

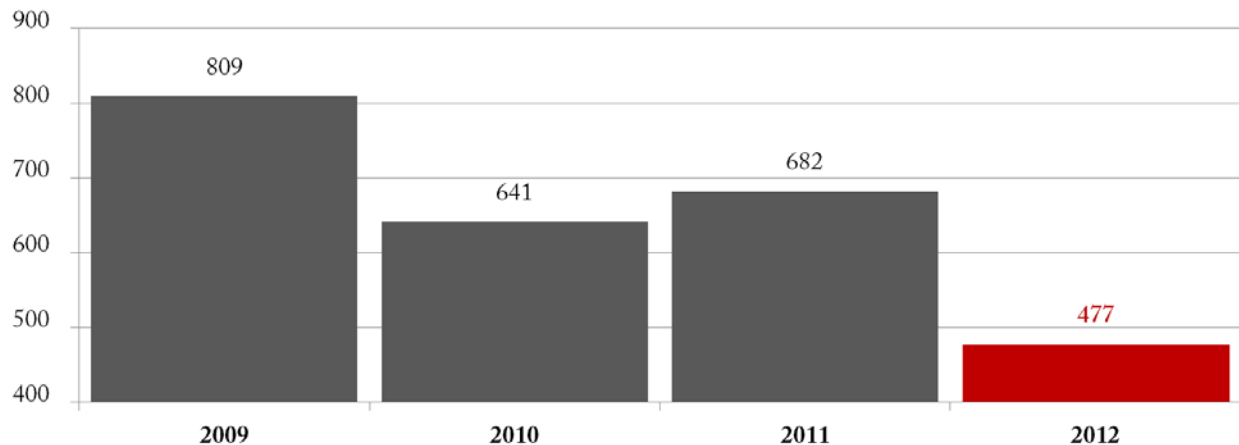


July 16, 2013

Harry Reid Makes Senate Committees Irrelevant

Senate Majority Leader Harry Reid has created a Senate where he matters infinitely more than committees do. Under his rule, Senate committees have deteriorated. Bills routinely bypass markup and go straight to the Senate floor under the Leader's use of Rule XIV. Authorization bills get punted past their deadlines. Conference committees are a rarity. And oversight of the executive branch has been severely neglected.

Senate Hearings by Year



Source: CRS, ProQuest Congressional database

Note: Includes subcommittee hearings, full committee hearings, and some business meetings and markups. JEC hearings are not counted.

Nonfunctioning on Nominations

When it comes to executive nominations, the substandard record of committees continues. One example of where the advice and consent role was scrapped altogether was for President Obama's nominees to the National Labor Relations Board. The President nominated his appointees for the NLRB on December 15, 2011, and illegally "recess" appointed them just three weeks later without any pushback from the chairman of the Senate Health, Education, Labor, and

Pensions Committee. Further, the HELP Committee did not hold a hearing on the NLRB nominations for 17 months -- not until May 16, 2013 -- essentially relinquishing its role.

Another example is the nomination of the EPA Administrator. Members of the Senate Environment and Public Works Committee requested information from the nominee about transparency at the agency. Instead of protecting the prerogative of committee members to request information in carrying out their advice and consent role, the chair viewed it as obstruction, and [threatened](#) to “look at all our parliamentary options, including changing the rules of this committee” to force the confirmation through. In order to take action on a nominee, the committee’s rules require either one-third of the committee, including at least two members of the minority party, or a majority of the total committee to be present.

A third example was the nominee to head the Centers for Medicare and Medicaid Services. In July 2010, the President recess-appointed Donald Berwick [before](#) the Senate had even held a hearing on the nomination – a hearing the chairman of the Finance Committee [refused](#) to ever hold. For nearly 18 months Berwick ran an agency that directly or indirectly controls the health care of virtually every American without ever coming before the Senate.

This has been a pattern with Leader Reid’s committees. They relinquish the advice and consent role all too easily, allowing the appointment of unaccountable agency heads with no resistance from the Senate.

A Lack of Oversight and Governance

Senate committees have not met their responsibility to conduct oversight of the massive federal bureaucracy. Some recent examples include:

- *Appropriations*: The number of regular appropriations bills that got initial passage on the floor: Fiscal year 2010, nine. Fiscal year 2011, zero. Fiscal Year 2012, four. Fiscal Year 2013, zero.
- *Budget*: Did not pass a budget out of committee in 2011 or 2012.
- *Commerce*: The chairman actively encouraged President Obama to bypass Congress on cybersecurity and issue an executive order on the matter, which he did.
- *Finance*: Marketplace Fairness, Stabenow outsourcing bill, Buffett tax, and virtually every other tax bill during the Obama years have not gone through committee.
- *Foreign Relations*: Incomplete hearings and investigation on Benghazi.
- *Health, Education, Labor, and Pensions*: Laws due for reauthorization under this committee’s jurisdiction have lapsed with no urgency. The Elementary and Secondary Education Act authorization lapsed in fiscal year 2007.
- *Judiciary*: Regarding oversight of operation “Fast and Furious,” the assertion of executive privilege was a snub of the committee, which took no further action.

Now is the time for Senate committees to reassert their traditional role. They should do it through proper governance, diligent oversight, giving fair consideration to bipartisan bills of substance, and carefully considering the nominations of people to lead departments and agencies.