

Syllabus for Advanced Legislative Procedure

PSC 286 LH

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Fall 2008

COURSE DESCRIPTION:

This course is an in-depth examination of the rules and practices of the Congress in considering legislation. The course will cover such topics as: the qualifications of Members of Congress; the institutional roles of the Speaker and Senate President Pro Tempore; the legislative and oversight functions of committees; rules governing floor conduct, floor debate, and legislative action on the House and Senate floor; conference committee procedures; specialized rules governing administrative operations of the Congress; special procedures appropriations measures and budget process. The course includes a final examination and a term paper researching some aspect of the procedures of the House and Senate.

COURSE REQUIREMENTS:

The principal readings for the course will be:

Unorthodox Lawmaking: New Legislative Processes in the U. S. Congress, Third Edition, Barbara Sinclair

ISBN # 978-0-87289-306-1

Congress and Its Members, Eleventh Edition, Roger H. Davidson, Walter J. Oleszek, and Frances E. Lee

ISBN # 978-0-87289-357-3

Politics or Principle?, Filibustering in the United States Senate, Sarah A. Binder, and Steven S. Smith

ISBN # 0-8157-0952-8

In addition I will make use of the rules manuals for the House and Senate, as well as parliamentary precedent compendiums for the House and Senate. The lecture topics for the course are keyed to the text assignments and on occasion to specific rules of the House and Senate; you should read these rules before the class at which we will discuss these subjects.

The following are the principal parliamentary reference sources for the House and Senate. For each week's class, you should read the specific House or Senate rule and the explanatory text contained in the House Manual ("Const., Jefferson's Manual, etc.).

The principal Congressional publications here are:

U.S. Congress. House. Constitution, Jefferson's Manual and Rules of the House of Representatives

The text of House rules without explanatory analysis by the parliamentarian can be found here:

<http://www.house.gov/rules/AllRules.htm>

U.S. Congress. Senate. Senate Manual. Washington, U.S. Govt. Print. Off.

Unofficial electronic-form descriptions of Senate procedure can be found at:

http://www.house.gov/rules/senate_process.htm

The full text of Senate rules can be found at:

<http://rules.senate.gov/senaterules/menu.htm>

ADDITIONAL RECOMMENDED READINGS:

Brookings conference on Senate civility (Sen. Pat Roberts, Thomas Mann, Paul Light, Sarah Binder, Burdette Loomis, Cokie Roberts), June 2001.

<http://www.brookings.edu/comm/transcripts/20010404.htm>

U.S. Congress. House. Committee on Rules. "Rules Adopted by Committees of the House."

RESEARCH PAPER:

In this paper, I want you to explore a particular aspect of the procedures of the House or Senate (for example, the use of the Committee of the Whole; investigative powers of Congressional committees; rules governing amendments, the evolution of time agreements in the Senate, etc.).

ADDITIONAL REFERENCE SOURCES:

Listed below are some additional sources of information that you might wish to consult during the course of the semester, and may find useful in your term paper.

Cannon, Clarence. *Cannon's Procedure in the House of Representatives*. Washington, U.S. Govt. Print. Off., 1963.

* Deschler, Lewis. *Deschler's Precedents of the U.S. House of Representatives*. Washington, U.S. Govt. Print. Off., 1974-present,

<http://www.access.gpo.gov/congress/house/precedents/deschler.html>

Gilfrey, Henry M. *Senate Precedents*. Washington, U.S. Govt. Print. Off., 1914.

* Hinds, Asher and Clarence Cannon. *Hinds' and Cannon's Precedents of the House of Representatives*. Washington, U.S. Govt. Print. Off., 1907 and 1936, II volumes. The first five volumes have been digitized and are available on line at:

<http://www.gpo.gov/congress/house/precedents/hinds/hinds.html>

SCHEDULE AND READINGS ASSIGNMENTS

Week 1 -- An Introduction to the Rules of Congress

Who Leads the House?

Historical perspective on Congressional rules, current applications, and some predictions for the future.

In depth look at the officers and members of the U. S. House of Representatives with emphasis on the Speaker as the principal political and administrative officer of House; role of the Minority, and the

officers such as the Clerk, Sergeant at Arms, Chief Administrative Officer, recent administrative reforms in the House.

READINGS:

Rules: 1 (the Speaker), Rule 2 (other officers and officials), Rule 3 (Members, Delegates, and the Resident Commissioner), Rule 4 (the Hall of the House), Rule 5 (broadcasting), Rule 6 (reporters and galleries), Rule 7 (records of the House)

Congress and Its Members, Chapters 1 and 2

Week 2 -- House Committees

How they are organized and their procedures; outline of the types of committees and their different duties; how members are assigned. Discussion of the conflicts between and among committees.

READINGS:

House Rules 10 (committee jurisdiction), 11 (committee procedure), 12 (referral of measures), plus Joint and Select Committees (pp. 909-913 of House Manual)

Congress and Its Members, chapter 7

U.S. Congress. House. Committee on Rules. "Rules Adopted by Committees of the House." (Hcomrules.pdf) (you are not expected to read entire document, just to browse and become familiar with its contents; you may want to refer to it in your paper.)

Week 3 -- Setting the Legislative Agenda and Priorities in the House

Who sets the legislative agenda: deciding which business is crucial and which is not essential, and determining relative priorities. Discussion of private legislation, privileged items, consent calendar, suspension process, Calendar Wednesday, discharge petition, among others.

READINGS:

Rule 13 (calendars), Rule 14 (order and priority of business), Rule 9 (questions of privilege), Rule 15 (business in order on special days), Rule 20 (voting)

Unorthodox Lawmaking, chapter 2

Week 4 -- The Rules Committee and Debate in House/Committee of Whole

The relationship of the Rules Committee to the party leadership; agenda setting role of the committee. Committee of the Whole; reporting from Committee of the Whole; motions to recommit.

READINGS:

Rule 13 clause 6; Rule 16 (motions and amendments); Rule 17 (decorum and debate); Rule 18 (the Committee of the Whole)

Congress and Its Member,s Chapter 6

Week 5 -- The Amending Process in the House

How it works. Detailed discussion of rules involved in the Amending Process.

READINGS:

Rule 16, clauses 6-8; Rule 19

Congress and Its Member, Chapter 8

Week 6 -- The Senate: The Upper Body is Different

In-depth discussion of the role of the presiding officer, appointed officers; Actual and assumed powers of the Majority and Minority Leaders; responsibilities of Vice President, President Pro Tempore, party leaders; elected officers of Senate and duties.

Daily Order of Business, Committees, Bill Introductions; Agenda-setting in the Senate; the "regular" rules of the Senate versus informal customs; committee systems contrasted -- jurisdictions, assignments, power of subcommittees, conducting hearings and markups, reporting legislation.

READINGS:

Senate Rule 25

Congress and Its Members, chapters 6, 7 & 8

Week 7 -- The Two Main Rules in the Senate: Unanimous Consent and Exhaustion

Unique rules in the Senate including debate, amendments, cloture, and time agreements. How it really works.

READINGS:

Senate Rule 22.

Politics or Principle?, chapters 1,2 & 3

Week 8 -- Important New Issues in the Senate: Ethics

Profound changes brought about by S. 1; Discussion of new rules covering actions of Senators, staff and advocates.

READINGS:

Senate Rules: 40 TO THE END

S. 1

Congress and Its Members, Chapter 13

Week 9 -- Follow the Money

The Budget Process: Specialized rules of the House and Senate regarding money bills, and the role of the budget process and Budget Summit agreements on the handling of fiscal matters in Congress.

READINGS:

Congressional Budget and Impoundment Control Act

Balanced Budget and Emergency Deficit Control Act

Congress and Its Members, chapter 14

Unorthodox Lawmaking, chapters 5, 10, 11, and 12

Week 10 -- More about Money—the Appropriations Process

How the government is funded; use of individual versus omnibus funding bills.

READINGS:

Senate Rule 16

Congress and Its Members, chapter 14

Week 11-- Congress and the Executive

Working with the President and the Executive Branch; trade, war Powers, nuclear proliferation. Also includes nominations, treaties, and impeachment

READINGS:

Congress and Its Members, chapters 10 and 15

Week 12 -- Holding the Executive Branch Accountable

Investigative powers of Congress

READINGS:

Congress and Its Members, chapters 11 and 15

Week 13 -- Questions of Conflict : Conferences & Amendments between the Houses

How to resolve differences between House and Senate versions of a bill; Appointing conferees; conference committee procedures; conference reports and explanatory statements; privileged status of conference reports. Vetoes and their aftermath.

READINGS:

House Rules: 22

Senate Rules: 28

Unorthodox Lawmaking, chapter 4

Week 14 -- PAPER DUE