

## THE COMMITTEE SYSTEM

### 78. Has the Congress ever altered its committee organization?

Congressional organization and procedure have changed considerably over Congress' 200-year history in response to new needs and circumstances.

With respect to the committee system, for example, in the early years of the Republic, Congress relied on temporary, ad hoc committees to process legislation the full Chambers had considered. A system of permanent standing committees, however, developed in the first half of the 19th century, when committees acquired many modern-day powers such as the power to hold legislation not recommended for full Chamber action. Throughout the 19th century so many committees were created to deal with emerging national issues that by the 20th century, the system had become unwieldy. Early 20th century action by the Chambers abolished and consolidated panels to streamline decision making.

Major reorganization of the committee system was also achieved by the Legislative Reorganization Act of 1946. It established standardized committee procedures in many areas, abolished and merged committees to form integrated panels with broad jurisdictions, and gave each standing committee a permanent complement of staff. The act also revamped other areas of congressional proce-

cedure. For example, it established the first comprehensive laws to regulate the lobbying of Congress; these have since been amended. A similar 1970 Reorganization Act revised committee and other procedures, including strengthening Congress' fiscal controls. A 1974 House committee reform measure refined committees' jurisdictions, amended committee procedures, and expanded Congress' oversight of the executive branch. A 1977 Senate committee reform measure realigned and consolidated jurisdictions, revised and expanded Senators' service limitations on committees, and amended procedures for hiring staff and referring legislation, among other things. In 1993, another reform effort was initiated by the Joint Committee on the Organization of Congress.

#### **79. What is a conference committee?**

From the earliest days, differences of opinion between the House and Senate have been committed to conference committees to work out a settlement. The most usual case is that in which a bill passes one Chamber with amendments unacceptable to the other. In such a case, the Chamber which disagrees to the amendments generally asks for a conference, and the Speaker of the House and the presiding officer of the Senate appoint the "managers," as the conferees are called. Generally they are selected from the committee or committees having charge of the bill. After attempting to resolve the points in disagreement, the conference committee issues a report to each Chamber. If the report is accepted by both Chambers, the bill is then enrolled and sent to the President. If the report is rejected by either Chamber, the matter in disagreement comes up for disposition anew as if there had been no conference. Unless all differences between the two Houses are resolved, the bill fails.

Until 1975, it was customary for conference committees to meet in executive sessions closed to the public. In that year, both chambers adopted rules to require open conference meetings. Two years later, the House strengthened its open conference rule. Today, most conference committee sessions are open to public observation, with only a few exceptions for security, or for other reasons.

#### **80. What are congressional standing committees and why are they necessary?**

Standing committees are permanent panels comprised of Members of a Chamber. Each panel has jurisdiction over measures and laws in certain areas of public policy, such as health, education, energy, the environment, foreign affairs, and agriculture.

Although Congress has used standing committees since its earliest days, it did not predominantly rely on them during its first quarter century. In these early years, legislative proposals were considered initially by all Members of one Chamber in plenary session; afterwards, each proposal was referred to a temporary, ad hoc committee responsible for working out a proposal's details and making any technical changes. As the amount of legislative proposals increased, especially in certain subject areas, permanent committees replaced temporary ones for more expeditious screening and processing of legislation before its consideration by an entire Chamber.

Each Chamber now has its own standing committees, to allow it to consider many issues at the same time. Each committee selects, from the tens or hundreds of measures it receives each Congress, a relatively small amount (approximately 10 percent) that merit committee scrutiny and subsequent consideration by the full Chamber. Because of the small size of committees—on average 16 to 20 Senators or 35 to 50 Representatives, and the often lengthy service of Members on the same panel, committees provide an effective means of managing Congress' enormous workload and gaining expertise over the growing range and complexity of subjects with which the Government deals.

### **81. What are the standing committees of the House?**

In 1993, 22 standing committees were named: Agriculture; Appropriations; Armed Services; Banking, Finance and Urban Affairs; Budget; District of Columbia; Education and Labor; Energy and Commerce; Foreign Affairs; Government Operations; House Administration; Judiciary; Merchant Marine and Fisheries; Natural Resources; Post Office and Civil Service; Public Works and Transportation; Rules; Science, Space, and Technology; Small Business; Standards of Official Conduct; Veterans' Affairs; and Ways and Means.

### **82. What are the standing committees of the Senate?**

In 1993, 16 standing committees were named: Agriculture, Nutrition, and Forestry; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; Budget; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Judiciary; Labor and Human Resources; Rules and Administration; Small Business; and Veterans' Affairs.

### **83. How are the members of the standing committees selected?**

Before Members are assigned to committees, each committee's size and the proportion of Democrats to Republicans must be decided by each Chamber's party leaders. The total number of committee slots allotted to each party is approximately the same as the ratio between majority party and minority party members in the full Chamber.

Members are then assigned to committees in a three-step process, where the first is the most critical and decisive. Each of the two principal parties in the House and Senate is responsible for assigning its members to committees, and at the first stage, each party uses a committee on committees to make the initial recommendations for assignments. At the beginning of a new Congress, Members express preferences for assignment to the appropriate committee on committees; most incumbents prefer to remain on the same committees so as not to forfeit expertise and committee seniority. These committees on committees then match preferences with committee slots, following certain guidelines designed in part to distribute assignments fairly. They then prepare and approve an assignment slate for each committee, and submit all slates to the appropriate full party conference for approval. Approval at this second

stage often is granted easily, but the conferences have procedures for disapproving recommended Members and nominating others in their stead. Finally, at the third stage, each committee submits its slate to the pertinent full Chamber for approval, which is generally granted readily.

**84. What constitutes a quorum of a standing committee of the Senate and of the House?**

Each House and Senate committee is authorized to establish its own quorum requirement for the transaction of business. House rules specify that House committees shall have at least two members present to take testimony or receive evidence and at least one-third of the members present for taking any other action, except reporting out a bill to the floor. Senate rules also require at least one-third of the committee membership present to conduct most business, but permit committees to lower that quorum requirement for purposes of taking testimony. However, in both Chambers, a physical majority of the committee members must be present to report a bill to the floor.

**85. What is a select committee?**

In the contemporary era, select committees are established by the House and Senate usually for limited time periods and for strictly limited purposes. In most cases, they have not been accorded legislative power—the authority to consider and report legislation to the full Chamber. After completing their purpose, such as an investigation of a Government activity and making a report thereon, the select committee expires. Recently, however, the Chambers have permitted select committees to continue to exist over long periods; some, such as the House and Senate Select Committees on Intelligence, have been granted legislative authority.

**86. What are joint committees and how are they established?**

Joint committees are those which have Members chosen from both the House and Senate, generally with the chairmanship rotating between the most senior majority party Senator and Representative. In general, they do not have legislative power to consider and report legislation to the full Chambers. These committees can be created by statute, or by joint or concurrent resolution, although all existing ones have been established by statute. Congress now has four permanent joint committees, the oldest being the Joint Committee on the Library, which dates from 1800. In addition, it sometimes establishes temporary joint committees for particular purposes, such as the Joint Congressional Committee on Inaugural Ceremonies; it is formed every 4 years to handle the organizational and financial responsibilities for the inauguration of the President and Vice President.

**87. Do congressional committees hold hearings on all bills referred to them?**

No. However, it is the view of many committees that any Member who insists on a hearing on a bill should have it. There may also be several bills similar or almost identical in substance introduced at the same time. In such cases, hearings frequently are

held on a group of related measures; or a hearing on one bill serves for all similar bills. It is not always possible for Members to have individual hearings on their particular bills before a committee because of the press of business and the large number of bills referred to most committees.

**88. Does the congressional committee to which a bill is referred effectively control its disposition?**

Committees, for the most part, control whether hearings will be held on bills referred to them and whether these bills will be reported to the full Chamber for debate. Ordinarily, if a bill is not reported by a committee, the bill dies; that is because the Chambers usually defer to the expertise and power of committee members in determining a measure's fate.

However, both the House and Senate have procedures for allowing measures not reported by a committee to be considered by the full Chamber. The House uses a discharge procedure, usually on measures of a controversial character; it is rarely employed and rarely successful, because it is cumbersome and because Members are uncomfortable circumventing committee authority. The procedure allows a majority of Representatives (218) to sign a petition to discharge a committee of any bill held there longer than 30 days, at which point the bill is placed on a special calendar and may be called up by any of the signers on the second or fourth Monday of any month. Very limited debate is allowed on the question of whether to consider a bill on the calendar; but if the House agrees by majority to a bill's consideration, then it is debated under its general rules.

It is also possible to discharge a Senate committee by motion, but the procedure is rarely used. Instead, because the Senate does not generally require amendments to measures to be on the same subject as the measures, a Senator may offer the text of a measure buried in committee as an amendment to any measure being debated by the full Senate. This practice is not allowed in the House, where amendments must be relevant (called "germane") to the measures they seek to amend.

**89. Are committee hearings open to the public?**

Hearings by House committees and subcommittees are open to the public except when a committee, by majority vote while in public session, determines otherwise. This occurs, for instance, when classified national security matters are considered.

The Legislative Reorganization Act of 1970 permitted, for the first time, radio and television broadcast of House committee and subcommittee hearings but only when a majority of the committee so votes and only if decorum is observed in the broadcastings.

Hearings by Senate committees and subcommittees are also open to the public. However, Senate committee hearings may be closed to the public if the committee determines by majority vote in open session that testimony must be secret for any of several reasons, including if it relates to classified national security matters, reflects adversely on the character or reputation of witnesses, or divulges information which is of a confidential nature.

Hearings of public interest in the Senate have been broadcast for more than 40 years.

**90. What is meant by the “seniority rule”?**

It had been the custom whereby a member who served longest on the majority side of a committee became its chairman or if on the minority, its ranking member. Members were ranked from the chairman or ranking member down, according to length of service on the committee.

Modifications made in the 92d, 93d, and 94th Congresses have caused the seniority rule to be less rigidly followed than previously. In both Chambers, nominees for committee chairmen are subject to public votes, first in meetings of their party colleagues (in conference or caucus), then in the full Chamber. Nevertheless, length of service on a committee remains the predominant criterion for choosing its chairman and ranking member. Members who interrupt their service in a Chamber but subsequently return to the Congress, start again at the bottom of a committee list. Returning Members outrank other new Members who have no prior service. New Members also earn seniority over other newly elected Members by having prior service in the other legislative Chamber. In some cases, in which two Members have equal time in service in a Chamber, prior service as a State Governor or State legislator also may contribute in the determination of seniority.

**91. Do the terms “senior Senator” and “junior Senator” apply to age or service?**

The words “senior” or “junior” as applied to Senators refers to their length of continuous service in the Senate, and not to their ages. Thus, a senior Senator may be younger in age than the junior Senator.