

What to Expect from the New Congress Administration

Importance of Congressional Committees



Nick Manetto

Principal

Faegre Baker Daniels Consulting

Congressional Committees:

What They Are, Why They Are Important
and What You Need to Know

Nick Manetto

Principal Consultant

February 28, 2018

Congress Without Committees



Congress With Committees



A Little Committee History

- No reference to committees is included in the Constitution.
- Early committees were select or developed on an ad hoc/as-needed basis.
- In late 1816, the Senate established Standing Committees to help discharge a growing body of legislative business.
- Similar history in the house in that panels were originally established as temporary vehicles to address specific issues.
 - House Ways & Means dates back to 1789 as a select committee and became permanent during the 4th Congress.
- Number of standing committees has evolved changed over time. During the early 1900s, the House had nearly 60 committees!

The Main Types of Committees

- **Standing or Permanent Committees.** These include:
 - Senate Finance Committee
 - House Ways & Means
 - Senate HELP Committee
 - House Energy & Commerce
 - House and Senate Appropriations Committees
- **Select Committees:** Can have special requirements for members and/or be constituted for limited amounts of time.
- **Joint Committees:** Have members from both the Senate and the House

Authorizing vs. Appropriations

- Most committees, like Energy & Commerce, Ways & Means, HELP and Finance, are **authorizing committees** in that they write laws that create new programs or policies and conduct oversight of them.
- House and Senate **Appropriations Committees** are responsible for spending money on specific departments, agencies and programs.
- Both play important roles: programs can be created or authorized, but if they are unfunded, little to nothing happens.

Why Committees are Important

- Committees have assigned roles and responsibilities, including jurisdiction over issues, sectors of the economy and government departments and agencies.
- Committees hold hearings, debate policy and develop and amend (*markup*) legislation.
- While any Member of Congress can introduce legislation on any issue, members on a committee enjoy greater clout/ability to influence policy and legislation within the panel's purview.
- Committees include additional staff, often professionals with deep subject matter expertise who are often able to get into the weeds on topics more than personal office staff.

The Role of Committees in Legislating

- Under regular order, legislation is referred to one or more committee with jurisdiction over the issue or issues at hand. Legislation can be referred to more than one committee (*e.g., dual referrals*).
- Committees then act (or don't act) on legislation, playing a bit of a "gatekeeper" role.
- Bills are often amended during the committee process with modified versions being approved or "reported out."
- While clearing a committee is not a guarantee of success, it is an indicator of success and often a very important step in the overall process.

Committee Membership & Leadership

- Party leadership and steering committees drive or make assignments to committees.
- Intense competition for “A” committees such as Energy & Commerce, Ways & Means and Finance.
- Chairmanships have typically been determined by seniority.
- Recent times have seen some shifts to straight seniority with other factors playing a role (*e.g., party loyalty, political activity, accomplishments*).
- Committee ratios (balance of power) are established each Congress and reflect the partisan make-up of the chamber.

A Few Stats to Keep in Mind

114th Congress (2015 to 2016)

- 12,063 total pieces of legislation (*bills, resolutions*)
- 661 bills received a vote (*5 percent*)
- 329 bills (*3 percent*) were enacted into law

But Don't Get Discouraged!!

- 21st Century Cures alone contained hundreds of provisions and many larger piece of legislation are “omnibus” in nature, containing numerous stand-alone bills.

A Few Final Points

- Committee membership should be one but not the only factor considered when identifying potential legislative champions.
- Lawmakers not on the relevant committee can – and do – achieve results. A passionate and deeply motivated champion not on the relevant committee can be more effective than a dispassionate member on the panel.
- Sometimes members on a committee may be reluctant to lead or champion a bill that will come before them and want to avoid tying their hands.
- Ultimately, don't make the perfect the enemy of the good. Better to have an idea in play and build support than to wait too long to move.