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CHAPTER SEVEN

THE STANDING COMMITTEES

With their 1994 election victory behind them, House Republicans swept into Washington eager to change Congress. They were critical of Democrats who had not adopted the institutional reforms recommended by a joint committee in the previous Congress. In fact, they had made congressional reform an item in their Contract with America, their ten-point plan for legislative action, and promised a reduction in the number of committees and subcommittees. David Dreier (R-California), the ranking Republican on the joint committee, urged the soon-to-be Speaker, Newt Gingrich, and his fellow Republicans to support a comprehensive jurisdictional realignment in the committees to reduce the number of committees overall. For example, Dreier proposed that jurisdiction over the federal food stamps program be transferred from Agriculture to a new Committee on Empowerment that would consolidate jurisdiction over social welfare and jobs programs. The new committee would also get jurisdiction over welfare policy from the Ways and Means Committee. Securities regulation would shift from Commerce to Banking. Railroad policy would move from Commerce to Public Works and Transportation, which would lose jurisdiction over the Clean Water Act to a new Environment and Natural Resources Committee. The total number of House standing committees would be reduced from 22 to 17 by transferring the entire jurisdictions of several committees to other committees.

Dreier's proposal generated a fire storm of protests from many House Republicans. Many new Republican committee leaders objected strenuously to losing jurisdiction, or even their entire panel, just as they were about to take the chairmanships from their Democratic counterparts. Organized interests with a stake in existing committee jurisdictions lobbied to preserve jurisdictional alignments. Gingrich, who was never a fan of a major fight over committee jurisdictions, quickly backed away from the Dreier plan and endorsed more incremental changes. After two weeks of intense negotiations, the leadership and Dreier announced a less dramatic change in the House committee system. Three committees (District of Columbia, Merchant Marine and Fisheries, and Post Office and Civil Service) were eliminated, with their jurisdictions turned over to other committees. Small Business, which would have a female chair and concerned an important Republican constituency, was spared. Massive jurisdictional realignment was otherwise avoided.¹

This episode demonstrates several features of committee politics in Congress. Despite partisan commitment to institutional reform, many House Republicans adamantly resisted efforts to radically realign committee jurisdictions. The party leadership, which was even more committed to the idea of change, chose not to place excessive pressure on party members, knowing that such action would likely create a divide within the party that could prove damaging to its policy agenda. The combination of individual and special interest resistance to change, the uncertain value of reforming committee jurisdictions, and the leadership's interest in maintaining a focus on substantive policy questions once again produced only incremental changes in the committee system.

Given that reform was a centerpiece of the party, why did members so fervently resist drastic reform to the committee system? The answer is quite simple: Committees and subcommittees are valuable to members because these units enjoy important advantages in the legislative game. By reducing the number of committees and altering their jurisdictions, many members stood to lose a critical position in the legislative process. Specifically, most important legislation originates in a standing committee, most of the details of legislation are approved in committee, and standing committee members usually dominate floor and conference action. When legislation dies, it usually dies in committee. Public and media attention often is focused on members whose committees are debating an issue. Campaign contributions from interest groups are often targeted at members of committees managing legislation of interest to the groups. Not surprisingly, then, members make most of their personal contributions to public policy, pursue constituency interests, and develop strong political relationships with lobbyists, executive officials, and reporters primarily through their service on committees.

However, committees do not possess absolute autonomy over legislative decision-making. Rather, they are an integral part of the larger legislative process. In this chapter, the House and Senate committee systems are profiled, the foundations of committee power are explained, and the decision-making processes within committees are described. The chapter concludes with a discussion of the recent trends in committee autonomy.²

Types of Committees

Modern congressional committees have two formal functions: (1) collecting information through hearings and investigations and (2) drafting and reporting legislation. Committee hearings are Congress's primary means for formally receiving the testimony of representatives of the executive branch, organized interest groups, independent experts, the general public, and, occasionally, movie stars. Congress usually relies on committees to investigate disasters (natural or human-made), scandals in government or elsewhere, or policy crises. Informally, congressional hearings frequently provide a platform by which committees can take positions of various issues. In addition, it has been suggested that hearings provide a means by which committees are able to expand their jurisdictions.³ On the legislative side, the vast majority of bills and other legislation introduced by members is routinely referred to the committee or committees with the appropriate jurisdiction. In committee meetings, most of the details of legislation are scrutinized or written.

The House and Senate have developed several types of committees to perform these informational and legislative functions. All committees can hold hearings and investigate policy problems that fall within their jurisdiction. However, not all committees have the right to receive and report legislation, and not all committees are considered to be standing or permanent committees (Table 7.1).

| Table 7.1. Types of Committees | | |
|--------------------------------|--|--|
| | May Report Legislation to the Floor? | |
| Have Permanent Status? | Yes | No |
| Yes | standing committees | some select committees joint committees |
| No | conference committees most select committees ad hoc committees | |

Standing committees have legislative authority and permanent status. Their legislative jurisdiction is specified in chamber rules and precedents, and they write and report legislation on any matter within their jurisdictions. In the case of the House, which must approve its rules at the start of each Congress, the jurisdictions of standing committees are routinely reapproved every two years. The rules that specify the jurisdictions and regulate the behavior of standing committees may be changed, of course—and they have been on occasion—but the burden is on proponents of change to gain support for amendments to the rules. Thus, as the 1994 experience indicates, changes to the committee system are likely to be incremental in nature. Table 7.2 lists the standing committees in the 108th Congress (2003-2004).

Ad hoc committees may be created and appointed to design and report legislation, but they are temporary and often dissolve after reporting the legislation for which they were created, or at a specified date. Since 1975, the Speaker of the House has been permitted to appoint ad hoc committees with House approval, but this authority has been used infrequently.

Table 7.2. Standing Committees of the House and Senate, 2003-2004
(Number of subcommittees is given in parentheses)

| <i>Senate Committees</i> | <i>House Committees</i> |
|--|---|
| Agriculture, Nutrition, and Forestry (4) | Agriculture (5) |
| Appropriations (13) | Appropriations (13) |
| Armed Services (6) | Armed Services (6) |
| Banking, Housing, and Urban Affairs (5) | Financial Services (5) |
| Budget (none) | Budget (none) |
| Commerce, Science, and Transportation (7) | Energy and Commerce (6) |
| Energy and Natural Resources (4) | Science (4) |
| Environment and Public Works (4) | Resources (5) |
| Finance (5) | Transportation and Infrastructure (6) |
| Foreign Relations (7) | Ways and Means (6) |
| Governmental Affairs (3) | International Relations (6) |
| Health, Education, Labor, and Pensions (4) | Government Reform (7) |
| Indian Affairs (0) | Education and the Workforce (5) |
| Judiciary (6) | Judiciary (5) |
| Rules and Administration (none) | Rules (2) |
| Select Committee on Intelligence ^a (0) | House Administration (0) |
| Small Business and Entrepreneurship (0) | Select Committee on Intelligence ^a (4) |
| Veterans' Affairs (0) | Small Business (4) |
| Select Committee on Ethics ^b (0) | Veterans' Affairs (3) |
| | Standards of Official Conduct ^b (0) |
| ^a The two intelligence committees are officially named select committees but have authority to report legislation. | |
| ^b The House Committee on Standards of Official Conduct may report legislation; the Senate Ethics Committee does not have legislative authority. | |

Conference committees are temporary and have legislative responsibilities. They are appointed to resolve the differences between House and Senate versions of legislation. The Constitution requires that legislation be approved in identical form by both houses before it is sent to the president. The task of resolving differences in important, complex legislation is often difficult and time-consuming. Although inter-chamber differences can be resolved in other ways, conference committees are formed for most important legislation. Conference committees have wide but not unlimited discretion to redesign legislation in their efforts to gain House and Senate approval. When a majority of House

conferees and a majority of Senate conferees agree, a conference committee issues a report that must be approved by both houses. Conference committees dissolve as soon as one house takes action on the conference report.

Joint committees are permanent but lack legislative authority. They comprise members from both houses, and the chairs alternate between the houses. The joint Economic Committee frequently conducts highly publicized hearings on economic affairs, and the Joint Committee on Taxation serves primarily as a holding company for a respected staff of economists whose economic forecasts and reports on fiscal policy matters are frequently cited. The Library and Printing Committees perform the more ministerial duties of overseeing the operations of the Library of Congress and the Government Printing Office. Bills are not referred to joint committees, and joint committees cannot report legislation to the floor.

Select, or special, committees are, in principle, temporary committees without legislative authority. They may be used to study problems that fall under the jurisdiction of several standing committees, to symbolize Congress's commitment to major constituency groups, or simply to reward particular legislators. Select committees have been used for seven prominent investigations since 1970, including the Senate's 1973 investigation of the Watergate break-in and cover-up and the 1987 House and Senate investigation of the Iran-Contra affair. Major reforms of congressional rules and organization have originated in select committees.

Unfortunately, committee nomenclature can be misleading. For example, the House and Senate have each made their Select Intelligence Committee permanent and granted it the power to report legislation. And other select committees, such as the Senate Select Committee on Indian Affairs (created in 1977), have had long life spans. In 1993, under pressure to streamline the legislative process and reduce spending, the House abolished its Select Committee on Aging, Hunger, Narcotics Abuse and Control and its Select Committee on Children, Youth and Families.

Standing committees are the primary concern of this chapter. In the modern Congress, standing committees originate most legislation, and their members manage the legislation on the floor and dominate conference committees. Unless otherwise indicated, the following discussion concerns standing committees.

The Nature of Congressional Committees

The Constitution makes no provision for committees. Rather, committees are created by the parent houses and parties. House and Senate rules identify the standing committees, specify their jurisdictions, and prescribe certain committee procedures. A few committees were created by statute. For example, the Budget Act of 1974 created the House and Senate Budget Committees. In addition, party caucuses may adopt rules that affect committee procedures and organization, govern appointments to committees, and regulate the behavior of party members who hold committee positions. Committee members, in addition to serving their home constituents, are agents of their parent

chambers and parties. Just how much control these entities choose to exercise over committee members has varied over time and across committees.

In Congress's formative years, committees were seen as mere agents of their parent chambers; they were assigned temporary duties to draft legislation and nothing more. Later, particularly at the end of the nineteenth century, committees were viewed as the compliant subordinates of central party leaders. And in the middle of the twentieth century, committees were often perceived to be nearly autonomous policy makers. They have lost much of that autonomy in recent years, as this chapter discusses.

These three perspectives on committees—as chamber-dominated entities, party-dominated entities, or autonomous entities within Congress—reflect the multiple principals and purposes that committees serve. By helping their parent chambers manage large workloads (by holding hearings on important issues, conducting investigations, offering advice to colleagues, and writing legislation and reports), committee members offer an informational service to fellow members whom often lack the independent resources, namely time, to make fully informed decisions. By giving priority to their party's agenda, committee members work to enhance the reputation of their party and to achieve their party's policy goals.⁴ And in acting independently, committee members often are working to meet the demands of their supreme principals—their home state or district.

In practice, committee members must balance the sometimes conflicting expectations of their parent chamber, their party, and their constituents. Historically, the balance has changed in response to conditions inside and outside of Congress. Three sets of factors stand out for their influence on the relationship between committees and their principals: changes in the policy agenda, policy alignments, and institutional context.

Effect on the Congressional Issue Agenda

The size and salience of the congressional agenda affect the importance of committees to the parties and most members. A large policy workload requires the division of labor that a system of committees provides. Members cannot acquaint themselves with the details of all issues and legislation and so inevitably rely committee members to fashion bills and defer to committees on many matters. Committees are particularly helpful on recurring issues for which expertise can be acquired and for discrete issues that do not implicate the jurisdictions of several committees.

During its two-hundred-year history, the expanding policy agenda has produced a nearly continuous elaboration of the committee system. Sometimes new issues have been sufficiently important and distinctive to justify the creation of new committees to manage them. More often, new issues fall in the jurisdiction of existing committees, stimulating frequent turf battles between committees and sometimes motivating the creation of new subcommittees.⁵

Alignment of Policy Preferences

When legislators and their party leaders have a large stake in a controversial issue's legislative outcome, they are not likely to defer to a committee that does not share their policy views. If members care about the outcome and members of the majority party are likeminded, the majority party has both the incentive and the votes to control the committee. Party leaders will be encouraged to see to it that the committee either has little influence over the outcome or is stacked with friendly members. If an issue is important to most members but the majority party is not cohesive, coalitions cutting across the parties may assert themselves on the floor and determine the policy outcome.

The partisanship of policy alignments is quite variable. Historically, highly partisan alignments have followed electoral realignments, in which dramatic shifts in party loyalty among the voters have had a profound impact on the parties' relative strength in Congress and the executive branch. (The three major electoral realignments in U.S. history occurred during the 1860s, 1890s, and 1930s; see Chapter 4.) The timing of these realignments gives congressional partisanship a cyclical cast, whereas the overall size and complexity of the congressional agenda grows at a steadier, more monotonic rate. The result of these two phenomena is that a pattern of periodically centralized party leadership appears to overlay a more linear pattern toward more elaborate committee systems.

Institutional Context

The House and Senate are very different institutions. The larger, more unwieldy House has a greater need for a strong presiding officer and formal rules. Senators have greater tolerance of individual initiative and greater resistance to committee- or party-imposed policy choices. The Senate's tolerance of individualism is reflected by Senate rules that protect each senator's right to offer amendments on any subject and to conduct extended debate. Such rules preserve the bargaining leverage that individual senators have when dealing with committee and party leaders.

The critical feature of past procedural and structural choices in Congress is that they have usually limited the direction of future institutional developments. Because neither house has the time or the capacity to completely reconstitute its decision-making processes with each new Congress, the usual response to new conditions is to elaborate existing procedures and structures only to the extent necessary. In this sense, congress has exhibited considerable path dependence. Yet, when changes in issue agendas and policy alignments do stimulate interest in changing the rules, the two houses are likely to respond somewhat differently. In the Senate, the ability of a sizable minority to block action means that even a very cohesive majority usually cannot gain approval of a rules change that will disadvantage the minority. In the House, a simple majority can impose a rules change.

Committee Membership

Because modern standing committees often determine the fate of legislation, their composition is important. The assignment of members to committees is a subject of great interest at the start of each new Congress. New members seek committee assignments that will shape their daily schedules and perhaps their electoral and legislative futures. Returning members are routinely reappointed to their former committees, following the “property right” norm, unless they seek to improve their situation by transferring to other committees, as a few always do. State delegations, intra-party factions, and lobbyists work to maximize their influence over policy by getting friendly members onto the right committees.

Committee Size and Party Ratios

In each house, seats on most committees are allocated roughly in proportion to the size of the each party. The exceptions are the House Appropriations, Budget, Rules, and Ways and Means Committees—which are particularly important committees, so the majority party reserves a larger-than-proportionate number of seats for themselves—and the House and Senate ethics committees, on which there is an equal number of majority and minority party members. Majority and minority party leaders negotiate the number of Democratic and Republican seats on each committee, with the majority leaders having the upper hand because of their ability to win a floor vote on the resolutions that provide for the allocation of seats to each party.

Vacancies on committees are created when members retire, are defeated at the polls, or transfer to other committees, as well as when the size of committees is increased. The number of committee assignments members may hold is limited, as discussed in the next section. Exemptions to this limitation are sometimes granted to accommodate members’ preferences concerning which committees they wish to serve on, to allow members to sit on unpopular committees without giving up another assignment, and to meet particular partisan needs, among other reasons.

Committee Assignments

In each chamber, committee seats are filled on the basis of recommendations from each party. For example, the House rule states that “all vacancies in standing committees shall be filled by election by the House from nominations, submitted by the respective party caucus or conference.” To accomplish this, each House and Senate party has its own committee on committees (see the following box), which is responsible for committee assignments. Assignment decisions depend on the number of vacancies, the number of members competing for assignments, and rules on the number and type of assignments each member may hold. New members and returning members seeking new assignments must compete for support from the members of their party’s committee on committees to gain assignment to the committees they want.

Power Sharing in the 107th Congress

The congressional elections of 2000 brought, for the first time since 1881, a 50-50 split in the Senate. The unlikely events of this election thus presented the Senate with the difficult task of determining who would control the Senate's 19 committees. Specifically, party leaders needed to negotiate the ratio of party membership on each committee. From early on, members from both sides of the aisle pressured party leaders to insist on claiming committee majorities. GOP members, in particular, urged Trent Lott to declare a Republican majority on all committees since George W. Bush's victory in the 2000 presidential election would inevitably give the Republicans the tie-breaking vote in the Senate.

After months of negotiations, Senate leaders struck a historic power-sharing agreement in which both parties would have equal presence on all committees. In addition, \$10.6 million was added to the budget so that Democrats could pay for additional staff. Technically, the agreement forged by the two parties gave the Democrats the chair of the committees until January 20, 2001—inauguration day—after which the Republicans would be recognized as having majority party status.

In June 2001, a surprising turn of events once again changed the balance of power in the Senate. Jim Jeffords, formerly a Republican Senator from Vermont, had decided to leave the Republican Party to become an independent, giving the Democrats a 50-49-1 advantage. While some Republicans contended that this constituted merely a plurality in the Senate, the Democrats did, in fact, regain power. Thus, a new resolution had to be adopted that established new ratios on committees and changed committee composition from the agreement arrived at by party leaders at the beginning of the Congress.

After the Republicans took majority control of the House in 1995, the House adopted a rule restricting the number of committee assignments its members may hold for the first time.⁶ The rule stipulates that House members may not hold more than two full committee assignments or more than four subcommittee assignments.⁷ The two parties supplement this restriction by treating four committees (Appropriations, Commerce, Rules, and Ways and Means) as “exclusive” committees—members of those committees cannot hold seats on other committees. They also identify major committees and allow members of the committees to sit on only one major committee at a time. Both House parties grant temporary exemptions to their party rules to fill unpopular committees or to meet special party needs on particular committees.

Senate rules have restricted the number and type of committee assignments that senators may hold since the 1970s. A senator sits on two of the twelve most important committees (“A” committees) and may sit on one of five other standing committees, the Special Committee on Aging, or the Joint Economic Committee (“B” committees). A senator may sit on no more than three subcommittees of any “A” committee

(Appropriations members are exempt from this restriction) and no more than two subcommittees of any “B” committee. Service on Ethics, Indian Affairs, and other joint committees is not limited. The Senate occasionally grants exemptions to these assignment limitations at the request of the parties. Since the 1950s, both Senate parties have observed the practice of granting every senator a seat on one of the top four committees (Appropriations, Armed Services, Finance, and Foreign Relations) before any senator gets two such seats.

The Parties’ Committee Assignment Committees, 2001-2002

The *House Democratic Steering Committee* is comprised of twelve regionally elected members as well as twelve top party officials and four top committee leaders who sit as ex officio members. Each of the members has one vote.

The *House Republican Steering Committee* has eight members from the party leadership, four committee leaders, ten regional representatives, and three representatives of the freshman class. In the event that the regional representatives are from states that have four or more Republican members, a “small state” group is allowed to elect a member to the committee. The Speaker has three votes (five if he makes no appointments), the majority leader has two votes, and the others have one vote.

The *Senate Democratic Steering and Coordination Committee* is appointed by the floor leader. Each of the twenty-five members has one vote.

The *Senate Republican Committee on Committees* is appointed by the floor leader. Each of the eight members has one vote.

The appeal of committees to members varies, both across committees and over time. The financial committees (House Appropriations, Budget, and Ways and Means; Senate Appropriations and Finance) and certain other committees with large and important jurisdictions (for example, House Commerce and Senate Armed Services) have wide appeal and are considered vital to the policy interests of the parties. Members compete intensely for assignment to these committees, and party leaders exercise care in making appointments to them. Other committees attract only the few members whose constituencies are most affected by the policies under their jurisdictions. Party leaders have little interest in these committees and try to accommodate members who request appointment to them. (See the accompanying box for an explanation of how committee assignments have been handled for a Socialist member of Congress.)

The competition for assignments to the most coveted committees generates vigorous coalition-building efforts by state delegations, intra-party factions, interest groups, and party and committee leaders. Many factors influence committee assignment decisions in

such cases. The member's political needs, claims by individual states or regions for representation on certain committees, geographic considerations, party loyalty, views on specific issues, and seniority are the most important factors. In the House, members supported by the largest state delegations are at a distinct advantage. For example, in 1992 New York's delegation lost all three of its members on House Appropriations through retirement or defeat, but it managed to regain all three seats (two Democratic and one Republican) for its members when new appointments were made. In contrast, New Jersey Democrats lost their representation on both Appropriations and Ways and Means (one seat each) but failed to gain a replacement.

Only for Senate Republicans has seniority historically been a decisive consideration (see the accompanying box). For all other members, seniority is just one factor among several that may influence assignment decisions. Experience, though probably not seniority per se, is an important advantage in the competition for the most desirable House committees. Having an established record of party loyalty, trustworthiness, and skill gives a more senior member an edge over newcomers. Yet, particularly when a large class of new members enters Congress, party leaders make sure that a few freshmen are named to the top committees. The 104th Congress (1995-1996) was particularly unusual in having both a large class of new Republicans and a new Republican majority in the House. The change in party control gave the Republicans thirty-one new seats on the exclusive committees. The party allocated nineteen of those seats to freshmen. In the years following the new Republican majority in 1995, it has become clear that the traditional Republican adherence to the seniority norm has waned. This has been particularly pronounced in Republican decisions to overlook senior members in promoting loyalists to lead the Financial Services, Appropriations, Ways and Means, Education and the Workforce, Resources, and Government Reform committees. Not surprisingly, those senior members overlooked for the chairmanship positions on the aforementioned committees were considerably more moderate than the Republican caucus and the leadership.

Assignments to the House Committee on Rules and the House Committee on Oversight are unique cases. The Rules Committee's primary regular function is to consider, devise, and report "special rules," resolutions that provide for the floor consideration of measures—usually reported by other committees—that would otherwise not receive timely consideration under the standing rules. In the 1960s and early 1970s, the independence of Rules Committee members was troubling to the majority party Democrats. Ultimately, both parties transferred the appointment power for Rules back to their top party leader, making Rules Committee members agents of their party leadership. In late 1994, both House parties also gave their top leaders similar power to name the members of the House Oversight Committee. Because the House Oversight Committee has jurisdiction over the internal administrative affairs of the House, including the way important resources are distributed to committees, and members, the top leaders wanted to assert more control over it than they had in the past. The committee also has jurisdiction over election and campaign finance law—subjects of the highest partisan significance.

The Bernie Sanders Case

How does a member gain committee and subcommittee assignments when he or she is not a member of either major party caucus?

In recent decades, most members elected as independents or under a minor party label have caucused with either the Democrats or the Republicans and have received committee assignments and seniority as a full-fledged member of that caucus. After the 1990 elections, however, Socialist Bernard Sanders of Vermont considered requesting membership in the House Democratic Caucus but refused to call himself a Democrat, as the caucus rules require. And Democratic conservatives opposed his membership. Sanders did not push the issue to a vote, but just how he would be assigned to committees and subcommittees and gain seniority toward committee chairs remained open questions.

Democratic leaders decided to give Sanders two of the committees in which he had expressed interest, Banking and Government Operations. But they stipulated that Sanders would not be eligible for subcommittee chairs, because he was not a member of their caucus. The ratio of Democrats to Republicans on the two committees was similar to the ratio in the full house, and Sanders counted against neither party. Because Sanders votes more like a Democrat than a Republican, the arrangement advantaged the Democrats.

The remaining issue was Sanders's subcommittee assignments. Banking Committee Democrats tentatively endorsed a plan to give Sanders subcommittee seats that would otherwise go to Republicans. Republican outrage led Steny Hoyer (D-Maryland), the chair of the Democratic Caucus, to write a letter to Banking Committee Chair Henry Gonzalez (D-Texas) clarifying the intentions of the Democratic leadership. In effect, the letter said that the committee should follow the same plan for Sanders's subcommittee assignments that was used for his committee assignments. In the end, the Democratic-Republican ratios on both Banking and Government Operations subcommittees were set proportionate to the ratio in the full House, and then an additional seat was created on each of the subcommittees to which Sanders was assigned.

In 1993, as Sanders began his second term, the Democratic Steering and Policy Committee formally requested that Sanders be extended the courtesies of seating and recognition to speak as if he were a second-term Democrat.

The Pecking Order

Committees vary widely in their attractiveness to members. In the House, Ways and Means (taxes, social security, trade), Appropriations (spending authority), Commerce (health, commercial regulation), and Rules (special rules) have jurisdictions of exceptional importance that broadly affect the membership. Because of these committees' importance, party leaders expect loyalty from members assigned to them. In late 1992, a House insider reported that the Democratic leadership was holding applicants

to Appropriations and Ways and Means to a high standard of loyalty. Leaders were telling members, “There may be a time your leader and your president will need your support. It may be difficult for you to vote for it. Will you be with us?”⁸ Such anecdotal evidence illustrates the significant role of party as a cue to members on committees of prestige.

As a general rule, freshmen have difficulty gaining assignment to the top committees. Only when an extraordinary number of new members are elected does the leadership become eager to demonstrate a commitment to appointing a fair share of freshmen. And only when their numbers are large are freshmen emboldened to demand their share of top assignments. At the start of the 103d Congress (1993-1994), for example, the sixty-three Democratic freshmen and forty-seven Republican freshmen gained a total of thirteen appointments to Appropriations, Ways and Means, and Commerce. Two years later, with an even larger class of Republican freshmen, nineteen of the thirty-one available slots on the top four committees were given to freshmen by the Republican steering committee.

Measuring Seniority in the Senate

How is seniority determined when members are elected at the same time? The Senate observes a practice of recognizing seven tie-breaking factors, in descending order:

1. Prior service in the Senate
2. Service as vice president
3. Years of service in the House
4. Service in the president’s cabinet
5. Service as governor of a state
6. The size of the home state’s population
7. Alphabetical order

Senate Republicans observe these tie-breaking practices when making committee assignments.

Beyond the common desire for assignment to one of the top committees, members vary widely in their preferences for committee assignments. Differences among members in this regard reflect their personal interests and goals. For some members, policy outcomes in an area of interest are a principle objective. Therefore, these members are likely to seek appointment to committees with jurisdiction in this issue area. Yet other members seek to exact particularistic benefits for their constituents. This objective, in turn, motivates these members to gain appointment on committees that will allow them to generate legislation that brings pork to their districts.

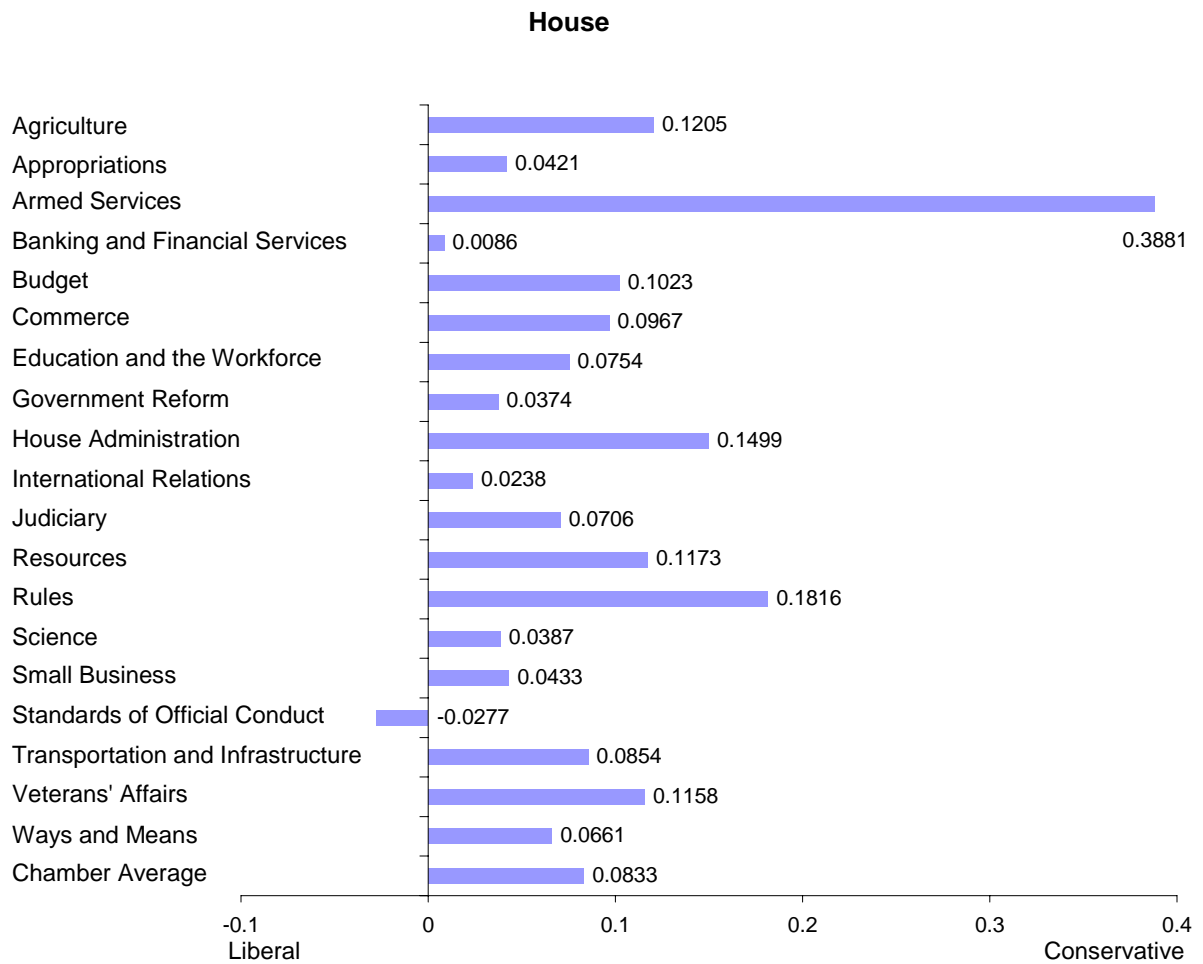
The nature of a member's constituency is often telling of what committee a member will pursue. For instance, members that represent a heterogeneous constituency are frequently issue-oriented and therefore request a place on policy committees, while members representing a homogenous constituency will often strive to gain appointment to constituency-oriented committees that have narrow focus. Committees play a significant role in fulfilling the objectives of members in this regard. A few members even promise to seek assignment to certain committees during their campaigns, to attract votes from major groups within their districts or states.

As a consequence of these objectives, many committees are not very representative of their parent house. Sometimes this imbalance is manifest in the policy preferences held by committee members. For example, the House Armed Services Committee, which attracts members disproportionately from districts with military bases, has been more conservative than the House as a whole for many years. But many committees are distinguished from the rest of their chamber less by their policy views than by their degree of interest in the subject matter. A good example is the House Agriculture Committee, which is stacked with members from rural farming districts. Such committee biases are generally more pronounced in the House than in the Senate, because the House has retained more committees with narrow jurisdictions and House districts tend to be more homogeneous than are whole states.

The size of the differences in policy preferences between committees and their parent chambers is not easy to measure,⁹ but it does appear that the political balance on some committees is quite different from the balance in their parent chamber. Figure 7.1 presents the mean first dimension common space score, a liberal/conservative measure, of the committee membership for all committees in the 106th Congress. Common space scores place members on a left/right continuum ranging from -1 to 1, with positive coefficients indicating conservative preferences. In the House, the Armed Services Committee, stacked with members with military installations located in their districts, was the most conservative committee overall. The Banking Committee, which attracts members from urban areas, was among the least conservative. In the Senate, the Health, Education, Labor, and Pension committee, which also attracts urban members to historically liberal issues, had a liberal leaning, while the Armed Services committee once again significantly exceeded the average ideology in the chamber.

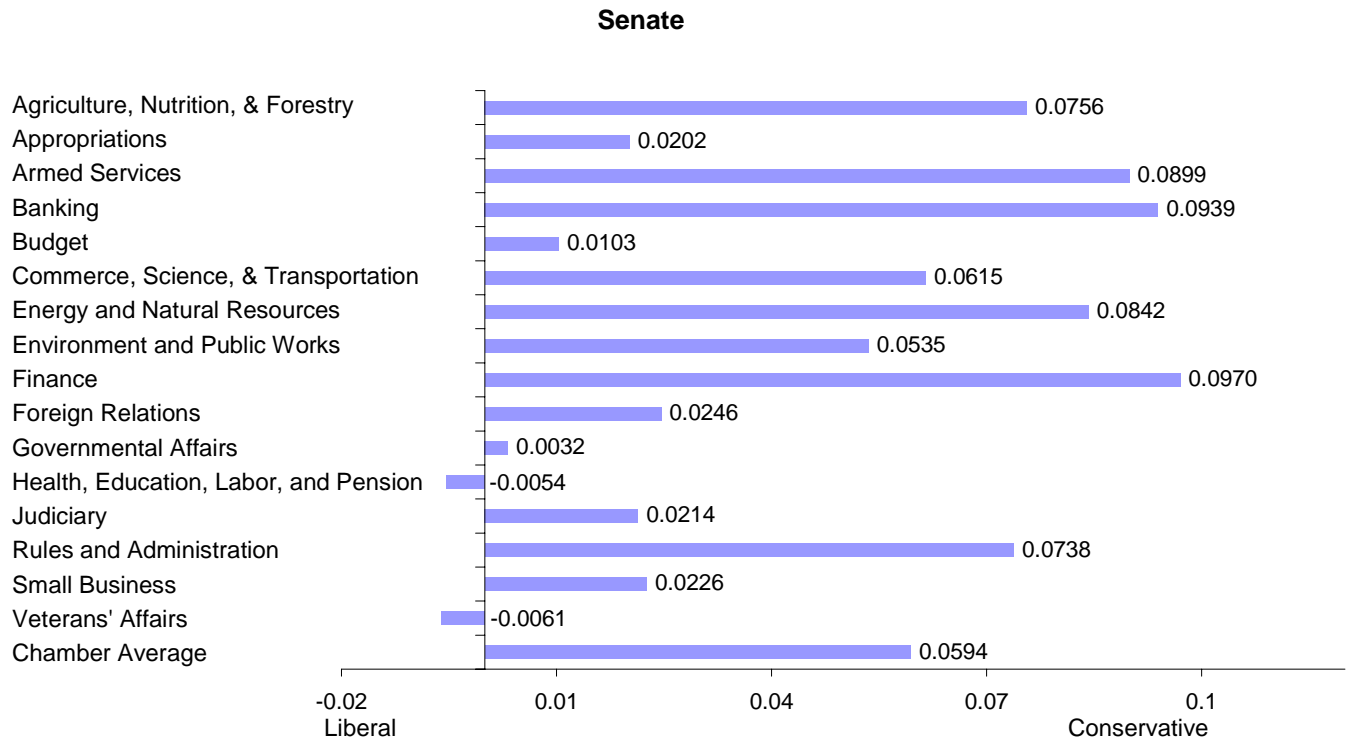
The biases of congressional committees, as well as subcommittees, are evident in the character of the witnesses they call to their hearings. A study of all congressional hearings between 1945 and 1986 on four issues—nuclear power, drug abuse, smoking, and pesticides—found large, predictable biases in the mix of industry and public-interest group representatives appearing before different committees and subcommittees on the same topic in the same year.¹⁰ Of course, committees that choose to listen to witnesses with distinctly different views are likely to have different views on substantive policy questions as well.

Figure 7.1
Mean Conservatism Scores for House and Senate Committees, 1999-2000



(continued on next page)

Figure 7.1 (continued)



Source: Keith Poole, Common Space Scores, <http://voteview.uh.edu>. Calculations by the authors.

Committee Leaders

The most powerful member on most committees is the full committee chair. The chair exercises considerable control over the agenda of the committee, schedules meetings and hearings of the full committee, and influences the scheduling of subcommittees' meetings and hearings. The chair normally names conferees, controls the committee budget, supervises a sizable staff, and often serves as a spokesperson for the committee and party on issues that fall under the committee's jurisdiction. The chair also reports legislation to the floor on behalf of the committee and makes requests of the majority leadership and the Rules Committee to schedule the legislation for consideration on the floor. And in exercising his or her formal powers, the chair benefits from years of experience in dealing with the policy problems and constituencies of the committee. Consequently, the support of the full committee chair can be critical to bill sponsors and opponents. That is as true today as it was forty years ago.

Yet full committee chairs no longer dominate their committees as they once did. Understanding why is important.

The Seniority System

Both the majority and minority parties designate a formal leader for each committee and subcommittee. The majority party names the chair of each committee and subcommittee, and the minority party appoints a ranking minority member for each committee and subcommittee. The seniority norm dictates that the majority party member with the longest continuous service on the committee serve as chair, although there are limitations on the number and type of chairs a member may hold. The ranking minority member, and subcommittee chairs and ranking minority members, are chosen, in most cases, on the basis of committee seniority as well. Accruing seniority toward leadership posts is one reason members are reluctant to transfer to other committees, where they must start at the bottom of the seniority ladder.

The seniority norm was weakened in the 1970s by party rules that require a secret ballot election of full committee chairs and ranking minority members. Senate Republicans led the way in 1973 by requiring that their ranking member on each committee be elected by the Republican members of the committee, although the full Republican conference retains the right to reconsider a committee contingent's decision.¹¹ House Democrats, then in the majority and frustrated with their counterparts from the South that had attained important committee positions vis-à-vis the seniority norm, followed by requiring that all committee chairs and the chairs of subcommittees on the Appropriations Committee stand for election in the Democratic caucus at the start of each Congress. They later required the chairs of Ways and Means subcommittees to stand for caucus election as well. The new rules had an impact. Three full committee chairs were deposed in 1974, an Appropriations subcommittee chair was replaced in 1977, and four more Democratic committee chairs have been ousted since then. Several other incumbent chairs have received serious threats to their reelection. Both House Republicans and Senate Democrats adopted rules in the mid-1970s allowing separate votes on the ranking committee members in their conferences.

The reforms have been extended much further in more recent years. House Republicans took the lead in 1992, while still in the minority, when they adopted a new party rule to limit the tenure of their full committee leaders to three two-year terms as the chair or ranking minority member, forcing rotation in the top committee posts. In 1995, the Republicans made this a House rule. The House rule limits chairs of committees and subcommittees to three consecutive terms (six years). A Republican conference rule would apply the term limit to ranking minority leaders whenever the party is in the minority. The end of the 106th Congress (2000) thus concluded the tenure of numerous committee chairs in the House. Over the course of their six-year terms, a number of committee chairs requested exemption from the newly adopted rule. Among the most notable opponents of the rule was Henry Hyde (R-Illinois), who stood to lose his position as chair of the Judiciary Committee. As Republicans filled committee seats for the next Congress, the Republican leadership did not grant any requests for exemption to the rule and the party conference rejected two proposals to eliminate term limits. Although the Republican leadership was unwilling to waver on the issue of term limits, they did permit chairs to move from one chairmanship to another. Hyde moved from Judiciary to International Relations.

Speculation that term limits would lead to more frequent departures from the seniority norm in selecting committee chairs proved accurate. Six of the 13 vacant chairs at the start of the 107th Congress (2001-2002) were taken by members who were not the most senior members on their committees. One of the selections that broke with the seniority norm was the appointment of Hyde to the chair of the International Relations Committee. In 2003, at the start of the next Congress, half of the chairmanship vacancies were filled by members who were not the most senior on the committee. In one instance, the chairmanship of the Resources Committee, five members with more seniority were skipped over to appoint a Republican chair.

In 1996, Senate Republicans adopted a six-year limit on committee chairs, which forced significant turnover after the elections of 2002. They also adopted a new rule governing the election of committee leaders. Rather than allowing the Republicans on each committee to elect a chair, as they had been doing for many years, the new rule requires secret ballot votes within each committee and by the full Republican conference, making the chairs accountable to the full conference. The first use of this rule, in early 1997, produced no changes in committee chairs. Neither the House nor the Senate Democrats have adopted term limits for their committee leaders.

Formal reforms have been reinforced by informal changes in practice. After the Republicans won a House majority in the 1994 elections, Speaker Newt Gingrich assumed responsibility for appointing committee chairs even before his conference had had an opportunity to meet. For three committees, Gingrich bypassed the most senior committee Republican and named a more assertive or conservative member as chair. At the same time, House Democratic leader Dick Gephardt chose a close political ally to chair the House Oversight Committee, dumping the former chairman, who had challenged Gephardt for his leadership post. The entire Republican membership of the Oversight Committee was made appointive by the Speaker under the rules of the new Republican majority. Speaker Dennis Hastert has followed Gingrich's lead by considering member loyalty to be an important element in the selection of committee chairs.

Since the 1970s, a major change has taken place in the role of seniority in the selection of committee leaders. Although seniority remains the default rule for selecting full committee chairs for both parties in both houses, chairs are expected to be more responsive to the substantive and stylistic expectations of the parties and their leaders.

Selecting Subcommittee Chairs

The selection of House subcommittee chairs has also come full circle. Before the 1970s, full committee chairs were allowed to appoint subcommittee members, including their chairs. That procedure was transformed into a more egalitarian one in the 1970s. House Democrats now require that Democratic committee members bid for subcommittee leadership posts, chairs, or ranking minority member status in order of seniority and that these appointments be ratified by a majority vote of the party members on the committee. Although seniority generally is observed, this procedure gives party

members on a committee the right to reject the most senior member and elect someone else, as has happened more than a dozen times since the mid-1970s.

In contrast, the House Republicans leave the appointment process to each committee's chair (or ranking minority member), although a majority of the Republican members on the full committee can override the selection process. In practice, however, most of the Republican subcommittee chairs are selected on the basis of committee seniority. As a part of their late 1992 reforms, the House Republicans adopted a party rule prohibiting most chairs or ranking members of full committees from serving as ranking members of any subcommittee. This party rule was made a rule of the House in 1995. Even the House Democrats decided to bar a ranking minority member of a full committee from assuming the ranking position on a subcommittee. These rules spread committee and subcommittee leadership posts among more members and limit the influence that any one member can enjoy by holding multiple leadership posts.

Both Senate parties allow committee members to select their subcommittee chairs or ranking members in order of seniority. Less conflict over subcommittee chairs has arisen in the Senate than in the House, perhaps because nearly all senators can count on having at least one subcommittee leadership post. Senate rules merely prohibit any member from holding more than one chair on a single committee. However, due to reforms initiated in 1995 by conservative Senate Republicans, the Senate Republican conference adopted a rule that limits their chairs or ranking minority members to six-year terms (effective in 1997). Because most senators are limited to three standing committee assignments, they can have up to three subcommittee chairs (or two if they hold a full committee chair of one of those standing committees). Nearly all majority party members hold at least one subcommittee chair today, and more than one-half of the majority party Democrats hold two or three subcommittee chairs.

Limiting the Power of Full Committee Chairs

Compared with their predecessors of the 1950s and 1960s, today's full committee chairs face more effective competition for control over policy choices. The change in climate has two main sources: changes in the formal rules limiting chairs' discretion on a variety of procedural matters (particularly in the House) and changes in the resources of members who may not share the policy views of chairs.

House practice changed in two steps. First, the House Democratic majority of the early 1970s adopted rules to reduce the influence of full committee chairs over the decisions of their committees. Chairs were required to stand for election by the Democratic caucus at the start of each Congress; committees with fifteen or more members were required to form at least four subcommittees; subcommittees were empowered with written jurisdictions and provided staffs; proxy voting by chairs and ranking members was restricted (see the accompanying box); the minority party contingents on committees were guaranteed staff; committees were required to open their meetings to the public unless a majority of committee members agreed to close them; committee members were empowered to call meetings (on a majority vote) so that chairs

could no longer refuse to hold meetings; and chairs were required to promptly report legislation after it was approved by their committees. Furthermore, House Democrats adopted a self-selection procedure for subcommittee assignments so that full committee chairs could no longer stack important subcommittees with their supporters. Thus, the ability of full committee chairs to block legislation favored by their committees was curtailed.

Congressionally Speaking . . .

Attendance at committee meetings has been a problem for many years. Members often have multiple committee meetings or hearings scheduled at the same time and must fulfill other obligations—meet with constituents, vote on the House floor—while their committees are meeting. Members often grant their committee leaders authority to cast proxy votes in their absence.

To control abuses of proxy voting, the House and Senate have adopted rules on their use. An old House rule provided that a majority of committee members must actually be present at the meeting for a committee to report legislation to the floor. If a majority were not present, a point of order could be raised against a bill when it reached the floor, which would lead the Speaker to rule a bill out of order.

But getting a majority of committee members to show up at one time and circumventing points of order can be troublesome. House Democrats moved in 1993 to minimize the problem. Their rule allowed a “rolling quorum.” House Rule 11 now counts as “present” members who actually voted in committee even if no majority was actually present at the same time. Moreover, no point of order could be raised on the House floor unless it was raised at the appropriate time in committee.

House Republicans banned proxy voting and rolling quorums. After they gained a majority in the 1994 elections. Since that time, attendance has continued to be a problem for committee chairs, some of whom have suggested returning to some form of proxy voting.

Second, when the Republicans gained a House majority after the 1994 elections, they did not renew protections for subcommittees. Subcommittee chairs once again became appointees of the full committee chairs, and subcommittee staff support was provided at the discretion of the full committee chairs. Although House Republican full committee chairs again have more formal authority over subcommittees, other constraints were added. Committees were limited to forming five subcommittees, proxy voting was banned, TV and radio coverage had to be accommodated for all committee meetings that were open to the public, and overall committee staff budgets were cut by a third. More important, the House Republicans more openly relied on party task forces and leadership groups to set policy and parliamentary strategy, which took much of the initiative for and

control over policy details out of the hands of committee leaders and increased the policy-making role of central party leaders.

The Senate also adopted rules to provide guidelines for the conduct of committee meetings, hearings, and voting and to require committees to publish additional rules governing committee procedures. But unlike in the House, Senate chamber and party rules have never specified internal committee organization in any detail and are silent on the functions of subcommittees; indeed, most Senate committees' rules are very brief. In most cases, the full committee chair is assumed to have great discretion, although even that is left unstated. For nearly all Senate full committees, the referral of legislation to subcommittees and the discharge of legislation from subcommittees remain under the formal control of the committee chair.

In 1995, the Senate Republicans adopted a party rule prohibiting full committee chairs from chairing any subcommittees and further barring any Republican senator from chairing more than two subcommittees. Both rules were intended to spread chairmanships among as many senators as possible and to limit the special influence that any one senator might enjoy through multiple chairmanships. The rule soon proved to be a hardship for the party, however. On a few committees, the Republicans found themselves without enough senators eligible to take another subcommittee chairmanship, so they began to grant waivers to the rule.¹²

Subcommittees

Subcommittees became more important for many committees after the Legislation Reorganization Act of 1946 consolidated committee jurisdictions and reduced the number of standing committees in both chambers. The number of subcommittees grew after 1946 and continued to grow into the 1970s as individual committees responded to new policy problems and as members demanded their own subcommittees. Currently, of the committees with authority to report legislation, the only ones without subcommittees are the House Budget, House Administration, and Standards of Official Conduct Committees and the Senate Budget, Rules and Administration, Indian Affairs, Small Business and Entrepreneurship, Veterans' Affairs, and Select Intelligence Committees.

Reversing Trends in the Number of Subcommittees

In the House, the resistance of some full committee chairs to efforts to create legislative subcommittees was eventually overcome by a 1974 rule that provides that "each standing committee . . . except the Committee on the Budget . . . that has more than twenty members shall establish at least four subcommittees." Later, problems associated with the growth in the number of House subcommittees—jurisdictional squabbles between subcommittees, scheduling difficulties, and the burden of subcommittee hearings on executive officials—led the Democratic caucus in 1981 to limit the number of subcommittees. The 1981 rule has been supplanted by a new House rule, adopted in 1993, limiting the number of subcommittees. The current rule limits committees to five subcommittees, unless a committee maintains a subcommittee on oversight (in which case the committee may have 6 subcommittees). The exceptions to this rule are

Appropriations (which can have thirteen subcommittees) and Government Reform (which can have seven). The adoption of the 1993 rule required the abolition of sixteen subcommittees. In 1995, the Republicans dropped the rule requiring a minimum of four subcommittees per committee and eliminated three standing committees, bringing the number of subcommittees in the House back to the 1955 level. In the 105th Congress (1997-1998), the House had 86 subcommittees, down from over 130 ten years earlier. Since then, the number of House subcommittees has marginally increased to 92.

The Senate and the Senate parties do not have formal rules on the number of subcommittees, although the Senate's limits on the number of subcommittee assignments that individual senators may hold effectively limits the number of subcommittees that can be created. In 1985, compliance with the limits on subcommittee assignments led to the elimination of ten subcommittees. Republicans further reduced the number of subcommittees after taking majority control of the Senate in 1995. In the 105th Congress (1997-1998), the Senate had sixty-eight subcommittees, down from nearly ninety ten years earlier. The number of Senate subcommittees has changed little since that time.

Checking the Power of Subcommittees

In the Democratic House of the 1970s, subcommittees became very important in committee decision-making in the House. The House and the Democratic caucus adopted rules in the early 1970s that substantially weakened the ability of full committee chairs to control subcommittees. Consequently, decision-making processes within House committees became more decentralized than they had been in the 1950s and 1960s. Most legislation originated in subcommittees, the vast majority of hearings were held in subcommittees, about half of all committee staff was allocated to subcommittees, and subcommittee chairs usually served as the floor managers for legislation originating in their subcommittees. The House and Democratic party rules together created substantial uniformity across House committees in their reliance on subcommittees for initial action on legislation. The pattern in the House led some observers to label House decision making "subcommittee government" (see box on next page).¹³

Subcommittee government evaporated with the new Republican majority in 1995. House subcommittees are no longer guaranteed that legislation sent to their parent committees will be referred to them. In addition, as noted previously, the Republicans forced most House committees to reduce the number of their subcommittees from six to five (with exception to those committees maintaining an oversight subcommittee), and they returned control over subcommittee appointments and over all committee and subcommittee staff to the full committee chairs. When they cut committee budgets, a disproportionate share of the resulting staff cutbacks occurred in subcommittee staffs. Subcommittee staff now constitutes less than 40 percent of all committee staff, down nearly 10 percent from the 1980s. The consequence of these changes has been the reemergence of variation across House committees in the way they use subcommittees.

The Senate and its parties never adopted rules granting subcommittees the kind of independence that House subcommittees enjoyed under the Democrats in the 1970s and 1980s. The lack of formal rules empowering subcommittees in the Senate has produced

great variation among committees in their reliance on subcommittees. Several Senate committees hold very few hearings in subcommittee, and only a few Senate committees use subcommittees to write legislation. “Subcommittee government” never fit the decision-making processes in most Senate committees.

Congressionally Speaking . . .

The first great book about Congress was Woodrow Wilson’s *Congressional Government*, written in 1883 and 1884 when Wilson was a graduate student at Johns Hopkins University. He penned two frequently quoted phrases—“Congressional government is *committee government*” (emphasis added) and “Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work.” Wilson later became president of the United States.

The power of subcommittees was enhanced during the early 1970s, leading observers to look for new ways to label Congress. Political scientists Roger Davidson and Walter Oleszek characterized the House as subcommittee government in their 1977 book *Congress Against Itself*. Neither Davidson nor Oleszek has exhibited ambitions for high public office.

Committee Staff

Committee staffs expanded regularly between 1946 and the early 1980s. The 1946 Legislative Reorganization Act granted each standing committee the authority to hire four professional staff assistants and six clerical aides, and the 1970 act increased to six the number of professional assistants each committee could hire. In 1974, the House increased the number to eighteen professional assistants and twelve clerical aides, where it remains today. Minority party control of at least two professional staff assistants on each committee was guaranteed by the 1970 act, and both chambers later adopted rules guaranteeing even larger staffs to the minority party. The House now gives the minority party control over one-third of the professional and clerical staffs, and the Senate requires that staff be allocated to the minority party in proportion to the number of minority party members on each committee. During the 1980s, little overall growth in committee staff occurred.

As they promised, the Republicans elected in 1994 have cut committee budgets and staff. House committee (full and subcommittee) staff dropped from just over 1,700 to under 1,100; Senate committee staff dropped from nearly 1,000 to under 800. Chamber rules still guarantee the minority party a share of the staff. In the Senate, each committee’s staff is assigned to the parties based on the relative number of majority and minority members on the committee. The Republican-imposed rule in the House is less favorable to the minority, guaranteeing only ten staff members, or one-third of the committee staff, whichever is less, to the minority. Since the mid-1990s, the House

committee staff have remained around 1,200 in number; Senate committee staff has grown back to over 900.

The Power of Modern Committees

Committees' power is expressly or implicitly granted to them by the parent houses and parties. Their continued existence and parliamentary privileges depend on the sufferance of the parent houses. The same is true of the party contingents on committees. The parent chambers formally approve all committee assignments, but the parties construct the committee lists that are routinely ratified by the chambers. This function gives the parties a source of leverage with committee members and allows the parties to regulate the behavior of committee members through formal and informal rules. For the most part, committees must function procedurally and substantively in ways that are consistent with the expectations of their parent chambers and parties.

The Legislative Power of Committees

Evaluating the power of committees is difficult since it is virtually impossible to determine the influence of a committee on any given measure without knowing what the outcome would have been in the absence of committee involvement. But since committee members are central players on most legislation and have been for many decades, there is no way to systematically evaluate committee influence.

Nevertheless, it is reasonable to infer that committees exercise real power in the modern Congress. Their power stems in part from the indifference of most members about the details of most legislation. Parties and their leaders focus on the few issues each year that are likely to affect the parties' reputations and electoral prospects. Members do not and cannot take an interest in the details of most of the legislation that is considered on the floor. But just how many members are indifferent varies from bill to bill, from committee to committee, and over time.

Even when members are not indifferent, committees still have advantages that give their members disproportionate influence over policy outcomes. Mounting real challenges to their power can be difficult. Threats to strip a committee of jurisdiction, funding, or parliamentary privileges or to retract members' committee assignments usually are not credible, if for no other reason than that such actions would set precedents that members of other committees would not like to see established (see box below). In this way an implicit, self-enforcing pact among members underpins committee power. The most practical means for keeping committees in check is to reject their policy recommendations.

Protecting Their Own

In 1996, the House Republicans experienced an insurgence of 74 freshmen members, which meant that a number of freshmen would receive seats on prestigious committees. One such member was former high school math teacher Mark Neumann (WI), who gained a valuable seat on the House Appropriations Committee. After acquiring the position, Neumann soon developed a reputation for questioning Appropriations Committee leaders. After one particularly notable episode, in which Neumann failed to support a military-spending agreement, Bob Livingston (LA), the Appropriations chair, kicked Neumann off the Defense Subcommittee.

Concerned that this would set a precedent for removing committee members that chose not to toe the party line, a number of freshmen Republicans approached Gingrich. Arguing that other more senior members had defected on critical votes without similar retribution, a group of freshmen threatened to obstruct key GOP legislation if this issue was not remedied. Gingrich struck a deal with the freshmen Republican, who, after all, had been an important part of the Republicans maintaining majority party status in the 105th Congress. Although Neumann was to be removed from the Appropriations Committee, Gingrich agreed to give the freshmen member from Wisconsin another prestigious appointment on the Budget Committee.

Source: Richard S. Dunham, "House Freshmen: GOP Newcomers are Determined to Reshape Government. Are They Building a New America—or Tearing it Apart?" *Business Week*, January 26, 1996.

It is convenient to consider two forms of committee power. Positive power is the ability of committees to gain the approval of legislation opposed by others. Negative power is the ability of committees to block legislation favored by others. On both counts, committees have substantial advantages over other players.

Positive Power. At first glance, committees appear to have no positive power. Under the Constitution, legislation can be enacted only by the full House and Senate. Neither chamber has rules that permit a committee to act on the chamber's behalf with respect to final approval of legislation. Thus, positive power for committees must come from sources other than the explicit provisions of chamber rules. There are three such sources possible for committees: (1) by persuading members on the basis of superior argument and information, (2) by threatening unfavorable action on members' bills if they fail to cooperate, and (3) by strategically employing the legislative process to gain chamber endorsement of policy provisions favored by the committee. Each of these deserves a brief mention.

First, committees can usually gain a tactical edge by being better informed than their opponents. Committee members sit through hearings, participate in discussions with

lobbyists and executive branch officials, and often have previous experience with the issues their committee deals with. Committees' large, expert staffs and their extensive networks of allies in the executive branch and interest group community further enhance their informational advantage over competitors. Traditional norms such as serving an apprenticeship before actively participating, developing expertise in the jurisdiction of one's committees, and deferring to committee specialists reflect the importance of informational advantages for committee power.¹⁴

Second, the ability of committees to obstruct action on some legislation can be used to gain leverage with members whose support is needed on other legislation. Particularly in the House, killing legislation can be used as a threat to win support for committee recommendations.

Third, members of committees gain positive power because of their domination of conference committees. Conference negotiations between the House and Senate give conferees opportunities to add provisions to legislation that were not included in the original House or Senate versions. Although the rules governing conference committees limit conferees to the scope of the original House and Senate bills, the process of negotiating compromises between different bills creates opportunities to introduce new approaches and provisions in conference. Occasionally, provisions have been added in conference that were never subject either to a committee hearing or to floor discussion. At other times, provisions have been added that were explicitly rejected by one chamber or the other. The conferees know, however, that they are free to exercise such discretion as long as they can attract majority support for the conference report—which is not amendable—when it is returned to the two houses for final approval.

Negative Power. The negative power of standing committees rests in their ability to control newly introduced legislation and to obstruct alternative routes to the floor. This is accomplished more effectively under House rules than under Senate rules.

In the House, such “gatekeeping” power is supported by rules that give committees near-monopoly control over newly introduced legislation and increase the difficulty of circumventing committees. House Rule 10 requires that all legislation relating to a committee's jurisdiction be referred to that committee, a rule that has been in place since 1880. Before 1975, the one committee with the most relevant jurisdiction would receive the referral, a process that often involved direct conflicts between committees with related jurisdictions. Since 1975, the rule has provided for multiple referral by granting to the Speaker the authority to refer legislation to each committee with relevant jurisdiction. Monopoly control by single committees was broken by the new rule, but the continuing practice of referring all legislation to committee remains in place. Short-circuiting the usual process to bring legislation directly to the floor requires either that the rules be suspended by a two-thirds vote or that a resolution from the Rules Committee be approved by majority vote.

House committees, like their Senate counterparts, are free to act as they see fit on most legislation that has been referred to them. They may simply refuse to act, hold

hearings but take no legislative action, amend the legislation in any way, or accept the legislation without change. And they may write their own legislation. They may vote to report legislation with a recommendation that it pass, with no recommendation, or with a recommendation that it be rejected. These options give congressional committees a transformative power that is uncommon among the world's legislative bodies. In most other national legislatures, committees serve only as arenas for holding hearings and debating legislation and lack the ability to alter the content of legislation. Because committees hold such considerable power in this process, members that plan to introduce legislation are constantly aware of the positions of committees that may have say over the future of that legislation. Therefore, members seeking to pass legislation may alter the legislation to meet the preferences of the committee to which it is likely to be referred (if the preferences are not too distant from the legislators), or they may attempt to change the legislation in such a way that would make it likely to be referred to a committee with similar interests.

Circumventing House committees is difficult but not impossible under House rules. The House operates under a germaneness rule that requires a floor amendment to be relevant to the section of the bill or resolution it seeks to modify. Thus, it is difficult to bring to the floor as an amendment a policy proposal whose subject has not been addressed in legislation reported by a committee. The germaneness rule can be waived, but only if a special rule is approved by a majority on the House floor. The Speaker's control of the Rules Committee means that this approach is unlikely to work without the Speaker's cooperation.

Of course, House rules provide other means for bringing legislation to the floor. At certain times, members may move to suspend the rules to consider a measure blocked by a committee. Going this route is usually not feasible without the consent of the relevant committee, because the member must be recognized by the Speaker to make the motion, and two-thirds of the House must support it. Suspending the rules to bring a measure to the floor that has not been reported by a committee is frequently used by committees as a matter of convenience.

Alternatively, members may seek to discharge a measure from committee by obtaining the signatures of 218 members on a discharge petition. But many members are hesitant to encourage the use of discharge petitions, because doing so threatens the power of their own committees. Nevertheless, there has been a surge of interest in discharge petitions since late 1993, when the House voted to make public the names of members who sign them. Public disclosure makes it easier to generate public or interest group pressure on members to sign petitions.

A final alternative is to gain a special rule from the Rules Committee to discharge a measure from committee, but this route requires Rules Committee support and majority support in the House for the special rule. Again, the Speaker's cooperation is probably required to gain Rules Committee action on such a rule.

These means of circumventing committees have been used from time to time, though very infrequently. Between 1931 and 2002, 563 discharge petitions were filed, however, the petitions gained the required number of signatures only forty-eight times; thirty-six of the petitions concerned bills blocked in committee and twelve concerned special rules for bills already reported from committee. (Special rules and suspension of the rules have been used to extract measures from committees, but usually at the committee's request or with its consent.) Of the forty-eight instances in which discharge petitions gained the necessary 218 signatures, only 19 times did the discharged measure go on to pass the House. However, the threatened use of discharge petitions, special rules, and suspension of the rules occasionally has stimulated committees to act in accordance with the floor majority's preferences. For example, between 1931 and 1994 there were fifteen cases in which the needed 218 signatures were acquired on a discharge petition, but the majority leadership called up the legislation for consideration by other means.¹⁵

Circumventing Unfriendly Committees

For Senator Sam Brownback, a Republican from Kansas, banning human cloning has become a key legislative objective. Twice in the 107th Congress, Brownback introduced legislation that fell into the unfriendly jurisdiction of the Judiciary Committee. Senator Orrin Hatch (UT), chair of the Judiciary Committee, has openly stated that he supports scientific endeavors in cloning that could lead to finding cures for diseases.

Upon Brownback's third attempt at passing the legislation calling for a ban on human cloning, however, he strategically manipulated the legislation to circumvent the Judiciary Committee. Knowing that Senator Judd Gregg (NH), chair of the Health, Education, Labor, and Pension Committee (HELP), was supportive of his legislation, as were other HELP Committee members, Brownback changed the law by which the legislation called for enactment of the ban. Instead of calling upon the U.S. penal code, which falls under the jurisdiction of Judiciary, Brownback altered the legislation so that the ban would be enacted under the Public Service Act, which is under the jurisdiction of the HELP Committee. In response to this issue, a GOP senior aide said, "There are parliamentary conventions that can be used or abused to ensure referral to a more friendly committee."

Source: Emily Pierce, "Leaders Circumvent Hatch," *Roll Call*, February 5, 2003.

Committees' blocking power is enhanced by their domination of conference committees. Because differences between House and Senate versions of complex legislation are usually resolved in conference committees, the committee members who dominate conference delegations normally have the last opportunity to change the details of the legislation. The blocking power of conferees rests in their wide latitude to negotiate with the other house's conferees and in a rule that prohibits amendments to the conference report. The chambers must accept or reject the entire report in most

circumstances. This process gives conferees substantial discretion in designing the final form of legislation. They often delete amendments added on the House and Senate floors. The hitch is that the conferees of both houses must agree to such blocking action and then must gain majority support in both houses.

The yea-or-nay choice given to the House and Senate after a conference report has been filed often forces both chambers to accept a conference outcome that does not perfectly represent their policy positions. In such cases, why doesn't either the House or the Senate reject the conference outcome and insist on a more favorable bill? They do, occasionally. The houses can even give up on conference negotiations altogether and exchange amendments without conference intervention. Often, however, the small improvement gained by such moves is not worth the effort. The costs associated with forcing legislation to go through the entire process again are often much greater than making sacrifices in policy. Yet, in other cases, time is running out at the end of a session, members are eager to adjourn so they can go home to be with their families or campaign, and many other bills are drawing on their attention. And some members who are dissatisfied with a conference outcome may choose not to challenge the conferees because they do not want to encourage challenges to the conferences handling their own committees' legislation.

In addition, it is important to realize that the situation confronting Senate conferees is somewhat different from the one faced by House conferees. Although measures are routinely referred to Senate committees upon their introduction, a senator can easily object to a referral and keep a measure on the calendar for floor consideration. Furthermore, the Senate lacks a germaneness rule for most measures, so senators are able to circumvent committees by offering whole bills as amendments to unrelated legislation. Senators often hesitate to support efforts to bypass a committee in this way, but it is a procedural route that is used much more frequently than are the more complicated House procedures for circumventing committees. Moreover, most conference reports are subject to filibusters in the Senate, giving Senate minorities a source of bargaining leverage with conferees that does not exist in the House. Thus, the Senate's rules combine to create weaker blocking power for its committees.

Nevertheless, in practice Senate committees do retain some blocking power. Calling up a measure from the calendar requires the cooperation of the majority leader, who usually sides with the committee chair on procedural matters. And if the majority leader cooperates, committee members, like all senators, may filibuster or threaten to filibuster unfriendly legislation. Consequently, successful circumvention of a committee on a controversial matter often requires the support of at least sixty senators, the number needed to invoke cloture.

Nongermane amendments are troublesome for Senate committees, but they often can be set aside by a motion to table. A successful motion to table kills the amendment. Because a tabling motion is not debatable and is seemingly on a procedural question, it often attracts more votes than would be cast against the amendment itself. The right of recognition puts the majority leader in a position to offer the tabling motion on behalf of

the committee chair or bill manager. And normally only committee members are appointed to conference committees, where they may allow unfriendly nongermane amendments to be stricken.

In short, in most circumstances committees in both houses—but especially in the House exercise considerable negative power. Circumventing committees requires special effort and is usually possible only with the cooperation of the majority party leadership.

Oversight and the Investigative Power of Modern Committees

Central to the legislative power of committees, and vital to the power of Congress as an institution, is the ability of committees to oversee and investigate the activities of the executive and judicial branches as well as private activity that is or might be the subject of public policy. Courts have ruled that Congress's power to compel cooperation with its investigations is implicit in its constitutional functions of legislating and appropriating funds. Without broad powers to investigate and compel cooperation, Congress would not be able to exercise its legislative powers effectively.

Throughout the history of Congress, committees have been the vehicle for conducting congressional investigations. Select or special committees have been appointed for many important investigations. In the last three decades, important investigations of the Watergate break-in and cover-up, the involvement of the Central Intelligence Agency in assassinations, and the Iran-Contra affair were conducted by select committees.

Since the passage of the Legislative Reorganization Act of 1946, standing committees have been assigned the duty of maintaining “continuous watchfulness” over executive branch activities within their jurisdictions. The 1946 act also created two committees with government-wide oversight duties, now called the House Committee on Government Operations and the Senate Committee on Governmental Affairs. Both committees attract members who want to participate in hearings on and investigations into a wide range of government activity.

The 1946 act was reinforced by stronger directives to committees in the Legislative Reorganization Act of 1970, which required most committees to write biennial reports on their oversight activities. Moreover, during the 1970s both houses assigned oversight responsibility for several broad policy areas to specific committees whose legislative authority was not so broad. The House has instructed many committees to create oversight subcommittees. And committee staffs expanded greatly in the 1970s, which enabled committees and subcommittees to organize more hearings and more extensive investigations.

Oversight appears to have become an increasingly important part of committee activity in recent decades. According to one count, the number of days of oversight hearings conducted by House and Senate committees increased from 159 in 1961 to 290 in 1973 and 587 in 1983.¹⁶ In 1961, less than 10 percent of committee meetings and hearings were devoted to oversight; by 1983, more than 25 percent were devoted to oversight. The surge occurred in the 1970s and appears to have been the product of

several factors: the new independence of subcommittee chairs to pursue oversight, the expanded capacity of larger committee and subcommittee staffs to conduct oversight activities associated with larger staffs, tensions between a Democratic Congress and a Republican administration, and a generally more assertive Congress. The record of Republican investigations of the Clinton administration continued the pattern of more aggressive oversight by congressional committees.

The Countervailing Influence of the Parties

Committee power has been under siege since the early 1970s. Although committees continue to draft the details of nearly all legislation and their members remain central players in nearly all policy decisions, they have become less autonomous as their parent houses and parties have exercised more control over their operations and policy choices. Change has been most dramatic in the House of Representatives, where committees appeared to have dominated policy making during the middle decades of the twentieth century. The forces producing change in the role of committees in recent decades are similar to the forces that have been active throughout Congress's history—the policy agenda, policy alignments and party activity, and the institutional context.

The Changing Policy Agenda

Changes in the policy agenda and in political alignments have led to a decline in the autonomy of committees in recent decades. Many new issues arose in the 1960s and 1970s. Energy, the environment, consumer protection, civil rights, and many other new issues brought demands for congressional action. Many of the issues, like energy and the environment, were interconnected, sparked controversy, stimulated the growth of interest groups, and fell under the jurisdiction of several committees. They energized outsiders to seek influence over committees' policy choices and pitted powerful committees against one another. As a result, more controversy spilled out of the committee rooms and onto the chamber floors.

In the 1980s and early 1990s, the dominance of budget issues led to procedural innovations that directly reduced the autonomy of most congressional committees. As is detailed in Chapter 12, Congress has imposed enforceable constraints on committee decisions. It has even adopted affirmative policy directives for committees in advance of committee action, altering the sequence of the legislative process. The net effect of these changes to the budget-drafting process has been reduced committee discretion and increased control over committee action by party and budget leaders.

The lull in budget politics caused by the emergence of a nearly balanced federal budget may eventually allow committees greater independence once again. For the time being, however, fairly strict limits on new spending constrain appropriations and authorizing committees.

Ebb and Flow of Committee Independence

Congressional committees are never fully autonomous—they always require at least the forbearance of their parent chamber to pass or block legislation. But committees are sometimes fairly independent of the direction of central leaders in setting their own agendas and schedules. It is this independence that was nearly eliminated after the Republicans took majority control of the House of Representatives. Speaker Gingrich, committed to bringing all of the items in the Republicans' Contract with America to a vote in the first one hundred days of the 104th Congress (1995-1996), exercised a strong hand in appointing committee chairs and making other committee assignments, set a schedule for committee action, and insisted that committees adhere to the content of the Contract. The content of many important bills was negotiated in leadership offices or party meetings, and sometimes even top committee leaders were not included. Representative Henry Hyde (R-Illinois), chair of the Judiciary Committee, referred to his status under Speaker Gingrich as “sub-chairman.”

By the time the 105th Congress (1997-1998) began, the leadership's tune had changed. House Majority Leader Dick Armey promised that legislation would be drafted first in committee. Committee chairs reported that they were free to take the initiative in fashioning bills and the coalitions to support them. And committee leaders began to be more visible in the media as spokespersons for the party on issues falling under the jurisdiction of their committees.

What accounted for the change? Republicans reported that the need for strong central direction passed after the House and Senate had finished their work on the priority legislation of the Contract with America. An interest in developing some bipartisanship on issues by working with Democrats in committees also seemed to motivate Republicans, who realized that the partisanship of the 104th Congress had not been popular with the public. In addition, some Republicans argued that the expertise of committees and the vetting of legislation through regular committee processes would reduce the chances that embarrassing or weak provisions would be overlooked until members had to vote on them on the floor.

Sources: Gabriel Kahn, “Even After Contract, House Chairs Take a Back Seat to the Leadership,” *Roll Call*, September 21, 1995, pp. 3, 22; Jeff Shear, “Power Loss,” *National Journal*, April 20, 1996, p. 874; Allan Freedman, “Returning Power to Chairmen,” *Congressional Quarterly Weekly Report*, November 23, 1996, p. 3300; and Jackie Koszczuk, “A Full Circle,” *Congressional Quarterly Weekly Report Supplement*, March 22, 1997, pp. 9-10.

Changing Policy Alignments

The prominence of budget politics and the greater cohesiveness of the parties in recent Congresses has made it possible for central leaders to become more assertive.

Party leaders have become more active in prodding committees to act and also in limiting their freedom to act. Furthermore, the rank-and-file members of the parties, particularly in the House, have become less tolerant of committee and subcommittee chairs' deviating from party policy positions. Following their 1994 takeover, Republican House members and party leaders have been particularly aggressive in expressing their expectations of committee leaders.

The increase in activity by the party organizations and leaders during recent years is noted in Chapter 6. The party organizations now provide more opportunities for meaningful participation in policy making outside of members' assigned committees. The parties have provided forums for those outside of committees to challenge the committees and their leaders and even to devise policy proposals. Indeed, party task forces have crafted many policy proposals that were considered on the chamber floors without formal approval by a standing committee. When the Democrats were still in the majority, concern about the contagious "task force disease" led House committee leaders to press for some protection in Democratic party rules.¹⁷ The result was a rule, adopted in December 1990, that guarantees committees five days to consider task force proposals before the House takes action on them. The Republican majorities, especially in the House, have used party task forces even more widely than the Democrats did. Plainly, committees have lost much of their independence from members who choose to use their party organization as a vehicle for shaping policy. But, as happened to the Democrats, some backlash against party assertiveness emerged among House Republicans after the first year or so of their majority status following the 1994 elections.

Changing Institutional Context

Committee autonomy has been further undermined by rule changes that either directly regulated committee behavior or made it easier for members to challenge committee recommendations. These new rules were pursued by members who were unhappy with the nearly dictatorial control that some full committee chairs exercised over their committees. They reflect an effort to make committees—and especially committee leaders—more accountable to rank-and-file members of the parent chamber and to make members less dependent on committees for information and advice.

Sunshine Rules. One rule requires that roll-call votes cast in committee be recorded in documents that are open to the public. Another dictates that committee markups be held in public sessions (except for meetings concerned with national security matters) unless a majority of committee members cast a recorded vote in favor of closing a meeting. Even conference committees are required to hold their meetings in open sessions unless, as the House rule requires, a majority of the parent chamber approves the use of closed meetings. The rules were intended to make committee members more accountable, both to outside constituencies and to their colleagues. In recent Congresses, committees have voted more frequently to close meetings to the public, and they have become more creative in their efforts to sidestep the rules. In some cases, members appear to have allowed staff to negotiate legislative details, to avoid holding official meetings subject to open-meetings rules. But House Republicans have attempted to reinforce the sunshine

rules by requiring that committees accommodate television and radio broadcasts and still photographers whenever a meeting is open to the public.

Bill Referral Rules in the House. In 1974 the Speaker of the House was granted the authority to send legislation to committees jointly, sequentially, or in parts. Before 1974, the Speaker was required to assign legislation to the single committee that had the most relevant jurisdiction, a practice that guaranteed monopoly referral rights to a single committee in each policy area. Under the current rule, the Speaker is encouraged to recognize overlapping jurisdictions and the desirability of coordinating the decisions of committees on complex issues. In fact, in recent Congresses, about one-fourth of the workload for the average House committee has consisted of multiply referred legislation. In the Senate, multiple referral has always been possible but remains far less common than in the House, perhaps because committees can easily protect their jurisdictional interests by seeking to amend legislation on the floor.

Multiple referral has several important implications for committee autonomy in the House. Committee autonomy has been replaced by committee interdependence. The multiple referral rule has encouraged committees to stake jurisdictional claims on a wide variety of issues and almost guarantees that conflicts between committees will arise with some frequency. Furthermore, conflict between two or more committees creates opportunities for others to exercise greater influence over policy outcomes. Sometimes that conflict spills onto the House floor, where party leaders may be encouraged to intercede and where votes on a series of amendments may impose a resolution on the contesting committees. And, perhaps most important, multiple referral substantially strengthens the Speaker's influence over committee decisions. The Speaker determines, without appeal, the referral of legislation to multiple committees and may set deadlines for committee action in such cases. In designing such arrangements, the Speaker is in a position to advantage some committees, speed or delay committee action for strategic purposes, and send strong signals about personal policy preferences.

Voting Rules. Weakening committee autonomy and the demise of deference to committees are reflected in the record of floor amending activity since the mid-1950s. In terms of both the absolute number of floor amendments, the number of amendments per measure, and the proportion of measures amended on the floor, floor amending activity increased in both chambers during the 1950s and 1960s and surged upward in the 1970s. In the Senate, the number of floor amendments nearly tripled between the mid-1950s and late 1970s, with most of the increase occurring in the 1960s. The number of House floor amendments more than quadrupled between the mid-1950s and the late 1970s, with most of the increase occurring in the early 1970s. As Chapter 8 discusses, the surge in House floor amending activity in the early 1970s was associated with the adoption of recorded electronic voting. Previously, recorded votes were not possible on most amendments, which made it difficult to bring public pressure to bear and enhanced the influence of powerful insiders, particularly committee chairs.

Floor amending activity was perceived to be a more serious problem in the House, where committee autonomy had been stronger than it was in the Senate, so stronger

reactions occurred in the House. The most important response in the House was the expanded use of special rules to limit floor amendments (see Chapter 8). Most rules have not foreclosed floor amendments, but they have required that amendment sponsors notify the Rules Committee in advance, which permits the Rules Committee to arrange for their order of consideration and allows committee leaders to prepare against unfriendly amendments.

No strategy to control floor amending activity and enhance the autonomy of committees has emerged in the Senate. In only two areas, budget measures and certain trade agreements, has the Senate moved to limit debate and amendments. In general, therefore, a majority of senators have no way to insulate committee bills from unfriendly or nongermane amendments whose sponsors are committed to offering them.

Conference Rules. The ability of committees to control conference negotiations on behalf of their chambers has long been a vital source of power. In the House of the 1970s and 1980s, challenges to committee autonomy were accompanied by challenges to committees' monopoly over appointments to conference delegations. New rules were adopted imploring the Speaker to appoint delegations that represented House preferences, to include members who had sponsored major components of the legislation in question, and to require conferences to hold their meetings in public sessions. The rules were targeted at senior committee members who had dominated conferences for decades. The Speaker's control over conference delegations was reinforced in 1993 when the House adopted a rule giving the Speaker the power to remove a member from a conference delegation at any time.

Rank-and-File Resources. Individual members now have far more sources of information at their disposal than they once did, so the traditional advantage enjoyed by committee members over rank-and-file members—greater access to expertise and staff assistance—has been reduced. Over the years, changes in House and Senate rules have allowed members to expand their personal staffs (see Chapter 5). Much of a member's personal staff is devoted to nonlegislative duties such as answering the mail and handling constituents' problems with the federal government. Nevertheless, the great expansion in members' personal staffs has allowed legislators to draw on staff for assistance in developing legislative proposals, making arguments, and soliciting support—often in opposition to committee positions. Furthermore, members may draw on the congressional support agencies. These agencies often conduct studies for or delegate staff to congressional committees, but they also respond to requests for information from individual members and their staffs. As a result of the increased availability of these varied sources of information, an enterprising member can equip himself or herself to challenge committee members' arguments.¹⁸ Thus, seldom does a committee now command deference on the basis of policy expertise alone.

House-Senate Differences. It is important to note that most of the attacks on committee power have occurred in the House, which is the chamber in which committees were the most powerful and the most troublesome for liberal reformers. Senators, who enjoy procedural rights that enable them to easily challenge committees on the floor, have

not been motivated to elaborate their chamber's rules with additional provisions to further limit committee autonomy. As in so many areas, the inherited rules of the two houses led their members to respond differently to changing conditions.

Conclusion

Committees are a central but changing feature of legislative policy making. Changes in the role of committees are primarily the products of new policy problems, new political alignments, and the character of the existing institutional arrangements. When interest in an issue is narrow, the policy outcome satisfies most members, and the issue has little impact on party fortunes, autonomous committees are tolerated and even revered. When an issue is more complex and few members are indifferent to the outcome, as appeared to be the case more frequently in the 1970s, committees are highly constrained by their parent chambers and must rely on formal procedural safeguards to preserve their control over legislative details. And if the parties' electoral fortunes are tied to the issue and the policy outcome, as happened on budget matters in the 1980s, party leaders and their functionaries assume decision-making responsibilities that otherwise would fall to committees.

The direction of change over the last two decades or so—toward less autonomous committees and a less committee-oriented process—must not be confused with the degree of change. The changes reported in this chapter, particularly those in the House, appear to be quite sweeping. Many of the procedural sources of committee power seem to have been weakened. Developments affecting committee assignments, bill referrals, floor debate, conferences, and the budget process have reduced committee autonomy. And the informal norm of deference to committee recommendations certainly is much weaker today than it was in the 1950s and 1960s.

But some care must be taken in drawing inferences about these changes. Most legislation comes from a single committee in each chamber, receives few or no floor amendments, and does not require a conference. Necessary conferences are managed by conferees chosen nearly exclusively from the committee of origin. Moreover, committees have devised a remarkable variety of legislative tricks to minimize the effect of budget constraints. With the creative use of special rules and large omnibus measures in the 1980s, committees have actually recovered some of the autonomy they lost in the 1970s.

NOTES

¹ For background on the reform proposals, see C. Lawrence Evans and Walter J. Oleszek, *Congress Under Fire: Reform Politics and the Republican Majority* (Boston: Houghton Mifflin, 1997).

² For a more detailed introduction to congressional committees, see Christopher J. Deering and Steven S. Smith, *Committee in Congress*, 3rd ed. (Washington, D.C.: Congressional Quarterly Press, 1997).

³ Talbert, Jeffery, Bryan Jones and Frank Baumgartner. 1995. "Nonlegislative Hearings and Policy Change in Congress." *American Journal of Political Science* 39:383-405.

⁴ A party-oriented perspective on committees can be found in Gary W. Cox and Mathew D. McCubbins, *Legislative Leviathan: Party Government in the House* (Berkeley: University of California Press, 1993), and D. Roderick Kiewiet and Mathew D. McCubbins, *The Logic of Delegation: Congressional Parties and the Appropriations Process* (Chicago: University of Chicago Press, 1991).

⁵ King, David. 1994. "The Nature of Congressional Committee Jurisdictions." *American Political Science Review* 88:48-62.

⁶ The Democrats had been contemplating such a rule as well. Previously, the parties had their own rules limiting committee assignments.

⁷ There are two exceptions: Members of Appropriations and Ways and Means may sit on Budget for limited terms, as provided in the Budget Act of 1974, and service on Standards of Official Conduct (and District of Columbia) does not count in assignment limitations. In late 1990, House Democrats considered but tabled a proposal to add Energy and Commerce to the list of exclusive committees. In late 1992, they dropped Foreign Affairs from the list of major committees because it had become unpopular and leaders were having difficulty attracting members to it. The chair and ranking minority member may sit on more subcommittees as ex officio members, per House Rule X(6).

⁸ Eric Pianin and Guy Gugliotta, "Large Influx of Freshmen to Fuel Major Reorganization," *Washington Post*, November 8, 1992.

⁹ See Keith Krehbiel, "Are Congressional Committees Composed of Outliers?" *American Political Science Review* 84 (1990), pp. 149-163; Richard L. Hall and Bernard Grofman, "The Committee Assignment Process and the Conditional Nature of Committee Bias," *American Political Science Review* (1990), pp. 1149-1166; and Forrest Maltzman, *Competing Principals: Committees, Parties, and the Organization of Congress* (Ann Arbor: University of Michigan Press, 1997).

¹⁰ Bryan D. Jones, Frank R. Baumgartner, and Jeffery C. Talbert, "The Destruction of Issue Monopolies in Congress," *American Political Science Review* (September 1993), pp. 657-671.

¹¹ In 1987 the Senate Republican conference overturned the decision of the Foreign Relations Committee Republicans. Jesse Helms (R-North Carolina), the most senior

committee Republican, had not held the top position in previous Congresses because he preferred to take the chair of Agriculture. But when the Republicans became the minority party after the 1986 elections, he decided to claim the top spot on Foreign Relations, a committee that had been led by Richard Lugar (R-Indiana). Foreign Relations Republicans supported Lugar 7 to 0 (Helms and Lugar abstained), but the conference of all Senate Republicans supported Helms 24 to 17.

¹² Ed Henry, "New Rules Spread GOP Senators Thin," *Roll Call*, February 6, 1997, p. 3.

¹³ Richard L. Hall and C. Lawrence Evans, "The Power of Subcommittees," *Journal of Politics* (May 1990), pp. 335-355.

¹⁴ See Donald R. Matthews, *U.S. Senators and Their World* (New York: Vintage Books, 1960), Chapter 5.

¹⁵ Richard S. Beth, "Control of the House Floor Agenda," paper presented at the 1994 meeting of the American Political Science Association, New York, September 1, 1994.

¹⁶ Joel D. Aberbach, *Keeping a Watchful Eye: The Politics of Congressional Oversight* (Washington, D.C.: Brookings Institution, 1990), p. 35.

¹⁷ Dan Rostenkowski, quoted in Tom Kenworthy, "House 'Bulls' See Red Over Task Forces," *Washington Post*, April 18, 1991, p. A18.

¹⁸ It should also be noted that outside sources of information are now more available. For example, the number of think tanks has expanded in recent decades. The most established think tank, the Brookings Institution, has been joined by the American Enterprise Institute, the Heritage Foundation, the Cato Institute, and many more specialized organizations. The think tanks, which are privately funded, house scholars and policy experts who are ready and willing to be of service to members seeking their advice and support. Members also freely draw on corporation- and university-based experts from around the country. Some members even have informal groups of outside experts who meet with them with some regularity.