

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the top bulb. The hourglass is filled with a light blue liquid that is dripping down into the bottom bulb. The text is centered within the hourglass.

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The Committee System in the U.S. Congress

Judy Schneider, Government and Finance Division

March 21, 2007

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The Committee System in the U.S. Congress

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Summary

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Contents

Introduction.....	1
Structure and Organization.....	1
Types of Committees	1
Subcommittees	2
Composition.....	2
Leadership.....	2
Staff.....	2
Oversight.....	3
Operations and Procedures.....	3
Referral	3
Executive Agency Comment.....	4
Hearings	4
Markup.....	4
Report.....	5
Committees and Chamber Action	5
Related CRS Reports.....	6

Contacts

Author Contact Information	6
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Introduction

Decentralization is the most distinctive characteristic of the congressional committee system. Due to the high volume and complexity of its work, Congress divides its legislative, oversight, and internal administrative tasks among committees and subcommittees. Within assigned subject areas, committees and subcommittees gather information; compare and evaluate legislative alternatives; identify policy problems and propose solutions to them; select, determine the text of, and report out measures for the full chambers to consider; monitor executive branch performance of duties (oversight); and look into allegations of wrongdoing (investigation).

Although Congress has used committees since its first meetings in 1789, the 1946 Legislative Reorganization Act (60 Stat. 812) set the foundation of today's committee system. The House and Senate each have their own committees and related rules of procedure, which are similar but not identical. Within the guidelines of chamber rules, each committee adopts its own rules addressing organizational, structural, and procedural issues; thus, even within a chamber, there is considerable variation among panels.

Within their respective areas of responsibility, committees generally operate rather independently of each other and of their parent chambers. The difficult tasks of aggregating committees' activities, and of integrating policy in areas where jurisdiction is shared, fall largely to the chambers' party leaderships.

Structure and Organization

Types of Committees

There are three types of committees—standing, select, and joint.

Standing committees are permanent panels identified in chamber rules. The rules also list the jurisdiction of each committee. Because they have legislative jurisdiction, standing committees consider bills and issues and recommend measures for consideration by the respective chambers. They also have oversight responsibility to monitor agencies, programs, and activities within their jurisdictions, and in some cases in areas that cut across committee jurisdictions. Most standing committees recommend authorized levels of funds for government operations and for new and existing programs within their jurisdiction. Standing committees also have jurisdiction over appropriations (in the case of the Appropriations Committees), taxation (in the case of the House Ways and Means and Senate Finance Committees), various other revenues, and direct spending such as Social Security, veterans' pensions, and some farm support programs.

Select committees usually are established by a separate resolution of the parent chamber, sometimes to conduct investigations and studies, sometimes to consider measures. A select committee is established because the existing standing committee system does not address an issue comprehensively, or because a particular event sparks interest in an investigation. A select committee may be permanent or temporary. *Special committees* tend to be similar in constitution and function and that distinction from select committees is generally thought to be only semantic.

Joint committees are made up of Members of both chambers. Today, they usually are permanent panels that conduct studies or perform housekeeping tasks rather than consider measures. A

conference committee is a temporary joint committee formed to resolve differences in Senate- and House-passed versions of a particular measure.

Subcommittees

Most committees form subcommittees with legislative jurisdiction to consider and report bills on particular issues within the purview of the full committee. Committees may assign their subcommittees such specific tasks as the initial hearings held on measures and oversight of laws and programs in their areas. Subcommittees are responsible to and work within guidelines established by their parent committees. Consequently, subcommittees' number, independence, and autonomy vary between committees.

Composition

Party leaders generally determine the size of committees and the ratio of majority to minority members on each of them. Each party is primarily responsible for choosing its committee leaders and assigning its Members to committees, and, once assigned to a particular committee, a Member often makes a career there. Each committee distributes its members among its subcommittees, on which only members of the committee may serve. There are limits on the number and type of committees and subcommittees on which each Member may serve. Members, especially in the House, tend to specialize in the issues of their assigned committees.

Leadership

A committee's authority is centered in its chair. In practice, a chair's prerogatives usually include determining the committee's agenda, deciding when to take or delay action, presiding during meetings, and controlling most funds allocated by the chamber to the committee. Several rules allow others a share in controlling a committee's business, such as one allowing a majority of members of a committee to call a meeting. The ranking minority member, usually the minority party member of longest committee service, often participates in the chair's regulation of the committee, in addition to leading on matters affecting a committee's minority members. Also, each subcommittee has a chair and a ranking minority member who oversee the affairs of their panel.

To distribute committee power, chamber and party caucus rules limit the number of full and subcommittee chair or ranking minority positions a single Member may hold. Only the Republicans have committee leadership term limits. No House Republican may serve as chair (or ranking minority member) of a committee or subcommittee for more than three consecutive terms, effective with the 104th Congress, and no Senate Republican may serve more than six years as chair and six years as ranking member of any standing committee, effective with the 105th Congress. Waivers can be granted.

Staff

Approximately 2,000 aides provide professional, administrative, and clerical support to committees. Their main job is to assist with writing, analyzing, amending, and recommending measures to the full chamber, as well as overseeing the executive branch's implementation of laws and the operation of programs. Pursuant to funding resolutions and other mechanisms,

committees receive varying levels of operating funds for their expenses, including the hiring of staff. From these funds, each hires its own staff, and committees employ varying numbers of aides ranging from a few to dozens. (Committees may also fire staff.) Most staff and resources are controlled by the chair of a committee, although in general a portion must be shared with minority-party members. Further, some committees assign staff directly to their subcommittees, and give subcommittee leaders considerable authority in hiring and supervising subcommittee staff. Each committee sets staff pay levels within limits contained in chamber salary policies.

Oversight

Committees conduct oversight to assure that the policy intentions of legislators are carried out by those administering programs, and to assess the adequacy of programs for changing conditions. Some committees, especially in the House, establish separate oversight subcommittees to oversee the implementation of all programs within their jurisdiction. Also, each chamber has assigned to specific committees oversight responsibility for certain issues and programs that cut across committee jurisdictions, and each has a committee responsible for overseeing comprehensively the efficiency and economy of government activities.

Operations and Procedures

Referral

Each committee has nearly exclusive right to consider measures within its jurisdiction. In general, committees are not required to act on any measure, and a measure can not come to the floor for consideration unless through the action or at least concurrence of a committee. A procedure to discharge a committee from consideration is rarely successful.

Any introduced measure generally gets referred immediately to a committee. Especially in the House, some measures are referred to two or more panels, usually because policy subjects are split among committees. When more than one House committee receives a referral, a primary committee is usually designated. Other panels receive a sequential referral. In the Senate, referral is determined by the predominant subject matter in the legislation. Singly referred measures have been more likely than multiply referred ones to pass their chamber and to be enacted into law, in part because of the difficulty in coordinating the work of multiple panels.

Committees receive varying numbers of measures. Committees dispose of these measures as they please, selecting only a small percentage for action, for a number of reasons. For instance, a committee usually receives many proposals in each major policy area within its jurisdiction, but ultimately chooses one measure as its vehicle in each such area. While those measures not chosen usually receive no further congressional action, the idea, specific provisions, or entire text of some of these measures may be incorporated through the amendment process into others that the committees and chambers consider and that become law. Determining the fate of measures and, in effect, helping to set a chamber's agenda make committees very powerful.

Committees often send their measures to subcommittees for initial consideration, but only a full committee can report a measure to the floor for consideration. When a committee or a subcommittee considers a measure, it usually takes the four actions described below. This sequence assumes the committee favors a measure; but, at any time, action on a measure may be discontinued.

Executive Agency Comment

As a matter of practice and cooperation between the legislative and executive branches, a committee asks relevant executive agencies for written comments on measures it is studying.

Hearings

Committees frequently hold hearings to receive testimony from individuals not on the committee. Hearings may be for legislative, oversight, or investigative purposes. Legislative hearings are those addressing measures or policy issues before the committee, and they may address many measures on a given subject. Oversight hearings focus on the implementation and administration of programs created by law. Many committees perform oversight when preparing to reauthorize funds for a program, which may occur annually. Investigative hearings often address allegations of wrongdoing by public officials or private citizens, or seek the facts behind a major disaster or crisis. Oversight and investigative hearings may lead to the introduction of legislative proposals.

At hearings, committees gather information and views, identify problems, gauge support for and opposition to measures and proposals, and build a record of action on committee proposals. Some common elements of hearings include:

- Most, but not all, hearings are held in Washington, DC. Hearings held outside of Washington, DC, are called Field hearings.
- Committees invite experts (witnesses), including Members not on the committee, federal officials, representatives of interest groups, and private citizens to testify at hearings.
- Most witnesses testify willingly upon invitation by the chair or ranking minority member, and some request to testify. However, committees may summon individuals, as well as written materials, under a legal process (subpoena).
- Before testifying, witnesses generally are required to submit written statements, which they then summarize orally. Subsequently, committee members question witnesses.
- Committees generally must give at least one week public notice of the date, place, and subject of a hearing. The public usually may attend hearings and other committee meetings, and open hearings and meetings might be broadcast.

Markup

Following legislative hearings, a committee decides whether to attempt to report a measure, in which case it chooses a specific measure to mark up and then modifies it through amendment to clean up problems, and sometimes, to attract broader committee support. A business meeting for this purpose is called a markup. Both chambers require a minimum quorum of one-third of a committee's members to hold a markup session, and some committees establish a higher quorum.

- The procedures of each chamber for amending measures on the floor apply generally to its committees. In practice, the amending process may be formal for controversial measures and informal for ones less contentious.

- In leading a markup, a chair in practice generally chooses the legislative vehicle, and presents it for consideration and amendment. This vehicle may be an introduced bill, or another version prepared by committee staff at the direction of the chair.
- Senate committees may permit absent members to vote by proxy, by submitting their vote in writing in advance of the actual vote; proxy voting is banned in the House.

Report

A majority of committee members voting, with a majority quorum present, is needed to approve a measure and report it to the parent chamber. A committee rarely reports a measure without changes. Committees sometimes report measures with a series of changes in various sections, or with one large amendment as an entirely new text (called an amendment in the nature of a substitute). A committee may also set aside its amended measure and report a new one reflecting the amended text. In the House the new bill is called a *clean bill*; in the Senate, an *original bill*. Any committee amendments, and the entire measure, require a chamber's approval to be passed.

A reported measure usually is accompanied by a written document, called a report, describing the measure's purposes and provisions and telling Members of a chamber why this version has been reported and why it should be passed. The report reflects the views of a majority of the committee, but also may contain minority, supplemental, or additional views of committee members. It usually includes estimates of the legislation's cost should it become law, various statements of its impact and application, a section-by-section analysis, and a comparison with existing law. Officials of the executive and judicial branches of government use these reports as an aid to understanding the legislative history of a law and Congress's intent in enacting it.

Measures may reach the floor for consideration in ways other than by being formally reported. A measure may be called up and simultaneously extracted from a committee by unanimous consent, or, in the House, by suspension of the rules. These procedures, however, are seldom used without the consent of the committee of jurisdiction. By contrast, a measure may be extracted from a committee without its approval. For example, the House may agree to a motion to discharge a committee of consideration of a measure, and in general a Senator may offer the text of a measure before a committee as an amendment to a bill under consideration on the floor.

Committees and Chamber Action

The measure and its report are placed on a calendar of chamber business and scheduled for floor action by the majority-party leadership. In the House, the Committee on Rules works with the leadership to establish the terms and conditions for debating the more controversial or complex measures. These terms may include restrictions on offering and debating amendments. Other measures are considered under a few different procedures, where little or no debate and amendment is the norm.

In the Senate, noncontroversial measures ordinarily are called up by unanimous consent, and disposed of with little or no debate and no amendment. More controversial or complex measures may be considered under the provisions of a time agreement (or other unanimous consent agreement), which may restrict Senators' freedom of debate and amendment in part by establishing time limits on actions related to the measure. Alternatively, such a measure may

require a motion to proceed to its consideration, which generally is debatable and must be agreed to by majority vote.

The influence of committees over measures extends to their consideration on the floor. The chair and ranking member of the committee or subcommittee that considered the measure (or their designees) normally manage floor debate for their respective parties. Managers guide measures through final disposition by the chamber, which includes planning parliamentary strategy, controlling time for debate, responding to questions from colleagues, warding off unwanted amendments, and building coalitions in favor of their positions. Especially in the House, committee members also have priority in recognition to offer floor amendments.

Committees' responsibilities extend beyond a measure's initial passage by the chambers to its enactment into law. If the chambers agree to different versions of a measure, the leaders of the reporting committees may facilitate its transmittal between the chambers to obtain agreement on one version. If, however, the chambers decide to reconcile their differences at a conference committee, members of the reporting committees will comprise most of the negotiators. In practice, the chambers rely on the chair and ranking member of the reporting committee to choose which of their party colleagues on a committees will serve as conferees. Finally, the chair and ranking member often head their chamber's delegations in conference.

Related CRS Reports

Brief fact sheets and long reports on aspects of the House and Senate committee system are included in the "CRS Guide to the Legislative and Budget Process," which is available online at <http://www.crs.gov/products/guides/guidehome.shtml>. Printed versions of the fact sheets and reports are also available from CRS.

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