

Understanding Capitol Hill Jargon: Committee Edition Updated December 5, 2022

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Committees are an essential aspect of the legislative body as a whole. Some of Congress' most substantive work happens in its committees, where members discuss the country's most pressing issues, conduct oversight, and fine-tune legislation. This explainer unpacks some of the terms often used in discussions about Congress' committees. For a breakdown of more general terms used frequently on Capitol Hill outside the committee context, see the Congressional Progressive Caucus Center's explainer, <u>Understanding Capitol Hill Jargon</u>.

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Topic: Committee Basics

Committee: Committees are bodies within the House and Senate composed of subsets of members of that chamber. Committees have distinct missions and authorities and are perhaps best known for considering legislation before it advances to the full House or Senate for a vote, but not all committees perform this function. A full list of the committees in Congress is available <u>here</u>.

Below are instructive definitions of the different types of committees from <u>Senate.gov</u>. While they are Senate-focused, these descriptions are useful for understanding both House and Senate committees.

- "Standing Committees are permanent committees established under the standing rules of the Senate and specialize in the consideration of particular subject areas. The Senate currently has 16 standing committees."
- "Joint Committees include membership from both houses of Congress. Joint committees are usually established with narrow jurisdictions and normally lack authority to report legislation. The position of chair usually alternates each Congress between members from the House and Senate."
- "Special or Select Committees were originally established by the Senate for a limited time period to perform a particular study or investigation. These committees might be given or denied authority to report legislation to the Senate."

Exclusive committees: House members sitting on exclusive committees may not serve on additional committees without a special waiver—literally, they sit on that one committee *exclusively*. Generally, references to "exclusive" committees refer to the Committees on Appropriations, Energy and Commerce, Ways and Means, Rules, and Financial Services. However, these "exclusive" designations can vary depending on when a member began serving on that committee. For more information, see <u>"Rules Governing House Committee and Subcommittee Assignment Procedures"</u> (Congressional Research Service). The Senate does not designate "exclusive" committees.

Hearing: This is a committee meeting during which committee members hear from witnesses about a specific topic and ask questions of those witnesses.

Markup: This is a committee meeting during which committee members consider legislation and vote on whether to send it to the full House or Senate for *all* of the chamber's members to vote on it. This meeting allows members an opportunity to offer amendments modifying—i.e., "marking up"—the legislation.

Oversight: In the committee context, "oversight" refers to the work committees carry out to ensure that the executive branch is acting under the authority Congress has delegated to it; that laws are implemented as Congress intended; and that Congress has the information necessary to address issues affecting the American people. Oversight can take different forms. For example, a committee may hold oversight hearings to examine a particular issue and ask government or private industry officials to provide testimony and answer questions. Alternatively, a committee may

write to those officials requesting information. Committees will sometimes issue reports on the results of their oversight activities; for instance, in 2021, the Chair and Ranking Member of the Senate Finance Committee <u>released a report</u> detailing the results of their bipartisan investigation into the high price of insulin.

Ratio: This refers to the ratio of majority party members to minority party members on each committee.

- House: In the House, the majority party has the power to determine committee ratios. The only exception to this rule is the House Committee on Ethics, on which there is an equal number of majority and minority members. According to the Congressional Research Service: "Historically, the number of majority seats on some committees has exceeded, in varying degrees, the strength of the majority party in the House chamber, regardless of which party has been in power. This generally has ensured that the majority party has a sufficient number of members distributed across committees to control voting in many committees." For example, the ratio of House Republicans to House Democrats in the 117th Congress is 213 to 219, as of December 2, 2022. This means there are approximately 0.97 Republicans for every Democrat in the House. On the House Appropriations Committee, however, there are 26 Republicans and 33 Democrats. This means there are roughly 0.78 Republicans for every Democrat on the House Appropriations Committee.
- Senate: In the Senate, an <u>"organizing resolution</u>" must be adopted at the beginning of each Congress to determine matters like committee assignments and ratios. According to the <u>Congressional Research Service</u>, "it has been the practice of the Senate to apportion committee seats to the majority and minority parties in a manner that corresponds closely to the party strength in the full chamber." Thus, Senate committee ratios have historically favored the party in the majority, like in the House—but, unlike the House, those ratios tend to mirror that of majority-to-minority members in the chamber.

Steering committees: These bodies recommend committee assignments for their party's members in their chamber. These bodies have different names; for example, House Democrats have their Steering and Policy Committee, while House Republicans have their Steering Committee. In the Senate, Republicans have a Committee on Committees, while Democrats have a Steering and Outreach Committee.

Subcommittees: These are subdivisions within committees that focus on a subset of issues within the full committee's jurisdiction. For example, the House Foreign Affairs Committee has a subcommittee focused on <u>Asia, the Pacific, Central Asia, and Nonproliferation</u>. Subcommittees comprise a subset of the full committee's members and, like full committees, have their own chairs and ranking members.

Topic: Legislation

Amendment: Members offer amendments to legislation to change—literally, *amend*—that legislation. This might happen in a committee or when the legislation is considered in the full House or Senate. Requirements around amendments' "germaneness"—how related the amendment is to the underlying legislation and, in committees, that committee's jurisdiction—limit members using the amendment process to advance their priorities. Germaneness requirements vary depending on where the underlying bill sits at the time (i.e., in a committee, the House, or the Senate) and the type of bill it is (e.g., an appropriations bill, which has specific requirements for amendments). In some circumstances, an amendment that is not germane can be thrown out before even coming to a vote on its merits. For more details about the chambers' respective rules and processes around amendments, see <u>"The Amending Process in the House of Representatives"</u> and <u>"The Amending Process in the Senate"</u> (Congressional Research Service).

Amendment in the nature of a substitute (ANS): An ANS amends legislation by removing all of the language in a bill and replacing it with new language.

Committee report: There are various types of committee reports. According to <u>Congress.gov</u>, the term "committee report" may refer to:

- 1. Reports that accompany a legislative measure when it is reported for chamber action
- 2. Reports resulting from oversight or investigative activities
- 3. Reports of conference committees
- 4. Committee activity reports, published at the conclusion of a Congress.

Conference committee: The House and Senate will sometimes pass different versions of the same legislation. In these cases, the two chambers may convene a conference committee consisting of representatives and senators from both parties to reconcile the differences between the two versions.

Jurisdiction: For every committee, there is a body of issues that fall under its purview. This body of issues is known as that committee's "jurisdiction." Practically, this means that a committee has the authority to conduct oversight related to those issues. Additionally, bills concerning those issues are referred to that committee, which chooses whether to act on the bills in question. Committees' jurisdiction can overlap. For example, in the House, health care might fall under the jurisdiction of the Energy and Commerce Committee, the Ways and Means Committee, and/or the Education and Labor Committee, depending on the specific health care issue at hand. For more information, see "<u>Committee Jurisdiction and Referral in the House</u>" (Congressional Research Service).

Referral: This is the practice by which a committee or committees are given the responsibility to act on—or decline to act on—legislation within their jurisdiction. As committees' jurisdiction can overlap, legislation is often referred to multiple committees in the House. However, such referrals give one committee primary

jurisdiction over the bill in question. Senate bills are typically referred to just one committee. For more information, see "<u>Committee Jurisdiction and Referral in the House</u>" and "<u>Committee Jurisdiction and Referral in the Senate</u>" (Congressional Research Service).

Topic: Rules and Procedure

En bloc: This refers to the process by which a body—such as a committee—considers several measures simultaneously. For example, a committee may choose to compile numerous amendments into a single *en bloc* package on which the members of the committee vote once to approve or reject all amendments within the *en bloc* package. This process helps expedite committee proceedings.

"For the record": A committee member may submit materials or witness questions "for the record"—meaning, to appear in that committee meeting's official record.

In the case of materials, a member may propose including a news article, a letter from an organization, or another item related to the topic being considered in the committee for inclusion in the formal record of that committee meeting. Often, this practice provides evidence for the member's position on a matter before the committee. For example, during a bill's markup, a member who opposes the bill might submit a letter from a group of stakeholder organizations that also oppose the bill. Members who wish to submit materials for the record will typically ask for unanimous consent.

In the case of questions for the record, members may submit to the committee's chair questions that they were unable to ask a witness or witnesses during the hearing. The chair then submits those questions to the witness for written responses.

Notice: When a committee or subcommittee chair "notices" a hearing or markup, they publicly announce that the hearing or markup will occur at a specific date and time. Committees have different rules regarding the amount of notice they must give before a hearing or markup can occur.

The ability to notice a hearing or markup is reserved for the chair and is a valuable tool in the chair's arsenal. Sometimes, a chair will know that they plan to mark up a contentious bill on a certain date, but will not formally notice the markup until they are required to under the committee's rules. Once that notice is given, the minority can prepare arguments against and amendments to that bill. In putting off noticing the markup, the chair avoids giving the minority extra preparation time.

Offer and withdraw: A member may want to amend legislation but understands that their amendment would not garner sufficient support to pass, or wishes only to indicate their interest in a particular issue. In these cases, that member may offer an amendment to the legislation, speak about its merits, and then withdraw it before it proceeds to a vote. When this happens, members will typically say they intend to "offer and withdraw." Often, members do this to extract a public commitment from the chair to consider the issue they have raised at a later time. **Point of order**: A member raises a point of order when they believe there is a rule violation. Think of this like an attorney raising an objection in a courtroom. In that circumstance, a judge determines whether the objection has merit. In Congress, the person presiding over the proceedings, such as the committee chair, makes that determination.

Quorum: A quorum refers to the number of members who, under the committee's rules, must be present for the committee to conduct its business. While committees often conduct their business without a quorum present, it is within a member's rights—say, a member of the minority party that wishes to prevent a markup from proceeding—to point out that a quorum is not present and bring the committee's business to a halt.

Recess vs. adjourn: When a committee recesses, it pauses its current proceedings to resume them at a later time. When a committee adjourns, it concludes its proceedings. For example, a House committee might *recess* its markup for 30 minutes to allow committee members to take votes on the House floor. Once the committee has acted on all of the bills it noticed for that markup, it will *adjourn*.

Recorded vote vs. voice vote: A recorded vote is one that an individual member casts for posterity. This is different from a "voice vote," in which members vote on a measure aloud as a group by saying "aye" or "nay." The member presiding determines which side garnered more votes. Unless a member objects to the presiding member's determination and requests a recorded vote (sometimes referred to as "the yays and nays"), there is no public record of how individual members voted.

Report: When a subcommittee "reports" a bill to its full committee or a full committee "reports" a bill to the full chamber in which it sits, it has approved that measure for the parent body's consideration.

"Strike the last word": This is a procedural motion members use to request time to speak. If, for example, a member makes a motion to "strike the last word" when a certain bill is considered during a markup, they ask the chair to be recognized to speak about it. Once the chair recognizes them, the member may speak in support of or opposition to the bill.

Subpoena: A number of congressional committees have the power to issue subpoenas. According to <u>Citizens for Responsibility and Ethics in Washington</u> (CREW), a subpoena is "a written summons issued by a government agency to compel witness testimony or production of evidence...either house of Congress can issue a congressional subpoena pursuant to a congressional investigation." Typically, committees will request testimony or evidence in writing and allow the request's recipient to share the testimony or evidence voluntarily. If the recipient refuses, however, the committee may resort to a subpoena.

CREW notes that "willful noncompliance" with a congressional subpoena constitutes a federal crime, although Congress cannot prosecute this crime. For a person to be

prosecuted for noncompliance with a congressional subpoena, Congress must pass a resolution finding them in contempt of Congress and refer their case to the Justice Department, which *can* prosecute them.

For most House committees, a committee may authorize a subpoena via a majority vote, but most committee chairs can also authorize subpoenas unilaterally without the ranking minority member's explicit approval (though many committees have a minority consultation or notification requirement). In the Senate, however, most committees require either a majority vote or an agreement between the chair and ranking member to issue a subpoena. A united minority could prevent a Senate committee chair from subpoenaing documents or testimony. For more information on House and Senate committees' processes for authorizing and issuing subpoenas, see the Congressional Research Service report, <u>"A Survey of House and Senate Committee Rules on Subpoenas."</u>

Testimony (written and oral): When a committee asks a witness to appear, it is typical for them to submit a written statement to the committee before their appearance. This statement is their "written testimony." During the witness's appearance, they are often asked to provide a summary of that statement, as time constraints may not allow them to deliver their entire written testimony. This summary is their "oral testimony." Witnesses' oral testimony is typically delivered at the beginning of a hearing, immediately following opening statements from the chair and ranking member.

Unanimous consent (UC): When a member asks for unanimous consent, they ask for the body to allow them to do something. For example, a member in a committee hearing might ask for "unanimous consent" to enter an article related to that hearing into the committee's record. The chair will usually grant the request unless another member objects.

Yield: Members have limited time to speak or question a witness during a committee markup or hearing. Typically, members are given five minutes for these purposes. When a member "yields" time to another member, they give up a portion of their time and allow the member they yielded to to use that time. A member may yield their time for several reasons. For example, if Member A is speaking in opposition to a bill being marked up and Member B wishes to contest a point Member A made, Member B might ask Member A to yield. If Member A obliges, Member B can counter Member A's point in real time. However, Member A is not required to yield their time. Member A can also reclaim the time they have yielded at any point. If Member A decides, for example, that they do not wish to provide a platform for Member B's arguments, they might cut Member B off by reclaiming their time.

Topic: Positions

Chair: A committee or subcommittee chair (sometimes chairman, chairwoman, or chairperson) is the member of the majority party that presides over that body's proceedings and sets its agenda. The chair is often the majority member with the most seniority on the committee, but not necessarily. Democrats and Republicans have district rules regarding the selection and tenure of chairs.

Dais: There is a dais in each committee room and on the House and Senate floors. In committees, members are seated on the dais in order of seniority, with the most senior members seated at the top.

Majority staff: These staffers report to the committee's chair and aid the committee's majority party members. They also prepare materials for the committee's hearings and markups, secure witnesses, advise on committee procedure, conduct investigations, and more. As in the case of member offices, the staff consists of numerous individuals with different positions. These positions typically include professional staff members who advise on specific policy portfolios, counsels who advise on committee rules and procedures, communications staffers, and others. Majority staffs are typically larger than minority staffs.

Minority staff: These staffers are similar to the majority staff, but report to the *ranking member* rather than the chair and advise the committee's *minority* party members.

Ranking member: The ranking member is the minority party member that leads their fellow minority members on a committee or subcommittee. While the ranking member does not preside over the body or set its agenda—privileges reserved for the chair—the ranking member often organizes the minority members around a message, amendment strategy, and vote recommendations.

Witness: A witness is a person asked to appear before a committee or subcommittee to provide their viewpoint on a particular issue, such as legislation the committee is considering. In the case of a committee investigation, a witness may be unwilling to appear before the committee voluntarily, in which case the committee—provided it has the authority—might choose to issue a subpoena to compel that witness to appear.

Conclusion

Understanding what happens in Congressional committees is essential to communicating with lawmakers effectively, gauging bills' prospects, and much more. This glossary is not an exhaustive list and only delves into some facets of every term. However, by providing a basic understanding of frequently-used jargon, this explainer can help readers more easily follow the committee proceedings that may shape hugely impactful policies.