, Concerns, Angry Rants?



Next: Cooper and Brady

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