

Committee on Rules Legislative Process Program

Section 1 – *Program Introduction*

111TH CONGRESS

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Organization of the House

Section 1, Part 2 of 2

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Organization of the House

Section 1 chapter 2 of 2

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Introduction

To understand how the House functions, it is useful to understand how it is organized. As Members participate in the legislative business of their committees and the full House, their efforts are governed by a number of different, interlocking sets of rules. Various officials and leaders in the House play a role in running different parts of the House's operations in accordance with the rules. This document briefly describes the different sources of rules and where they come from, the process of determining the House's membership, the officials and leaders in the House and their selection, and the process of assigning Members to committees.

Brief Overview of Sources of Rules and Procedures

The operation of the House is governed by a number of separate sources of rules and authority. To some extent, these sources of rules can be thought of as part of a hierarchy, with the Constitution at the top. Statute, the standing rules of the House and resolutions adopted by the House must all comply with Constitutional provisions. A vast body of precedent constitutes interpretations of the written sources of House rules, but precedent is occasionally overturned. Jefferson's Manual, custom, and tradition fill gaps in the written rules and precedent. Furthermore, committees, the Democratic Caucus and the Republican Conference all have their own sets of rules.

The Constitution

The Constitution establishes certain rules for the House that cannot be altered or suspended except by Constitutional amendment. For example, constitutional provisions speak to origination of revenue-raising measures and the terms of Members. Moreover, the most important constitutional language for understanding House procedure is in Article I, §5, clause 2, providing that each House may determine the rules of its proceedings. This broad power given to the House in the Constitution is the source of authority for much of the procedural activity of the House. See Chapter 50, §1 of House Practice for more information on this subject.

Statute

While normally Congress cannot alter the functioning of statutes without enacting a subsequent statute, statutes that affect the rules of the House and Senate are a special case. Because the Constitution specifically gives each Chamber the authority to make its own rules, any statutory provision that was enacted "as an exercise of the rule-making power of Congress" can be modified or suspended by either Chamber at any time. So for example, a rule established in the Congressional Budget Act can be waived in the House if a majority of House Members vote for a resolution to do so.

When the House adopts its standing rules each Congress, statutes enacted previously as an exercise of the House's rule-making authority are normally incorporated by reference.

Standing Rules of the House

The standing rules of the House from one Congress do not carry over to the next Congress. New rules are adopted on the first day of each Congress and govern the operation of the House for the rest of that Congress.

The rules lay out how the House handles everything from the powers of the Speaker, to the decorum of Members, to how bills are introduced and make their way through committees to get to the Floor, to ethics rules for Members and staff.

The standing rules may be amended during a Congress by a vote of the House. Normally, this is accomplished by adoption of a privileged resolution reported by the Rules Committee.

Joint Rules

House Practice, Chapter 50, §1 says of joint rules of the House and Senate, “[j]oint rules, although in common use until 1876, are rarely used today except to govern a joint session to count electoral votes. Manual Sec. 220; Deschler Ch 10 Sec. 2.6.” So, for example, when House Members and Senators meet in a conference committee, their meeting is not governed by any joint rules (although there are certain House rules and Senate rules that can be invoked in the individual chambers that affect the conference committee’s operation and conference reports).

Separate Orders

The Constitution and the standing rules of the House both recognize the ability of a majority in the House to change the House’s rules. As discussed above, this can be accomplished through an amendment to the standing rules. It can also come in the form of a separate, stand-alone resolution adopted by the House, existing alongside the standing rules. For example, H.Res. 491 in the 110th Congress, adopted on June 18, 2007 provides for earmark reform.

Special Orders

The operation of rulemaking provisions in statute, standing rules, and separate orders can also be temporarily altered by “special orders” or “special rules.” Special rules are normally privileged resolutions reported from the Rules Committee. They are frequently used to set the procedures by which a specific measure is considered on the House Floor or change the schedule of the House. Special rules do not have any effect unless and until adopted by the House.

Precedent and Custom

House Practice, Chapter 50, §1, discusses rules based on precedent and custom:

As Asher Hinds noted in his work on the precedents of the House, much of what is known as parliamentary law is not part of the formal written rules of the House but springs from precedent or long-standing custom. 1 Hinds, Introduction, p iii. Such precedent may be invoked to resolve a procedural question in the absence of an express written rule on the subject. Deschler Ch 5 Sec. 3; see also 6 Cannon, Preface, p v; Deschler, Preface, pp iii-xiv. More frequently, the precedents of the House are used to show the scope and application of one of its formal rules. A noteworthy example is the House germaneness rule, which is set forth in less than a sentence in rule XVI clause 7, yet has been interpreted through thousands of precedents since its adoption in 1789. Manual Sec. Sec. 928-940; Deschler-Brown Ch 28.

The precedents of the House, which are based primarily on the rulings of the Speaker or Chairman of the Committee of the Whole, are compiled in Hinds’ Precedents (1907), Cannon’s Precedents (1936), Deschler’s Precedents (1977) and Deschler-Brown Precedents. Deschler-Brown Precedents, which is currently being compiled, is authorized by section 28b of title 2, United States Code.

Jefferson’s Manual

Thomas Jefferson wrote the Jefferson Manual, based on the operation of the British House of Commons in his time, as a guide for procedure in the Senate. Although the Senate does not use Jefferson’s Manual, the House has adopted it as a source of supplementary authority to govern in certain situations. The Manual sets out rules regarding subjects such as privilege, quorum, committees, motions and bills.

House rule XXIX provides that the provisions of Jefferson’s Manual “shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules and orders of the House.”

Committee Rules

Each committee adopts its own rules at its first meeting of each Congress. These rules may govern subjects such as who may participate in committee hearings and meetings, the circumstances under which the committee will issue a subpoena, the existence of subcommittees, the maintenance of committee records, etc.

The standing rules of the House require that each committee's rules comply with certain requirements, and committees must follow the rules of the full House so far as they are applicable. However, a Member cannot ordinarily raise a point of order in the full House for a violation of a committee rule alleged to have taken place in committee, unless the rule violated was also a rule of the full House.

Caucus and Conference Rules

The Democratic Caucus and Republican Conference each adopt their own internal rules for each Congress, typically during the period between November House elections and opening day in January.

Because the Caucus and Conference decide things such as who is Majority and Minority Leader, Whip and Caucus/Conference Chair, and play a central role in deciding who chairs and sits on standing and select committees, their rules have an important impact on the operation of the House.

The House's Role in Determining Its Membership

Article I, §5, clause 1 of the Constitution provides that “[e]ach House shall be the Judge of the Elections, Returns and Qualifications of its own Members.” The determination of the House on this question is considered final and cannot be effectively challenged in state or federal court, or by agreement between candidates in a contested election. (See House Practice, Chapter 22, §2) Furthermore, Article I, §5, clause 2 gives each House the authority to expel a Member by a two thirds vote.

House Practice, Chapter 23, §1 explains that:

...the ultimate validity of elections rests on determinations by the House and Senate as final judges of the elections and returns of their respective Members. Deschler Ch 8 Sec. 5. Therefore, where the conduct of election officials or of candidates and their agents constitutes fraud or illegal control of election machinery, the House or Senate may void an election and refuse to administer the oath to a Member-elect. Deschler Ch 8 Sec. 7; see Deschler Ch 8 for complete treatment of elections and election campaigns.

House Practice, Chapter 23, §2 discusses the role of the Committee on House Administration:

Under rule X clause 1(i), the Committee on House Administration has jurisdiction over measures relating to the election of the President, Vice President, or Members of Congress and over measures relating to the raising, reporting, or use of campaign contributions for House candidates. Investigations of specific elections or election practices usually are undertaken by that committee. See, e.g., 105-2, H. Res. 355, Feb. 12, 1998, p 453. Investigations of Members' elections may be conducted under the statutory election-contest procedures or offered on the floor of the House as questions of privilege. Manual Sec. 701; see Election Contests and Disputes.

CRS Report RL31382¹ summarizes the use of expulsion in the House:

When the most severe sanction of expulsion has been employed in the House, however, the conduct has historically involved either disloyalty to the United States Government, or the violation of a criminal law involving the abuse of one's official position, such as bribery. The House of Representatives has actually expelled only 5 Members in its history, but a number of Members, believing that they were facing certain congressional discipline for various misconduct, resigned from Congress prior to any formal House action.

¹ <http://www.crs.gov/ReportPDF/RL31382.pdf>

Selecting Leadership: Officers and Officials of the House

Officers of the House include the Speaker (the only officer specified in the Constitution), Clerk of the House, Sergeant at Arms, Chief Administrative Officer, and Chaplain. Other key officials include Inspector General, Parliamentarian, General Counsel, Legislative Counsel and Law Revision Counsel. The Architect of the Capitol – an officer of Congress – is appointed by the President of the Senate and confirmed by the Senate.

In addition to officers and officials of the House and Congress, the Democratic Caucus and Republican Conference select leaders who serve central roles in the operation of the House and the conduct of its legislative business.

Information about each position is below.

Elected by the House (Article 1 §2, clause 5)

Speaker of the House

Excerpt from CRS Report: 97-780
Updated March 12, 2009

“The Speaker of the House: House Officer, Party Leader, and Representative” (pages 1-5)²
Valerie Heitshusen
Analyst on the Congress and Legislative Process

Selection of the Speaker³

When the House of Representatives convenes at the beginning of a new Congress, its first order of business is to elect a Speaker. Because the House dissolves at the end of a Congress and must start anew at the beginning of each new Congress, the clerk of the House presides over the House under general parliamentary law until a Speaker is elected. For its first 50 years, the House elected the Speaker by ballot. In 1839, this method was changed to election by *vive voce*, meaning that each Member names aloud whom he or she favors for Speaker. Tellers then record the result. In modern practice, each party places the name of a single Member in nomination for the position, but otherwise virtually the same *vive voce* method is used to elect the Speaker. Because the election of the Speaker typically takes place before the House adopts its rules of procedure, the election process is defined by precedent and practice rather than by any formal rule.

To be elected Speaker, a candidate must receive an absolute majority of the votes cast, which may be less than a majority of the full membership of the House because of vacancies, absentees, or Members voting “present.”⁴ Although the major parties nominate candidates for the position of Speaker, there is no limitation on whom Members may vote for. In fact, there is no requirement that the Speaker be a Member of the House.⁵ ...

² <http://apps.crs.gov/products/rl/pdf/97-780.pdf>

³ For more on elections of the Speaker, see [CRS Report RL30857\(pdf\)](#), *Speakers of the House: Elections, 1913-2009*, by Richard S. Beth and Valerie Heitshusen.

⁴ The controlling precedent dates to Mar. 18, 1879, when in response to an inquiry, the clerk, while presiding over the House, stated: “It requires a majority of those voting to elect a Speaker, as it does to pass a bill.” Asher Hinds, *Hinds’ Precedents of the House of Representatives of the United States* (Washington: GPO, 1907), vol. 1, sec. 216. (Hereafter cited as *Hinds’ Precedents*.)

⁵ For example, in the election of the Speaker at the beginning of the 105th Congress, two former Members of the House (Robert H. Michel and Robert Walker) each received one vote. *Congressional Record*, vol. 143, Jan. 7, 1997, p. 117.

If a Speaker dies or resigns during a Congress, the House immediately elects a new Speaker. Although it was an earlier practice of the House to elect a new Speaker under these conditions by adopting a resolution to that effect, the modern practice is to use the same practice as employed at the beginning of a Congress.

The Speaker as Leader of the House

Although the office of the Speaker is mentioned in the Constitution, that document is silent on its duties. Today, the Speaker possesses substantial powers under House rules. Among the duties performed are

- administering the oath of office to Members (the Act of 1789 (2 U.S.C. 25) provides that, on the organization of the House, the oath shall be administered by any Member, traditionally the Member with the longest continuous service, to the Speaker and by the Speaker to the other Members);
- calling the House to order (Rule I, clause 1);
- preserving order and decorum within the chamber and in the galleries (Rule I, clause 2);
- recognizing Members to speak and make motions (Rule XVII);⁶
- deciding points of order (Rule I, clause 5);
- counting a quorum (Rule XX, clause 7(c));
- presenting the pending business to the House for a vote (Rule I, clause 6);
- appointing Speakers pro tempore (Rule I, clause 8) and chairs of the Committee of the Whole (Rule XVIII, clause 1);⁷
- certifying various actions of the House, including signing all acts and joint resolutions, writs, warrants, and subpoenas of (or issued to) the House (Rule I, clause 4);⁸
- appointing select and conference committees (Rule I, clause 11);
- appointing certain House officers (such as the inspector general under Rule II, clause 6, the historian of the House under Rule II, clause 7, and the general counsel under Rule II, clause 8);
- referring measures to committee(s) (Rule XII, clause 2); and
- examining and approving the *Journal* of the proceedings of the previous day's session (Rule I, clause 1).

The Speaker's powers offer him or her considerable latitude to exercise discretion. Under most circumstances, the Speaker has the authority to ask Members who seek recognition, "For what purpose does the gentleman (or gentlelady) rise?" The Speaker may then decide whether or not to recognize that Member for the specific reason given. In this way the Speaker is able to assert control over what motions may be made and therefore what measures will be considered and the general flow of House floor proceedings. House Rule XV, clause 1 allows the Speaker to entertain motions to suspend the rules on Mondays, Tuesdays, and Wednesdays, as well as during the last six days of a session. Discretion over who may be recognized to make such motions gives the Speaker virtually complete control over the suspension process.

The institutional role of the Speaker also extends beyond the duty to preside over the House. The Speaker also exercises general control over the Hall of the House and the House side of the Capitol (Rule I, clause 3), and serves as the chair of the House Office Building Commission. The Speaker frequently is authorized in statute to appoint Members to various boards and

⁶ This provision is augmented by the provision in Rule XVI, clause 1, which states that the Speaker shall not entertain any dilatory motions.

⁷ By tradition, the Speaker does not preside over the Committee of the Whole, but instead names a party colleague as chair. According to historian DeAlva Stanwood Alexander, this tradition has its roots in Stuart England when conflicts over taxation arrayed the Crown against the Commons, and suspicion assumed the Speaker to be a tale bearer to the King. To avoid the Speaker's espionage Commons met in secret, electing a chairman in whom it had confidence. Even after any need for secrecy in its proceedings had passed, Commons continued to require that the Speaker withdraw whenever the Committee of the Whole convened. DeAlva Stanwood Alexander, *History and Procedure of the House of Representatives* (New York: Houghton Mifflin, 1916), pp. 257-258. The American tradition does not require the Speaker to withdraw from the deliberations of the Committee of the Whole, only that she not chair it.

⁸ Responses to subpoenas are also governed under Rule VIII.

commissions, and it is typically the Speaker who is the formal recipient of reports or other communications from the President, government agencies, boards, and commissions.

The role of the Speaker also extends to the requirement in House Rule V, clause 1 that he or she administer a system for audio and video broadcasting of the proceedings of the House. Rule I, clause 9 provides for the Speaker, in consultation with the minority leader, to devise a system of drug testing in the House.

Finally, although it is not prescribed in any formal way, the elevated profile of the office of the Speaker often means he must take a leading role in negotiations with the Senate or President.

The Speaker as Party Leader

Under both Republican and Democratic majorities, Speakers have played similar roles as leader of their parties. A Speaker's role as leader of the majority party is manifested in two ways: within the party conference or caucus and on the House floor.

Under the rules of the House Democratic Caucus, the Speaker recommends to the Caucus nominees for officers of the House. The Speaker's prominence within the Caucus is reinforced because she chairs the Steering and Policy Committee, and appoints two co-chairs, two vice-chairs, and up to 15 of its Members. In addition, the Speaker is empowered to appoint one Member to the House Budget Committee, as well as make appointments to joint and select committees, and various boards and commissions, giving due consideration to spreading the workload among qualified and interested Democrats. She nominates the Democratic membership on the Committees on Rules and House Administration, and recommends to the Caucus a nominee for chair of these committees. If a nominee is rejected, the Speaker may make another nomination until the position is filled.

Within the Democratic Party, the Speaker serves as a member of the Democratic Congressional Campaign Committee (DCCC) and also nominates the DCCC chair.

Previously, within the Republican Party conference, the Speaker acted as the chairman of the party's Steering Committee, and thus plays a major part in the committee assignment process because Members are nominated to serve on or chair a committee by the Steering Committee. These nominations are subject to approval by the full party conference, and subsequently by the House.

“House Administrative Officers and Officials” (pages 1-3)⁹
Lorraine H. Tong
Analyst in American National Government
Government and Finance Division

Clerk of the House (Rule II)

The Clerk of the House presides over the House pending the election of the Speaker at the beginning of a new Congress, and certifies the credentials of newly elected members. The Clerk, as chief legislative officer, directs administrative activities that support the legislative process such as keeping the Journal, recording all votes, certifying bill passage, and processing all legislation. Other entities under the Office of the Clerk deal with employment counsel, legislative operations, official reporters, printing services, legislative computer systems, and legislative information. (See [CRS Report 98-761](#), Clerk of the House: Legislative and Administrative Duties, and <http://clerk.house.gov>.)

Sergeant at Arms (Rule II)

The Sergeant at Arms, as the chief House law enforcement officer, is responsible for maintaining security, order, and decorum in the House chamber, House wing of the Capitol, and House office buildings. The Sergeant at Arms also serves, with the Senate Sergeant at Arms and the Architect of the Capitol, on the Capitol Police Board and the Capitol Guide Board. (See [CRS Report 98-835](#), House Sergeant at Arms: Legislative and Administrative Duties.)

Chief Administrative Officer (Rule II)

The chief administrative officer (CAO) is responsible for certain administrative and financial activities that support the operations of the House, including the finance office, Members' accounts, information resources, human resources, office systems management, furniture, office supplies, postal operations, food services, and various media services. (See [CRS Report RS22731](#), Chief Administrative Officer of the House: History and Organization.)

Chaplain (Rule II)

The chaplain of the House opens each legislative session with a formal prayer, a custom since the First Congress. The chaplain, who neither represents nor is selected on the basis of a particular denomination, also provides pastoral counseling to Members, their families, and staff. Guest chaplains of various denominations regularly offer the prayer. (See [CRS Report RS20427](#), House and Senate Chaplains, and <http://chaplain.house.gov>.)

Jointly Appointed by the Speaker and Majority and Minority Leaders

Inspector General (Rule II)

The inspector general (IG) conducts periodic audits of the financial activities of other House officers and reports the findings and recommendations simultaneously to the Speaker, the majority and minority leaders, and the chair and ranking member of the Committee on House Administration <http://www.house.gov/IG>. If possible violations of law or House rules are indicated, the IG is required to report them to appropriate House officers and committees, including the Committee on Standards of Official Conduct.

⁹ <http://apps.crs.gov/products/rs/pdf/98-401.pdf>

Appointed by the Speaker

Parliamentarian (Rule II)

The House Parliamentarian provides advice on parliamentary procedure, compiles a record of the precedents of the House, and, acting in behalf of the Speaker, determines the referral of measures to committees. The Parliamentarian or an assistant is always present and near the podium during legislative sessions to offer procedural assistance to the presiding officer. The "House Rules and Manual" is revised by the Parliamentarian, who also usually reviews special rules before the Rules Committee reports them. (See [CRS Report RS20544](#), The Office of the Parliamentarian in the House and Senate.)

Historian (Rule II)

The Historian directs the Office of the Historian, which researches the history of the House of Representatives and makes historical information available to Members of Congress, the press, and the public. The office conducts oral history interviews of Members, former Members, and selected staff; prepares committee histories; and trains congressional staff on the history of the House. The office has also initiated a House Fellows Program, an educational institute for secondary education teachers to further their knowledge and understanding of the House. (See <http://historian.house.gov>.)

General Counsel (Rule II)

The general counsel heads the Office of the General Counsel, which provides legal advice to Members, committees, officers, and employees of the House of Representatives on matters pertaining to their official duties, and represents them in litigation that relates to the performance of those duties (House access only: <http://generalcounsel.house.gov>.)

Legislative Counsel

The legislative counsel heads the Office of Legislative Counsel, which assists Members, committees, and staff in drafting legislation and preparing conference reports, and, in certain situations, assists Members on the House floor. See [CRS Report RS20735](#), Office of Legislative Counsel: House, and <http://www.house.gov/legcoun/>.

Law Revision Counsel

Under the direction of the law revision counsel, the Office of the Law Revision Counsel prepares, publishes, and keeps current the United States Code, a consolidation and codification by subject matter of the general and permanent laws of the United States <http://uscode.house.gov>.

Appointed by the President

Architect of the Capitol.

As an officer of Congress, the Architect of the Capitol (AOC) is charged with the operation, maintenance, and improvement of the U.S. Capitol and adjacent buildings and grounds. The AOC also performs certain administrative functions affecting the House and Senate. A bicameral congressional advisory commission conducts a search for an architect, who is then nominated by the President and confirmed by the Senate for a tenure limited to 10 years. (See [CRS Report RL32820](#), Architect of the Capitol: Appointment, Duties, and Operations, and <http://www.aoc.gov>.)

Party Leaders in the House: Election, Duties, and Responsibilities

CRS Report: RS 20881¹⁰
Updated November 24, 2008

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Each major party in the House has a leadership hierarchy. This report summarizes the election, duties, and responsibilities of the Speaker of the House, the majority and minority leaders, and the whips and whip system. For a listing of all past occupants of congressional party leadership positions, see [CRS Report RL30567\(pdf\)](#), *Party Leaders in Congress, 1789-2009*. For more information on legislative process, see <http://www.crs.gov/analysis/pages/congressionaloperations.aspx>.

Speaker of the House

[The Speaker's role is addressed earlier in this document – pages 6-8]

Majority Leader

The majority leader is second to the Speaker in the party hierarchy. Elected by secret ballot of the majority party's caucus or conference in organizational meetings prior to the start of a new Congress, the majority leader's role has largely been defined by history and tradition. Working closely with the Speaker and the party's whips, the majority leader is charged with scheduling legislation for floor consideration, and does not, in modern practice, serve on House committees. The majority leader helps plan daily, weekly, and annual legislative agendas; consults with Members to gauge sentiment on issues; urges colleagues to support or defeat measures on the floor; and, in general, works to advance the goals of the majority party. The majority leader is also responsible for closely watching floor activities, especially the opposition party's parliamentary maneuvers, but by custom, does not typically lead floor debate on major measures. (See [CRS Report RL30665\(pdf\)](#), *The Role of the House Majority Leader: An Overview*.)

Minority Leader

The minority leader is both the minority party's counterpart to the Speaker, and the floor leader of the "loyal opposition." Elected by the minority party caucus or conference at organizational meetings prior to the start of a new Congress, the minority leader speaks for the minority party and its policies. The minority leader strives to protect the minority's rights, organizes and leads criticism of the majority party, and devises parliamentary strategies and tactics that can put to best use the abilities of his party to influence legislative outcomes. The minority leader chairs the party's committee assignment panel and also directly nominates or appoints minority party members to serve on certain standing committees.¹² Like the Speaker, the minority leader serves as an *ex officio* member of the Permanent Select Committee on Intelligence. When the minority leader's party holds the White House, the minority leader may be the President's chief spokesperson in the House. By custom, the minority leader does not typically lead floor debate on major measures. (See [CRS Report RL30666](#), *The Role of the House Minority Leader: An Overview*.)

Party Whips

Republican and Democratic party whips are elected by each party caucus at early organizational meetings. Each majority and minority whip heads an extensive whip network comprised of party

¹⁰ <http://www.crs.gov/ReportPDF/RS20881.pdf>

¹¹ Thomas P. Carr, former Analyst in American National Government at CRS, originally wrote this report. The listed author has updated the report and is available to respond to inquiries on the subject.

¹² When in the majority, the conference or caucus rules provide these powers to the Speaker, as outlined earlier.

loyalists. Each party selects at least one chief deputy whip and a number of deputy and other whips.¹³ The job of the whips is to maintain communication between the leadership of the party and its members, marshal support for party positions on the floor, count votes on key legislation, and persuade wavering Members to vote for the party position. Whip notices and advisories to all party members about the legislative agenda are staple products of both parties' whip organizations and are posted on each party's website. (See [CRS Report RS20499\(pdf\)](#), *House Leadership: Whip Organization*.)

¹³ Each party's chief deputy whip is appointed by its chief whip; other members of the whip team are either similarly appointed or elected by subsets of the party organization.

Committee Chairs and Ranking Minority Members: Conference and Caucus Procedures

Excerpt from CRS Report: RS 21165¹⁴
Updated November 20, 2009

“House Standing Committee Chairs and Ranking Minority Members: Rules
Governing Selection Procedures” (pages 1, 2-3)

Judy Schneider
Specialist on the Congress

Republican Conference Procedures¹⁵

Republican Conference rules delineate procedures for the selection of standing committee chairs and ranking minority members. The Speaker, with the Republicans in the majority, has the authority to nominate the chairs of the House Administration Committee and Rules Committee. In the minority, this is performed by the minority leader. He names the ranking minority members on these committees. The Speaker's or minority leader's nominations for these two positions are submitted directly to the full Republican Conference for ratification. If the conference rejects the leader's nominee, the Speaker or minority leader has the authority to submit another name to the conference.

All other standing committee chairs or ranking minority members are nominated by the Republican Steering Committee and ratified by the full Republican Conference. Pursuant to conference rules, the Member nominated to be chair or ranking minority member does not need to be the Member with the longest continuous service on the committee. In the 111th Congress, the Steering Committee "interviewed" prospective candidates for ranking slots. Some of the new ranking members were the most senior members of the committee, others were not.

The Steering Committee is composed of party leaders, selected committee leaders, class leaders, and regional representatives. The Steering Committee is reconstituted each Congress. Regions are restructured to reflect as closely as possible an equal number of Republican Members from each region. Each region elects its Steering Committee member. If Steering Committee members are elected from states that have four or more Republican members, a "small state" group is triggered to also elect a member to the Steering Committee; the small state group is composed of states that have three or fewer Republican members.

Democratic Caucus Procedures¹⁶

Democratic Caucus rules address selecting committee chairs and ranking minority members. The Democratic leader nominates a chair/ranking member for the Committees on Rules and House Administration, who must be approved by the entire Democratic Caucus. The Budget Committee chair/ranking member is selected from among members choosing to run for the position. Other chair/ranking member nominations are made by the Democratic Steering and Policy Committee and voted on by the entire Democratic Caucus. In making selections, the Steering Committee considers, pursuant to caucus rules, "merit, length of service on the committee and degree of commitment to the Democratic agenda of the nominee, and the diversity of the Caucus." The Steering Committee is reconstituted each Congress, and regions can be restructured to reflect equal Democratic representation among regions. The number of appointments made by the party leader can also change.

¹⁴ <http://apps.crs.gov/products/rs/pdf/RS21165.pdf>

¹⁵ Page 1

¹⁶ Pages 2-3

House Committees: Assignment Process

CRS Report: 98-367¹⁷
Updated February 25, 2008

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Introduction

Committee assignments often determine the character of a Member's career. They are also important to the party leaders who organize the chamber and shape the composition of the committees. House rules identify some procedures for making committee assignments; Republican Conference and Democratic Caucus rules supplement these House rules and provide more specific criteria for committee assignments.

Information on the number of, and limitations on, assignments is provided in [CRS Report 98-151](#), *House Committees: Categories and Rules for Committee Assignments*. In general, pursuant to House rules, Representatives cannot serve on more than two standing committees. In addition, both parties identify exclusive committees and generally limit service on them; other panels are identified as nonexclusive or exempt committees. House and party rules restrict Members' service on the Budget, Intelligence, and Standards of Official Conduct Committees to a limited number of terms.

Committee Sizes and Ratios

Traditionally, the respective party leaders, occasionally with input from committee leaders, negotiate individual committee sizes and ratios prior to the post-general-election early organization meetings, when the assignment process officially begins. Sizes are determined prior to the start of the Congress, although they generally remain fairly constant year after year. When the size of a committee is increased, it is usually done to accommodate individual Member requests for service on a particular panel. In the 110th Congress, the largest House committee has 75 members; the smallest has 10.

Ratios on committees generally reflect party strength in the chamber. However, it is generally agreed that ratios are done in the aggregate, rather than on a committee-by-committee basis, in part to retain a "working majority" on the more sought-after committees, often the exclusive panels. In contrast to the general practice, one committee, Standards of Official Conduct, has an equal number of majority and minority members, while the Rules Committee has a ratio of 2:1, plus one, in favor of the majority.

Factors in Making Assignments

Both parties consider a variety of factors in making assignments, including seniority, experience, background, ideology, election margin, state delegation support, leadership support, as well as the special concerns of the Member's district. Further, the leadership often considers geographic balance in making assignments, with Members of the other party not usually counted for such purposes. None of these factors, however, is usually seen as having equal weight for each Member in each instance.

In addition, the rules of the party organizations and the House attempt to ensure an equitable number of assignments for each Member and an equitable distribution of assignments to important committees. However, the so-called "property norm" generally allows returning

¹⁷ <http://apps.crs.gov/products/rs/pdf/98-367.pdf>

Members to retain their seats on committees prior to allowing new Members to seek their assignments. In addition, if sizes and ratios are dramatically changed, each party might make exceptions to the property norm.

Party Organizations

Both Democrats and Republicans give the assignment function to a "steering committee." For both parties, the steering committee comprises the elected party leadership, numerous Members elected by region from the party membership, and Members appointed by the leadership. Representatives from specific classes -- groups of Members elected in a specific year -- are also represented.

Each party Member has a representative on his or her party's steering committee, and one role of this representative is to advance the individual Member's choices for assignments. The steering committee for each party votes by secret ballot to arrive at individual recommendations for assignments to standing committees and forwards those recommendations to the full party conference or caucus. (Even recommendations for the House Rules and House Administration Committees' members, which are made by the Speaker and minority leader, are confirmed by the full party conference.) Once ratified by the Republican Conference or Democratic Caucus, the recommendations are forwarded to the House, which votes on simple resolutions officially making the assignments.

Individual Member Rights

Democratic Caucus rules guarantee each Democratic Member assignment to either an exclusive or nonexclusive committee. Further, if a Member's regional representative on the Democratic Steering Committee refuses to nominate the Member to the committee of his or her choice, the Member may ensure consideration by sending a letter, signed by half of his state delegation, to the chair of the Steering Committee. In addition, caucus rules provide for a separate vote by the entire caucus on particular Steering Committee recommendations if a vote is requested by 10 or more Members. Republican Conference rules do not contain similar provisions.

House Subcommittees: Assignment Process

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Introduction

House rules, Republican Conference and Democratic Caucus rules, and individual committee rules all address the subcommittee assignment process, although to varying degrees. Under House Rule X, clause 5(d), prohibits committees from having more than five subcommittees. However, a committee that maintains a subcommittee on oversight may have not more than six subcommittees. The Appropriations Committee may have up to 13 subcommittees (12 have been created) and the Committee on Oversight and Government Reform may have up to seven subcommittees. For the 110th Congress, pursuant to H.Res. 6, the Armed Services Committee and the Foreign Affairs Committee may each have seven subcommittees, and the Committee on Transportation and Infrastructure may have six subcommittees.

In addition, pursuant to Rule X, clause 5(b)(2)(A), Members are limited to service on no more than four subcommittees, although exceptions are allowed. A committee chair is generally prohibited from chairing a subcommittee of his or her committee, and all committee and subcommittee chairs are limited by House Rule X, clause 5(c)(2) to no more than three consecutive terms as chair, beginning with the 104th Congress (although waivers can be granted). Term limits for the Intelligence Committee chair were abolished by H.Res. 5 on January 7, 2003.

Many subcommittee assignment decisions are affected by the full committee assignment process. Information on that process is provided in CRS Report 98-151, *House Committees: Categories and Rules for Committee Assignments*, and CRS Report 98-367, *House Committees: Assignment Process*, both by Judy Schneider.

Size and Ratio

Subcommittee sizes and party ratios are determined by the full committee, usually in concert with the party leadership. Although negotiations are often held with the minority, these prerogatives remain with the majority. Generally, subcommittee ratios reflect the same ratio as that of a full committee, which in turn reflects the ratio of majority to minority members in the full House. Discussions on subcommittee sizes and ratios traditionally begin soon after the November election, and often are completed by the convening of the early organization meetings, usually held in November or December. Final decisions are made after committee assignments are ratified on the House floor. Seat changes within a Congress can necessitate adjusting subcommittee sizes and ratios.

Democratic Caucus Rule 26, which addresses subcommittees “when the Democratic party is the majority,” states that no subcommittee can be more than 60% of the size of a full committee. It further states that the resident commissioner and delegates should not be counted in determining subcommittee (or committee) size. Republican Conference rules are silent on subcommittee size and ratio issues.

Chair and Ranking Member Selection

Under Republican Conference rules, each committee leader determines and provides to other Republican members of the committee the method for selecting subcommittee leaders. However, a majority of the Republican Members of the full committee can disapprove the selection

¹⁸ <http://www.congress.gov/erp/rs/html/98-610.html>

procedure. Republican Conference rules changes for the 108th Congress required subcommittee leaders of the Appropriations Committee to receive full conference approval. Republicans limit members to a single committee or subcommittee leadership slot; the leadership of the Standards of Official Conduct Committee and the House Administration Committee are exempt, thereby allowing a Member to rank on either of these panels and an additional panel. Finally, Republican Conference rules prohibit a full-committee leader from leading a subcommittee of the committee he or she heads.

House Democrats allow each committee member to bid, in order of seniority, for available subcommittee leadership slots. For all committees, except Appropriations, this is done by full-committee seniority; for Appropriations, it is done by subcommittee seniority. Caucus rules generally limit Members to rank on only one full committee or one subcommittee with legislative jurisdiction. Subcommittee leaders selected for the Appropriations Committee, Energy and Commerce Committee, and Ways and Means Committee require Democratic Steering and Policy Committee approval.

Subcommittee Assignments

Under House rules, Members are limited to service on four subcommittees, although there are some exceptions. House rules are silent on how subcommittee assignments are made. Rather, subcommittee assignments are governed by respective party rules and practices.

Republicans generally leave the decisions on the subcommittee assignment process to the committee leader to determine, although most committees employ a bidding approach that allows members, in order of seniority, to select subcommittee slots. Committee and party leaders also try to suggest certain subcommittee configurations in order to retain more experienced members on key subcommittees.

Democrats formally provide in their caucus rules for a bidding process based on seniority, whereby each Member of a committee selects one subcommittee before any Member receives a second assignment.

Pursuant to House Rule X, clause 5(b)(2)(B), the chair and ranking minority member of a full committee may serve as ex officio members of subcommittees of their committee without that service counting against the limitation of no more than four subcommittees per Member. Some committees address in their committee rules the authority to vote by ex officio members. Some panels allow voting by ex officio members, others do not.