

# whoo hoo!

Congressional leadership



• House and Senate floor procedure (part 1)

For more on floor procedure, see....
 Pocket floor procedures

#### Have you checked out LegSim resources?



Congress.gov - this is the tracking system Congress uses to check on the status of specific

Jawmaker

Learn from

# **Congressional Leadership**

- Constitutional roles
  - Speaker of the House
  - Vice President/P. Tempore

#### Party roles

- Majority, minority party leader
- Majority, minority party whips
- Committee chairs and ranking minority party members



#### Leader selection process

 In both chambers, chosen by majority of chamber

• In practice, majority party caucus decides then votes together on the floor

• Accountable to chamber or party?

#### Leaders' objectives

• Fairness

Enforce the rules of the chamber

#### Efficiency

Manage scarce time and resources

#### Agenda control

Promote party priorities

# What leaders do

- Fairness
- These are not always unch - Enforce the rules of the ch
- Efficiency
  - Allocate scar
- Agen

isan

6



You are the House Speaker.

- Need to pass a funding to prevent a government shutdown
- A majority of your party will only vote for it if it also eliminates Obamacare funding
- No one in the other party will vote for it if it eliminates the Obamacare funding
- What will you do?

# 2013 Government Shutdown



## Procedural fun facts!

- House and Senate used to have unlimited debate
- House started limiting debate in the mid-1800s ("previous question")
- Senate started to limit it in the early 1900s ("cloture")



## House of Representatives – 435 members + 6



# **Ordinary House floor procedure**

- Ordinary procedure bills are brought up on the floor in the order reported from committee
- One hour of debate, equally divided
- 'Germane' amendments are in order
  - 5 minute rule
- Previous question motion

## Ordinary Senate floor procedure

- No limits on debate
- No limits on amendments
- No germaneness requirement

#### Floor management - House

- 'Special rule' Rules Committee proposes an alternative procedure that must be approved by the chamber
- Open 'germane' amendments allowed
- Restrictive limited amendments specified by the rule
- Closed no amendments
- Self-enforcing bill passes if rule is adopted

#### Senate – 100 members



#### Floor management - Senate

- Majority and minority leaders consult on which bills to bring up
- Majority leader proposes either:

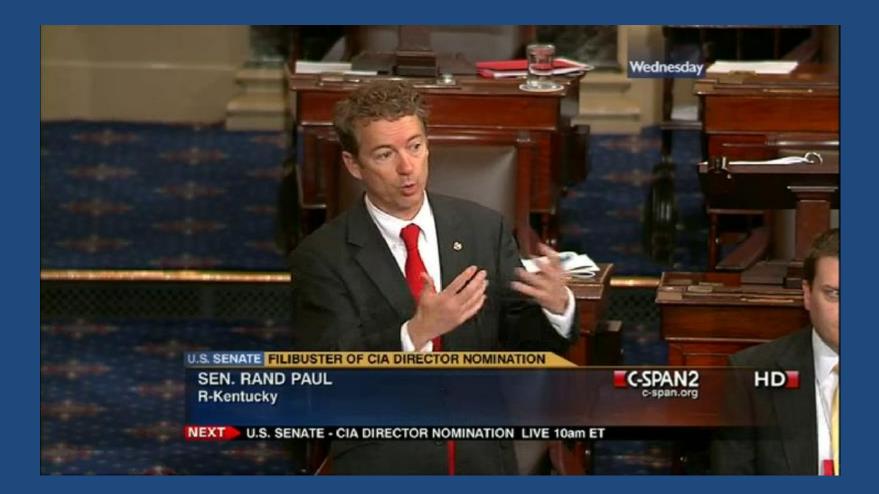
   Unanimous Consent Agreement (UCA), or
   Motion to proceed can be filibustered
- To prevent or end filibuster requires 60 votes for cloture

## Voting Cloture (closure)

- Senator places 'hold' on bill (threatening filibuster)
- Leader proposes cloture motion
- If a cloture is adopted (60 votes):
  - 30 hours of additional debate
  - Only amendments submitted in advance are considered ("filling amendment tree")
  - No senator can speak for more than one hour









 Actual filibusters are rare. Contemporary relevance is that 60 votes are required to pass almost any kind of legislation

"The bill failed by a vote of 54 yeas and 46 nays"

• Not what the framers intended but still a good idea?

# Next time: Committees

- "Little legislatures"
- What do they do and how do they do it?





# Today

- Congressional committees:
  - Facts
  - Theories of behavior (Groseclose and King)
- Next Monday: New members' reception; leader nominations

# **New Members Reception**

- 1. Something interesting about yourself unrelated to this class?
- 2. Your state and its priorities?
- 3. Your personal political views and priorities?





# Committees in Congress

100



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8	9	10	11 Hearing	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3		5

#### Hearings

04/24/18 - Executive Session: S. 2680, S. 2315, S. 2597, S. 382, and Nominations

NORE

04/11/18 - Full Committee Hearing: The Opioid Crisis Response Act of 2018

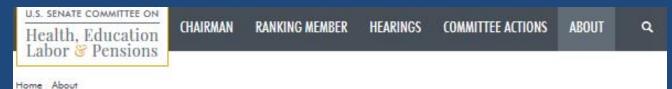
04/10/18 - Full Committee Hearing: Nomination of Sharon Fast Gustafson to be General Counsel of the Equal Employment Opportunity Commission

03/15/18 - Full Committee Hearing: Perspectives on the 3408 Drug Pricing Program

03/14/18 - Executive Session: Nominations

03/08/18 - Full Committee Hearing: The Opioid Crisis: Leadership and Innovation in the States

03/01/18 - Full Committee Hearing: Nomination of John F. Ring to be a Member of the National Labor Relations Board



#### Members



Chairman Senator Lamar Alexander (Republican - TN) Official Website »



Senator Michael B. Enzi

(Republican - WY)

Official Website »



Minority

Senator Bernie Sanders (Democratic - VT) Official Website »

Ranking Member

Senator Patty Murray (Democratic - WA)

Official Website »



Senator Richard Burr (Republican - NC) Official Website »



Senator Robert R Casey, Jr (Democratic - PA) Official Website »



Senator Johnny Isakson (Republican - GA) Official Website »



Senator Michael F. Bennet (Democratic - CO) Official Website »



Senator Rand Paul (Republican - KY) Official Website »



Senator Tammy Baldwin (Democratic - WI) Official Website »

HOME ABOUT - HEARINGS - SUBCOMMITTEES - BLOW THE WHISTLE PRESS -

# OVERSIGHT

#### & GOVERNMENT REFORM

OVERSIGHT

HEARINGS



PRESS RELEASES



LETTERS



#### **FULL COMMITTEE**



TREY GOWDY Chairman





#### RECENT UPDATES

A HOUSE

WASTE AND INEPPICIENCY IN THE PEDERAL GOVERNMENT: GAO'S 2018 DUPLICATION DEPORT

#### -

-

TOP MARAGEMENT AND PERPORMANCE CHALLENGES IDENTIFIED GOVERNMENT-WIDE BY THE DESPECTOR GENERAL COMMUNITY

#### **REPUBLICAN MEMBERS**



JOHN DUNCAN

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DARRELL ISSA

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424

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MARK SAMFORD IM JORDAN 30-01. 000 000



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STEVE BUSSELL

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CONDY QUESTIONS ETA ADMINISTRATOR PRUITT ON OFFICIAL TRAVEL AND LEASE AGREENENT

> GOWDY STATEMENT ON 2020 CENSUS BRIEFING

2 MARCHY PULL COMMUTTEE BUSINESS

i merter COMMITTEE REPORT SCRUTTHEIRS PEDERAL REGULATORY GUIDANCE PRACTICES

## Why committees?

 Facts: Committee responsibilities, membership and activities

- "Gatekeeping" - 85% of bills die in committee

Theory: Explanations for patterns
 — WHY do 85% die in committee?

Test: Comparing predictions to facts

 Rare that facts only support one theory

## Committee facts

- Activities and Procedure
- Jurisdictions and referral

• Assignment process

#### Activities and procedures

- Investigate: is action is needed?
   Issue Findings
- Review and develop legislation
  - Hold hearing
  - Consider amendments
  - Report committee substitute with findings
- Oversee implementation of law



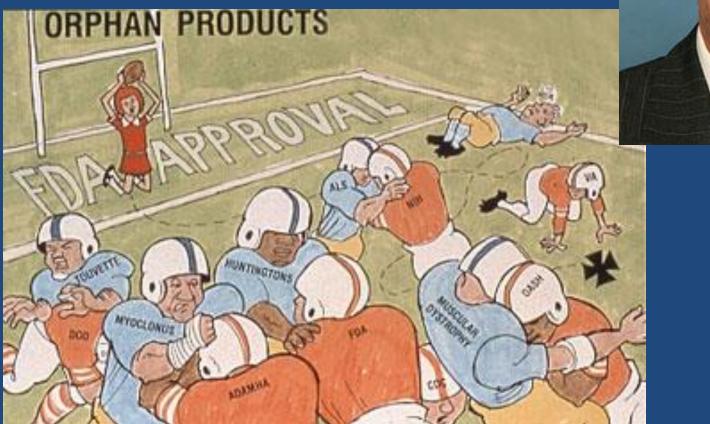
HOME HOMEPAGE 2016

#### **Russia investigation public documents**

FINAL FINDINGS AND RECOMMENDATIONS

INVESTIGATION PARAMETERS

### Waxman article describes all of these activities (and makes it interesting!)





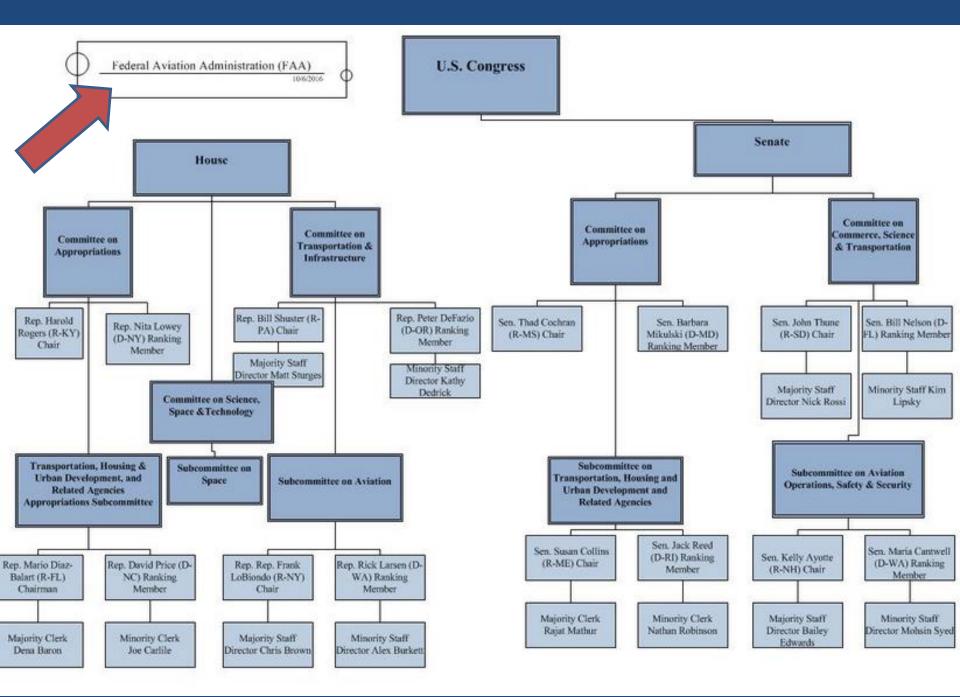
## Facebook moves 1.5bn users out of reach of new European privacy law

Company moves responsibility for users from Ireland to the US where privacy laws are less strict



## Jurisdictions

- Committees have rights!
   Encourages specialization, reduces policy conflicts
- Protect your turf!



CONGRESS.GOV Advanced Searches Browse	
Current Legislation   Examples: hr5, sres9, "health care"	
MORE OPTIONS V	
Home > Committees	en e
Committees of the U.S. Congress	
Profile pa Congress <b>Click here</b> congress are listed here. <u>Committee Name History</u> includes information about terminated committees and c	
House	Senate
Standing Committees	
Agriculture	Agriculture, Nutrition, and Forestry
Appropriations	Appropriations
Armed Services	Armed Services
Budget	Banking, Housing, and Urban Affairs
Education and the Workforce	Budget
Energy and Commerce	Commerce, Science, and Transportation
Ethics	Energy and Natural Resources
Financial Services	Environment and Public Works
Foreign Affairs	Finance
Homeland Security	Foreign Relations
House Administration	Health, Education, Labor, and Pensions
Judiciary	Homeland Security and Governmental Affairs
Natural Resources	ludiciary

## Turf wars!



- Jurisdiction is not always clearly defined, especially for newer issues
  - Facebook: Telecommunications or Consumer protection?
  - Kaiser book: Agriculture?

Where a bill gets referred can determine its fate! — Tobacco: Agriculture or health?

### Assignment process

- Majority Party decides # of seats House: party bias (e.g. 55% => 69% on Rules) Senate: proportional (51%=>51%)
- 2. Members make committee requests
- 3. Party steering committees make assignments
   Seniority is primary consideration

### Committee Theories (Groseclose and Snyder)

- Informational: Gatekeeping (GK) serves the interests of the nation (expertise)
- Distributive: GK serves the interests of local constituencies (pork)
- Partisan: GK serves the interests of the majority party (negative agenda control)
- Bicameral competition: GK serves the interests of lobbyists (blackmail)

## And the facts support?

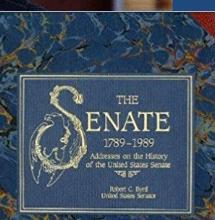
• <u>All</u> of these dynamics are in play. Hard to generalize

Differences across committees and issues

Across lawmakers (workhorses,....)

Same lawmaker in different contexts

#### Robert Byrd





U.S. COAST GUARD

INDERSTRANDER!

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THE REAL

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### Randy (Duke) Cunningham

#### From Hero to Zero

16 CUNNINGHAM RAND OUSE OF REPRESENTATIVES INGTON, D.C. 20515 (202) 225-5452 (760) 737-8438 HOUST.GOV/CUNNINGHAM

## **New Members Reception**

Name, State, Party (optional!)
Talk to at least 5 people you don't already know!
Politics of the state they represent
Personal policy interests and priorities





# Chamber leader candidates (so far)

Scott Platz

Zack Bonser, Ryan Wagstaff, Arshia Nilchian (coalition) Trevor Hunt Ethan Silver Kerry Pemberton Kevin Lorayco Gerard Boseman Philip Darby

# Today

- Decide procedures for:
  - Electing leader of the chamber
  - Assigning members to committees
  - Selecting committee chairs
- Friday
  - Make the actual decisions!

## Next week

• Bill drafting ("major" bill assignment May 6)

 Monday: \*Important\* discussion of what goes in a good bill for this class
 – Read Waxman article?

 Tuesday: Committee meetings? Work together on legislation or separately?

# Wednesday visit

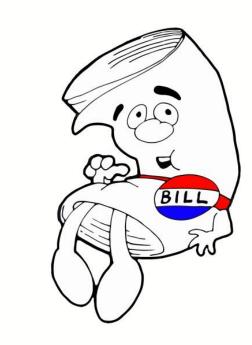


https://youtu.be/5sQzcJZ7iMM



## This week! Bill drafting

- Types and purposes of bills
- Major bill assignment (Due Sunday, May 6)
- Elements of a bill
- Let's get to work!



## Bill types

- S. Res. expresses the 'sense' of the Senate on any matter
- S., S.J. Res alters current law (US Code)
   Constitutional amendments (S.J. Res) requires 2/3rds majority
- Authorizations vs Appropriations

## Appropriations?

• 'Regular order'

– 14 appropriations bills (one for each cabinet level agency) or one "omnibus" bill

'Irregular' order

"Continuing" appropriations (maintain funding at previous levels)

 Byrd Rule – Amendments proposing net increases in spending are out of order

## More on (LegSim) Byrd rule

- 1. A senator raises a point of order (that an amendment violates the Byrd rule)
- 2. The presiding officer makes a ruling on the advice of the parliamentarian
- A senator can than appeal the ruling to the chamber.
   A 3/5ths vote is required to overturn it.

In Congress, the Byrd rule applies to budget reconciliation bills (more on this later) but we'll apply it the same principle to appropriations!

## Introducing a bill

House: Legislation is handed to the clerk of the House or placed in the hopper.

Senate: Members must gain recognition of the presiding officer to announce the introduction of a bill during the morning hour.

## Bill referrals

• The majority leader refers each bill to one committee based on jurisdiction

Bills cannot be edited on LegSim after they are referred

# Purposes of bills

- "Portfolios": Members sponsor bills for many different reasons.
  - See Sponsor and Cosponsor activity charts
  - Signal support (constituents, interest groups)
  - Start a conversation
  - Change public policy
    - In a little way
    - In a big way

### "Effectiveness?"

Is passing a bill what voters (or other lawmakers) care about?



Search

SEC CHAIR CLAYTON PROMISES TRANSPARENCY BUT DOESN'T COMMIT TO OPPOSING FORCED ARBITRATION IN LETTER TO REP. MALONEY

Ann DC 2010 | Deser Delese

## "Effectiveness?"

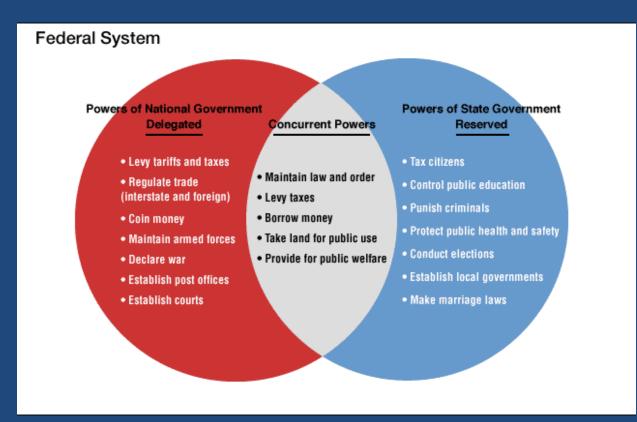
- Drafting quality legislation
- Advancing policy ideas
- Constructing an appropriate portfolio
- Working to make legislation better
- Building coalitions
- Persuading others to reconsider their support or opposition to someone else's bill...
- And much much more...

## Major bill assignment

- Change public policy in a big (but not too big) way
- Read and complete all parts of the assignment
  - Cannot be copied from another source
  - Cite all sources used in developing it
  - Appropriations members must research and draft their own authorization bill

## Subject restrictions?

 None! Just remember that you are changing <u>federal</u> law.



## Elements of a bill

- Findings (what is the problem?)
- Definitions (what is an 'assault weapon?')
- Statutory language (updating the US code)
  - Proposed policy?
  - Who is responsible?
  - Policy evaluation?
- Authorization of appropriations (cost?)
- Sunset clause? (temporary or permanent law?)

### Elements of a bill

#### Located under the 'instructions' link on LegSim

#### H.R. 100 (S. 100) The National Science Education Act

#### 8 Short Title: This Act may be cited as the National Solence Education Act —

#### Findings and Purposes

It is estimated that more than half of the economic growth of the United States today results directly from research and development in science and technology. The effectiveness of the United States in maintaining economic growth will be \_\_ largely determined by the intellectual capital of the United States.

New methods of teaching science, mathematics, and technology are required, as well as improved training of teachers. Students should learn science primarily by doing science. Teachers need to be knowledgable of their content area, and of techniques that can be used to connect that information to their students in the classroom.

#### Section 1. Master Teacher Grant Program

The Director of the National Science Foundation shall make grants to public or private K-12 schools for the purpose of hiring a master teacher. To be eligible to receive a grant, the school must submit a description of the relationship of the master teacher to other staff, the qualifications of a master teacher, and the master teacher's job responsibilities as they relate to the development of innovative science curricule.

Grants shall be made from National Science Foundation funds available for education. There are authorized to be appropriated to the National Science Foundation to carry out this section \$50,000,000 for fiscal years 2004 through 2006.

#### Section 2. Evaluation of Teaching Technologies.

The Director of the National Science Foundation shall enter into an agreement with the National Academies of Sciences to review existing studies of the effectiveness of technology in the classroom. The study shall include information about the type of technology used, why such technology works, and the teacher training that is conducted in conjunction with the technology. The evaluation shall be completed not later than one year after the date

of enactment of this Act. There are authorized to be appropriated to the National Science Foundation, for the pumpose of conducting the exclusion, \$800,000.

Section 3. (example of a 'savings' clause)

Nothing in this Act authorizes any department or employee of the United States to exercise control or direction over any educational institution or school system.

Section 4. (example of a 'severability' clause)

If any part of this Act is found to be in conflict with federal or state law, the conflicting part of this Act is inoperative solely to the extent of the conflict. The remainder of this act is not affected.

Section 5. (example of a 'sunset' clause)

This program terminates on September 30, 2007.

#### Authorization of Appropriations

\$50,600,000

A BIII (H.R. or S.) has the force of law A Resolution (H.Res or S.Res) does not.

Tible should be broad and comprehensive but limited to a single subject

Findings convey the importance and general intentions of the bill

Each provision gets its own section to facilitate amending.

Each section provides all of the specifics required for implementation. For example,

What is proposed?

Who will administer it?

How will they administer 8?

Are there penalities for non-compliance?

Who enforces these penalties?

How much funding is provided?

When does the program take effect?

Provisions that apply to the whole bill are included in additional sections.

The sum of the appropriations authorized in each of the r sections of the bill

Note: Legislation that proposes to allor an existing program or law should indicate the specific changes to the original law, as is the case with amounts (see below)

# Some random examples

Worker training for displaced miners

Scientific integrity

Assault Weapons Ban of 2017

Second Amendment Enforcement Act

ALEC model legislative language

# Wednesday!

- Bring your federal problem(s) to discuss
- Brainstorm: What 'could' we do about it?



# Wednesday visit



https://youtu.be/5sQzcJZ7iMM



## House v. Senate

#### • Day in the House

https://www.c-span.org/video/?444475-1/us-house-debates-faa-reauthorization-bill

Nice details about House organization here:

https://rules.house.gov/resources/boot-camp/basic-training-house-floor-basics-people-andprocess

• Day in the Senate

https://www.c-span.org/congress/?chamber=senate 52:00

Introducing a bill in Senate examples
 https://www.c-span.org/video/7c3980879/introduction-bil
 https://www.c-span.org/video/7c4723250/mcconnell-hem

3:40







# If we die, we're taking you with us.

### Save Bees, Save Homo Sapiens

#### Hi, we're Seedles

We're on a mission to bring back the bees. We created Seedles, a product which makes it fun and easy to solve the bee decline problem.

Growing wildflowers is the #1 way to save the bees.

**DID YOU KNOW?** 

# 30% OF BEES ARE DISAPPEARING EVERY YEAR

BRING BACK THE BEES

LEARN MORE

## Bee facts?

• What do we know and what don't we know?

• What is the problem?

## Current bee policy? US Code search "honeybee"

- NC2-00		vision Counsel ATES CODE
Search & Browse	<< Start Over	Search the United States Code
Currency and Updating		honeybee V Search Clear Advanced Search Preferences Search Tips
Classification Tables		Print Results
Popular Name Tool	Showing results	100 per page $\checkmark$   Context View $\checkmark$   Code Order $\checkmark$
Other Tables and Tools		1 Apply
Understanding the Code	6 USC 231	Transfer of certain agricultural inspection functions of the Department of Agriculture.
Positive Law Codification		TITLE 6: DOMESTIC SECURITY / CHAPTER 1: HOMELAND SECURITY ORGANIZATION / SUBCHAPTER IV: BORDER, MARITIME, AND TRANSPORTATION SECURITY / Part C: Miscellaneous Provisions (May 1, 2011). (2) Section 1 of the Act of August 31, 1922 (commonly known as the Honeybee Act
Editorial Reclassification	7 USC	Front Matter. TITLE 7: AGRICULTURE (May 1, 2018)
Downloads	7 USC Ch. 11	Honeybees281 Front Matter
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FDsys	7 USC 281	Honeybee importation. TITLE 7: AGRICULTURE / CHAPTER 11: HONEYBEES (May 1, 2018)
	7 USC 282	7 USC 281: Honeybee importation 7 USC 281: Honeybee importation Text CHAPTER 11—HONEYBEES Punishment for unlawful importation. TITLE 7: AGRICULTURE / CHAPTER 11: HONEYBEES (May 1, 2018) TITLE 7: AGRICULTURE / CHAPTER 11: HONEYBEES (May 1, 2018)
	7 USC 283	CHAPTER 11— <b>HONEYBEES</b> Jump To: Source CreditAmendments CHAPTER 11- <b>HONEYBEES</b> !@!Sec. 282> §282 <u>Propagation of stock and release of germ plasm.</u> TITLE 7: AGRICULTURE / CHAPTER 11: HONEYBEES (May 1, 2018)
	7 USC 284	CHAPTER 11—HONEYBEES Jump To: Source CreditCodificationAmendmentsEffective Date CHAPTER 11-HONEYBEES!@!Sec. 283> §283 Eradication and control of undesirable species and subspecies. TITLE 7: AGRICULTURE / CHAPTER 11: HONEYBEES (May 1, 2018) CHAPTER 11—HONEYBEES Jump To: Source CreditMiscellaneous CHAPTER 11-HONEYBEES!@!Sec. 284> §284 retard the spread of undesirable species ar
	7 USC 285	subspecies of <b>honeybees</b> <u>Uses of funds.</u> TITLE 7: AGRICULTURE / CHAPTER 11: HONEYBEES (May 1, 2018)

### Current bee policy? Code of Federal Regulations search "honeybee"

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• CFR			
7 CFR - Agriculture (596)	>	1. 19 CFR 12.32 - Honeybees and honeybee semen.	
40 CFR - Protection of Environmen	. >	Code of Federal Regulations (annual edition). Title 19: Customs Duties.	Subjgrp: Wild Animals,
(42)		Birds, and Insects. Wednesday, April 1, 2009.	
10 CFR - Energy (24)	>	19 Customs Duties 1 2009-04-01 2009-04-01 false Honeybees and h	oneybee semen. 12.32

## Current bee policy? Bills search "honeybee"

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Limit Your Search	Θ	BILL 1. <u>H.R.3040</u> — 115th Congress (2017-2018)		
Check all		Saving America's Pollinators Act of 2017		
Legislation	[3]	Sponsor: Rep. Convers, John, Jr. [D-MI-13] (Introduced 06/23/2017) Cospo	nsors: ( <u>45</u> )	
Congressional Record	[1]	Committees: House - Agriculture		
		Latest Action: House - 07/11/2017 Referred to the Subcommittee on Biote		esearch. ( <u>All Actions</u> )
Congress		Tracker: Introduced Passed House Passed Senate To President Beca	me Law	
Check all		BILL		
115 (2017-2018)	[3]	2. <u>H.R.5015</u> — 115th Congress (2017-2018)		
114 (2015-2016)	[1]	Saving America's Pollinators Act of 2018		
Show	v more 🗸	Sponsor: Rep. Blumenauer, Earl [D-OR-3] (Introduced 02/14/2018) Cospor	1sors: ( <u>44</u> )	
		Committees: House - Agriculture		
Bill Type	Œ	Latest Action: House - 03/08/2018 Referred to the Subcommittee on Biote Tracker: Introduced Passed House Passed Senate To President Beca		esearch. ( <u>All Actions</u> )
Status of Legislation	Œ	Hittonbod Hasse Hesse Hussed Schute / 16 Hesselft / Dece	into and II	

# The five habits that can add more than a decade to your life

Major study calculates effect on lifespan of habits including healthy eating and not smoking



▲ A woman jogs in the countryside with her dog. Photograph: Alamy



# Major bill assignment

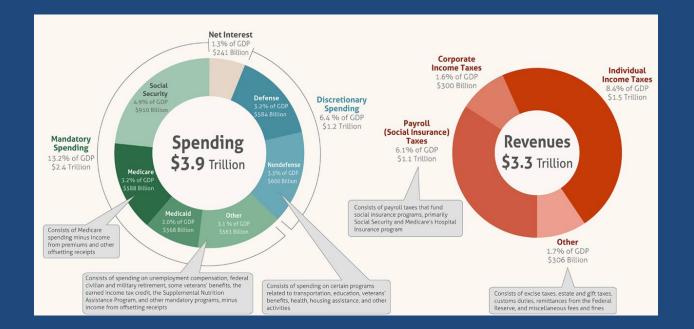
• It's on the syllabus

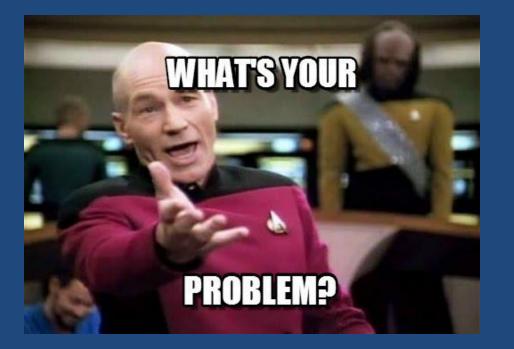
http://faculty.washington.edu/jwilker/353/353Assignments/MajorBill.pdf

- Submit as a written assignment (including explanation on Canvas)
- Submit bill on LegSim
- Verbally introduce bill during morning business starting next week (30 seconds – use it well!)

#### Next week

- Senate Morning Business begins!
- Budgeting How Congress tries to be fiscally responsible \*whoo hoo!
  - So you want to balance the budget....





Groups of 3-4

Try to do this for several problems

1. Describe the problem. Is there a role for the federal government? If yes,

2. Brainstorm: What <u>could</u> the government do about the problem?

3. Pick one solution and work through the prompts on the sample bill template



#### Strategic Agenda Setting

What problem do other people want to address? Define your pet proposal as a solution to that problem!

- Problem: School violence
- Solutions?
- Problem: Stagnant wages
- Solutions?
- Problem: Opioid crisis
- Solutions?

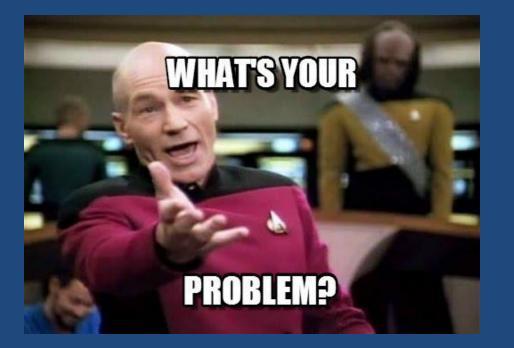


#### **Starving Polar Bear Is the Face of the Future**

Whether or not climate change is the reason the animal in this photo was dying, it remains the single biggest threat to the species' survival.







Groups of 3-4

Try to do this for several problems

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