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Legislative Research Series

Paper #2

Committees in Legislatures

A Division of Labor

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Why Committees?

Almost all democratic legislatures depend on committees to conduct their business. Committees (sometimes called commissions) are small groups of legislators who are assigned, on either a temporary or a permanent basis, to examine matters more closely than could the full chamber.

- Committees allow the legislature to perform simultaneously numerous important functions that otherwise might not be conducted at all. These matters may include: detailed review of proposed legislation; oversight of executive branch activities; examination of and reporting on policy issues; and special investigations.
- Committee proceedings operate under less formal rules of procedure than those that govern the entire legislature (plenary or floor proceedings). Committee members are able to discuss issues informally and to develop relationships with committee colleagues who represent other parties. That creates a collegial environment in which compromises on small matters and technical improvements in legislation can be agreed upon expeditiously.
- Committee members become authorities on matters within the jurisdiction of their committees and are acknowledged as such by their legislative colleagues, the press and the public. Committee membership is thus a means of establishing leadership within the legislature and visibility in the public arena.
- Committees that hold public meetings, thereby allowing citizen and media attendance, educate citizens on important policy issues, the likely implications of proposals and about the democratic process. Open meetings allow committees to gain public understanding and build support for the legislature's subsequent decisions.
- Committees that conduct public hearings provide an opportunity for academic, business and nongovernmental experts to present their views. There are two types of hearings: hearings that review the executive's implementation of previously enacted laws (oversight) and hearings that discuss and review draft legislation. In either case, outside experts contribute valuable information and guidance to committee deliberations. They can also provide important authoritative support for committee proposals and decisions.

Most national legislatures have committees; the types of committees, their duties and their significance vary. Former U.S. Representative James Shannon commented during a 1995 conference on the role of committees in Malawi's legislature :

Around the world there is a trend to move toward more reliance on committees to conduct the work of parliament, and the greatest reason for this trend is a concern for efficiency. The demands on a modern parliament are numerous and it is not possible for the whole house to consider all the details necessary for performing the proper function of a legislature.¹

At one end of the spectrum sits the U.S. Congress, in which standing (permanent) committees perform the essential functions of reviewing proposed legislation - whether introduced on behalf of the President or by individual members - and monitoring executive branch activities. At the other end lies the British Parliament, in which **ad hoc** (temporary) committees conduct only a cursory review of draft legislation and permanent committees have a limited oversight function. And in the middle - which comprise the majority - there are legislatures, such as those in Germany and Sweden, in which permanent committees are active in the legislative process but are not as important as U.S. congressional committees. (The Appendix contains five charts with information about specific committee functions and rules based on data collected in 1995 from 20 legislatures.)

What explains the varied roles of committees in different legislatures? One answer lies in the relationship between the importance of committees in a legislature and the importance of political parties in that same institution. The stronger and more disciplined the political parties in a legislature, the less powerful the role of committees. In addition, the prominence of the legislature itself **vis-à-vis** the executive branch is reflected in the relative significance of the legislature's committees. Legislatures that play a central role in the lawmaking process tend to have more developed and active committees; legislatures that defer to the chief executive, whether a prime minister chosen from its own ranks or a separately elected president, tend to have weaker committees.

Parliaments in the Westminster tradition rarely have a powerful system of standing committees. One author suggests that this convention stems from the basic role of the legislature in a parliamentary system:

The influence of parliament over the executive normally comes not so much through the rejection, alteration, or approval of bills by parliament as through the deterrent effect of bad publicity from parliamentary scrutiny and debate. An argument against strong parliamentary committees is that they submerge

the distinctions between parties and give power to 'irresponsible' committees rather than a 'responsible' government.²

The authors of a comparative analysis of committees in legislatures similarly concluded that parliaments with strong party cohesion (e.g., the parliaments of the United Kingdom and Canada) are faced with "many obstacles to a strong committee system. The government does not want committees to become centers of decisionmaking or competing sources of power."³ In parliamentary systems, executive branch ministries are responsible for drafting most, if not all, legislation. In presidential systems, on the other hand, in which the executive is directly elected for a set term and does not depend on a legislative majority to hold office, legislators are themselves the authors of the substantial amendments that characterize most bills - and that occasionally prompt presidential vetoes. In almost all countries surveyed, however, the committee stage is a prerequisite for adoption of a bill. (See Appendix.)

Types of Committees

In general, committees fall into two categories: standing and **ad hoc**. Most legislatures that have standing committees with jurisdiction over draft bills (i.e., proposed legislation) can and do appoint **ad hoc** committees to investigate specific matters. **Ad hoc** committees cease to exist once they have accomplished their purpose, and they usually issue a report to the full chamber or to the public that contains their findings and conclusions. Bicameral legislatures may also establish permanent or temporary joint committees, with representatives from both bodies, to review issues of general and continuing concern or to reconcile differences in bills adopted by the two chambers.

Standing Committees and Review of Legislation

Standing committees are usually established for the duration of the legislature (i.e., until a new legislature is elected). They are specialized by subject matter and often parallel executive branch ministries or agencies. The degree of specialization differs among legislatures. Standing committee members, because they may remain on the same committee for a period, usually gain considerable expertise about the subjects within their committee's jurisdiction.

The **U.S. Congress** is organized into standing committees that play an important part in the legislative process. U.S. congressional committees are recognized as stronger than those in any other Western legislature.⁴ In 1885, political scientist and future U.S. President Woodrow Wilson described the Congress as a collection of committee baronies, and congressional government as "government by the standing committees

of Congress."⁵

The permanent subject-matter committees of the U.S. Congress determine the major (and minor) decisions that shape a draft bill before it is considered by the full body. Committees have broad authority to adopt amendments and redraft bills, and it is the committee's version of a bill

that is considered by the full chamber. While committee members may well hold diverse points of view on controversial issues, the committee provides an opportunity for members to craft compromises that may reconcile partisan differences.

Bills usually must be considered by the appropriate committee(s) before they can come before the House or Senate for a vote. Committee chairs, who are all members of the majority party, control committee agendas and the consideration of amendments to bills. They are able to ignore a bill by not bringing it up for committee consideration, thus precluding it from coming to a floor vote.

When members fail to agree on a draft bill, the committee votes on amendments to the bill; these votes are frequently cast along party lines. After considering, amending and voting to approve a bill, the committee issues a report that explains its views on, and amendments to, the bill. These reports also include a section describing or setting forth the views of the committee's dissenting members (**i.e.**, those who disagree with the recommendations of the committee majority). Usually, the product of the committee's work -- rather than the original draft bill -- is the version of the bill considered by the full chamber. The committee chair and the minority party's most senior committee member (known as the "Ranking Minority Member") usually lead the floor debate on a committee-reported bill and often take opposing views on specific issues within the bill or on the bill as a whole.

Ad Hoc Bill Committees

Some legislatures establish **ad hoc** committees to review draft bills. These **ad hoc** committees convene to consider bills and then disband; thus, members of **ad hoc** committees do not necessarily develop experience or knowledge about the subject matter of bills they review.

The **British Parliament** relies on **ad hoc** committees to review draft bills. In Parliament and in legislatures modeled on the British parliamentary system (**e.g.** the Canadian, Indian and Irish parliaments) there is a "second reading" of the bill in plenary session when the membership debates the general principles of the bill. After this debate, the chamber votes to send the bill to committee for consideration. The **ad**

hoc bill committees cannot make changes that run counter to the principle of a bill. Instead, the committees tend to adopt amendments that are introduced by the government's ministers. These amendments are usually technical in nature: "In practice, their ability to amend and influence the content of measures is circumscribed. . . . The result is that bills usually emerge from committees relatively unscathed."⁶

British bill committees have "little opportunity to develop and vote upon alternative provisions" because party composition is proportional to floor party strength, and party discipline in support of a bill is imposed by the minister who introduced it.⁷ **Ad hoc** parliamentary committees are organized to reflect the adversarial, party-dominated nature of Parliament, and debate in committee usually takes place along party lines. Bill committees are not as important in Parliament as they are in the U.S. Congress, in which committee leaders lead the floor debate. In Parliament, "floor debate is led by the minister and the opposition front bench [minority] spokesperson."⁸

The relative weakness of the British Parliament's **ad hoc** bill committees is in large measure a consequence of the parliamentary system in which leaders of the majority party in the legislature are members of the government's cabinet. These cabinet ministers dominate the legislative process within the committees and in plenary sessions. The cabinet thus wields significant control over the Parliament, and the committees play a limited role in the law-making process.

Variations

The **French National Assembly**, which has been described as having characteristics of both the U.S. House of Representatives and the British House of Commons, has standing committees with specialized jurisdiction.⁹ However, National Assembly committees have limited "decisionmaking" power; they cannot revise the purpose of the government's legislation and can make only technical modifications to government bills. Because committees must report back to the full chamber within three months, they cannot prevent bills from coming to a vote of the Assembly. The committees also do not have sufficient time to fully examine government proposals. Before the Constitution of 1958, the National Assembly comprised 20 committees organized on the basis of subject matter that "constituted very powerful hurdles" to government action: "The Constitution of 1958 [the Fifth Republic] sought to reduce drastically the power of committees from one of complete control of the legislative process to one of advice given to the house on the line to take on the bill in general and on the various clauses."¹⁰ Today, the standing committees of the National Assembly, which have relatively little authority, have been reduced to six and described as little more than "components of the legislative conveyor belt."¹¹

The German committees are more important to the legislative process than are their French (or British) counterparts and are more akin to U.S. congressional committees. In the **German Bundestag** (Federal Diet) committees cannot bury bills and are not known to make aggressive use of their investigatory and information-gathering powers; however, they carry the chief burden of parliamentary work, exercise their power to amend legislation and function as a "responsible critic of the government."¹² "Committees are the indispensable workhorses of the Bundestag, the machinery through which the greater part of its business must be processed."¹³

In the **Canadian House of Commons**, a comprehensive system of standing, specialized committees parallels the government ministries. The committee system underwent major restructuring in 1968: committee membership was reduced to no more than 20 seats; committees were authorized to sit whether or not the House was in session; and committees were allowed to delegate substantial responsibilities to subcommittees.¹⁴ In addition, the reforms required that most government bills be referred to committees automatically after a second reading and authorized the committees (upon orders of the House) to investigate policy issues.¹⁵ While the Canadian committee system is atypical for a parliamentary model, the committees are much less powerful than their formal duties might suggest.¹⁶

Despite these reforms, the committees in the Canadian House of Commons remain relatively ineffectual; they play no important role in either scrutinizing government bills or overseeing government policies. One source of their weakness stems from the process by which committee chairs are selected: the government, through its House leader, selects the committee chairperson from the majority party.¹⁷ As such, committee chairs are not predisposed to conduct investigations or otherwise hold the government accountable. Instead, committee chair positions have grown into "the proving and recruiting ground for advancement of government backbenchers."¹⁸ In general, a committee chair carries little prestige, thus contributing to tenures of short duration; few chairs serve more than two years. The weakness of committees is also compounded by low attendance and high turnover of committee membership.¹⁹

Hungary's National Assembly, a unicameral legislature, has 12 standing committees that are organized broadly to reflect the structure of the government and are important components of the legislative process. Although committees are required to act on bills submitted to them, they also initiate legislation and submit motions for amendments. National Assembly committees can require government officials and private individuals to testify and to provide requested documents. In the early 1990s members of the National Assembly made several attempts to broaden the committee framework by establishing new committees; although these efforts failed, they have been cited as "proof that members consider [committees] as a source of influence and

a means by which they can openly and publicly concentrate on a specific problem area."²⁰

In **Thailand**, draft legislation does not need to be reviewed by a committee before being considered by the full chamber. In the event that the National Assembly does establish **ad hoc** committees to review draft legislation, they are given a set period of time in which to review and issue a report on the draft. The Thai committees are unusual in that they may include outside experts as well as members of the assembly.

And in **Jordan**, where the king and the cabinet play the lead role in proposing and determining the legislative agenda, the four permanent and eight **ad hoc** committees of the Representative Assembly play a very minor role. Bills are drafted by the executive and sent to the committee for study before plenary session consideration. The relevant cabinet minister explains the proposal to the committee, and the committee members may seek further clarification. Although the committee may at times suggest to the minister changes for incorporation as "friendly" amendments, the Assembly needs a two-thirds vote to adopt any amendments the minister declines to accept.

Oversight Committees

In addition to reviewing and reporting draft bills, committees examine the executive branch's implementation of the law, a practice that is called "oversight" or "parliamentary control." In the **U.S. Congress**, as in most legislatures, the committee with jurisdiction over legislation pertaining to a particular agency also has jurisdiction to oversee that agency's activities. For example, the U.S. congressional judiciary committees review legislation pertaining to crime and other justice-related matters and oversee the activities of the Justice Department. However, in the British Parliament, **ad hoc** committees review draft legislation and select committees that parallel government ministries perform the oversight function.

Committees of the U.S. Congress play an important role in reviewing the activities of the executive branch. Committee oversight is a way in which the Congress "monitor[s] the administration and effectiveness of programs that have been enacted into law;" oversight often includes hearings at which executive branch officials testify about the progress and problems associated with the program being reviewed.²¹ Committees can require executive branch officials to present testimony and produce documents, but they rarely need to resort to formal measures because the executive branch usually cooperates with Congress. This tradition of cooperation between the executive branch and the legislature's committees may well have its roots in the Congress's "power of the purse." Congress, and more specifically the committees to

which spending matters are delegated, must authorize and appropriate all funds for executive branch operations.

Select committees in the British House of Commons may be appointed once to consider a specific matter or regularly established from session to session to address issues of continuing concern. These committees have the authority to scrutinize the activities of the executive branch but do not review legislation. In 1979 the House of Commons established 12 select committees that examine witnesses, receive evidence, hold public hearings and issue reports. Although select committee powers are relatively limited - they have no formal powers except to send for "persons, papers and records," not including those of the government - they are quite effective in informing public debate about government policy and activities.²²

Commenting on the important oversight function of committees, former U.S. Representative James Shannon noted that:

Committees can play a valuable role in reviewing and evaluating the performance of cabinet ministries . . . The relationship between committees and parliamentary ministries does not need to be antagonistic. In fact the relationship is more a system of exchanging information on both policy and administrative matters . . . and is based on mutual need.²³

Committees also serve an investigatory function, either as part of oversight responsibilities or because the legislature has expressly established a committee to investigate a controversy. However, Shannon emphasized that the two functions are discrete and should remain so.²⁴ These **ad hoc** committees usually issue a report of their findings and conclusions upon completion of their work and subsequently disband.

How Many Committees, How Many Members?

Most legislatures have some permanent committees, and some constitutions require the legislature to establish specific committees. Most constitutions authorize the legislature to organize committees or, as part of the legislature's standing orders (*i.e.*, rules of procedure), to supplement the committees established by the constitution.

The number of committees vary among legislatures. Although legislatures with many members may have relatively more committees than legislatures with few members, some large legislatures have relatively few committees. NDI compared the number of members to the number of committees in 11 legislative bodies; the size of the chambers ranged from 120 to 662 members and the number of committees from 6 to

38:

Membership and Permanent Committees in Selected Legislatures, 1995

(in descending order from the largest chamber)

Chamber	Members	Permanent Committees
German Bundestag	662	24
French National Assembly	577	6
Indian House of the People	545	18
Japanese Diet	511	20
U.S. House of Representatives	435	19
Thai House of Representatives	360	15
Romanian Chamber of Deputies	341	14
Canadian House of Commons	295	20
Argentine House of Representatives	254	38
Portuguese National Assembly	230	12
Senegalese National Assembly	120	11

Although the larger chambers tend to have a greater number of committees, there are exceptions to that trend. For example, the relatively small **Argentine House of Representatives** (254 members) has more committees (38) than seven other legislatures with more members; whereas the French National Assembly (577 members) has only six committees.

The size of a committee may affect its ability to develop expertise and to function efficiently and effectively. For example, the six committees of the **French National Assembly** (with 72 to 144 members each) are "too large and too unwieldy for the development of genuine expertise."²⁵ A 1994 study of defense committees in 30 legislatures concluded that "[t]he size of committees is arguably crucial to their effectiveness," and "the majority of committees are efficient and workable with between 13 and 25 members." Surveying both established and evolving democratic legislatures, the study's authors explained that:

[Committees] with fewer members should theoretically find it easier to reach agreement during reports and investigations, thereby making their decisions unanimous. Unanimity carries a great deal of weight when committees are seeking to influence decisionmaking. Those committees with a larger number of members are more likely to experience problems in reaching agreement. Large committees are more likely to replicate plenary divisions and arguments.²⁶

A July 1995 report, **Consolidating Parliamentary Democracy in Namibia**, echoed the conclusion that, in the committee context, smaller is better. That report's authors, a working group of members of the **Namibian Parliament**, recommended reducing committee size to between six and nine members because "[i]t is likely that small, well attended committees will become more effective, not less."²⁷

Legislatures usually require each representative to sit on at least one committee, and some legislatures limit the number of committees on which each member can sit. Of 20 legislatures surveyed, 10 restrict the number of committees on which their members can sit (from as few as one to as many as three committees, depending on the legislature). Legislatures in nine of the countries surveyed (Argentina, Canada, Germany, Hungary, India, Ireland, Japan, Namibia and the United Kingdom) place no restrictions on multiple committee membership.

Although committees perform a variety of important functions, there appears to be a point at which more is not necessarily better. Experts reviewing the committee system in the United States concluded that, among other problems, Congress has had too many committees and subcommittees to function effectively. (In 1993 the House of Representatives comprised 22 standing committees and 118 subcommittees; the Senate comprised 17 standing committees and 86 subcommittees.) A 1993 report issued by the Joint Committee on the Organization of the U.S. Congress concluded that the committee system, which had been in place for almost 50 years, was in urgent

need of reform:

The existing system is simply too chaotic. Too many committees vie for floor access and members' time. Committee jurisdictions can be irrational, with some committees having far too vast, and others far too narrow, a focus. Many bills are referred to multiple committees, often generating bitter turf fights.²⁸

Of 29 reforms recommended in the report, the four deemed most important by senior congressional staff members pertained to reining in the committee system. The four significant proposals were: reduction of jurisdictional overlap among committees, limiting of representatives to no more than two standing committees and two subcommittees of each standing committee, reduction of the number of subcommittees, and limiting senators to no more than six standing committees and subcommittees.²⁹

Committee Meetings: Scheduling and Decisionmaking

The frequency of committee meetings and the times at which they are convened varies from system to system. In some legislatures committees are able to meet only on days or at times when no plenary debate is scheduled (that is, when the legislature itself is not sitting). This is the rule, or the general practice, in the Argentine Senate, the Bulgarian National Assembly, the Indian Council of States, the Japanese House of Councillors, the Romanian House of Deputies and the Thai Senate. This schedule ensures that committee meetings are not interrupted by plenary votes.

In other countries, committees meet regardless of whether a plenary session is underway. This more liberal rule guides the British House of Lords, the Canadian House of Commons, the French Senate, the Irish Senate, the Namibian National Assembly, the Portuguese National Assembly, the Romanian Senate and the U.S. House and Senate. In these legislatures, the committees take short recesses to accommodate floor votes that occur during committee meetings.

Decisions of committees are generally made by a majority vote that is cast when a quorum (established by the rules) is present. In many legislatures voting at the committee level is less formal than in plenary session, and votes can be cast by a show of hands. Some committees allow proxy voting; a committee member who anticipates being absent can make arrangements with a colleague to cast his or her vote. One of the changes to the U.S. House of Representatives rules in 1995 eliminated the option of voting by proxy in House committees.

Committee Meetings: Public Access

Committees are governed by a combination of each chamber's rules of procedure (standing orders) and each committee's rules of operation. In some cases, a nation's constitution includes provisions relating to the existence and/or operation of the legislature's committees.

The question of whether committee meetings should be open to the public may be governed by a country's constitution or its legislature's rules of procedure. Some constitutions stipulate that the legislature's committee meetings be open to the public, which means that citizens and the press can attend. In other countries, although not required constitutionally, committee meetings are open to the public under the legislature's rules of procedure or a committee's rules. Legislatures that usually open their committee meetings to the public include those in Argentina, Costa Rica, Hungary and the United States. Some legislatures, including those in Germany, India, Namibia and Senegal, routinely (either by rule or practice) close committee meetings.

Even legislatures in which committee meetings are usually open to the public have provisions allowing committees to close meetings when necessary, for example, to protect individual privacy or national security.

Open committee meetings allow citizens to closely follow debate (either directly or through news accounts) on matters of public interest and to learn what individual committee members say and how they vote on pending legislation. On the down side, the public and media scrutiny of open meetings may inhibit committee members from speaking as freely or reaching compromises as easily as they might have in closed meetings. According to a 1986 survey of 82 national legislatures: 49 always or usually held private committee meetings, 12 held both public and private meetings and 21 always or usually held public meetings.³⁰ Many legislative committees allow public access to the record (i.e., written summary or transcript) of committee meetings and hearings; these records are often published.

J.P. Kubwalo, a member of the **Malawian Parliament**, described committees as "the access point" for citizen participation in the legislative process. Kubwalo emphasized the importance of well-publicized, open committee meetings:

The acceptable practice in a democratic set-up is for committees to hold public meetings. Therefore, it is necessary to publicize these meetings through the radio, newspaper and posters. Notices containing a detailed agenda must be posted and publicized in good time, at least a week or two before the meeting is to take place.³¹

Committee Hearings

In addition to convening business meetings, committees in some legislatures hold public hearings to gather information about pending legislation or controversial policy issues or to conduct oversight of the government's activities within their jurisdiction.

Public hearings serve several functions. They are a means by which the legislature can solicit the expertise and opinions of different sectors of society. At public hearings committee members hear a broad range of views, including the opinions of: executive branch officials; independent legal or academic experts; representatives of business interests, labor unions and nongovernmental organizations; and individual citizens who may be affected by the matter under discussion. While some legislatures provide their committees with the power to compel (public and/or private) individuals to attend and testify, that authority is used sparingly because prospective witnesses usually believe testifying at a hearing will serve their interests and therefore do not need to be compelled.

Hearings also provide a forum for an exchange of ideas. Committee members ask witnesses questions about their positions and assertions, and engage them in discussion that ranges from general issues to specific problems. Committee hearings also alert citizens to the activities of the legislature and educate them on the issues of the day. Finally, the published transcripts of hearings provide a lasting record of the debate and of the information provided to the committee on the topic.

Although the **U.S. Congress** is well-known for its tradition of holding public hearings, other legislatures are finding this mechanism increasingly useful for obtaining information, airing public debates and attracting public attention. In newly established democratic legislatures, legislators must actively help create a system that invites public participation. As Kubwalo emphasized:

Outside opinion must be sought so that the advantages and disadvantages of a bill and how the bill might affect the nation or a particular section of the population will be discussed and considered by the committee and the Parliament before it is passed. . . . Committees must make it a habit to get in touch with organizations, ministries and people who have technical know-how. . . . [In addition,] there is a need to sensitize the people through civic education and public hearings on their right to be heard.³²

Committee Membership and Leadership

The partisan composition of committees usually reflects the relative strengths of the

different parties represented in the full legislature. For example, this distribution principle governs the German Bundestag committees, which parallel as accurately as possible the strength of the parliamentary groups; the majority party (or coalition) controls all Bundestag committees. This rule - that the composition of parliamentary committees should correspond to the level of each party's electoral support - also governs committee assignments in the legislatures of Bulgaria, Canada, France, Germany, Hungary, the United Kingdom and the United States.

Either one of two options generally determines the allocation of committee assignments for small parties. In France, smaller parties are not represented on committees: parties must hold at least 20 seats in the National Assembly before earning a committee assignment. In Portugal, although deputies usually can sit on no more than two committees, the smaller party groups are allowed to assign a representative to as many as three committees. In El Salvador, small parties are assigned a seat on every committee; if a party has only one member, that member sits on all of the committees.

Systems differ for determining the distribution of committee chairmanships among parties represented in a legislature. In the U.S. Congress, the majority party chairs all committees. In the German Bundestag, the committee chairs are distributed based on the proportion of seats each party holds. In Portugal, as in Germany, the composition of committees must reflect the representation of the parties in parliament although the committees are not all chaired by the majority party. However, in the British Parliament all committees - except the Public Accounts Committee - are chaired by a member of the majority party.

Committee Staff

Arrangements for committee staff (also called advisors or 'experts') vary greatly from one legislature to another. Some legislatures have no professional committee staff; others have large, qualified staff who are accorded substantial responsibility. The quantity and quality of committee staff tend to reflect the relative importance of the committee system to the legislative institution. For example, where the committees are of central importance (as in the U.S. Congress), the committees are replete with qualified professionals who hold substantial expertise and authority. On the other hand, in legislatures where committees are less consequential, there are fewer staff who, not surprisingly, perform largely administrative functions.

Each of the 19 standing committees in the **U.S. House of Representatives** is authorized by law to hire 18 professional staff assistants and 12 clerical aides.³³ The minority party in the House controls more than one-third of professional and clerical

staffs.³⁴ (In the Senate, committee staff is allocated to the minority party in proportion to the number of minority members on each committee.)³⁵ House rules allow each subcommittee chair and ranking minority member to appoint at least one staff member; additional subcommittee staff may be hired, but that staff must be subtracted from the staff allocation guaranteed the full committee.³⁶ In addition to "regular" committee staff, a member can assign personal staff to work on committee matters (i.e., "associate" staff), committees may obtain additional funding for "investigative" or "temporary" staff and the three most important committees are provided allowances for supplementary staff.³⁷

U.S. congressional committees are abundantly staffed with expert personnel who generally possess broad responsibilities and significant influence:

Most professional staff aides to committees are well-educated (most have post-baccalaureate degrees) and bring some professional or policy expertise to their jobs. In a few cases, they are the most expert policy specialists in fields, in or out of government. Beyond the administrative tasks of arranging meetings and hearings and managing the paperwork associated with legislating, committee staffs influence the agenda-setting decisions of investigations, negotiate on behalf of committees and their chairs, and work to build coalitions in committee, on the floor, and in conference. The assistance of quality staff aides can give a committee or subcommittee chair a substantial advantage over competitors in legislative politics.³⁸

Committee staffs also serve an important function of helping Congress "to compete with the expertise of the executive branch and to scrutinize the claims of special interests."³⁹ However, some observers believe that the committee staffs "wield too much power as they negotiate and make innumerable decisions about the details of legislation on behalf of their bosses."⁴⁰

Conversely, committee staff in Canada is much smaller and the scope of its work is far more limited. The **Canadian House of Commons** provides one clerk for each committee whose duties are restricted to organizing meetings, calling witnesses, making travel arrangements and processing necessary paperwork.⁴¹ Canadian committee clerks may occasionally help prepare committee reports and advise on questions of committee procedure. Unlike their U.S. counterparts, they do not normally actively participate in investigations, evaluate evidence or draft committee reports.⁴² However, committees are permitted to hire temporary professional assistants (i.e., consultants) to handle specific issues. Committee work is also augmented by the services provided by research staff with the parliamentary library and political parties.⁴³ Canadian MPs assert that committees are inadequately

staffed; committee witnesses complain that hearings are a waste of time, and lay much of the blame on the committee staff.⁴⁴ An expert on the Canadian parliament concluded that staffing of committees remains at such a reduced level because "it is one of the ways that government control, though invisible, strongly limits the capacity of parliament to investigate policy proposals and to hold the government accountable."⁴⁵ The unsatisfactory state of committee staffing is not only a cause, but also a reflection of the relative lack of influence of committees in the Canadian House of Commons.

A 1993 study of the legislatures of Argentina, Bolivia, Brazil, Chile and Honduras revealed that the committees of all five Latin American systems lacked skilled staff: "Most committees have a single nonpartisan staff professional employed by the secretariat, supplemented by a staff member designated by each of the party blocks represented on the panel."⁴⁶

For example, in the **Argentine Congress**, a single secretariat staff member is assigned to a committee and supplemented by party-employed staff controlled by the chamber or committee party leadership.⁴⁷ "Rarely do committee (partisan and nonpartisan) staffs number more than a half dozen."⁴⁸ In addition, while Argentine members of Congress have relatively large congressional staffs (as of 1983, each deputy was allowed 23 employees and each senator 98), these staff members are "underprepared and inadequately financed" to conduct research on the executive's proposed bills.⁴⁹

It is not only committees that are inadequately staffed. In **El Salvador** and **Mexico**, for example, the legislators themselves are bereft of professional assistance and are staffed only by secretaries. If they wish to conduct any legislative research or other analysis, they must do so on their own. This deficiency explains why committees in the Mexican Senate and Chamber of Deputies committees - which are well-established and organized along the lines of the U.S. congressional committee system - "do not wield comparable power."⁵⁰

In Mexico, most deputies and senators have only several employees, typically secretaries. Therefore, Mexican legislators rely on the executive branch for information, interpretations, and policy recommendations, rather than on their own or independent sources.⁵¹

Similarly, in El Salvador, "[e]xcept for secretarial work, virtually all research must be performed by the legislators themselves, many of whom have other jobs."⁵² Some Latin American legislatures, such as those in Bolivia and Brazil, have "borrowed" executive ministry personnel to staff their committees. While these arrangements have enhanced the assistance available to the committees, they may compromise the

independence of the legislature's work.⁵³

Other newly developing democratic legislatures, such as the **Romanian Parliament**, have faced a similar shortage of professional staff at the committee level. In the summer of 1994, it was reported that most permanent committees of the National Assembly and the Senate have a staff of four, which generally include one policy expert and other staff members who fulfill clerical or administrative functions.⁵⁴

Finally, the new national **South African Parliament** has an expanding pool of staff to assist committees which, in late 1995, more than doubled from its previous 25 members to a force of approximately 60. The parliament's "Committee Section" assists chairpersons and members of all parliamentary committees in both administrative and procedural functions and does so impartially.⁵⁵ Only when the parliament increased the number of committee staff, were staff members assigned to work with specific committees. Previously, a staff member (or clerk) provided assistance to more than one committee - and sometimes to as many as four. The Committee Section oversees the provision of clerks to attend committee meetings, distribute information, liaise with government departments, provide procedural advice, assist with witnesses and the press, help draft motions and reports, take minutes of committee meetings, and conduct other administrative functions. The staff hired to work with committees are professionals, many of whom have studied law in university. In addition, the Committee Section provides detailed guidance to its staff on the organization of committee meetings and the performance of staff responsibilities during and after committee meetings.

Conclusion

Legislative committees perform a broad range of functions and offer a legislative body the potential of increased efficiency and expertise. Committees allow legislatures to closely scrutinize draft bills and oversee government programs, and can provide an opportunity for the public to participate in the legislative process. While the number, type, size and function of committees varies considerably from one legislature to another, committees are an increasingly important organizational component of effective legislatures. Legislative committees - especially in newly emerging democracies - enable a legislature to engage actively in a nation's governance.

End Notes

1. National Democratic Institute for International Affairs, **Parliament's Organization: The Role of Committees and Party Whips - NDI Workshop in Mangochi, Malawi, June 1995** (Washington: National Democratic Institute for International Affairs, 1995), 12.
2. C.E.S. Franks, **The Parliament of Canada** (Toronto: University of Toronto Press, 1987), 163.
3. John D. Lees and Malcolm Shaw, eds., **Committees in Legislatures: A Comparative Analysis** (Durham, N.C.: Duke University Press, 1979), vii.
4. **Id.**, vii.
5. Wilson's characterization of the U.S. Congress as a collection of committee baronies is referred to in Ronald Peters, ed., **The Speaker** (Washington: Congressional Quarterly, 1994), 11; the quotation is taken from Gerhard Loewenberg and Samuel C. Patterson, **Comparing Legislatures** (Lanham, MD: University Press of America, 1979), 130.
6. Philip Norton, **The British Polity**, 2d ed. (New York: Longman Publ. Group, 1991), 296.
7. David M. Olson, "Comparative Legislative Process in Democratic Systems" (Paper prepared for the International School of Political Science, Tallinn, Estonia, October 1991), 32.
8. Norton, **British**, 296, 67.
9. William Safran, **The French Polity** (New York: Longman Publ. Group, 1991), 170.
10. Jean Blondel, **The Government of France**, 4th ed. (New York: T.Y. Cromwell Co., 1974), 163-164.
11. Safran, **French**, 171.
12. David P. Conradt, **The German Polity**, 5th ed. (New York: Longman, 1993), 136.
13. Nevil Johnson, "Committees in the West German Bundestag," in Lees and Shaw, **Committees**, 141.
14. C.E.S. Franks, **The Parliament of Canada** (Toronto: University of Toronto Press, 1987), 161.
15. **Id.**
16. **Id.**, 163; Franks notes that Canada is unusual among parliamentary legislatures in adopting this type of committee system.

17. **Id.**, 165.
18. **Id.**
19. **Id.**
20. Gabriella Ilonszki, "From Systematic Change to Consolidation: The Hungarian Legislature - An Institution in Search of Roles," in **Working Papers on Comparative Legislative Studies**, ed. Lawrence D. Longley, Research Committee of Legislative Specialists (Appleton, WI: International Political Science Association, 1994), 266.
21. Jerrold Zwirn, "Congressional Committee Hearings," **Government Publications Review** 7A (1980): 454.
22. Norton, **British**, 304.
23. National Democratic Institute, **Role of Committees and Party Whips**, 13.
24. **Id.**
25. Safran, **French**, 170. To address this problem, "working groups," which function much like subcommittees, have been established.
26. Bruce George and Alison Graham, "Defense Committees in Democratic and Democratising Legislatures" (Paper Presented to the Workshop of Parliamentary Scholars and Parliamentarians, Berlin, 1994), 12-13, 22.
27. British Council Report. **Agenda for Change: Consolidating Parliamentary Democracy in Namibia**. (Windhoek, Namibia: The National Assembly of the Republic of Namibia, July 1995), 23. One problem particular to Namibia's National Assembly is that it has only 78 members, 40 of whom are ministers or deputy ministers. Deputy ministers, but not ministers, are allowed to be committee members. In addition, the opposition parties have comparatively few members (19) and have difficulties supplying members to some committees. Thus, there are few members left to conduct committee work. British Council Report, **Parliamentary Democracy**, 21 and National Democratic Institute, **Role of Committees and Party Whips**, 15-16. Statement of Pashukeni Shoome, member of National Assembly, Washington D.C.
28. Thomas E. Mann and Norman J. Ornstein, "Shipshape? A Progress Report on Congressional Reform," **The Brookings Review** 12 (Spring 1994): 42.
29. Richard Shapiro and Craig Schultz, **Working in Congress: The Staff Perspective** (Washington: Congressional Management Foundation, 1994), 51.
30. Inter-Parliamentary Union, **Parliaments of the World** (Geneva: Inter-Parliamentary Union, 1986), 678.
31. National Democratic Institute,
Role of Committees and Party Whips, 21.

32. **Id.**
33. Steven S. Smith and Christopher J. Deering, **Committees in Congress**, 2nd ed. (Washington: Congressional Quarterly Press, 1990), 149. A House rule provides that two committees, Appropriations and Budget, may hire as many staff assistants as they deem necessary, provided the funding is approved. **Id.**, 167 note 37. The staffing levels of the House committees were established by a 1974 amendment to the 1970 Legislative Reorganization Act, which had authorized only six professional assistants and six clerical assistants. **Id.**, 149.
34. **Id.**
35. **Id.**
36. **Id.**
37. **Id.**, 149-150.
38. **Id.**, 148-49.
39. **Id.**, 148.
40. **Id.**
41. Franks, **The Parliament of Canada**, 169.
42. **Id.**
43. **Id.**, 170.
44. **Id.**, 168.
45. **Id.**, 170.
46. Paul S. Rundquist and Clay H .Wellborn, "Building Legislatures in Latin America," in **Comparative Legislative Studies**, 393.
47. **Id.**
48. **Id.**
49. Gary W. Wynia, "Argentina's New Democracy: Presidential Power and Legislative Limits," in **Legislatures and the New Democracies in Latin America** (Boulder: Lynne Rienner Publ. 1995), 79. Wynia also points out that the appearance of large staffs is deceptive because the staff do not actually devote substantial time to their jobs: "Patronage has been the primary objective of employment in the legislative process, not hard labor for many of them." **Id.**
50. Roderic Camp, "Mexico's Legislature: Missing the Democratic Lockstep?", in **Legislatures and the New Democracies**, 24.

51. **Id.**
52. Jose Z. Garcia, "The Salvadoran National Legislature," in **Legislatures and the New Democracies**, 43.
53. Rundquist and Wellborn, **Building Legislatures**, 393.
54. John Anelli, **Baseline Appraisal of the Romanian Parliament**, (Washington: International Republican Institute, 1994), 8. (Paper on file at NDI.)
55. N.K. Bell, Committee Section, "Memorandum re: Aim and Function of Section Functioning of Committees" in **National Parliament's Guide for Committee Clerks**, (Cape Town: National Assembly, 1995), 3. (Paper on file at NDI).