

§ 3. Other Duties and Functions of the Caucus or Conference

The primary purpose of party organizations in the House is to achieve unity among its members and to provide a forum by which party positions may be formed and advanced in the House. The Democratic Caucus and the Republican Conference establish their own internal rules of procedure by which determinations as to party policy may be achieved.⁽¹⁾ Each party organization selects leaders to represent the interests of the party and carry out party objectives. Each party selects a Caucus or Conference chair, whose primary function is to schedule meetings of the party caucus and to preside over such meetings. The Caucus or Conference chair may have other responsibilities under the internal rules of the respective party caucus, such as determining business to be conducted at caucus meetings.

With respect to the goal of achieving unity within the party, each organization may adopt rules or policies to enforce party discipline. Such rules and policies have evolved considerably over the years, and the extent to which party discipline has been strictly enforced (and the methods by which such enforcement is achieved) have varied both between the parties and across time. For example, a prior Democratic Caucus rule (no longer in force) provided that a policy decision of the Caucus decided by a two-thirds majority vote would be binding on all members (subject to certain exceptions).⁽²⁾

The tools that party leaders may use to enforce party discipline may be internal to the organization, but they can also have effects on the overall structure of the House. For example, committee and subcommittee assignments in the House are mostly a matter of internal party decision-making.⁽³⁾ Technically, committee assignments are made on the basis of simple resolutions adopted by the entire House. But as a practical matter, these resolutions are considered on a partisan basis, with separate resolutions offered by each party to fill the slate of possible committee assignments.⁽⁴⁾ The content of those resolutions is a matter decided by the party caucuses, and thus can be used to address internal party dynamics or as disciplinary measures. In one instance, a disciplinary resolution that had called for the offending Member to be removed from certain committee and subcommittee assignments was amended to eliminate this provision—on the theory that

1. See § 1, *supra*.

2. Deschler's Precedents Ch. 3 § 10.

3. For an earlier treatment of committee assignments as a tool of party discipline, see Deschler's Precedents Ch. 3 § 9.5.

4. For more on the relationship between party affiliation and committee assignments, see § 8, *infra*.

such action interfered with the prerogatives of the party caucuses to manage committee assignments.⁽⁵⁾ In the 109th Congress, the House did adopt a privileged resolution submitted by direction of the Democratic Caucus removing a Member from a standing committee.⁽⁶⁾

House rules and precedents, Federal statutes, and the Constitution,⁽⁷⁾ elucidate standards of behavior for Members and provide mechanisms by which such standards may be enforced.⁽⁸⁾ Party organizations in the House also provide a separate layer of enforcement of ethics rules and standards of conduct. For example, both party caucuses have procedures for disciplining Members who have been indicted for (or convicted of) certain crimes, or for Members who have been censured by the House.⁽⁹⁾ Punishments levied by the party caucus may include vacating committee or subcommittee assignments, requiring a temporary “step aside” from the position of full or subcommittee chair, or removing a Member from a leadership position. Both the Democratic Caucus and the Republican Conference provide that a member of the Caucus or Conference may be expelled therefrom by a two-thirds vote.⁽¹⁰⁾

As noted below,⁽¹¹⁾ the primary interaction between party caucus rules and the standing rules of the House lies in the area of committee assignments. But Caucus and Conference rules may also provide specific procedures for how members of the Caucus or Conference conduct themselves with regard to legislative business. A party caucus may impose notification requirements for taking certain actions on the floor or in committee,⁽¹²⁾ require that certain guidelines be followed prior to taking specified legislative actions,⁽¹³⁾ prohibit actions otherwise permitted by the rules of the House,⁽¹⁴⁾ or make certain legislative actions available to party leadership only.⁽¹⁵⁾

5. See § 3.1, *infra*. See also § 6.5, *infra*.

6. See § 3.3, *infra*.

7. The Constitution provides that the House may “punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.” U.S. Const. art. I, § 5, cl. 2; *House Rules and Manual* § 58 (2017).

8. For more on the conduct and discipline of Members, see Deschler’s Precedents Ch. 12 and Precedents (Wickham) Ch. 12.

9. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rules 4–5 and Republican Conference, 115th Cong., Rules 25–27.

10. Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 1 and Republican Conference, 115th Cong., Rule 1.

11. See § 8, *infra*.

12. See, e.g., 119 CONG. REC. 36651, 36652, 93d Cong. 1st Sess. (Nov. 12, 1973).

13. See, e.g., Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 38 and Republican Conference, 115th Cong., Rule 28.

14. See, e.g., Rules Committee Print 115–37, Republican Conference, 115th Cong., Standing Order for the 115th Congress (ban on earmarks).

15. See, e.g., Rules Committee Print 115–37, Democratic Caucus, 115th Cong., Rule 39.

The House rule regarding service of process on Members and officers of the House⁽¹⁶⁾ does not apply to non–House party officials or employees. Thus, when such individuals are served with subpoenas, the House is not typically notified of such proceedings.⁽¹⁷⁾ Of course, party leaders may be served with subpoenas and the House will take cognizance of such actions as it would with regard to any Member of the House.⁽¹⁸⁾

Party leaders occasionally make announcements on the floor of the House regarding caucus meetings or other events.⁽¹⁹⁾

Finally, party leaders are typically included in various ceremonial delegations, such as escort committees (for a newly–elected Speaker,⁽²⁰⁾ for a foreign dignitary,⁽²¹⁾ or for the President during joint sessions)⁽²²⁾ or notification committees (notifying the President that the House has assembled at the beginning of a Congress,⁽²³⁾ or that the House is prepared to adjourn *sine die* at the end of a Congress).⁽²⁴⁾ Frequently, party leaders will participate in tributes to retiring Members, officers, or staff.⁽²⁵⁾ Likewise, party leaders will also receive tributes on the floor in recognition of their service to the House.⁽²⁶⁾

16. Rule VIII, *House Rules and Manual* § 697 (2017).

17. For an example where a letter regarding service of process on a party official was laid before the House (but with respect to which the House took no action), see 121 CONG. REC. 29824, 94th Cong. 1st Sess. (Sept. 23, 1975).

18. For an example of the Minority Leader being served with a subpoena, see 120 CONG. REC. 21723–24, 93d Cong. 2d Sess. (June 28, 1974). For an example of both floor leaders being served with a summons to appear in a U.S. District Court, see Deschler's Precedents Ch. 3 § 17.19.

19. See §§ 3.4, 3.5, *infra*. For earlier examples of announcements by party leaders regarding caucus events or actions, see Deschler's Precedents Ch. 3 §§ 3.13, 5.1–5.5, 11.2, and 19.1.

20. See Deschler's Precedents Ch. 3 §§ 3.14, 21.1.

21. See Deschler's Precedents Ch. 3 § 21.8.

22. See Deschler's Precedents Ch. 3 § 21.7.

23. See Deschler's Precedents Ch. 3 §§ 3.15, 21.3, 21.4, and 24.2.

24. See Deschler's Precedents Ch. 3 §§ 12.2, 21.5, and 21.6.

25. See 120 CONG. REC. 21847–48, 93d Cong., 1st Sess. (July 1, 1974) (floor leaders congratulating new Parliamentarian); 122 CONG. REC. 16766–68, 94th Cong. 2d Sess. (June 7, 1976) (Majority Leader leading tributes to retiring Speaker); 122 CONG. REC. 22485–87, 94th Cong. 2d Sess. (July 19, 1976) (floor leaders praising former Parliamentarian upon his death); and 139 CONG. REC. 32441, 103d Cong. 1st Sess. (Nov. 26, 1993) (thanks to staff given by Speaker and floor leaders). See also Deschler's Precedents Ch. 3 §§ 3.18, 3.19, 21.12–21.17, and 24.4.

26. See 120 CONG. REC. 37390, 93d Cong. 1st Sess. (Nov. 26, 1974) (portrait of former Minority Leader accepted by House); 126 CONG. REC. 34308–10, 96th Cong. 2d Sess. (Dec. 16, 1980) (tributes to retiring Minority Leader); 137 CONG. REC. 22778–80, 102d Cong. 1st Sess. (Sept. 12, 1991) (tributes to retiring Majority Whip); 140 CONG. REC. 20467–

Party Discipline and Ethics

§ 3.1 During consideration of a privileged resolution reported by the Committee on Standards of Official Conduct (now the Committee on Ethics)⁽²⁷⁾ proposing to censure a Member, an amendment was adopted to remove one clause of the resolution that would have deprived the Member of certain committee assignments, in order to preserve the prerogatives of the party caucuses to recommend the election of party Members to committees (and removal therefrom).

On June 10, 1980,⁽²⁸⁾ the following disciplinary resolution was considered as a privileged matter:

IN THE MATTER OF REPRESENTATIVE CHARLES H. WILSON

The SPEAKER.⁽²⁹⁾ The unfinished business is the further consideration of the resolution (H. Res. 660) in the matter of Representative CHARLES H. WILSON.

The Clerk will report the resolution.

The Clerk read the resolution as follows:

Resolved,

- (1) That Representative Charles H. Wilson be censured;
- (2) That Representative Charles H. Wilson be denied the chair on any committee or subcommittee of the House of Representatives for the remainder of the Ninety-sixth Congress;
- (3) That upon adoption of this resolution, Representative Charles H. Wilson forthwith present himself in the well of the House of Representatives for the public reading of this resolution by the Speaker; and
- (4) That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated May 3, 1980, in the matter of Representative Charles H. Wilson. . . .

AMENDMENT OFFERED BY MR. FOLEY

Mr. [Thomas] FOLEY [of Washington]. Mr. Speaker, I offer an amendment.

68, 103d Cong. 2d Sess. (Aug. 9, 1994) (Minority Leader receiving Medal of Freedom); 140 CONG. REC. 29133, 103d Cong. 2d Sess. (Oct. 7, 1994) (tributes to retiring Minority Leader); 147 CONG. REC. 27600, 27602–607, 107th Cong. 1st Sess. (Dec. 20, 2001) (tributes to retiring Minority Whip); 148 CONG. REC. 22339, 107th Cong. 2d Sess. (Nov. 14, 2002) (tributes to retiring Majority Leader); and 158 CONG. REC. 8648–49, 112th Cong. 2d Sess. (June 7, 2012) (recognition of Minority Leader’s 25th year in the House). For more on ceremonies and tributes in the House, see Deschler’s Precedents Ch. 36 and Precedents (Wickham) Ch. 36.

27. The Committee on Standards of Official Conduct was redesignated as the Committee on Ethics at the beginning of the 112th Congress.

28. 126 CONG. REC. 13801, 13802, 13803, 13811, 13812, 13817, 13818, 13819, 13820, 96th Cong. 2d Sess.

29. Thomas O’Neill (MA).

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Strike out the second clause of Rouse Resolution 660 and renumber the subsequent clause accordingly.

The SPEAKER. The Chair recognizes the gentleman from Washington (Mr. FOLEY) for 1 hour.

Mr. FOLEY. Mr. Speaker, in offering this amendment, which, in effect, strikes that portion of the resolution depriving the gentleman from California (Mr. CHARLES H. WILSON) of his subcommittee chairmanship and denying him any subcommittee or committee chairmanship in the 96th Congress, I wish to make a few things very clear: I am not in any way questioning the authority or the propriety of the Committee on Standards of Official Conduct in offering such a resolution; nor am I questioning the power of this House to act to deny any Member a subcommittee or committee chairmanship, or a ranking minority membership for that matter. This is not at issue in the matter before us today. What I am proposing with this amendment is a better policy—and I underline the word “policy”—for the House to follow, however it disposes of the matter of Mr. WILSON.

It has been a tradition of the House for nearly three-quarters of a century now to allow the party conference and caucus to make decisions affecting the appointment of their respective members to committees and the assignment of committee offices. It is important, in my judgment, to the proper execution of good legislation that the two-party system be respected in its privilege to make party choices regarding the essential committees on which Members serve. . . .

I urge you today to adopt this amendment which in no event can possibly change the outcome of this case because the Democratic Caucus on May 29 adopted rules which automatically remove any committee or committee chairman who is censured by a vote of the House or who is convicted of a felony. That is an automatic action subject only to the appeal of the Member involved. Within 15 days it becomes final. From then on, that person can neither exercise the powers of his former committee or subcommittee chairmanship nor assume the chairmanship of a new committee or subcommittee for the remainder of that Congress. Further, in the succeeding Congress, a person so censured or convicted may not assume any subcommittee or committee chairmanship without a special specific vote of the caucus permitting it. . . .

Mr. FOLEY. Mr. Speaker, I will conclude by saying again that this is in no way intended as a reflection or criticism of the recommendation that has been brought forth by the Committee on Standards of Official Conduct. It is merely meant to suggest that since the rules already in place in the Democratic Caucus would take away any subcommittee or committee chairmanship from any Member censured or convicted by the House, this particular title is unnecessary. In taking this action of leaving the title in the resolution, we tend to do violence to a very old tradition of the House which protects, first of all, the process of the House by which its two parties function effectively; second, and most important, the prerogatives of the minority, which is particularly vulnerable to invasion by majority judgment; and finally, the powers of the majority as well. It is a process that has served the House well throughout the time in which it has been in effect, and this tradition has been strong for almost three-quarters of a century.

I offer this amendment with the greatest respect for the Committee on Standards of Official Conduct. It is not for the Democratic Party or the Republican Party nor is it for or against Mr. WILSON. Instead it is on behalf of a process by which all Members of the House irrespective of party benefit that I ask that this section be stricken from the resolution.

Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. [Frank] SENSENBRENNER [of Wisconsin]. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 261, nays 148, answered “present” 2, not voting 22, as follows:

[Roll No. 306] . . .

§ 3.2 The Speaker announced that, pursuant to Democratic Caucus rules, the Speaker had been informed that certain full committee and subcommittee chairs (the subjects of an ethics inquiry and criminal probe) would be temporarily stepping aside from those positions.

On June 18, 1980,⁽³⁰⁾ the following announcement was made:

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER.⁽³¹⁾ The Chair wishes to announce that he is in receipt of letters from the gentleman from New Jersey (Mr. THOMPSON) and the gentleman from New York (Mr. MURPHY) in which they transmit notice of their intention, pursuant to provision M. XIII of the Democratic Caucus, to temporarily step aside from their positions as standing committee, joint committee, select committee, or subcommittee chairmen. This intention includes, in the case of the gentleman from New Jersey, to temporarily step aside from the positions of chairman of the Committee on House Administration, chairman of the Subcommittee on Labor-Management Relations and the Task Force on Welfare and Pension Plans of the Committee on Education and Labor, and the chairman of the Joint Committee on Printing. In the case of the gentleman from New York, this includes the positions of chairman of the Committee on Merchant Marine and Fisheries, chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, and chairman of the Select Committee on the Outer Continental Shelf.

§ 3.3 The House adopted a privileged resolution submitted by direction of Democratic Caucus removing a Member from a standing committee.

On June 16, 2006,⁽³²⁾ the House adopted a resolution removing a Member, who was under investigation for corruption, from the Committee on Ways and Means:

30. 126 CONG. REC. 15384, 96th Cong. 2d Sess.

31. Thomas O'Neill (MA).

32. 152 CONG. REC. 11618, 109th Cong. 1st Sess.

REMOVING MEMBER FROM COMMITTEE ON WAYS AND MEANS

Mr. [James] CLYBURN [of South Carolina]. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 872) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That Mr. Jefferson is hereby removed from the Committee on Ways and Means.

The SPEAKER pro tempore.⁽³³⁾ Is there objection to the resolution?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Announcements

§ 3.4 The chair of the Democratic Caucus announced to the House that the results of certain Caucus elections would be available in the Democratic cloakroom.⁽³⁴⁾

On January 24, 1991,⁽³⁵⁾ the following announcement was made:

ANNOUNCEMENT RELATIVE TO COMMITTEE ELECTIONS IN DEMOCRATIC CAUCUS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. [Steny] HOYER [of Maryland]. Madam Speaker, today the Democratic caucus had an election pursuant to the rules of the Democratic caucus for chairman of subcommittees on the Committee on Appropriations and of the Committee on Ways and Means. Those results will be available in the Cloakroom and in the office of the Democratic caucus.

§ 3.5 The chair of the Democratic Caucus announced to the House that the Democratic Caucus would be holding a meeting of the Caucus in the House Chamber during a recess of the House.

On September 30, 1990,⁽³⁶⁾ the following announcement was made by the chair of the Democratic Caucus:

33. Paul Gillmor (OH).

34. *Parliamentarian's Note*: The Democratic Caucus had held its meeting in the House Chamber prior to the convening of the House. However, it was still in the process of counting ballots for certain caucus elections when it was necessary to vacate the Chamber so that the House could come into session.

35. 137 CONG. REC. 2171, 102d Cong. 1st Sess.

36. 136 CONG. REC. 26690, 26691, 101st Cong. 2d Sess. See also Precedents (Wickham) Ch. 4 § 1.11.

ANNOUNCEMENT OF CONVENING OF DEMOCRATIC CAUCUS

Mr. [Steny] HOYER [of Maryland]. Mr. Speaker, I would like to announce to the Democrats that we will have a caucus approximately 15 minutes or shortly after we recess this evening. We will have to stay in and wait upon the Senate, so that will not delay us in any event.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I would like to remind the Democratic Members of the House of Representatives that we will have a caucus in approximately 5 minutes, at a quarter of 6, in this Chamber.

Mr. Speaker, I want to say to the minority leader, I very much appreciate his consideration. This is an unusual step, in light of the fact the House will be in recess.

Mr. [Robert] MICHEL [of Illinois]. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished chairman of the Democratic caucus, that if we go into recess awaiting the action of the other body, and assuming there are no glitches, but if there were, would it be in order for us to give Members, say, 1 hour's notice that their presence would be required?

Mr. HOYER. Mr. Speaker, reclaiming my time so I may respond to the distinguished minority leader, we will give no less than one-half hour's notice . . .

§ 4. Party Committees and Other Informal Groups

This section describes internal committees of the party organizations, as well as other informal groups that may associate with the caucuses. As has been noted earlier, the two major party caucuses are private organizations whose internal structure and rules of proceeding are not established by House rules. Thus, the analysis here will necessarily be limited and primarily focused on areas where internal caucus organization has a direct effect on House proceedings.⁽¹⁾

Committee on Committees

For over a century, committee assignments in the House have been closely connected to the two major party organizations. Prior to changes in House rules at the beginning of the 20th century, the Speaker was solely responsible for assigning Members to committees. This authority gave the Speaker considerable influence over the membership, as he could deny sought-after

1. For a broader treatment of the history of the House and the relationship to party organization, see ROBERT REMINI, *THE HOUSE* (2006).