Committees have fixed jurisdictions

Committee on the Judiciary
1) The judiciary and judicial proceedings, civil and criminal.
2) Administrative practice and procedure.
3) Apportionment of Representatives.
4) Bankruptcy, mutiny, espionage, and counterfeiting.
5) Civil liberties.
6) Constitutional amendments.
7) Federal courts and judges, and local courts in the Territories and possessions.
8) Immigration and naturalization.
9) Interstate compacts, generally.
10) Measures relating to claims against the United States

Subcommittee on Immigration and Border Security

The Subcommittee on Immigration and Border Security shall have jurisdiction over the following subject matters: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, Federal charters of incorporation, private immigration bills, non-border immigration enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

Republicans
Rep. Trey Gowdy, Chairman
Rep. Raul Labrador, Vice-Chairman
Rep. Lamar Smith
Rep. Steve King
Rep. Ken Buck
Rep. John Ratcliffe
Rep. Dave Trott

Democrats
Rep. Zoe Lofgren, Ranking Member
Rep. Luis Gutierrez
Rep. Sheila Jackson Lee
Rep. Pedro Pierluisi

10,000 bills submitted
350 laws passed
Committees have stable memberships

- High reelection rate in Congress
  - 97% in 2016
  - So stable membership in House & Senate

- Members rarely switch committees
  - Seniority in committees leads to chair or ranking minority member

  https://www.opensecrets.org/overview/reelect.php

Committee members become experts in the work of their committees

- They spend years:
  - Learning about policies in hearings
  - Talking with lobbyists
  - Talking with gov’t experts
  - Talking with people who care about their committee’s issues

- But they gain expertise in narrow areas

Expertise and Trust work together

- What is the point of being an expert if no one trusts you?
  - MC’s are experts on their own committee’s work
  - But not on the work of other committees

- Communication networks of like-minded members for advice
  - Party leaders
  - Members on other committees


Committee Assignments

- Committee assignments are made at the beginning of each Congress

- Assignments are automatic for MC’s wanting to return to their old committees

- Transfers and new members compete for seats

Committee Assignment Process

- Party leaders negotiate committee size and party balance

- Committee Dem-Rep ratios are roughly proportional to party numbers in each house

- Each party in each house has its own committee on committees
Committee Assignment Criteria

- Member preferences
- Seniority
  - Years of continuous service in the house
- Loyalty to leaders
- Balance for powerful committees

Committee Prestige/Power

House Democratic Party rules:
- Exclusive Committees:
  - Rules
  - Appropriations
  - Ways & Means
- Semi-exclusive Committees
- Non-exclusive Committees

Authorization v. Appropriation

- For the govt to spend money, two bills must pass Congress:
  1. A bill authorizing a program
     - “This act authorizes to be appropriated $100 million for …”
     - “This act authorizes such sums as may be appropriated for …”
  2. A bill appropriating the funds
     - “This act appropriates $70 million for …”

Are Committees Representative?

- Ideally, committees should be representative of the whole
  - Powerful committees usually are representative
  - They are carefully balanced by party leaders
  - Principal-Agent Problems
- Some committees are not balanced
  - Less important committees may be biased because of member preferences
  - Example: Resources committee, Agriculture, etc.

House Resources Committee Membership by State, 2014

- 45% of Committee members are from the West

WHO OWNS THE WEST?
Federal Land as a Percentage of Total State Land Area
Party Leadership of Committees

- Chairs of each committee and subcommittee are from the majority party
  - GOP: Leadership appoints; 6 yr term limits
  - Dems: Elected by Caucus
  - Normally most senior member of party on comm.
- Years service on committee, not in House
- “Ranking minority members” are the senior members of the minority parties
- Committee chairs & ranking minority members control staff

Party Control of the Agenda

- Chairs & the majority party dominate each committee’s agenda
- Gatekeeping power: prevent discussion of bills they oppose
- Positive power: They can hold hearings, and usually win action on any bill they like

Party Control of the Agenda

- Agenda: the (short) list of issues to which the public, the media, and policy makers pay attention
  - Public agenda
  - Media agenda
  - Policy agenda

- See:
  - Rogers, E. (1998). “Agenda-setting research: Where has it been, where is it going?” Communication Theory 18: 379-396

Party Control of the Agenda

- Immigration reform hearings:
  - Illegal border crossing or young achievers who arrived when children
  - Or no hearing at all?

Party Control of the Agenda

- “Hastert Rule”
  - No bill will be brought to the floor unless a majority of the majority committee supports it
  - This is an often-used strategy, not a House rule
  - Hastert denies that it is a rule

- http://www.nationaljournal.com/congress/dennis-hastert-there-is-no-hastert-rule-20131003
Simple Majority Rule

- Bill 1 wins the median voter, so it passes
- Anthony Downs: “Median Voter Hypothesis”

Hastert Rule

- Bill 1 is blocked by the Speaker
- Only Bill 2 can come to the floor
- Majority rule is limited because bills do not come to the floor

Party Leadership System

**House**
- Speaker: Paul Ryan
- Majority Leader: Kevin McCarthy
- Majority Whip: Steve Scalise
- Conference chair: Cathy McMorris Rodgers
- Minority Leader: Nancy Pelosi
- Min. Whip: Steny Hoyer
- Asst Min Whip: James Clyburn
- Caucus chair: Xavier Becerra

**Senate**
- Majority Leader: Mitch McConnell
- Majority Whip: John Cornyn
- Conference chair: John Thune
- Minority Leader: Harry Reid
- Minority Whip: Dick Durbin
- Chair Democratic Policy Committee: Charles Schumer

Selection of Party Leaders

- Leaders are elected by their party caucuses in secret ballots
- Seniority is **not** a consideration
- Criteria:
  - Ability to broker deals
  - Ability to act as spokesperson
  - Organizational skill
  - Ideological leadership

Party Leaders’ Job

- To run the business of Congress smoothly
  - To get the budget out every year
  - To push through reauthorizations regularly
  - To address the nation’s top priorities (agenda)

- To push their party’s programs
  - To push the President’s agenda
  - To push their party’s agenda (which may differ)
  - To block the other party (esp. minority)
  - To get their members reelected
• Their job is to look at the broad picture
  – They need to look at the party’s direction

• Other MC’s focus on their committee work & reelection efforts
  – Their perspectives are narrower
  – They need party leaders to coordinate their efforts

• This is a collective goods problem

Collective Goods Dilemmas

• Collective goods dilemmas occur when
  – A group wants a collective good
  – Members agree that everyone should pay a fair share of the cost
  – But voluntarily paying that share is not in the interest of individuals
  – People would rather be “free riders”

• Common result: No public good

Problem for Congress: Free Riders

• MC’s have their own goals
  – Reelection
  – Good public policy
  – Power and prestige

• The Institution of Congress has needs/goals
  – Some bills must routinely be passed
  – Institutional power must be protected

• The problem is how to fill dual goals*
• Part of the answer is party leadership

* These are the dual goals discussed in Davidson et al.

Barriers to Party Leaders - 1

• MC’s are electorally independent of one another
  – Elections are decided by local voters
  – Campaign workers are local
  – Campaign experts are easily hired
  – Campaign funds come from:
    • District voters
    • Groups who care about the Committee’s business
    • Parties supply only 1-3 % of costs

Barriers to Party Leaders - 2

• The Committee system fragments policy making
  – Each committee consists of experts
  – They are socialized to support their clients
  – Campaign donations come from people who care about the committee’s business

• Committees jealously guard their turf
  – Seniority & fixed jurisdictions make them independent
Party Leaders vs. Members

- Party leaders cannot force MC’s to do anything
  - Think of them as the U.N. leaders
- MC’s follow party leaders out of self-interest
  - It is in their interest to push the party’s agenda
  - It is in their interest to make the party look good
- MC’s also feel party loyalty
  - They chose to join their parties
  - They generally share the same views on policies

Party Leaders Reelection Goal

- All MC’s depend on voters for reelection
- Party leaders also depend on their party’s MCs for reelection as leaders

  Power is circular:
  - Leaders issue orders & lead their parties
  - But leaders may be leading in the direction demanded by their followers

Party Leaders’ Sources of Power

- Majority leaders control procedure
  - They chair meetings of the House & Senate
  - They use procedure to gain advantages
- Majority leaders control scheduling (House)
  - They may schedule votes when opponents are out of town, etc.
  - They may postpone votes until they have majorities
- The key to using procedure is information about MC’s preferences

Sen. Dirksen on Civil Rights

- In the 1950s, he opposed civil rights
- In 1964, he reversed course and supported the 1964 Civil Rights Act
  "I am a man of principle. And my principle is flexibility."

Cyclical Majorities

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<thead>
<tr>
<th></th>
<th>Liberals</th>
<th>Moderates</th>
<th>Conservatives</th>
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<tr>
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<td>Amend</td>
<td>Bill</td>
<td>Substitute</td>
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<tr>
<td>2nd:</td>
<td>Bill</td>
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<td>Amendment</td>
</tr>
<tr>
<td>3rd:</td>
<td>Substitute</td>
<td>Amend</td>
<td>Bill</td>
</tr>
</tbody>
</table>

Vote 1: Amend vs. Bill — Amend wins
Vote 2: Amend vs. Sub — Substitute wins
Vote 1: Bill vs. Sub — Bill wins
Vote 2: Bill vs. Amend — Amendment wins
Gathering Information: Whips

- Leaders are at the center of information networks
- Whips gather information
- Only leaders have complete information

Additional Leader Powers

- Leaders have regular contact with President
  - Presidents don’t have time for all MC’s, even for all chairs or Ranking Minority Members
  - House Leaders influence committee assignments
  - But this applies to freshmen & transfers only

- Leaders appoint members of Conference Committees

- Leaders command media attention

Leader Influence on the Agenda

- The agenda is the short list of major issues that Congress addresses & the nation considers

- Gatekeeping power: prevent discussion of bills they oppose
  - Reauthorization of gun control was killed last year
    - No bill left committee
    - Little debate nationally

Leader Influence on the Agenda

- Leaders can push Congress toward action on issues they choose
  - Class action law suit reform
  - Terry Shiavo

- They cannot force Congress to do their will
  - Social Security reform
  - Energy legislation
  - Approval of a Dubai firm running East Coast ports

- They share influence with President, events, other politicians and advocates