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## UK and USA politics

# Comparing the role of committees in the UK and US legislatures

This should be read alongside the back-page article on 'The House of Commons Liaison Committee' in issue 3 (February 2023).

## Pre-legislative scrutiny

The committees responsible for pre-legislative scrutiny of proposed laws in the UK House of Commons are known as Public Bill Committees (PBCs). PBCs are temporary, set up for the life of a bill. There are usually around 18 MPs chosen by the whips to serve on PBCs, in proportion to the membership of the House. This gives the government a guaranteed majority. They rarely amend a piece of legislation without the approval of the government. In addition, the whips are wary of picking rebellious MPs, or those with expertise and criticisms of their proposed bills. Instead, they will choose new, ambitious and loyal MPs who will be more than happy to toe the party line.

In the USA, pre-legislative scrutiny is far stronger. Following a bill's first reading in Congress, it is then allocated to a committee. Unlike the UK, the committee stage comes before the second reading. Another difference is that in the UK, the leader of the House of the Commons decides the allocation of parliamentary time for bills. In the USA that task falls to the House speaker or Senate majority leader, who also decides which committee receives the bill. This is because of the US's more formal separation of powers, which means that the president's party won't always have control of Congress.

A major difference between the PBCs in the UK and the powerful standing committees in the US Congress is that US members tend to want to sit on them. This is because of the opportunity to 'bring home the bacon', otherwise known as pork-barrel politics. This is the term used for the opportunity to allocate additional spending, or 'earmarks' to bills, to benefit their own constituents. An infamous example of pork-barrel politics is the Gravina Island Bridge in Alaska. The now-cancelled \$398 million bridge was first proposed in 2005 and would have replaced a ferry to a remote island with only 50 residents.

## Post-legislative scrutiny

The fundamental differences between the UK and US post-legislative scrutiny committees are permanence and partisanship.

### UK

In the UK, permanent select committees follow the administration and impact of government policies and the conduct of ministers. In 2022, the Foreign Affairs Select Committee released the results of their inquiry into the UK's withdrawal from Afghanistan in 2021, which concluded that it had been a 'disaster'. Select committee members are elected by fellow MPs, and this bipartisanship delivers

effective and influential results, with approximately 40% of select committee recommendations being accepted by the government.

Cross-government select committees such as the Public Accounts Committee (PAC) and the Liaison Committee examine the work of the entire government and the prime minister specifically. The PAC is the oldest and most respected parliamentary committee and is always chaired by an opposition MP. It scrutinises how the government spends public money and is often damning in its criticism of wastefulness. The Liaison Committee is made up of all the chairs of the departmental select committees. It submits the prime minister to an intense grilling several times a year.

## USA

Unlike in the UK, US select committees are formed on a temporary basis, but they have a similar role: usually to conduct investigations into the impact of policies, events or matters of public interest. Both the House and Senate can form these committees, and there are examples of party delegations using them to embarrass the opposition party or their presidential candidate. The Republican-led investigation into Hillary Clinton's role as secretary of state during the terrorist attack on the American diplomatic mission in Benghazi, Libya, in 2012, made headlines throughout Clinton's 2016 presidential campaign.

One power which is unique to the USA is held by the Senate, where committees may conduct confirmation hearings into executive appointments. These are usually uncontroversial, and most nominees are confirmed by the committee, and subsequently the whole Senate, without incident. However, the life appointments of Supreme Court justices have become increasingly politicised and heated.

## Committee chairs

In both the USA and the UK, becoming the chair of a committee is a coveted position. Since the Wright reforms in 2010, Parliamentary committee chairs have been elected and paid more, increasing their prestige and providing an alternative career route for ambitious parliamentarians. High-profile former ministers often become chairs, including Jeremy Hunt. In the USA the chairs always come from the majority party in both the House and Senate. Members who chair special investigatory or temporary select committees will often make a name for themselves as partisan inquisitors, while the chairs of standing committees have immense power to hand out dollars to federal projects.

Committees in both the US Congress and the UK Parliament carry out similar functions but ultimately have three fundamental differences. First, UK PBCs are temporary, government-dominated and a weak aspect of scrutiny, while Congressional standing committees are permanent, powerful and not always dominated by the president's party. Second, UK PBCs do not control whether a bill is debated, unlike the US standing committees, which can kill bills before the debate. Third, UK select committees are permanent, reasonably bipartisan, and capable of highly effective scrutiny, while their American counterparts are temporary, often highly party-political, and not always formed to carry out sincere and policy-orientated scrutiny of the government.

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