



**"The House Floor"**  
 Prof. Anthony Madonna  
 POLS 4790H Spring Semester  
 2/23/2021  
 University of Georgia

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## House Floor: Outline

2/23/2021

### Introduction

- a. Updates
- b. Summary Section
- c. Midterm #1

### Assorted House Floor Issues

- a. Rule Alternatives: Suspension
- b. Floor Consideration Data
- c. Committee of the Whole
- d. Points of Order

### Vick et al. (2020)

### The House Floor and Voting

- a. Debate
- b. Floor Amendments
- c. Motion to Recommit
- d. Enacting Clause
- e. Vote types



Above: Ted Cruz does not appear thrilled to be making calls.

### Optional Review

#### Thursday

- a. Midterm #1

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## Course Updates (2/23)

### EMAILS:

- Done.

### OFFICE HOURS:

- Will be standard time today, but don't hesitate to drop by tomorrow especially if you want to work through Committee Gatekeeper Games.

### SUMMARY SECTION:

- Will be handing these back today and tomorrow.
- Some of you did extremely well. And some of you also turned something in. Which is tremendous.
- Angry rants: Universities don't put out studies, WIKIPEDIA!!!!, you don't need to cheer lead, online encyclopedias, pdfs, prompt sheets, taking interests, bills versus laws versus amendments, etc...



Above: Rep. John B. Anderson (R-IL), launched a competitive third party presidential campaign in 1980 and went on to lead several electoral reform efforts.

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## Bill Jargon

A **bill** is the primary vehicle employed by legislators to introduce their proposals. House bills are designated H.R. 1, H.R. 2, etc... Senate bills are designated S. 1, S. 2, etc. As the Senate website notes, "They address either matters of general interest ('public bills') or narrow interest ('private bills'), such as immigration cases and individual claims against the Federal government." It needs to pass both the House and the Senate in identical forms and be signed by the President (or passed over a presidential veto) to become law.

Once a bill becomes law, it is assigned a **public law number** corresponding to the Congress in which it was enacted and the order it passed. 115 PL 12 is a public law number corresponding to the 12<sup>th</sup> public law enacted in the 115<sup>th</sup> Congress.

The law is also assigned a **statute number**. This corresponds to the volume and page number the law can be found in the *Statutes at Large*.

Congress may work on several bills throughout a given Congress before agreeing on a final bill that eventually becomes a public law. For example, the Senate may debate and amend S 120 while the House considers HR 5. Eventually, the two changes agree on the content of the bill and include that language in HR 282.



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## Midterm Exam 1 – POLS 4790H

**Midterm Exam #1** – The first class midterm is Thursday, February 25th. For POLS 4790H, it will cover Shepsle & Bonchek, Ch. 5; Committee-Gatekeeper Games; House Floor Procedure; Cooper & Brady (1981); How a Bill Becomes a Law; the U.S. Constitution; Cox (2000); the Committee System; House Party Leader; the House Rules Committee; Vick et al. (2020); House Voting Procedures and Using Legislative History Resources.

I'll be moving Polarization and Ideological Scaling to Exam 2.

This exam is open book and open note. I'll be e-mailing a link to it to you at 9:35 am. You will have until 9:35 am on Friday, February 26th to complete it. Most of you will be able to finish it in under an hour. So you're welcome to take it at any time in that 24 hour window. The exam is being given through qualtrics.

Section 1: Identifying Information

Section 2: Multiple Choice & Fill-in-the-Blank

Section 3: Short Essays

Section 4: Committee Gatekeeper Games

Section 5: Identifying a Special Rule

Section 6: Using Resources/Legislative History Questions



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Midterm Exam

**Section 1** – Basic identification questions.

Section 1: Identification Questions. The questions below are identification questions and not graded for points.

What is your full name? (i.e. Jonathan Smith)

What is your UGAID number? (This is the 9-digit number beginning with "S10" or "S11" that appears on your UGAIDCard).

For the POLS 4600: Maymester 2020 course, what enactment group were you placed in?

Violent Crime Control and Law Enforcement Act of 1994

Homeland Security Act of 2002

Gun Control Act of 1968

Civil Rights Act of 1957

Midterm Exam

**Section 2** – A handful of multiple choice/ fill in the blank questions. Don't whiff on these.

Section 2: Multiple Choice.

Questions 1-20 are multiple choice questions. Please select the best answer. (1 point each)

#1. Preferences are said to be \_\_\_\_\_ if the alternatives under consideration can be represented as points on a line, and each of the utility functions representing preferences over these alternatives has a maximum at some point on the line and slopes away from this maximum on either side.

Multi-dimensional

Intransitive


Zero-sum

Single-peaked

Midterm Exam

**Section 3** – Some challenging short essay questions—we'll go over potential topics on Tuesday.

One of these will likely involve using Farrand's Records.



#24. Congratulations! You've just been elected to the House of Representatives. One of your campaign promises was that you would author and pass a bill providing miniature American flags to all Americans. After introducing your bill, the Miniature Americans Flags for all Patriotic Americans Act of 2020, the Speaker of the House refers it to a committee. While in the committee a constituent calls and asks you to explain to him what will happen to the bill during the rest of the legislative process. Once the committee passes it, what happens? Then what? What happens in the Senate? What if the Senate passes a different version? What happens if the President vetoes it? (7 points)

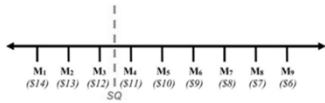
## Midterm Exam

### Section 4 – Committee Gatekeeper Game. This will look identical to the examples on the website.

Section 4. Committee Gatekeeper Game. Questions #20-26 correspond to the figure below. (15 points total).

Assume the figure below represents a nine-member legislature. These nine members are ordered on a left (liberal) – right (conservative) ideological spectrum, with M1 being the most liberal, and M9 being the most conservative.

These members hold preferences on the federal minimum wage that vary from \$14 dollars (M1) to \$6 dollars (M9). In this example, the dashed line green line labelled SQ represents the existing (status quo) policy of \$11.50.



## Midterm Exam

### Section 5 – Identifying a Special Rule type.

Section 4. Special Rule Questions.

Questions #20-26 correspond to the special rule below. (15 points total).

Hires 163 (114th Congress)

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XXVI, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 27) establishing the budget for the United States Government for fiscal year 2016 and setting forth appropriate budgetary levels for fiscal years 2017 through 2020. The first reading of the concurrent resolution shall be dispensed with.

All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours of general debate confined to the congressional budget equally divided and controlled by the chair and ranking minority member of the Committee on the Budget and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Brady of Texas and Representative Carolyn Maloney of New York or their respective designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule.

The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent. All points of order against such amendments are waived. If more than one such amendment is adopted, then only the one receiving the greater number of affirmative votes shall be considered as finally adopted. In the case of a tie for the greater number of affirmative votes, then only the last amendment to receive that number of affirmative votes shall be considered as finally adopted.

After the conclusion of consideration of the concurrent resolution for amendment and a final period of general debate, which shall not exceed 15 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been finally adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to adoption without intervening motion except amendments offered by the chair of the Committee on the Budget pursuant to section 300(a)(2) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

#20. This rule could be best characterized as which of the following? (2 points)

<input type="radio"/> Unanimous Consent
<input type="radio"/> Open
<input type="radio"/> Modified-Open
<input type="radio"/> Structured
<input type="radio"/> Closed

#27. Which of the following "creative rule" features are included in Hires 163? Select all that apply. (4 points)

## Midterm Exam

### Section 6 – Enactment Research Questions (Using Resources)

For this section, please refer to the table below for the relevant bill or bills that correspond to your enactment. Questions #30-41 will be referring to initial Senate consideration of those bills only. If there is more than one bill listed for your group, assume the initial passage vote occurs on the second bill, but all other votes occurred on the first (i.e. amendments, motions to proceed, etc.). Finally, the date listed corresponds to the day of the initial passage vote in the Senate.

Enactment	Bill(s)	Date
Violent Crime Act of 1994	S 1607/HR 3355	11/19/1993
Homeland Security Act of 2002	HR 5005	11/19/2002
Gun Control Act of 1968	S 3633/HR 17735	9/18/1968
Civil Rights Act of 1957	HR 6127	8/7/1957
No Child Left Behind of 2001	S 1/HR 1	6/4/2001
Economic Assistance Act of 1950	S 3304	5/5/1950
Refugee Act of 1980	S 643	9/6/1979
Clean Air Act Amendments of 1977	S 252/HR 6161	6/10/1977
Equal Rights Amendment of 1972	HR 208	3/22/1972
Espionage Act of 1917	S 2/HR 291	5/14/1917
Affordable Care Act of 2010	HR 3590	12/24/2009
Bipartisan Campaign Reform Act of 2002	S 27	4/2/2001
Telecommunications Act of 1996	S 652	6/15/1995

## Midterm Exam

### Section 6 – Enactment Research Questions (Using Resources)

#34. Was there a recorded cloture vote during initial Senate consideration? You can determine this using either congress.gov, voteview.com or the Congressional Record. (2 points)

Yes  
No

#35. Who was the Senate Republican whip during the Congress your enactment was passed? What was his or her party? What state did they represent? (3 points)

#40. Using the Congressional Record, provide a quote from a Senator in support of the bill in the space below. This quote may be from debate on the bill or the special rule if one exists. If you believe no members spoke in favor of the bill, simply write "none." (3 points)

Please also include the proper citation in the following form: "Quote (Congressional Record, 116 Congress, Month, Day, Year, Page #)." So, for example:

Senator Barry Goldwater (R-AZ) argued against an amendment to the bill: "Mr. President, I would like to suggest that we look at every amendment we have and ask ourselves, do we have to have that? [The] election is two years away. We do not have to start kissing this and rubbing that to get elected next time. And, thank God, I do not have to do it even again (Congressional Record, 96th Congress, December 11, 1960, 16227)."

#35. Using Historical Newspapers, please provide a quote from a newspaper article about your enactment. It may be critical, supportive or merely descriptive. If you believe no article was written, simply write "none." It does not have to be about the specific bill listed above; you are welcome to use other related bills (i.e. Senate companions or a related House bill). (4 points)

Please also include a proper citation. The citation should look like this:

Jones, Kevin. 2018. "Here's a Newspaper Story." The Washington Post, May 1.

#37. In addition to the key questions I have provided, list another question on your enactment, a rule or procedure employed during its consideration or a member involved in its passage that you find interesting and would like to examine. What do you find interesting about it? (5 points)

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### Optional Review

Thursday

- Midterm #1

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## Getting on the House Floor: Alternatives

In the absence of a House special rule, there are a few mechanisms for bills to get to the House floor. Unanimous consent is rare, but does happen on occasion in the House. A second option, a motion to **suspend the rules and pass**, is far more common.

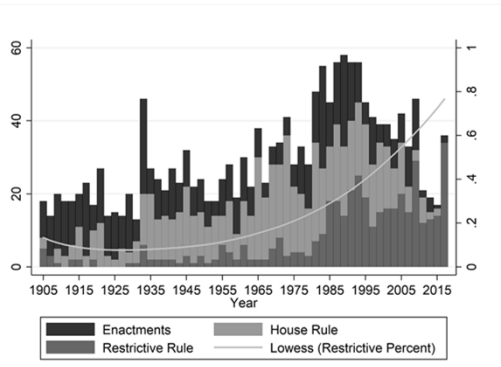


Above: Former Rep. William Jefferson (D-LA), being sentenced to 13 months in prison.

A motion to suspend the rules and pass a bill is a procedure generally used to quickly pass legislation in the House. It is in order on certain days (currently Monday and Tuesday of each week and the last six days of a session), typically reserved for non-controversial legislation and allows the Speaker to entertain motions made by members seeking to bypass the traditional calendar.

Debate is limited to forty minutes, evenly divided between supporters and opponents. Floor amendments are prohibited. Currently, and for much of the House's history, passage of the motion is dependent on the support of two-thirds of members voting majority.

## Enactments by Floor Consideration Mechanism




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## Committee of the Whole



Above: Former Rep. Vito Marcantonio (Socialist-W), dagger as all hell.

Article 1, Section 5 of the U.S. Constitution specifies that "each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide." The Committee of the Whole is the House or Senate chamber in another form (like a large committee). It developed in response to the Constitution's quorum provision. Generally, it is used for the purpose of debate and dispensing with amendments. Every legislator is a member. In the modern Congress, it is frequently associated with the U.S. House. The presiding officer is chosen by the Speaker of the House and is normally a member of the majority party who does not hold the chair of a standing committee.

Procedurally, the Committee of the Whole differs from the House of Representatives even though they have identical membership. The Committee of the Whole only requires 100 House members for a quorum. In the modern Congress, only 25 members are required to force a recorded rather than voice vote. Historically, recorded voting in the House (but not Senate) Committee of the Whole was prohibited. This changed in the House after the adoption of the Legislative Reorganization Act of 1970 (first applied in the 92nd Congress). All amendments adopted in the Committee of the Whole are considered after the Committee of the Whole dissolved. Members can reserve the right to request a recorded, division, teller or voice vote on specific amendments (even those that were defeated in the Committee of the Whole).

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## Committee of the Whole

**The CHAIRMAN.** Under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Brooks, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee having had under consideration the bill (H.R. 3014) to regulate the labeling and advertising of cigarettes, and for other purposes, pursuant to House Resolution No. 421, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

**The SPEAKER.** Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

**The SPEAKER.** The question is on the engrossment and third reading of the bill.

However, any member can request a separate vote on any amendment adopted by the Committee of the Whole. Until 1973, requesting a separate vote was the only way to get a recorded vote on an amendment adopted by the Committee of the Whole in the House. If an individual member asked for a separate vote on a specific amendment he reserved, then we would like you to go back and add an additional vote type to those amendments.

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## Points of Order

Of the powers presiding officers possess, ruling on points of order is the most substantial. A point of order is raised by a member who believes a chamber rule is being violated. Generally, points of order touch on one of two important procedural facets: the right to continue debate or the right to offer amendments. As such, rulings have the power to end debate or significantly alter the substantive content of legislation.



Above: LBJ trying to give the "Johnson treatment" to Richard Russell (D-GA), his mentor.

When a point of order is presented to the chair, he or she can choose to uphold (sustain) it, reject it, or submit it to the floor for consideration by the full chamber. Points of order that the chair upholds or rejects are subject to an appeal from the full chamber. Most points of order submitted to the Senate floor are debatable, an advantage for filibustering minority coalitions. Appeals of rulings also are debatable, but the appeal is subject to a non-debatable motion to table that requires only a simple majority to pass.

Appeals in the House occur far less frequently than the Senate.

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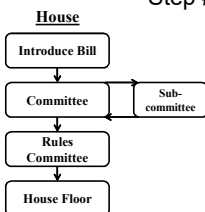
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## Step # 4 – House Floor




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## House 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.

Minority input in the House?

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## House Floor: Motion to Recommit

Under House rules, a motion to recommit the bill, either with or without instructions, to the committee that originally reported it is almost always in order.

A motion to recommit with instructions that the committee report forthwith ensures the bill does not leave the floor and essentially provides the minority with an opportunity to offer an amendment of its choosing. A straight motion to recommit sends the bill back the parent committee essentially killing the bill. The motion to recommit can only be offered by an opponent of a bill at the conclusion of debate. The motion is the prerogative of the minority party and is not provided in advance to members.

The motion has plagued Democratic leadership, who lost six pivotal motion to recommit votes in 18 months of controlling the 115<sup>th</sup> House. In the previous eight years, Republican majorities were never defeated on a motion to recommit.



Above: Speaker Pelosi: Sad.

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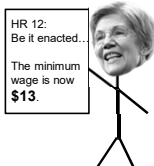
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## Enacting Clause and Amendments



The first clause of a bill is the "enacting clause."

"Striking the enacting clause" is an attempt to kill the legislation.

"Striking all after the enacting clause" means someone is trying replace the entire text of the legislation. This is quite common when two chambers are trying to pass the same bill in order to go to a conference committee.

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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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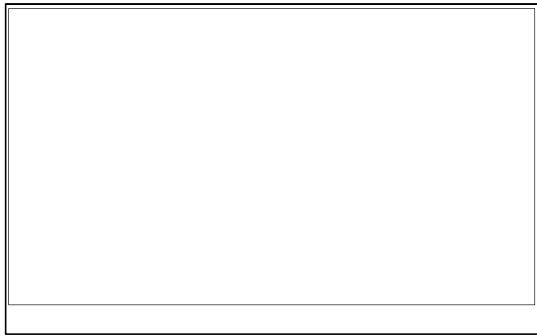
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## Polarization in Congress



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## Polarization in Congress



Political scientists have demonstrated the two political parties in Congress are more polarized than since the years leading up to the Civil War.

This is commonly treated by the media as being solely driven by ideology.

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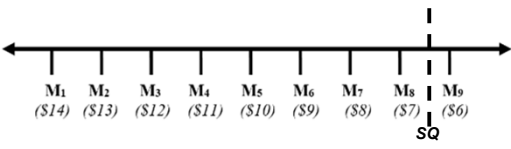
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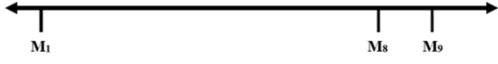
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Committee-Gatekeeper Game



Let's assume the figure above represents the preferences of members on the floor, though with the SQ falling at \$6.50. But let's assume the figure below represents a three-member committee that oversees the relevant policy area. Assuming simple majority rule on the committee, where will the committee's proposal be located?



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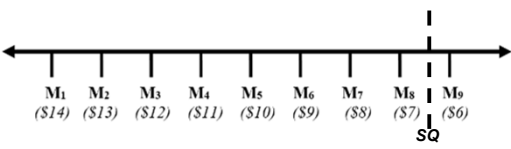
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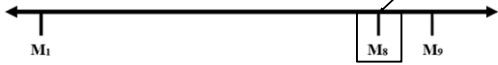
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Committee-Gatekeeper Game: Open Rule



That's right! Under the median voter theorem, policy would collapse to  $M_8$ , the committee's median position. So the committee bill would provide for a \$7 minimum wage.



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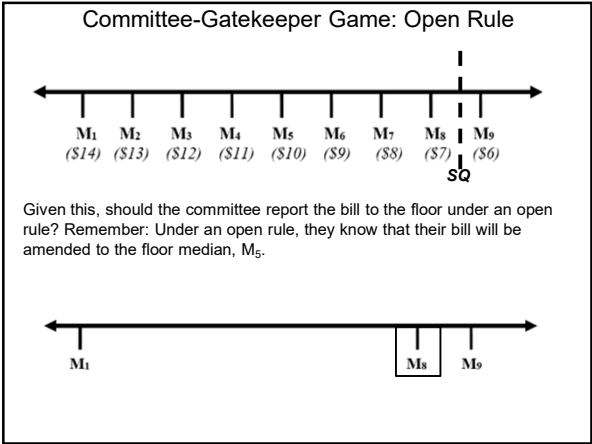
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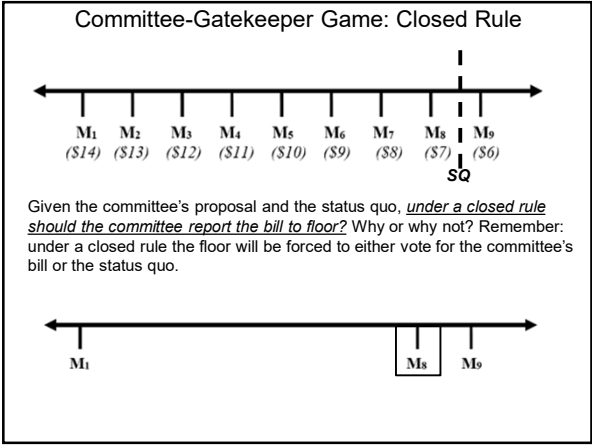
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Committee-Gatekeeper Game: Open Rule

**Table 1: Final Policy Outcome by Rule Type and Committee Decision**

	OPEN	CLOSED
REPORT	Floor Median	Committee Median OR Status Quo
BLOCK	Status Quo	Status Quo

The committee's decision is on the left, the rule environment (which is given) is either open or closed. Regardless of the rule type, if the committee "blocks" the bill, the policy will stay at the status quo.

Under an open rule, the policy will always collapse to the floor median. Therefore, the committee should report their bill only if a majority of committee members prefer the floor median to the status quo.

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## Committee-Gatekeeper Game: Closed Rule

**Table 1: Final Policy Outcome by Rule Type and Committee Decision**

	OPEN	CLOSED
REPORT	Floor Median	Committee Median OR Status Quo
BLOCK	Status Quo	Status Quo

The committee's decision is on the left, the rule environment (which is given) is either open or closed. Regardless of the rule type, if the committee "blocks" the bill, the policy will stay at the status quo.

Under a closed rule, the committee must first determine whether a majority of the floor would support their proposal (the committee median) over the status quo. If so, they should report the bill. If not, the final policy will be the status quo regardless, so they should block

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## House Floor: Outline

2/23/2021

### Introduction

- Updates
- Summary Section
- Midterm #1

### Assorted House Floor Issues

- Rule Alternatives: Suspension
- Floor Consideration Data
- Committee of the Whole
- Points of Order

### Vick et al. (2020)

### The House Floor and Voting

- Debate
- Floor Amendments
- Motion to Recommit
- Enacting Clause
- Vote types



Above: Ted Cruz does not appear thrilled to be making calls.

### Optional Review

### Thursday

- Midterm #1

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## Review



Questions? Roll them out!

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Questions, Concerns, Angry Rants?



Next: Exam 1

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