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## Reorganization of the Senate: Modern Reform Efforts

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## Summary

Numerous reviews of the operations and structure of the Senate have been conducted in the past 60 years. Three joint committees, two select committees, two commissions, one study group, one standing committee, and party conferences have studied various aspects of the Senate and its committee system.

The contemporary Senate is primarily a product of two major laws and a significant overhaul of Senate Rules. The Legislative Reorganization Act of 1946, among other things, codified committee jurisdictions, streamlined the committee system, and instituted a professional committee staffing structure. The Legislative Reorganization Act of 1970 opened Congress to public scrutiny, modified committee and floor procedures, and enhanced Congress's research and budget capabilities. The work of the Temporary Select Committee to Study the Senate Committee System (Stevenson Committee) resulted in major changes in Senate committee jurisdiction.

Other overhaul efforts had a narrower scope or were disregarded at the time of the activity. The work of the Commission on the Operation of the Senate (Culver Commission) focused on the administrative structure of the Senate. The Study Group on Senate Practices and Procedures (Pearson-Ribicoff Study Group) issued a wide-ranging set of recommendations concerning Senate Rules and procedures. The Temporary Select Committee to Study the Senate Committee System (Quayle Committee) addressed committee assignments. The Senate Committee on Rules and Administration undertook a study to improve Senate operations, and subsequently reported a number of proposals on jurisdictional organization. The Joint Committee on the Organization of Congress (JCOC) recommended altering aspects of congressional organization and operations.

Changes in party conference rules and practices have also influenced the contemporary Senate.

This report discusses efforts to modify Senate operations and structure since the 1940s, including the origin and makeup of the various reform entities, their recommendations, and the consequences of those recommendations for the Senate. This report will be updated as events warrant.

For related information on congressional reorganization efforts, see CRS Report RL31825, *Reorganization of the House of Representatives: Modern Reform Efforts*, by Judy Schneider, Christopher M. Davis, and Betsy Palmer.

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# Reorganization of the Senate: Modern Reform Efforts

## Introduction

Issues such as overlapping committee jurisdictions, scheduling practices, or imbalanced workloads have prompted periodic efforts to reorganize the Senate.<sup>1</sup> Since the Second World War, 10 different reform efforts have been launched, the most recent in 1995. Most major changes in rules and procedures have resulted from landmark legislation, including the 1946 and 1970 Legislative Reorganization Acts and one significant Senate reorganization in 1977. More incremental changes have been the consequence of formal reorganization committees or study commissions, such as the Temporary Select Committee to Study the Senate Committee System (commonly called the Stevenson Committee) or the Commission on the Operation of the Senate (commonly called the Culver Commission). Other attempts at self-examination, such as the Study Group on Senate Practices and Procedures (Pearson-Ribicoff Study Group), have generated recommendations on procedural issues, only for the Senate to disregard them. The principal goal behind most of these reform efforts in the Senate has been either to revise institutional rules and processes in order to increase efficiency or to broaden the scope of participation in the decision-making process, or to do both.

## Legislative Reorganization Act of 1946, 79<sup>th</sup> Congress (1945-1947)

**Creation.** Congress established the Joint Committee on the Organization of Congress with passage of H. Con. Res. 18 on February 19, 1945. The joint committee was authorized to take testimony and make recommendations about the structure of Congress. The panel was authorized for the two years of the 79<sup>th</sup> Congress. The resolution called on the joint committee to “make a full and complete study of the organization and operation of the Congress,” and to “recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationship with the other branches of the United States Government and enabling it better to meet its responsibilities under the Constitution.”

**Membership.** The joint committee consisted of 12 Members, six from each chamber, equally divided by party. Senator Robert M. La Follette Jr., a Progressive from Wisconsin who caucused with the Republicans, chaired the joint committee. The vice chair was House Democrat A.S. “Mike” Monroney, a Representative from Oklahoma. In addition to La Follette, Senators on the committee were: Elbert D.

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<sup>1</sup> See also CRS Report RL31825, *Reorganization of the House of Representatives: Recent Reform Efforts*, April 1, 2003, by Judy Schneider, Christopher M. Davis, and Betsy Palmer.

Thomas (D-UT); Claude Pepper (D-FL); Richard Russell (D-GA); Wallace White (R-ME); and C. Wayland Brooks (R-IL). Other House Members on the committee were: Eugene Cox (D-GA); Thomas J. Lane (D-MA); Earl Michener (R-MI); Everett Dirksen (R-IL); and Charles Plumley (R-VT).

**Recommendations Relating to Committee Jurisdictions.** The joint committee held 39 hearings, took testimony from 102 witnesses over four months, and issued its final report (H.Rept. 1675) on March 4, 1946. The report called for a series of major changes to congressional operations. At the core of the plan was a reorganization of the House and Senate committee systems.

**Senate Committees.** In relation to committees and their jurisdictions, the joint committee recommended that the Senate's 33 standing committees be consolidated into 16 panels, with jurisdictions redrawn as shown below:

- ! **Agriculture and Forestry:** Formed from the existing Agriculture Committee.
- ! **Appropriations:** Formed from the existing Appropriations Committee.
- ! **Armed Services:** Formed from the merger of the Military Affairs and Naval Affairs Committees.
- ! **Banking and Currency:** Formed from the existing Banking Committee.
- ! **Claims:** Formed by the existing Claims Committee. To be dissolved when claims were transferred to the courts.<sup>2</sup>
- ! **Civil Service:** Formed from the merger of the Civil Service and the Post Office and Post Roads Committees, minus the post roads jurisdiction.
- ! **District of Columbia:** Formed from the existing District of Columbia Committee. To be dissolved when D.C. residents were granted home rule.<sup>3</sup>
- ! **Expenditures in the Executive Departments:** Formed from the existing Expenditures in the Executive Departments Committee.
- ! **Finance:** Formed from the existing Finance Committee.
- ! **Foreign Relations:** Formed from the existing Foreign Relations Committee.
- ! **Interior, Natural Resources and Public Works:** Formed from the merger of the Commerce, Indian Affairs, Interoceanic Canals, Irrigation and Reclamation, Mines and Mining, Public Buildings and Grounds, Public Lands and Surveys, and Territories and Insular Affairs Committees. Also to include the post roads jurisdiction from

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<sup>2</sup> Title IV of the Legislative Reorganization Act of 1946 (P.L. 601, 79<sup>th</sup> Congress) transferred adjudication of claims against the government to the Court of Claims, which is now the U.S. Court of Federal Claims.

<sup>3</sup> President Harry S Truman proposed granting home rule to the residents of the District of Columbia during his presidency, but the final version of the 1946 legislation did not include this provision.

the Post Office and Post Roads Committee, which would be abolished.

- ! **Interstate Commerce:** Formed from the merger of the Interstate Commerce and the Manufacturers Committees.
- ! **Judiciary:** Formed from the merger of the Judiciary, Patents, and Immigration Committees.
- ! **Labor and Public Welfare:** Formed from the existing Labor and Education Committee and the Social Security jurisdiction of the Finance Committee.
- ! **Rules and Administration of the Senate:** Formed from the merger of the Audit and Control, Enrolled Bills, Library, Printing, Privileges and Elections, and Rules Committees.
- ! **Veterans' Affairs:** Formed from the merger of the Pensions Committee and the veterans jurisdiction of the Finance Committee.

**House Committees.** The joint committee recommended that the House's 48 standing committees be reduced to 18, largely through consolidating the jurisdictions of existing committees. The 18 committees recommended in the report were:

- ! **Agriculture:** Formed from the existing Agriculture Committee.
- ! **Appropriations:** Formed from the existing Appropriations Committee.
- ! **Armed Services:** Formed from the merger of the Military Affairs and Naval Affairs Committees.
- ! **Banking and Currency:** Formed by the merger of the Banking and Currency and the Coinage, Weights, and Measures Committees.
- ! **Civil Service:** Formed by the merger of the Civil Service, Census, Post Office and Post Roads, and the District of Columbia Committees.
- ! **Expenditures in the Executive Department:** Formed by the existing Expenditures in the Executive Department Committee.
- ! **Foreign Affairs:** Formed by the existing Foreign Affairs Committee.
- ! **House Administration:** Formed by the merger of the Accounts, Disposal of Executive Papers, Enrolled Bills, Library, Memorials, and Printing Committees. The Committee on the Election of President, Vice President, and Representatives in Congress was abolished. Three separate Elections committees were abolished and those responsibilities transferred to the House Administration Committee.
- ! **Interstate and Foreign Commerce:** Formed by the existing Interstate and Foreign Commerce Committee.
- ! **Judiciary:** Formed from the merger of the Judiciary, Patents, Revision of the Laws, and Immigration and Naturalization Committees.
- ! **Labor:** Formed by the merger of the Labor and Education Committees.
- ! **Merchant Marine and Fisheries:** Formed from the existing Merchant Marine and Fisheries Committee.

- ! **Public Lands:** Formed by the merger of the Public Lands, Territories, Irrigation and Reclamation, Mines and Mining, Insular Affairs, and Indian Affairs Committees.
- ! **Public Works:** Formed by the merger of the Flood Control, Public Buildings and Grounds, Rivers and Harbors, and Roads Committees.
- ! **Rules:** Formed from the existing Rules Committee.
- ! **Un-American Activities:** Formed from the existing Un-American Activities Committee.
- ! **Veterans' Affairs:** Formed by the merger of the Pensions, Invalid Pensions, and World War Veterans' Legislation Committees.
- ! **Ways and Means:** Formed from the existing Ways and Means Committee.

The Claims panel and the War Claims panel were to be abolished.<sup>4</sup>

**Recommendations on Jurisdiction and Oversight.** The joint committee recommended that, for the first time, the jurisdictions of each standing committee be written into the rules of the Senate and the House. During opening debate on the Senate legislation that incorporated the joint committee's proposal, Joint Committee Chair La Follette described how jurisdictions had been determined under Senate practices prior to the 1946 Act:

Under the practice of the Senate, the jurisdiction of committees has grown up in part as a result of their names and in part because of the general field of legislation which they normally would cover. Committees have also acquired jurisdiction simply because they have had the power to initiate a particular piece of legislation, especially in a new field. As a result of this practice, the jurisdictional lines between our committees are confused not only because they overlap, but also because of the practice of having jurisdiction attach to a particular committee if by chance it may have considered original legislation in some new field. Through the years, as the activities of the Federal Government have grown in scope and complexity, the result has been, naturally, to complicate an already complicated situation insofar as jurisdictional conflicts between the present committees are concerned. It is in the hope of simplifying that situation and, insofar as possible, of anticipating and avoiding future conflicts of jurisdiction that we have attempted in this measure to spell out the jurisdiction of the standing committees which we propose.<sup>5</sup>

The jurisdictional definitions, according to the joint committee, "should enumerate the activities covered and describe their scope in terms of subject matter of legislation as well as the administrative organization of the Federal Government so that disputes over jurisdiction will be minimized or eliminated."<sup>6</sup>

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<sup>4</sup> Title IV of the Legislative Reorganization Act of 1940 (P.L. 601, 79<sup>th</sup> Cong.) transferred adjudication of claims against the government to the Court of Claims, which is now the U.S. Court of Federal Claims.

<sup>5</sup> Robert M. La Follette, "Organization of Congress," remarks in Senate, *Congressional Record*, vol. 92, June 5, 1946, pp. 6344-6345.

<sup>6</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the* (continued...)



The joint committee also recommended that committees exercise regular oversight of those portions of the executive branch within their jurisdictions. As a part of that oversight, the panel recommended that each committee be given authority to issue subpoenas, and to begin investigations of the executive branch on its own, without advance permission of the full House or Senate. Because of these recommendations, which would empower standing committees, the joint committee also called for a ban on the creation of new special committees, particularly those charged with conducting investigations.

**Recommendations on Other Matters.** The committee also recommended a series of wide-ranging changes that were designed to modernize Congress. The joint committee recommended:

- ! Limit House Members to one major committee assignment.
- ! Authorize each standing committee to hire four “highly skilled” professional staff. The staff were to be paid between \$6,000 and \$8,000 a year and were to work on committee business only. The panel also suggested that committees be authorized to employ up to six clerical staff.
- ! Increase pay for Members by 50% to \$15,000 from \$10,000, and allow Members to participate in the federal retirement system; increase staff pay as well.
- ! Create party policy committees in both chambers that would be authorized to hire staff and meet regularly with representatives of the executive branch.<sup>7</sup>
- ! Establish the position of personnel director, selected by the leaders of the two chambers, who would set up a system for finding and evaluating staff for the legislative branch.
- ! Require lobbyists to register with the government and disclose the sources of their funding.
- ! Create a budget process for Congress that would require the Appropriations and revenue committees in both chambers to draft a budget each year; prohibit appropriating more than estimated receipts for a given year unless Congress also passed an increase in the national debt; authorize the President to reduce appropriations by a uniform percentage in all programs if expenditures exceeded receipts.
- ! Prohibit the introduction of bills to build specific bridges and certain other bills involving claims against the United States.
- ! Set an annual adjournment date of June 30, with Members to return to Washington for an autumn session; experiment with schedules that called for committees to conduct their work on certain days and the House floor to conduct its work on different days.
- ! Limit conference reports to items in disagreement between the two chambers.

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<sup>6</sup> (...continued)

*Congress, 79<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 1675* (Washington: GPO, 1946), p. 5.

<sup>7</sup> See CRS Report RL32015, *Senate Policy Committees*, by Colton C. Campbell.

- ! Require the General Accounting Office to do an annual audit of each government agency.
- ! Require hearings and meetings of the Appropriations Committee to be open to other Members of Congress, the press, and the public.

**Final Action.** Senator La Follette drafted legislation (S. 2177), which incorporated the recommendations of the joint committee. The Senate passed the bill on June 10, 1946, by a vote of 49-16. During floor debate, Senators agreed by voice vote not to create a new Veterans' Affairs Committee. Instead, Members allowed the Finance Committee to retain jurisdiction over veterans' issues generally, pensions for all wars, government-issued life insurance for veterans, and compensation of veterans. The new Labor and Public Welfare Committee would get jurisdiction over vocational rehabilitation for veterans, veterans' hospitals and readjustment to civilian life, and veterans' issues that had been handled by the Pensions Committee, which would be abolished. (A Senate Veterans' Affairs Committee was later created as a part of the 1970 Legislative Reorganization Act, which is discussed below.) The legislation was adopted by voice vote.

In the House, the bill sat at the Speaker's table for weeks while Members negotiated its contents. On July 25, the House approved an open rule for consideration of the measure. The House passed the bill on the same day by a division vote of 229-61, after adopting several amendments. It deleted provisions authorizing a top administrative aide for Member offices, and creating party policy committees and a stenographic pool for Members. The House also struck all provisions related to the proposed budget process. Finally, Members voted to increase their salary to \$12,500 instead of the \$15,000 recommended, but then also authorized an additional \$2,500 for expenses for each Member.

The Senate adopted the revised bill by voice vote the next day, clearing the measure for the President. President Harry S Truman signed it into law on August 2, 1946 (P.L. 601, 79<sup>th</sup> Cong.).

## **Legislative Reorganization Act of 1970, 91<sup>st</sup> Congress (1969-1971)**

**Creation.** The 1970 Legislative Reorganization Act was the product of more than five years of effort, from 1965 through 1970. It began with the creation of a Joint Committee on the Organization of the Congress in 1965 and concluded with legislation reported out by the House Rules Committee in 1970, which was based in large measure on the recommendations of the joint committee. As in 1946, the joint committee was charged with studying the organization and operation of Congress with an eye to making recommendations for improvement.

The 1965 Joint Committee on the Organization of the Congress was created by S. Con. Res. 2, which was agreed to by both chambers on March 11, 1965. The resolution stated that the joint committee was to "make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward

strengthening the Congress, simplifying its operations, improving its relationship with other branches of the United States Government and enabling it better to meet its responsibilities under the Constitution.”

In the five years the reorganization effort took to make its way to enactment, institutional tensions between the legislative branch and the executive branch escalated. The Vietnam War raised questions about the role each branch played in war powers. Congress moved to assert its role with passage, over the President’s veto, of the 1973 War Powers Resolution (P.L. 93-148). President Richard M. Nixon also disagreed with Congress over spending appropriated funds. The budget fights contributed to passage of the 1974 Congressional Budget and Impoundment Control Act (P.L. 93-344), which created House and Senate Budget Committees and the Congressional Budget Office, and outlined a budget process for Congress to follow, separate from the executive branch. The 1970 Act occurred at the beginning of this broad effort by Congress to assert its authority over the executive branch and to increase its access to information.

The Joint Committee on the Organization of the Congress held 40 days of hearings between May 10 and September 23, 1965. It heard from 199 witnesses, including Members of Congress, political scientists, and government officials. The committee issued its final report (S. Rept. 1414) on July 28, 1966. It contained some 120 recommended changes to the operation of Congress, ranging from those affecting the committee system to the imposition of fiscal controls to increases in staffing. Legislation was introduced in both chambers that year but saw no action. It was reintroduced in the Senate in 1967 as S. 355. The Senate passed the bill by a vote of 75-9 on March 7, 1967, but the measure saw no action in the House.

On April 22, 1969, Representative William M. Colmer (D-MS), chair of the House Rules Committee, appointed a special five-member subcommittee to review congressional reorganization proposals and make recommendations. The Special Subcommittee on Legislative Reorganization was chaired by B.F. Sisk (D-CA). Other members were: Ray J. Madden (D-IN); Richard Bolling (D-MO); H. Allen Smith (R-CA); and Delbert L. Latta (R-OH). Mr. Madden resigned from the subcommittee on May 6 and was replaced by Representative John Young (D-TX).

In 1969, the House Rules Committee’s Special Subcommittee on Legislative Reorganization held meetings over several months. After compiling a draft of a bill, the special subcommittee instructed its staff to hold a series of briefings for Members to explain the measure to them. Those briefings were held on October 16, 17, 20, and 21, and were attended by some 80 House Members and staff. Through October, November, and December, the special subcommittee held a series of hearings on its draft bill, at which 44 people testified and 44 more submitted their views for the record. The hearings were published in a 453-page volume early in 1970. The special subcommittee revised its draft and reported a measure to the full House Rules Committee early in 1970. That panel reported the measure, with amendments, on May 12 (H.R. 17654, H.Rept. 91-1215).

The House began debate on the bill on July 13 and passed it, amended, on September 17, by a vote of 326-19. The legislation went directly to the floor in the Senate. The Senate passed the bill, amended, by a vote of 59-5 on October 6. The

House concurred in the Senate amendments on October 8, by voice vote, sending the measure to the White House. President Nixon signed the bill into law on October 26, 1970 (P.L. 91-510).

**Membership.** The original 1965 joint committee consisted of six Senators and six Representatives, equally divided by party. Senators on the committee were: A.S. “Mike” Monroney (D-OK); John J. Sparkman (D-AL); Lee Metcalf (D-MT); Karl E. Mundt (R-SD); Clifford P. Case (R-NJ); and J. Caleb Boggs (R-DE). House Members were: Ray J. Madden (D-IN); Jack Brooks (D-TX); Ken Hechler (D-WV); Thomas B. Curtis (R-MO); Robert P. Griffin (R-MI); and Durward G. Hall (R-MO). Senator Monroney and Representative Madden co-chaired the panel. When Representative Griffin resigned from the House in 1966 to accept appointment to the Senate, he was replaced by Representative James C. Cleveland (R-NH).

**Recommendations Relating to Committees.** Unlike the 1946 Act, the 1970 Act focused more on rules governing committees than on the committee structure itself. One of the complaints heard most frequently from Members at the time was that committee chairs wielded too much power. Many of the changes in the process were designed to give greater voice to minority Members on committees and to make sure that a chair could not always override the wishes of a majority of the committee.

The 1970 Legislative Reorganization Act was the product of a combination of processes. First, the 1965 joint committee issued a set of recommendations, in 1966, for both the Senate and the House. The Senate passed its version of those recommendations on March 7, 1967. The House took no action until creation of the House Rules special subcommittee in 1969. That October, the panel issued its version of recommendations, based on the work of the 1965 joint committee and the legislation passed by the Senate. While the House special subcommittee’s recommendations dealt with both the House and the Senate, the subcommittee did not materially change the provisions of the reorganization act that the Senate had passed. The 1970 law was the direct result of the special subcommittee’s work.

For both the House and the Senate, the joint committee recommended that each committee establish a set of rules to govern its actions, make it easier for a majority of a committee to call a meeting without the approval of the chair, and allow committee members three days in which to file additional or minority views with committee reports.

**Senate Recommendations.** Each standing committee would be required to establish a regular meeting day, not less than once a month, under the proposal. The Senate recommendations called for changing Senate Rules to empower a majority of a committee’s members to call a meeting over the objections of the committee’s chair. Committee reports would be required to be filed within seven days of committee action. And, all business meetings, except those of the Appropriations Committee, would be open unless a majority of the committee voted to close them. All hearings, again except for Appropriations, would be open unless closed for national security reasons.

To help protect the rights of the minority, Senate committee meetings would have to be announced at least one week in advance. During at least one day of a hearing, the minority would have the right to call witnesses. And, if a committee member announced during a business meeting that he or she wanted to have dissenting or supplemental views included in the report on the matter or measure at hand, the Senator would have three days in which to do so.

Under the proposal, floor consideration of a measure or matter would be prohibited unless the accompanying report on it had been available for at least three calendar days, though the majority and minority leaders could agree to waive this rule. Any Senate report would have to contain the breakdown on the vote on the motion to report if there had been a roll-call vote. The Senate proposal also called for broadcasting committee meetings, subject to rules that would be determined by each committee.

The special subcommittee recommended that the Senate agree to ban general proxy voting (but permit specific proxies), and to require that each committee file a single annual expense report. Most Senate standing committees were to be reduced in size, and, for future assignments, Senators were to be restricted to service on two major committees and one minor one. The proposal also restricted Senators to service on only one of the following committees at a time: Appropriations, Armed Services, Finance, and Foreign Relations. In the future, Senators could not hold more than one chairmanship, or more than one subcommittee chairmanship on any major committee. The Senate was to rename its Banking and Currency Committee the Committee on Banking, Housing, and Urban Affairs, and give it jurisdiction over urban affairs generally. During floor debate on the proposal, the Senate created a Committee on Veterans' Affairs with jurisdiction transferred from three other standing committees.

**House Recommendations.** Each committee would adopt written rules, which could not be inconsistent with House Rules, and select a regular meeting day to conduct its business, although additional meetings could be scheduled at the discretion of the chair. Like the Senate recommendations, those of the House would allow a majority of a committee to call a special meeting without the assent of the committee chair, and a majority of the minority party could call witnesses during at least one day of hearings. Hearings would be announced at least one week in advance, unless the committee determined it could not meet this deadline, in which case the hearing date was to be "noticed" as soon as possible in the Daily Digest of the *Congressional Record*. The House Rules Committee was exempted. The special subcommittee said that committee reports should be filed within seven days of a request to do so by a majority of the committee. This recommendation was matched by a new policy to allow the Speaker to recognize a member of a committee to call up a bill on the floor if the Rules Committee had made it in order, even if the Member was not the chair of the committee.

The special subcommittee recommended that the minority should be given three days in which to file their opinions for a committee report if they "noticed" their intent at the time of the committee markup. Reports would have to be available at least three calendar days before House consideration of a bill. And, for appropriations bills, printed committee hearings were also to be available at least

three days in advance of the floor action. The House Rules Committee was exempted from many of these proposals. The special subcommittee recommended that a committee business meeting or hearing be open to the public unless a majority of the committee voted to close it. On each motion to report, a committee would be required to record the votes for and against the motion and include the votes in its report.

The special subcommittee recommended that House committees allow their hearings to be broadcast, via radio, television, and still photography, when authorized by the majority vote of a committee.

The special subcommittee recommended that committees be allowed to meet when the House was in session, unless the House was debating a bill under the five-minute rule. Even then, five committees, Rules, Appropriations, Government Operations, Internal Security, and Standards of Official Conduct, could meet. And, it called on committees to provide an annual report of their activities of the previous year, except for Appropriations, Rules, House Administration, and Standards of Official Conduct.

The special subcommittee recommended that, in the House, the reading of the *Journal of the House of Representatives of the United States* be dispensed with and that a vote on the *Journal* be non-debatable. This recommendation came in response to the perceived use of the reading of the *Journal*, and votes on its approval, as dilatory tactics by the minority.

The House parliamentarian, according to the recommendations, should prepare and have printed new compilations of House precedents every five years. A condensed and up-to-date version should be printed at the beginning of each Congress.

The special subcommittee recommended the creation of the Capitol Guide Service to provide free, organized public tours of the Capitol.

**Recommendations Relating to Staffing and Funding.** Only if the two party floor leaders agreed would committees be allowed to sit while the Senate was in session. For both the House and the Senate, the special subcommittee recommended that conference procedures be changed to require that both chambers print conference reports, that conferees of both chambers jointly prepare an explanatory statement to accompany a conference report, and that debate time on a conference report be equally divided between the majority and minority parties.

The Senate recommendations called for an authorization of two additional professional staff aides for each standing committee, bringing the total to six. Of those, the minority party was afforded the right to hire two. Senate staff salary maximums were increased to roughly match the House maximums. The recommendations called for a funding process for all committees, in which each committee was to file a single, annual funding request for its work. If the committee exceeded its approved spending, it would have to explain to the Senate why it needed additional funding.

The special subcommittee recommended a funding process for House committees similar to the one for the Senate panels: each committee was to file a single, annual funding request. If a committee exceeded its approved spending, it would have to explain to the House why it needed additional funding.

The number of professional staff authorized for each House committee would be increased to six from four, and committees would be authorized to hire consultants, subject to the approval of the House Administration Committee. The special subcommittee recommended that a majority of a committee's minority members could hire two of the six professional employees, and fill one of the six clerical positions, subject to approval of the majority vote of a committee. Any staff member could be fired by a majority vote of a committee. The Committees on Standards of Official Conduct and Appropriations would be exempt from many of these proposed rules. The special subcommittee recommended that each House Member be authorized to hire an administrative assistant at pay not to exceed \$8,955 a year. This recommendation was designed to match the structure in the Senate, which already authorized a top office staff member.

**Joint Recommendations That Apply to Both Chambers.** The special subcommittee in the House recommended that Congress set up a budget process. As a part of that proposal, it recommended that the Appropriations Committees in both chambers hold a hearing within 30 days of submission on the entire budget proposed by the President. The special subcommittee called on the Treasury Department and the Office of Management and Budget to come up with uniform fiscal measurements for programs and to supply committees, upon request, detailed program information on government agencies. The special subcommittee envisioned a bigger role for the comptroller general, the head of the General Accounting Office. That office would provide analysis of existing programs and provide, to committees, staff expertise in doing cost-benefit analysis. The special subcommittee also called on the President to provide five years' worth of detailed information for each program — the current fiscal year and four succeeding ones.

The special subcommittee also recommended that the Legislative Reference Service, a division of the Library of Congress that was designed to provide research support to lawmakers, be renamed the Congressional Research Service (CRS), and its responsibilities be expanded and redefined. The new CRS would be authorized to require government agencies to provide information, and could hire temporary services of experts or consultants. The special subcommittee recommended that the Joint Committee of Congress on the Library be renamed the Joint Committee on the Library and Congressional Research to make clear that this panel was to oversee the operations of CRS.

The special subcommittee recommended creation of a Joint Committee on Data Processing to help coordinate the acquisition and use of computers and technology. The committee was to consist of 12 Members, six from each chamber, equally divided between the majority and minority parties.

The special subcommittee also recommended the abolition of the Joint Committee on Immigration and Nationality Policy.

**Final Action.** Several of the recommendations of the House subcommittee were changed during floor consideration. The House provided that the minority was to receive no less than one-third of committee staff. Members also agreed to begin recording how each Member voted during teller votes<sup>8</sup> taken in the Committee of the Whole, and to allow as few as 20 Members to obtain a roll-call vote when in Committee of the Whole. Finally, the House struck from the bill the provision creating a top administrative staffer for Members' personal offices.

The Senate added a new Veterans' Affairs Committee to its roster. The final bill established a Joint Committee on Congressional Operations, which was made up of 10 members, five from each chamber; the committee was instructed to continue to study the organization and operations of Congress and make recommendations about improvements. The committee was also to oversee the new Office of Placement and Office of Management, which were created to assist Members in finding staff and provide help with office problems.

The House passed the Legislative Reorganization Act (H.R. 17654) on September 17, 1970, by a vote of 326-19. The Senate passed the bill, amended, on October 6, by a vote of 59-5. The House concurred in the Senate amendments on October 8, by voice vote, clearing the measure for President Nixon, who signed it on October 26 (P.L. 91-510).

## **Party Reforms, 92<sup>nd</sup> - 94<sup>th</sup> Congresses (1971-1975)**

In 1971, Senate Democrats voted to allow any Democratic Senator to challenge any nomination by the Steering Committee of a committee chair. Senate Republicans, at the same time, adopted a proposal that a Senator could be the ranking member of only one standing committee.

In 1973, Senate Republicans decided to allow their top ranking committee Members to be chosen without regard to seniority, and also adopted a plan to allow Members of each standing committee to elect the top ranking Republican on that committee, subject to the approval of the Republican Conference.

In 1975, Democrats voted to choose committee chairs without regard to seniority, and required that a secret ballot would be used whenever one-fifth of their caucus demanded it.

## **Commission on the Operation of the Senate, 94<sup>th</sup> Congress (1975-1977) (Culver Commission)**

**Creation.** The Commission on the Operation of the Senate was created on July 29, 1975, with the Senate's passage by voice vote of S. Res. 227. The resolution directed the newly-formed temporary commission to:

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<sup>8</sup> A teller vote is a House voting procedure, that is used only infrequently. Members cast their votes by passing through a center aisle to be counted by other Members who are appointed by the Speaker. Vote totals are announced, but not the vote of each individual Member.



... make a comprehensive and impartial study of the organization and operation of the United States Senate. Such study shall include but not be limited to 1. the functioning of Members, officers, and employees of the Senate in the light of the responsibilities of the Senate in the areas of law-making, representation and oversight; 2. conflicts in the programming of business; 3. office accommodations and facilities; 4. information resources; and 5. internal management and administrative support structure (including electronic and technical aids, foresight capacity, accommodation for and coverage by the news media, workload, lobbying, pay and allowances, and conflicts of interest).

The idea of a commission to examine Senate administrative operations was first put forward in the Senate Democratic Conference by John C. Culver (D-IA), a Senator who was active in congressional reform efforts as a Member of the House in the 93<sup>rd</sup> Congress's Select Committee on Committees (commonly known as the Bolling Committee, 1973-1975). Because of his central involvement in its creation, the Commission on the Operation of the Senate is commonly called the Culver Commission even though Senator Culver did not serve on the panel.

In arguing for passage of S. Res. 227, Senator Culver explained:

There is hardly a Senator in this body who does not sense the need for assessing and improving the operations of the Senate ... The growth in the scale of Senate operations and staffs, the rising tide of the workplace, the unresolved issues of pay and allowances, the uncertain linkages to new sources information and technological support — these pertain to all of us as we seek to fulfill our legislative tasks.<sup>9</sup>

Majority Leader Mike Mansfield further indicated that the commission would make:

... an impartial, independent, and comprehensive study of the Senate's administrative structure, machinery and practices ... The commission would ... make specific recommendations with a view to modernizing and improving working conditions and methods and efficiency in the Senate.<sup>10</sup>

**Membership.** The Culver Commission was composed of nine persons from private life and two ex officio commissioners who were officers or employees of the Senate and who participated without voting.<sup>11</sup> Commissioners were appointed by the president of the Senate upon the joint recommendations of the majority and minority leaders.

Harold E. Hughes, former Governor of Iowa and Member of the U.S. Senate from 1969 to 1975, was appointed commission chair. Archie R. Dykes, chancellor of the University of Kansas, was named vice chair. Other members were: Willard L. Boyd, president of the University of Iowa; Robert P. Huefner, director of the

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<sup>9</sup> Sen. John C. Culver, remarks in the Senate, *Congressional Record*, vol. 121, July 29, 1975, p. 25654.

<sup>10</sup> Sen. Mike Mansfield, remarks in the Senate, *Congressional Record*, vol. 121, July 29, 1975, p. 25653.

<sup>11</sup> *Ibid.*, p. 25653

Institute of Government at the University of Utah; Juanita M. Kreps, vice president of Duke University; Carl E. Sanders, former Governor of Georgia; William H. Scott, managing partner in the firm of Peat, Marwick, and Mitchell; J. Mark Trice, former secretary of the Senate; and Wilson W. Wyatt, former mayor of Louisville, Kentucky. The two ex officio members of the commission were Francis R. Valeo, then secretary of the Senate, and Gerald W. Frank, the administrative assistant to Senator Mark O. Hatfield (R-OR).

**Recommendations Relating to Committee Jurisdiction.** The Culver Commission did not make recommendations regarding the legislative jurisdiction of Senate committees. That task was delegated to a concurrent committee (known as the “Stevenson Committee”) chaired by Senator Adlai E. Stevenson III (D-IL). During floor consideration of S. Res. 227, Majority Leader Mansfield stated:

The question of the distribution of committee jurisdiction is not included in the purview of the [Culver] Commission. That question is already being dealt with by the Rules Committee in connection with consideration of Senate Resolution 109 which is sponsored by Senators Stevenson and Brock.<sup>12</sup>

Likewise, S. Res. 227 stated that the Culver Commission’s study should “not include an examination of the jurisdictions of the committees of the Senate over subject matter.”

Senator Culver indicated that committee jurisdictional reform was an important aspect of overall Senate reform, and that the work of the Commission on the Operation of the Senate and the work of the Stevenson Committee were related parts of a larger reform effort. During floor debate on S. Res. 227, he said:

A primary obligation we have also is to modernize and realine [sic] committee jurisdictions to meet our contemporary needs. If this mission is also undertaken, then the Senate of the 94<sup>th</sup> Congress can set standards of responsible reform which are worthy of our National Bicentennial.<sup>13</sup>

**Recommendations on Other Matters.** The commission’s final report, filed on December 31, 1976, made recommendations in five broad areas of Senate operation and administration.<sup>14</sup>

***Organization and Administration of the Senate.***

- ! Consolidate all administrative functions under a Senate administrator.
- ! Establish an administrative council to oversee Senate administration.

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<sup>12</sup> Sen. Mike Mansfield, remarks in the Senate, *Congressional Record*, vol. 121, July 29, 1975, p. 25653.

<sup>13</sup> Sen. John C. Culver, remarks in the Senate, *Congressional Record*, vol. 121, July 29, 1975, p. 25654.

<sup>14</sup> U.S. Congress, Senate Committee on Rules and Administration, *Report on Senate Operations*, S. Prt. 100-129, 100<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO 1988), pp. 14-17.

- ! Simplify the system of committee budgeting and accounting.
- ! Consolidate management, assignment, and control of space in one office.
- ! Reform and modernize the Senate personnel system.

***Use of Senators' Time.***

- ! Designate specific days each week for floor sessions only or committee work only.
- ! Develop a computerized scheduling system to minimize meeting conflicts.
- ! Hold an early organizational meeting at the outset of each Congress.
- ! Give Senators a minimum of six weeks each year in which the Senate is not in session, allowing them to devote their attention to business back home.

***Technology and Communication.***

- ! Develop automated systems for general Senate management functions, including in areas such as individual office operations, legislative information, and policy analysis.
- ! Broadcast Senate proceedings live via closed circuit television.
- ! Hold daily formal news briefings on Senate business for the media.

***Senators' Compensation, Financial Disclosure, and Code of Ethics.***

- ! Increase Senators' annual pay.
- ! Eliminate honoraria income.
- ! Establish a clear and comprehensive code of ethics for the Senate.

***Foresight, Oversight, and the Utilization of Support Agencies.***

- ! Committees should devote more time and attention to program oversight.
- ! The Senate should improve its oversight of support agencies such as the Congressional Budget Office, General Accounting Office, and Congressional Research Service.

**Final Action.** While few recommendations of the Culver Commission were adopted at the time, many have subsequently been implemented, including a simplified system for committee budgeting, modernization of the Senate personnel system, a form of centralized scheduling of meetings through the *Daily Digest*, televised Senate proceedings, and the adoption of a comprehensive code of ethics.

## Temporary Select Committee to Study the Senate Committee System, 94<sup>th</sup> and 95<sup>th</sup> Congresses (1975-1977 and 1977-1979) (Stevenson Committee)

**Creation.** On March 31, 1976, the Senate adopted S. Res. 109, which provided for a temporary Select Committee to Study the Senate Committee System (commonly called the Stevenson Committee). The central responsibility of the panel was to evaluate Senate committee structure and activities to eliminate overlapping jurisdictions, strengthen legislative oversight, increase legislative output, and provide a more equitable distribution of responsibility and workload among Senators and Senate committees.<sup>15</sup> Such reorganization, Senator Adlai E. Stevenson, the panel's chair, stated, "democratizes the Senate, rationalizes jurisdiction and cuts far back on multiple committee assignments, which pull and haul senators into time conflicts every day."<sup>16</sup>

**Membership.** The Stevenson Committee was composed of 12 Members evenly divided between Democrats and Republicans. Senator Stevenson (D-IL) was its chair; Senator Bill Brock (R-TN) was its co-chair. Other Members were: Frank E. Moss (D-UT); Lee Metcalf (D-MT); Gaylord Nelson (D-WI); Lloyd Bensten (D-TX); Lawton Chiles (D-FL); Clifford P. Hansen (R-WY); Barry Goldwater (R-AZ); Bob Packwood (R-OR); Pete V. Domenici (R-NM); and Jesse Helms (R-NC). Senator Brock was defeated for re-election in 1976 and was replaced as co-chair by Senator Packwood.

**Recommendations Relating to Committee Jurisdiction.** The select committee held hearings in July and September 1976. It reported out its recommendations later that same year. Concerns over jurisdictional recommendations prompted the Senate Rules and Administration Committee to consider and modify the select committee's proposal. Further changes were made during the Senate floor consideration.<sup>17</sup>

**S. Res. 4, As Introduced by the Stevenson Committee.** S. Res. 4 was introduced by Senator Stevenson on January 4, 1977, the end product of the temporary Select Committee to Study the Senate Committee System.<sup>18</sup> The Stevenson reform plan called for extensive revisions to Senate Rule XXV, establishing three categories of committees, referred to as "A," "B," and "C" for assignment purposes, and limiting the number of subcommittees on which Senators could serve, according to the new committee categories. It also called for redefining

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<sup>15</sup> Senate debate, *Congressional Record*, vol. 123, part 3 (Feb. 4, 1977), p. 3671.

<sup>16</sup> Quoted in *Congress and the Nation*, vol. v (Washington: Congressional Quarterly, Inc., 1981), p. 881.

<sup>17</sup> Judith A. Parris, "The Senate Reorganizes Its Committees, 1977," *Political Science Quarterly*, vol. 94, no. 2 (Summer 1979), p. 324.

<sup>18</sup> The resolution was essentially identical to S. Res. 586, submitted in the 94<sup>th</sup> Congress (1975-1977) by Senators Stevenson and Brock after the Temporary Select Committee to Study the Senate Committee System had made its report.

and consolidating committee jurisdictions in several broad, overlapping policy areas. Specifically, the plan called for:

- ! Realigning the jurisdiction of Senate committees.
- ! Merging the 31 existing committees into 15 committees (14 standing committees and one temporary select committee).
- ! Giving expanded duties and responsibilities to committees for comprehensive policy oversight in major policy areas.
- ! Reducing the number of committee and subcommittee assignments of Senators.
- ! Limiting the number of chairmanships a Senator may hold.
- ! Establishing procedures for multiple referral of bills by motion to two or more committees.
- ! Authorizing joint leadership appointment of ad hoc committees with legislative authority over “complex or new subjects” that “straddle the jurisdiction of permanent” panels.
- ! Restricting committee and Senate scheduling procedures.<sup>19</sup>

The 15 committees proposed by the Stevenson Committee were:

- ! Agriculture and Small Business
- ! Appropriations
- ! Armed Services
- ! Banking, Housing, and Urban Affairs
- ! Budget
- ! Commerce, Service, and Transportation
- ! Energy and Natural Resources
- ! Environment and Public Works
- ! Finance
- ! Foreign Relations
- ! Governmental Affairs
- ! Human Resources
- ! Judiciary
- ! Rules, Administration, and Standards
- ! Select Intelligence

Under the proposed merger, all special, select, and joint committees, with the exception of the Select Intelligence Committee, along with four standing committees (District of Columbia, Post Office and Civil Service, Aeronautical and Space Science, and Veterans’ Affairs), would be eliminated.

The recommended reduction in the number of committees to 15 from 31 required changes in committee jurisdiction. Eleven of the proposed standing panels

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<sup>19</sup> U.S. Congress, Senate Temporary Select Committee to Study the Senate Committee System, *Structure of the Senate Committee System: Jurisdictions, Numbers, and Sizes, and Limitations on Memberships and Chairmanships, Referral Procedures, and Scheduling*, 94<sup>th</sup> Cong., 2<sup>nd</sup> sess., S. Rept. 94-1395 (Washington: GPO, 1976), p. 17.

were slated for change while three were relatively unchanged. Committees in parentheses below would lose their jurisdictions under the Stevenson proposal:

- ! **Agriculture and Small Business:** Existing jurisdiction from the Agriculture Committee and small business (Select Committee on Small Business); small business jurisdiction (Banking Committee); irrigation and reclamation and land use planning (Interior and Insular Affairs Committee); regional economic development (Public Works Committee); nutrition and human needs (Select Committee on Nutrition and Human Needs); food from fresh waters and the sea (Commerce); school lunch program (Labor and Public Welfare).
- ! **Armed Services:** Existing Armed Services Committee jurisdiction, with the addition of national security aspects of atomic energy (Joint Committee on Atomic Energy).
- ! **Banking, Housing, and Urban Affairs:** Existing Banking Committee jurisdiction, with export promotion (Commerce); international financial and monetary organizations and foreign trade promotion (Foreign Relations); veterans' housing (Veterans' Affairs); all the jurisdiction of the Joint Defense Production Committee; urban affairs, international economic problems, and economic growth (Joint Economic Committee).
- ! **Budget:** Existing Budget Committee jurisdiction, with economic policy priorities and economy in government, annual economic report, and report on annual current services budget (Joint Economic Committee).
- ! **Commerce, Science, and Transportation:** Existing Commerce Committee jurisdiction, with non-military aeronautical and space sciences, and science, engineering, and technology policy (Aeronautical Space Sciences); maintenance and operation of the Panama Canal (Armed Services); urban mass transit (Banking); National Science Foundation (Labor and Public Welfare); construction and maintenance of highways and highway safety (Public Works); consumer economics (Joint Economic Committee); consumer interests of the elderly (Special Committee on Aging).
- ! **Energy and Natural Resources:** Existing jurisdiction of Interior and Insular Affairs, with solar heating and cooling (Aeronautical and Space Sciences); naval petroleum and oil shale reserves (Armed Services); applications of energy conversion, conservation and research and development, and solar energy (Banking); oil and gas production, distribution, outer continental shelf lands, and deep water ports (Commerce); deep water ports, hydroelectric power, and coal production, distribution and utilization (Public Works); nuclear energy development (Joint Committee on Atomic Energy); energy (Joint Economic Committee).
- ! **Environment and Public Works:** Existing jurisdiction from Public Works Committee, with oceans, weather, and atmospheric activities, fisheries, wildlife, coastal zone management, outer continental shelf lands, ocean dumping, solid waste, toxic substances, and pesticides (Commerce); outer continental shelf lands, fisheries, environmental protection policy, water resources, deep water port facilities, marine

wildlife sanctuaries, and land and water conservation (Interior and Insular Affairs); nuclear energy regulation (Joint Committee on Atomic Energy).

- ! **Finance:** Existing Finance Committee jurisdiction, with financial policy (Joint Economic Committee).
- ! **Governmental Affairs:** Existing jurisdiction from Government Operations Committee, with all measures relating to the District of Columbia except appropriations (District of Columbia); acquisition of land and buildings for embassies (Foreign Relations); insular possessions of the United States except revenue and appropriations (Interior and Insular Affairs); labor, economic, and social statistics (Labor and Public Welfare); federal civil service, postal service, census, national archives, voter registration, federal employee retirement, and federal employees and their benefits (Post Office and Civil Service); public buildings, federal buildings within DC, Capitol and congressional buildings, and construction and maintenance of Smithsonian, Library of Congress, and Botanical Garden buildings (Public Works).
- ! **Human Resources:** Existing Labor and Public Welfare jurisdiction, with agricultural colleges (Agriculture); overseas education of civilian and military dependents (Armed Services); Native American education, health, social services and loan programs (Interior and Insular Affairs); veterans' measures except housing (Veterans' Affairs); employment and retirement income (Special Committee on Aging); employment and unemployment in the United States (Joint Economic Committee).
- ! **Rules, Administration and Standards:** Existing jurisdiction from the Rules Committee, with rules, and complaints and investigations concerning improper conduct by Members, officers, or employees of the Senate (Standards and Conduct); study and recommendations concerning congressional organization and operation, identification of judicial activities relating to the houses of Congress (Joint Committee on Congressional Operations); Library of Congress (Joint Committee on the Library); Government Printing Office (Joint Printing Committee).

With regard to other provisions, the plan would:

- ! Divide committees into major and minor committees, limiting Senators (except for chair and a few with temporary "grandfather" rights) to service on two major (standing or class A) committees and one minor (select or class B) committee.
- ! Limit the number of subcommittee assignments, with Senators serving on two subcommittees on each major committee and one minor committee and subcommittee.
- ! Limit Senators to one full committee chairmanship.
- ! Authorize party floor leaders to make referrals of legislation, jointly or sequentially, in whole or in part, to two or more committees, with instructions.

- ! Authorize the joint leadership to review the performance of the Senate committee system at the close of each Congress.
- ! Introduce computerized scheduling of meetings.
- ! Prohibit committees from meeting after the conclusion of the first two hours of a daily session or after 2:00 p.m. (except for the Appropriations and Budget Committees, and conference committees) without permission from the joint leadership or their designees.

**S. Res. 4, As Reported by the Committee on Rules and Administration.** The Senate Rules and Administration Committee began hearings on S. Res. 4 on January 5, 1977. Twenty days later, on January 25, the committee unanimously reported S. Res. 4. The Rules Committee made a number of changes related to committee jurisdiction in the original resolution.<sup>20</sup> Five committees were preserved: Veterans' Affairs Committee, Select Committee on Small Business, Select Committee on Standards and Conduct (renamed Ethics), Joint Economic Committee, and Joint Committee on Taxation. These changes, in turn, prompted modifying the original resolution's formula for committee assignments.<sup>21</sup> The Senate Rules Committee also voted to defer action on the Joint Committee on the Library and the Joint Committee on Printing, and to establish a new temporary Select Committee on Indian Affairs to review national policy on Indian affairs.

The Rules Committee also clarified certain jurisdictional references in S. Res. 4. Whereas the Stevenson proposal would have consolidated most transportation matters in the new Committee on Commerce, Science, and Transportation, the Rules Committee retained the status quo. Highway construction remained in the Environment and Public Works Committee; urban mass transit stayed with the Banking Committee; and most other transportation issues were assigned to the Commerce Committee.<sup>22</sup> The original resolution also sought to consolidate all environmental issues within the new Environment and Public Works Committee. The Rules Committee reversed the resolution to retain the existing system, allowing the Commerce Committee to retain its jurisdiction over coastal zone management programs and marine fisheries, and the letting the Agriculture Committee maintain control of pesticides.

One amendment offered during the Rules Committee markup to increase the total number of committees and subcommittees on which a Member could serve to 11 from eight (to three from two on each major committee and to two from one on each minor committee) was approved by voice vote. One objective was to assure an equitable distribution of committee assignments among all Senators, so that no individual Senator would be inequitably overburdened or serve on fewer committees

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<sup>20</sup>U.S. Congress, Senate Committee on Rules and Administration, *Committee System Reorganization Amendments of 1977: Open Markup Sessions on S. Res. 4*, 95<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington, GPO, 1977).

<sup>21</sup> U.S. Congress, Senate Committee on Rules and Administration, *Committee Systems Reorganizations Amendments of 1977*, 95<sup>th</sup> Cong., 1<sup>st</sup> sess., S.Rept. 95-2 (Washington: GPO, 1977), p. 4.

<sup>22</sup> Ibid.



than others. Stevenson made an unsuccessful motion to table the amendment.<sup>23</sup> Also, under an amendment sponsored by Senator Robert P. Griffin (R-MI), the Rules Committee, by a 5-4 vote, included a provision authorizing the minority party to obtain, upon request, one-third of a committee's funds, other than those used for central administrative and clerical purposes. The Griffin amendment also authorized the joint leadership to propose multiple referrals of bills by privileged motion rather than by unanimous consent. And, the Rules Committee reported that it, in consultation with the joint leadership, would review the operation of the committee system as well as the Standing Rules of the Senate and report any recommendations at the close of each Congress.

Finally, the Rules Committee deleted the leadership's ability to propose, under privileged procedure, ad hoc committees with authorizing jurisdictions.<sup>24</sup> Members of the Rules Committee were concerned that the original proposal to allow for establishment of ad hoc committees to manage future unforeseen legislative issues involving jurisdictional lines would encourage the "proliferation of additional, temporary committees."<sup>25</sup>

**S. Res. 4, As Agreed To.** On February 4, 1977, by a vote of 89-1, the Senate adopted S. Res. 4, which contained eight titles, dealing with committees, jurisdictions, and sizes; committee assignments and chairmanships; multiple referrals; scheduling; continuing review of the committee system; other amendments to the Senate's standing rules; committee staffs; and miscellaneous matters.

The full Senate voted to retain the Special Committee on Aging, and to extend the life of the Select Committee on Nutrition for the duration of 1977. It rejected an effort to keep the Post Office and Civil Service Committee.<sup>26</sup> As agreed to, the resolution eliminated six committees (standing committees on Space, District of Columbia, and Post Office and Civil Service; joint committees on Atomic Energy, Congressional Operations, and Defense Production), reducing the number of committees to 25 from 31.

The responsibilities of those panels abolished under the resolution were transferred to other Senate committees as shown below:

- ! Jurisdiction of Aeronautical and Space Sciences Committee was transferred to the Commerce Committee.
- ! Jurisdiction of the District of Columbia and Post Office and Civil Service Committees was transferred to the Committee on Governmental Affairs.

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<sup>23</sup> *Congressional Quarterly Weekly Report*, "Senate Approves Committee Changes," vol. 35, Feb. 12, 1977, p. 3.

<sup>24</sup> Parris, "The Senate Reorganizes," p. 328.

<sup>25</sup> See also *Committee Systems Reorganizing Amendments of 1977*, p. 4.

<sup>26</sup> *Ibid.*

- ! Jurisdiction of the Select Nutrition Committee was transferred after Dec. 31, 1977, to the Agriculture Committee, renamed the Committee on Agriculture, Nutrition, and Forestry.
- ! Jurisdiction of the Joint Atomic Energy Committee was transferred to three committees: Armed Services, Energy and Natural Resources, and Environment and Public Works.
- ! Jurisdiction of the Joint Committee on Defense Production was transferred to a committee to be determined by subsequent legislation.
- ! Jurisdiction of the Joint Committee on Congressional Operations and the Select Committee to Study the Committee System was transferred to the Rules Committee.<sup>27</sup>

Other jurisdictional changes included:

- ! Responsibility for school lunch legislation was transferred to the Agriculture Committee from the Human Resources Committee (previously the Labor and Public Welfare Committee).
- ! Foreign commerce and veterans' housing programs under the Commerce and Veterans' Affairs Committees were transferred to the Banking Committee.
- ! Responsibility for naval petroleum reserves and oil shale reserves in Alaska and for water power was transferred to the Energy and Natural Resources Committee from the Armed Services and Public Works Committees.

### **Recommendations on Committee Assignments.**

- ! Limit each Senator (except for a few with temporary "grandfather" rights) to no more than three committees (two major or class A committees and one minor or class B committee).
- ! Limit each Senator to no more than three subcommittees on each of Senator's major committees (excluding the Appropriations Committee).
- ! Limit each Senator to no more than two subcommittees on each minor committee.
- ! Prohibit any Senator from holding more than two chairmanships at the full committee or subcommittee level of major committees and more than one on a minor committee.

In summary, the resolution established a system in which each Senator would normally be assigned to: two class A committees, six class A subcommittees (three per committee), one class B committee, and two class B subcommittees (two per committee).<sup>28</sup> It also would:

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<sup>27</sup> *Congress and the Nation*, vol. v, p. 885.

<sup>28</sup> CRS, *Title II of the Committee System Reorganization Amendments of 1977*, S. Res. 4, 9<sup>th</sup> Congress, 1<sup>st</sup> Sess., by Walter Kravitz and John R. Schaibley, Dec. 15, 1977.

- ! Prohibit a Senator from serving as chair of more than one full committee at any one time.
- ! Prohibit a Senator from serving as chair of more than one subcommittee on each committee.
- ! Prohibit the chair of a major committee from serving as chair of more than one subcommittee on his or her major committee and as the chair of more than one subcommittee on his or her minor committee (effective two years after the resolution passed).
- ! Prohibit the chair of a minor committee from chairing a subcommittee on that committee and prohibit him or her from chairing more than one of each of his or her major committee's subcommittees.

### **Recommendations on Other Matters.**

- ! Provide the minority of each committee with one-third of each committee's staff budget. (Committees were given up to four years to phase in this provision.)
- ! Authorize party floor leaders to move multiple referrals of legislation with instructions as well as prohibit a committee from adding amendments outside its jurisdiction to bills it reports without the referral of each amendment to the appropriate committee.
- ! Require the Rules Committee to establish a centralized computer system to schedule the meetings of Senate committees and subcommittees, and to continue to review the committee system, reporting its findings, every two years.
- ! Prohibit any committee from establishing a subcommittee without approval from the full Senate.
- ! Permit committees and subcommittees to meet without special leave up to the conclusion of the first two hours of a Senate session or up to 2:00 p.m., whichever was first, and allow the deadline to be extended by the joint leadership.

## **The Study Group on Senate Practices and Procedures, 97<sup>th</sup> and 98<sup>th</sup> Congresses (1981-1983 and 1983-1985)**

**Creation.** On May 11, 1982, the Senate adopted S. Res. 392, which provided for the creation of the study group on Senate Practices and Procedures (commonly called the Pearson-Ribicoff Study Group).

**Membership.** The study group consisted of former Senators James B. Pearson (R-KS) and Abraham A. Ribicoff (D-CT).

**Recommendations Relating to Committee Jurisdiction.** On April 5, 1983, the study group issued a wide-ranging report of findings and recommendations.<sup>29</sup>

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<sup>29</sup>CRS Report LTR 83-577, *A Discussion of the Pearson-Ribicoff Study Group Report*, April (continued...)

Regarding committee jurisdiction, the study group recommended that the Senate reduce the number of standing committees to 12 or 13 by merging seven standing, select, and special committees. The panels slated for merger were: Budget (functions absorbed by Appropriations and Finance); Veterans Affairs (subsumed by Armed Services); Small Business (taken over by Banking, Housing, and Urban Affairs); Special Aging (functions integrated into Labor and Human Resources); Select Ethics (functions incorporated into Rules and Administration); Select Indian Affairs (functions put under Energy and Natural Resources); and Select Intelligence (subsumed by Appropriations, Armed Services, and Foreign Affairs). Additionally, the study group recommended that all joint committees (Economic, Library, Printing, and Taxation) be terminated, with their functions taken over by standing committees with the appropriate legislative jurisdictions.<sup>30</sup>

**Recommendations on Other Matters.** The study group also made recommendations concerning Senate party leadership and agenda setting, chamber operations, and floor procedures, committee operations, and the congressional budget process. Specifically, the committee recommended the Senate:

- ! Adopt an annual agenda listing the issues it will consider.
- ! Create a permanent presiding officer.
- ! Consider controversial matters no more than one time in the same session.
- ! Reestablish certain abandoned procedures, such as: morning business and morning hour immediately following statements by the party floor leaders; party-appointed Calendar Committees with the responsibility of compiling information from their colleagues as to their opposition to passing any bills on the call of the calendar; permission for a motion to recess when the Senate has become stalemated over particular bills or pending business; permission for the presiding officer to count quorums.
- ! Televisе Senate floor proceedings.
- ! Require debate to be germane to pending business when considering legislation unless waived by motion or unanimous consent.
- ! Place restrictions on the length of debate of motions to consider.
- ! Prohibit Senators (except the joint leadership and bill mangers) from offering more than two amendments to be considered after cloture is invoked, but permit the division of amendments if they contain distinct propositions that can stand independently of one another.
- ! Require germaneness of amendments after a specific period of debate.
- ! Require that all amendments offered for printing have a capsule resume at some place under the title of the amendment setting forth a statement of its purpose, and that all major amendments be printed

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(...continued)

1983, by Roger H. Davidson and Walter J. Oleszek.

<sup>30</sup>U.S. Congress, Senate, *Report on Senate Operations*, p. 27.

a day in advance of their consideration unless ordered otherwise by unanimous consent.

- ! Require major amendments, as modified, be made available in written form to all Senators prior to the start of a vote, unless unanimous consent to the contrary is granted.
- ! Disallow consideration of amendments when no further time is left for debate.
- ! Consider eliminating the “question of germaneness” with the exception of general appropriations bills.
- ! Prohibit all staff for subcommittees.
- ! Modify the budget process by adopting a two-year budget and appropriations cycle, and abolishing the Budget Committee, shifting its functions to a subcommittee comprising members of the Appropriations and Finance Committees.
- ! Refer any measure involving procedure to the Rules Committee before the Senate acts on it.
- ! Minimize the number of roll-call votes.

On May 9, 1983, the Senate Rules and Administration Committee held a hearing on the Pearson-Ribicoff report. The Senate took no further formal action on the study group’s proposals.

### **The Temporary Select Committee to Study the Senate Committee System, 98<sup>th</sup> Congress (1983-1985) (Quayle Committee)**

**Creation.** The Senate passed S. Res. 127 by voice vote on June 6, 1984, to establish the Temporary Select Committee to Study the Senate Committee System (also known as the Quayle Committee, for its chair, Senator Dan Quayle (R-IN)). The committee was charged with making a “thorough study of the Senate committee system” and reporting back options for improving it.

**Membership.** In addition to Senator Quayle, members of the committee were: Charles McC. Mathias Jr. (R-MD); Jake Garn (R-UT); Malcolm Wallop (R-WY); Bob Kasten (R-WI); Warren B. Rudman (R-NH); Wendell H. Ford (D-KY); Russell B. Long (D-LA); John Melcher (D-MT); J. Bennett Johnston (D-LA); Spark M. Matsunaga (D-HI); and Alan J. Dixon (D-IL).

**Recommendations Relating to Committee Jurisdiction.** The committee called for sequential referral of legislation reported out of one committee that contained matter in the jurisdiction of another committee. Under existing Senate Rules, bill referral was based on which committee had jurisdiction over the predominant subject of the bill:

The Select Committee does not believe that it is possible to draw such neat jurisdictional lines that all matters within a bill will always fall within the jurisdiction of a single committee. Subject areas inevitably overlap, and the tendency for bills to become longer and more complex increases the difficulty

of vesting complete jurisdiction in one committee. Sequential referral seems to be the appropriate procedure for dealing with these jurisdictional overlaps.<sup>31</sup>

The Quayle Committee proposed that if a committee reported out a bill that contained material in the jurisdiction of another committee, that second committee would get a sequential referral of the bill upon request of its chair. The sequential referral would last for 30 calendar days, not including days when the Senate was not in session.

The Quayle panel also recommended that a similar process be followed for appropriations bills. If an appropriations bill were reported that contained legislative provisions, the committee with jurisdiction over that subject matter would be given an opportunity for a sequential referral, though the time would be limited to five days, not the 30 proposed for other legislation. “It is the opinion of the Select Committee that, without this kind of provision, the tendency for appropriations bills to become cluttered with authorizing and other legislation will continue to seriously undermine the jurisdiction of authorizing committees.”<sup>32</sup>

**Recommendations Relating to Committee Assignments.** Central to the select committee’s plan was a reduction in the number of committee assignments each Senator could have. The committee found that Senators had too many committee assignments. The report said: “It is the belief of our committee that if Senators will agree to reduce their committee assignments, our committees will be better able to perform their duties and the Senate as a whole will be taken more seriously as a reliable and informed national policy-maker.”<sup>33</sup>

To this end, the panel recommended that each Senator be limited to service on two of the “A” committees and one of the “B” committees, with no exceptions. Existing rules at the time allowed some 55 exceptions to this restriction.

The Quayle Committee then recommended that the number of committee assignments available to Senators be decreased. The total number of slots on the “A” committee would drop to 209 from 231; for “B” committees, the total would go from 109 slots to 97 slots. The limits would be strengthened by limiting Senators to nine total positions on all the full committees and subcommittees to which they belonged; Appropriations Committee members would be limited to 11.

Senators would be limited to one full committee chair on one of their “A” committees and one “A” subcommittee of all the “A” committees they served on. For “B” committees, the full committee chair could not chair a subcommittee on that panel. Finally, the committee recommended that the majority and minority leaders not be counted when counting for a quorum during a business meeting on a vote to report a measure or matter.

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<sup>31</sup> U.S. Congress, Senate Temporary Select Committee to Study the Senate Committee System, *Report Together with Proposed Resolutions*, S. Rept. 98-254, 98<sup>th</sup> Cong., 2<sup>nd</sup> sess. (Washington: GPO, 1984), p. 11.

<sup>32</sup> *Ibid*, p. 12.

<sup>33</sup> *Ibid*, p. 5.

**Recommendations on Other Matters.** The committee recommended creating a Joint Committee on Intelligence and a temporary committee to study a two-year budget process. It also recommended that debate rules in the Senate be changed so that there would be a time limit on debate on motions to proceed and to create a new device that would enable the Senate, with a 60-Member vote, to allow only germane amendments to be offered to legislation.

**Final Action.** The Quayle Committee made its recommendations on November 29, 1984. Senator Quayle introduced the panel's recommendations on January 3, 1985 (S. Res. 31), but the resolution saw no action. During its committee assignment process in 1985, the Senate did pare down some assignments, reducing the number of seats on several committees, which Senator Quayle reportedly said was a "marginal success.... Anytime you take away 17 committee assignments from 17 Senators, you're moving in the right direction."<sup>34</sup>

### **Report of the Committee on Rules and Administration, 100<sup>th</sup> Congress (1988 -1989)**

Pursuant to its responsibility under Rule XXV to study and report to the Senate on the organization and operation of the Senate, the Senate Rules and Administration Committee in 1988 undertook a study to improve Senate operations, and subsequently reported a number of proposals for consideration. The committee concluded that a jurisdictional reorganization of the Senate committee system was unnecessary. It also determined that problems with the committee system were generally attributable to the large sizes of committees and the increasing number of assignments to each Senator. Accordingly, the committee recommended that the Senate enforce the rules already in existence and resist exception and waivers to assignment rules.<sup>35</sup>

### **Joint Committee on the Organization of Congress, 102<sup>nd</sup> and 103<sup>rd</sup> Congresses (1991-1992 and 1993-1995) (JCOC)**

**Creation.** The bicameral Joint Committee on the Organization of Congress (JCOC) was created on August 6, 1992, with the passage of H. Con. Res. 192. The JCOC was modeled after the congressional reform committees of the same name established in 1945 and 1965, and was intended to address growing concern with the effectiveness and public perception of the institution of Congress.

Representative Lee H. Hamilton (D-IN), Representative Bill Gradison (R-OH), Senator David L. Boren (D-OK), and Senator Pete V. Domenici (R-NM), jointly introduced H. Con. Res. 192 and S. Con. Res. 57 in their respective chambers on July 31, 1991, to create a Joint Committee on the Organization of Congress.

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<sup>34</sup> Jacqueline Calmes and Diane Granat, "Senate Cuts Committee Slots; Members Assigned to Panels," *Congressional Quarterly Weekly Report*, vol. 42, Feb. 23, 1984, pp. 348-349.

<sup>35</sup> U.S. Congress, Committee on Rules and Administration, *Report on Senate Operations 1988*, 100<sup>th</sup> Cong., 2<sup>nd</sup> sess., S.Prt. 100-129 (Washington: GPO, 1988).

At the time, there was a sense among Members that the issues facing Congress had changed considerably over a period of years, but the internal structures of the institution had not kept pace. Many Members expressed increasing frustration with the workings of Congress, and a record number of Members chose to retire in the 102<sup>nd</sup> Congress, many citing this frustration “as a contributing factor”<sup>36</sup> in their decision. Additionally, Congress was beset by a string of high-profile scandals that hurt public opinion, beginning in 1989 with the resignation of House Speaker Jim Wright (D-TX), and followed in 1990 and 1991 by allegations that certain Senators had improperly influenced federal regulators on behalf of campaign contributor Charles Keating.

The legislation to create the JCOC received little response when it was introduced in July 1991, but the proposal gained momentum as additional scandals relating to management problems at the House Bank and the House Post Office received widespread media attention and led to the resignation of the House sergeant at arms and the House postmaster. Against this backdrop, the public’s already skeptical attitude about Congress deteriorated and public disapproval ratings of Congress hit an all-time high of 77% in the summer of 1992. Senator Boren focused on this national mood in remarks on the Senate floor, saying:

As an institution, Congress is in trouble. The American people have described it as wasteful, inefficient, and compromised by the way it finances its campaigns. During this year’s congressional campaigns, the American people have sent an unmistakable message to Congress: If you refuse to set your House in order, we will elect those who will do it for you ...[.] the longer we delay the reform of this troubled institution, we allow it to slip deeper into bureaucratic disarray.<sup>37</sup>

H. Con. Res. 192 was approved on June 18, 1992, by a vote of 412-4 in the House and unanimously after one amendment in the Senate on July 30, 1992. The Senate amendment barred the joint committee from conducting business prior to November 15, 1992, and was intended to keep the joint committee free from the potential pressures of election-year politics. The House concurred in the Senate’s amendment on August 6, 1992.

H. Con. Res. 192 directed the joint committee, before December 31, 1993, to “make a full and complete study of the organization and operation of the Congress and to recommend improvements which would strengthen the effectiveness of the Congress, simplify its operations, improve its relationships with and oversight of other branches of the United States Government, and improve the orderly consideration of legislation.” That broad mandate echoed that of the 1946 and 1965 reform committees.<sup>38</sup>

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<sup>36</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress, Final Report of the Joint Committee on the Organization of the Congress*, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., S. Rept. 103-215, vol. ii, (Washington: GPO, 1993), p. 1.

<sup>37</sup> Sen. David L. Boren, remarks in the Senate, *Congressional Record*, vol. 138, July 30, 1992, p. 20479.

<sup>38</sup> *Ibid.*, p. 20480.



The resolution specifically directed the joint committee to issue a study that included an examination of:

... the organization and operation of each House of the Congress, and the structure of, and the relationships between, the various standing, special, and select committees of the Congress, the relationship between the two Houses of Congress, the relationship between the Congress and the executive branch of the Government, the resources and working tools available to the legislative branch as compared to those available to the executive branch; and the responsibilities of the leadership, their ability to fulfill those responsibilities, and how that relates to the ability of the Senate and the House of Representatives to perform their legislative functions.<sup>39</sup>

The Joint Committee on the Organization of Congress conducted an extensive information-gathering and policy-analysis process. The joint committee held six months of hearings (from January to July 1, 1993) and organized four symposiums on specific organizational topics (the committee system, staffing, the budget process, and legislative-executive relations) of interest to panel members.

The joint committee held 36 hearings, took testimony from 243 witnesses — 133 House Members, 37 Senators, 14 former Members, 15 current and former staff members, and 44 outside experts.<sup>40</sup> In addition, the JCOC conducted a two-day retreat in June 1993 at the U.S. Naval Academy to discuss reform options.

The joint committee organized the most extensive set of opinion surveys of Members and congressional staff ever undertaken by a bicameral reorganization committee. The committee's hearings were televised on C-SPAN and rebroadcast frequently. In addition, the co-chairs and vice chairs sent a letter and op-ed piece to 1,600 daily newspaper editors asking them to let their readers know the joint committee was interested in their views on congressional reform.<sup>41</sup>

The joint committee subsequently received more than 1,000 letters from citizens written either in response to the op-ed or to the televised hearings.<sup>42</sup> The committee expired on December 31, 1993, consistent with its enabling legislation, after issuing a report in four parts making recommendations on ways to reform the institution.

**Membership.** The JCOC consisted of 28 members, 14 from each chamber, equally divided between Republicans and Democrats. That number included the majority and minority leaders of the House and Senate, who served as ex-officio,

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<sup>39</sup> Ibid., p. 20480.

<sup>40</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress, Final Report of the House Members of the Joint Committee on the Organization of the Congress*, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., H.Rept. 103-413, vol. i (Washington: GPO, 1993), p. 9.

<sup>41</sup> House Committee on Rules, Official Web site, [<http://www.house.gov/rules/JointComm.htm>], visited on Aug. 3, 2003.

<sup>42</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress, Final Report of the House Members*, p. 4.

voting members of the joint committee. The joint committee was made up of two subcommittees, one in the Senate and one on the House. Membership on the joint committee was determined by each chamber's party leaders.

Under its enabling legislation, no recommendation could be made by the joint committee except upon a majority vote of the members representing each house, respectively. Any recommendation regarding the rules and procedures of one house could only be made and voted on by the members of the committee from that body. The committee did not have the authority to report legislation.

Senator David Boren and Representative Lee Hamilton were appointed co-chairs of the Joint Committee on the Organization of Congress, and Senator Pete Domenici and Representative Bill Gradison were named vice chairs. Committee Member Representative David Dreier (R-CA) was appointed to assume the duties of House vice chair when Representative Gradison resigned from the House on January 31, 1993. Representative Jennifer Dunn (R-WA) was then appointed to fill the open seat.

Other House Members of the joint committee were: Wayne Allard (R-CO); Bill Emerson (R-MO); Sam Gejdenson (D-CT); Eleanor Holmes Norton (D-DC); David Obey (D-WI); Gerald B.H. Solomon (R-NY); John M. Spratt, Jr. (D-SC); Al Swift (D-WA); and Robert S. Walker (R-PA). Senate Members of the joint committee were: William S. Cohen (R-ME); Wendell H. Ford (D-KY); Nancy L. Kassebaum (R-KS); Trent Lott (R-MS); Richard D. Lugar (R-IN); David Pryor (D-AR); Harry Reid (D-NV); Paul S. Sarbanes (D-MD); Jim Sasser (D-TN); and Ted Stevens (R-AK).

**Recommendations Relating to Committee Jurisdiction.** The Joint Committee on the Organization of Congress conducted eight days of hearings between April 20 and May 13, 1993, exclusively on the issue of committee structure. At these hearings, "jurisdictional questions were addressed more often than any other theme ..[;]. a number of witnesses cautioned that jurisdictional changes would engender a great deal of internal resistance that could possibly bring down the entire reform package."<sup>43</sup> Former Senator Adlai Stevenson, for example, citing lessons learned by the Stevenson Committee, cautioned against recommending broad jurisdictional realignments that could endanger support for the JCOC's final work product.

The Senate subcommittee of the JCOC ultimately avoided advocating wholesale committee jurisdictional realignment. As Senators Kassebaum, Cohen, Lott, and Lugar wrote in additional views to the Senate subcommittee report:

We believe that significant restructuring of committee jurisdictions, to bring the two houses more nearly into line with each other and with the executive branch, would do much to clarify lines of responsibility, reduce wasteful overlap and duplication of effort, and make the Congress more effective, more efficient and

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<sup>43</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress, Final Report*, pp. 23-24.

more accountable. However, committee members concluded early in our work that producing an ideal report that would be dead on arrival benefitted no one.<sup>44</sup>

The Senate subcommittee opted instead for recommending reforms to the organizational structure of committees under Rule XXV, as well as suggesting changes in how Members were assigned to committees and limitations on committee and subcommittee service.

All Senate and House joint committees — Economic, Library, Organization of Congress, Printing, and Taxation — would be abolished and their functions transferred to other entities. The functions of the Joint Economic Committee would be transferred to the Senate Budget Committee; the Joint Library and Joint Printing Committees' work would shift to the Senate Committee on Rules and Administration; and the job of the Joint Tax Committee would shift to the Congressional Budget Office.<sup>45</sup>

**Recommendations Relating to Committee Assignments.** Under their recommendations, four categories of committees would be established under Senate Rule XXV — “Super A,” “A,” “B,” and “C.” Each Senator would be limited to two “A” committee assignments: either one “Super A” committee (Armed Services, Appropriations, Finance, or Foreign Relations) and one “A” committee (Agriculture, Banking, Commerce, Energy, Environment, Governmental Affairs, Judiciary, or Labor); or two “A” committees and one “B” committee (Aging, Budget, Indian Affairs, Rules, Small Business, Veterans Affairs.) Assignments on the Ethics and Intelligence Committees would not count against these committee assignment limits.<sup>46</sup>

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<sup>44</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress, Final Report of the Senate Members of the Joint Committee on the Organization of the Congress*, 103<sup>rd</sup> Cong., 1<sup>st</sup> sess., S.Rept. 103-215, vol. i, (Washington: GPO, 1993), p. 33.

<sup>45</sup> *Ibid.*, p. 28.

<sup>46</sup> U.S. Congress, Joint Committee on the Organization of Congress, *Organization of the Congress, Final Report of the Senate Members*, p. 4.

The recommended structure is reflected in the chart below:

<b>Super A: Senators may serve on no more than one.</b>	<b>A: Senators may serve on two if they have no “Super A.”</b>	<b>B: Senators may serve on no more than one.</b>	<b>C: No limit on the number Senators may serve on.</b>
Appropriations Armed Services Finance Foreign Relations	Agriculture, Nutrition and Forestry Banking, Housing and Urban Affairs Commerce, Science and Transportation Energy and Natural Resources Environment and Public Works Governmental Affairs Judiciary Labor and Human Resources	Aging Budget Indian Affairs Rules and Administration Small Business Veterans Affairs	Ethics Intelligence

“Super A” and “A” committees, except the Appropriations Committee, would have no more than three subcommittees. “B” committees would have no more than two subcommittees. Senators could belong to two subcommittees per “A” committee, except Appropriations, and one subcommittee per “B” committee.

Senators could receive a waiver of those assignment limits only after obtaining the permission of their party caucus and following a recorded vote of the full Senate. The Senate subcommittee also proposed that the majority and minority leaders assign Senators of their respective parties to committees in keeping with rules established by the parties.

If restrictions on committee membership caused a committee to fall below half its current size, the Senate would have to vote on whether the committee should be abolished. That provision was known as the “de minimus” rule.

The Senate subcommittee also recommended changes to Senate regular meeting days. “Super A” committees could meet only on Tuesdays, “A” committees on Wednesdays, and “B” committees on Thursdays. The Appropriations Committee, Budget Committee, and “C” Committees were exempt from those meeting requirements, and could meet at any time.

**Recommendations on Other Matters.** The Senate subcommittee of the JCOC made a number of other recommendations in areas outside jurisdictional reform.<sup>47</sup> They included:

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<sup>47</sup> Ibid., pp. 7-22.

**Budget Process.** Moving to a two-year budget cycle. Under such a system, the budget resolution and appropriations bills would be considered during the first year. Multi-year authorizations and oversight activities would take place in the second year. By not having to pass a new budget every year, the subcommittee argued, committees would have more time to review how laws are working, and the executive branch would enjoy a more stable budget environment. During the second year, the Budget Committee would focus on long-term planning by holding hearings on problem areas identified by oversight activities. The Senate subcommittee also included a provision that would require the Congressional Budget Office to prepare quarterly reports comparing revenues, spending, and the deficit for the current fiscal year with assumptions in the budget resolution. The Senate went on to clarify that the so-called “Byrd Rule,” which bars the inclusion of extraneous matter in any reconciliation legislation considered in the Senate, would be permanent and would require three-fifths of all Senators to waive.

**Ethics and Application of Laws.** Regarding the ethics process and the application of laws to Congress, whereas the House subcommittee made specific recommendations for reform, the Senate subcommittee did not, instead deferring recommendations on those issues to Senate leadership task forces that were established to consider changes in these areas.

**Proxies and Committee Votes.** Under the subcommittee’s recommendations, proxies could not be used in committee if they would affect the outcome of a vote. The records of Senate committee attendance and voting would be published semiannually in the *Congressional Record*.

**Floor Procedure and Scheduling.** The Senate subcommittee recommended that a motion to proceed to consider a bill could no longer be filibustered. After cloture was invoked, a three-fifths vote would be required to overturn a ruling of the chair, and quorum call time would count against the Senator who suggested the absence of a quorum.

The subcommittee suggested dispensing with the reading of conference reports available one day prior to consideration. It also suggested that amendments expressing the sense of Congress or the Senate require the cosponsorship of at least 10 Senators.

**Staffing and Support Agencies.** The Senate subcommittee proposed that the Senate cut its staff levels in proportion to those proposed by the executive branch in its National Performance Review — approximately 12% over five years. In addition, Congress would have to reimburse the executive branch and other agencies such as the General Accounting Office for the expenses of staff detailed to the Senate. Unused funds from Senate office or committee accounts would not be available for reprogramming. The secretary of the Senate would be directed to publish in the *Congressional Record* an annual list of those offices using less than the amount the offices were budgeted for personnel. Also, the permanent authorizations for GAO, CBO, CRS, GPO, and OTA would be repealed and replaced with authorizations of eight years in length.

**Legislative-Executive Relations.** The Senate subcommittee recommended that during the second session of Congress, GAO give priority to congressional requests for audits and evaluations of executive branch programs. The Senate subcommittee also made numerous specific suggestions relating to improving the efficiency of the printing of congressional and government documents. It further recommended that all standing committees prepare oversight agendas for the programs under their jurisdictions.

**Final Action.** House and Senate Members introduced separate legislation on February 3, 1994, embodying the final recommendations of the JCOC. These packages became known as the Legislative Reorganization Act of 1994 (H.R. 3801 and S. 1824, respectively).

S. 1824 was referred to the Senate Committee on Rules and Administration. After a series of hearings, the committee conducted markups and reported out S. 1824, amended, and two reform resolutions, one dealing with committees and one dealing with floor procedure. The Senate sponsors of S. 1824 subsequently made an unsuccessful attempt to attach an amendment embodying the provisions of S. 1824 to the District of Columbia Appropriations bill; however, this effort was stopped when a point of order was raised and sustained that it violated the Congressional Budget Act. The 103<sup>rd</sup> Congress (1993-1995) adjourned without further consideration of the Senate bills.

H.R. 3801 was referred to the House Committees on Rules, House Administration, and Government Operations. The 103<sup>rd</sup> Congress adjourned without considering H.R. 3801. However, the House did act on legislation embodying the portion of H.R. 3801 that would apply several worker safety and employment laws to Congress. On August 10, 1994, the House passed H.R. 4822, the Congressional Accountability Act, by a substantial margin. The Senate did not act on the legislation. In the final days of the Congress, the House enacted H. Res. 578, legislation that amended House Rules in a manner similar, but not identical, to H.R. 4822. The main difference between H.R. 4822 and H. Res. 578 was that the resolution did not allow for judicial review of employee complaints.

### **1995 Senate Republican Working Group, 104<sup>th</sup> Congress (1995-1997)**

Following the 1994 elections, incoming Majority Leader Robert Dole (R-KS) named a Republican working group to explore reform options. The group was headed by Senator Pete V. Domenici (R-NM), who served as Senate vice chair of the Joint Committee on the Organization of Congress, and Senator Connie Mack (R-FL). Many of the proposals made by the working group were based on the recommendations of the Joint Committee on the Organization of Congress. Included were proposals to reduce the number of subcommittees, clamp down on excessive committee assignments, curtail proxy voting in committee, cut staff resources, implement a two-year budget and appropriations process, and impose a two-hour limit for debate on motions to bring up legislation on the Senate floor. The working group proposed that its recommendations be presented to the Senate in three separate measures: committee structure, staffing, administration, and support agencies; budget

process; and floor procedure. The working group plan was never considered by the Senate, although several components were acted on.

Other initiatives affecting the Senate were implemented in 1995, although they affected Republican Senators only. A Republican Conference task force was created to explore how party loyalty among committee leaders might be enhanced. Senator Connie Mack headed the effort. Other task force members were Senators Rick Santorum (R-PA), Trent Lott (R-MS), Larry Craig (R-ID), Fred Thompson (R-TN), John Kyl (R-AZ), Don Nickles (R-OK), and Bob Packwood (R-OR).

The task force released an eight point reform plan that called for:

- ! Term limits for committee leaders.
- ! A requirement that indicted committee leaders relinquish their position.
- ! A provision that Senators leaving and then returning to a committee relinquish their seniority on the panel.
- ! A limit of one full or subcommittee leadership post per Member, except for Appropriations.
- ! A provision allowing the Republican leader to fill vacancies on top committees if two or more occurred simultaneously.
- ! An amendment to Senate Rules that the party caucuses have sole authority to select and remove committee leaders.
- ! The establishment of a Republican legislative agenda at the beginning of each Congress.
- ! A provision that the Republican leader nominate each committee leader for confirmation by the full Republican Conference.

The Republican Conference passed a modified version of the Mack proposal. The terms of Republican committee leaders were limited to six years as chair and six years as ranking minority member, although the limits would not take effect until 1997. The proposal that the Republican leader nominate committee leaders failed in favor of a Domenici substitute providing that committee leaders be selected by Republican members of the panel and a vote in the full Republican Conference, both by secret ballot. Also agreed to was a proposal to limit the terms of party leaders to six years, with the Republican leader and President pro tempore exempted. The conference also agreed to prohibit full committee chairs from heading subcommittees, with the exception of Appropriations Committee chairs.