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# SPECIAL COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

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## HEARING BEFORE THE COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE EIGHTY-NINTH CONGRESS SECOND SESSION ON S. Res. 293 ESTABLISHING A SPECIAL COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

AUGUST 17, 1966

Printed for the use of the Committee on Rules and Administration



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[Executive session of the committee on Rules and Administration of Aug. 17, 1966, released to the public Aug. 19, 1966]

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## CONTENTS

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|  |           |
|--|-----------|
| Statement of Hon. A. S. (Mike) Monroney, U.S. Senator from the State of<br>Oklahoma..... | Page<br>2 |
|--|-----------|

CONTENTS

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## SPECIAL COMMITTEE ON THE ORGANIZATION OF CONGRESS

WEDNESDAY, AUGUST 17, 1966

U.S. SENATE,  
COMMITTEE ON RULES AND ADMINISTRATION,  
Washington, D.C.

The committee met, pursuant to notice, at 10 a.m., in room 301, Old Senate Office Building, Senator B. Everett Jordan (chairman) presiding.

Present: Senators Jordan, Cannon, Pell, Curtis, and Scott.

Also present: Gordon F. Harrison, staff director; Hugh Q. Alexander, chief counsel; Walter L. Mote, professional staff member; John P. Coder, professional staff member; Marian G. Moore, assistant chief clerk; Committee on Rules and Administration.

James H. Duffy, chief counsel, and Burkett Van Kirk, minority counsel, Subcommittee on Privileges and Elections; Roy L. Elson, administrative assistant to Senator Hayden.

The CHAIRMAN. We have a quorum present, gentlemen. The meeting will come to order.

Without objection, I will place in the record at this point the text of Senate Resolution 293 to create a Special Committee on the Organization of the Congress composed of the six Senators who are members of the Joint Committee on the Organization of the Congress.

(The text of S. Res. 293 as as follows:)

89TH CONGRESS  
2D SESSION

### S. RES. 293

IN THE SENATE OF THE UNITED STATES

AUGUST 15, 1966

Mr. MONRONEY (for himself, Mr. SPARKMAN, Mr. METCALF, Mr. MUNDT, Mr. CASE, and Mr. BOGGS) submitted the following resolution; which was referred to the Committee on Rules and Administration

### RESOLUTION

*Resolved*, That a special committee to be composed of the six Senators who are members of the Joint Committee on the Organization of the Congress is hereby established, with authority to sit and act during the sessions, recesses, and adjourned periods of the Eighty-ninth Congress (and such committee shall cease to exist with the expiration of such Congress), for the purpose of receiving and considering a bill, when introduced, and germane amendments relating thereto, having for its purpose the carrying out of the recommendations contained in the report of the Joint Committee on the Organization of the Congress, Report No. 1414, July 28, 1966. Such bill, when introduced, and amendments shall be referred to the committee for its consideration and such committee is hereby authorized to report to the Senate with respect to any such matter referred to it, together with such recommendations as it may deem advisable. Nothing in

this resolution shall be construed to authorize the committee to report any bill or amendment containing any provision which has the effect of changing the rules, parliamentary procedure, practices, or precedents of either House, or which has the effect of changing in any manner the consideration of any matter on the floor of either House, unless such provision is to carry out a recommendation contained in such report of July 28, 1966. Any vacancy occurring in the membership of the committee shall be filled by appointment by the President of the Senate.

I first want to welcome Senator Monroney who is here with us; I appreciate your promptness in being here this morning, because this is a special meeting that was not on the calendar last week.

Last Friday afternoon, Senator Monroney got in touch with me about this Senate Resolution 293 which he wanted to get before the Senate as soon as possible, Saturday morning. I called him back—Mike, you check me if I am not right in my timing here—and told him that due to the importance of this resolution and the reorganization report, which he is handling as chairman of the Senate group, I would be willing to call a special meeting in order to take it up.

I did call that meeting Monday, as you know. At that time, I did not know that Senator Hayden would not be here. Late yesterday afternoon, I received a letter from Senator Hayden asking that we defer this meeting for 1 week in order that he might be here.

I immediately took this down to Senator Monroney and discussed it with him. He concurred that, in deference to Senator Hayden, we should put this meeting over for 1 week, which would be next Wednesday, our regular meeting day.

At that time, I would expect to take definite action on this resolution because it is very important that this be reported out as soon as possible. I want to say that I know something about what is in this report; I have seen it.

Senator Monroney and his committee have done a very fine job and a very effective job. They have been on this nearly 2 years and it has been 20 years since we have had a reorganization; is that correct, Senator?

Senator MONRONEY. Yes, sir.

The CHAIRMAN. There are certainly some things that should be updated, some things deleted, and some improvements made in the Congress of the United States; and unless we get this resolution to the floor reasonably soon, it is not going to be acted on this year. Personally, I want to do everything I can to expedite the movement of this resolution so it can get to the floor and be acted on.

Senator CANNON. Mr. Chairman, if my letter is the same, Senator Hayden did not ask that we defer the meeting. He sent me a letter and I presume he sent the same to everyone. He just asked that we defer voting on the resolution until the meeting next week; but, as I say, in my letter he doesn't ask that we defer this meeting.

The CHAIRMAN. Yes, that's correct; Senator Hayden requested we defer voting on the resolution until the regular meeting of next week. We can proceed to hear Senator Monroney.

#### STATEMENT OF HON. A. S. (MIKE) MONRONEY, U.S. SENATOR FROM THE STATE OF OKLAHOMA

Senator MONRONEY. Mr. Chairman, and members of the committee, thank you very much for the opportunity of being here.

No Member of the Senate in Senator La Follette's time, with the possible exception of Senator La Follette himself, has contributed more to congressional reorganization than Senator Hayden, President pro tempore of the Senate.

He has been helpful in allowing us to form the joint committee, by action of the Rules Committee, on a bipartisan basis. This committee that has been working for 2 years on reorganization. I would yield completely to his views on either deferring discussion or the vote on the resolution until next Wednesday at the regular meeting when the President pro tempore of the Senate could be here.

We are certainly not trying to rush anything through. However, as you well know, the timetable is running out because of the decision of the leadership to schedule the civil rights bill after Labor Day. That is going to put a lid on everything. So we would hope that we could take up the matter by next Wednesday. We need to tell the leadership at that time that the way is clear to have the Senate consider some 100 recommendations, some large and some small, that are included in the report. We have also finished the preparation of a committee print of an omnibus bill based on the joint committee's recommendations and which we have filed with the Rules Committee.

Is it the will of the committee that you would like to discuss this now, Senator Jordan? Senator Cannon?

Senator SCOTT. Senator Cannon, if I may say so, has already made the point that Senator Hayden asked only that we defer voting. As far as I am concerned, I would hope we could make a record so we could refer to it when Senator Hayden comes. He hasn't asked that he hear your oral testimony on it; he simply asks for an opportunity to adjust the recommendations, and I take it you do not intend to go over the recommendations again, but simply are speaking here with reference to your request to the Rules Committee.

Senator MONRONEY. Yes. And I want to defer to Senator Hayden in whatever way you want to handle it.

The CHAIRMAN. I certainly have no objection whatsoever to discussing it orally.

Senator MONRONEY. Then could I proceed with a reasonably short statement now?

The CHAIRMAN. Yes, sir. Now, this has just been printed, has it? [The chairman displayed a confidential committee print of a draft bill which had been prepared for the use of the Joint Committee on the Organization of the Congress.]

Senator MONRONEY. Yes, sir. As soon as the joint committee filed its final report, we started working with the legislative counsel of the House and the Senate to get the bill in legislative language.

It is a rather long bill but the contents incorporate the recommendations contained in the committee report which was filed some time ago.

If it is all right with the committee, I would appreciate the opportunity of going forward.

The CHAIRMAN. Yes. You may proceed in any manner you please, Mr. Chairman.

Senator MONRONEY. This is still a confidential print for the members of the committee, and we don't intend to introduce the bill in the Senate until we have assurance from the Rules Committee it is all right to go ahead.

My appearance here this morning on behalf of the joint committee is both a beginning and an end. The filing of the joint committee's final report marks the end of 18 months of careful study of the organization of the legislative branch. At the same time, it represents the beginning of our effort to make that study meaningful by the enactment of an omnibus reorganization bill.

Our work began with a request to you in early 1965 to approve a resolution to permit that study. We were following in the footsteps of the La Follette-Monroney committee of 1945. The resolutions authorizing the creation of the committees were virtually identical. In each instance, the resolutions directed that the joint committee's report be made to both Houses with a view toward the drafting of legislation incorporating the report's recommendations. Obviously, in the absence of such legislation, such a study would be no more than an illuminating academic exercise.

After the favorable report by this committee of Senate Concurrent Resolution 2, the joint committee was established on March 11, 1965. I was joined on the committee by five distinguished Senate colleagues and six distinguished Members of the House of Representatives, with equal representation for each party. As a result, the joint committee was both a bicameral and a bipartisan undertaking.

The committee has labored diligently since its creation to carry out its mandate. Public hearings were commenced in May 1965, and during the next 5 months the committee received the views of 199 witnesses. The congressional witnesses alone represented a total of 997—

The CHAIRMAN. If you will excuse the interruption, Senator Mundt, the ranking minority member of the joint committee has just entered the room and has asked permission to make a brief statement.

Senator MUNDT. Pardon me a moment. We are having a vote in the Foreign Relations Committee. I just came over to tell you that all the minority members of the joint committee are in complete agreement with the chairman, so you may proceed, but I have to get back.

Senator CURTIS. May I ask a question off the record?

(Discussion off the record.)

The CHAIRMAN. Thank you very much, Senator Mundt, for being with us and your remarks.

Senator PELL. Mr. Chairman, I have to go to the same meeting as Senator Mundt and I also have a session on the poverty program. I have been through the report and commend the joint committee and intend to support the main brunt of their recommendations when the time comes. I hope you will excuse me at this time.

Senator MONRONEY. Thank you very much.

May I say that all we are asking is permission to get the bill to the floor. It will be subject to the regular amendment processes of eliminating those things the Senate does not like and modifying those that seem to need modification. There is nothing sacrosanct or closed rule about the report.

The congressional witnesses alone represented a total of 997 years of service in Congress. The testimony, together with documents and submissions, is contained in 15 printed volumes totaling 2,322 pages.

In addition to the testimony of witnesses at public hearings the staff of the joint committee interviewed members and staff of all of

the standing committees and many of the subcommittees of both Houses and reviewed reports filed by those committees on their activities. The entire 88th Congress was programed on computer in order to analyze the committee system's demands on the time of Members. That is a part of the report.

The committee and its staff evaluated the proposals and recommendations contained in the published and unpublished works of political scientists and students, studies of congressional reorganization produced by noncongressional agencies and the reports of various State legislatures.

In short, we attempted to leave no stone unturned in considering the many suggestions which had been made for improving congressional machinery.

In January 1966, we began to evaluate the thousands of proposals made during the hearings in order to find recommendations of sufficient merit for congressional consideration. The committee at first subdivided itself into a bipartisan task force to make initial recommendations to the full committee. Then the full committee considered and reconsidered the various task force proposals. All told, the committee and its task force held over 50 executive sessions from January through June 1966.

The final report of the Joint Committee on the Organization of the Congress was filed on July 28. It contains more than 100 separate recommendations covering a variety of subjects such as the committee system, fiscal and budgetary controls, staffing and other sources of information to Members, the problems of Congress as an institution, scheduling of business and registration of lobbyists. As specified in Senate Concurrent Resolution 2, the report was delivered to this committee. It is my hope that each of you have had the opportunity to at least generally familiarize yourself with its contents.

I am not here today to solicit your support for the proposals of the joint committee—although I certainly reserve the right to try to do so at a later date. There may be many recommendations on which reasonable minds can differ. Members of this committee may not agree with each of the proposals contained in the report. In a body where we recently even witnessed some controversy on the national recognition of Father's Day, I can hardly expect that all of these proposals of an omnibus reorganization bill will receive unanimous support.

But I do feel most strongly that the membership of the Senate should have the opportunity to pass on legislation based on the joint committee's recommendations—and that is the purpose of the resolution which is before you today.

Senate Resolution 293 was introduced on August 15 by the six Senate members of the joint committee. It provides that these Senators should be constituted as a Special Committee on the Organization of Congress to receive, consider and report an omnibus reorganization bill based on the joint committee's recommendations. It is the identical resolution reported by the Senate Rules Committee 20 years ago which enabled Senate consideration of the Legislative Reorganization Act of 1946. It has the same limiting proviso that the bill would be limited to those provisions necessary to implement the joint committee's recommendations. The life of the special committee would expire at the end of this session.

Let me describe briefly why such a procedure is required and was also required when the last reorganization bill was considered in 1946.

The reorganization of Congress is obviously a rather extraordinary undertaking. It seems to require a building of sentiment and a realization over the years that basic reforms are necessary. Thus, it is unrealistic to expect major reorganization on a continuing basis. Also, reorganization involves Congress as a whole and cuts across the continuing jurisdiction of many standing committees. It is, therefore, logical that such activity be carried out by a committee specially created for the purpose.

The final report of our joint committee amply illustrates the problem. A number of our recommendations involve the rulemaking powers of the Senate and fall within the jurisdiction of this committee solely and your Subcommittee on the Standing Rules of the Senate.

On the other hand, the Government Operations Committee has jurisdiction for "evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government." It might well claim jurisdiction over many of the subject areas in our report. Certainly, our recommendations with respect to the General Accounting Office and fiscal controls are clearly within the jurisdiction of the Government Operations Committee. The areas on appointment of postmasters would fall under Post Office and Civil Service Committee and others seem within the purview of the Judiciary Committee.

When the Senate Committee on Rules considered the reorganization proposals 20 years ago, it realized that reference of the bill to all the committees involved would be a cumbersome, time-consuming and wasteful procedure in view of the work which had already been carried out by the joint committee. The report of the Committee on Rules reporting favorably the resolution to establish a special committee summarized the problem as follows:

The Committee on Rules believe that a bill to carry out the recommendations contained in the report of the Joint Committee should be considered as a whole and that it will be more orderly and expeditious to have it considered by one committee rather than refer each recommendation to that standing committee which would ordinarily have jurisdiction if each recommendation were drafted as a separate bill.

The Rules Committee in 1946—and we would expect this committee to take the same position—made it clear that its action did not pass on the merits of the bill itself. This is a point I think we ought to be crystal clear on, that we don't expect endorsement or approval by the Rules Committee on the contents of the bill, but merely on the procedure for reporting it.

The Rules Committee report in 1946 says, and I quote:

It will be understood, however, that his action reporting the resolution is not to be construed as representing the position of the Committee on Rules on the merits of all the recommendations contained in the report of the Joint Committee on the Organization of the Congress, filed March 4, 1946.

A committee print has been prepared of an omnibus bill styled the Legislative Reorganization Act of 1966. If this committee acts favorably on the resolution before you and it is subsequently passed by the Senate, this bill would be introduced and referred to the special committee. The special committee would in turn report the bill for floor consideration. At that point, the committee's authority would cease, its life would end, and the success or failure of the bill would be a

matter for the determination of the Senate as a whole. Again, this would duplicate the 1946 procedure.

We are now confronted with an additional difficulty. The leadership has announced that it will call up the civil rights bill for consideration the day after Labor Day. I would think it would be fair to say that this measure will be rather extensively discussed in the Senate. As a practical matter, with November elections looming, it is highly unlikely that any other legislation of substance could be considered during this session after the civil rights bill becomes the order of business.

I am advised by the leadership that they will make every reasonable effort to schedule the reorganization bill before Labor Day if it has been reported. Obviously, this can only be accomplished if the resolution before this committee is favorably reported, passed by the Senate and a reorganization bill promptly reported by the special committee. I believe that we can meet this deadline with your assistance. But, frankly, a delay of more than a week would probably be fatal to this effort.

I hope that no members of this committee would feel that approval of this resolution would mean hasty consideration of a reorganization bill. To the contrary, I have never participated in the preparation of legislation which has been so painstakingly considered over such a long period of time. I believe the Joint Committee's hearings and the committee's two interim reports, as well as the final report itself, bear out the careful attention which has been given to the formulation of these recommendations. Action on the omnibus bill this session would do no more than honor the intention of both Houses that the Joint Committee's work should be presented for legislative action.

Mr. Chairman, I also believe that the American people expect Congress to give serious consideration to congressional reform this session. There has been a considerable amount of individual mail and editorial comment received by the committee since the publication of its final report. It all reflects overwhelming support for the Joint Committee's recommendations. In fact, the prevailing criticism is that we did not go far enough—a criticism with which I expect some members of this committee may agree—and that additional reform proposals should have been made.

Sad to say, it also indicates some skepticism as to whether Congress will face up to these organizational needs. Prompt consideration of this legislation would do much to still these critics.

Let me summarize why this committee should act favorably on this resolution:

First, it is logical that an omnibus reorganization bill be reported by a special committee because the provisions of the bill involve matters within the continuing jurisdiction of many standing committees.

Second, referral of the bill to a number of standing committees would involve great delay, a massive duplication of hearings and would deprive the Senate at least in part of the special expertise of the Senate members of the Joint Committee as a result of their study.

Third, after such extensive hearings and consideration over the last year and a half, it is proper that the Senate as a whole have an opportunity to register its judgment on this bill by approving or modifying the contents thereof.

Fourth, because of the scheduling problems after Labor Day, this procedure is the only means by which action can be secured on this bill during the remainder of this session.

As you know, I have a deep personal commitment to the field of congressional organization. For this reason, I particularly appreciate the opportunity of service on the joint committee and your consideration of our request, following the return of the President pro tem of the Senate, to carry this important work forward.

I thank the committee for its attention to our plea.

The CHAIRMAN. Thank you very much, Senator Monroney. I appreciate your being here and your explanation of the resolution.

Senator Cannon?

Senator CANNON. In the resolution, you say "for the purpose of receiving and considering a bill when introduced and germane amendments relating thereto."

Now, is it your contemplation that you would give further consideration to the bill? In other words, you have already made your report and I presume drafted the bill to conform to the report, so that my guess is that you probably would not intend to consider the bill further but simply to report it out?

Senator MONRONEY. To introduce the bill, yes, sir, and ask that it be considered on the Senate Calendar.

Senator CANNON. In other words, it would be placed right on the calendar. Now, you refer also in the resolution—

Senator MONRONEY. As though it was coming from a regularly established legislative committee for this one bill only.

Senator CANNON. Now, when you say in the resolution "and germane amendments," you don't intend to consider any further amendments in your committee, do you? These will all be for floor consideration?

Senator MONRONEY. There may be some technical amendments. But the substance in the bill parallels, as nearly as we could, the recommendations of the committee. If we find mistakes, we would ask to correct them. The language in this resolution is the same language as in the resolution creating the joint committee. We are not allowed to make any proposals beyond those of the joint committee's recommendations.

Senator CANNON. You pointed out in your statement that this does overlap several committees. I am wondering. Have you checked with the chairman of those particular committees to see if they have any objection to this proceeding?

Senator MONRONEY. We would probably have to check with every one. Of course, during the committee's hearings, we had several committee chairmen who did testify and make suggestions. This included the chairman of the House Appropriations Committee and Members of the Senate who also served on the Appropriations Committee. Almost every committee was represented by someone.

Senator CANNON. What I meant was, though, had you informally discussed this; for example, you mentioned that the Post Office and Civil Service Committee and the Government Operations Committee were involved. And I think you mentioned the Judiciary Committee also.

Senator MONRONEY. Yes.

Senator CANNON. Have you had any informal discussions with the chairmen of these committees to see if they have any objection to this procedure?

Senator MONRONEY. We have mailed the reports to all the members of the Senate and the House. It has been before them for about 3 weeks and, to my knowledge, we haven't had any substantial comment from it.

Senator CANNON. I would like to suggest, Mr. Chairman, that we, before our meeting of next week, or Senator Monroney touch base with these other chairmen to get their views before acting finally. It is a fact that some of these matters would be under the jurisdiction of some of these other committees.

I would like to know what their general feelings are before we act.

Senator MONRONEY. This would be true in any reorganization. Many committees may have regular jurisdiction.

Senator CANNON. We have only 17 committees in the Senate and it is obvious that many of them would have not been affected but I would feel much better if at least the chairmen were contacted, either by you personally or by our committee to get their informal feelings on the matter.

The CHAIRMAN. Senator Monroney, would there be objection to providing the chairman of each standing committee a copy of this before the next meeting?

Senator MONRONEY. Not as far as I am concerned. I would be happy for them to have this information. I would like them to have the report from which the prepared bill was drafted. It puts it in more concise and meaningful language than straight legislative language.

Senator CANNON. Don't all the Senators have copies of the report?

The CHAIRMAN. They have a copy of the report.

Senator MONRONEY. They haven't had a copy of the bill yet. But I thought the chairmen of the committees might want another copy of the report. The original might have been mislaid in the office.

The CHAIRMAN. Well, you pointed out, Senator Monroney, and I think I am correct in this, this can be amended any time on the floor.

Senator MONRONEY. Indeed, it can.

The CHAIRMAN. Deleted or added to or amended.

Senator MONRONEY. During the floor consideration in 1946, several items quite important to the joint committee were stricken out on the floor of the Senate, and several were stricken out on the floor of the House. This is customary, because the bill is just the proposal of the special committee, taking a dispassionate look at the operation of the Congress, in trying to formulate more modern rules for our operation.

There is no basic political or ideological change. In fact, that is one of the things for which we have been criticized. We worked more or less with the machinery rather than the ideology of the Senate.

The CHAIRMAN. Senator Monroney, if you would supply us with a copy of your report and of the resolution, I will see they get into the hands of each standing committee chairman.

Senator MONRONEY. We will be happy to do that.

I would hope the inquiry would be directed to the procedure for reporting rather than the merits of the bill. We have three Democrats and three Republicans comprising the Senate's six members. And we have three Democrats and three Republicans in the House. These items have been fought over, reconsidered, put in the report, taken out of the report, and that has gone on for a full year, trying to meet any objection any of the members had heard or recognized against the proposition. To engage in a great many changes before the bill is reported, I am afraid, would be rather fatal to the passage of the legislation.

Senator CANNON. Mr. Chairman, my suggestion to contact the chairmen was not to see if they might want to suggest changes in the legislation but rather to get their reaction to the procedure matter. I consider this just a procedural matter as to whether anybody has any objection to this type of procedure.

Senator MONRONEY. You mean, the Rules Committee reporting—

Senator CANNON. Our referring it to this special committee and giving it the authority to report the bill. I don't think that this is the time for us to try to go into any technical changes or for any of the chairmen of the various committees to consider technical changes.

Senator MONRONEY. Merely the route we are asking today.

Senator CANNON. To see if they have any objection procedurally to this matter.

Senator MONRONEY. I see. I agree that it is the procedural question on which you would want comment.

The CHAIRMAN. Senator Curtis.

Senator CURTIS. Senator Monroney, you have done a lot of diligent work on this—

Senator MONRONEY. The whole committee has.

Senator CURTIS (continuing). And I want to commend them. I want to ask this question and this in no way reflects upon your work or the work of anybody on the committee. But I think there are some problems raised here that need a little probing.

Do you regard the failure of the Senate to meet 5 days a week as a serious problem?

Senator MONRONEY. I do. I think our scheduling is one of our serious problems.

Senator CURTIS. How has it been in 1966? Have they had many weeks that were not 5-day weeks?

Senator MONRONEY. I am talking about meetings and scheduling of floor sessions and scheduling of—

Senator CURTIS. No. No, I mean the Senate itself.

Senator MONRONEY. We have those figures for the 88th Congress on the days of the week that we have met and the lack of committee sessions because of inability to get committee sessions on Mondays and Fridays.

This has held us back.

Senator CURTIS. The recommendations refer to the meetings. There is no law of Congress requiring that they meet 5 days.

Senator MONRONEY. We urge more consideration to scheduling Senate business and committee sessions for more than the Tuesday to Thursday days.

Senator CURTIS. What I am getting at, if my memory serves me right, the Senate hasn't followed a Tuesday to Thursday schedule.

Senator MONRONEY. It's been fairly heavy on Tuesdays and Thursdays.

Senator CURTIS. There have been very few Mondays and very few Fridays they haven't met.

Senator CANNON. Will the Senator yield on that?

I think that in the Senate, rather than the problem being one of not meeting, it is that we meet and don't get much done because business is not scheduled on Friday or Monday.

Senator CURTIS. What are the figures in the Senate?

Senator MONRONEY. On a report on page 68, number of committee meetings—

Senator CURTIS. No. I am referring to the Senate, because I think that is your recommendation.

Senator MONRONEY. With respect to the Senate, I am sure you remember many, many times we can't have a vote because of the lack of full membership. So we do not schedule much legislation on Mondays or on Fridays.

I am sorry. I do not have the figures before me on the full Chamber meetings. In the area of scheduling business on Mondays and Fridays, the Senate does a better job than the House.

Senator CURTIS. No, no. It says here in the recommendation: "Schedule of business for Congress to be improved by (1) scheduling committee and floor business on a 5-day workweek."

Senator MONRONEY. They go together. If you are not going to have floor business, you won't have them around for the committee meetings.

Senator CURTIS. What drew it to my attention, the first indication that I had the report was ready was a headline to recommend improvement of Congress that Congressmen work 5 days instead of 3, and that went out to the public.

Also, I am very much interested in Congress adjourning sometime. The present law requires adjournment on July 31.

Senator MONRONEY. That is correct; unless we are in a state of emergency. The American law Division of the Library of Congress informed the House of Representatives years ago that we were in a state of emergency and we have continued in that state.

Senator CURTIS. Is it also true that as a legal matter, it's been interpreted that while this was just a statute, that the fact that the Congress did convene after July 31 and enacted the statute, the last statute prevailed and so the first one was nothing more than a pious hope.

Senator MONRONEY. Well, the exemption in the 1946 act that we adjourn except during times of national emergency has been the peg on which the law has not been carried out on adjournment. We are still under the emergency provision of several war time acts of World War II. This was asserted by the leadership many, many years ago and it has been followed since.

The act has never been repealed.

Senator CURTIS. But it has never been enforced.

Senator MONRONEY. Well, because of the exemption that was written into the act at that time. This is the present language, if I remember correctly; it calls on the Congress to adjourn by the 31st of July unless we are in an emergency declared by the Congress.

Senator CURTIS. Is there any way to make it more self-executing?

Senator MONRONEY. I think the joint committee's recommendation is about as strong as you can make it because even if we don't intend to adjourn, we can't transact any more business during August except when there is a state of war.

Senator CURTIS. I would seriously question that as a legal proposition. The Congress has absolute legislative power and one Congress cannot bind another Congress by statute. The statute says that we shall adjourn but the Congress, by its very presence, if the quorum meets after that date and enacts a statute, that statute is never questioned anywhere and we are right back with the same ineffective deadline as we have in the present law, with the exception it says there must be a rollcall vote.

Senator MONRONEY. The prevailing section is section 132 of the committee print. It says:

(a) Not later than the last day in the month of July in each year, the two Houses shall adjourn—

(1) sine die, or

(2) to a day certain subsequent to August 31 of such year, which shall be fixed by concurrent resolution adopted in each House of rollcall vote.

(b) This section shall not be applicable in any year if on the last day of July of such year a state of war exists pursuant to a declaration of war by the Congress.

That is the suggested language in the bill. It is on page 91.

Senator CURTIS. I have very strong feelings about this. It is not based upon the desire for convenience of the Members alone, although I think adjournment now and then would add to the efficiency.

Senator MONRONEY. I think so, too.

Senator CURTIS. I think the public has a right to know what the law is, whether it relates to an appropriation that is going to be passed, or a tax law, or what the law is pertaining to a certain phase of commerce; and the only way they know is for Congress to do what they are going to do, close up shop and go home. Because with Congress continually in session, you look in the books and see what the law is and then the next morning, you pick up your paper, or the citizen does, and here is a proposal to change it. And it is a proposal that comes perhaps from high places, maybe even the chairman of the committee or a task force.

Consequently, individuals and business do not know how to proceed because they do not know what the law will be 30 days from now, while if Congress has to quit, why, at least there is a little breathing spell there that they can find out what the law is.

Senator MONRONEY. That is right; but under the rulemaking powers of the two Houses, they have the right to change at any time their adjournment date. We are trying to fix the date as nearly as we can, but it still has to recognize the rights of the two Houses to agree.

Senator CURTIS. Do you have the present law on this?

Mr. HARRISON. I have it.

Senator CURTIS [reads]:

Except in time of war or during a national emergency proclaimed by the President, the two Houses shall adjourn sine die not later than the last day, Sunday excepted, in the month of July in each year unless otherwise provided by the Congress.

Senator MONRONEY. That's right, and that is part of the 1946 act.

Senator CURTIS. And Congress has never passed an act stating—or a resolution or anything else—stating that this year, we will stay in session because this is the statute that is not binding on subsequent

Congresses and the very convening of the Congress and enacting of statutes, the Congress is asserting their constitutional authority to legislate, and so it goes on and on.

Senator MONRONEY. The one proviso about a national emergency proclaimed by the President has been held by the authorities that advise the leadership of the House, at least, that we are still in those wartime emergencies and not out from under the exception provided in the 1946 act, and this is one of the reasons we propose a change in section 132(a), to provide that the emergency would be a state of war pursuant to a declaration of war by the Congress.

Senator CURTIS. You might give some thought in this statute asserting the rulemaking power and provide beginning at a time 30 days before the adjournment date, no committee could report out legislation without a two-thirds vote of approval, and also change your vote to stay on in August to a two-thirds vote. Because I am thoroughly convinced that if a national emergency exists involving quite domestic problems or war that very easily you can get two-thirds.

Now, if we leave it just the majority vote, then it is right back where it is. The leadership through outside sources decide when they are going to adjourn, and the phrase is used, I think, by every Member of Congress to whom I've ever talked, not "when shall we decide to adjourn," but "how long are they going to keep us here"; and in all seriousness, I would suggest the consideration of both of those.

Senator MONRONEY. This, of course, is the difficulty of getting out on any date, to finish up the workload before us. This is one of the reasons I believe the committee unanimously recommended we schedule work for Mondays and Fridays. If we don't find more time that we could utilize for the carrying out of our legislative pursuits, we are going to have a hard time cleaning up the backlog. We can't go home until we finish up the legislation.

Senator CURTIS. Now, if your bill goes through, neither an objection on the floor of the Senate nor a majority vote would prohibit a committee from meeting while they are in session, would it?

Senator MONRONEY. This function has been assigned to the majority and minority leadership of each House with respect to hearings. They would be the objectors.

Senator CURTIS. So if a Member was caught in the dilemma of vital debate going on on the floor where he felt he must be and something in the committee demanded that he must be there, he or even the majority of his colleagues are helpless to do anything about it. Is that right?

Senator MONRONEY. This applies to the hearings only in permitting committees to meet while the Senate is in session. It does not apply to executive sessions which still would be prohibited from meeting without unanimous consent.

The CHAIRMAN. You mean an individual Member could object to an executive committee?

Senator MONRONEY. To any business other than hearings. We have hearings going on for long periods of time. We provide in that case the majority or minority leadership of the Senate should object rather than just a single Member of the Senate.

Senator CURTIS. This would expedite the work on the floor to allow these committees to meet?

Senator MONRONEY. I think so. Many times we are tied up waiting for legislation to be reported on which hearings have not been completed. This takes up a large part of the time.

Senator CURTIS. The last reorganization of Congress reduced the number of committees a great deal.

Senator MONRONEY. About half in each House.

Senator CURTIS. But then there followed the creation of subcommittees so that we have many, many more identifiable committees with active chairmen, staffs, and turning out proposed legislation than we ever had before the reorganization act; isn't that true?

Senator MONRONEY. That is true. They work in the jurisdiction, however, of the full committee of which they are a part. Therefore, the Member serving on a committee finds it easier to serve on two or three subcommittees of that full committee and carry that workload rather than serving on, say, three committees with dissimilar lines of jurisdiction.

You are working in the same jurisdictional area as you work on the subcommittees. This way the committees divide the workload to try to clear the bills.

Senator CURTIS. I'm not so sure about that. I don't think there is much relation between immigration law and patent law. Why do you think—

Senator MONRONEY. Of course, the Judiciary Committee has a very wide jurisdiction. Probably wider than any other committee.

Senator CURTIS. Did your committee make any comparative study between committees that operate with subcommittees and committees that do not?

Senator MONRONEY. We had some testimony on that and we analyzed this for the 88th Congress. We have a breakdown in the report on the hearings.

Senator CURTIS. Did anyone ever make the suggestion that the chairman of the full committee be chairman of all the subcommittees?

Senator MONRONEY. No. We are moving in the other direction. We try to limit the number of subcommittees a committee member can be chairman of to one on each committee so that he will not be overloaded with the chairmanship of three or four subcommittees in this jurisdiction. This would not affect any subcommittee chairmanship held by a present Senator.

Senator CURTIS. I say this with the utmost respect for all my colleagues, but I think we must face the facts. The press gear their comments to whoever is chairman of the committee or subcommittee.

An individual can be a member of a committee, either majority or minority, and if he is down the line a ways, he can attend regularly, do his homework diligently, but the general public will never know about it.

If he gets a subcommittee and has a staff and starts holding hearings and getting in some people over the country, why, he is in the headlines.

Frankly, I think that has a great deal to do with why we have so many subcommittees, and so much going on, and the Federal jurisdiction is being extended in countless ways, loading the country with legislation under every phase of activity and I believe there is a problem that might well be solved.

I assume it is quite difficult to prohibit these committees—it's probably impossible—from forming subcommittees. After all, the chairman of the parent committee should know what is going on in

all the subcommittees. This committee sees it so often. Somebody comes in here and wants special money for a staff or subcommittee or something and they get in the headlines; and again, I repeat, that certainly is no disrespect to any of my colleagues.

I have often wondered, and far be it from me to criticize the press, but I have often wondered why all the comment in the press is directed to chairmen.

I remember years ago the distinguished Senator from Oklahoma was a Member of the House of Representatives and the whole world knew about Dies, but there probably wasn't one-thousandth of 1 percent who knew who was on there besides Martin Dies. That is the way the press operates.

And I think because of that practice of the press, we have a pressure upon Congress to create enough committees so that every Senator can have his own show.

Senator MONRONEY. This has been one of the things the committee studied. To try to prevent the proliferation of subcommittees, we provided that the parent committee must ask for the funding of all the subcommittees under its jurisdiction. Heretofore, you have some funding done by the individual subcommittees and not by the parent committee itself. We felt this would help bring the subcommittees more into line with the desires of the parent committee and subcommittee activities would be a matter of concern for the members of the full committee.

Senator CURTIS. Now, my next question—I have no self-interest—I am on a great many committees and it turns out, believe it or not, not of my making. I was asked and requested by the leadership to go on each one of them.

But in the reducing of the number of committees upon which a Senator must serve, is there a grandfather clause in your bill?

Senator MONRONEY. Yes.

Senator CURTIS. For both the subcommittees and the full committees?

Senator MONRONEY. Yes, and as to subcommittee chairmen.

Senator CURTIS. I mean, membership of full committees.

Senator MONRONEY. Yes. There is a grandfather clause with respect to reducing the membership.

Senator CURTIS. On reducing the number.

Senator MONRONEY. Yes. We are trying to get down to fewer committees on which a Senator will serve, but it doesn't apply as long as a Member of the Senate is presently on that committee. If he gives up the committee, then of course, he loses the grandfather clause.

Senator CURTIS. That's all I have.

Senator MONRONEY. This is necessary, we think, from a practical standpoint.

Senator CURTIS. I think so. If I may go off the record.

(Discussion off the record.)

Senator CURTIS. Back on the record.

I think the distinguished Senator from Oklahoma has given a good explanation of what is proposed and I would like to move that the record be printed and available for the Members when they take this up, because here is a bill or a proposal that is not narrowed down to the jurisdiction of one committee where Members will rely upon the

committee's report, but will want to investigate for themselves and I think that every Member of the Senate should have advantage of the testimony this morning.

The CHAIRMAN. I see.

Senator CURTIS. So my motion would be that this hearing be printed and made available to the Members.

The CHAIRMAN. I am glad you made that observation because I was going to ask for permission to do the same thing because I think it is very important that this gets out to the Members.

And I want to say again that we are glad that you came with us, Senator MONRONEY, and I personally know that you and your Members have done a very fine job. It may not suit everybody in the Senate but they will have the opportunity to delete or add to or change anything in your report when it hits the Senate floor; is that correct?

Senator MONRONEY. It will be an open bill.

The CHAIRMAN. I think it is very important that this reorganization proposal reach the floor as quickly as possible so that the Members of the Senate act on it. There is no question about the fact that the people of the United States think there ought to be an improvement in the operation of the Senate. I thoroughly agree with them.

Senator MONRONEY. One of the criticisms against the plan was it didn't go far enough. We are sensitive to things within the realm of achievement. We tried to recommend these things we felt the Senate and the House would be willing to accept to improve their machinery, and we feel we have some good recommendations.

Some will stir up some disagreement, but all reorganization does that. You cannot change existing situations without finding some opposition from people who might question the wisdom of this change or that change. But it is necessary in legislative work to keep abreast with the changing workload. We have tried to strengthen the Congress, particularly in important areas such as getting the information, improving staffing, modifying the lines of jurisdiction, and eventually to reduce the overload of service on too many committees of high importance. These are all spelled out in the committee report.

The CHAIRMAN. Mr. Chairman, if you will make available to us this confidential print and the report, I will see that they get to the chairman of each full committee.

Senator CURTIS. How about the ranking minority members?

The CHAIRMAN. The ranking minority members, certainly. I am going to make a very special effort next week to have a full committee meeting here and report this resolution out, because I think it is very important to have the joint committee recommendations on the floor as soon as possible.

Senator MONRONEY. Yes, sir. It will be a great help to us because I think unless it does get action next week, we will be dead. The committee will expire and the chances of the work that has been done over the past 18 months being carried into some form of legislative achievement will be dead.

The CHAIRMAN. Thank you very much for being with us, Senator Monroney.

Senator MONRONEY. Thank you. I appreciate very much the time and your great courtesy. I undersand you would not want to take any action unless the President pro tem of the Senate and the

former chairman of this great committee could be present to participate.

The CHAIRMAN. If I can be of further help, please don't hesitate to call on me. I want to expedite this if at all possible.

Senator CURTIS, there are 13 House concurrent printing resolutions which are before you there on our agenda. We have been carrying 10 of them over from the House for several weeks, until we cleared up the 2 Senate resolutions which were involved in the conference committee meeting which you and I attended the other day.

The House itself has reduced the number of copies they wanted on several of these resolutions and I recommend we now report all of them favorably. I have spoken to Senator Cannon about them also, and there was no objection on his side.

Senator CURTIS. No objection.

The CHAIRMAN. Without objection, the 13 items will be reported.

Senator CURTIS. And I think it might be a good idea for this committee to report out the bill creating the Special Committee on Veterans' Affairs. We have held it up for sometime. It is in this report, so I think maybe next time we meet, we ought to report that out.

The CHAIRMAN. Well, I had seriously considered that very thing, bringing that proposal up because we have had it before our committee for quite some time, as you know, and it is in this reorganization draft bill now. I think it would be up to this committee to report that out; and I am certainly in favor of it.

Senator CURTIS. I have been opposed in the past to the problem that existed but the basis of my opposition has been removed so I am for it.

The CHAIRMAN. You mean, at the next meeting?

Senator CURTIS. Yes.

The CHAIRMAN. I think I will put it on the agenda and bring it up. I know the objections you had and some of the same objections I had have been removed and not only that, but veterans legislation has been increasing all the time. We have more and more veterans from the Vietnam war and their problems are getting greater. I think it is time we form a veterans affairs committee in the Senate. The House has had one for a long time but we have not had a parallel committee. I will be glad to put the item on the agenda for next week.

Senator CURTIS. I understand.

The CHAIRMAN. The committee stands adjourned and there will be a regular meeting next week. You will get a notice on it.

(Whereupon, at 11 o'clock, the meeting was adjourned subject to the call of the Chair.)



former chairman of the committee would be present to direct.

The Chairman: If I can be of further help, please don't hesitate to call on me. I would expect that it will be possible to have a conference with the committee chairman in the near future. We have been very busy with the various matters of the House for several weeks, but we shall try to get together as soon as possible. I am sure that the committee will be able to handle the matter in the most satisfactory manner.

The Chairman: I am sure that the committee will be able to handle the matter in the most satisfactory manner. I am sure that the committee will be able to handle the matter in the most satisfactory manner.

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