

Agenda-setting in the united states house of representatives



Inexamination of the most contemporary version of the United States House of Representatives, a significant percentage of House legislation that is brought to the floor does so by one of two methods. The House Committee on Rules may procedurally designate the bill to be subject to special rule which could result in privileged floor access for the bill, or the Speaker of the House may motion to suspend the rules and then make a motion to a penultimate debate and subsequently vote on legislation, passing with a two-thirds majority. This system of agenda-setting exists on a plane parallel to the House rules for setting the agenda via debating bills in the order in which they are brought to the floor following committee and then subsequently added to a specific House calendar based on the contents of the legislation. The House has refaced its former policies from a previously independent and unbiased committee-heavy calendar system to the modern system which places a significant level of discretionary power to party leadership.

The major era of transformation for House agenda-setting was from 1875 to 1895. The change in political environments coupled with the "suppression of filibustering in the U. S. House," resulted in an increase in the majority party's agenda-setting power (Cox and McCubbins 2005). Due to the threat of a filibuster, agenda-setting may be influenced as legislators may obstruct as a ploy to force a separate issue onto the chamber agenda. During this developmental reformation of the agenda-setting process, it is important to highlight the delegation from legislators to leaders, as individual congressmen actively decided how much power to delegate to committee chairs. Sinclair highlighted in 1995 that *ceteris paribus* legislators prefer the minimum amount of delegation to their respective leaders (Sinclair 1995).

The rudimentary idea of delegation is understood across a multitude of scenarios. Power originates from a principal actor whom, in exchange for a form of compensation, will delegate that power to an agent. In consideration, the principal must next determine how best to monitor the agent, and the incurring costs of this monitoring, ideally resulting in the minimization of the agent's ability to advance their personal interests or that of their agency. The resulting decision will only yield in delegation if by doing so enough surplus is gained to offset the cost of the compensation and monitoring of the agent and risk of agency loss. By applying this general idea to that of the legislature, the principal may be regarded as the collective membership of the body. Committee leaders are agents, as is the Speaker of the House as well as both minority and majority party leadership. The different varieties of political surplus gains directly resulting from the delegation of agenda-setting are:

Efficiency: the resulting transactional costs resulting from collectively setting the agenda may be reduced through delegation. Costs here may refer to time consumed from debate and voting on personal or party agenda interests.

Selection: An agent may assuage interests that procure maximum levels of payoff if the requested floor time exceeds maximum availability. This is the definition of positive agenda-setting (Cox and McCubbins 2005).

Suppression: Costs may be incurred from debate of specific pieces of legislation. This occurs when subjects that majority party members are not in agreement (Cox and McCubbins 2005) or issues that would prompt legislators to decide between constituencies or to make a statement regarding solid

policy against the popular opinion. Agenda-setting may provide gains to agents from keeping legislation closed from debate.

Legislators may be held accountable for providing recompense to their leaders. Despite current day Speakers enjoying increased salary and resources for staff, history has only strengthened the prestige and power that accompanies holding office. This idea echoes Sinclair (1995) in that *ceteris paribus* legislators have preference to reserve delegation to further their own agendas and also simultaneously accept accolades for them. Two primary problems result from monitoring and loss from agency. The first is that leadership may actively decide scheduling questions that are out of line with the primary interests of their principals. Pushing agendas for bills that do not make it past the floor, coercing votes, and legislative suppression all may result in a net constructive payout to most of their principals. Such behavior could result in harsh contention with party leadership and may pose potential to conceive challenges in the current or subsequent Congress. Secondly, the idea that once a legislature begins the occupancy of their office, they are naturally in a position to crucify adversaries, reward allies and possibly raise challenges for the next leader. Because of this, legislative members are more inclined to favor leadership delegation as political opportunities.

Legislators tend to show preference to leaders whom have secured seats and territories and districts that are considered safe for their party since this will produce minimum levels of agency loss (Cox and McCubbins 2007). In close relation to this, conditional party government is grounded in the belief that the positive outcomes stemming from delegation will only increase as the opposing parties have increasingly different agendas (Rohde 1991; Aldrich <https://assignbuster.com/agenda-setting-in-the-united-states-house-of-representatives/>)

and Rohde 2000). The empowerment of the leader can result in an increased ability to steer legislative policy steering while the delegation costs decrease as majority party member's preference in the chamber becomes more unified. This idea gives way for alternative motivational factors for delegation, however. The positive outcomes of delegation allow for efficiency to increase in the legislative process (Cooper 1970). Additionally, as the measures available for consideration by the chamber decrease the more incentive there is to reserve delegation of agenda control to leadership. This is crucial to understanding the decision making process of legislators as they barrel through floor procedures and then authorized delegation to party leadership.

The calendar system that resulted from the first ninety years of practice no longer provided support for consideration of significantly larger amounts of legislation, nor allowed for proper deliberation over key pieces of legislation. The procedures observed in the House in 1870 were structured to empower committees with automated and just access to the floor. After considering legislation, committees then brought the legislation to the Committee of the Whole. If the bill failed to immediately pass, the House designated the issue to be reserved to one of many legislative calendars. The political definition of a calendar is a list of legislation presented in the order in which they were reported that are waiting to be heard. Theoretically, the House was able to then hear issues that had waited the longest. This allowed committees the opportunity to finally consider these pieces of legislation for future report for the consideration of the full House. (Cooper 1970).

Due to the power invested in the Speaker to appoint members to committee, parties were enabled to push their personal legislative interests. As stated by the rules of the first Congress, the majority elect their leader (the Speaker) who then possessed the power of appointment. This process is complex and requires district-based balancing, inter/intraparty impartiality, and fulfilling necessary experience required for the office (Alexander 1915, 67-8; Follett 1973). Within these original restrictions, the Speaker was able to form committees with minimal consideration given to other unspoken rules of the House such as seniority and most favorable policies to the party. Political scientists and critics alike make mention that "the Speaker is responsible for the constitution and forming of Committees in tandem with his own political ideologies, and that the candidate is in the maximum level of agreement among party members... due to the more popular opinions regarding the most prominent questions of the day," (Wilson 1884). Therefore, parties are apt to seek out their own policy choices with a universal response by placing faith in a double-tiered delegation process. Non-leadership legislators have designated a Speaker whom has the ability to stack committees.

Near the commencement of the 41st Congress, Garfield wrote, "business of Congress must have more than tripled during the last fifteen years. I cannot be away a week without discovering a large amount of departmental business accumulating while requiring immediate attention," (Binder 1998). Historically, accounts of the House workload increasing have been preceded by taking on more responsibilities, allowing for more legislators, and increased levels of legislation brought before Congress. As Civil War pensions and claims were filed, the complex nature of interstate commerce required

federal solutions. Additionally, the number of congressmen did not change drastically, from 178 in 1860 to 357 in 1900.

Allowing for the increase of size of the House and number of responsibilities brought about challenges for legislators. The effectiveness of dilatory tactics increased due to the pressure surrounding legislation increased the likelihood of spending erroneous time debating controversial measures (Cooper 1981). In contrast, the accumulation of legislation was made worse by the obstructionism made possible by rules allowing each legislature to act as a player with a veto. Additionally, the former formal system of House rules was unable to support the processing of legislation in time to keep up with legislation that had already been introduced. This is to say that new bills were being created more rapidly than the system of rules allowed the House to process prior bills.

The most effective way of quantifying these expectations is the number of bills reported from committee to the amount of legislation considered by the House. This is the unofficial standard by which members consider reformation of their floor procedures. Within the duration of the 45th Congress, the House was unable to consider 1300 committee reports. In the 47th congress the number had been reduced to under one thousand pieces of legislation. These figures compared to the fact that in 1860, the House voted to reform its procedural rules because “nearly half” of the 600 bills on all calendars received floor consideration (Cooper 2015).

The surge of members and bills that had been introduced resulted in high levels of pressure on the standing calendar system that had originally been

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framed to allow for “ automatic and fair” considerations of committee reports. Out of necessity, the amount of bills that committees were forced to veto through inaction increased alongside the number of bills which died on the calendars of the House.

Despite the normal disagreements felt over legislators considering various policies to be adopted, the inability of the House to pass good legislation coupled with its failure to clearly set an agenda was more broadly a problem with the institution as the whole. Legislators eventually forced to adopt the new set of rules to continue governing despite long arduous battles on the floor of the House during the 19th century. Despite legislators' needs to quickly pass legislation or to grant priority to important bills, the calendar system was discouraging of this special rule to specific bills. Members were able to sidestep the calendar system for crucial bills such as motions to suspend rules through supermajorities and often resulted in controversial or partisan legislation.

To combat these and other challenges related to agenda-setting in the House, members adopted two varieties of efficiency reformation. The first was to eliminate and completely gut all time deemed unnecessary from the daily schedule such as nullifying procedures that required legislators to make a motion for permission for the introduction of a bill (Cooper and Young 1989). The second was a reformation of rules which dealt with obstructionist tactics to allow deliberation and consideration of controversial legislation.

On May 1, 1879 the House Rules Committee made a proposal which was then later adopted which called for the removal of first names and any

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initials from legislators' names from roll call. According to congressional records, while the number of members increased the amount of time necessary for one single roll call had risen to forty minutes (Congressional Record, 46-1, 1017). This is an example of efficiency reform; the cost of saving time came at a minimal one to the members and the normal procedure of governing had not been disturbed. Garfield reported this rule from Committee as a minority member and motioned to adopt without the presence of a roll call.

Another major component of the 1880 reform was to ensure that members could file reports without being filibustered by changing the daily schedule. Through this revision, an additional number of committees were able to get their legislation on a calendar in ultimate hopes of consideration. Again in 1885, the house underwent further efficiency reformation. This eliminated the debate on motions to stop debate in the Committee of the Whole.

Furthermore, correspondences from the President and the Senate were now to be kept and read on the floor at the beginning of the next day, disallowing the interruption of these messages during floor debate and proceedings.

The Reed Rules of 1890 presented a clear and undeniable simplification of House rules. As previously discussed, these enabled legislators to report directly to the Clerk as opposed to wasting hours on every Monday. Also, this allowed for members to directly submit their reports to the clerk allowing for the saving of roughly an hour of attempting to sidestep efforts to filibuster reports out of committee. The commonality found within all efficiency reformation is that each was objectively uncontroversial and acted as beneficial measures to most members of the House.

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Increase to efficiency via means to suppress and obstruct were much more provocative. After losing in the 1874 cycle and during the 43rd Congress, republicans in the house were forced to confront the inevitable downfall of the fifteen-year control of the House and the opportunity that they could also lose the Presidency (Bates 1936). It was clear to republican members that they needed to vote and approve a significant amount of their shared agenda before being voted out of power, but obstructionist methods such as constant motions to adjourn retarded consideration of the civil rights legislative package. Legislators actively fought to suspend the Rules and vote on a resolution which would allow the Rules Committee to present a new variety of rule which would be immune to tactics involving filibusters. Despite the Republican majority in the house, members could not get to the necessary two thirds majority because Republicans were skeptical of the greater Democratic agenda which included a reformation to jurisdiction of federal courts (Binder 1997). Similar accounts from Democratic struggles exist throughout history as well.

It is obvious that the U. S. House of Representatives and the agenda-setting procedures and policies have shaped this nation. By examining the different gains that legislators may receive from these agenda-setting decisions, it is discernable that due to the nature of the bicameralism of the United States government these policies greatly impacted pieces of legislation that were crucial to the development of this country. Originally, the process of agenda-setting was painfully slow and did not properly allow for a more significant portion than not of bills to be considered, effectively rendering the legislative body unable to govern. However, due to several

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reformation processes that the House has underwent, the policies in question have since been replaced with those that can handle the current infrastructure of the United States government.

SOURCES CITED

- Bates, Ernest Sutherland. 1936. *The Story of Congress , 1789-1935*. New York: Harper & Row.
- Binder, Sarah. 1997. *Minority Rights, Majority Rule* . New York: Cambridge University Press.
- Cooper Joseph, and David W. Brady. 1981. “ Institutional Context and Leadership Style: The House from Cannon to Rayburn .” *American Political Science Review* , 75: 411-25.
- Cox, Gary, and Mathew McCubbins. 2007. *Legislative Leviathan: Party Government in the House. 2nd edition*.
- Follett, Mary Parker. 1974. *The Speaker of the House of Representatives* . New York: Lenox Hill
- Garfield, James A. 1981 . *The Diary of James A. Garfield* , ed. H. J. Brown and H. D. Williams. East Lansing: Michigan State University Press.
- *Historical Statistics of the United States: Colonial Times to 1970* , Vol. 2. Washington, D. C.: Government Printing Office, 1975.
- James, Scott C. 1999. *Presidents, Parties, and the State* . Forthcoming from Oxford University Press.
- *Revision of the Rules of the House of Representatives in the Thirty-Sixth and Forty-Sixth Congresses* . Miscellaneous House Document No. 16, 49th Congress, 1st Session.

- Sinclair, Barbara. 1994. " House Special Rules and the Institutional Design Controversy." *Legislative Studies Quarterly*, XIX, 4: 477-494.
- Sinclair, Barbara. 1995. *Legislators, Leaders, and Lawmaking: the U. S. House of Representatives in the Postreform Era* . Baltimore: Johns Hopkins Press.
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