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DEMOCRATIC STUDY GROUP • U.S. HOUSE OF REPRESENTATIVES  
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# SPECIAL REPORT

No. 94-28

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## REFORM IN THE HOUSE OF REPRESENTATIVES

This DSG Special Report summarizes the reform movement in the House of Representatives which broke the iron grip of seniority, opened the legislative process to public scrutiny, and gave junior Members a voice in legislative decision-making.

The reforms also played a key role in enactment of legislation that terminated U.S. involvement in the Indochina war, eliminated the oil depletion allowance, and abolished the House Un-American Activities Committee.

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Section I**BACKGROUND & SUMMARY OF REFORMS**

The reform movement, spearheaded by the Democratic Study Group, has transformed the House of Representatives and has sparked a similar movement in the U.S. Senate.

The House reforms were not accomplished all at once, but rather a step at a time over the past eight years, with the support of various outside groups, such as the UAW, the AFL-CIO, Common Cause, ADA, Public Citizen, and various other environmental, consumer and education groups. Their overall impact, however, has been to dramatically alter how the House functions, who wields power, and the role of the average Member.

Up until a few years ago, the House was ruled by an oligarchy of committee chairmen and other senior Members who, by being repeatedly re-elected from safe one-party districts, acquired immense power through the seniority system. They were accountable to no one. They held virtually all of the power positions in the House; several Members, for example, chaired as many as four subcommittees each. And they made all of the important decisions regarding legislative policy. If a chairman was opposed to a particular measure, it simply would not be reported -- regardless of how many Members may have favored it.

The most dramatic illustration of the power of committee chairmen was the late Judge Howard Smith of Virginia, acknowledged leader of the Dixiecrat-Republican "conservative coalition" and Chairman of the House Rules Committee from 1955 to 1967. During the early 1960s, Judge Smith virtually thumbed his nose at the Democratic majority in the House, at the Speaker (Sam Rayburn), and at the President of the United States (John Kennedy) by bottling up the Democratic Administration's legislative program in the House Rules Committee. Smith and his allies either refused to grant rules on Democratic legislation reported from House committees or, if it appeared that the Democratic majority might have sufficient votes to get a rule, Chairman Smith simply refused to call a meeting of the Rules Committee. So accepted was the right of a chairman to exercise such arbitrary power that the President, the Speaker, and the Democratic majority were helpless.

Committee chairmen also had immense power to influence Members' votes, both in committee and on the Floor. Because of the chairman's automatic control over legislation, committee activities and the individual Members' subcommittee assignments, and because there were no public records of how Members voted in committee or on Floor amendments, a Member could be pressured to vote with the chairman, even if this meant voting against the Member's convictions or the best interests of his or her district. The chairman, who would know how the Member voted while the Member's constituents would not, could reward or punish accordingly.

As for junior and even middle-ranking Members, their main function was to ratify the decisions of the senior elite and wait -- if they could survive long enough -- until the seniority system eventually gave them a say in the decisions of the House.

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Today, power in the House is spread more equitably and those who have power are held accountable. Revival of the long-dormant Democratic Caucus, election of committee chairmen, strengthening of the Speakership, creation of the caucuses within committees, establishment of more democratic procedures, and recording of votes on amendments on the House Floor have curbed the arbitrary power of committee chairmen and have made it possible for even the most junior Members to participate in congressional decision-making. Today, Members, rather than an automatic seniority system, decide who will chair House committees; and all Members, rather than only the chairmen and his allies, determine policy and the content of legislation.

The reforms which have so dramatically transformed the House in recent years emanated from a series of DSG meetings in November and December 1968. Following the election of Richard Nixon, DSG made reform its top priority at that time and launched a long-range effort to accomplish two primary objectives: 1) revive the Democratic Caucus as the basic determinant of Democratic policy and organization in the House and use it to democratize House and Caucus procedures and achieve other reforms, and 2) assure accountability and responsiveness of those who gain power via the seniority system by requiring an automatic secret ballot vote on committee chairmen at the start of each Congress.

Revival of the Caucus was the key to the reform movement. Following the era of "King Caucus" from 1910 to 1920, the Caucus gradually fell into disuse and the seniority system took hold. Thus, during the 1950s and 1960s the Caucus met only for a brief pro forma session at the beginning of each Congress to elect the Democratic leadership and other House officers and to pass a resolution designating the Democratic members of the Ways & Means Committee as the Committee on Committees. The Committee on Committees would then fill committee vacancies and take committee membership lists -- with the senior-most Member designated as chairman -- directly to the House Floor for pro forma official ratification.

Thus, in January 1969, DSG pressed for and won approval of rules changes requiring monthly meetings of the Caucus, giving individual Members the right to bring matters before the Caucus for debate and action, and re-establishing Caucus control over committee assignments by requiring that the Committee on Committees receive Caucus approval of committee assignments before taking them to the House Floor for official ratification.

These changes were fundamental for they permitted use of the Caucus to win many of the other reforms which altered the power structure, opened committee meetings, and gave rank-and-file Members a greater voice in the legislative process. For example, after a difficult struggle in early 1970, the Caucus approved a DSG proposal to establish a Committee on Organization, Study, & Review to study the seniority system and other party and House procedures. This committee recommended several significant reforms which were approved in January 1971 at the start of the 92nd Congress.

DSG's goal of requiring an automatic secret ballot vote on committee chairmen at the start of each Congress was finally won in January 1973 and the first votes on committee chairmen were held in February of that year. No effort was made to defeat any chairmen at that time for fear it would jeopardize institutionalization of the reform. Nonetheless, it had an immediate impact. Previously impervious chairmen were suddenly responsive and even solicitous, not only to members of their own committees but to Members generally. A few chairmen, however, continued to run their committees as autocrats and two years later, at the start of the 94th Congress, the Caucus replaced three veteran chairmen.

The autocratic powers of committee chairmen also were curbed by reform of committee operations and procedures. For example, instead of the chairman arbitrarily deciding who would be subcommittee chairmen, a new procedure was established providing for election of subcommittee chairmen by the Democratic members of each committee. Similarly, instead of the chairman deciding what subcommittees individual Members could serve on, a procedure was established permitting Members to pick their own subcommittee assignments. In addition, the committee caucuses consisting of all Democratic members of the committee, were given a say in the organization and operation of the committee, and a so-called "bill of rights" was adopted to secure the power and authority of subcommittees and subcommittee chairmen, assuring them of a staff member of their own choosing and adequate budget to carry out their responsibilities.

Other DSG reforms were designed to strengthen the leadership. These included creating a Steering & Policy Committee chaired by the Speaker, giving the Steering & Policy Committee the power to nominate committee chairmen and make committee assignment nominations, and giving the Speaker sole power to nominate the Democratic members and the chairman of the Rules Committee so that they would be fully responsive to the leadership.

The reform effort has been aimed not only at Democratic Caucus procedures but at House Rules as well. In May 1970, DSG led the fight against unnecessary secrecy in the House, opening committee meetings to the public and making committee votes available to the public. The record teller reform, which allowed votes on amendments in Committee of the Whole to be recorded, was one of the most significant rule changes in the history of the House. Prior to its adoption, votes on amendments -- usually far more significant than votes on final passage of legislation -- were basically secret votes. How a Member voted was not recorded. Thus, a Member's constituents could not know how he or she voted on key issues.

In addition to reforms designed to democratize House and Caucus procedures, assure accountability, eliminate secrecy, and give junior Members an opportunity to participate in the legislative process, there was one other far-reaching change approved by both the House and the Senate -- establishment of the congressional budget process. This process made the Congress co-equal with the executive branch in setting budget priorities. In the past, Congress dealt piecemeal with the federal budget, often rubber-stamping or making insignificant changes in the Administration's budget which had been developed with little or no consultation with Congress. The budget process was seen by both Members and the public as confusing, contradictory, and irresponsible. Now, however, the House and Senate, through their Budget Committees, establish their own budget and economic goals and relate spending and taxing actions to these goals.

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Section II

## IMPACT OF REFORMS

The impact of reforms adopted over the eight years has been overwhelming. As an institution, the House today is virtually unrecognizable from what existed a decade ago.

The most dramatic change, obviously, is the altered role of House committee chairmen. No longer are they the all-powerful barons of a decade ago, exercising power arbitrarily and accountable to no one. The reform requiring an automatic secret ballot vote on committee chairmen at the start of each Congress has had a profound impact since it was first instituted four years ago. This reform has not abolished the seniority system -- it was never intended to do so -- but it and other changes have eliminated most of the worst abuses of the seniority system by making those who hold power responsive and accountable to their colleagues who give them that power.

Also dramatic has been the impact of reforms limiting the number of committees on which a Member may serve, guaranteeing that every Member, including freshmen, be assigned to either an exclusive or major committee, and permitting Members to pick their own subcommittee assignments in order of seniority.

The effectiveness of these reforms in spreading committee assignments equitably and giving junior Members an opportunity to participate in the legislative process is illustrated by surveys of freshmen Members of two Congresses, one before the reforms (the 89th -- 1965-66) and one after (the 94th -- 1975-76).<sup>\*</sup> The survey of freshmen Members of the 89th Congress indicated that the two greatest sources of discontent were the lack of good committee assignments and the lack of opportunity to participate in the work of their committees.

By contrast, an overwhelming majority of the freshmen Members of the 94th Congress expressed satisfaction with both their committee and subcommittee assignments and the opportunity to participate in committee and subcommittee deliberations. Nearly 90% said they were satisfied with their committee and subcommittee assignments (67% "highly satisfied" and 20% "somewhat satisfied") while nearly 80% said they were satisfied with the opportunity to participate in committee and subcommittee deliberations (64% "highly satisfied" and 14% "somewhat satisfied"). Similarly, 94% said they had offered amendments in committee and subcommittee while 83% said they had offered Floor amendments; 90% indicated success in offering committee and subcommittee amendments while 67% said they had Floor amendments accepted. Finally, better than two-thirds of the 94th Congress freshmen indicated they had been given an opportunity to serve on a House-Senate conference committee.

<sup>\*</sup> The survey of 89th Congress freshmen was conducted by Professor Jeff Fishel of Indiana University. The survey of new Members of the 94th Congress was conducted by Professor Fishel and Professor Burdett Loomis of Knox College.

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In the 89th Congress, not a single freshmen Member was appointed to serve on a House-Senate conference committee. Similarly, only one new Member served on an exclusive committee in the 89th Congress. In the 94th Congress, on the other hand, a total of nine new Members were appointed to the three exclusive committees and the prestigious and powerful House Budget Committee.

Another reform designed to "spread the action" prohibited Members from chairing more than one subcommittee, except for a few special cases. This reform has nearly tripled the number of Members chairing subcommittees, and it has given subcommittee gavels to many middle-rank and junior Members -- including freshmen in one or two instances.

Anti-secrecy reforms requiring committee and conference meetings to be open unless a specific vote is taken to close them, also have been highly effective. Prior to the reforms nearly half of all House committee meetings and all House-Senate conferences were closed. By comparison, in 1975, 97% of all committee meetings and 43% of all House-Senate conferences were open.

The reform permitting Members' votes on Floor amendments to be recorded has had major impact on policy. In one of the first uses of this reform, in early 1971, the House refused to continue funding the supersonic transport (SST). It is generally agreed that if Members' votes had not been recorded, the House would have continued funding this unpopular and controversial program. Overall, the record teller reform has made Floor amendments one of the most important parts of the legislative process in the House and has made committee and subcommittee chairmen more responsive to the views of all Members, regardless of whether or not they are on their committees.

DSG reforms also made possible other major policy changes. For example, Caucus action finally rid the nation of the infamous House Un-American Activities Committee (HUAC) which had been renamed House Internal Security Committee a few years earlier; and the closed rule reform and the record teller reform made possible elimination of the oil depletion allowance.

The most important policy impact of the reforms, however, was on the issue of the Indochina war. Caucus instruction of the Democratic members of the Foreign Affairs Committee, adoption of a Caucus policy position against further funding of the Vietnam War, use of the Steering & Policy Committee, and the record teller reform all played a role in winning House approval in May 1973 of an amendment which cut off funds for the bombing of Cambodia.

This was the key congressional action which led to termination of U.S. military involvement in the Indochina war in August of that year. Eighteen months later a "sense of the Caucus" resolution put an end to Ford Administration efforts to continue providing military and economic assistance to Cambodia and South Vietnam in the last weeks of the Thieu regime.

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Section IIICHRONOLOGY OF CAUCUS AND HOUSE REFORM ACTIONS

This section provides a chronology of more than 60 House and Caucus rules changes and other major reform activities from 1960 through 1976. All but a few were DSG initiatives or the result of DSG reforms.

1961

- \* Enlargement of Rules Committee -- At the start of the 87th Congress the Rules Committee was enlarged from 12 to 15 Members (10 Democrats and 5 Republicans) in an effort to break the conservative stranglehold on the committee which was blocking the Kennedy Administration program. The increase in size was made permanent in 1963. The move was only partially successful.

1965

- \* Williams/Watson Seniority Removal -- The Caucus directed the ~~Committee on Committees~~ to strip Reps. Williams (Miss.) and Watson (S.C.) of their ranking on committees (Williams at the time was next in line for the Commerce Committee chairmanship) and placed them at the bottom of committee lists. This was a disciplinary action for their open support of GOP Presidential nominee Barry Goldwater in the 1964 election. It was a first step in establishing the authority of the Caucus over a Member's position on a committee, and served notice that those who flagrantly opposed the party would not be rewarded with positions of power and prestige.
- \* 21-Day Rule -- The House adopted a rule which provided that if the Rules Committee had not acted on a measure within 21 days, the Speaker, with majority vote approval, could bring that measure up for consideration. This permitted the overwhelmingly Democratic 89th Congress to bypass the conservative-dominated Rules Committee which often blocked legislation supported by the Administration and the majority of House Democrats.
- \* Sending Legislation to Conference -- The House adopted a rule to permit the Speaker, by majority vote, to send legislation to conference committee. Previously, any one Member could object to conference referral, thereby requiring action by the Rules Committee to send a bill to conference. This rule change took away the Rules Committee power to bottle up legislation even after it had passed the House.

1969

- \* Monthly Caucus Meetings -- The Caucus adopted a rule which required it to meet monthly. Previously, the Caucus usually met only at the start of each Congress.



- \* Caucus Agenda -- The Caucus passed a rule permitting individual Members to place items on the agenda for Caucus consideration. Previously, only items proposed or approved by the leadership were considered by the Caucus. This reform and the one establishing monthly meetings were the key reforms without which others would not have been achieved.
- \* Caucus Approval of Committee Lists -- The Caucus reestablished the rule that the Committee on Committees must receive Caucus approval of its list of committee chairmen and committee members prior to taking it to the House floor for pro forma consideration. This established the precedent for Caucus authority over committee assignments and committee chairmen.
- \* Rarick Seniority Removal -- The Caucus stripped Rep. Rarick (La.) of his ranking on committees in a disciplinary action for his open support of a candidate other than the Democratic nominee for President in the 1968 election. This reinforced the precedent, set in the cases of Reps. Williams and Watson, that the Caucus has authority to discipline Members by removing them from committee positions which they have reached by virtue of seniority.
- \* AFDC Freeze Resolution -- A motion was offered and approved by the Caucus urging the Ways & Means Committee to report legislation removing the freeze on federal payments to the states for the AFDC program. This was the first time in decades that the Caucus was used to prod a committee to report legislation. The effort was successful.

1970

- \* 1970 Seniority Study Committee -- The Caucus Committee on Organization, Study, and Review was established to study the seniority system and other party and House procedures and to make recommendations. This committee played an important role in helping to legitimize reform efforts in the House. Most of the rules changes adopted in 1971 were recommended by this committee.
- \* Record Teller Reform -- This important House Rule change provided for the first time that votes on amendments in Committee of the Whole could be recorded showing how each Member voted. Previously, a Member's vote on an amendment was not recorded. This was one of the most significant reforms of House Rules in this century. It forced Members to state publicly their positions on important issues such as the SST whose defeat is credited to this rule change.
- \* Availability of Committee Votes -- This House Rule change required that all rollcall votes in committees be available for inspection by the public. This was a key reform in opening up to the public Members' actions in committees.
- \* Calling Committee Meetings -- This House Rule change provided that three members of a committee could file a written request for a meeting of the committee and, if the chairman

did not schedule such a meeting, then a majority of the committee could schedule the meeting themselves. This prevented a chairman from blocking committee consideration of legislation by permitting Members other than the chairman to schedule meetings and hearings.

- \* Electronic Voting -- This House Rule change permitted the use of an electronic device to record quorum calls and rollcall votes. When the system went into use in 1973 it cut in half the time required for a quorum call or a vote.
- \* Three-Day Layover for Conference Reports -- This House Rule change required that conference reports be available and printed in the Record three days prior to Floor consideration. Prior to this reform, conference reports could be brought up without notice and Members would be forced to vote on them without knowledge of their contents except for verbal reports by House conferees.
- \* Availability of Amendments -- This House Rule change required that five copies of each amendment offered in Committee of the Whole be available at each committee table. This insured that the majority and minority managers of legislation could analyze amendments at the time they are offered.
- \* Guaranteed Debate Time -- This House Rule change guaranteed 10 minutes of Floor debate time on any amendment published in the Congressional Record at least one day in advance of Floor consideration. This prevented the House from arbitrarily closing off debate with important amendments pending.
- \* Proxy Voting -- This House Rule change limited the use of proxies to the specific matter before a committee. This ended the previous practice of authorizing proxies for unlimited use.
- \* Minority View Deadline -- This change in House Rules guaranteed Members at least three days (excluding Saturdays, Sundays, and legal holidays) to file minority views to House committee reports.

#### 1971

- \* Seniority Modification -- This Caucus Rule provided that the Committee on Committees need not follow seniority when recommending chairmen for committees. This was the first Caucus statement that seniority was not the only basis by which committee chairmanships could be determined.
- \* Separate Vote on Committee Chairmen -- The Caucus adopted a new rule which permitted a separate vote on any committee chairman on demand of ten Members. Otherwise, the only Caucus action would be to approve the membership list for all House committees en bloc and the senior Member on each committee would automatically become chairman.

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- \* McMillan Challenge -- Under the new rule described above, a separate Caucus vote was taken on Rep. McMillan to be chairman of the D.C. committee. Although the McMillan challenge failed, it was important in helping to legitimize the authority of the Caucus to remove a chairman.
  - \* Subcommittee Chairmanship Limitation -- This Caucus Rule provided that no Member may chair more than one legislative subcommittee. This required some senior Members to relinquish as many as two or three subcommittee chairmanships, thereby giving subcommittee chairmanships to many other Members.
  - \* Committee Membership Limitation -- This Caucus Rule change provided that no Member could serve on more than two committees with legislative jurisdiction. This rule also required some senior Members to give up committee assignments.
  - \* Subcommittee Staff -- This Caucus Rule change permitted each subcommittee chairman to select and designate at least one staff person for his or her subcommittee. This increased the power of subcommittee chairmen by permitting them their own staff, whereas previously the only committee staff available to them was controlled by the full committee chairman.
  - \* Party Ratios on Committees -- This Caucus Rule required ratios of at least 3 Democrats to 2 Republicans on each committee. This helped insure that the Democratic majority in the House had a working majority on each committee.
  - \* Committee Membership Nominations -- This Caucus Rule change required that a Member be nominated for a particular committee assignment if 50% of his or her state delegation supported the nominee, and required the chairman of the Committee on Committees to place the Member's name in nomination. This provided an alternative procedure for securing nomination to a committee. Previously, only a Member on the Committee on Committees could nominate a Member to serve on a committee.

#### 1972

- \* Caucus Instruction Action -- The Caucus directed the Democratic members of the House Foreign Affairs Committee to prepare and report within 30 days, legislation to terminate U.S. military involvement in Indochina, subject only to release of U.S. POWs. This was the first use in recent years of the power to instruct committee members. The legislation reported by the committee was defective and, therefore, was rejected by the House.

#### 1973

- \* Automatic Secret Ballot Vote on Committee Chairmen -- This Caucus Rule change required an automatic separate vote on each nominee for committee chairman and provided that such vote be by secret ballot on demand of one-fifth of those present. This was a key modification of the reform instituted in 1971. It made the separate vote on committee chairmen an automatic matter of the Caucus and insured the use of a secret ballot which was essential for a meaningful vote on a committee chairman.

- \* Committee Designations & Memberships Limitations -- This Caucus Rule change designated all House committees (except Ethics) as either exclusive, major or non-major. It required Members serving on exclusive committees to relinquish other committee assignments, and permitted Members to serve on either one major and one non-major committee or two non-major committees. This spread service on the more important committees among a greater number of Members.
- \* Guarantee of Major Committee Assignment -- This Caucus Rule guaranteed all Members, including freshmen, assignment to either an exclusive or major committee. This insured that all Members had important committee assignments and increased the influence of junior Members.
- \* Steering & Policy Committee -- The Caucus created a new Steering & Policy Committee consisting of the Speaker, Majority Leader, Caucus Chairman, 12 members elected from 12 regions, and eight members appointed by the Speaker. The committee was authorized to make recommendations regarding legislative priorities, party policy, and other matters. The membership rules of the committee were written so as to insure the participation of junior Members. The committee played a significant role in the process of getting end-the-war legislation passed by the House and became the Democratic Committee on Committees in the 94th Congress.
- \* Committee Caucuses -- This Caucus Rule created a Democratic Caucus on each House committee with authority over selection of subcommittee chairmen, party ratios on subcommittees and subcommittee budgets. This key reform insured that the Democratic majorities on committees could control committee operations and procedures rather than the coalition of conservative Democrats and Republicans which were dominant on the full committee.
- \* Subcommittee Bill of Rights -- This set of Caucus Rules 1) required that all legislation referred to a full committee be referred to the appropriate subcommittee within two weeks; 2) guaranteed that each subcommittee would have an adequate budget to meet its responsibilities for legislation and oversight; 3) authorized all subcommittees to meet, hold hearings, and report to the committee on all matters referred to it. These rules set forth the powers and duties of subcommittees which had previously been determined solely by the full committee chairman.
- \* Subcommittee Chairmen -- This Caucus Rule established a bidding process for subcommittee chairmen and required that they be approved by the Democratic Caucus on the committee. Previously, committee chairmen appointed whomever they wished as subcommittee chairmen.
- \* Subcommittee Membership -- This new Caucus Rule established a process whereby all Democratic members of a committee are given an opportunity to bid in order of seniority for subcommittee vacancies. Previously, the full committee chairman had sole appointive power over all subcommittee assignments.

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- \* Committee Ratios -- This Caucus Rule change required that Democratic ratios on subcommittees and conference committees be no less than the ratio on full committees. This was to guarantee a working majority on conference committees and subcommittees.
  - \* Committee on Committees Expansion -- The Caucus added the Speaker, the Majority Leader and the Caucus Chairman to the Democratic Committee on Committees. This gave the leadership a direct role in the committee assignment procedure which previously had been handled exclusively by Democratic Members of the Ways & Means Committee.
  - \* Closed Rule Restriction -- This new Caucus Rule required a layover of four legislative days before a closed rule could be granted. If, during that time, 50 Democratic Members serve written notice that they wish to offer a particular amendment, a Caucus must be called to decide whether the Democratic members of the Rules Committee should be instructed to make the amendment in order. This new rule was particularly aimed at the Ways & Means Committee which almost always sought a closed rule for the legislation it reported. This reform made possible the 1975 House vote which abolished the oil depletion allowance.
  - \* Term Limit on Caucus Chairman -- This Caucus Rule limited the Caucus Chairman and other Caucus officials to two terms each.
  - \* Open Committee Meetings -- This House Rule change required a separate rollcall vote to close a committee meeting or hearing. This was a key reform of House Rules to open up committee operations to public scrutiny. The rule was strengthened in 1975.
  - \* End the War Legislation -- In January 1973, the Caucus adopted as Democratic policy "that no further public funds be authorized, appropriated or expended for U.S. military combat operations in or over Indochina, and that such operations be terminated immediately subject only to arrangements necessary to insure safe withdrawal of American troops and the return of American POWs." In April the Steering & Policy Committee and then the Caucus endorsed an amendment to cut off funds for continuation of U.S. military activities in Cambodia. This amendment was subsequently adopted by the full House marking the first time that the House had passed legislation limiting U.S. involvement in the Indochina War. House approval of this anti-war amendment was the key to terminating U.S. military involvement in Indochina in August 1973.
  - \* Rights of Delegates -- This House Rule change extended full voting rights and seniority on committees to the delegates from the District of Columbia, Guam, and the Virgin Islands, and the Resident Commissioner from Puerto Rico. In 1975 a House Rule was adopted which also permits delegates and the Commissioner to be appointed to conference committees.

1974

- \* Budget & Impoundment Control Act -- The House and Senate passed the Budget & Impoundment Control Act which created a mechanism through which the Congress could establish its own budget priorities and tie spending and taxing actions to overall economic and budget goals. The Act established budget committees in both Houses and a Congressional Budget Office to provide the kinds of information which OMB provides the Administration.
- \* Budget Committee Election Procedure -- A special procedure was established for the nomination and election of the members of the House Budget Committee. This procedure, which permitted the chairmen of Ways & Means and Appropriation to nominate Members from their own committees, was necessary because the Democratic Committee on Committees at the time consisted of the Democratic members of the Ways & Means Committee. This would have given the Ways & Means Committee control over the Budget Committee and would have, thereby, undermined the new budget process.
- \* Early Organization of Congress -- This House Rule change, part of the Committee Reform Amendments of 1974, provided for early organization of Congress so that committees could begin work in January of a new Congress rather than in February or later as had been the practice.
- \* Subcommittees on Each Committee -- The Committee Reform Amendments required each committee (except Rules and Budget) to establish at least four subcommittees. The main import of this requirement was to spread power on the Ways & Means Committee (which had no subcommittees) and to enable the committee to deal with more than one type of legislation at a time.
- \* Referral of Legislation -- This House Rule change authorized the Speaker to refer bills to more than one committee for joint or sequential consideration of legislation. It was part of the Committee Reform Amendments of 1974. The rule allows two committees which each claim jurisdiction over a bill to have an equal role in the legislative process.
- \* Committee Oversight -- The Committee Reform Amendments strengthened the oversight responsibilities of House standing committees. The committees were given greater freedom with respect to their investigative activity, charged with conducting futures research and forecasting, and directed to assess the impact of tax policies which affect matters within their jurisdiction. Also, the Government Operations Committee received authority to look into any subject area whether or not it is under the committee's jurisdiction.

1975

- \* Committee on Committees Transfer -- The Democratic Committee on Committees function was transferred from the Ways & Means Committee to the Steering & Policy Committee. This strengthened Steering & Policy as the central Democratic leadership committee and reduced the diffusion of power which had hobbled the Democratic majority in recent years. It placed the committee assignment function in a body more representative of the entire Caucus.

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- \* Ways & Means Committee Enlargement -- The Caucus enlarged the Ways & Means Committee from 25 members to 37 members. This shifted the balance of power on the committee and enhanced the chances for progressive legislation which had languished in the committee for the past several years. The increase in size also insured adequate representation on the newly-created Ways & Means subcommittees.
  - \* Modification of Chairman Election Procedure -- The rule requiring an automatic Caucus vote on committee chairmen was amended to allow nominations from the floor of the Caucus as well as from the Committee on Committees if a committee's first nominee is rejected by the Caucus. This rule change resulted in two real elections for committee chairmen (Patman vs. Reuss and Hays vs. Thompson).
  - \* Caucus Vote on Appropriations Subcommittee Chairmen -- This new Caucus Rule required that Appropriations subcommittee chairmen be approved by Caucus vote as are full committee chairmen.
  - \* Rules Committee Nominations -- This new Caucus Rule gave the Speaker sole authority to nominate the chairman and Democratic members of the Rules Committee. This increased the Speaker's power and control of the Rules Committee to make sure it would be responsive to the leadership.
  - \* Subcommittee Membership Rule -- The subcommittee membership selection procedure adopted in 1973 was clarified and strengthened to prevent committee chairmen from thwarting Members' chances of assignment to a particular subcommittee. The new process assured junior Members, including freshmen, choice subcommittee assignments and, in some instances, subcommittee ranking ahead of more senior Members.
  - \* Chairmanship Limitations -- The following additional limitations on committee service of full committee chairmen were adopted 1) chairmen of exclusive or major committees are prohibited from serving as the chairman of another full, select or joint committee, and 2) chairmen of exclusive or major committees are prohibited from serving as a member of another exclusive major or non-major committee. The new rules also prevent the chairmen of exclusive and major committees from serving as chairmen or members of other committees.
  - \* Open Committee Meetings -- The open committee meeting rule adopted in 1973 was amended to prevent committees from closing a series of meetings with one vote. The amendment required a separate vote each day a meeting or hearing is closed.
  - \* Open Conference Committees -- This new House Rule provided for open conference committee meetings unless closed by a majority vote of either the House or Senate conferees. This was a key reform of congressional procedures in opening up to public scrutiny one of the most important stages in the legislative process.

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- \* Party Ratio Instruction -- The Caucus directed the Democratic leadership to negotiate a party ratio on each House committee of not less than two-to-one-plus-one (two Democrats for each Republican plus one Democrat). Previously, the Caucus simply authorized the Democratic leadership to negotiate and agree upon ratios with the Republican leadership. This practice frequently resulted in ratios which did not give Democrats the total number of seats to which they were entitled by the party ratio in the House. The Caucus directive approach, however, corrected this problem by strengthening the Democratic leadership in its negotiations with the Republican leadership.
  - \* Abolition of HUAC -- First the Caucus and then the House voted to abolish the House Internal Security Committee (formerly HUAC, the House Un-American Activities Committee). This terminated the last great vestige of the McCarthy era. Jurisdiction over internal security was returned to the Judiciary Committee.
  - \* Election Procedure for Ways & Means Vacancies -- A special procedure was adopted for filling vacancies on the Ways & Means Committee in the 94th Congress. The procedure, which is similar to the Budget Committee election procedure, permits nominations of Members in addition to those nominated by the Committee on Committees, and provides for Caucus election by written ballot.
  - \* Availability of Caucus Votes -- A new rule was adopted requiring that a copy of each Caucus vote be distributed to each Democratic Member. This reform ended the practice of taking recorded votes in Caucus and keeping them secret by refusing to make vote records available.
  - \* Minority Staffing -- A new House Rule was adopted giving the minority on each committee control over one-third of the committee staff. The new rule provided the minority with an additional staff employee for each ranking subcommittee member, not to exceed six.
  - \* Subcommittee Jurisdictions -- Caucus Rules were amended to give the Democratic Caucus on each House committee control over the number and jurisdiction of subcommittees on the committee. Such questions previously were decided by the full committee, which frequently gave control to a conservative coalition of Republicans and a minority of Democratic Members.
  - \* Oil Depletion Allowance -- Using the closed rule reform, the Caucus instructed the Democratic members of the Rules Committee to report a rule which would permit the House to vote on an amendment to abolish the oil depletion allowance. The amendment was made in order by the rule and subsequently was agreed to by the House. Without this reform, the oil depletion allowance amendment could not have been voted on because the Rules Committee would have granted the closed rule requested by the Ways & Means Committee to prevent such amendments.



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\* Cambodia/Vietnam Military Aid -- The Caucus adopted a resolution stating that it was "the sense of the Democratic Caucus to firmly oppose" any further military aid for either Cambodia or South Vietnam. The overwhelming vote (189 to 49) served notice that the House would not support the Ford Administration request for continued military assistance to Indochina and assured that the U.S. would not become re-involved militarily in the final weeks of the Vietnam War.

\* \* \* \* \*

*War Powers Act*

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# SPECIAL REPORT

No. 94-28S

December 15, 1976

## SUPPLEMENT TO DSG SPECIAL REPORT NO. 94-28 REFORM IN THE HOUSE OF REPRESENTATIVES

This supplement updates DSG Special Report No. 94-28 to include the actions of the 95th Congress organizing caucuses. The report lists and briefly summarizes the Caucus and House Rules changes adopted at the caucuses during the week of December 6.

The Democratic Caucus will meet again in January at which time additional rules changes may be proposed.

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## 95TH CONGRESS RULES CHANGES

Following is a list and brief description of Caucus and House Rules changes adopted by the 95th Congress organizing caucuses during the week of December 6.

## Caucus Rules Changes

- \* Ways & Means and Appropriations Vacancies -- The special election procedure adopted in the 94th Congress for filling vacancies on the Ways & Means Committee was made permanent for that committee and extended to cover vacancies on the Appropriations Committee. The procedure, which is similar to the Budget Committee election procedure, permits nominations of Members in addition to those nominated by the Steering & Policy Committee, and provides for Caucus election by written ballot. The renomination-ratification procedure for sitting members of the committees remains unchanged.
- \* Budget Committee Nominations -- This rule change centralizes in the Steering & Policy Committee the authority to make nominations for the Budget Committee. This is a change from previous practice under which the chairmen of the Appropriations and Ways & Means committees nominated three members each from their respective Committees and the chairman of the Steering & Policy Committee nominated members from all other committees. (Three members each from the Appropriations and Ways & Means Committees must be nominated by the Steering & Policy Committee.) The new nominating procedure does not affect the leadership member of the committee who is appointed by the Speaker nor does it affect the way in which Budget Committee members are elected.
- \* Ethics Committee Service Limitations -- This new rule prohibits chairmen of exclusive, major or non-major committees from serving on the Ethics Committee and limits membership on the committee to not more than two consecutive terms. (The ban on committee chairmen service does not apply to current members of the committee and prior service on the committee does not count toward the two-term limit.)
- \* Subcommittee Chairmanship Limitation -- The existing rule limiting Members to the chairmanship of one subcommittee with legislative jurisdiction was extended to cover non-legislative subcommittees as well. Thus, a Member may not be chairman of more than one subcommittee whether or not it has legislative jurisdiction.
- \* Budget Committee Service -- A new rule was adopted which provides that not more than half of the Members nominated for the Budget Committee by the Steering & Policy Committee can be Members who served on the committee in the preceding Congress. This rule replaced the provision that limited one-half of the members of the 94th Congress Budget Committee to only one term on the committee.

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- \* Use of Electronic Device -- Caucus Rules were amended to permit the use of the electronic device for taking quorum calls and record votes in caucus.
  - \* Standard Election Procedure -- A standard procedure was adopted for all Caucus elections, except as otherwise provided for by Caucus Rules (e.g., the Steering & Policy Committee and the Budget Committee). The procedure applies to all votes involving the nomination or election of party leaders and election of committee chairmen. The procedure limits debate time, requires that voting be by secret ballot, and provides that on the second and subsequent ballots the nominee with the fewest votes drops out.
  - \* Repeal of Small Business Committee Exemptions -- This rule change struck the exemption in Caucus Rules which permitted the chairman of the Small Business Committee in the 94th Congress to be subcommittee chairman on another committee. It also struck the exemption which permitted subcommittee chairmen on Small Business to hold subcommittee chairmanships on other committees.
  - \* Secret Ballot Vote on Subcommittee Chairmen -- This new rule specifies that votes for subcommittee chairmen in committee caucuses shall be by secret ballot.
  - \* Availability of Amendments to Caucus Rules -- This new rule requires that a Member offering an amendment to Caucus Rules must provide at least 20 copies of the amendment at the time it is offered.
  - \* Chairman and Subcommittee Chairman Limitations -- This new rule prohibits a chairman of a full committee from serving as a subcommittee chairman on another committee. (The rule does not apply to those Members who held such positions in the 94th Congress and to those who serve only on non-major committees and begin holding such positions at the start of the 95th Congress.)
  - \* Democratic Congressional Campaign Committee -- This new rule required that the chairman of the Campaign Committee must be elected by the Caucus rather than by the committee itself. Nominations for chairman may be made by the committee, and from the Floor of the Caucus by five or more Members. This new rule also codified the membership of the committee. The committee is made up of the Speaker, Majority Leader and Caucus Chairman, one Member from each state, and three Members appointed by the Speaker.
- House Rules Changes
- \* Joint Atomic Energy Committee Jurisdiction -- This rule change stripped the Joint Atomic Energy Committee of all legislative jurisdiction and spread it among the Armed Services Committee, the Science & Technology Committee, the Interior Committee, and the International Relations Committee.

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- \* Open Conference Committee Meetings -- This rule replaced one adopted in the 94th Congress. The new rule provides that all conference committee meetings shall be opened to the public except when closed on a rollcall vote by the full House. The rule also provides that if a point of order is sustained against a conference report on grounds that a conference meeting was closed improperly then the report is considered rejected and new conferees must be appointed. The rule adopted in the 94th Congress provided that conference meetings are opened unless closed by a majority vote of the House conferees.
  - \* Cluster Votes on Rules -- This new rule permits record votes on rules to be clustered at the end of a day as is now done with votes on suspension bills.
  - \* Committee Meetings During Five-Minute Rule -- This new rule requires objection from 10 or more Members to prevent a committee from meeting during the time the Committee of the Whole is debating amendments. Previously, committees could be prevented from meeting on objection of a single Member.
  - \* Appointment of Conferees -- An existing rule was modified to require that in naming conferees, the Speaker shall name those Members who are primarily responsible for the legislation and, to the fullest extent feasible, include the principal proponents of the major provisions of the bill as it passed the House. The existing rule states that the Speaker shall appoint a majority who generally supported the House position as determined by the Speaker.
  - \* Ethics Committee Jurisdiction -- This rule change eliminated the Ethics Committee jurisdiction over financial disclosure and lobbying legislation. The Judiciary Committee has jurisdiction over both those matters.
  - \* Time Limits on Concurrent Consideration -- This rule change modified existing rules to provide that when the Speaker refers a matter to two or more committees he may put time limits on all committees involved. Current rules permit time limits only in the case of committees after the first one to which a bill is referred.
  - \* Staff on the Floor -- This new rule permits Members to have one staff member on the Floor of the House when the Member has an amendment under consideration.
  - \* Members at Committee Hearings -- This new rule provides that Members may not be excluded from attending any committee or subcommittee hearing, with the exception of the Ethics Committee, even if the hearing is closed to the public. Members can be barred from committee hearings only by a vote of the full House.
  - \* Committee Quorums -- This rule change reduces the quorum requirements of committees and subcommittees from one-half to one-third of the membership in order to conduct business other than the reporting of legislation.

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- \* Suspension Days -- This rule change doubled the number of days in a month on which bills may be brought up under suspension of the rules. Previously, suspensions were limited to every other Monday and Tuesday. Under the new rule, suspensions are in order every Monday and Tuesday.
- \* Quorum Calls in the House and in the Committee of the Whole -- In order to reduce the number of quorum calls new rules were adopted to limit quorum calls in Committee of the Whole and in the House. Once a quorum has been established in the Committee of the Whole, other points of no quorum are not in order except when the Chairman has called for a vote on an amendment or motion. Thus, quorum calls would not be permitted during general debate or debate on amendments until a vote was reached. In the House, except when the Speaker recognizes a Member for the purpose of moving a call of the House, it is not in order to make or entertain a point of no quorum unless the Speaker has put a pending motion to a vote.
- \* Committee Expenses -- Existing rules were modified to require that all committees (except Budget and Appropriations), commissions, and other entities can receive funds only when an expense resolution is reported by the House Administration Committee and approved by the House. Under existing rules, non-standing committees and other entities were able to receive funding authority without going through the normal expense resolution process.
- \* Disqualification from Ethics Committee Investigation -- This new rule permits a member of the Ethics Committee to disqualify himself from participating in an investigation on grounds that he cannot render an impartial and unbiased decision. The Speaker is authorized to designate another Member of the same political party as the disqualifying member of the committee to serve on the committee during the investigation.
- \* Committee Subpoenas -- An existing rule was clarified to provide that subpoenas may be issued by committees or subcommittees by majority vote, a quorum being present. (Current rules permit issuance of a subpoena by a vote of a majority of the members of the committee.)

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