



"Power in the House" Prof. Anthony Madonna POLS 4790H Spring Semester 2/4/2021 University of Georgia

Power in the House: Outline 2/4/2020



I. Introduction

- Updates News Legislative Histories

II. Congress Jargon a. Recorded Voting

- Filibuster
- Vote-a-Rama

III. Committees

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

IV. Committee Decline

- Bypassing Committees
 Resources
 Seniority
 Fewer Hearings

V. Cooper and Brady

- a. Overview
- b. Background

- c. Key Question d. Conventional Wisdom
- Argument Method
- g. Conclusion h. Limitations

VI. Tuesday: Spatial Modeling

Course Updates (2/4)

WHAT IS THE CONGRESSIONAL RECORD?

From CRS:

"The Congressional Record is the most widely recognized published account of the debates and activities in Congress. The Record often reflects the intent of Congress in enacting legislation...

The Constitution mandates that each house shall keep and publish a journal of its proceedings. Accordingly, the House and Senate Journals, which are summarise of floor proceedings, are the official accounts of congressional proceedings, but the Record is better known and the most useful."

For your purposes, you might want to think about the Congressional Record covering your bill's debate as a episode of a television show.



HeinOnline, Congress.gov, the GPO, A Century of Lawmaking, are all streamlining services that can provide you with certain episodes (some with the full set). Congress.gov, for instance, provides the Congressional Record from 1994 on.

The Congressional Record will not cover committee consideration. But does provide you with floor debate.

Consider yourselves lucky you have so many online sources for it. "BACK IN PROFESSOR MADONNA'S DAY THERE WILL ONLY HARD COPIES AND HE HAD TRUDGE THROUGH THREE FEET OF SNOW TO GET TO THE LIBRARY TO....". You get the point.

Course Updates (2/4)

VIDEOS:

Loaded onto youtube unlisted. Will post links on ELC.

ELC:

Legislative Histories Prompt Sheets – I have four more left here.

Summary Sections (<u>Due 2/11</u>)



Pro-Tip: If you're ever on solo-parent duty, check to see if it's "Daycare Picture Day".

Legislative History Groups



Students	Group #	Congress	Year	Enactment
Anderson, Poteau, Zaleski, Ledet	1	112	2012	Violence Against Women Reauthorization Act of 2012
Duley, Cone, Zachary Williams	2	109	2005	USA PATRIOT Improvement and Reauthorization Act of 2005
Guzman, 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, Radermacher, 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, Feyerbend	7	104	1995	Lobbying Disclosure Act of 1995
Pope, Campbell, Dukes, Noone	8	109	2005	Energy Policy Act of 2005
Khan, Canavino, Wooten, Ransom	9	90	1968	Civil Rights Act of 1968
Pitner, Cederboom, 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, Lazardi, Williamson	12	106	1999	Financial Services Act of 1999
Goolsby, Schmid, Turnelty, Hignite	13	104	1995	Antiterrorism and Effective Death Penalty Act of 1996
Levy, McCallar	14	94	1976	The Hyde Amendment
Kirby, Rahbany	15	65	1917	Sedition Act
Couglin, 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
Rogers, Solis, Kiefer	18	104	1996	Illegal Immigration Reform and Immigrant Responsibility Act of 1

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 invelve 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:

- Contact Information
 Your SPIA major
 Title of paper
 An abstract (summary) of your research of approximately 250 words
 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
 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

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

News



1/9/2014 - For the first time in history, more than half the members of the House and Senate are millionaires,
OpenSecrets found. "Of 534 current members of Congress, at least 268 had an average net worth of \$1 million or more in 2012. The median net worth for the \$30 current lawmakers who were in Congress as of the May filing deadline was \$1,008,767 -- an increase from last year when it was \$966,000.

December 20, 2012 — It was the second time this month that former Sen. Bob Dole has visited his old haunt. Earlier in December, the 89-year-old Kansas Republican came to the Senate floor in a wheelchair to implore his colleagues to vote for a United Nations disability rights treaty. On Thursday afternoon, he walked half the length of the Rotunda and back to say goodbye to an old friend. Senator Daniel housy (D.H.A), the second-longest-serving senator in history, died Monday at the age of 88. He will lie in state at the center of the Rotunda, his casked draped with the American flag, until Friday morning, when he will be transported for another service at the National Cathedral. His storied relationship with Dole is well-known. The two men met in a Michigan army hospital, where they were both recovering from injuries sustained during World War II, and they went on to serve side by side in Congress for just less than three decades. Dole was assisted to housy'e scaket as the late senators' body lied in state in the Capitol, saying "I wouldn't want Danny to see me in a wheelchair."



News 2/4



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

Senate power-sharing agreement; COVID relief bill; Reconciliation; Liz Cheney; Marjorie Taylor Greene; Cabinet Appointments; Space Force; Executive Orders on Immigration

Anything else?



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VI. Tuesday: Spatial Modeling

Rules over Time; Other Provisions 250 Waiver only Special Order King-of-the-Hill Queen-of-the-Hill Self-executing Martial Law Bifurcated 100 Other floor options: Suspension; Unanimous consent. 1905 1915 1925 1935 1945 1955 1965 1975 1985 1995 2005 2015 Year Rules Restrictive 10

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 <u>division vote</u> 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



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. Knurson) there were—ayes 135, noes 152. So the amendment was rejected.

Teller Vote

A <u>teller vote</u> 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



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. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Dovostron 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.

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.

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Budgetary Magic Tricks

Roll Call 11/7/17 — "Tax cuts are not cheap, so when closing so-called loopholes left House Republican tax writers short of their budget target, they dipped into their grab bag of budget and timing tircks. "Once you set that cap in reconciliation instructions, it has to fix," Ways and Means member Carlos Curbelo of Florida said. "So the entire bill is designed to meet the instructions that both chambers passed." Republican congressional leaders are using the budget reconciliation process to consider the tax package, which allows them to bypass Senate procedural roadblocks. The catch is the legislation must adhere to parliamentary budget rules. The budget reconciliation instructions for the tax overhaul allow the measure to increase the deficit by \$1.5 trillion over 10 years. The House bill would cost \$1.4 trillion over 10 years, according to the Joint Committee on Taxation's estimate.

House Republicans didn't use nearly as many revenue-boosting mechanisms as they could have to improve the score because they believe economic growth will ultimately offset any static revenue losses. But the House faces fewer constraints than the Senate will. The Senate's budget reconciliation rules mandate that any policy that is to be made permanent under the measure not add to the deflicit outside the 10-year budget window, meaning it must be fully offset.



Since it was Senate Republicans that first came up with the \$1.5-trillion-deficit-adding instruction, they appear to acknowledge that full permanency is likely an unachievable goal. But the closer Republicans want to get to that goal, the more so-called budget gimmicks they may need to employ."

Balanced budget requirements and PAYGO rules sound attractive to voters, but members of Congress hav means of getting around them. This includes things like: (1) Delaying Start Dates; (2) Early expirations; (3) Capping and indexing.*

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:

- Cloture. 60 votes and extremely timeconsuming. May need cloture on the motion to proceed and then on the bill itself.
- Unanimous Consent. Necessitates even more compromises then cloture.



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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.

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...





Vote-a-Rama



"The self-inflicted suffering has begun for Senate Democrats trying to muscle through President Joe Biden's pandemic aid plan without a single Republican vote," Politico reports.

"The procedural trick that shrinks the vote hurdle from 60 to 51 is often described as 'a powerful budget tool.' But reconciliation is also painful to wield. The first agonizing step: enduring a barrage of amendments from Republicans, who have promised to inflict maximal political pain on Democrats during an unbridled evening of 'vote-a-rama' on Thursday."

Senate Floor Process: Amendments

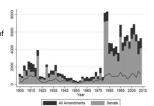
The amending process on the Senate floor is crazy.

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

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

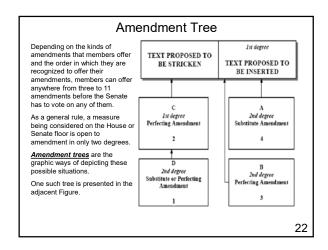
Some will be bills offered "as amendments."

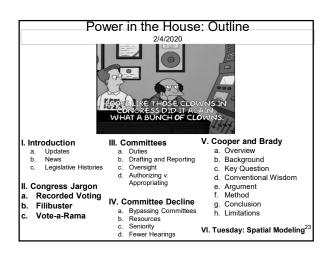
the Senate.

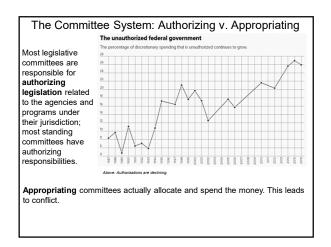


Can be offered as motions to strike, strike and insert, etc....A major job for staffers and interns is summarizing amendments and writing vote recommendations for their members. Unlike bills, where members have a great deal of notice and information from committee mark-ups, introductory speeches, lobbyists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

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Committee Membership

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

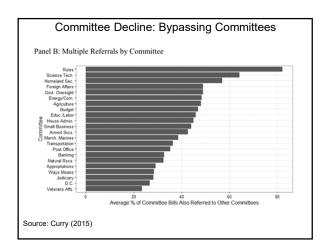


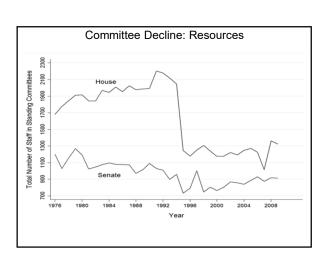
Above: Former House Judicians Committee Chair John Convers (D.MI)

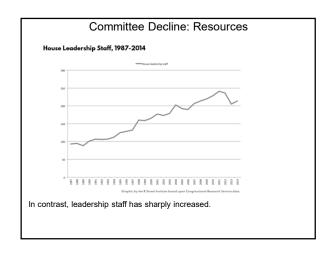
However, "prestige" committees are often more difficult to be appointed to. While the list of these is not fixed, in the House, Rules; Appropriations; Ways & Means and Energy & Commerce often are often included.

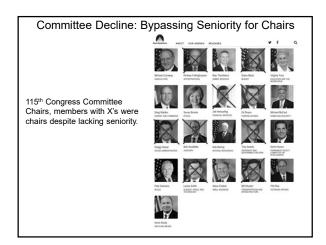
Seniority and substantive **experience** helps determine committee chairmanships, but it is no longer the dominant consideration it once was. Today, **loyalty** and **campaign fundraising prowess** plays a more pronounced role.

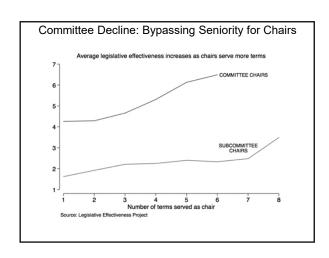
Party ratios on committees generally reflect party strength in the chamber.

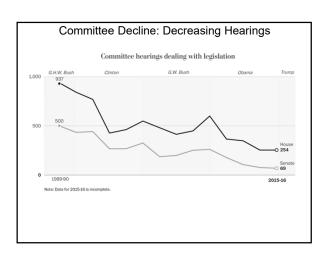


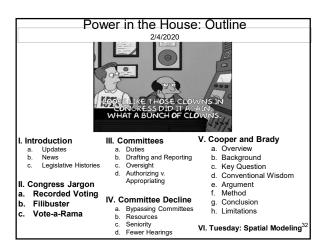












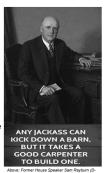
Cooper-Brady: Background

An accessible, older article that examines congressional history and partisan power.

Background:

Both Reed and Cannon were STRONG party leaders who took control over House rules and ruled the chamber with an iron, czar-like fist.

Speaker Sam Rayburn (D-TX), in contrast, was said to have a laid back manner of operating the House. He never twisted arms or tried to force outcomes. A Southern Democrat, liberals often accused him of being weak.



Cooper-Brady: Key Question and CW



Question:

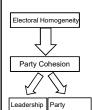
What determines how chamber leaders operate the House?

Conventional Wisdom:

Individual leader's attitudes/personality determine leadership style.

Above: Former House Speaker	Uncle Joe	Cannon
and a fly-swatter.		

Cooper-Brady: Argument



Argument:

Members policy preferences, external and antecedent to Congress determine both the assertiveness of party leaders and policy outcomes. Leaders behavioral style and party success are not generally related

Both are constrained by institutions which provide a primary role for electoral homogeneity and party cohesion.

Above: A poorly made flow chart of their argument.

Cooper-Brady: Method

Method:

They compare the speakerships of Reed & Cannon to Rayburn.

They use party voting scores to show Reed & Cannon presided over an era of high party cohesion and electoral cohesion.

On the latter point, they show substantial intra-party variance between district characteristics in Rayburn's era to the strong speakers.



Cooper-Brady: C

Cooper-Brady: Conclusion and Limitations

Conclusion:

Leadership personality and characteristics are overvalued.

Limitations:

"Style" and "effectiveness" are assumed, but not clearly defined.

No control for party size.

The party cohesion vote threshold (90%) seems arbitrary.

Questions, Concerns, Angry Rants?



Next: Spatial Modeling and Congress