

# CRS Report for Congress

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## House Subcommittees: Assignment Process

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### Introduction

House rules, Republican Conference and Democratic Caucus rules, and individual committee rules all address the subcommittee assignment process, although to varying degrees. Under House Rule X, clause 5(d), no committee can create more than five subcommittees, except Appropriations (13) and Government Reform (7). House rules were amended in the 108<sup>th</sup> Congress to allow the Committees on Armed Services, International Relations, and Transportation and Infrastructure to create up to six subcommittees each. In addition, pursuant to Rule X, clause 5(b)(2)(A), Members are limited to service on no more than four subcommittees, although exceptions are allowed. A committee chair is generally prohibited from chairing a subcommittee of his or her committee, and all committee and subcommittee chairs are limited by House Rule X, clause 5(c)(2) to no more than three consecutive terms as chair, beginning with the 104<sup>th</sup> Congress. Term limits for the Intelligence Committee chair were abolished by H.Res. 5 on January 7, 2003.

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

### Organizing the 109<sup>th</sup> Congress

As of November 30, 2004, the Republican Conference and the Democratic Caucus have not determined committee sizes and ratios for the new Congress. The Republican Steering Committee, the entity responsible for determining most committee chairs and making most committee assignments, has been constituted but has made no assignment decisions. The Democratic Steering Committee has not yet been fully constituted.

On the opening day of a new Congress, the House adopts its rules from the previous Congress, and any changes, some of which often affect committee and subcommittee structure and organization.

This report, therefore, reflects information current as of November 30, 2004, and will be updated as events warrant.

## **Size and Ratio**

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

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

## **Chair and Ranking Member Selection**

Under Republican Conference rules, each committee chair determines and provides to other Republican members of the committee the method for selecting subcommittee chairs. However, a majority of the Republican Members of the full committee can disapprove the selection procedure. Republican Conference rules changes for the 108<sup>th</sup> Congress required subcommittee chairs of the Appropriations Committee to receive full conference approval. Under House rules, subcommittee chairs are limited to six years of service. Republicans also limit members to a single committee or subcommittee chairmanship; the chairmanships of the Standards of Official Conduct Committee and the House Administration Committee are exempt, thereby allowing a Member to chair either of these panels and an additional panel. Finally, Republican Conference rules prohibit a full-committee chair from leading a subcommittee of the committee he or she heads.

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

## **Subcommittee Assignments**

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

Republicans generally leave the decisions on the subcommittee assignment process to the committee leader to determine, although most committees employ a bidding

approach that allows members, in order of seniority, to select subcommittee slots. Committee and party leaders also try to suggest certain subcommittee configurations in order to retain more experienced members on key subcommittees.

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

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