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OPEN MARKUP SESSIONS

OF THE

COMMITTEE ON RULES AND ADMINISTRATION UNITED STATES SENATE

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

S. Res. 4

REORGANIZING THE COMMITTEE SYSTEM OF THE SENATE, AND FOR OTHER PURPOSES

(This volume contains discussion by Senators and staff members as to the interpretation of various provisions of S. Res. 4 as reported, together with an index thereto.)

JANUARY 14, 17, 18, 19, 21, AND 24, 1977

Printed for the use of the Committee on Rules and Administration
United States Senate

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*Temporary appointment as of January 10, 1977.

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977

FRIDAY, JANUARY 14, 1977

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

The committee met, pursuant to call, in room S. 208, the Capitol, at 2:25 p.m., Hon. Howard W. Cannon (chairman) presiding.

Present: Senators Cannon, Pell, Robert C. Byrd, Williams, Clark, Hatfield, and Griffin.

Staff present: Chester H. Smith, chief counsel; Floyd M. Riddick, professional staff member; Jack L. Sapp, professional staff member; Larry E. Smith, minority staff director, Ronald Hicks, senior analyst, Subcommittee on Computer Services; and Peggy Parrish, assistant chief clerk.

The CHAIRMAN. The committee will come to order, a quorum is present.

Gentlemen, this morning, when the Senate convened, I received unanimous consent to the following request:

> I ask unanimous consent, notwithstanding the provisions of Senate Rule 40 and provisions of S. Res. 9 of the 94th Congress, that the Committee on Rules and Administration be authorized to meet in closed session for the drafting of S. Res. 4, to reorganize the Senate committee system, if so determined by a vote of the committee. I make this request for two reasons: first, this is strictly a housekeeping proposal; and, secondly, the Rules Committee is under a deadline to report back to the Senate no later than next Wednesday, January 19.

That consent was given. I am advised by Doc Riddick that procedurally it would require a motion and a vote of the committee if we are to proceed in closed session beyond this point.

Senator BYRD. Was that motion made?

The CHAIRMAN. I proposed that on the floor and unanimous consent was given. So a motion would be in order now for the committee to proceed in closed session.

Senator BYRD. I make such a motion.

The CHAIRMAN. Is there a second?

Senator WILLIAMS. Second.

Senator CLARK. I would like to speak to it.

The CHAIRMAN. All right, Senator Clark.

Senator CLARK. I am reluctant to object because I know the advantages, obviously, in staying in secret session with such a matter as this. Obviously, it is very sensitive to all of us; we are going to take a lot of heat on it publicly, privately, in every way. I think it is a subject that is going to lend itself to demagoguery in the open. But I frankly think for us to go into closed session, and not be prepared

to mark up publicly, would receive a good deal more criticism than if we went into open session. I would like to speak to that briefly.

The reason is that what we are doing, in effect, is trying to pass a very important reform, the Stevenson proposal, which I intend to largely support, by violating the intent of the "sunshine" rule. I don't think the intent of the rule, as I read it, is to discuss substantial material in a committee in closed session, great as the temptation for that is. And I just think that we would take a lot more criticism in doing it in this way.

Frankly, there has already been some criticism that there have been meetings in which the chairmen have gotten together with the leadership and resolved some of these issues. I understand the necessity for trying to work some of it out privately.

But if that is done and we are presented with that proposal, and we handle it secretly—I don't know whether the intent is to go to executive session when we get to the floor, but any one member can request that and get it—then we will have put through this reform all the way without the public and the people who are directly affected by it having known what we did and what we said, and so forth. Now, they will know how we voted certainly, because the "sunshine" rule requires that.

Senator BYRD. Would the Senator yield at that point?

Senator CLARK. Yes.

Senator BYRD. Reference was made to leadership meetings with chairmen.

Senator CLARK. Yes.

Senator BYRD. You used the word "resolved." Nothing was resolved, nothing was finalized; it was merely a discussion to clarify certain questions that were raised and were in the minds of the chairmen. I felt that Mr. Stevenson was in a position to explain the provisions in the resolution and to clarify some of the misconceptions.

I think I am correct—and Mr. Cannon was a chairman who was present—nothing was finalized, nothing was resolved.

Senator CLARK. Nothing was agreed to?

The CHAIRMAN. Nothing was agreed to.

Senator CLARK. Well, I think that straightens that matter out. But again, as I say, if we do all of this secretly—and the temptation for me is as great as it is to anybody else to do it that way—I know how much faster it will go, I know all of the arguments that one can make for it.

But I don't think, on the basis of the "sunshine" rule, that one could make a very good case that this kind of subject ought to be handled secretly. I think it is convenient to do it, but I don't think it is right to do it.

So I would simply say that I would vote against the motion.

The CHAIRMAN. Is there further discussion? May I say that the committee will go into open session for consideration and the vote on this matter, and we are in open session at the present time.

Senator CLARK. Maybe I misunderstood the intent of the motion; I should have asked. It is, I assume, that we are going to mark up the entire bill and report it in closed session.

The CHAIRMAN. That we would do the marking—have the markup sessions in closed session, yes.

Senator CLARK. That is what I thought.

The CHAIRMAN. If there is no further discussion, the clerk will call the roll.

The CLERK. As to whether we stay in closed session?

The CHAIRMAN. As to whether we stay in closed session for the markup.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd.

Senator BYRD. Aye.

The CLERK. Mr. Allen. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. No.

The CLERK. Mr. Hatfield.

Senator HATFIELD. No.

The CLERK. Mr. Griffin.

Senator GRIFFIN. No.

The CLERK. Mr. Tower.

Senator HATFIELD. I have a proxy for Mr. Tower, who would vote no.

The CLERK. Mr. Chairman.

The CHAIRMAN. Aye.

The CLERK. Four and four.

The CHAIRMAN. Four and four; the motion to stay in closed session is not agreed to.

Senator BYRD. Mr. Chairman, that motion, of course, is renewable at any later time.

The CHAIRMAN. Yes, sir, for the purpose of proceeding, I have a suggested schedule here, and I would like to suggest that we start on title IV, particularly when we have Senator Byrd here, because this involves a number of items with which he is vitally concerned. And then, after that, perhaps go to title V; then to title III; then to the number of committees; then titles II, I, VII, and VIII.

That is just a suggested proceeding; we can vary that as we see fit. But if there is no objection, I would like to start on title IV at this time, and ask Senator Byrd to give us the benefit of his thoughts on that. Title IV is on page 32 of the committee print.

Senator HATFIELD. Mr. Chairman, is this meeting now open?

The CHAIRMAN. This meeting is open, yes, sir.

Senator HATFIELD. There are people outside who are wondering about whether it is open or closed. I wonder if we should make any kind of communication.

The CHAIRMAN. Well, the meeting is open; if someone cares to communicate with them, they are at liberty to do so. I don't know where you would put them.

Senator CLARK. I think that is the point, Mr. Chairman. I wonder, if we are going to—I assume there will be another motion by which we will stay in closed session. But I wonder if it is very practical to call it an open session and have it accessible if there is no place for anybody from the public to sit. Why not meet in the Rules Committee?

The CHAIRMAN. Well, the reason for not meeting there today is because of the floor action. We shifted over here when we were told what

the floor action would be; and you can see there is a live quorum on right at the present time.

Senator PELL. I was partially responsible, mentioning it to the chairman.

Senator BYRD. So was I. Mr. Chairman.

The CHAIRMAN. Senator Byrd.

Senator BYRD. At this point, if I may direct your attention to section 403 (a), (b), (c), and (d), I would propose to strike all of section 403 (a), (b), (c), and (d).

As to section 403(a), it is the intent of the majority leader to follow this recommendation in section 403(a) in any event. It reads as follows:

> The majority leader shall, from time to time and as far in advance as is practicable, announce to the Senate those days on which he plans to have the Senate meet and the hour at which he plans to have the Senate meet on each day.

I do that at the present time.

> In order to provide the maximum amount of time for meetings of committees, the Senate should meet only on as many days as are necessary for the proper conduct of its business—

Which is done anyhow; it is not the desire of the Leadership to bring the Senate into session except when it is necessary for the proper conduct of its business—"* * * and to comply with the Constitution of the United States * * *"—which requires, of course, that neither House may adjourn more than 3 days without the consent of the other, which we are bound by in any event; and to proceed to read:

> * * * and should not meet on any day before the hour regularly prescribed for commencement of daily sessions unless the business of the Senate so requires.

Well, the hour that is regularly prescribed is the hour of 12 noon. That is the practice that is now followed. The Senate does not meet earlier or later unless the business of the Senate so requires.

It would be my intent to move to try to get unanimous consent and, failing that, of course, to move to meet earlier than the hour of 12 o'clock, if the business of the Senate so requires.

Now, I don't suppose there is anybody in the Senate that is quite so sensitive to the needs of all the Senators as I am, and certainly no Senator is more sensitive of that than am I. I simply want to say that the section—section 403(a)—would accomplish nothing; and that it is the practice now, it will continue to be the practice of the leadership, to follow that direction that is set forth in that section.

But to include this in a resolution that is adopted by the Senate creates expectations, I think, that go beyond what are practicable to expect, to anticipate, and also would simply create an additional burden on the majority leader in that those uncalled-for expectations by the adoption of this language would make it more difficult upon the majority leader.

Senator HATFIELD. Would the Senator yield?

Senator BYRD. Yes.

Senator HATFIELD. Does the Senator have any idea what gave rise to this language, what was the background to the inclusion of this language?

Senator BYRD. No; I can only surmise that it is the wish on the part of Senators who had something to do with this verbiage that the Sen-

ate not go into session earlier than 12 on any day, except when it is absolutely necessary. That is the feeling of the majority leader, I am sure that is the feeling of the minority leader.

But there are days, and they will come increasingly as the session goes on, when it will be necessary that we go into session earlier. And yet someone, if this language carries, will feel that in some way it will serve to preclude the leadership from moving in that direction and might be an inhibition against the leadership doing so.

I can assure you that the leadership is very conscious of this, and wants to work to the accommodation of Senators, and, more particularly, to the accommodation of the Senate. So I would hope that this language would be stricken, and I so move.

The CHAIRMAN. You are moving now with respect to 403(a)?

Senator BYRD. 403(a).

The CHAIRMAN. Is there a second to that motion?

Senator CLARK. I second it.

The CHAIRMAN. Moved and seconded. Senator Hatfield?

Senator HATFIELD. I certainly appreciate the comments made by the majority leader, and I can understand his concern for raising expectations that may not be possible to deliver. I do have a feeling, though, Senator Byrd, that some of the background to this language is ascribed to the increasing number of roll-call votes that occurred in the last few years, many of them parliamentarily always correct, that is, always legal, but a great number of them really sort of inconsequential, unnecessary, silly at times.

And also, within that context, the feeling that the impression—and I don't say it is other than impression—that sometimes the leadership in the last year or two has really had to scrounge to find something to justify coming in for the day once we were in. Now, maybe that was because things had changed from the day before. But I think there were a number of occasions when at least the impression was that we were trying to find something, to do something that would appear to justify our having to come in for that day, especially on a Friday, a Saturday, or a Monday.

Now, I am not saying the leadership was at fault; I am just saying that these were some of the feelings, impressions, that I think probably gave background to this, and why many of the rank-and-file Members of the Senate feel strongly that they want to impress upon the leadership that they are willing to do the work and want to do the work, but there are times when it looks as though we are in a make-work situation that has worked great inconvenience on people that have changed schedules and so forth.

I only mention that for the record.

Senator BYRD. Yes; I think that I agree that that is the thought that very likely was in the minds of those who prepared this language.

The CHAIRMAN. Further discussion?

Senator GRIFFIN. Mr. Chairman, I hesitate to say anything, but I will vote to delete this, because I think it looks like perhaps a slap at the leadership which isn't going to serve any particular purpose. I do think, to reflect the views on our side, that we were coming in before 12 and having the Senate in session, conflicting with committee work, and many times it didn't seem to be necessary.

There is a strong feeling on that that I think the leadership on both sides should be aware of—and Senator Byrd has indicated that he is. I found times when, even in my own committee situations, where a committee, the Commerce Committee or one of the other committees, would be holding committee meetings and at the same time a bill would be scheduled on the floor—we were supposed to be both places at the same time—just incredible situations.

What this language does here is reflect a strong insistence on the part of Members that if they are to do their committee assignments, that sessions of the Senate should not be scheduled at the same time. There can always be objections to that situation, and sometimes such an objection is lodged—and then, when it is, the chairman who has scheduled witnesses finds that he is in an awkward situation.

I think the answer is just not to come in before 12 o'clock; let the committees meet, come in at the regular time, and, except in the most extreme situations, not bring the Senate in before 12 o'clock.

I think putting language in here is not necessarily going to make any particular difference, because the leadership can always move it if they want to.

The CHAIRMAN. If there is no further discussion, the clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd.

Senator BYRD. Aye.

The CLERK. Mr. Allen. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower.

Senator HATFIELD. Aye, by proxy.

The CLERK. Mr. Chairman.

The CHAIRMAN. Aye.

The CLERK. Unanimous.

The CHAIRMAN. Section 403(a) is deleted. All right, Senator Byrd, will you address yourself to (b)?

Senator BYRD. Mr. Chairman, I would suggest that paragraph (b) and paragraph (c) be deleted. I think both of these paragraphs should be incorporated into the rules. I am not saying that they should be incorporated precisely as they are written. It might be that some improvement of the language that is to be inserted can be made.

The spirit and intent of these two paragraphs are good, and I subscribe to both the spirit and the intent. But I think they are more properly paragraphs that should be included in another vehicle, and not in a vehicle that has to do with the restructuring of the committee system and the reorganization of the Senate.

They are needed simply because we need to modernize the language of the pertinent paragraphs in rules VII and VIII in keeping with

the fact that we quite often do meet, do convene the Senate, at an hour other than 12 noon.

Rules VII and VIII are written to comply strictly with a situation in which the Senate has met at 12 noon.

I would hope that we won't use this vehicle for the language, because I don't think it is the proper vehicle and I think it would merely open up the measure to further problems than we already have. I, therefore, move to strike (b) and (c) en bloc.

The CHAIRMAN. Is there a second?

Senator GRIFFIN. This just encourages you further to bring us in before noon, Bob.

Senator BYRD. No; it really has nothing to do with that. [Laughter.]

The CHAIRMAN. Gentlemen, we are in the second half of a vote. Suppose we recess briefly, vote, and then come right back, and we will be ready to vote on this very shortly.

[The committee recessed briefly.]

The CHAIRMAN. Is there further discussion on the proposal of Senator Byrd that we strike 403(b) and 403(c)?

If there is no further discussion, are you ready for the vote? Clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd. Mr. Allen. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin.

Senator GRIFFIN. No.

The CLERK. Mr. Tower.

Senator HATFIELD. Aye.

The CLERK. Mr. Chairman.

The CHAIRMAN. Aye.

The CLERK. This vote is 6 to 1.

The CHAIRMAN. Six ayes and one nay; the motion is agreed to.

I think I can speak to that (d).

It is the sense of the Senate that, insofar as possible, rollcall votes should not be held before 2 o'clock postmeridian of any day, and that, when it is necessary to hold a rollcall vote before 2 o'clock postmeridian on a day, notice of such vote should be given at least 24 hours in advance.

It is quite obvious that that is very impractical—to me, at least—and I know that Senator Byrd recommended, initially, that we strike all of those sections of 403.

Is there discussion on that point?

Bob?

Senator GRIFFIN. You could do this by voice vote, couldn't you?

The CHAIRMAN. The Chair will entertain a motion to strike 403(d).

Senator GRIFFIN. I mean, you could be forced to have procedural votes during that time.

The CHAIRMAN. That's the point; you could be forced into procedural votes, and there is no way you could give notice, 24-hour notice.

It is just hamstringing the Senate completely rather than expediting the process.

Is there objection, then, to striking 403(d)? Without objection, then, 403(d) will be stricken.

Now, if we can go back to the start of title IV, does anyone have any suggestions now with respect to 401(a)? That requires computerized scheduling of the meetings of committees, joint committees, and subcommittees thereof, and having this maintained on line to terminals in the offices of the Senators, committees of the Senate, and permanent joint committees of the Congress, to be updated hourly.

Is there discussion on that particular section?

Senator HATFIELD. You want action, Mr. Chairman, section by section?

The CHAIRMAN. Well, I think we ought to have section by section, unless we can act, you know——

Senator HATFIELD. I don't mean section by section; I mean paragraph by paragraph; that is what I really mean.

The CHAIRMAN. If someone desires to make a motion that we approve all of 401, that certainly would be in order, if that is the desire.

I think there is one point that should be made there, and that is that the name there, the Committee on Rules, Administration, and Standards, is used—and, obviously, if we elect to establish a separate committee on standards and conduct, the name would have to be modified in this section.

Senator HATFIELD. Mr. Chairman, I would move that we accept section 401 and any technical changes that might be required, following action on the total bill, and that the staff be authorized to make such corrections.

The CHAIRMAN. Is there a second to that motion?

Senator WILLIAMS. I will second it. Could I just ask a question? What is the state of the art here, getting these terminals in all offices? That is another subcommittee around here, isn't it, that—have you got a schedule, our ability to receive all of this computer information?

Senator HATFIELD. We expect to have them in all the offices, Mr. Chairman, very shortly.

The CHAIRMAN. Terminals are in all of the offices or should be in all of the offices very shortly.

Senator HATFIELD. I think they are in most all of the offices now.

The CHAIRMAN. And I believe about 90 percent of the work is already completed to accomplish this particular result that is proposed here.

Now, it does, of course, require that when a cancellation of a meeting is made, that the committee should be notified immediately, and that would permit us to get it on line to the respective offices through the computer system.

Senator WILLIAMS. Anything in here later on to, in any way, limit your opportunity to have a meeting in a hurry in an emergency?

The CHAIRMAN. No; this is advisory, there is nothing mandatory there other than to maintain the schedule. And, of course, the schedule has to be maintained as it is reported in.

Is there further discussion? You have heard the question, then—all in favor, say aye. [Chorus of "ayes."]

Opposed? [No response.]
The motion is carried.

SEC. 402:
Subparagraph (a) of paragraph 7 of rule XXV of the Standing Rules of the Senate is amended to read as follows * * *

If you will take a look at that and be prepared for discussion on it in a moment.

Senator PELL. What page is that on?

The CHAIRMAN. That is on page 34, and it in essence provides that no committee of the Senate or any subcommittee may meet, without special leave, after the conclusion of the first 2 hours after a meeting of the Senate has commenced and in no case after 2 o'clock unless consent has been obtained from the majority leader and the minority leader or their designee, in the event of the absence. And it exempts from that provision the Committee on Appropriations and the Committee on the Budget. It does include therein the Senate Members of any joint committee other than a committee of conference without getting that permission.

I must say, in the past a number of the joint committees have proceeded to meet when there was a prohibition on other committee meetings because of action in the Senate. And this, if it were passed, would make it so that the Senate Members would not be permitted to attend such a joint meeting, if one were called, without getting special leave.

And this would repeal subsection (c) of section 134 of the Legislative Reorganization Act that relates to the meetings of the committees.

Senator GRIFFIN. Mr. Chairman, I see that Senators Stevenson and Packwood are here, perhaps we could inquire of them why they put some of these provisions in.

It appears to me that this is a step backwards in a way. Maybe Dr. Riddick can explain what they are trying to do.

It seems to me that this is making it easier rather than harder to have the Senate meet at the same time that the committees are supposed to be meeting. At the present time, committees cannot meet, as I understand it, under the rules, without unanimous consent of the Senate.

Dr. RIDDICK. After any pending business is laid down. This makes it an hour certain so they break the committee meetings up into two periods, if they want to, to give them more time for the committees to meet. But the knife must fall at 2 o'clock.

Senator GRIFFIN. Now, is that the way the present rule reads? That when any pending business——

Dr. RIDDICK. It says pending business, unfinished business, anything except private bills.

Senator GRIFFIN. I see.

Dr. RIDDICK. As soon as that business is laid before the Senate, it takes a unanimous consent for the committee to meet after that. This modifies it to make it a time certain, they could meet up till 2 o'clock, and they schedule a breakdown of committee meetings in two periods so that if one committee is only going to meet on one matter, they can come in—another committee can come in after that period for another problem.

Senator GRIFFIN. There would be nothing, of course, to prevent the leadership from laying down the pending business at 1 o'clock?

Dr. RIDDICK. That's correct.

Senator GRIFFIN. You could have an hour here between 1 o'clock and 2 o'clock where the Senate would be taking up business and the committees would be meeting, and it seems to me we would be right back in the soup. If anything, it would be easier to have that situation than it is now, which I think they are trying to get away from; at least I think they should get away from.

It is a problem of Senators having to be too many places at the same time. I think it is really an impossible situation when a Senator is supposed to be in a committee and he is also supposed to be on the floor because his committee's legislation is pending before the Senate.

I thought the whole idea here was that you are trying to computerize and have scheduling, so that you don't have Senators in the position of being required to be in more than one place at the same time. If you are making it easier to bring that result about, it seems to me you are moving in the wrong direction.

Senator PELL. Actually, I don't think we are going that way; we are trying to make it less likely to have to be in two places—we would only have to be in two and not three.

Senator GRIFFIN. I guess I just haven't been able to see that that is the effect of this.

Senator PELL. That is the direction we are moving in; there would still be conflicts.

Senator HATFIELD. Mr. Chairman, perhaps we should put this one over until Monday and go ahead to another one.

The CHAIRMAN. Is there objection to deferring action on 402(a), then, to Monday, if that is to be the next meeting—I don't know whether the committee wants to meet tomorrow or not, but we have got an awful lot of work ahead of us between now and Wednesday night. 402(a), then, will be deferred for the time being.

The initial schedule that I suggested would move us to title V, which is on page 36. "Continuing Review of the Committee System."

Senator Byrd, that is page 36. This involves what the majority and minority leaders should do; I would like to have your comments on this.

Senator BYRD. I have no objection to this section, Mr. Chairman.

Senator PELL. Excuse me, but if we do adopt it, we are accepting the fact that we will be a combined Committee on Rules, Administration, and Standards.

The CHAIRMAN. Well, that we can amend later, if necessary—the title—to eliminate "Standards" if we do establish a separate committee.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. Did the majority leader comment? Does it have his approval? [To Senator Byrd.] Were you going to say something?

Senator BYRD. I said I had no objection.

Senator HATFIELD. Senator Byrd, I wonder if there might not be a possibility of giving to the Rules Committee the before-the-fact type of thing on a continuing basis. As it is, we are only instructed at the request of the majority and minority leaders to provide backup assist-

ance. It would seem to me that with all the other duties and responsibilities of the majority and minority leaders it might be more helpful to have the committee assume that jurisdiction together with the majority and minority leaders, but not to thrust upon your shoulders the full continuing reorganization duty.

Senator BYRD. Well, as I stated, I have no objection to this. It places an additional burden on the majority and minority leaders. If it is the wish of the committee and the Senate, I have no objection. I prefer to proceed in the manner that you, Mr. Hatfield, have suggested. I don't seek this additional burden, and I think the procedure you have outlined would be more practical.

Senator HATFIELD. We are continually reviewing, these committees and their workloads through the budgetary process and I think this might bring us more into a natural relationship for continuing review, than having to impose upon the majority and minority leaders this basic responsibility.

The CHAIRMAN. The Rules Committee, may I say, already has basic responsibility in this area on its own, without any——

Senator HATFIELD. The only problem there, Senator Cannon—it would seem to me—that to be effective we ought to have sort of an annual or biennial report to make to the Senate so that it is not just a matter of waiting until some crisis arises to take action, but we take that as a continuing responsibility and be mandated to do so.

The CHAIRMAN. Well, do you have a suggested revision here?

Senator HATFIELD. I don't have the exact language, but I would like to offer as the basic concept—and then I will reduce it to the language for the bill—that the Rules Committee make a report at the end of each Congress, at the end of each 2 years—some statement or analysis of the committee structure as it has functioned and as the Rules Committee has observed it up to that point—that we are mandated to make a biennial report, so to speak, on the continuing issue or question of organization of the structure of the Senate.

Senator CLARK. I second the motion.

The CHAIRMAN. Is there further discussion?

Senator BYRD. You are moving to strike everything in title V and substitute in lieu thereof your language?

Senator HATFIELD. I would suggest perhaps, Senator Byrd, that we might just strike the wording "The Majority Leader and the Minority Leader" and put "The Committee on Rules and Administration * * *" And thereby we would have:

> The Committee on Rules and Administration shall review, on a continuing basis, the committee system of the Senate and the Standing Rules and other rules of the Senate related thereto.

And

> During the second regular session of each Congress, the Committee on Rules and Administration shall submit to the Senate a report * * *

I think that does pretty much the same thing, only we are shifting the burden to the committee rather than onto the shoulders of the majority and minority leaders.

Senator BYRD. You have another reference to the majority and minority leaders.

Senator HATFIELD. And we would strike that other so that it would be in conformity to that concept, that the committee assume that responsibility and makes that report.

Senator GRIFFIN. I don't disagree with you. Here again I wish we had Senator Stevenson here so that we could ask him what they had in mind. I suspect that what they are trying to do here is recognize that the majority leader and the minority leader are in a unique position to have recommendations for changes in the committee structure and system, just as the Rules Committee can, even without any language like this, make recommendations and report to the Senate. Of course, the majority and minority leaders can help the Rules Committee or give advice to the Rules Committee.

What you might do to preserve some of the thought that I think they were trying to write in here is, write some language that would suggest or encourage that the Rules Committee would consult with the majority and minority leaders in developing their report and their recommendations. I am sure they would do it anyway, but it might be a good thing to put it in there.

Senator BYRD. It seems to me that what Mr. Stevenson's committee was trying to do here was to ensure a continuing review of the committee system, which title V clearly states.

Senator GRIFFIN. Which you couldn't do without the leadership being a part of it.

Senator BYRD. Yes; as I say, I have no objection to the burden; I would rather not have it; I think it more appropriately rests with the Committee on Rules and Administration. It would certainly have my cooperation in every way, not only as a member of the committee, but as the majority leader.

The CHAIRMAN. That was a part of the resolution referred to the Stevenson committee, that created the committee—and "workable methods for the regular review and revision of committee jurisdictions."

Senator HATFIELD. Ken Gray, of the committee staff, is here.

Mr. GRAY. The Senator has stated the situation exactly.

Senator HATFIELD. Well, I would incorporate into my motion the idea of consultation with the majority and minority leaders to get the special emphasis.

The CHAIRMAN. Very well, you have heard the discussion, then. All in favor of that proposal—and we will ask Senator Hatfield to have his staff draft the proposed language there—all in favor say aye. [Chorus of "ayes."]

Opposed? [No response.]

The motion is agreed.

Senator BYRD. I think it would be very well for the committee to have assist it in these deliberations the secretary for the majority and the secretary for the minority, and that such request of course should go through the majority and minority leaders for that assistance.

The CHAIRMAN. All right, if we may move to title VI;

AMENDMENTS NOT WITHIN A COMMITTEE'S JURISDICTION

The Standing Rules of the Senate are amended by adding at the end thereof the following new rule:

"* * * COMMITTEE AMENDMENTS NOT WITHIN ITS JURISDICTION

"It shall not be in order to consider any proposed committee amendment (other than a technical, clerical, or conforming amendment) which contains any matter not within the jurisdiction of the committee proposing such amendment."

Is there discussion on that point?

Senator GRIFFIN. How about some explanation by somebody?

The CHAIRMAN. Yes, Ken?

Mr. GRAY. Yes; there are two parts to this. This is also complementary to the language at the top of page 2. It is an effort by the select committee to make it a little more difficult for the jurisdictions to become fragmented. On page 2 it provides that the committees may report, by bill or otherwise, on matters within their respective jurisdictions. That has not been in rule XXV before.

The language we have been discussing on page 37 complements that, and if such an amendment were made, as I understand the rules, an objection were raised, a point of order were raised and it were sustained, that amendment would be deleted from the bill.

Senator GRIFFIN. Let's see if we can anticipate how this will work. There are some bills which obviously spill over a little bit in terms of their jurisdiction; maybe 85 percent of the provisions of the bill would logically fall under the jurisdiction of a committee, and 15 percent of it might not.

Does that mean, then, that that 15 percent of the bill cannot be amended by the committee to which it was referred?

Dr. RIDDICK. Well, this says committee amendments. As I understand it, the bill is referred on the basis of predominance of subject matter. All of that language goes with the bill.

Senator GRIFFIN. That is the question I was trying to raise.

Dr. RIDDICK. But if the committee proposes an amendment which would expand its jurisdiction to something that didn't fall within the jurisdiction of that committee, it would make it eligible for some Senator to make a point of order against it.

Senator GRIFFIN. You would interpret that if the bill primarily falls under the jurisdiction of the committee, that then they could have committee amendments to any part of it. I would think that would have to be the case; otherwise you would have to have successive or joint referrals in all instances. I don't think we would want that in all instances.

The CHAIRMAN. I would think to any part of the bill, but if they tried to expand and go beyond that jurisdiction, to add something that went beyond the jurisdiction of the committee——

Senator Williams?

Senator WILLIAMS. We have a lot of this now, and there is an informal understanding between committees, that the committee whose jurisdiction is being occupied or taken by another committee, quite frequently it makes sense in the total context—you say, sure, you go ahead and do it; from our committee to another committee—go ahead and do it.

Now that would require more to be effected: you would have to have a unanimous consent out here. Am I right on that?

Dr. RIDDICK. Not necessarily, I shouldn't think, Senator. My interpretation would be that if the committee didn't offer an amendment

to the bill when it comes to the floor, you would have nothing to make a point of order against.

Senator WILLIAMS. If it is in the bill—oh, I thought if it were in the bill——

Dr. RIDDICK. If it were referred in the bill.

Senator WILLIAMS. Oh, committee amendment on the floor, but if it were done within the committee it is not subject to this particular rule?

Dr. RIDDICK. No; if the bill were introduced, in the body of this language, the committee wouldn't have to make an amendment at all. If the committee came in with new subject matter that was not within the jurisdiction of that committee, it would be subject to a point of order. But nothing would be done if nobody made a point of order.

Senator WILLIAMS. Right. So you are not waiting until the last minute; you could get—wouldn't it be necessary to get some kind of unanimous consent?

The CHAIRMAN. Of course this would not infringe on the right of an individual Senator to offer any amendment on the floor that he saw fit.

Yes; Senator Byrd?

Senator BYRD. Mr. Chairman—and this question is directed as much to Dr. Riddick as to anyone else here—is it conceivable that there may be a matter which a committee would want to pose by way of amendment which does not come within the jurisdiction of that committee or any other committee?

Dr. RIDDICK. That would be possible, Senator, but you would be able to get around that on the same basis that you do now, under rule XVI, on the appropriation bill, by giving a 1-day notice to suspend the rule. So you would be able to reach it if there were no objection or by a two-thirds vote.

Senator BYRD. Thank you.

The CHAIRMAN. Is there further discussion? Is there objection to section 601?

Without objection, then, title VI, 601, will be approved.

All right, if we can turn now to title III on page 27.

Let me call on Dr. Riddick to give you a brief summary of what title III would do.

Dr. RIDDICK. Today, under the rules of the Senate, you cannot make a multiple reference, that is, a reference to more than one committee, except by unanimous consent. This proviso makes it possible for you to make a motion to refer a bill to more than one committee. That is the first part of it.

The second part is an endeavor to fix it so that you can keep the committee jurisdictions pretty well intact. For example, if you get a bill like the energy bill or some of the environmental bills that you had in several Congresses back, involving the jurisdiction of several committees, if you couldn't get unanimous consent, you couldn't get it referred to several committees.

Now, if you want to, you can make a motion when a bill is introduced—say it covers five committees—you can make a motion that this be referred to an ad hoc committee made up of membership of these five committees, stipulating what committees are involved—this is the way it would work out in practical operation—and if the motion is

agreed to, the committee would be created, made up of members from the committees stipulated in the motion that would be involved, from which there would be members from each of these committees selected and put on the ad hoc committee.

That committee would get the bill that you are making the motion about and would—the ad hoc committee would survive for the remainder of that Congress, and every other bill, during the remainder of that Congress, that was introduced on the same subject matter would go to that ad hoc committee. You would not have to create additional staffs. You would have the same committee. And when that subject is disposed of that ad hoc committee dies.

That gives you a chance of making the Senate flexible without creating a new committee every time you get a major subject cutting across the jurisdictions of several committees.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. This is one of those matters in which Senator Allen has expressed some very serious interest, and I would think it might be well to put that over until Senator Allen can return to the committee. We can discuss it, but I am suggesting before we take any final action on this section that we wait till Senator Allen has a chance to express himself.

The CHAIRMAN. Is there further discussion on section 301 and section 302?

Senator CLARK. What do they deal with?

The CHAIRMAN. Section 301 provides for referral and provides that——

Senator CLARK. I thought there had been an agreement, because of Senator Allen's interest, to wait on that.

The CHAIRMAN. That suggestion was made, but I just wondered if anyone else desired to discuss the matter now, and if they did not we would defer action on it until Senator Allen can be here.

Senator CLARK. Mr. Chairman, I wonder if the committee counsel of the Stevenson committee could talk about what the philosophy behind this is?

The CHAIRMAN. Ken?

Mr. GRAY. The select committee believed that it was offering a plan which would reduce the number of committees, tightening the jurisdictions, but recognizing that things change, sometimes very rapidly—there might well be an issue, a crisis, something unanticipated, and the standing committee's jurisdiction would not be able, in their judgment, to take care of it, leaving it up to the majority leader and minority leader, therefore, to suggest a special committee for one Congress only—but with legislative authority.

I think some members of the committee also felt that because that ad hoc committee would have legislative authority, a great restraint would be exercised in adding additional ad hoc committees, because the standing committee would not want to do it unless it were exceptionally necessary.

Senator CLARK. How are the committee members selected?

Mr. GRAY. There is a section in the committee report—I believe that they are appointed by the majority and minority leaders after consultation with the chairman of the standing committees involved.

Senator HATFIELD. Mr. Chairman, I wonder if Mr. Fox has anything to add to that, as our minority counsel?

Mr. FOX. I think that Ken has pretty well stated the situation. One thing we are concerned about, from the minority standpoint, is the number of committees that can be considered third committees. And we want to make sure that limitation is retained.

Senator CLARK. What does that mean?

Mr. FOX. In other words, you would have 100 assignments for all third committees, and we do not want to allow any additional assignments beyond those.

Senator CLARK. You mean the only Members that would be eligible to serve on them would be people who did not have third committees?

Mr. FOX. That is right.

Senator CLARK. Is that in the measure now?

Mr. FOX. Yes, it is.

The CHAIRMAN. Are there further questions or further discussion on this at the moment?

Senator WILLIAMS. Yes, lots of questions.

Senator GRIFFIN. This could really undercut your committee structure and your committee chairman, if a little bit of hanky-panky went on here, but I suppose we can never assume that would happen.

Senator WILLIAMS. No.

Mr. GRAY. Could I add one word, Senator? The present situation in the creation of select committees, special committees, would not be changed by this, of course. That is, that is now done by amending the rules.

Second, this is subject to a motion, of course, and debate on the floor. The only difference is that it is a privileged motion offered by the leadership.

Senator WILLIAMS. This procedure on ad hocing, creating an ad hoc committee, is brand new, all the way? Now, would this be the kind of situation that would lend itself to national health insurance where the Labor and Public Welfare, and Finance, or the other way around in many minds—is this the sort of situation that would lend itself to an ad hoc?

Senator HATFIELD. Would the Senator yield?

Senator WILLIAMS. Yes.

Senator HATFIELD. The first experience we might have under this proviso would be with the Indian Review Commission. The ad hoc committee would be created to carry the report of the Indian Review Commission, which is made up of other than Members of Congress, and therefore does not have legislative power, legislative authority. So an ad hoc committee might be set up under this proviso for a 2-year period to provide that committee the opportunity to have legislative authority and carry the recommendation of the Indian Review Commission.

That is just an example.

Senator WILLIAMS. That is an extension.

Senator HATFIELD. No, the life of the Commission will come to an end, and before the disposition of that report can take place, this ad hoc committee would be brought into existence to carry that responsibility.

Senator WILLIAMS. I see.

Senator HATFIELD. And then at the end of that period that committee would be gone, and all future functions along that line would be assigned to a legislative subcommittee of the Human Resources Committee which, at that time, would be known as the Subcommittee on Indian Affairs—as an example.

Senator WILLIAMS. Now, this comment that came from the gentleman in the room just now on this limitation of service on—this would seem to say that——

Senator HATFIELD. Rules, Budget, and Intelligence are all third committees now—they would be under this scheme. Then such an ad hoc committee would be considered as a third committee. So that if you were a Senator already serving on the Appropriations Committee, the Interior Committee, and the Rules Committee, you would not be eligible to go on an ad hoc committee, because you already had three committees.

Senator CLARK. That would apply to Budget for the next 2 years.

Senator HATFIELD. Exactly.

Senator WILLIAMS. And therefore you would be eliminating someone who had the greatest background of information and attention to his subject matter, prohibiting that individual from serving if that individual has that third committee.

Senator HATFIELD. And that is assuming you only have a single individual amongst the number of Senators who would otherwise be eligible.

Senator WILLIAMS. Someone who has led the whole development of an idea, for example—been with it for a long period of time—could be easily left off.

Senator HATFIELD. That goes back, of course, to the limitation concept which you are trying to provide in this overall bill—the number of subcommittees that you already would be limited to serving on. So it is within that same concept.

Now, one person who would be most affected by this is Jim Abourezk, to carry out my example—and yet Jim Abourezk called me as of this morning to indicate his full support for this approach of an ad hoc committee to carry out the Indian Review Commission report. I happen to be on that same Commission; I would not be eligible for that ad hoc committee because I will have chosen my Appropriations, Interior, and Rules Committees; I will resign from the Intelligence Committee; and I would not be eligible, even though I have been a member of the Indian Review Commission, to go on the ad hoc committee of the Indian Review.

Senator CLARK. The only thing that complicates all that a little is, if there is a motion to restore some or all of these other committees, very few people will be eligible to serve on ad hoc committees.

Senator GRIFFIN. It would be a convenient way of circumventing a committee chairman rather than doing it directly.

Senator CLARK. If we had this in effect, is this the process that would be used to setup something like a Watergate Committee or the Church Committee on Intelligence?

Senator HATFIELD. Yes.

The CHAIRMAN. That would be only in the event that it cut across the jurisdictional lines of more than one committee. Now, the first part, 301, provides that the presiding officer will make the decision

as to the referral, but that, of couse, is appealable. And then it is only in the case where it cuts across jurisdictional lines where the ad hoc committee would come into play. In other words, they couldn't bypass the committee system by attempting to create an ad hoc committee on a subject matter that was clearly within the jurisdiction of the standing committee.

Senator GRIFFIN. Well, it is very easy, of course, to draft almost any kind of legislation so that it does cut across some of these jurisdictions. It doesn't take a great deal of imagination to do that; you can always throw in some other things and make sure it does.

Senator HATFIELD. One of the reasons that Senator Allen is concerned about this, Dick—and the other is that the majority and minority leaders can set up such a committee—and that is without the full consent of the Senate, and that, I think, is——

Senator CLARK. You would have to vote on it.

Senator HATFIELD. But the initiative is in the hands, is it not, of two people?

Senator CLARK. Yes; and the appointment of the committee.

Senator HATFIELD. And the appointment of the committee.

Senator CLARK. And the chairmen.

Senator HATFIELD. The chairmen. I think Senator Allen thinks it is not necessarily wrong—the whole ad hoc committee should not be thrown out necessarily in toto, but there should be certain parameters of safeguards. I can't speak for him, but that is my impression.

Senator CLARK. That is my impression, too.

Senator HATFIELD. Mr. Chairman, I suggest we defer action on it until Senator Allen is here.

The CHAIRMAN. Doc Riddick just made a suggestion here he might throw out for some of you to think about.

Dr. RIDDICK. Instead of count it as third committee assignment you could make it more elastic or soften the situation by allowing the assignments to these ad hoc committees to count as subcommittee assignments from the committee to which he was given the assignment. And then if you are on the committee that you were allowed three subcommittee assignments—if you had just two, you would be eligible for that ad hoc committee assignment.

Senator HATFIELD. Assuming you hadn't already fulfilled your limitation.

Dr. RIDDICK. Oh, yes.

The CHAIRMAN. That's right.

Senator HATFIELD. And everybody is going to fulfill that limitation, I am sure.

Dr. RIDDICK. This question was raised today about these subcommittee assignments because some committees other than Appropriations Committee is very much concerned about having more than the number of subcommittees they believe they could get out of the number of assignments for subcommittees. And they raised the question—doesn't it bind the full committee so that it couldn't create an ad hoc subcommittee of its own if it wanted a subcommittee to handle a certain proposition?

Well, it seems to me, as I stated earlier, that the way you would be able to overcome that would be to liquidate one existing subcommittee that was not a standing subcommittee and create another subcommittee

to handle the situation so you wouldn't have to go beyond your number of subcommittee assignments.

Senator GRIFFIN. My feeling here is that if the purpose here and the thrust of this whole effort is to reduce the number of committees and to not proliferate committees, this proposal goes in the wrong direction. I think this will probably generate a lot of additional committee assignments. It could, at least, it depends a lot, of course, on the leadership and what they want to do with the power that is given to them here.

Dr. RIDDICK. Well, the purpose of this, Senator, was to take care of—like the energy bill where you had six committees involved.

Senator GRIFFIN. I know, but we are going through a reorganization to try to take care of that. And I just think myself that it creates more problems that it solves, and it might be better to work under the new system for a while and see—maybe some time later down the road you would need and want to do this sort of thing—but this is trying to look down the road a little bit further than I think we should right now myself. That's my feeling; it is not going to be the end of the world, one way or the other.

But I am surprised that all the committee chairmen haven't been in here with their arms raised about this. It could create real problems as far as committee jurisdictions are concerned.

The CHAIRMAN. All right, suppose we defer action on title III, then, until Senator Allen can be heard.

Now, gentlemen, do you wish to proceed to the number of committees next or do you want to proceed to committee assignments and chairmanships, limitation provisions?

I presume we would have to go to the number of committees first so that the assignments provision could be properly covered. If we may move to page 20, then, to read the committee report.

Well, I think we might pick the bottom one off there and make a determination, because we have the question of Rules, Administration, the Standards—and I think the testimony was quite strong before the committee that we ought to keep the Select Committee on Standards and Conduct separate and apart.

Senator HATFIELD. Mr. Chairman, I move that we delete the "Standards" from the title "Rules, Administration, and Standards" and have it read "Rules and Administration."

I would be willing at this time to couple with this motion an additional idea of creating a separate bipartisan Ethics Committee.

Would you rather take it one at a time?

The CHAIRMAN. Well, I think that is properly part of it.

Senator CLARK. Mr. Chairman, I strongly support that amendment, but I wonder if it wouldn't be better to delay it until Monday. Different people have spoken to me about it, and I haven't had a chance to speak to others about it. It would be my plan to join you—and I think Senator Allen indicated that as well.

But I would just suggest, since it is going to be a major discussion, and so forth—and I don't have the part of my amendment, I know, prepared at this point.

Would that be all right with Senator Hatfield, if we take it up on Monday?

Senator HATFIELD. I have no objection.

Senator CLARK. The same is true of the size of two or three of the committees here—we were preparing amendments, but I really don't have them ready to offer yet. We just finished the hearings last night and I just don't have them drawn.

The CHAIRMAN. Well, perhaps we should defer—this is all interrelated. And so if we are going to defer part of it until Monday, we probably should defer action on all of it, then, until Monday.

Senator WILLIAMS. Were you going to now proceed to go down the list here on page 20 and then deal with jurisdiction?

The CHAIRMAN. Well, we can't deal with jurisdiction until we know precisely which committees we are going to have.

Senator WILLIAMS. Or vice-versa. I don't see how we can deal with the ultimate of the committees until we know who is going to be doing what, where. The first comes first, doesn't it—it is going to be the substance and how it is going to be handled, and then the total of that will be the total of committees. In other words, if we decide page 20, that sort of determines how we have got to put everything into what we have determined.

This would assume that we are going to end up without any joint, special, or select. There is an assumption here that seems to follow: it seems to me that that is going to be the total committee structure.

The CHAIRMAN. And the jurisdictional issue goes right with it.

Senator WILLIAMS. Yes; if we were going down the list, then we would be dealing with jurisdiction.

Senator HATFIELD. Mr. Chairman, since they are totally interrelated, if we are going to defer one we have to defer the whole package until Monday—and I also observe we only have four members of the committee present as far as reaching any determinations at this time.

Senator WILLIAMS. Point of order, huh?

Senator CLARK. I would support that, but titles I and II I think we ought to wait until Monday till we are really ready to offer our amendments.

The CHAIRMAN. All right, we will defer action on titles I and II until Monday.

That would bring us to title VII, "Committee Staffs," on page 37.

Senator HATFIELD. Mr. Chairman, I must also say that would have to be deferred until Monday because Senator Tower, Senator Griffin, and I—all have plans to propose amendments to this section that have to do with minority staffing.

The CHAIRMAN. I think that is a valid point. It also doesn't make much sense to go to that until we have decided the committee structure as well.

Well, then, that leaves the only one, title VIII, "Miscellaneous." [Laughter.]

Now, if we have a motion on that. [Laughter.]

All right, there is not much point in going through title VIII, then, until we can consider these other items.

If there is no objection, we will recess the committee at this time, until—can everyone be here at 10 o'clock or earlier on Monday morning?

Is there anyone who can't be here at 10 o'clock on Monday morning of those here?

Senator HATFIELD. May I also suggest that we meet in the Rules Committee——

The CHAIRMAN. We will meet in the Rules Committee room. The meeting here today was at the request of several Senators, because we knew that we would have some votes and quorum calls on the floor.

Senator HATFIELD. Mr. Chairman, I wonder about tomorrow.

The CHAIRMAN. Senator Stevenson is here at the present time, too. Can we get a quorum tomorrow? Senator Clark can't be here.

Senator WILLIAMS. I can be here tomorrow, but by 10 o'clock Monday—it is just a personal problem with travel these days.

The CHAIRMAN. I am advised that Senator Pell can't be here tomorrow. It looks like we probably would not be able to get a quorum then.

Suppose we recess until 10 o'clock, Monday morning, in the Rules Committee hearing room, and let's be prepared to move ahead with our amendments.

Senator Stevenson, can you be with us Monday morning?

Senator STEVENSON. Yes.

The CHAIRMAN. Very good, because we have gotten down to the point where we start to discuss the number of committees and the jurisdictions, which is the major part here, then.

Very well, thank you very much, we will meet at 10 o'clock in the Rules Committee on Monday morning.

[The committee recessed at 3:48 p.m.]

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977

MONDAY, JANUARY 17, 1977

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

The committee met, pursuant to recess, at 10:20 a.m., in room 301, Russell Senate Office Building, Hon. Howard W. Cannon (chairman) presiding.

Present: Senators Cannon, Pell, Allen, Williams, Clark, Hatfield, Griffin, and Tower.

Staff present: Chester H. Smith, chief counsel; Floyd M. Riddick, professional staff member; Jack L. Sapp, professional staff member; Larry E. Smith, minority staff director; Ronald Hicks, senior analyst, Subcommittee on Computer Services; and Peggy Parrish, assistant chief clerk.

The CHAIRMAN. The committee will come to order, a quorum is present.

Gentlemen, on Friday we deferred action on title III, "Multiple Referral of Proposed Legislation; Establishment of Ad Hoc Committees," until Senator Allen could be present. And we also deferred action on titles I and II relating to the standing committees, the jurisdictions and sizes, and so on.

Senator Allen has requested that we proceed with title III first because he was concerned with that. And that is on page 27. And, Senator Allen, we have Senators Stevenson and Packwood here, so if you desire to get their thinking on this particular point they are available.

Senator ALLEN. Yes; Dr. Riddick has just handed me what I understand is an agreement on the wording of section 501, which gives the Committee on Rules and Administration, with the consultation of the majority leader and the minority leader, the right to review, on a continuing basis, the committee system of the Senate, the standing rules and other rules of the Senate related thereto.

Then, it would seem to me, working at cross-purposes to that provision, is the provision of section 302 on page 29, which does give the majority and minority leaders the right to put in a privileged resolution setting up an ad hoc committee, such resolution not to even go to the Rules Committee, which is supposed to have supervision over the committee system and changes therein.

And a resolution that seeks to, as Senate Resolution 4 does—that seeks to merge ad hoc committees into the present committee system, and then goes on and provides an easy way for ad hoc committees to be set up, seems to me to be moving in opposite directions. And the

leadership has not had any difficulty, so far as I can see, in getting ad hoc committees approved. They do it even though the matter is referred to the Rules Committee.

And I just wonder if we couldn't keep the present system on that—let them put in a resolution just like anybody else. And I don't see why it should be privileged and take it away from the Rules Committee on the one hand, and then give them, over here under 501, continuing authority over the committee system.

I am just wondering if we couldn't eliminate all of section 302 and just leave the leadership, just like any other Senator, with the right to put in a resolution calling for an ad hoc committee. Naturally, if it was put in by the leaders, it would carry much greater weight than if it were put in by an individual Senator.

But I just don't see why you should set up a priority time certain for a vote on it. It just doesn't seem consistent with what you agreed on on 501. I don't see that it serves any useful purpose, section 302.

The CHAIRMAN. Senator Stevenson, would you or Senator Packwood care to comment?

Senator STEVENSON. Mr. Chairman, both of these titles are intended to recognize that no reorganization of Senate committees will produce neat jurisdictional lines. There will, in the future, be overlaps and conflicts. And, consequently, they do two things—in the case of title V, provide for continuing review of the committee system so that the Senate will be afforded recommendations and opportunities from time to time to make revisions in the structure of the committee system, as it is doing now, without having to wait another 30 years, as we have in this case.

Title V contemplates a process such as this that would result in permanent changes in the committee structure. And such changes would require a good deal of time, just as this process has entailed.

The other title, title III, is intended to deal with the immediate problem of a bill or a subject that spills over into a number of jurisdictions and requires immediate action by the Congress. Our hope was, in proposing a procedure by which the joint leadership could, with the approval of the full Senate, establish an ad hoc committee—first, to keep some pressure on the respective standing committees to deal with the subject matter against this possibility that if they didn't deal with it, an ad hoc committee would get created that would.

Now, that procedure does, as Senator Allen mentioned, contemplate a privileged motion and limited debate. Our thought was to strengthen the authority of the leadership, and I personally am all for that. I would, however, point out that in the course of debate over a motion to create an ad hoc committee with which to deal with some overlapping subject, any Member of the Senate could make a motion to have it referred to the Rules Committee; and if it was the judgment of the Senate that the Rules Committee should act upon the motion, why, this committee could do so.

Senator ALLEN. Well, your resolution says it shall not be referred to the committee.

Senator STEVENSON. When the motion is introduced, it would not be automatically referred to the Rules Committee. It was not our intention—if necessary, there could be a clarification—to prevent any Member, during debate, from making the motion to refer the matter to this committee.

Senator ALLEN. It says outright it shall not be referred to the committee—I don't see it right here at the moment. But I don't see how you could move that way when it would take unanimous consent to vary the rules.

Senator STEVENSON. Well, if I may respond to the Senator, first of all—I didn't say this earlier as I should have—one of our concerns was with the abuse of the unanimous consent practice in the Senate. It leads to the most bizarre and unforeseen and unnoticed results—and we thought we ought to try to get away from that. But I think the Senator may have a sound suggestion if it does require a language change, Mr. Chairman, in order to make it clear that during the debate a motion would be in order to refer the matter to the Rules Committee, I personally would have no objection to such a change.

Senator ALLEN. Well, here on line 18 of page 30, it says "A resolution described in subparagraph (a) shall not be referred to a committee * * *," so that would not allow a motion to be made on the floor to send it to a committee.

Senator STEVENSON. Well, as I say, I think the Senator has a good point. Our intention was that the motion, when introduced, would not immediately go to the Rules Committee—that was the intention.

Senator ALLEN. Is there any history of the joint leadership being unable to set up an ad hoc committee in expeditious fashion?

Senator STEVENSON. Well, I am sure the Senator is more familiar with the history than I am. Since I have been in the Senate. I don't believe any such ad hoc committees have been set up at all. These are ad hoc committees that could have legislative jurisdiction. And I know there is some concern that this provision might make it too easy for the leadership to do so, and maybe the Senator and others would feel better about the provision if it were amended further to make it clear that the leadership would have the right to make such a motion, but only after consultation with the committee chairmen and their ranking members, some of who have expressed a concern that this device might be used to bypass them. And I think such a qualification might put to rest those anxieties.

Senator ALLEN. The trouble would be, of course, that consultation wouldn't really mean a great deal; you might be greatly opposed to it, but if they consulted with them they have complied with the provision.

I really just don't see any need of this section 302, because here we are trying to cut down on ad hoc committees, and yet we liberalize the method of obtaining ad hoc committees. It seems to me we are going in two different directions. I would urge that you be willing to drop this section 302; I don't believe it is necessary.

Senator STEVENSON. Well, Mr. Chairman, we feel—I feel, at least—that this is an important provision. There is no such provision now, no practice by which, through such a process, the leadership can create an ad hoc committee. And without it, the old practice would continue. We have ended up with all kinds of strange referrals of bills to one committee after another—and then what sometimes happens, and this is about the best that can happen, those committees get together and create informally their own ad hoc relationships with which to exercise jurisdiction over bills that have been jointly or multiply or sequentially referred to them.

This would be a way of enabling the leadership, with the cooperation of the chairmen, to do far more effectively what we are now attempting in some certain sense to do very informally and sometimes ineffectively.

Senator ALLEN. But if the majority leader and the minority leader felt so strongly about it that they put in such a resolution, chances are that it would zip through the Rules Committee than just to take the Rules Committee out and give a priority standing to this resolution, to this power of the leadership to set up an ad hoc committee when we are trying to eliminate ad hoc committees and select committees and the like.

The CHAIRMAN. Well, if the Senator would yield, once the resolution was placed on the calendar, then it would be subject to certain motions set forth in rule XXII; and one of those is a motion to commit. So it would be subject to a motion to commit to the Rules Committee at that time.

Senator ALLEN. Yes; but it doesn't go automatically.

The CHAIRMAN. No; it would not go automatically under this. And if I may apologize for Senator Byrd not being able to be here, but they are having the Governor's inauguration in his State today and he had to be there, so he expressed his regret and left his proxy.

But he feels very strongly that the leadership needs the authority set forth in section 302 to get at the problem of the multiple jurisdictions, such as we had in the energy bill last year—and you will recall that the conferees, for example, were made up of people on various committees involved.

But this would be a means of forming an ad hoc committee to have jurisdiction over that entire subject matter. Now, of course, we are trying to define the jurisdictional lines in here a little more precisely and maybe we wouldn't run into that kind of a situation as much in the future. I do know that Senator Byrd feels very strongly that the leadership does need the authority proposed in section 302.

Senator ALLEN. The leadership is recommending that it be given greater authority, is that right?

The CHAIRMAN. Pardon?

Senator ALLEN. I say, the leadership supports this section?

The CHAIRMAN. Yes.

Senator ALLEN. Well, that's not surprising. [Laughter.]

But it doesn't help the rank-and-file Member a great deal. And I call attention to the fact that this tremendous overhaul of Senate committees came to the committee under a mandate to report it out in 2 weeks time. So I would think that any resolution setting up an ad hoc committee would get prompt action where it was recommended by the two leaders; I don't think it would stay here in committee very long.

But I think this committee might put some finishing touches on it, some improvements. I think this committee is going to help the Stevenson-Packwood resolution—there might be a difference of opinion there—but I believe that it is going to; and I believe that the committee ought to have an opportunity to study these ad hoc proposals of the leadership.

The CHAIRMAN. Well, gentlemen, suppose we find out what other questions any of the Members may have of Senators Stevenson and Packwood, and we defer final action on this section until Senator

Byrd can be here and present his views to us—and then we will vote on that.

So does anyone else have any further questions for Senator Stevenson?

Senator ALLEN. If we could have not a binding vote, but an informal vote; if I am the only one that feels that way about it, we might just abandon it. But if we had sort of a sense of the committee on the matter.

The CHAIRMAN. Well, we can certainly ask the other committee members to express themselves.

Senator Griffin, do you have a feeling on this matter?

Senator GRIFFIN. Would the thrust be to eliminate the language in the resolution providing for the establishment of the ad hoc committees where there is overlapping jurisdictions?

Senator ALLEN. By the speed-up route; yes.

Senator GRIFFIN. Yes; I would support you on that. I don't think it is a wise provision at all. I think that it is sort of an invitation for the proliferation of more and more committees rather than moving in the direction that this proposal is supposed to be doing. We are supposed to be reducing the number of committees—and it seems to me that that would encourage the proliferation of committees.

Senator ALLEN. That is the view I take.

The CHAIRMAN. Senator Pell?

Senator PELL. I would like to hear the arguments on the other side by Senator Byrd.

The CHAIRMAN. All right, sir. Senator Tower?

Senator TOWER. Well, I think this looks like a splendid way to bypass the committee system and to railroad legislation through. I have heard testimony on this to the effect that it means any time somebody wanted a pet bill passed and wanted to get a little publicity on it, he could draft it so that he would have a jurisdiction that was overlapping over committees, get the leadership to agree to appoint an ad hoc committee, of which he would be chairman. This is a bad system, in my view. This is going to result in proliferation of committees and the serving of a lot of special interests, in my view.

Now, certainly as a Republican, I can see where we are really going to get run over on this.

Senator PACKWOOD. If I might respond, because we discussed that in the committee—and this is why we said it can only be done not after consultation with the minority leader, but with consent; and if the minority leader does not go along, the majority leader does not have the authority to follow this procedure.

Again, if we have drawn it incorrectly, I think Senator Stevenson and I would look at new language—it was not our intent that this ad hoc committee be created for every nickel-and-dime situation that came along. And that is why we insisted concurrence with the minority leader.

Senator TOWER. Well, as you know, intent is one thing.

Senator PACKWOOD. I understand that.

Senator TOWER. Very often we never resort to legislative intent; the courts seldom do these days.

Senator PACKWOOD. Well, I understand that. And that is why I think, while Senator Stevenson and I feel strongly about the provision, we

did not intend—did not intend—and if our language is wrong to carry out the intent, we would look at change—did not intend this to be an every-week creation. And, with a "committee's" duration limited to one Congress so that we don't get into a situation where all the committees we create for a Congress are continually recreated. But as long as the minority leader must concur, I don't think, at least from a Republican standpoint, you run the danger of ad hoc committees being created willy-nilly that would, frankly, do harm, as we would see it, to the Republican side.

The CHAIRMAN. Senator Williams?

Senator WILLIAMS. No.

The CHAIRMAN. Senator Clark?

Senator CLARK. Well, I wouldn't mind hearing more debate on it, but I tend to support the arguments of the Senator from Alabama.

The CHAIRMAN. Well, gentlemen, if there is no objection, then, we will defer it until Senator Byrd can be here to express his views, and then I think at that time we should be prepared to vote on that particular issue.

All right, the next item now, if we may turn to page 20, "Standing committees." I think it we discuss and determine what the standing committees will be before we attempt to go into the jurisdictional aspects, unless they clearly fall in line as we go along, we will be able to save some time.

The proposal, as you see on page 20, is that originally proposed by the select committee on Senate Resolution 4. Since then, we have had a number of discussions here before our committee as to prospective changes and even starting off with the very first one, Agriculture and Small Business.

And I wonder, Senator Stevenson, if you care to address yourself to that—to the recommendations now that have been made in light of the testimony presented on that committee.

Senator STEVENSON. Mr. Chairman, I will emphasize once and then not repeat it that I speak for myself and not for the select committee, and the suggestions I make are on the basis of information that I have received from the staff and from members of the select committee, and from members of all of the committees affected. So what I can do, on the basis of the information that is available to me, is report to you, make suggestions to you, of means by which to organize the jurisdictions of committees in a way that will cause some consolidations, and increase the effectiveness of the Senate, in ways which I believe are practicable.

I don't know, Mr. Chairman, how you want to proceed. Is it your suggestion that we go down the list——

The CHAIRMAN. I would suggest we go right down the list; you have the proposal originally, Agriculture and Small Business. As you recall, we had considerable testimony that Small Business should be retained, and we had also some testimony that if Small Business was not to be retained as a separate committee that it would more logically fit in Finance.

We also had the suggestion made in testimony to the effect that Nutrition could be combined with Agriculture to make it Agriculture and Nutrition.

Senator STEVENSON. Well, Mr. Chairman, the reason I asked that question—at your request, the select committee has prepared a catalog which starts with all the present committees. And it is entitled "Clarifications and Modifications of Senate Resolution 4 discussed in Rules Committee hearings on January 13," and it lists all the committees, starting with Aeronautical and Space Sciences, together with suggestions for the resolution of such issues as have developed.

On page 20 we start with just the list of the surviving committees recommended by the select committee. So to cover all the bases, it might just be better to start from the memorandum that the select committee has prepared on page 10, under (B), "Committee consolidations discussed." Otherwise, we start skipping over.

The CHAIRMAN. I think that is a good suggestion.

Senator STEVENSON. The first committee listed is Aeronautical and Space Science, and the proposal was to transfer that committee to the Commerce Committee, which has the dominant jurisdictions now for science and transportation and the atmosphere.

I am unaware of any strong objection to that proposal.

The CHAIRMAN. Is there discussion on that proposal?

Senator ALLEN. Excuse me, Mr. Chairman, I had to go to the phone. What is the——

The CHAIRMAN. Turning to page 10 on the summary there, "Clarification and Modifications of Senate Resolution 4 discussed in Rules Committee hearings on January 13," and the first item was Aeronautical and Space Sciences, to transfer that to Commerce Science, and Transportation, Scientific, Engineering and Technology Research and Development; Non-Military Aeronautical and Space Sciences; Science, Engineering, and Technology Policy.

And apparently there was no objection to Senate Resolution 4's recommendation in that regard.

Senator ALLEN. Yes, sir.

The CHAIRMAN. Is there objection to approval of that recommendation?

Without objection, then, that recommendation will be approved.

All right.

Senator STEVENSON. Mr. Chairman, the next committee is the District of Columbia Committee which was proposed for transfer to the newly constituted Government Affairs Committee; that committee is based on the old Government Operations Committee.

My comments with respect to this committee are the same for the next, which is the Post Office and Civil Service Committee.

The Governmental Affairs Committee would have its jurisdiction substantially enlarged under this proposal. It is my understanding that that committee would feel better able to carry on the work of the District of Columbia and Post Office and Civil Service Committees, if the chairmen and ranking Members of those committees were able to transfer to the surviving Governmental Affairs Committee.

So the suggestion is that both of these committees be consolidated, but with a provision in the resolution to permit, as an exception to the limitation on committee assignments, the chairman and the ranking Members of those committees—District of Columbia and the Post Office Committees—to serve on the surviving Governmental Affairs Committee.

Senator GRIFFIN. Is that an unlimited exception or would there be a time limit?

Senator STEVENSON. My thought would be not to make an exception of any kind to the rule of two and one for Governmental Affairs, but a permanent exception to the present ranking Members and chairmen.

The CHAIRMAN. In other words, they can permanently count on that as their third committee?

Senator PACKWOOD. Plus, with no expansion of the size of the Governmental Affairs Committee; this was not intended to enlarge it.

Senator GRIFFIN. The different seniority status would be a matter for the party on each side, is that right?

Senator STEVENSON. That is correct, and I don't believe either Senator Packwood or I have suggested that they be——

The CHAIRMAN. Party caucuses could make that determination as to what happens with seniority——

Senator PACKWOOD. We deliberately stayed away from that in all of these discussions as to how to work out transfer of seniority.

The CHAIRMAN. But it would give them the opportunity, if they desired, to transfer over to that committee as a third committee.

Senator PACKWOOD. Also, even though that is phrased in the plural, where we refer to chairmen and ranking Members—we are talking about only the chairman and the ranking Member; not everybody on the committees moving.

The CHAIRMAN. Is there further discussion on that point? Further questions?

Senator WILLIAMS. I had an amendment. Have you seen the amendment that would accomplish this? [Senator Williams passes document to Senator Packwood.]

Senator PELL. I think it is covered here.

Senator WILLIAMS. I think it is, too.

Senator PACKWOOD. Yes; that is broader than we were intending. You are talking about every standing committee that is abolished, is that right?

Senator WILLIAMS. Yes; I think it is worded generally. I think it applies in this case exclusively.

Senator PACKWOOD. Well, for example, Aeronautical and Space Sciences—we did not intend to transfer the chairman and the ranking member to Commerce with any kind of standing because the workload of the committee being abolished was not overwhelming.

The CHAIRMAN. Well, actually the person in line for committee chairmanship is already on Commerce.

Senator PACKWOOD. Yes, you're right.

The CHAIRMAN. Now, I don't know about the ranking minority member.

Senator PACKWOOD. I don't think so.

Senator GRIFFIN. On?

The CHAIRMAN. On Space.

Senator GRIFFIN. I think it is Barry Goldwater. He is not on Commerce.

Senator STEVENSON. Mr. Chairman, I would suggest that these be considered one by one; I don't believe, for example, that this amendment, as written, would even take care of the situation of Senator Burdick, who is not at the present time a chairman.

The CHAIRMAN. That's right.

Senator STEVENSON. In nearly all of these cases there has been no such request, for such a sweeping amendment as this is intended to be.

The CHAIRMAN. I am wondering, Senator Williams, couldn't we just defer action and consider that later, but in the meantime establish policywise what we are going to do on these various issues?

Senator WILLIAMS. Yes, and I think this amendment meets just the District situation, and I think what you have proposed is what is included here. It doesn't apply to any other, even though it is general language; it only applies to one committee, in fact.

The CHAIRMAN. All right, is there any further discussion or any further questions?

Senator PACKWOOD. Well, the one point that I think may be different—I haven't looked over Senator Williams' amendment thoroughly—we did provide that when somebody moves from the District Committee to Governmental Affairs or Post Office, if they choose to move, a chairman or a ranking Member, that becomes their third committee; they cannot opt to have another, in essence fourth, committee.

The CHAIRMAN. Yes, that is stated here in your summary. I am not addressing myself to that amendment, because I don't know precisely what that says—I haven't seen it.

Senator TOWER. Now, if this distorts the ratio in terms of the total number on the committee, does that mean that somebody else is bumped off it?

In other words, if you bring the chairman or the ranking member of the District over, you are preempting maybe two other people from serving on the Governmental Affairs Committee—that is my question.

Senator PACKWOOD. Well, unless I have made a mistake in checking, I think there is a spot or two on each side—Governmental Affairs—I can't recall.

Senator STEVENSON. Senator Tower, that is not the effect in Governmental Affairs; it might be in other committees.

Senator TOWER. Would it have that effect in—well, actually, you are bringing four people over, in effect, from District and Post Office Committees, and that means four people could be displaced on the Governmental Affairs Committee, could they not?

Senator PACKWOOD. Well, we have increased the recommended number on Governmental Affairs to 16, which would leave, under the ratio, 2 Republican vacancies. That would take care of two of the ranking members of Post Office and District of Columbia if they want it. They may not want to move; I don't know what their preference would be. But they would have a preference over others who would want to move onto the committee.

Senator STEVENSON. Senator Tower, you have to start somewhere, and it is our impression that this will not create any ratio problems in the Governmental Affairs Committee. If in that committee or in any other committee there are such problems, then the party committees will have to work them out.

The CHAIRMAN. Any further questions?

Senator TOWER. In other words, this would preclude us from naming anybody but the members of the District and Post Office, isn't that a fact?

Senator PACKWOOD. If the ratio was 10 to 6, it is now 9 and 5, and we had 4 remaining members left on the Republican side from last year, and the ranking member of both of those committees wanted to move, it would preclude us from naming anybody else but those two, as a matter of practicality, assuming nobody else got off the committee.

Senator TOWER. OK, now, is this going to have a ripple effect with the result that you have to create vacancies some place else to accommodate new members?

Senator STEVENSON. Well, as I say, Mr. Chairman, we don't believe so, but we aren't going to know finally until we know the size of the Governmental Affairs Committee.

Senator TOWER. We are informed that it does, that if this option is exercised somebody is squeezed out of a committee—somewhere.

Senator PACKWOOD. Well, if this option is exercised by the chairman and ranking member—who might exercise it for some other third committee—this would be their third committee, it leaves a vacancy some place else.

Senator STEVENSON. You are getting into something that is impossible to get out of. It is possible that there will be transfers off of this committee; we know of one such distinct possibility on the majority side.

Senator TOWER. I would like to see what the effect is going to be on available committee assignments for new Members in toto—and we don't know that. If you have these guys exercising their options to come over and pick this up and they are exempted from the third-committee rule, then what does that do in terms of committee vacancies that——

The CHAIRMAN. They wouldn't be exempt from the third-committee rule; this is their third committee.

Senator TOWER. Yes, but they are allowed a third committee under this situation, so they are getting a third committee, but that poor guy that there aren't enough second-committee slots available——

Senator PACKWOOD. You have four people that would get a third committee and they would be grandfathered, if they wanted it.

Senator TOWER. In other words, you are certain this has no-ripple effect that is going to affect the number of vacancies that is available for new members?

Senator PACKWOOD. No, I am not certain, I can't say that.

Senator TOWER. Well, I think that is something we have got to know.

Senator STEVENSON. Senator Tower, if this committee, as the select committee has suggested, does no violence beyond this to the proposal of ours, the limitation on the number of committee assignments for all Senators, there will be vacancies on this committee that will accommodate the individuals we are talking about.

Senator TOWER. So, in other words, somebody could be bumped off the Governmental Affairs Committee, if this option is exercised.

Senator STEVENSON. No, not because of the exercise of the option, but because of the limitation on committee assignments.

The CHAIRMAN. Is there further discussion?

Senator TOWER. I am informed by the secretary of the minority that two of our new Members are going to be bumped off of the second

committee unless some other committee is expanded to accommodate them.

I understand that is true for the Democrats as well, so I think it is something that is worthwhile looking into.

The CHAIRMAN. Well, I don't think it is proper to say that new Members are going to be bumped off of committees, because new Members are not on the committees, haven't been given permanent assignment to committees.

Senator TOWER. Yes, but there won't be the vacancies to assign them to a second committee, that is what I am saying; you fall two places short of being able to assign all your new Members to a committee.

Can you give us the assurance that that does not happen under this?

Senator STEVENSON. I can give you an assurance that it does not have to happen under this, because the ratios and the sizes of the committees can be changed. And if you were listening to Mr. Hildebrand——

Senator TOWER. Then you have to change the ratios or the size of committees.

Senator STEVENSON. Mr. Kimmitt is here; I think he could explain it very well.

Senator TOWER. Stan is right behind you.

The CHAIRMAN. Stan?

Mr. KIMMITT. May I comment, sir?

The CHAIRMAN. Yes.

Mr. KIMMITT. If you give the ranking minority Member and the chairman of, say, Post Office and Civil Service two seats on the Government Operations Committee, or the new title, you still must protect the numbers that are in the Senate Resolution 4 chart to take care of all of the Senators.

What you are going to have to do is take that committee to 20 Members or make adjustments somewhere else. You can't give those two people existing vacancies as are shown on the chart, because the total membership—you have got to come up with 200 seats, 2 per Senator to start with. Now you will be making exclusions for four Members here; you have got to come up with 204 seats in that instance. And then if you keep the great grandfather and so on—so Senator Tower is correct. If the Senators are put on these committees, you must increase the size of the committee, possibly to 20, to protect the other Members who should be assigned on there.

Senator CLARK. Question on that, Stan. We could simply, in the process of grandfathering, grandfather the size up by that amount while they serve, rather than actually increase the size.

Mr. KIMMITT. That is what you would have to do; but you have to keep thinking in total number of seats to be filled, so that every Senator gets the number of seats that he is entitled to. And these four Senators, they will have three committees—you have got to add four seats on this committee or somewhere.

Senator GRIFFIN. I want to raise one other consideration which is somewhat related. If you are establishing some grandfathering here for these particular Senators and are going to create an exception to the rule that each Senator shall have two major committee assignments? Are you opening the door, then, to additional grandfathering

of other Senators who now have three or more major committtee assignments?

Senator PACKWOOD. I don't think so, because the chairman of the Governmental Affairs Committee was worried about the increase in the workload and the lack of knowledge of his committee in these two areas. For the other two committees that are consolidated—Veterans' Affairs and Aeronautics and Space Sciences—no similar request has been made.

Senator GRIFFIN. There is that point, how it affects the other committees that you are abolishing, but I am going beyond that; I am going to Senators who just have three or more major committee assignments.

The CHAIRMAN. I can respond to that. There are three Senators involved—Senator McClellan, Senator Javits, and Senator Jackson. And they have made a request that the resolution be amended to grandfather them for a 2-year period, such as has been done with respect to the members of the Budget Committee, so that they would have a 2-year period to make a determination as to which committee they wanted to give up.

But I am told that those are the only three involved. Two Democrats and one Republican.

Senator STEVENSON. Let me add to what Senator Packwood has said, Mr. Chairman. Any chairman of a committee that is consolidated who seeks to do this will have to give up the claim upon a third committee; that will then serve as his third committee. If Senator Eagleton or Senator Mathias serve on the Governmental Affairs Committee, that will become their third committee assignment.

So I think you will find in many such cases that that would help to discourage Members from seeking such transfers. And, as Senator Packwood has already mentioned, I don't know of any such situation; I have received no requests for such consideration. And in this case the request comes not just from the transfers, but the transferees. All other cases, you would have, as I say, no such requests.

The CHAIRMAN. Is there further discussion?

Senator CLARK. Well, one other question, just a point of information. If we do this, if we grandfather these two—and I gather we have grandfathered Senators Burdick and Stevens—if we have already got Senators Jackson, Javits, and McClellan grandfathered on—we are now up to seven that we have grandfathered on. Or is it going to work that way?

Senator STEVENSON. Well, the committee has made no decision with respect to the three Members—Javits, Jackson, and McClellan—but even if the decision is made to leave them on for a limited time—for one Congress—and if, in those circumstances, all three exercise to remain on, which is not clear—then you get back to the question of size. And it might be that for one Congress, the size of the committee would have to be enlarged to accommodate new Members.

Senator CLARK. You would have to increase the size from 16 to 23 if we kept all of them on.

Senator PACKWOOD. Oh, no, three of them are already on it.

Senator CLARK. Yes; I am sorry. I am thinking of the size.

Senator STEVENSON. About 20.

Senator PACKWOOD. You would have to temporarily increase it to 20, if you accepted the proposal for Senators Javits, Jackson, and McClellan, to serve for 2 years. Assuming they drop Governmental Affairs, that drops it down to 17. If you are aiming for an ultimate 16, you will nearly make it in 2 years anyway.

Senator CLARK. But you are grandfathering total, past and present, seven Senators, aren't you?

Senator PACKWOOD. Four of them permanently, three of them for 2 years.

Senator CLARK. Now, are you aware of other people that are going to be grandfathered in other ways on other committees?

Senator PACKWOOD. Well, with the maintenance of Budget, Intelligence, and Rules as third committees where you are permanently allowed an exception, it turns out that McClellan, Jackson, and Javits were the only Members left in the Senate that did not have—that had three major committees that were not grandfathered; others have been grandfathered in in one form or another.

Senator CLARK. Stan, you and I talked about this—can you address yourself to that?

Mr. KIMMITT. May I explain?

The CHAIRMAN. Certainly.

Mr. KIMMITT. Under existing law, as it stands now, there are six that we refer to great-grandfathers; there are actually four on Government Operations, including Senator Muskie—we have got Muskie, Jackson, McClellan, and Javits. You have two on Space, which is going off—the distinguished chairman and Senator Stennis.

Now, as you remove that committee, presumably those two third-committee seats will go away—you are still dealing with four. It is a little confusing on Senator Muskie, because he is on Budget, but he is legally entitled to a third committee seat as long as he stays with Government Operations. So you are dealing with four remaining legally constituted third-committee seats; specifically, McClellan, Jackson, Muskie, and Javits. And so, therefore, if you wipe those four out, now or at the end of the next Congress, the committee will decrease at that time. But if you put on the ranking minority Member and the chairman of Post Office, and chairman and ranking minority Member of the District of Columbia, on Government Operations, you are going to have to increase that committee now to 20 for this Congress, and then face that issue later on.

The CHAIRMAN. Further discussion? What are the wishes of the committee?

Is there objection to the proposal made by—or as presented by—Senator Stevenson and Senator Packwood?

Senator STEVENSON. Mr. Chairman, may I? As modified to permit a grandfathering for one Congress for Senators Jackson, McClellan, and Javits.

The CHAIRMAN. To modify it to that extent, you say? [Senator Stevenson nods yes.]

Senator TOWER. We modify it further to provide that we will find or at least increase the number somewhere to accommodate Senators that might get squeezed out as a result of this? Don't you think we ought to do that?

The CHAIRMAN. Well, don't you think we can review that separately and then settle it when setting the number?

Senator TOWER. Just so long as we do it, because we might turn up here short of second-committee assignments for some new Members.

The CHAIRMAN. But I would hope that when we complete what we do here, we may find other adjustments, and then we can do our numbers game of what the committees will consist.

Right now, let's decide what the committees shall be and then we can get the numbers after we have concluded that.

Is there objection, then, to the recommendation which would be set forth on page 10 with respect to District of Columbia and—do you want to include in that the same thing with respect to Post Office and Civil Service?

Senator STEVENSON. Yes, sir; but there are no——

The CHAIRMAN. The recommendation is precisely the same with respect to District of Columbia and Post Office and Civil Service, with the transfer right with the temporary chairman and ranking Member, and with the grandfather provision for Senators Javits, Jackson, and McClellan, for one Congress—for a 2-year period.

Senator STEVENSON. Yes.

Senator GRIFFIN. I hope that we don't create some confusion, because, as I understand it, the Post Office/Civil Service Committee, the chairman is no longer in the Senate and the ranking Member is no longer——

The CHAIRMAN. We said the temporary chairman and temporary ranking Member.

Senator STEVENSON. That was the reason for the "temporary."

Senator GRIFFIN. So you are going to allow them to change, then.

Senator TOWER. I think we are ineligible in every instance—yes, because we have got Stevens and Bellmon.

The CHAIRMAN. Is there objection? Without objection, then, the recommendation will be approved.

Senator GRIFFIN. Before you leave the District of Columbia, Mr. Chairman, if I could ask one question.

The CHAIRMAN. All right, sir.

Senator GRIFFIN. Did you give any consideration to the appointment of Federal judges in the District of Columbia, to having them confirmed by the Judiciary Committee rather than the Governmental Affairs Committee?

Senator STEVENSON. We have not considered that, Senator Griffin, in the committee; and I don't know what the attitude of the District of Columbia Committee would be; it does not sound like an unreasonable proposition to me—and I am a member of that District of Columbia Committee.

Senator GRIFFIN. If you are trying to consolidate logical functions, I don't really see that the qualifications of a judge in the District of Columbia should be any different than the qualifications of a Federal judge anywhere else. And the Judiciary Committee has a certain amount of expertise in examining those appointees. Just as a thought, it seems to me it would make sense to have the Judiciary Committee handle judicial appointment from the District of Columbia as well as otherwise.

Senator STEVENSON. Well, Mr. Chairman, that may be something the Rules Committee would want to consider. I regret that we did not. But, as Senator Griffin points out, these are not district court judges, but they are judges who are now within the Federal court system. And that all being the case, I should think it would make a great deal of sense if they were——

Senator GRIFFIN. I don't think I will propose an amendment right now. I want to ask the staff to take a look at that possibility.

The CHAIRMAN. We could do that here in the committee.

Senator GRIFFIN. I would like to hear the pros and cons of it. Off the top of my head, it seems to make sense—but maybe there are some reasons why it shouldn't be done.

The CHAIRMAN. All right, gentlemen, if we can go to page 11. Senator Allen had to leave for a few minutes to go to another committee, and requested that we defer action on Veterans' Affairs and the Nutrition involved in agriculture until he can get back.

So if we can jump down to the third one on page 11, Select Intelligence. Senator Stevenson?

Senator STEVENSON. Mr. Chairman, this is a newly constituted committee of the Senate, and its responsibilities are difficult to describe because, to a large extent, its activities are classified. But they are important. The workload is heavy. And I would suggest that it be made a permanent select committee in the third-committee category. While there may be some objection, I am certainly not aware of much objection to that proposal.

Senator TOWER. If the workload is heavy, why should it be in the third-committee category?

Senator PACKWOOD. Feeling that so long as the membership rotated, if you made it a second committee that very few people would serve on, knowing they would have to give it up in a few years.

Senator STEVENSON. And for the additional reason that its work, except for the moment, is usually behind closed doors. As a political matter, it is not the most attractive committee, although there is an exception right now.

Senator TOWER. I can attest to that—I was the vice-chairman of "Spook I." But if the oversight committee has anything like the workload that the original select committee did, it is an extremely busy committee. I wouldn't expect it to because they are not involved in the investigative process.

Senator STEVENSON. Well, Senator, the so-called third committees that we are proposing—many have large workloads. Everything is getting changed. I wouldn't want to suggest that the Joint Economic Committee, for example, didn't have a very substantial responsibility and workload. But for a variety of reasons that go beyond workload or responsibility, including in this case rotating memberships and the secrecy of its work, we are not proposing B committees or minor committees, but exceptions to the limitation on two committee assignments.

The CHAIRMAN. Is there further discussion? There is one other point there. If we do retain that as a permanent select committee in the third-committee category, on page 25 the language of Senate Resolution 4 says:

Not later than July 1, 1978, the Committee on Governmental Affairs shall report to the Senate a resolution concerning the disposition of the jurisdiction and functions of the Select Committee on Intelligence.

That actually should go to Rules Committee if this is going to be a permanent select committee; it is not under Governmental Affairs.

Senator STEVENSON. Well, Mr. Chairman, if the intention is to make this a permanent select committee, all that language——

The CHAIRMAN. Then all that language really could be stricken.

Senator STEVENSON. Yes, sir.

The CHAIRMAN. That would be subsection (3), the first full paragraph at the top of page 25.

Is there objection to striking that language, then?

Without objection, that language will be stricken. And is there objection, then, to retaining as a permanent select committee in the third-committee category the Select Committee on Intelligence?

Without objection, it will be approved.

Senator TOWER. I register my dissent on it.

The CHAIRMAN. With Senator Tower dissenting. Do you desire a rollcall?

Senator TOWER. No.

Senator PACKWOOD. For my information, John, that is as a third committee or as a permanent committee?

Senator TOWER. Permanent committee.

The CHAIRMAN. The next item, the Select Small Business.

Senator STEVENSON. Mr. Chairman, the thought here is to consolidate Small Business in the Committee on Finance instead of in Agriculture. The responsibilities are compatible, more so probably than in Agriculture. And I think there is agreement among those Members principally affected that this would be a sensible way of settling the problem.

Senator PELL. Mr. Chairman.

The CHAIRMAN. Senator Pell?

Senator PELL. Mr. Chairman, I think some of us, particularly from my part of the country, who have very strong views on the small business community, and the need for some sort of standing committee that small business people can go towards, some kind of jurisdiction—we would like to see a standing committee with legislative oversight over the Small Business Administration remain. The number of members on it is unimportant; that can be adjusted afterwards. And I think it should have the same legislative jurisdiction currently held by the select committee, and also the Senators would serve on the Small Business as a third committee. These points can be ironed out afterwards: the size and how it would be treated as a third committee.

But I would like to offer an amendment or suggest, if it is agreeable with my colleague, that we do continue to let the Select Committee on Small Business become a standing committee that would handle these problems.

Senator PACKWOOD. Well, Mr. Chairman, could I address myself to that?

The CHAIRMAN. Senator Packwood.

Senator PACKWOOD. I am on the Small Business Committee, and, of course, if it is consolidated I am off. But I would hate to start opening the gate at this point. We have all had the same pressures. But I think

if we can stand firm here—we are apparently going to recreate a couple of joint committees and the Ethics Committee—but I would hate to see us start now—and I feel very strongly—I don't care what committee we put it in; I would put it wherever Small Business feels happiest, I guess. But I hope we don't recreate it.

Senator PELL. Well, I realize this is an area of disagreement. It is not so much a question of pressures. I think we each are particularly conscious of particular constituencies and particular groups of people. And I just—I supported the Small Business, the creation of the legislative oversight for many years in this committee, voted for it; and I believe that we should have a standing committee, and I would—I think maybe it is a question on which we had best vote.

Senator CLARK. Mr. Chairman.

The CHAIRMAN. Senator Clark?

Senator CLARK. As one other member, I sympathize with what Senator Packwood says about beginning to create exceptions—although I gather some other exceptions are going to be created.

The problem for me in supporting the proposal before us, which is to send it to the Finance Committee, is it really destroys a good deal of the original proposal, in my judgment, because the Finance Committee I think by almost any criteria is overworked now. And I think to send Small Business to Finance is just the wrong place in the sense of keeping balance in the amount of work. I would support the Pell amendment before I would support sending it to Finance.

Senator GRIFFIN. Mr. Chairman, can I ask a question?

The CHAIRMAN. Senator Griffin?

Senator GRIFFIN. While the people who speak for keeping the Small Business Committee would, first and foremost, want that solution—do we have any clear indication from those who speak for Small Business as to what their preferences if they don't get a separate committee. Is it Finance or is it something else?

Senator CLARK. Well, I raised that question with a group of the different representatives of all the major small business groups, and they say that they do not have a preference; they have been quoted as saying that they prefer Finance, and they would like to be put on the record directly as saying they don't prefer Finance, they don't prefer any of them.

Senator TOWER. Well, in that connection, may I say that that jurisdiction has been in the Banking Committee for many, many years. And the problems affecting small business are primarily those that have to do with capital formation and credit, which is the logical purview of the Banking Committee. Why now, all of a sudden, the Finance Committee turns up as the logical committee I don't understand. We have had the jurisdiction for so long in Banking.

Now, I believe it should stand alone as an independent committee and I am certainly going to support the amendment of the Senator from Rhode Island, because it has really no logical place—it is going to be buried in both Agriculture and Finance; it is going to play a secondary role in both committees.

I would like to ask this question. Is this recommendation the result of a caucus of the committee chairmen?

Senator STEVENSON. Mr. Chairman, that is not the case. It was discussed with committee chairmen and many others, including——

Senator TOWER. There was a caucus of the committee chairmen——

Senator STEVENSON. There have been continuing meetings. And it was also a result of conversations with leaders of the small business community. They were afforded an opportunity to express preferences as between the Finance Committee and the Banking Committee and other committees. And a strong preference, given those options, was the Finance Committee.

Senator TOWER. My understanding is quite to the contrary, that they didn't want it placed in either one of those committees.

Senator STEVENSON. I said, given those options. Mr. Chairman, this is not a hearing, it is a markup session. And I am reluctant to sound like a broken record. But if this committee wants reorganization, this is where you make the decision—right now. If you don't want any reorganization, then leave it as a Small Business Committee—and the dam will be broken, everything will flow from that; and while I can grant that there are some strong political pressures here at work, the people who will suffer are the small businessmen—and everybody else. Most businessmen are small businessmen. But whether it is veterans or aging or people with special nutritional requirements or the children and everybody else who come in wanting a special committee, they are going to suffer, because this is where the dam breaks.

And once you have done it in one case, made special exceptions for either the group or the members on that committee, you are going to do it for other groups and for other committees—and reorganization goes down the drain. And if that happens, it will be a triumph of muscle over good sense, and a chance, which may not recur again, lost, to reorganize the U.S. Senate and make it more responsive to the interests of everybody, including those with special interests, such as small businessmen.

Senator PACKWOOD. Could I add to that?

The CHAIRMAN. Senator Packwood?

Senator PACKWOOD. I want to answer one question Senator Clark asked. There is no doubt small business wants to keep a select committee, as every other group does. Dick, I know you are thinking about the Finance Committee—and I am on it—but whatever Small Business may have said on the record or off the record, if they have to be put someplace other than their own committee, they preferred Finance because they thought their greatest problems were taxation, unemployment compensation, whether they got a fair break on used machinery, investment tax credit, and a number of areas in Finance. Finance is their second choice to being an independent committee.

But if you gave them a choice—the really only logical business committees would be Commerce, Finance, and Banking—Finance would be their first choice by far, if they can't have their own committee.

Senator CLARK. Well, I had heard that very fact, and that is why I called the four people in; they requested to meet and discuss this; and I said, It is my understanding that if you have to go to one, you would prefer Finance. Their unanimous answer was, "We think sending Small Business to Finance would be a disaster, and we don't favor it and that is not a correct representation of our position."

So all I am telling you is what four leaders of those groups told me.

The CHAIRMAN. What did they give you as their preference, then, if they had to have a——

Senator CLARK. They said that they did not have a preference and they didn't want to be on record as to a preference. They preferred to be separate; they had no preference when it came to the other committees.

Now, you know, as I said, I think I would support the original proposal. I wouldn't support it and send it to Finance. I think that is sending it to a committee that already has more jurisdiction than almost, in my judgment, any other committee of the Senate. And I don't think they are going to get the kind of separate treatment they are getting now if they go to Finance. They could perhaps if they went to a committee that didn't have as much jurisdiction.

Senator TOWER. Mr. Chairman.

The CHAIRMAN. Senator Tower?

Senator TOWER. I am not too persuaded by the argument that if we are going to face up to the issue of reform, we must face up to it on the question of whether or not we consolidate the Small Business Committee or allow it to stand as an independent committee.

When, in the resolution, you create this ad hoc committee system—and I can foresee that that is going to proliferate committees like they are going out of style. Now, if we are going to have real reform, let's don't permit these ad hoc committees; that is a proliferation of committees if I ever saw it. And it is going to be abused, in my view.

Now, as a matter of fact, the lack of the existence of a Small Business Committee that deals with small business issues is likely itself to precipitate a number of ad hoc committees, because any time anybody has small business legislation that cuts across jurisdictional lines, we are probably going to get an ad hoc committee on it.

Senator STEVENSON. Mr. Chairman.

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. There won't be a lack of a Small Business Committee; there won't be a lack of a Special Committee on Nutrition or on the Aging. The trouble is, it is easier to look at the past than it is into the future. Nobody is envisioning the kind of system that we are trying to create. When you look at that system, you see newly constituted major committees of the U.S. Senate; you can change their names; you can consolidate jurisdictions; you can mandate by law subcommittees on small business or nutrition or whatever it is. But emerge with a balanced, carefully synchronized, coordinated committee system, with jurisdictions and responsibilities consolidated—and responsibilities so that it can't be escaped by buckpassing, so that instead of four medicaid investigations going on through four separate committees, you have got one pinpointed responsibility—and maybe you don't have any medicaid scandals to investigate.

But to suggest that there is not going to be any responsibility or any committee for small business is just plain wrong. There is going to be a continuing exercise of all of the jurisdiction of that committee. But it is going to be in a different place and in a place where it can get far more attention and far more action—a major standing committee of the U.S. Senate.

To me, it is secondary where it goes. In this case, the suggestion is Finance.

Senator TOWER. It does not obviate the fact that you are going to get small business legislation along the jurisdictional lines that is going to create more ad hoc committees.

The CHAIRMAN. Senator Pell?

Senator PELL. Mr. Chairman, we are getting back into some of the philosophical concepts that we discussed earlier, and I think that Senator Stevenson and his colleagues have done a fantastic job of developing a more orderly plan for the Senate.

But as Senator Humphrey has said it so eloquently, we have responsibility for responsiveness and compassion, and I think that comes ahead of our responsibility for efficiency, and in some cases, the perfect structure may be breached. We are a political organization.

I must say, from the viewpoint of pressures which have been mentioned here, the pressures in connection with the Small Business have been evidently less than those that have been connected with some of the other committees, but the point of the matter is that those communities, like my own, my area, the small business is the business of the area, and they feel a particular need for a standing committee, they would not be satisfied, content to see it reduced, even though it would make our work a little more efficient, and in this regard I would also point out that the so-called perfect structure that was originally created has been breached already, as it should have been breached in order to respond to the normal political needs.

Various changes have been agreed on properly, compromises. What I am suggesting here is that there are two or three more compromises to be agreed on, you would still have not half a loaf, two-thirds of a loaf from the viewpoint of efficiency, and still, I think, have a more responsive and structured, more in accordance with the wishes of those who send us here, and I think that is a perfectly responsible viewpoint to take.

Senator STEVENSON. Well, if the Senator would yield.

Senator PELL. Sure.

Senator STEVENSON. No one on the select committee has suggested this is a perfect structure. In fact, we have explicitly, time and again, said it is not a perfect structure, and that efficiency is not our objective. It is not even possible. But what we are suggesting is the end of a chaotic structure that makes responsiveness next to impossible. It makes it impossible, for one thing, because we all have so many committee assignments we cannot do justice by any of them.

Senator WILLIAMS. Mr. Chairman?

The CHAIRMAN. Senator Williams.

Senator WILLIAMS. I just —I am approaching these decisions on the decisions we have here, in the first instance of this committee, on these special select committees, with what I consider a practical approach, looking at what it is that we are changing, and seeing as to what we are changing is presently working.

Later on, when we get to the Special Committee on Aging, I am going to suggest that we retain it, because my observation is what we have in that special committee is working, and making its solid contribution, constructive contribution to our workload, responding to the needs of older Americans.

In applying the test of examination of whether it works to small business, it impresses me that we did look at Small Business over the years, in the select committee, and thought that it was not making its constructive contribution to promoting what we all consider as folklore, the foundation of our economy, small business. As a result,

we legislated within the Senate, authority to the Small Business Committee, and changed its character from a select, without legislative authority, to a committee with legislative authority. That was just last year, as I recall. It has not had an opportunity to work.

I think we have, over the years that I have been here, not responded to a sensitive—in a sensitive way, and in an effective way, that it needs promoting as we can, prosperous small business community, and one of the reactions that I think we generally had, that reaction here, that is why we changed it to a legislative committee, it has not had a chance to do anything.

I am fearful that it is a retrogressive step to dismantle it as a committee on its own, and transfer. I am afraid that it will be lost.

To get another big tax reform year, everything goes on the back burner except tax reform in Finance. I am apprehensive, and I think if we had had a period of time of a legislative committee on small business and it has responded, I would have said it would be an unnecessary breach, but I do not see that now.

Senator PELL. Mr. Chairman, one question to Mr. Stevenson.

Why do you feel that this is more of a breach than the other compromises which you have reached?

Senator STEVENSON. Mr. Chairman, that is easy. We have not reached any compromises that go to the heart, and that do violence to the integrity of this proposal.

You mentioned compromises. There are three in this connection that I am aware of. One is the Joint Economic Committee. I personally feel that the Joint Economic Committee performs a unique and necessary function.

Another is Internal Revenue Taxation. Our proposal was to make it, instead of a joint committee, a congressional revenue office. It was a difference largely of form, and in both those cases we could not act anywhere without the concurrence of the House, and the House was not going to concur. And, finally, we talked about compromises, Senator Pell. I expressed a willingness to go along with the proposal to maintain the Standards and Conduct Committee as a third committee, because of the importance that the Senate attaches to that subject, and the necessity of making it nonpartisan and nonpolitical.

Now, those are not compromises. Those are improvements, and as we indicated when we introduced this resolution, we hoped that in this process it would be improved.

Now, you are going to the bone, and if you cut through the first of those bones, the rest are going to get cut, too, and the edifice, the delicate edifice is, I fear, going to come down. Not because of any rationality, but because of some very strong political pressures which are being brought to bear on this institution.

Even the chairman of the Committee on Small Business, Senator Nelson, proposes the consolidation with the Finance Committee, and not for any lack of concern about small business, but because he feels that small business can be better served.

Senator TOWER. Who would be the chairman of the Small Business Subcommittee for Finance?

Senator STEVENSON. I would hope—I, of course, cannot say—I would hope that Gaylord Nelson on the Finance Committee would be the chairman.

Senator TOWER. So that is the primary reason for putting it in Finance, is that right?

Senator STEVENSON. No; this not the reason. Senator Nelson had proposed a consolidation with the Agriculture Committee, of which he was not a member. That was his proposal. But it ran into such flak from small businessmen that he was willing to retreat, and go along with the small businessmen.

Senator PELL. Mr. Chairman?

The CHAIRMAN. Senator Pell.

Senator PELL. I think what we have here is a question of this glass of water, is it half full or half empty?

I, for one, would have been willing, I think, to support the abolition of the Joint Economic Committee. I used to serve on it. I do not serve on the Small Business Committee. But, see, it is agreed and compromised that that should be retained as a separate committee. But this I think is more important, and more necessary, and I think we just have to agree to disagree, you would rather see the Joint Economic Committee, the breaching being made there, I would rather see it made here, with the viewpoint of political pressures, there are other committees that have brought far more political pressures than the Small Business Committee, and so I think it is a loose statement to say this is the breach that will sink the ship. You could just as easily say the breach that will sink the ship is the Joint Economic Committee breach.

Senator STEVENSON. Senator Pell, there were not political pressures behind my willingness to go along with the preservation of the Joint Economic Committee. It does not have the constituency. That made sense.

Senator PELL. No, the Veterans' Committee has a good constituency.

Senator STEVENSON. Yes, that would be next. There will be others, and the whole thing begins——

Senator PELL. I would expect that that would be a breach, as well, but I do not think there is anything particularly significant or destructive if you have, instead of half your loaf, you have a third of your loaf.

Senator STEVENSON. Well, I do not want to prolong this. You have a strong feeling, and I respect it, but I would say that there will be consequences of such a move, that you, and perhaps some of the other members of this committee, just cannot perceive at the moment. Including consequences not only for the rationalization of jurisdictions, but also on the limitation on assignments, for example.

If it happens in this case, it is going to happen in other cases, and the whole formula, for instance, for limiting the number of subcommittee assignments in order to reduce this proliferation of subcommittees, unravels, too.

You make an exception here, and you are going to find that there are going to be all sorts of other consequences, as this delicately balanced structure just begins to come apart.

Senator PELL. If you lost this, you have to decrease this. I recognize that. But I am also taking the position of the committee that we could handle a great deal of this reform by arbitrarily limiting the number of committees, and having smaller sized committees.

Senator STEVENSON. You have addressed this, and you recognize the consequence of what you are doing. If you continue down this road, and trying to maintain the limitation of committee assignments, you will end up with very small committees of five or six men.

Senator PELL. I do not think that is too bad.

Senator STEVENSON. Very well, that is your opinion. I hope the other members realize the consequence of what the action on this would be.

The CHAIRMAN. Senator Clark?

Senator CLARK. In that regard, I hate to keep going back to the Finance Committee, but it seems to me that if you turn to page 12, you mentioned this, "Joint Internal Revenue Taxation."

Now, the judgment of the Stevenson committee, or the select committee, is that that ought to be consolidated in Finance, and that we establish a congressional taxation office. Now, we are talking about political pressures bringing to bear on making an exception. Would you say that that is the case here? If political pressures were brought to bear to get agreement that we would in fact retain a separate committee—why are we making an exception there?

Senator STEVENSON. We cannot get the House to go along, for one reason.

The CHAIRMAN. Senator Clark, those are committees established by statute, and would require action by the House. I think the committee recommended here that we take action to confer with the House and try to act in these areas, but we could not unilaterally disestablish, we could withdraw the Senate's part of it.

Senator CLARK. Exactly.

The CHAIRMAN. But we could not disestablish the committee itself without the passage of a statute.

Senator CLARK. That is exactly what the House was prepared to do, when it came to the Joint Atomic Energy Committee. And it has that effect.

I do not see why we draw the exception here on Joint Internal Revenue Taxation. If we believe that it is right to make an exception here, we say that is no big problem, but if we make one in another area, that it is.

Senator STEVENSON. Well, Senator Clark, if you will yield.

Senator CLARK. There is a lot of political pressure on every subcommittee——

Senator STEVENSON. What you are trying to say is becoming evident to me, and I can read a little between the lines.

If you want to retain the original suggestion of the select committee, I think you will find if you examine that a little bit more, that it would augument, it would increase, the authority of the Finance Committee.

Senator CLARK. I have some doubt about that. It might on paper, but I have some doubt about whether it would in fact. But I would be perfectly willing to offer such an amendment when we get there.

I appreciate the support of the members of the committee on their original recommendations.

The CHAIRMAN. Gentlemen, I think we have pretty much had a full discussion.

If we are ready to vote, the vote will occur on the motion of Senator Pell, the amendment offered by Senator Pell, that the Select Small Business Committee be maintained as a select committee.

Senator Griffin?

Senator GRIFFIN. I find this is a rather tough decision to make. I am concerned about the political pressures, as everybody else. I do really believe, that as Senator Stevenson has suggested, this is a crucial vote that we are about to make here.

I would think that, if I were Spencer Rich, and I were writing the story, and the committee decides here to keep the Small Business Committee, my lead would be that the reform plan goes down the drain. That is obviously what you are doing if we make that decision.

I think it ought to be one that we make carefully, and I am sorry that the full membership is not here.

Senator PELL. Maybe we should postpone the vote until there is a full membership.

Senator GRIFFIN. I am going to come down on the side of following the select committee's recommendation, with a strong recommendation of my own, that we reentitle the Finance Committee as the Committee on Finance and Small Business.

I think that in some ways that could elevate the concerns about small business even higher than having its own committee.

If the Committee on Finance were joined to be known, also as the Committee on Small Business, we would be better serving small business. I hope we realize that this is a very important decision that we are going to make.

The CHAIRMAN. Is there further discussion?

Senator PELL. Do you think we should wait until our colleague, Senator Allen is here?

The CHAIRMAN. Well, I have Senator Byrd's proxy on this item. That is eight out of nine of the members. We can wait to get 100 percent of them, if you desire; it is conceivable that we could have a 4–4 vote.

Senator GRIFFIN. What is the proposition in front of us? What is the question?

The CHAIRMAN. The question was, Senator Pell offered an amendment to the proposal, that the Select Committee on Small Business be consolidated in Finance; his amendment being that the Select Small Business Committee be maintained as a separate committee.

Senator GRIFFIN. I have a substitute motion that the Small Business Committee be consolidated in a committee to be known as the Committee on Finance and Small Business.

Senator HATFIELD. I second the motion.

The CHAIRMAN. Further discussion?

Senator PELL. I would move that if it be a four-to-four vote on these, either of these issues, that we should give our colleague an opportunity to vote, so that it is not politically brought up again—then it would be brought up again without prejudice.

The CHAIRMAN. Are you ready for the question?

The clerk will call the roll.

The CLERK. Mr. Pell?

Senator PELL. No.

The CLERK. Senator Byrd?

The CHAIRMAN. Aye, by proxy.
The CLERK. Mr. Allen? [No response.]
Mr. Williams?
Senator WILLIAMS. No.
The CLERK. Mr. Clark?
Senator CLARK. No.
The CLERK. Mr. Hatfield?
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin?
Senator GRIFFIN. Aye.
The CLERK. Mr. Tower?
Senator TOWER. No.
The CLERK. Mr. Chairman?
The CHAIRMAN. Aye.
The CLERK. That is four ayes, four noes.
The CHAIRMAN. The motion fails.
The vote will now occur on Senator Pell's motion.
The clerk will call the roll.
The CLERK. Mr. Pell?
Senator PELL. Aye.
The CLERK. Mr. Byrd?
The CHAIRMAN. No, by proxy.
The CLERK. Mr. Allen? [No response.]
Mr. Williams?
Senator WILLIAMS. Aye.
The CLERK. Mr. Clark?
Senator CLARK. Aye.
The CLERK. Mr. Hatfield?
Senator HATFIELD. No.
The CLERK. Mr. Griffin?
Senator GRIFFIN. No.
The CLERK. Mr. Tower?
Senator TOWER. Aye.
The CLERK. Mr. Chairman?
The CHAIRMAN. No.
The CLERK. Four ayes, and four noes.
The CHAIRMAN. Four ayes, four nays, the amendment is not agreed to.
Senator CLARK. Point of order, Mr. Chairman.
As I understand it, we are right back where we were in terms of the original proposal by the select committee, that Small Business would be sent to Agriculture, unless further action is taken, further amendments are adopted?
The CHAIRMAN. I suppose that would be the next one, but I think rather than spin our wheels here on a 4 to 4 vote, we would just defer this, and come back to it later.
Senator CLARK. I agree.
The CHAIRMAN. The next item is the Select Standards and Conduct.
Senator Stevenson?
Senator STEVENSON. There, Mr. Chairman, as I mentioned, it would be the suggestion to retain that committee as a select committee of the Senate, recognizing the importance which the Senate attaches to the

subject, and it could then, of course, continue to be organized as a bipartisan committee.

The CHAIRMAN. Is there discussion?

Senator Clark?

Senator CLARK. Mr. Chairman, I would like at this point to offer an amendment that was sponsored by Senator Hatfield and Senator Allen as well, although they are both—oh, Mr. Hatfield is here.

I believe that he offered this amendment originally on Friday, and we had delayed it to Monday. I will ask that the staff distribute the amendment. I would like to discuss it briefly. It really goes along——

Senator TOWER. Will the Senator yield for a question?

Senator CLARK. Yes.

Senator TOWER. Is this modification of amendment originally proposed by Senator Brooke?

Senator CLARK. It is a very small modification. It has been cleared by Senator Brooke. But it is exactly the same proposal with two additions, which have also been cleared by Senator Brooke, that is correct. It is the same proposal that he testified on here.

It is my recollection that every member of this committee that spoke, spoke in favor of its adoption, and I think the amendment, and the description of the amendment has been distributed to all the members of the committee.

I would simply like to make some basic arguments on why I think it is a good idea.

The CHAIRMAN. Well, all right, if you want to do that, then would you tell us precisely what the amendment does, because we have not had a chance to read it.

Senator CLARK. Yes; perhaps that would be a better way to start, as a matter of fact.

The summary has been passed out, as I understand it, and the title is "Standards and Conduct Amendment."

I would just point out the current situation is that there is a six-member, bipartisan Select Committee on Standards and Conduct, which was originally established by Senate Resolution 338, 88th Congress. But there is no requirement for public financial disclosure for the members or staff in that resolution.

There is no separate or distinct code of conduct. However, provisions relating to the conduct of members and staff are to be found in the standing rules, of course, rules 41–44, and in the Federal Election Campaign Act, as amended, and elsewhere.

Now, what we are all aware of is that Senate Resolution 4 proposes that we consolidate this Ethics Committee into the Rules Committee. What this particular amendment would do, briefly put, would be to establish a new six-member Select Committee on Standards and Conduct. The membership would serve staggered 6-year terms, and would be balanced both by party and seniority.

Membership on the select committee would not count toward the Senate Resolution 4 limits on committee assignments. The jurisdiction of the committee would be broadened to include new financial disclosure and code of conduct provisions. There would be new provisions requiring investigations and reports.

The financial disclosure provisions of title III of the Watergate Reform Act, as passed by the Senate, would be made applicable to

Senators, employees of the Senate earning more than $20,000 a year, and candidates for the Senate.

The select committee would be required to report to the Senate within 30 days, its recommendations for code of conduct provisions relating to restrictions on, or elimination of, outside income from honoraria, legal fees, and other sources of remuneration.

The committee would be required to report, within 90 days, provisions on conflicts of interest, expense allowances, travel, and other matters. Now, additionally, there would be a prohibition against Senators or staff receiving gifts of more than $100 from lobbyists.

In answer to Senator Tower, that last provision, the underlined provision, as well as the 30-day restriction, are the only two changes from the Brooke proposal.

I would like to say that the reason for the 30-day limitation—namely, that the select committee, would be required to report to the Senate within 30 days its recommendations for a code of conduct relating to restrictions on these various issues—is because we wanted it to match the Peterson report on salary increases.

You will recall that they suggested that these increases be coupled with these same provisions, and I think the President is going to recommend the same procedure. I think that our timing ought to be coordinated with those proposals, so that the two do go together. I do not think it is impossible to draw it up in that period of time. Needless to say, the summary that I have given raises a number of questions, and perhaps I will try to deal with those, Mr. Chairman, first.

Senator GRIFFIN. Senator Clark, would you yield then for a question?

Is it expected—and I assume it is—that this committee print would be a third committee?

Senator CLARK. No, remember on the explanation that I gave, this would not be a third committee. It would not count toward Senate Resolution 4 limitations, because we wanted to have it open to every Senator. It is not going to be a committee that is going to meet regularly, and we want every Senator to be able to serve on it——

Senator TOWER. We would hope we would not have a heavy workload.

Senator CLARK. That is right, and along with the seniority requirements, by the way, I mentioned there would be an even number of Republicans and Democrats. There would be two members taken from their first term, that is, in their first 6-year terms, two members in the second, and two members selected from those who had served more than two terms. You would get a broad distribution of seniority, as well as an equal number from each party.

Senator GRIFFIN. That perhaps takes care of one thing in the back of my mind.

It seems to me if it is geared to be a third committee, I would have suggested that perhaps for purposes of drawing up the code of conduct, that there might be others who could be used for that particular purpose only. But perhaps that suggestion of mine would not need to be put forward.

Senator CLARK. Of course, it would have to come before the full Senate.

Senator GRIFFIN. Yes.

Senator TOWER. This is, after all, a very unique type of committee. It does not have any kind of legislative responsibility, and hopefully its oversight responsibility will not be, in fact—I do not think that——

Senator GRIFFIN. The question that I have that follows along with the comments that I made before, first of all, I think this is a good idea, and I fully support it. But in terms of helping Senators who, it seems to me, that the mechanism which provides advisory opinions, should be encouraged, and somehow, should be required of the Ethics Committee.

We are really talking about staff people, who make more than $20,000 to the extent that they can be accommodated by having other questions answered, we should do so. Not in an informal way, with staff members whispering it in his ear, so that he does not have any protection, but so that he can get a definitive opinion, that he can rely on. We should provide advisory opinions so that other Senators or staff people who have questions about the same matters, would be able to look it up and find whether that question has been decided. They could, then, act accordingly.

We do not seem to have a system like that now.

Senator CLARK. Certainly that authority exists in the present committee.

Senator GRIFFIN. So did the authority to establish a code of conduct, but we do not have it.

Senator CLARK. I do not have any strong feelings about that and——

Senator GRIFFIN. You do not have feelings one way or the other? Do you not think it would be a good idea?

Senator CLARK. Well, I think it would be helpful to the Senators if we had that. And if you agree to amend that, I think it would be helpful to all of us if we had it more specifically——

Senator GRIFFIN. That is the whole purpose of this, as I see it.

Senator CLARK. I would just add, aside from your point, that this is a proposal that has not only been offered by the President's Salary Commission, this kind of approach, but also by the Culver Commission, and which was supported by the majority leader in his speech before the caucus on the first day.

It is certainly a concept that has been worked on very directly now by the Obey committee in the House, and there is a good deal of discussion there of resolving this matter as quickly as possible.

Senator HATFIELD. Will the Senator yield?

Page 8, is that restricted to the Members?

Senator CLARK. I am sorry, I cannot hear.

Senator HATFIELD. On page 8.

Senator CLARK. Is that restricted to what?

Senator HATFIELD. To the Member.

Senator CLARK. No; it equally applies to employees.

Senator HATFIELD. Well, I mean as far as the spouse. Is the spouse included in this?

Senator CLARK. Yes; we are talking about now——

Senator HATFIELD. The reporting of income.

Senator CLARK. Page 11, subsection (c) deals with that:

An individual shall include each item of income or reimbursement and gift received, each item received in kind, each asset held, each liability owed, each transaction in Commodities Futures and in securities, each purchase or sale of real property or interest in any real property, and each patent right or interest in any patent right held by him, his spouse, or any of his dependents within his control, or by him and his spouse or dependents jointly, or by any person acting on his behalf, except that no disclosure shall be required as to those items of the spouse * * *

Senator HATFIELD. That is only restricted to joint property, is that right?

Senator CLARK. That is right.

Senator HATFIELD. So it is not included in independent reform?

Senator CLARK. That is right. I think you do begin to raise some other questions.

Senator HATFIELD. Does the Senator think that they can restrict the rules and regulations in the code to the number of 10, such as the Ten Commandments, or do you think you have to go beyond that?

I think one of the problems, when we get into these codes of conduct, is that we try to anticipate every specific individual instance to the point where we get a complicated situation like the Federal Election Commission, that really no one knows what it is all about; or you spend all your time getting advisory opinions.

I would hope that such a committee might come up with some general guidelines and yet inclusive enough to cover all bases—code that is simple enough to understand without having to have a lawyer.

I think we are going to find this experience with the Federal Election Committee brings down the house more than dishonest practices on the part of politicians.

Senator CLARK. Yes; of course, these are only suggested ideas. They are not mandated.

Senator HATFIELD. No; I understand.

Mr. Chairman, I wonder if, for the—to expedite the business of the committee if we could separate the bill from the committee reform responsibility that we have at this time?

It seems to me that we need lots of time to consider the bill, particularly in detail, and that we ought to take the issue, extrapolate the issue of setting up such an Ethics Committee and act upon that now, and then let the bill take its normal procedure to follow through on committees and hearings and so forth.

Senator CLARK. I am not sure that, Mr. Chairman, that I agree with the Senator. I think it is important that we move on these issues at once. Otherwise, we do not have the 30-day requirements to really fulfill the request of the Presidential Commission on Salaries.

I think it seems to me that many other questions are raised as to where it goes following that, if it is taken up as a separate issue.

I think they go well together. I think that with the creation of the new committee, which would be given these instructions and mandates, that we are much more apt to move in an expeditious way.

The CHAIRMAN. Senator Clark, we have been deciding here now just the makeup of the committees, and in support of what Senator Hatfield has said, I am wondering if we could not just settle those issues and then, without foreclosing any rights to bring this up, when we will be getting the jurisdiction and other matters later on of all the committees once we have the committee structure finally agreed

upon, plus the fact that I have had a request from Senator Ribicoff and Senator Percy, both to be present when the details of your proposal are discussed.

Senator CLARK. I am not opposed to putting it back further in the day, but I would be opposed to eliminating it. Financial disclosure has passed the Senate four times. It is the same provision; and the code of conduct is just a mandate to the committee to write one.

Senator HATFIELD. Will the Senator yield?

Do I understand the Senator desires to vote on this bill today?

Senator CLARK. No; to vote on the amendment that I have offered.

Senator HATFIELD. I am a cosponsor of what we are talking about. But will you tell me what the beginning page is of the amendment?

Senator CLARK. In the bill? In the resolution?

Senator HATFIELD. I have a document here that is 16 pages long.

Are you proposing that we vote on that?

Senator CLARK. The amendment itself?

Senator HATFIELD. Yes, are you proposing that we vote on this 16-page document that has just now been presented?

Senator CLARK. Yes, and I am perfectly willing to put off the vote for any consideration that anyone wants, but I would like to vote on it before we report on this——

The CHAIRMAN. Well, before we report on Senate Resolution 4, would you have any objection to us voting on the very narrow issue on whether we are going to retain a Select Committee on Standards and Conduct as a separate committee so that we could move on to some of these others while Senator Stevenson and Senator Packwood are here?

Senator CLARK. I would prefer to set the whole thing aside if we cannot vote until we can take it up. But whatever the wish of the committee is, obviously.

The CHAIRMAN. What are the desires of the committee?

Senator HATFIELD. Well, Mr. Chairman, I just do not think I clearly understand the Senator's desire. I cannot understand this matter of trying to markup a 16-page amendment today on a matter as significant and important as code of conduct, in setting up mandate of outline to such committee, because, for instance on page 11, I have already had some questions raised here. I think the Senator's answer to me was correct, but I think the language is incorrect. And I think there are some very significant holes in this proposal that have to be carefully considered.

I am ready to vote on a separate Ethics Committee to be constituted, as the Senator has outlined. I heartily endorse and support that. But if the Senator expects me to cast the vote today on an outline of this ethics approach for the committee, I just do not feel qualified.

Senator CLARK. I think we are talking about two different things. I am talking about not stripping out simply the phrase, to retain a separate committee, to vote on that with the assumption if that then passes, that there will be, at some point in the markup before it is reported, as I have said, an opportunity to vote on the other provisions. That is all.

Senator HATFIELD. Which is the other provision?

Senator CLARK. The 16-page amendment. That, at some point, before we finish the markup of Senate Resolution 4, that we have the opportunity to include that in the resolution. That is all I am asking.

It seems to me that if we vote to retain a separate committee, then we have done that. We have resolved that matter, and there may not be all that much interest in going beyond that at that point. That is why I am reluctant to separate them.

The CHAIRMAN. Well, Senator Clark, I can give you assurance that I will give you the opportunity to bring this issue up before we finish our report on Senate Resolution 4. But I would like to get the committee to vote on the very narrow issue as to whether we are going to establish a separate bipartisan Committee on Standards and Conduct and go on with the other recommendations that the committee made here as to what we are going to have.

We have to go back and discuss jurisdictional issues on a number of these committees before we mark this bill up.

I can assure you if that is satisfactory to you, that I will give you the opportunity to bring up this amendment in whatever form you want to bring it up at the time we are discussing the jurisdictional issues which seems to me where it should lie.

Senator CLARK. Mr. Chairman, this then goes back to really what Senator Hatfield is saying, namely that we vote separately to retain the separate committee based on title I of the amendment that I have offered, which is described on the first page of the amendment that I have sent out, namely that we set up a separate committee with this kind of membership, described here as section 801.

Senator HATFIELD. Will the Senator yield at that point?

Senator CLARK. Yes.

Senator HATFIELD. Senator Clark, you see on your first cover page where you have underlined the paragraph on what the standards and conduct amendments does? Do you see that in the middle of the page?

I am talking about the single sheet that was on top of your whole list.

Senator CLARK. Yes; I have it here.

Senator HATFIELD. Right. You see, in the center, the middle of the page, the words "what the standards"——

Senator CLARK. Yes.

Senator HATFIELD. If you take the first paragraph following that which outlines the structure of the committee——

Senator CLARK. Yes.

Senator HATFIELD [continuing]. I think that would be something very appropriate to vote on today.

Senator CLARK. We are proposing the same thing.

Senator HATFIELD. Yes, but I would take the next paragraph—you see the following paragraph, "Financial disclosure provisions"—that basically is what is incorporated in the 16-page amendment.

I think it takes a little bit more time to read, to understand, and to study it. So why can we not adopt that part which sets forth the structure of the special committee, and then let the details and financial disclosure provisions be handled either——

Senator CLARK. Prior to the end of the markup.

Senator HATFIELD. Yes.

The CHAIRMAN. Prior to the end of the markup.

Senator HATFIELD. In my judgment I just do not think we could couple the two of them to understand what we are doing.

Senator CLARK. That is acceptable to me.

The CHAIRMAN. And then we will be able to give Senator Ribicoff and Senator Percy a chance to be here at the time we start on that.

Senator CLARK. That is suitable to me.

The CHAIRMAN. All right. Is there objection then?

Senator STEVENSON. Mr. Chairman, may I be heard on this?

The CHAIRMAN. Yes.

Senator STEVENSON. I would just point out to the members that if they adopt this proposal, they will be making the first exception to permit membership on a fourth committee. At present, the proposal is to limit to two major committees and one third committee. This would permit the handful of individuals to serve on two major committees, a third committee, and this fourth committee. And, in that respect, it is quite inconsistent with the recommendations of the select committee.

The CHAIRMAN. And the proposal that you have made would count it as a third committee assignment though it would retain it as a separate committee, is that correct?

Senator STEVENSON. Yes, sir.

Senator DOMENICI. I join in calling the committee's attention to that, and also in listening to the discussion I see nothing inconsistent with adopting this new committee and making it one of the minor committees, and the new qualifications for membership that the distinguished Senator Clark wants. As a matter of fact, you can still fulfill your two freshmen, two second-termers, two very older people. The thing is you will get more rotation of membership if you include it as third committee rather than a fourth.

I do not mean any of you fit that latter qualificatiton.

Senator CLARK. If the Senator would permit me.

I think you would have fewer because, in fact, if you restricted all of the people who had three committees, you would be restricting—I do not know what the exact number is, you would be restricting a great number of people at the very outset who would not qualify for it.

Remember, we are talking about a committee that is not a permanent committee, that has rotating membership. No one serves on it for more than 6 years. It is not a committee with any legislative oversight jurisdiction at all. It is a committee dealing—Senator Tower made the point earlier. So the Ethics Committee, I think, is an exception.

Senator TOWER. I agree with Senator Clark.

This is a very unique committee and it will not be required on a functional day-to-day basis, I think, as the committee needs to be. I would think that we would perhaps even rotate the membership on a less than a 6-year basis. I think that might be a good design. I would not really quarrel with that.

But I think we need to recognize that we need not to put it in the same category of legislative oversight.

The CHAIRMAN. Is there further discussion?

Senator ALLEN. Mr. Chairman, if the name had been changed to Ethics Committee, as I think it should be——

The CHAIRMAN. I think that is very good, Senate Ethics Committee.

Senator ALLEN. Yes, sir.

The CHAIRMAN. Is there objection to changing the name to Senate Ethics Committee rather than Standards and Conduct?

Without objection, that will be approved.

And is there objection then to retaining Senate Ethics Committee as a new six-member select committee with members to serve staggered 6-year terms, to be balanced both by party and seniority, membership upon a committee not to count toward the Senate resolution limits on committee assignments; that jurisdiction of the committee be broadened to include new financial disclosure and code of conduct provisions, and a new provision requiring investigations and reports.

Are you ready for the vote?

Senator ALLEN. That would allow the fourth committee?

The CHAIRMAN. If Senator Clark's recommendation is made, this would, for those six people that serve, be a fourth committee.

Senator Stevenson argues against that. He says it ought to be still considered as a third committee.

Senator GRIFFIN. We could decide the rest of it without deciding that part of it at this point.

Senator CLARK. My own feeling is why does it not exclude all those who have three committees?

The CHAIRMAN. Suppose we eliminate from this action right now the question of whether it is or is not a fourth committee, and take that up at the time we are adjusting all of our committee structure.

Senator CLARK. That is acceptable.

The CHAIRMAN. All right. Is there objection to the proposal?

Without objection then, it will be unanimously approved.

I think this is a good time to recess.

Senator PELL. Mr. Chairman, before recessing, I notice we now have nine people here. One by proxy. Do you think it would be a good idea to clean up the votes on the SBA—Small Business Committee?

The CHAIRMAN. I think we can do that later.

Senator PELL. Because we have nine.

The CHAIRMAN. We have eight.

Senator PELL. Eight, but Jim Allen is here.

The CHAIRMAN. We will stand in recess until 2:30 this afternoon.

[Whereupon, at 12:18 p.m., the committee recessed, to reconvene at 2:30 p.m., the same day.]

AFTERNOON SESSION

The committee reconvened at 2:41 p.m., Hon. Howard W. Cannon (chairman) presiding.

The CHAIRMAN. The committee will come to order. A quorum is present.

At the time we recessed, we were just down, on the sheet that Senator Stevenson was working from, to the Select Committee to Study the Senate Committee System. Would you address yourself to that?

Senator STEVENSON. I can address my self enthusiastically to that one, Mr. Chairman. We propose that it go out of existence. This is one committee to which I do not think there will be any opposition to such a proposal. And under our mandate, that committee does expire on February 28. So I do not believe any action would be required in the resolution on this committee.

Senator ALLEN. You propose to self-destruct it, then, on February 28?

Senator STEVENSON. If I could do it sooner than that, Senator Allen, I would recommend that.

The CHAIRMAN. Along that line, when we were discussing section 501 the other day, Senator Hatfield outlined some things that we requested the staff to redraft. Do you want to read that?

Senator HATFIELD. Well, basically, Mr. Chairman, Senator Stevenson, the idea was that perhaps we ought to have the responsibility borne primarily by the Rules Committee as far as an ongoing review is concerned, or working closely with the majority and minority leaders. Senator Byrd, who was present, said he did not seek that additional responsibility, as outlined in the bill. He would not run from it. And he seemed to be in hardy agreement with the proposition that we work out something along this line.

The Committee on Rules and Administration, after consultation with the majority leader and the minority leader, shall review on a continuing basis the committee system of the Senate and the Standing Rules and other Rules of the Senate related thereto

along with the regular language of that act, which would require them to make such a report to the Senate at the end of each Congress.

In other words, all we did was to expand this responsibility and place it primarily in the Rules Committee, but in conjunction with consultation with the majority and minority leaders.

Senator STEVENSON. Mr. Chairman, I would be wholly in accord with his suggestion.

The CHAIRMAN. Is there objection to that proposal?

Without objection, then, that will be approved.

The next is the Select Committee on Aging.

Oh, I am told that Senator Williams is on his way down, and he would like to be here for consideration of that matter.

Senator CLARK. Mr. Chairman?

The CHAIRMAN. Yes.

Senator CLARK. Would it be inappropriate for me to make my modification at this point on the Ethics Committee?

The CHAIRMAN. You may proceed.

Senator CLARK. Well, I have had a chance to check with the Government Operations Committee in particular, and, frankly, when I offered that as a part of this resolution I did not realize that they were just about to report a bill they had been working on for a very long time, on financial disclosure, that frankly is, if anything, more complete than the provisions in my amendment.

And I think it would like therefore—in view of the fact that they are ready to report it and vote on it on the Senate floor—to withdraw that portion from the amendment and to delete the provisions on prohibition of gifts from lobbyists and move it into another section of the proposal that I am offering, which would then have the effect of adding gifts as an additional item to be studied by the new Ethics Committee, reported on to the Senate within 30 days.

So what I am really saying is that that would leave us really with two provisions: the one which we passed this morning establishing an Ethics Committee on a rotating basis, even number from each party; and, at the same time, second and very importantly, to mandate this new Ethics Committee, that it report to the Senate by a date certain a new comprehensive code of ethics.

I think that simplifies it. We do not have to go through a 16-page markup. We leave the financial disclosure to the Government Operations bill. It is all ready to be reported and voted on, in any case. And mandate that a code of ethics be reported within 30 days.

The CHAIRMAN. Do you have the proposed language there now, that you could read to us, so we will not——

Senator CLARK. Yes; well, I think I do.

What I am proposing, really, is three things: The proposed title IX relating to financial disclosure is deleted from the amendment that I offered.

Second, on page 4, under Code of Conduct, in item 1, add gifts after legal fees.

And then, third, proposed title XI, relating to prohibition of gifts from lobbyists, is deleted.

Those are the three things that we would do, which have the effects that I described.

The CHAIRMAN. Now, do those relate back to this long prepared proposal that you had submitted to us this morning?

Senator CLARK. That is right. In other words, the first of the three proposals is: Proposed title IX, that is the long list that you have relating to financial disclosure, is deleted. In other words, that is just dropped, in view of the Government Operations Committee actions. And then we simply fold the question of gifts from lobbyists into the code of ethics, rather than mandating it separately, to be studied and reported on by the code of ethics.

Does he have a copy of this? Yes.

I think that has several advantages in that, one, this committee does not get bogged down in 16 pages of consideration of specifics on financial disclosures. It is exactly the language that has been passed four times by the Senate, in any case.

The CHAIRMAN. Senator Clark, the suggestion has been made that Senator Byrd ought to be here when we act on this. Would you——

Senator CLARK. What?

The CHAIRMAN. The suggestion has been made that Senator Byrd ought to be here when we consider this and act on it. Would you have any objection to that going over until in the morning?

Senator CLARK. No.

The CHAIRMAN. We will defer that, then, until in the morning. All right, can we proceed now? Senator Williams is here. The Select Committee on Aging.

Senator Stevenson?

Senator STEVENSON. Mr. Chairman, the suggestion is to consolidate the Select Committee on Aging in the Human Resources Committee, and with the further suggestion that, and I emphasize, with the enlarged commitment by the Senate to the plight of the aging, a subcommittee of the Human Resources Committee on the aging be established by law. And with the understanding, certainly with the assumption, that the staff resources of the select committee and its large oversight jurisdiction would be consolidated in the Human Resources Committee, and with the expectation that in a major committee, exercising legislative as well as oversight jurisdiction, the aging would be better served.

I will not say this in all these cases, but in all cases I pass along these suggestions with no intention of criticizing any of the committees proposed for consolidation. In fact, they have all done their work and done it well.

The CHAIRMAN. Senator Williams, did you want to be heard on that?

Senator WILLIAMS. During our hearings I have expressed my view, first, in analysis not only of the quality of the job but the breadth of the job that the special committee has been able to accomplish. Really, here resides the total view, whether you call it oversight or foresight, of the lives of older Americans. And they, the special committee is not inhibited by jurisdictional barriers. It is the—in considering the lives of older people, it is a unique situation, I think. In fact, I find it more unique than considering people as veterans or any other grouping of people.

To promote the welfare, the best interest of older people, it is not a matter of dividing their lives into subject matter and—as we divide subject matter here in our committees. The Human Resources Committee would pick up a good part of the activities associated with programing, greater opportunities for older Americans. But it only has part.

Now, social security, medicare, medicaid, all of these are in Finance. I would think that it would require staffing, which would be overlapping, to understand the economic security of older people, that that committee must consider.

We in Human Resources, certainly in programing activity out of community centers, must be mindful of the economic situation, condition of older people. When we are programming for part-time jobs, as in RSVP, part of the economic factors of life are considered.

This special committee takes the whole person and all of the needs, and does basic research, basic development of—and then the legislative committees can pick that up, and build legislation on the basic work done by the special committee.

I just think it is one of the most intelligent approaches to a division of responsibility we have here in the Senate. And I think—I see Senator Heinz is one of those who suggest to us, a new member, that we not abolish it.

He comes to us from the House most recently. The House observed what we did and they created a special committee, to have this same kind of function. It has worked. And I find no dissent on the activity of the special committee, no wasteful activity, no unnecessary overlapping, but a consensus of feeling that it has made a contribution. I just strongly feel that this special committee should not be abolished.

The CHAIRMAN. Senator Pell?

Senator PELL. I served with Senator Williams on the Labor and Welfare Committee and also on the Aging Committee, and strongly support every word he has spoken, and intend to vote the same way.

The CHAIRMAN. Any further discussion?

Senator HATFIELD. Mr. Chairman, I wonder if the Senators have the same fear—first of all, with the Senator as chairman of that committee, the probable chairman of that committee, I would have no great concern about the future focus and intention this activity deserves, or this segment of our population deserves. And it would be certainly a part

of his committee. And with this kind of testimony as to his feeling about this segment of our population, I would imagine he would give top priority to that matter on your committee.

Now, would the Senator feel differently if we legislated a subcommittee, rather than to have him follow the normal procedure of having it created by the committee itself, of having the full Senate speak to the importance of having, by statute a Subcommittee on Aging of the Committee on Human Resources?

Would that give the Senator less concern? Because we could have every Senator in the Senate vote on this. By that vote I am sure it would pass overwhelmingly. It would indicate they want this subcommittee as a statutorily established subcommittee of the Committee on Human Resources.

Senator WILLIAMS. Well, as far as—I can speak for my attitude and for my present position, what it will be after we fully reorganize the Senate, I do not know. I am chairman of the full committee now; whether I will continue that, who knows. But that is not necessary, from the standpoint of our committee. I imagine the reason the idea has been advanced that there be a legislative subcommittee is to give assurance to a community of greatly concerned people that something is being lost in their life. A significant focus on an increasing number of people in this country.

If that were the direction, why, that would be certainly all right with me. But I still would say that I would like to—I would know that we are over there as a subcommittee, and we had a staff—and the same staff, I would suggest. We would have still—we would not have the standing as a committee, a subcommittee of a standing committee, to have the same kind of impact that Finance, when it came to social security and medicare, we would not have that same kind of—I use the word standing, and I think that is appropriate—the same standing with the Finance Committee that the special committee has, in its basic research on what they would recommend for improvements and changes in social security.

Senator HATFIELD. If the Senator would yield, I would respectfully disagree with the Senator's observation that it would have less standing. Under the Committee on Human Resources it would have stronger standing, in my opinion, because it would be able to propose legislation. Your select committee today cannot do that, can it?

Senator WILLIAMS. No; I am suggesting that in an area that another committee has jurisdiction, social security, we do not. Or any basic economic research and conclusions would come—would be received with less grace if it came from us to finance, than if it came from the special committee. That is what I wanted to say.

Senator HATFIELD. Would the Senator feel that a subcommittee of Human Resources, devoted to the matters of the aging, would preclude that subcommittee from addressing itself to the problems of social security, any more than the select committee today, which has no legislative power, addresses itself to matters of social security?

Senator WILLIAMS. I am not saying we would be precluded. I do not know how—we would certainly be precluded from legislating in that area, as we are now. That staff would not be precluded from analyzing, I am sure, the elements that go into decisions on whether the escalation of social security is operating effectively in other matters. But we all know that one committee volunteering to do oversight

for another is not well received, unless the committee has a standing and is constituted to do that.

The Labor and Public Welfare, I will say, does not go to Finance with the same—or the proposed Committee on Human Resources would not go with the same standing as a special committee on a subject, and everybody knows their jurisdiction is a comprehensive one, that includes what they are suggesting to the standing committee.

This goes not only for Human Resources, Finance, in other areas where there is program activity directed and developed for the particular needs of older people, transportation, housing; I imagine there are others, all to different standing committees.

The special committee can take it all, and do research broadly and in depth, and their reports are some of the most significant expressions that come out of Congress on what it is like to be an older American, and what older Americans would prosper by in terms of legislation here.

Senator HATFIELD. Would the subcommittee be prevented from doing the same kind of research?

Senator WILLIAMS. Yes; I do not believe that committee, a subcommittee would have the same authority to—I know it would not have the same authority of the special committee—to analyze particular housing needs of older Americans, and would not from Human Resources, to report housing needs to the Banking Committee, would not be the same as the special committee.

Senator HATFIELD. Why?

Senator WILLIAMS. Just in the nature of our operation here.

Not only are we not assigned housing in Human Resources, we are not assigned transportation, we are not assigned social security, we are not assigned medicare.

And you know exactly what happens when a committee does—with the best motives—but does penetrate an area that is defined under our rules as area for another committee, it is just not well received; it does not have the same force.

Senator HATFIELD. Perhaps Senator Stevenson would like to respond.

Senator STEVENSON. Mr. Chairman, the Human Resources Committee would have all of the authority of the Special Committee on the Aging. And the expectation is that it could exercise that authority more effectively. Not only would it have a legislative subcommittee, but the full committee would have all of the authority, all of the jurisdiction, all of the oversight jurisdiction, which Senator Williams has just referred to, in that committee. And, as a major committee of the U.S. Senate with legislative jurisdiction in a legislatively created subcommittee, surely it would be in a stronger position with which to deal with the Finance Committee and every other committee than a mere select committee of the Senate with no legislative jurisdiction whatsoever.

Senator Williams also mentioned that there might be some wasteful activity. Well, one of the objectives is to eliminate waste. It really was not necessary for four committees of the U.S. Senate, not to mention the House, to investigate simultaneously the medicaid scandals.

There would be, with such consolidation, a greater opportunity to concentrate manpower, as well as to pinpoint responsibility, and to get a job done for the elderly, without waste. Finally——

Senator WILLIAMS. Could I just interrupt at that moment for a question?

Now, just take medicare, how would it be defined for Human Resources, the responsibility for legislating this, which is clearly now a Finance Committee jurisdiction? Is that to take it from Finance and give it to us?

Senator STEVENSON. No, sir; what I said was we would take all the jurisdiction of the Special Committee on the Aging and put that into the Human Resources Committee.

Senator WILLIAMS. Leaving, of course, legislative activity over in Finance for medicare, where, if they have the legislation, they clearly have an additional opportunity to do oversight in the areas they reserve legislatively.

So we would not get away, that would not reduce——

Senator STEVENSON. This does not reduce the Finance Committee's jurisdiction.

Senator WILLIAMS. And it does not reduce the possibility of an overlap. If we have oversight on medicare in Human Resources, certainly Finance has an oversight on medicare well.

Senator STEVENSON. No, my point was your committee already has the jurisdiction over the aging, you already have the Subcommittee on the Aging, and instead of your committee, along with the Government Operations Committee, the Finance Committee and the Special Committee on the Aging investigating medicare scandals, we would not be down to one, but we would be down from four to three, with the potential for such overlapping investigations. We could go farther than that; I would like to.

Senator WILLIAMS. Well, in our committee, knowing that the special committee was doing a most commendable job in oversight on medicaid, why, we did not, in Labor and Public Welfare, engage in a duplicative effort there.

Senator PACKWOOD. It seems to me, Mr. Chairman, on this, just like the Small Business this morning, you run into this same issue.

If what Senator Williams says is correct, then there is every justification for a Select Committee on Indians, for which the jurisdiction is currently spread around in a number of committees. Certainly a Select Committee on Youth would be legitimate, because the Banking Committee has jurisdiction over housing as it may affect young people, and the Labor and Public Welfare Committee has jurisdiction over maternal health, and the Judiciary Committee has jurisdiction over juvenile delinquency.

And if the argument is made that just because you do not have a select committee these problems do not get attention, or that a select committee can give better attention and bring these issues to the attention of a standing committee, why, there is no limit to the number of select committees we could have, on every conceivable interest.

Senator STEVENSON. And this question, Mr. Chairman, is exactly the process that we are trying to cope with in the Senate, and, as it progresses with a proliferation of committees, all of them aimed at real problems and all of them doing a good job, the Senators end up with an average now of 18 committee assignments, some with as many as 30 assignments; with the result that no Senator can discharge ade-

quately any of his assignments and do every committee and subject, including the elderly.

I have to add this one further point, as a practical matter: You not only open up the whole problem of limiting the assignments, and continue that process of assignments upon assignments upon assignments, until we really cannot handle any of them adequately. But here, as in each of these cases, if an exception is made for the members of one such special committee, it will be much more difficult to—not to make the exception for others.

I have just heard enough from the chairman of these committees to know that if this is not reorganization and reorganization in which everybody gives up something, then nobody is going to give up anything. If one chairman does not go along, it is going to be very difficult; in fact, it would be very unfair to require others to.

Senator WILLIAMS. Reorganization to better organize the working time of Senators. Take away some of the committee demands.

Now, I do not know how many here are on the Special Committee on Aging. I am on it. This is a committee without legislative authority, so therefore not a minute is wasted in the year after one meeting, the organization meeting, on waiting for a quorum. Now, the committee does not have to meet to legislate with a quorum present, and therefore, really, the members become specialists in particular parts of the broad jurisdiction.

Senator Pell is on the committee. He has an area, I am sure, that takes his attention, but it is not necessary for him to come to meetings and sit around and wait for quorums. We did have one waiting period this year, just with a meeting to discuss this. And the only other meeting will be an organization meeting.

So there is not any wasted time, as we waste it in other committees. And every Member that becomes part of a special aspect becomes an authority. You recall Senator Moss and what he did. He was the one that did an effective job, as I can see it, with his Subcommittee on Aging, on fraud and abuses in medicaid. And out of that came the conclusions that there should be, among other things, an inspector general and a lot of other more riveted or pinpointed review to catch fraud in the process of administering the program of medicaid.

Senator PACKWOOD. It seems to me there is almost a catch 22 argument. The Aging Committee, Small Business Committee, the other select committees, are able to operate without a quorum, so that one person can go ahead and conduct the meetings, and the reason the legislative committees cannot get quorums is because everybody is off at the select committees conducting hearings.

If we have reached the place where we are going to justify keeping these committees because you can operate without a quorum, we have reached an absolute nadir of rationality.

Senator WILLIAMS. I have never lost a quorum for that reason in the Labor Committee, because somebody was off on a hearing at Aging or Small Business.

Senator HATFIELD. Well, did I understand the Senator right, that you do not have meetings of the Aging Committee?

Senator WILLIAMS. Without legislative authority, you do not have full committees reporting legislation. Therefore, you do not have the numbers of meetings that you do on legislative committees.

Senator PELL. Mr. Chairman?

The CHAIRMAN. Senator Pell.

Senator PELL. I think this question of once it is breached, then the dike has burst is incorrect. It is not as if there were one hole and when you pull the finger out of that hole the dike is going to let all the water through. We already breached it collectively in an agreement as to who is being breached, I guess, with the Joint Economic Committee and the Ethics Committee, each of which had originally been recommended to be folded into other committees or eliminated.

So there are two breaches right there. This is sort of a question of selective breaches. But I would not be surprised if—and speaking of political pressures—the largest political pressures in the whole thing have been brought about by the veterans. I have never seen anything like the campaign that the veterans have organized, which almost turned me around to go the other way, because I believed them in the beginning. I thought they brought inordinate pressure on all of our colleagues and all of us in this regard.

I think they had a point. They wanted a point where they could go with their problems, that was called veterans. And I would not be a bit surprised when, whoever it is amongst us who has taken it upon themselves to propose the vets pass too, and that would be another breach.

I think we have to look at it, as well, as how it looks from the outside. We always look to it how it is here, how efficient are we.

But I think the people outside, the older people, in connection with Senator Williams resolution, they want a committee that has the name "aging" on it, that they can go to, that is their baby; that is not a subcommittee of Labor or the Finance Committee, where they get very short shrift, or any of the other subcommittees. They want a committee that is all theirs. More power to them.

And from the viewpoint of efficiency, I agree, we should not be on all these different committees. But I keep coming back to the point that: let's have smaller committees. I do not subscribe to the argument that a committee is more efficient if it is smaller. I know in these periods when I have been on the Foreign Relations Committee, when it was smaller, it was a darn sight more efficient than when it was larger. And we can achieve exactly the same result by having smaller committees.

But let us not get sort of impaled on the cross, not of gold but the cross of reform here, with the idea that we have got to keep committees the same size, 17, 19, or 15 Members, and at the same time reduce the committees. And I strongly support the present motion, which will give the older people of our Nation, which we all hope to be eventually ourselves sometimes, or are already, and a place where we can come with our problems.

Senator WILLIAMS. You know, Mr. Chairman, a point was made here, if the logic that Senator Pell and I have been expressing here were taken to its logical extension, all kinds of groups would be entitled to a special committee, and he mentioned Indians. Now, I do not know how that is going. I would think that on most program activities that we have in employment and education, we are trying to move in the direction of a true integration of Indians in life without special—the need for special attention.

The one unique thing is the nature of their—the lands that are held by Indian tribes, as I view it, but certainly when we have a jobs program, this for everybody. When we have a jobs program for older people, it is not. RSVP, retired senior volunteer program; it is exactly shaped for the unique and particular needs of older people.

So I do not think that we necessarily should take the logical extension, because, if you do, you are reaching an area that would not logically—it is running against what we should be doing logically, and that is integrating the lives of youth, Indians.

Much different than specially tailored programs for older Americans. We have got to—under the foster grandparent program, they make a little money. This has to be tailored to the ceiling of permitted income under social security, without penalty. And the program adopts a partial workweek, with this in mind. And that is unique to—yes?

The CHAIRMAN. If the Senator will yield, I find difficulty in understanding why a subcommittee, though, in Human Resources cannot consider those precise problems. It seems to me that certainly a subcommittee, if it is formed by resolution or legislatively formed on this subject matter, would have precisely the same jurisdiction the special committee has, no more, no less; and therefore ought to be able to delve into the same areas.

But at least we would try to do something in this field of reorganization to pull things together more into one place.

Is that not what the intent is?

Senator STEVENSON. Yes, Mr. Chairman. I once served on the Labor and Public Welfare Committee, ably chaired by the Senator from New Jersey, and I believe that all the programs that he has just mentioned have been reported out by that committee, which, under this consolidation, would be in a still stronger position because of the resources and the general oversight jurisdiction of the Special Committee on the Aging.

Senator WILLIAMS. Well, not in any of the social security questions.

Senator STEVENSON. No, sir, we are not proposing to take that jurisdiction away from the Finance Committee, and it does not now exist in the Special Committee on the Aging.

Senator WILLIAMS. We have oversight of all of those matters that deal with social security, but without legislative authority. This is putting a burden on a committee, a standing committee, legislative committee, that has a whole of a burden right now. This is another burden, but it cannot be effective, because we do not have the legislative—would not have the legislative opportunities.

So I do not mind volunteering, I suppose, our staff members to do a lot of work for other committees, but it does not make a great deal of sense to me.

We have got to—look at the legislative jurisdiction of the Human Resources, that is a very, very profound and heavy, broad legislative load to give us oversight of areas where we do not have any legislative standing, does not make any sense to me.

I read somewhere that we all have inquisitive traits, we Senators. Boy, I will tell you, this is an acquisition that I do not think makes sense, and I am chairman of the committee that is going to acquire it.

Senator PACKWOOD. Well, I am mixed up between the argument you make on burden and your——

Senator WILLIAMS. On what?

Senator PACKWOOD. Burden. There is too much of a burden that you do not have the staff, although you could probably take over a part of the Aging staff. I mean, that you——

Senator WILLIAMS. No, no; I said I would assume that we would have all staff from the Aging wanting to come to us. I am just saying that if included in their work were all of the things they are doing now, they would be doing a lot of things for other committees. And if that is what you want, it has got to be understood, as long as the other committees, who are going to get reports here on 202 housing, when that goes up to Banking, that they are not going to throw it over their shoulder and say: "This is not our work, we are going to have to do this work ourselves."

Senator PACKWOOD. Well, how does it differ from the report that they get on 202 now, from what would be the same personnel on the staff of the committee, if they move to your committee and kept separate, doing the same substantive work?

Senator WILLIAMS. Well, this is not a very good example, because I happen to be chairman of the Housing Subcommittee and I am on the Banking Committee. [Laughter.] But—we have got the staff director here, he can tell us what is received from that committee, the Special Committee on Aging, that goes to Finance, and the reception of that material from the special committee now, if that is desired. Mr. Oriol is here, who has been with this committee a long, long time, and has been in charge of a lot of those reports that have been used by finance—am I right?

Mr. ORIOL. May I speak, Mr. Chairman?

The CHAIRMAN. Yes.

Mr. ORIOL. The most recent example was the one cited by Senator Williams. We had hearings late in August about medicaid abuses. Those hearings occurred at just the same time as Senator Talmadge was vigorously pushing his medicare-medicaid reform bill. Senator Talmadge was very—well, he praised the work or the information provided by that hearing as helping to win Senate enactment of his complete bill.

Earlier in the year we had a similar experience, when we had hearings on clinical laboratories and kickbacks, which were provided to owners of clinical laboratories by service providers. Senator Kennedy, then speaking for the Health Subcommittee of Labor and Public Welfare, was very generous in his praise of the way in which those hearings helped with Senate enactment of his clinical laboratory reform bill. So——

The CHAIRMAN. Well, I do not think—if I can interrupt you—I do not think anyone is questioning the fact but what there has been some good work done. But I fail to see, myself, why that work could not be done by a subcommittee in Human Resources rather than having been done by a select committee here out on its own. These are areas that the select committee or the special committee has no legislative jurisdiction in those areas, at all.

Mr. ORIOL. Because we are——

The CHAIRMAN. And it indeed delves into areas that are in the legislative jurisdiction of other committees.

Mr. ORIOL. And that is possibly because we are now a nonlegislative committee, with the authority to look into matters without the legislative authority to achieve them.

If we were to be a unit of a legislative committee, why, then I think we could be challenged by the legislative committee as extending beyond our authority of the committee.

The CHAIRMAN. Well, that is contrary to what Senator Stevenson said earier. He said that the same jurisdiction would exist. Am I not correct?

Senator STEVENSON. Yes, sir; you are right. It is explicit in Senate Resolution 4, the comprehensive oversight jurisdiction of the special committee would be taken over by the Human Resources Committee. And, as we have indicated, that jurisdiction could then be exercised, if that was the desire of the Senate or of the committee, within a subcommittee, and even if it was a special statutory subcommittee, it would not be inconsistent, in fact it is explicit in the resolution, with the same jurisdiction in the full committee.

I might add, since the names of two Senators have been mentioned, that both of those Senators, Senator Talmadge and Senator Kennedy support this proposal for reorganization.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. I would just make an observation. I think we have here a prime example of a character of, and the distinction between, the legislative committee and the select committee. I think one could say, without it being in any way demeaning to anyone, that a select committee is a staff-dominated committee. And that a legislative subcommittee of a standing committee has to be a Member-oriented committee.

And I can understand why the staff is always reluctant to see change.

Senator PACKWOOD. I can doubly understand, if you only have one person at hearings, apparently, and a great many staff——

Senator HATFIELD. Or is it necessary to even have one Member?

Senator PACKWOOD. Well, I do not know about that.

Senator HATFIELD. I can tell you some subcommittees that have met—even some standing committees that have met that way.

Senator WILLIAMS. Well, now speaking—I recall a project that I undertook when I was in a position on the Special Committee on Aging, and it was the economics of aging, and we—the generosity of this committee had a budget that permitted us to gather some of the best consultants in the country. Leading the group was Juanita Kreps. Out of that comprehensive study of the economics on the lives of older people came the ideas that were really foundations for many committees.

I just do not—cannot see us doing that kind of basic research in our Human Resources Committee, just on the basis of the time there that can be given by all of the Members who have this broad legislative authority.

If it is to be done, it would be done just as Senator Hatfield has suggested, a Member or two or three might have the time to sit through all of those hearings, and then we would run into the other

obstacle of having two committee hearings at the same time within one committee. It just is loaded with administrative problems, as I see it.

Senator HATFIELD. Well, Senator—would you yield—do I understand, then, if a standing committee does not have the time to do it, we create a special committee and turn it over to the staff to do it? Is that the essence of what I hear?

Senator WILLIAMS. I will not deny that the staff has been exemplary, and recruited for their excellence, and every subject matter that is undertaken by that special committee that I have observed has enough Member interest that the job is properly directed, properly done.

The CHAIRMAN. It would seem to me, if we are interested in staff study, perhaps the best way to get at this problem is to go out on contract. There are a lot of professional organizations that are available to do contract work. We have contracts presented to us here all the time, from committees that contract out a particular study, for the use of the committee. I would think that that might be a better thing than insisting on a select committee and a staff-oriented job, rather than retain the control with the same jurisdiction under the parent committee itself.

Senator WILLIAMS. Well, that is encouraging. If it is to go this way, I am encouraged by that, Mr. Chairman.

The CHAIRMAN. Is there further discussion?

Senator CLARK. Mr. Chairman, I raised this question in the hearing. Just to repeat what Senator Williams was saying, the real question, I think, in the mind of most of us is not whether this subcommittee has the jurisdiction to hold broad hearings, or whether—if it were equipped and willing to do so—whether it could. And that does not bother me that much. The problem, it seems to me, is whether, in fact, in the real world they will.

Now, if this newly created subcommittee—not newly created; you have a Committee on Aging, Subcommittee on Aging——

Senator PACKWOOD. Yes.

Senator CLARK [continuing]. Certainly it is going to be busier than it was if there is no select committee. But I really wonder if there is anyone here who seriously believes that they are going to conduct the same degree of hearing and depth of hearing and so forth in that subcommittee that is being done in the special committee.

Now, maybe there should not be. That is another question.

But I cannot imagine that the subcommittee is really going to delve into these questions in the same way—I am asking this really as a question of the two gentlemen—if they really believe that if we sit down here 2 years from now, that we are going to have the same kind of in-depth studies out of this subcommittee, the same kind of production in both quality and quantity, as far as serving the aging is concerned. Is that your contention?

Senator PACKWOOD. It is not my contention? I am not quite sure what you are driving at in terms of contention. I cannot say, cannot guarantee—neither can Senator Stevenson—that the Subcommittee on Aging would do the same thing. I cannot guarantee that the Select Committee on Aging will do the same thing as the present select committee does.

Senator CLARK. I am talking about the quality and quantity of work.

Senator PACKWOOD. The only conceivable reason I can think of is they would not have time that would be a burden, and that this committee is already so busy it might not have the time. That is the only reason. I am not saying it would happen. But I cannot think of any other reason to say they could not do it.

Senator STEVENSON. Well, if I could answer once again, Senator Clark, I do not have a crystal ball, nor do any of the members, and I think that is the trouble. We are familiar with the past, we are familiar with the good work of the Special Committee on Aging, and we cannot see the future clearly.

I am told that Senator Williams, who has raised this issue, serves on eight Aging subcommittees. Now, I would suggest, notwithstanding his extraordinary abilities, it would be very difficult to do justice by all of those subcommittees for any Senator, not to mention every other subcommittee that you end up on as this process continues, as it has in the past, proliferating.

So I cannot give you any assurances, but I can say, once again, that it is the expectation that by consolidating jurisdictions, and this is just one, we are going to make the responsibility for the aging and for a number of other subjects far more difficult to duck. The responsibility will be, to a larger extent, consolidated. As Senator Williams has indicated, in this case it will not be completely consolidated, but we will have made a step. It will be, to that extent, much more difficult to duck.

Staff resources which get in the way of each other sometimes do overlap and conflict with one another; it can be better coordinated, in order to focus on the problems of the aging.

For the Senators, it will be easier to manage their time, instead of being in eight places at the same time, maybe you will end up at four places; hopefully with less than that.

And out of a carefully constructed system we will, as individual Members and the surviving committees, emerge better equipped not just to deal with the problems of the aging, but to deal with all of the problems that face the Senate.

It has been suggested by some members that we ought to approach each of these committees by saying simply: Is it doing its job? I do not think that is the right test. The test that we have given to ourselves is: Is the Senate doing its job? And we have tried, as a result of answering that question, to create a system in which we are going to do a better job by the aging and by everybody else.

But you do not get any objection to the obvious proposition—and, frankly, it is pretty obvious—when it comes to energy. There is no objection now. I am willing to give up my jurisdiction with respect to energy, to that proposition, so that the U.S. Senate will do a far better job of making comprehensive national policy on energy, with energy jurisdictions consolidated in one committee. You do not find any objections to the proposition in that context.

But as soon as you get to a different context, and you have. frankly, Members and staff who are not quite as unselfish as are others, and you also have large constituencies, like veterans or organizations representing the aging, which begin to put the pressure on, the heat on; then it begins to come apart. That is what is at work here.

The reasoning is the same, and it is accepted in one context and not in another, and for that reason——

Senator CLARK. No, but—I do not want to belabor the argument, but I am not sure that in a democracy that one can be altogether immune to the people that they represent, and that is where those constituency groups and pressures come from. In other words, I do not think that we—certainly I do not think you are doing this—but I do not think we can dismiss it by simply saying that it is a private interest. Every single legislative and nonlegislative committee that we have here involves a special interest, a particular interest, whether it is labor or business or any of the list that we have got. After all, we do represent those people, we do represent those groups.

And it seems to me that we would be not acting in our own interest if we were not prepared to at least represent their interest. That does not mean we have to agree with them or vote with them every time, nothing of that kind; but I do not think you want to leave the impression that——

Senator STEVENSON. Senator Clark, our duty is to make ourselves more responsive to all of those interests, including the interests of the aging. And if that was not our duty, and what we have tried to do, we would not be here today. That is the only thing that brings us here.

Senator CLARK. I understand that. But what I am saying is that that does not necessarily mean that the particular proposals and consolidations that are being proposed by this committee are, by magic, the right ones, and that is why we are cutting out——

Senator STEVENSON. I quite agree. We are not infallible, and these proposals are quite capable of being improved.

Senator CLARK. Yes, and if we are going to carve out an exception for Joint Economics—I think that is logical—against the committee proposal, because we have concluded that it would be better to carve out that exception, I do not think that all others are therefore immune.

The CHAIRMAN. Is there further discussion?

Well, we have not had a substitute motion. Senator Williams, did you desire to make a motion on your—the question now is: Whether the Select Committee on Aging should be consolidated in Human Resources with a statutory or a resolution providing for a Subcommittee on Aging?

Did you want to offer a substitute on that?

Senator WILLIAMS. Well, my substitute would be to retain the special committee, period.

The CHAIRMAN. All right. We have had the discussion, are you ready for the vote?

The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd.

The CHAIRMAN. No; by proxy.

The CLERK. Mr. Allen.

Senator ALLEN. Aye.

The CLERK. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. No.

The CLERK. Mr. Griffin.
Senator HATFIELD. No; by proxy.
The CLERK. Mr. Tower.
Senator TOWER. No.
The CLERK. Mr. Cannon.
The CHAIRMAN. No.
The CLERK. Four yeas; five nays.
The CHAIRMAN. The motion, the substitute motion is not agreed to.
Now the question will occur on consolidating in Human Resources the Select Committee on Aging.
The clerk will call the roll.
The CLERK. Mr. Pell.
Senator WILLIAMS. Before—well.
The CHAIRMAN. Excuse me?
Senator WILLIAMS. Well, there is an ambiguity here about the oversight function, if it goes to Human Resources, the oversight was suggested to be broader than the present legislative jurisdiction. So I am just wondering, is that part—should that be stated, or——
Senator STEVENSON. Mr. Chairman, the legislative jurisdiction of Labor and Public Welfare Committee would not be affected by this proposal, because the Special Committee on the Aging has no legislative jurisdiction. It's the oversight of that committee which is sweeping——
Senator WILLIAMS. Well, I was addressing myself to the oversight question here.
Senator STEVENSON. Well, that oversight jurisdiction of the special committee would go to the Human Resource Committee, and it is a sweeping oversight jurisdiction, as you know from your good work on the Special Committee for the Aging.
Senator WILLIAMS. Well, I do see that aging and the problems of the elderly, comma, income-maintenance—does that mean social security?
Senator STEVENSON. That language is intended to describe all of the oversight jurisdiction of the Special Committee on the Aging. That is the intention of the resolution, and if it can be clarified by legislative history, which is being made now in this discussion, or by any additional word changes, there certainly would not be any objection to it from me.
The CHAIRMAN. But your intent is to transfer the oversight responsibilities that the Select Committee on Aging presently holds?
Senator STEVENSON. Yes, Mr. Chairman. We believe that the language of the resolution accomplishes that purpose.
The CHAIRMAN. The clerk will call the roll.
The CLERK. Mr. Pell.
Senator PELL. Excuse me, we are now voting on——
The CHAIRMAN. Consolidating Aging into Human Resources.
Senator PELL. No.
The CLERK. Mr. Byrd.
The CHAIRMAN. Aye, by proxy.
The CLERK. Mr. Allen.
Senator ALLEN. Aye.
The CLERK. Mr. Williams.
Senator WILLIAMS. No.

The CLERK. Mr. Clark.
Senator CLARK. No.
The CLERK. Mr. Hatfield.
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin.
Senator HATFIELD. Aye, by proxy.
The CLERK. Mr. Tower.
Senator TOWER. Aye.
The CLERK. Mr. Cannon.
The CHAIRMAN. Aye.
The CLERK. Six yeas; three nays.
The CHAIRMAN. Six yeas, three nays; the proposal is agreed to.
Senator HATFIELD. Now, Mr. Chairman, I move that a Committee on the Aging be established by resolution of the Senate.
The CHAIRMAN. Subcommittee.
Senator HATFIELD. The Subcommittee on Aging be established by resolution of the Senate. [The motion was duly seconded.]
The CHAIRMAN. Is there discussion?
Senator WILLIAMS. Well, I indicated that if we have a Subcommittee on Aging, this is not necessary unless it is understood what we are doing. Is this to tell the—to let it go forth to the population that we have shown particular concern for older Americans, therefore we are creating something unique, and a special committee under law—a subcommittee under law is being created? And if this is true, maybe here too we will have to worry about other people and other committees, and give them the same assurance that they have not lost anything.
I do not think—well, is that what is intended here?
Senator STEVENSON. Well, Senator Hatfield made the motion, but do you want me to respond?
Senator ALLEN. Would the gentleman yield?
You say that a special committee—a subcommittee to be set up by resolution, are you talking about future resolution, or are you putting it in this resolution?
Senator HATFIELD. It would be incorporated in the overall reorganization proposal when we take it to the floor of the Senate on the 19th of January.
Senator ALLEN. In this resolution, it would be part of this resolution?
Senator HATFIELD. This resolution, yes. To be incorporated in the overall reorganization proposal for the Senate on the 19th of January.
Senator ALLEN. To be made a part of this resolution.
Senator HATFIELD. Yes.
Senator ALLEN. I believe you are a little ambiguous, that you are recommending that it be done. That this resolution, S. Res. 4——
Senator HATFIELD. Well, because of action specified in this resolution, a Subcommittee on the Aging. This motion addresses itself to the method and the mechanics of establishing that subcommittee and the intent was to give it exactly what the Senator from New Jersey has indicated—a special focus of concern by the full Senate, by voting on this resolution to establish a subcommittee, as we have done in previous Congresses, on establishing other subcommittees to legislative committees.

I want to give it that kind of a focus. It may be that we should do that with other select committees, if we amalgamate, except I would remind the Senator from New Jersey that in the case of Veterans' Affairs we renamed the full standing committee to incorporate that in the title of the full Senate committee, namely Armed Services and Veterans' Affairs; the Select Committee on Nutrition, by renaming the Agriculture Committee—the Agricultural and Nutrition Committee.

Instead of doing that with the full title of this particular issue, select committee, I am suggesting that we consider the possibility of making this a subcommittee by resolution.

Senator ALLEN. That is a subsequent resolution, though, is it not? Subsequent to the adoption of this resolution. That is more or less a sense of a Senate resolution.

Senator HATFIELD. We have already acted upon this resolution in transferring the select committee into the Human Resources Committee.

My motion is that the incorporation, the active incorporators, the Select Committee on Aging and Human Resources, will be established by a resolution of the Senate.

Senator ALLEN. By subsequent resolution. This resolution here encompasses the work of all the committees.

Senator TOWER. You intend to incorporate in this resolution here?

Senator ALLEN. That is not what he said.

Senator HATFIELD. No; that is correct.

Senator TOWER. He did not understand you.

Senator HATFIELD. I am sorry, perhaps that I did not understand you.

Senator ALLEN. I did not understand you, because you said that the—you are providing here that the Senate subcommittee pass a resolution, making the Committee on Aging a subcommittee.

Senator HATFIELD. No; I am sorry, I misunderstood the Senator's question. My motion is that it be incorporated as part of the act of reorganization, part of the action of transferring this select committee's jurisdiction.

Senator ALLEN. It would be part of Senate Resolution 4?

Senator HATFIELD. Yes.

Senator WILLIAMS. Would you hold this vote a minute?

The CHAIRMAN. Surely.

Senator WILLIAMS. I have some apprehension right now, some misinterpretations that might follow such action by giving this particular group, older people now would be subsumed under our general heading entitled "Human Resources."

We have other groups that we have given legislative focus to by creating subcommittees. The Subcommittee on the Handicapped is one of our subcommittees.

I guess—just one of my apprehensions is a misunderstanding of those human beings that are served by this general committee to have this special kind of legislative action.

We are going to—we have an Aging Subcommittee, and we are going to continue in this, established as we are proceeding now, and within the—dispaneling special committee, and transferring common jurisdiction back to the Human Resources. We have a subcommittee.

Now, to give it a different kind of legislative creation than the other Human Resources that we legislated, I think would cause problems and confusion, and I am not sure that it would be generally wise for this Human Resources Committee to have a special treatment within its committee this way.

Senator HATFIELD. I think the Senator's argument would prove my point specifically that the Senator indicated that the older Americans might be concerned about being lost in a larger committee. This brings forth a very clear, clarion call to the opposite, that they are not being lost. They are being established by resolution of the Senate.

Senator WILLIAMS. I was wondering——

Senator HATFIELD. Now, it is not the handicapped, it is not the select committee, that you amalgamate. So I do not think there is any analogy at all. There is a separate select committee now on the aging. We are in the act of consolidating, and the way we consolidate can do much to allay any fears that the aging population might have that they would get lost.

If they saw that their transfer to your committee would be by resolution, calling for the affirmation of all the Senators for that action——

Senator WILLIAMS. We have made that affirmation, where the veterans that have been transferred to armed services, and I think that is wise, because veterans are not necessarily subsumed with armed services.

Here we have a group that will be on an equal standing with the handicapped and others within that committee, it would just make it more difficult to take the assurances that everybody is being fully considered.

That is why I asked the question whether this was being done for the—for this first public reaction, and that is for the community of older people, to insure that they are not to be worried that they have been lost.

I think this dialog perhaps will have done it, that they will not have been lost, just by naming them as a special subcommittee within the committee, will cause more problems.

Senator HATFIELD. Mr. Chairman, I am willing to withdraw my motion if the Senator feels that he does not have that kind of special focus made by the way in which we can consolidate.

I was only doing this to allay the fears that he expressed on behalf of the older Americans.

If he wants to let it be absorbed by the same method that we would absorb or create in new subcommittees, that is all right with me. I wanted to allay the older Americans' fears of being lost in your committee.

Senator ALLEN. Can I ask Senator Williams a question?

Does your present Subcommittee on Aging have all of the oversight authority that the Special Committee on Aging was given, and now has, plus the legislative jurisdiction as well?

Senator WILLIAMS. No.

Senator ALLEN. What authority does your present subcommittee have?

Senator WILLIAMS. We do not, in Labor and Public Welfare, the Subcommittee on Aging, does not deal in oversight, foresight, it does

not develop any suggested legislation in areas that are not our legislative jurisdiction.

Senator ALLEN. In other words, you surrender the oversight to the special committees then, is that right?

Senator WILLIAMS. And others that have the legislative authority, as with Finance and Social Security. It has not been our area of assignment.

Senator ALLEN. But this transfer, would you have all the jurisdiction having to do with aging within the rest of your full committee?

Senator WILLIAMS. No; it has been suggested that we could take it. I am not—I could not do much with it. You cannot legislate improvements in medicaid-medicare programs. You cannot legislate improvements in social security, the income benefits.

If we have the oversight, you cannot do much about it, but I gather we can look at the life of older Americans, as broadly suggested here.

The CHAIRMAN. I think perhaps Senator Stevenson ought to address himself to that question.

As I understand it, the fact that you do have legislative oversight in these areas, in matters that affect the aging, means that you have precisely the same oversight jurisdiction that the select committee had, is that not correct?

Senator STEVENSON. The chairman is correct. The legislative jurisdiction of the Labor and Public Welfare Committee would not be changed, but its oversight jurisdiction would be greatly expanded to include all of the oversight jurisdiction of the Special Committee on Aging, and that is a sweeping oversight jurisdiction.

Senator ALLEN. In other words, you would have all the authority of the present Subcommittee on Aging, to which is added all of the authority on the special committee?

Senator STEVENSON. That is correct.

The CHAIRMAN. We still have——

Senator ALLEN. What would be the committee setup then? Would it all be merged into this Subcommittee on Aging, and in fact, that would be chopping off special committees, but investing the present Committee on Aging with the authority of the special committee, is that right?

Senator STEVENSON. I assume that the chairman, and the other members of the Human Resources Committee would want to organize themselves in a way that best enabled that committee to discharge all of its responsibilities, and it is my understanding that the Senator from Oregon has merely proposed that that organization, and by resolution of the U.S. Senate, contain a Subcommittee on the Aging.

Now, what precisely would be within the jurisdiction of that subcommittee, would depend on the committee, which is going to have all of the jurisdiction of the special committee.

I would assume that the present Subcommittee on the Human Resources, on the Labor and Public Welfare Committee, and this subcommittee, that results from the transfer of jurisdiction from the special committee, would become one.

The CHAIRMAN. Senator Williams?

Senator WILLIAMS. I agree that I think this would be up to our committee to organize for maximum efficiency within the committee to accomplish this——

Senator STEVENSON. Exactly.

Senator WILLIAMS [continuing]. Total role that you have described.

I would hope that we do not do it with this extra action that was suggested, Mark, if you recall, you said you would withdraw it. I think that that would be a wise way to proceed.

Senator HATFIELD. I would be happy to withdraw it.

I would like to reserve the right to consider any future action which may be taken.

The CHAIRMAN. Without objection then, the proposal is withdrawn.

Senator PELL. Mr. Chairman, could we vote on the SBA which we passed over before, it was 4 to 4?

I do not think we need redo the arguments. We have been through them. But we still have to get the whole thing done by tomorrow night, as I understand the resolution. So I would just ask for a vote once again on my amendment that we keep the Small Business Administration standing committee.

The CHAIRMAN. Well, we have already voted on that. That was defeated. I do not know whether there would be a motion to consolidate in some other committee or not.

It would be proper if someone desired to move to consolidate that in some other committee, Banking and Currency——

Senator PELL. I would move for parliamentary procedure to bring up the proposal that is before us, which also did not pass. Because the proposal before us was that the Small Business Administration Committee would be combined with the Finance Committee, and that did not pass, either.

The CHAIRMAN. Well, the Chair will do whatever the committee desires to do here. But we had two motions before us: neither one of them carried. There is nothing pending on the Small Business——

Senator TOWER. May we move to reconsider the vote by which the amendment by the Senator from Rhode Island was defeated?

The CHAIRMAN. Yes; certainly.

Motion to reconsider.

Senator PELL. Parliamentary question. If you do nothing, then the Committee on Small Business stays in being?

Senator TOWER. Stays——

Senator PELL. No; it would do nothing, would it?

Senator TOWER. Mr. Chairman, I move that we reconsider the motion by which the amendment by the Senator from Rhode Island, which was defeated.

Vote on the amendment.

The CHAIRMAN. The clerk will call the roll.

Senator PELL. Parliamentary question.

Senator ALLEN. May I make an inquiry?

Senator PELL. Yes.

Senator ALLEN. Would this be a third committee, in effect, in special committee?

What would be the eligibility of the numbers on that; and would it be counted as a minor committee; could someone be in the Ethics Committee and this committee, the Small Business Committee, and the Rules Committee also? Could they be on five committees?

Senator PELL. No; this would be decided after, you could be on a third committee. Presumably, we would pass some ruling that you

could not be on more than three committees in total. But we will face up to the size of the committee later on to see how many there are.

Senator ALLEN. If this motion carries, then the Small Business Committee is left intact? Would it remain as a standing committee, or would it be a select committee?

Senator PELL. It would be a standing committee; would it not?

Senator PACKWOOD. Could I ask a question? Because I think Senator Stevenson and I are confused.

What you're suggesting, Senator Pell, is that it be reconstituted just as it is, except that it would count as a third committee; whereas, it does not now; but it would still be a select committee, with the same identical jurisdiction that it has now?

Senator PELL. Exactly, and we could figure out the number of people on it and also the limitations for Senators, as to how many committees they could serve on; and later on, when we find out how many committees we're left with?

The CHAIRMAN. Senator Allen, except in one or two instances, we have not made a decision with respect to the full committee issue. That will be a separate matter that we will discuss.

Senator ALLEN. In the last Congress, was not legislative jurisdiction given to this committee?

The CHAIRMAN. Yes.

Senator ALLEN. Would not that——

The CHAIRMAN. Limited legislative jurisdiction only over the Small Business Administration.

Senator ALLEN. Would that not in effect make it a standing committee?

Senator PACKWOOD. The name was not changed when this jurisdiction was given; but, in effect, you are right; it becomes a standing committee for the very limited purpose of jurisdiction over the Small Business Administration. That, as I recall, took effect this January.

Senator TOWER. Legislative jurisdiction on matters that come within the purview of the Small Business Administration.

Senator ALLEN. That is all any committee has.

The CHAIRMAN. It was not a standing committee. It was a select committee by resolution.

All right. You have heard the——

Senator STEVENSON. Mr. Chairman, may I be heard on this?

The CHAIRMAN. Yes.

Senator STEVENSON. Some members—at least one member of the Rules Committee—indicated some opposition to transferring this committee to the Finance Committee but not necessarily to consolidating it with some other appropriate committee; and there was a suggestion that it might be wise for the Rules Committee to consider a transfer of this committee to the Banking Committee, which has related jurisdiction, which is quite compatible. I only mention it because, before locking this committee in, the Rules Committee might want to consider that as a possible alternative.

Senator TOWER. I would suggest that the motion before us is simply a motion to reconsider. Should that motion carry, then the amendment of the Senator from Rhode Island will be open for amendment in the nature of substitute.

The CHAIRMAN. The Senator is quite correct.

The first vote will be on the motion to reconsider.
The clerk will call the roll.
The CLERK. Mr. Pell.
Senator PELL. Aye.
The CLERK. Mr. Byrd.
Senator BYRD. Aye.
The CLERK. Mr. Allen.
Senator ALLEN. Aye.
The CLERK. Mr. Williams.
Senator WILLIAMS. Aye.
The CLERK. Mr. Clark.
Senator CLARK. Aye.
The CLERK. Mr. Hatfield.
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin.
Senator HATFIELD. Aye, by proxy.
The CLERK. Mr. Tower.
Senator TOWER. Aye.
The CLERK. Mr. Chairman.
The CHAIRMAN. Aye.
The CLERK. Unanimously, Aye.

Senator PELL. Then, Mr. Chairman, I would ask that my original motion, whether we call it standing or select is not too material—the number of individuals on the committee to be determined later, along with the determination as to how many committees a Member can serve on will be determined later; and I would move once again that the committee retain—be retained in its present form, with the legistive oversight that it presently enjoys.

Senator HATFIELD. Mr. Chairman?

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. I would like to offer as a substitute motion for the Senator's from Rhode Island, motion that the Small Business Committee's jurisdiction be transferred and consolidated to the Senate Banking Committee.

Senator PELL. Mr. Chairman, may I comment on that?

The CHAIRMAN. Certainly.

Senator PELL. This would seem to me really to indicate—I am sure that the Senator from Oregon has no personal desire to give a coup de grace to the small business community; but now this will be the third effort made to find a new way of giving it a coup de grace.

First, we were going to send it to Agriculture, and then that was decided not quite right. Then, we were going to send it to Finance, and that did not seem quite right. Now, we are going to send it to Banking. Well, I do not know what we will do now. We do not have Air and Space to send it to afterward. We will find another committee to send it to afterward, and I think—it looks to me as if this decision—let us get the Small Business Committee anywhere but where it is, which is where it is doing a fine job.

So I would hope that—I would be compelled to vote against the motion of the Senator from Oregon.

Senator HATFIELD. Mr. Chairman, I would only remind the Senator from Rhode Island that until this last year, the Committee on Banking had a subcommittee on Small Business, and one of the problems

that I think we found in that was that where there is a select committee, there tends to be a feeling, the select committee is doing something the Legislative Subcommittee tends to be neglecting, or the select committee feels the Legislative Committee has the jurisdiction or the legislative power or authority.

I think this is one of the problems we have had with Aging, as an example, and Small Business. If you go out and talk to the average elderly person today, they are tired of all the talk, all the research, and all the hearings, and little action. You talk to every small businessman today, he is tired of hearing about all the activity of hearings and letter writing and resolution passing and little action to correct the problems facing small business.

I think one of the problems we have had is we have separated traditionally legislative authority from that which is oversight; and it is time we consolidate these and get some action. We do not have to wait for views about the U.S. Congress; read the survey, and the showings are very, very negative toward the actions and the record of the U.S. Congress in really getting hold of a problem and doing something about it.

I get a lot of letters from constituents; they say, talk, talk, talk. That is cheap. That is about all they can do in the Senate is talk, talk, talk, hold hearings, have research projects; we want some action. I think this is the time to consolidate oversight and legislative authority and get some action, both from the standpoint of small-business needs as well as the problems of the aging.

Senator WILLIAMS. Mr. Chairman, could I ask a question?

The CHAIRMAN. Senator Williams, certainly.

Senator WILLIAMS. If the motion will be to retain the Small Business Committee as is——

The CHAIRMAN. Exactly.

Senator WILLIAMS [continuing]. That is with legislative authority?

Senator PELL. With legislative authority.

Senator HATFIELD. Restrictive legislative authority.

Senator PELL. Over SBA, or matters dealing with SBA.

Senator WILLIAMS. But that is new authority that that committee just received within the last year. If it is true that the small business community feels that they have not prospered here in the Senate, that is one of the reasons that the Small Business Committee could talk and meet more but they cannot legislate. I think that is one of the reasons that we have responded with giving—by giving the legislative jurisdiction to the Small Business Committee.

Now, on the other side, the only community that is upset because all they hear is talk and reports, in my State, they were distressed, the older people were distressed that they had to hear so much talk, because it was in response to vetoing of what committees had done to promote the welfare of older people when the installation of social security said 8 percent, there was veto talk and 5-percent talk. I will agree with the Senator; but it was not the inaction here. It was executive threat of action that they were worried about.

Now, over here in Small Business, something was missing, authority to act. We just gave it to them. They have now. We are going to retrogress, I think, by going back and slipping Small Business into another

large committee and they will be where they started out, sharing time with a lot of other——

Senator PELL. I would emphasize the point, too, Mr. Chairman, there is no reason why this could not be a small committee. There is nothing sacred about the present size of the membership. It could be a nine-member committee or eight-member committee.

Senator PACKWOOD. If I could add one point——

Senator PELL. Small Business, small committee.

Senator PACKWOOD. This morning, Senator Clark and I had an exchange as to where the committee wanted to be consolidated among the business committees. I am on the Banking Committee and the Finance Committee. I was also on the Banking Committee when we had jurisdiction over small business.

It is fine with me if you want to send it back there.

Dick, I can assure you that, based on these conversations, that is not where they want it to go. They are so afraid if they give any preference at all they will have sacrificed their independence. But Banking is not where they prefer to go if they are going to be sent somewhere.

Senator BYRD. Where do they prefer to go?

Senator PACKWOOD. They do not want to say anything for the record; and I will not give you any names. But if they have to have a choice, they think that Finance has more to do with small business than any other single committee. They are worried about taxation, corporate taxation, unemployment compensation, and social security taxes. That is their present concern.

The other two committees that have any logical coherence would be Banking and Commerce. They prefer Finance, but that is like saying they prefer Finance 5 percent, Banking 2 percent, Commerce 1 percent, and 92 percent for independence.

Senator PELL. It is sort of like the man who chose the guillotine or be hung.

Senator PACKWOOD. It is a bad day to be suggesting that.

The CHAIRMAN. Senator Byrd, I might also say this morning when you were gone, we had two different votes—one to retain its independent status. That vote failed on a tie vote. And one vote to transfer it to the Finance Committee. And that vote failed on a tie vote. I voted your proxy as you instructed me to in both instances.

Are you ready for the question?

The clerk will call the roll.

Senator BYRD. The question is on the substitute?

The CHAIRMAN. The question is on the substitute, where this jurisdiction would go to the Banking Committee.

Senator BYRD. Rather than staying as a separate——

The CHAIRMAN. Rather than staying as a separate committee.

The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. Byrd?

Senator BYRD. Aye.

The CLERK. Mr. Allen.

Senator ALLEN. No.

The CLERK. Mr. Williams.

Senator WILLIAMS. No.
The CLERK. Mr. Clark.
Senator CLARK. No.
The CLERK. Mr. Hatfield.
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin.
Senator HATFIELD. Aye, by proxy.
The CLERK. Mr. Tower.
Senator TOWER. No.
The CLERK. Mr. Chairman.
The CHAIRMAN. Aye.
The CLERK. That is four yeas, five nays.
The CHAIRMAN. The substitute motion is not agreed to.
The motion will now recur on Senator Pell's original motion, to retain as an independent committee.
I think it is pretty clear.
All those in favor say "aye." [Chorus of "aye."]
The CHAIRMAN. Opposed? [No response.]
The motion is agreed to.
Senator PELL. May the record show that there was not a single objection to the vote?
Senator PACKWOOD. May the record show we did not vote?
The CHAIRMAN. If we will turn to page 12, now, the top of page 12, the Joint Committee on Atomic Energy.
Senator STEVENSON. Mr. Chairman, the House has, I believe, already acted to deprive that committee of its legislative jurisdiction.
I know of no opposition in the Senate to the proposal of the select committee, which is to transfer the national security aspects of atomic energy to the Armed Services Committee, the nonmilitary development of nuclear energy to the Energy and Natural Resources Committee, nonmilitary and environmental regulation and control of atomic energy to Environment and Public Works. In addition to those recommendations, the Foreign Relations Committee has sought a jurisdiction over the international aspects of nuclear energy in order to give it some jurisdiction with respect to nuclear proliferation.
I believe those suggestions are all without substantial opposition.
The CHAIRMAN. Is there objection to that recommendation?
Without objection, it will be agreed to.
The "Joint Congressional Operations."
Senator STEVENSON. Mr. Chairman, the recommendation is to transfer that jurisdiction, which will require legislation, to the Committee on Rules Administration and Standards; and I again know of no objection.
It would of course require legislation which would require House concurrence.
The CHAIRMAN. Is there objection?
Without objection, that will be approved.
"Joint Defense Production."
Senator STEVENSON. In this case, Mr. Chairman, there has been some discussion.
The original proposal was to transfer it to Banking, but I believe the chairman of that committee would prefer that it be consolidated in the Joint Economic Committee; and that is the suggestion.

The CHAIRMAN. Is there objection?

Without objection, that will be approved.

"Joint Economic Committee."

Senator STEVENSON. The suggestion now is that the Joint Economic Committee be retained and that therefore no action be taken with respect to that committee.

The CHAIRMAN. Is there discussion or objection?

Without objection, it will be approved.

"Joint Internal Revenue Taxation."

Senator STEVENSON. Same suggestion with respect to that joint committee.

The CHAIRMAN. Is there objection?

Senator CLARK. Mr. Chairman, I would like to ask a question about that; because it is interesting to me that we are carrying out an exception in this case. We heard earlier about the delicate balance and carefully constructed system. My question is: Why were we wrong the first time when we recommended that? It would seem to me that it would make sense the way in which it was recommended to this committee. Why does it not make sense?

Senator STEVENSON. Well, Senator Clark, as I said before, dealing with the select committee was in part for a tactical reason that it should recommend the consolidation of all joint special select committees.

We swept them all out, did not make a single exception, except for the Intelligence Committee, and that was a limited exception. At the same time, we did so and have repeatedly since indicated that this proposal is subject to refinement and subject to improvement.

Frankly, since those original proposals have been made, I have found no support for abolishing the Joint Internal Revenue Taxation Committee. All we did recommend is that it be reconstituted as a congressional revenue office. It was more of a change in form than in substance; and if not entirely, to a large extent, the question is academic, because in this case, it is my impression that it would be very difficult to obtain House concurrence to any legislation; legislation would be required for the resolution of the Joint Internal Revenue Taxation Committee.

Senator CLARK. We are going to get House approval on all the others?

Senator STEVENSON. Yes; and I believe in those cases there is a good possibility of such approval.

Senator CLARK. The only other joint committee we are keeping is the Joint Economic Committee and—yes; I mean other than Taxation.

And are these the only two joint committees that we will keep, our Joint Economic and Joint Internal Revenue?

Senator STEVENSON. That is right.

Senator CLARK. Why does it not make sense—and I have to admit that I am no expert on it—but why does it not make sense to pull that into the Joint Economic Committee? It is the same staff.

Senator STEVENSON. Well, I would hope that that would not happen. The thought was that it might be organized as a congressional revenue office along the lines of the Congressional Budget Office. It would not—its independence would be maintained; it would not be merged.

Senator CLARK. What does it mean, "consolidated into finance" under that line, on page 5, bottom of the page?

It says Joint Internal Revenue consolidated into Finance, establishing staff as a Congressional Revenue Office?

Senator STEVENSON. That is not wholly accurate; but what it was meant to say was that this would be established as a Congressional Revenue Office and would be managed by the Finance and Ways and Means Committees just the way that the Budget Committees now manage the Congressional Budget Office.

Senator PACKWOOD. Could I say on this, Ad, I do not think it makes a great deal of difference which way you go. This committee ends up pretty much being a committee in the Ways and Means and Finance Committees, the members of the Ways and Means Committee and Finance Committee constitute the membership. Whatever you do with it, whether you make it independent or whether you make it part of the Finance Committee's function is almost unalterably indistinguishable in either case.

Senator CLARK. That is exactly the distinction I have. Why should we have a separate committee with the same people and same staff. If there is ever a proliferation of committees, it seems to me it is in creating a Joint Internal Revenue Taxation Committee with all the same members on Ways and Means and Finance that we have. To me, that seems much more superfluous than anything else in the whole report.

I just cannot understand why we should keep it.

Senator STEVENSON. I certainly would not object if this committee chose to recommend to the Senate that it be organized as the Congressional Budget Office is organized, as I say. That was the original proposal, but it does not make very much difference, and it would require legislation and I may be wrong, but I am not sure that that legislation would have much chance of being enacted in the House, even if it were enacted in the Senate. It would have that advantage of eliminating one more committee——

Senator PACKWOOD. Dick, here is the way Congressional Quarterly has described the Joint Internal Revenue Taxation Committee. "Studies tax policies and makes recommendations to House Ways and Means and Senate Finance Committee." Al Ullman, chairman, Russell Long, vice chairman. The four Senate Members and four House Members are members of Ways and Means and Finance. There are no standing committee members.

Senator CLARK. Well, my question is not whether we establish a staff as Congressional Revenue, but why we need it at all. If we have all the same Members on all the committees, and it is just a second committee, why in the world do we need a Congressional Revenue Office with all the same Members on it? Why can it not be eliminated?

Senator STEVENSON. I do not think—I am not sure you mean to say that.

The committee itself, whether it is organized as a committee or as a Congressional Budget Office does, I believe, perform some very important, useful services. I am not on the Finance Committee——

Senator CLARK. Can't it be performed by the Finance Committee?

Senator PACKWOOD. It has had one advantage, if you want to leave it this way. It is genuinely staffed. Looking back and forth, there is

actually a joint staff. When the Ways and Means Committee is meeting, the staff is over there. Larry Woodworth is the staff director. He'll meet with the Ways and Means Committee and then he would come over here when Finance is holding hearings on the same bill. It is a very interchangeable, totally nonpartisan, professional staff and has worked well.

But I do not have any strong feelings one way or the other.

Senator CLARK. Well, Mr. Chairman, I do not want to delay. I am going to vote against it because it does not seem to me that it makes sense to have it in existence at all.

The CHAIRMAN. I think Senator Long pointed out that it was important to the work of his committee, the Finance Committee, and the committee in the House, that they could have a joint meeting between the House and Senate and try to work out some of these problems before they got along to the legislative stage.

Senator CLARK. That is true; but I think that would be equally true of any two committees in Congress, where you have problems of that kind, if you work them out ahead of time, and so forth, but I do not think it should be separate for Ways and Means any more than for Appropriations or lots of other committees.

The CHAIRMAN. No further discussion?

Are you ready for the question?

All in favor of the recommendation to retain it as a separate committee, say "aye." [Chorus of "aye."]

Opposed? [Chorus of "no."]

It sounds like a tie.

The clerk will call the roll. The Chair is in doubt.

The CLERK. Mr. Pell. [No response.]

The CLERK. Mr. Byrd. [No response.]

The CLERK. Mr. Allen.

Senator ALLEN. Aye.

The CLERK. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. No.

The CLERK. Mr. Hatfield?

Senator HATFIELD. No.

The CLERK. Mr. Griffin. [No response.]

Mr. Tower. [No response.]

Mr. Chairman.

The CHAIRMAN. Aye.

Senator PELL. Mr. Chairman, I would like to be recorded as "no."

The CLERK. Mr. Byrd.

Senator BYRD. Aye.

The CLERK. That is four ayes and three nays.

The CHAIRMAN. The recommendation is approved.

Now, on page 13, with respect to the Joint Committee on the Library and Joint Committee on Printing, you're recommending that action be taken to try to dispose of those, to get the House to agree to dispose of those two joint committees; is that it?

Senator STEVENSON. Yes, sir, with both being consolidated into this committee.

The CHAIRMAN. By statute the membership on those committees is made up of the corresponding members of the Rules Committee subcommittees in those two particular areas.

Senator ALLEN. Mr. Chairman, I know I serve with you on the Joint Committee on Printing and I rather imagine the Library operates the same way.

It would seem to me there is reason for the existence of this joint committee in that the general printing would have—is now free to spend it and this six-man committee directs the policy, more or less, of the GPO; and it would seem that they would be without a directing force if you do away with the Joint Committee.

They can get a quick decision there by House and Senate Members who vote on policy of the GPO and I assume the policy of the Library of Congress, our Library Committee.

I really do not see that it does any harm, and does a whole lot of good to the Public Printer to come in and they have meetings, possibly every couple months or so, without a great burden on any of the Members.

If we are going to keep the Senate Committee and the House Committee on Printing, we are going to have the—the policy leadership for the Library and for the GPO split and you can never get a decision.

The Senate will say yes, we think one thing, and the House might think something else. In other words, we could never get a decision. It would be in a state of limbo.

I do not see that it does any harm. I do not see it does any harm to keep these joint committees, to direct policy of these two agencies.

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. Well, Mr. Chairman, this might be a matter that the Rules Committee would want to study, since it does require legislation by both the bodies; but it would be possible to have the agencies under the jurisdiction of these two joint committees report, as for example, does the Congressional Budget Office to the respective Rules Committees. And if something of the order is not done, then we are going to face up to some more problems with respect to limitations on committee appointments; we will be opening the door, presumably, for more, for fourth and fifth committee assignments.

Senator ALLEN. I do not think anybody, particularly enjoys serving the committees, but it does give a direct head to the GPO and Library of Congress. They are without leadership, something that can direct them.

Senator STEVENSON. Well, all I am saying is that the two Rules Committees, perhaps acting through joint staff, could continue to give such direction to these agencies without creating the committee assignments.

Senator ALLEN. At present they can get advice from the joint committees.

The CHAIRMAN. Suppose we defer action on those two items in the recommendation and not mark it up further.

If we could go back to page 11, now. We skipped over Senator Allen's request because he was required to be at another meeting—the issue of Veterans' Affairs and the issue of Nutrition and Human Needs.

If we could go to Veterans' Affairs at the top of page 11.

Senator Stevenson.

Senator STEVENSON. Mr. Chairman, the suggestion now is to consolidate Veterans' Affairs in the Armed Services Committee, with the exception of Veterans' Housing, which would go to the Banking, Housing, and Urban Affairs Committee——

The CHAIRMAN. Were you finished on that?

Senator STEVENSON. That is the suggestion, and I do not believe it requires much elaboration.

The effort is once again to arrest the proliferation of committee assignments, which makes it very difficult for Members to serve the needs of all people, including those, like veterans, with very special problems; and the hope is that through such consolidation and in a committee, there is obvious concern for the welfare of veterans; that they could be better served.

The CHAIRMAN. I may say that Senator Stennis advised that he was opposed to having Veterans' Affairs go to Armed Services, and asked me to inform the committee to that effect.

Senator BYRD. Mr. Chairman, the Armed Services Committee at the present time is one of those fixed committees, any two of which no Member may serve on unless he is grandfathered in. They are called—I cannot think of the particular name there—exclusive committees.

The Veterans' Committee is not one of those exclusive committees. The Veterans—if the Veterans' Committee is merged in with the Armed Services Committee, that committee, as I understand it, would then be called the Committee on Armed Services and Veterans' Affairs; is that correct?

Senator STEVENSON. Yes, sir, that would be part of the suggestion.

Senator BYRD. Do you feel, Senator Stevenson, that by a merger here, of the Veterans' Committee into one of those exclusive committees, to wit, the Armed Services Committee, that this would constitute in reality an upgrading of the Veterans' Committee?

Senator STEVENSON. Yes, sir, that has certainly been the intention in all of these cases, and for reasons which have been mentioned, primarily having to do with the large number of committee assignments, which all of the Members now receive and with the inevitable result that they cannot do as well by any as they might if they had fewer assignments.

It is certainly not the intention to downgrade the importance of the veterans and, in fact, that is one of the reasons for suggesting consolidation with the Armed Services Committee, where they would be assured of the sympathetic hearing by, among others, members of that committee who now serve, already serve on the Veterans' Committee.

Senator BYRD. The six exclusive committees are Armed Services, Judiciary, Commerce, Foreign Relations, Appropriations, and Finance; is that correct?

Senator STEVENSON. That is the present practice; but it was the recommendation of the select committee that with reorganization, and a new committee system in which responsibility was equalized among all of the committees, that those exclusive assignments be done away with.

Now, there was a suggestion that for a different reason, not unequal workloads or responsibilities, but because of—oh, theoretical, at

least, conflicts and jurisdictions that one might want to—the Rules Committee might want to consider making membership on the Appropriations and Finance Committees exclusive. In other words, you cannot serve on both of those.

But otherwise, you could serve on any two of the major committees, and in addition on one of the third committees.

Senator PACKWOOD. I might add on this, I think the recommendation to put this in Armed Services probably is wiser than the decision that they made.

If there is going to be any reconciliation of this problem of military pay, benefits, and the entire cost for those both active and retired, it makes sense to put it in this committee, which already has the bulk of jurisdiction on that issue.

The CHAIRMAN. Further discussion?

Senator Allen?

Senator ALLEN. Is the question now going to be the recommendation of the committee for major reform?

The CHAIRMAN. Yes; the question, unless there is a substitute, would be that the recommendation of the select committee be approved, which would consolidate in Armed Services, having the name changed to the Committee on Armed Services and Veterans' Affairs.

Senator STEVENSON. Mr. Chairman, may I just be heard on that?

The CHAIRMAN. Yes.

Senator STEVENSON. The original recommendation of the select committee was to consolidate in Human Resources, so this is——

Senator ALLEN. Yes.

Senator STEVENSON [continuing]. So this is a change from that recommendation to propose consolidation instead in the Armed Services Committee.

Senator ALLEN. I would not agree that changing a committee from a full standing committee over to merge it with another committee, where it becomes a subcommittee of that committee, is upgrading that committee. I think the Veterans' Affairs Committee is a committee that deserves to continue as a separate committee; tens of millions of our people are veterans or members of families of veterans, and feel that they performed a most vital and important function and feel that it should remain as a separate standing committee.

I think this question is so important, Mr. Chairman, that we ought to have the full membership of the committee when we vote on it if that is at all possible.

I would like to move a substitute that the Veterans' Affairs Committee continue as a separate standing committee with the same jurisdiction that it now has and I point out that the committee has already retained standing committee status for the Committee on Ethics and some designation as special committee, select committee, or standing committee, limited standing committee for the Committee on Small Business.

Certainly, I feel that the line has not been broken on these two; I think it all the more reasonable and proper that the Veterans' Committee should stand as a separate committee.

I offer that substitute.

The CHAIRMAN. Is there further discussion?

Senator BYRD. Mr. Chairman, I wonder if Senator Stevenson would respond.

Senator STEVENSON. This is getting to be a familiar response, familiar refrain; and as I predicted earlier, just as soon as an exception is made in one case, there will be an excuse for making an exception in the other case; and you keep going down that long path that the Senate has for the last few years——

Senator PELL. If the Senator will yield there. Nobody said that we should vote for or against this motion, because we voted for or against the FDA. You brought that in yourself, sir.

Senator STEVENSON. Well, I believe Senator Pell, that Senator Allen just said exactly that.

Senator PELL. I apologize.

Senator STEVENSON. And I just cannot accept the proposition, in my own way of thinking, that one mistake deserves another. Our objective has been, and will remain, to do the best we can in order to make the Senate more responsive to the interests of all Americans. I doubt if there are many Members present here who are not veterans. I know there is not a one who is not sympathetic to the problems of veterans.

We would not have made this proposal, nor any of the others, if we were not convinced that a new Senate committee system would enable all of the Members to serve the needs of all of the people, especially those with special needs such as veterans, if we put this house in order and relieve ourselves of the necessity of being in three, four, six sometimes more, committees at the same time.

This morning, I should have been in the Intelligence Committee. We are getting whittled away and this is just another case of whittling away and if an exception is made here, the veterans will not be the beneficiaries. Veterans are American citizens. They have every kind of human need as well as special needs.

The argument will be made when we come to Select Nutrition and Human Needs, that we have already made exceptions for Small Business and for Veterans and we will make another exception, and those with special nutritional requirements will be the ones to suffer, too.

So I said this so many times; I am not—unless the committee wants to extend the debate, I am not going to argue in more detail. My feelings are strong and they have been made clear before and I will not presume on the Senate to make them again.

Senator PELL. Mr. Chairman, I think the record should show that the observation has been made in the past about political pressures. On no single committee were there more pressures applied by the veterans than on this one: and those of us who do not respond enthusiastically to pressure might have been turned around by it, it was so excessive. I intend to support this, not because of all the pressures, but in spite of it. But there were more on this one committee than I think on all of the other committees put together.

Senator STEVENSON. And, Senator, if I could just say one word, having said that I would not say one more word, we have a way of referring to veterans. It would be more accurate to refer to veterans organizations. We have been hearing from veterans. I have been hearing from veterans, many of whom, most American citizens are veterans, say, save us from more inefficiency, more unresponsiveness, more bureaucracy in the U.S. Senate.

If we are veterans yet, we are American citizens, too, and we want a responsive Senate and we are for you.

Senator TOWER. Mr. Chairman?

The CHAIRMAN. Senator Tower.

Senator TOWER. There is a lot of talk about pressure. That this is something terrible. I think Senator Clark made a good point. He said in a democracy we have to expect this sort of thing. People who are affected by what we do have a right to make representations to us. Indeed, that is pressure.

We are under pressure all the time, from general citizenry of this country, and specific components of it, to try to suggest that the veterans organizations have a specific vested interest as organizations. I do not think they do. I think they are trying to represent what they conceive to be the legitimate interests of their own constituents, which they have a perfect right to do.

I wish I could hear as much about the inordinate power and influence and pressure brought to bear in this Congress by organized labor, for example, as we do by smaller constituent organizations like the American Legion, the Veterans of Foreign Wars or whoever.

Let us face it; that is the single most powerful element in our society from the standpoint of political influence, economic influence, and everything else. But because they are so powerful, people would rather complain about them.

Now, of course, the veterans organization is going to make some strong representations to us, as they should. They would fail their constituencies if they did not. Because an individual who writes and says, reorganization is good, also happens to be a veteran, does not necessarily mean he is reflecting the consensus of what the veterans think.

I believe that the veterans organizations do. I think that their interest is better served. If I have observed them in the Armed Services Committee, it is much too busy to incorporate this. We get in the business of trying to decide which of all of these sophisticated weapons systems to buy. It goes into our armed procurement legislation; it takes weeks, months of intensive deliberations over some very, very highly complex systems.

The Armed Services Committee is a very difficult committee to serve on, particularly for someone who flunked his minimum requirements in physics in the senior year in college. I took moron's physics and flunked it. And if you don't know what that makes me—but these systems are very, very difficult to understand. There is an immense amount of homework required. You do the veterans an enormous disservice if you put them in this committee because, of necessity, their affairs have to be subordinated to the most important committee, that is, maintaining an adequate level of defense in the United States of America, which impacts all of our citizens.

I think the argument made is very strong, indeed, and I hope this committee will adopt it.

Senator PACKWOOD. Mr. Chairman, it seems to me that our committee's rigorous reform is being given up. There is not too much left that has not re-created to worry about. We might as well re-create them all.

Senator BYRD. May I direct a question to either Senator Stevenson or Senator Packwood?

Can either of you conceive of a situation in which the needs and problems of veterans in this country will go unattended by the Members in Congress and whether there is a separate Veterans Committee or whether it is a subcommittee of the Armed Services Committee?

Senator STEVENSON. Senator, I cannot conceive of such a circumstance, certainly not for as large and deserving a group as the veterans of the United States.

I would just point out to fortify that statement, that most of the benefit legislation enacted by the Congress of the United States for veterans was enacted before they received a special Veterans Committee.

We have researched the history and whether it is in terms of a proportion of Federal resources devoted to the welfare of veterans, or just the initiation, the enactment of legislation, it did better without a Veterans Committee and that is for the obvious reason that I mentioned.

This is a large constituency and it is a deserving constituency and as long as there is a Congress of the United States, there is going to be a response to the needs of veterans; and the response has been greatest, as I say, when the jurisdiction was in the committee which the Senator from New Jersey chairs.

That original proposal of the select committee to take the jurisdiction back in the Human Resources Committee. It once did exercise it well, but it was changed, Senator Tower, because of the feelings, the opinions that were expressed by veterans organizations.

We are trying to accommodate the opinions of veterans organizations, respecting those opinions, doing justice by the veterans—above all, by continuing our efforts to make the U.S. Senate more responsive to the needs of all Americans, including veterans.

Senator ALLEN. Senator Stevenson, I am not sure that your statement that more would be accomplished for veterans prior to setting up the separate committees. I am not sure that that argument is valid; because, naturally, after World War II, the Korean war, and the start of the Vietnam war, naturally, more veterans legislation was passed during that time than in the time since the separate committees were set up. I do not believe that is a very valid argument, that more was accomplished prior to setting up the committee than after the committee was set up.

Passage of the GI legislation has already been passed by the time this committee was set up.

Senator STEVENSON. Well, the Senator is making a point, but much of the legislation is on the books. But I also refer to dollar outlays and we do have some figures which I would be glad to enter into the record and I grant you these are not perfect, but they also indicate that, by this monetary degree of measurement, veterans were just as well off, perhaps better served before the creation of the special Veterans Committee; and once again, I do not mean to denigrate the Veterans Committee. It has done its job and it has done it well. Our objective is to do better.

Senator TOWER. Mr. Chairman?

The CHAIRMAN. Senator Tower.

Senator TOWER. The Veterans Committee in the House has been in existence for many, many years, long preceding our own.

If I am not mistaken, most of the veterans legislation was generated by the House committee and passed before it came to us. It seemed to indicate that the existence of the committee in the House, was strongly in favor of the legislation being enacted.

The CHAIRMAN. Further discussion?

Anyone desire a rollcall or voice vote?

Senator BYRD. What is the question?

The CHAIRMAN. The question is on the substitute, offered by Senator Allen that the Veterans' Affairs be kept as a separate standing committee.

Ready for the question?

All in favor say "aye."

[Chorus of "ayes."]

Opposed? "No."

The ayes appear to have it. The ayes have it.

Next is the Select Committee on Nutrition and Human Needs.

Senator Stevenson?

Senator STEVENSON. Mr. Chairman, the proposal is to consolidate the Select Committee on Nutrition and Human Needs in the Committee on Agriculture, changing the name of that committee to the Committee on Agriculture and Nutrition and again the thought was to create a statutory subcommittee of the Agriculture Committee to emphasize the importance of nutrition in this newly constituted committee of the Senate.

The CHAIRMAN. Is there discussion? The proposal was to change the name as well so that it would be called the Agriculture and Nutrition Committee?

Senator STEVENSON. Yes, sir.

The CHAIRMAN. Senator Allen.

Senator ALLEN. Senator Stevenson, inasmuch as the number of the committeemen on Agriculture was raised, I believe by two, when it was thought that the Small Business Select Committee would be merged in with the Agriculture Committee, was the fact that that committee was left intact as a select committee, now removes the need for adding two members, two slots to the Agriculture Committee?

Senator STEVENSON. That question is difficult to answer at this point, Senator Allen. I just do not know offhand what effect all of the changes that are being contemplated by the Rules Committee will or should have on sizes of committees.

Senator ALLEN. So you are knocking some off of some committees, like Foreign Relations? I believe you knocked one off. Does not this very easily open up a slot, then, on Foreign Relations?

Senator STEVENSON. Well, it could. I just do not know at this point the answer to that.

Senator ALLEN. Could you stay within your 200 limit?

Senator STEVENSON. The sizes were arbitrary to begin with; in the first instance, they were based on consultation with the secretaries of the majority and minority.

There would, I assume, be new consultations that would have to take place now in view of the changes that have been and that are being proposed for the committee structure. I just do not know.

Senator ALLEN. The thought in adding these two was to make a place on the Agriculture Committee for the chairman and the rank-

ing minority Member of the Select Committee on Small Business. Now that that is done away with, it does not look like to me those extra two.

Senator STEVENSON. Well, it was not quite that simple. We were trying to equalize workloads and correspondingly, the memberships of the committees.

Now, this will add a very significant jurisdiction to the jurisdiction of the Agriculture Committee. It is not losing anything. It is gaining a substantial jurisdiction and it just might be—I cannot say at this point that it would still be desirable, recognizing this increased responsibility and, presumably, the attractiveness of the committee to still increase the size.

Senator CLARK. Will you yield, Senator?

I just want to suggest, Senator Allen, that the size of the committees will be determined at least in small part by what we finally do with each of them. I am wondering would it not be better after we complete action to go back and look at the sizes? That we have the same problem, of course, with every consolidation——

Senator ALLEN. It is all right.

Senator CLARK. I would like to look at them myself.

Senator ALLEN. One other question that I would like to ask. The agriculture college, was that jurisdiction not taken from Agriculture and taken some place else?

Senator STEVENSON. The ——

Senator ALLEN. Agricultural college.

Senator STEVENSON. Oh, yes. I may have misspoken, so I apologize.

The land-grant colleges, the University of Illinois, and other such institutions, would be under the Human Resources Committee, which is of course the Education Committee.

Senator ALLEN. But why would not the agricultural nature of these institutions govern in place of jurisdiction?

Senator STEVENSON. Because those institutions are no longer just agricultural colleges. The University of Illinois, which of course is the one with which I am most familiar—in fact, I have a child in it—is an enormous State university, and agriculture is important but it is not a dominant feature of that university.

The experiment stations, of course, which at least in many cases are managed by land-grand colleges, would remain within the jurisdiction of the Agriculture Committee.

Senator ALLEN. Well, that seems like splitting of jurisdiction right there.

Senator STEVENSON. I will tell you, Senator, there is a lot of splitting. That is one of the reasons for the ad hoc procedure.

Senator ALLEN. You would not consider putting the agricultural college, leaving them in Agriculture now?

Mr. STEVENSON. I think, Senator, it would be wise to recognize that land-grant colleges are predominantly institutions of education and not of farm production.

The CHAIRMAN. If there is no further discussion, then, is there objection to the recommendation of the committee? The Agriculture Committee then would be known as the Committee on Agriculture and Nutrition.

Senator ALLEN. Well, I feel that I must offer an amendment, leaving the agricultural colleges with the Agriculture Committee.

The CHAIRMAN. Well, we have not discussed the jurisdictional aspects yet. If we could settle on this, then we will have less for tomorrow, the jurisdiction and the sizes and the committee assignments and chairmanships left to resolve.

If there is no objection, then, the recommendation of the committee will be approved.

Now, that brings us back to one remaining item, and that was the Committee on Ethics. Senator Byrd, we changed the name to Senate Ethics Committee, and Senator Clark had a proposal which I asked him if he would defer until you could be here. Senator Clark, do you want to enlighten Senator Byrd?

Senator CLARK. Yes; I simply want to—I made a motion this morning which was partly adopted; namely, that title I simply did establish in Ethics Committee, by that name, with rotating membership and so forth. But the proposal—Senator Hatfield asked that the proposal regarding public financial disclosure and some other factors, in view of the size of the document, and so forth, not be voted on at once.

Reviewing that during the noon hour and talking with people from the Government Operations Committee, they say that they are all ready to report and consider on the floor, a measure dealing with public disclosure, and they have been into this subject for a very long time.

Based on that, I thought it would be wiser, if we are voting down this legislation to withdraw that section on public disclosure. The second, dealing with gifts of more than $100 from lobbyists, would simply be included in the section in which the Ethics Committee would consider that in the process of writing their code of ethics.

So that leaves us with really two parts of the proposal, one of which has been adopted; namely, the establishment of the Ethics Committee; and then, second, to mandate that this new Ethics Committee report to the Senate by a date certain, a comprehensive code of conduct.

So that is my motion, Mr. Chairman.

Senator BYRD. Mr. Chairman?

The CHAIRMAN. Senator Byrd.

Senator BYRD. On the last day that the Senate met, I stated that it was the plan of Senator Baker, the Republican leader, and myself, to offer a resolution creating an ad hoc committee, bipartisan in nature, to consider the matter of a public code of conduct and to report back to the Senate within—not to exceed 90 days—its recommendations and whereupon, of course, those recommendations would be formulated into the format of the resolution to be referred to the Committee on Rules.

I would hope that we would not—I would hope that Senator Clark would withdraw his proposal at this time so as to allow such an ad hoc committee, bipartisan in nature, as I have indicated, to be created, which would go into this matter in some depth and make recommendations back as I have indicated.

In the House, the committee, under the chairmanship of Mr. Obey is now considering a code of conduct for the House and it is my understanding that as of about the middle of March, the Speaker of the

House will appoint a committee to be chaired by Mr. Preyer, which will develop legislation to deal with a code of ethics for the legislative branch.

It may be that that committee would want to consider broadening that to cover the executive and legislative branches as well; I do not know.

But I do think that the Senate ought to be in step with the House and that there ought to be an ad hoc committee established to consider and to make recommendations on a public code of conduct for the Senate.

And Mr. Baker, the Republican leader, has indicated that he will cosponsor such a resolution with me and I would hope that in view of the fact that it is in our desire and we have so announced it ahead of time, Mr. Baker and myself, I would hope that Mr. Clark would not press his proposal in this committee at this time.

Senator HATFIELD. Will the Senator yield?

Senator BYRD. Yes.

Senator HATFIELD. I wonder if the Senator would respond to this observation. Would it create a public bind at this time for us to remove, in effect, the recommendation, dealing with ethics, of the select committee, Senator Stevenson's and Senator Packwood's committee, to say that we are going to set up an ad hoc committee, to deal with this question at another time?

It seems to me we have had a great deal of discussion on the need for an ethics committee, affected by the study before us of the select committee, by other general political events that have placed a great public focus on this, and great public discussion in many other forums besides the Senate. If we deleted that action from the Rules Committee general report to the Senate by the 19th of this month, the public might feel that we have put a lesser priority on the whole issue of ethics; whereas, if we incorporated in the Rules Committee report what we would feel to be the best proposal, this will all be brought to the floor of the Senate on the 19th. The Senate will work its will anyway, item by item, committee by committee, recommendation by recommendation; and if the will of the Senate is to set up an ad hoc committee at that time, then that is the will of the Senate.

But it seems to me for us to take that action at this time would be undoing a very important part of the select committee's recommendations to us, and it would raise in the public mind this quesion as to whether or not we have put priority on dealing with the question of the Ethics Committee.

Now, that is my immediate reaction to the Senator's proposal. I am not saying that I am locked into opposition, but that seems to be my reaction.

I just wondered if the Senator would care to comment.

The CHAIRMAN. Senator Byrd?

Senator BYRD. Yes; well, I cannot see the conflict. I cannot see where there is any conflict in the proposal that I have suggested and any of the provisions that are in the resolution before us.

Senator HATFIELD. Well, Senator Byrd, the whole question of an ad hoc committee has yet to be resolved by this committee, so, are we not making a premature move in the framework of time and action of this committee—to determine an ad hoc committee, when the whole

question of ad hoc committees has yet to be decided by this committee?

Senator BYRD. I would like to address the question to Senator Stevenson.

Senator STEVENSON. Mr. Leader, I do not believe you were here. The committee's consideration of the procedure for the establishment of ad hoc committees was deferred until you could be here. I think that is the problem that Senator Hatfield is alluding to.

In the meantime, I had withdrawn the suggestion made earlier, that the Standards and Conduct Ethics Subcommittee of this committee to suggest that there be established by the resolution of this committee a special committee of the Senate which would be Standards and Conduct, or Ethics, and I am not sure I overheard all of this, but it might be the wish of this committee or the Senate to mandate action by that committee on a code of conduct instead of an ad hoc committee.

Senator GRIFFIN. Mr. Chairman?

The CHAIRMAN. Senator Griffin.

Senator GRIFFIN. I do not think that we are necessarily at odds. As I understand it, the original recommendation of the select committee was that we do away with the present Committee on Standards and Conduct and make it a part of the Committee on Rules. We already have decided that we are not going to do that, we are going to keep the existing Committee on Standards and Conduct, calling it a Committee on Ethics. We are saying that maybe we should establish a new way of appointing the membership of that committee so that there would be some representation of the freshmen and the committee was to have 90 days to come up with a code of conduct or ethics.

Now, as I understand what Senator Byrd is saying, and Senator Baker, is that they want to appoint an ad hoc committee to come up with recommendations on the code of ethics. I had that suggestion in mind myself. It seems to me that this committee should have not only the support but the leadership of the two leaders of the Senate. It may well be that they want to tap and call upon certain people in the Senate to develop the code of ethics. But these people might not necessarily wish to continue to serve on this Standing Committee on Ethics.

This might well be a larger group or a different group. It seems to me there would be some merit and value in that.

I would certainly hope if there were such an ad hoc committee to develop a code of ethics, that they would give great weight to the resolution of Senator Brooke, which is supported by Senator Clark and Senator Allen and others; because I think it does have many excellent features.

So I do not know that we necessarily lose ground if we have the support of the leadership behind the proposal. I think we were talking earlier, Senator Byrd, about 90 days as the appropriate time for drawing the code of ethics. The President has sent up a pay raise today and there is only 30 days for establishing such a code. If there is going to be some code of conduct to be established, there is a lot of value, I would say, of coming up with that within such a 30-day period.

I do not know why it could not be done in 30 days as well as 90 days if we set about to do it.

Senator CLARK. Mr. Chairman, just to put this in some perspective as I view it, I recall that when Senator Brooke testified here a couple of weeks ago, he went through this proposal at some length and, as I

recall, all of the members felt that it was a very good proposal, something that ought to be adopted, very timely and so forth. The next day, I announced that I would offer this amendment at the appropriate time in the markup and Senator Hatfield, as a matter of fact, joined in that effort.

I think based on that, we felt this morning that it was appropriate to at least offer the first section, which we did, and voted on, and then went on to establish such a committee, which would be broadly based, equal in Republican and Democratic numbers, balanced in seniority in three different groups.

It seems to me that that is a committee that is going to be very democratically arrived at, going on to produce a code of ethics, and I do not see that—I sort of agree with Senator Byrd; I do not see that there is any conflict in this; but I am not sure it would not be wise to do it through the normal processes of the Rules Committee and the Ethics Committee rather than establishing a separate ad hoc committee.

Maybe the two can be joined in some way, that is not clear to me, so that they could be worked out together. I do not know.

Senator BYRD. Mr. Chairman?

The CHAIRMAN. Senator Byrd.

Senator BYRD. I think it is incumbent upon the leadership of both Houses to indicate to the public that the leadership of both Houses is not only going to support the proposed salary increase for officials in the legislative, executive and judicial branches of Government, but that it is also committed to the support of a code of conduct, which the Peterson Commission has recommended be in tandem with the salary increase. The two cannot be tied together legislatively and mechanically; but certainly they can be tied together in principle.

The salary increase under the law will go into effect if neither House negates the proposal within 30 days. I do not think it would be possible to put into effect a legislative proposal that would deal with a code of public conduct. However, it was my thought—and I believe Senator Baker would agree with me—I do not presume to speak for him—I think Senator Griffin put his finger on the crux of the matter a minute ago; but it was my thought that if the leadership joins in appointing an ad hoc committee that is mandated to report back to the Senate a code of public conduct within 60 days or 90 days, that this would, indeed, be a commitment on the part of the Senate leadership that it is going to follow the rule of public conduct as part of the overall package that was recommended by Pete Peterson and his Commission and which is going to be, if it has not already been proposed by Mr. Ford, and which will be supported, I think, by President-elect Carter.

The House is at this moment ahead of the Senate in this regard, in that the machinery has been set in motion by the leadership there and as I understand it, the Obey committee has been going into this matter in considerable depth for several weeks.

I have already indicated that it is the intent of the Speaker of the House, if I directly interpreted the press comments, to appointment prior to the middle of March, a committee which would draw up legislation to cover the legislative branch; whereas, the Obey Commis-

sion, as I understand it, is working on a proposal for a change in House rules that will provide a code of conduct for that body.

So I feel that it is imperative that the Senate move in this direction, but it be under the aegis of the leadership; that it have the stamp of Senate leadership upon it and this is the reason why I indicated last week that it was my intention and that of Mr. Baker to introduce such a resolution to create such an ad hoc committee, that the recommendations of that ad hoc committee would have to go back to a legislative committee, and in this instance, it would be the Rules Committee; but I feel this is the wise course under the circumstances.

So that the public is on notice that the Senate leadership, bipartisan leadership of the Senate, is committed to act to keep that part of the bargain, if I may refer to it as a bargain, which the Peterson Commission has proposed.

Senator CLARK. Would the Senator yield?

Senator BYRD. Yes.

Senator CLARK. I would like to respectfully disagree, on these grounds: First of all, I think that your feeling is absolutely right, that it is important that the leadership, in a bipartisan way, make very clear that they support the Peterson Commission and the proposals before it. I think it is essential, and I know that the majority leader did so in his opening statement before the caucus, and I think, on at least one or two occasions since.

But it does seem to me it would carry a lot more weight with the public generally, in which we are talking about restoring confidence, if this committee and the full Senate says we are committed to these reforms. It seems to me that that is even stronger than simply having support from the bipartisan leadership. That is what we do if we put it in this resolution; and if it is passed, we go back on the floor on the 19th.

In other words, by the 22d or 23d or 24th, we are going to have a mandate from the full Senate of the United States to go forward with these reforms and to get a code of ethics within a given period of time.

Now, if we go the route of an ad hoc committee, what we will have is a report back from that ad hoc committee in 90 days which will then start all over again here in the Rules Committee, and then we will have to go from there on down through the regular process and back on the floor. It certainly is going to be a minimum of 3½ or 4 months at the very best—absolute minimum, 3 months and 1 day.

It seems to me we would have stronger support from every source, including the leadership and the full Senate if we go this route.

That is, Mr. Chairman, basically why I would feel that we ought to go ahead with the pending amendment.

Senator GRIFFIN. Would you yield, Senator Clark?

Senator CLARK. Yes; I think Senator Byrd has the floor.

Senator GRIFFIN. I still do not think there necessarily needs to be a conflict. It seems to me we can accomplish what you are trying to do and still have the support and input of the leadership. Now, if we let this resolution go its normal course, and we try to use this resolution as the vehicle, it is going to be quite a long time before we will get a group working on development of a code of ethics. I do not think the committee here is going to have a very easy time reporting this out.

It is going to lay over for a while. It is going to go to the floor.

Senator CLARK. It is going to go on Wednesday.

Senator GRIFFIN. I rather expect there is going to be considerable debate. The leadership, Senator Baker and Senator Byrd could move and get their resolution before the Senate, and if adopted, get a group working on a code of ethics earlier than you would be able to do following this course. You could end up with the same code of ethics.

Senator CLARK. Then if the Senator will yield, that will have to come back to the Rules Committee, and we will start again in terms of the action on it; would we not?

Senator GRIFFIN. Well, when the committee, you propose, develops a code of ethics, it is going to have to be adopted by the Senate, at least.

Senator CLARK. That is right. But you add another step here.

Senator GRIFFIN. I really do not know whether Senator Byrd has that in mind or not.

Senator BYRD. The select committee would not be empowered to report legislation, would it?

Senator CLARK. I do not know.

Senator BYRD. The select committee is not ordinarily empowered to report legislation. It can only report a recommendation, which in turn has to be referred to a standing committee of the Senate for its consideration.

Senator CLARK. It could by resolution, could it not, if we include that n this resolution?

Senator BYRD. Well, it could by resolution of the Senate be so empowered.

Senator CLARK. Yes.

Senator BYRD. I think, Mr. Chairman, we have enough problems in connection with this particular resolution without adding on a problem which opens up the resolution to further discussion and amendment by getting into this area.

It seems to me that the matter of developing a code of public conduct ought to be an issue separate from this resolution. We have got enough problems as it is with this resolution.

Now, if the resolution that I am speaking of is adopted, I would be very happy to put the Senator from Iowa on that committee as one of the members on this side. But it seems to me that that ad hoc committee will be studying precisely the same matters which are set forth in the Senator's proposal. I just think the two things ought to be kept separate. There ought to be a broad representation of the membership of the Senate on both sides of the aisle, and it ought to be under the aegis of the leadership. It would be if it is created by the leadership.

I think we owe this kind of commitment to the President and to President-elect Carter and to the public. The leadership is behind it, and I think that would be indicated by the submittal of such a resolution and by its adoption by the Senate if the Senate then so adopted it.

The CHAIRMAN. Gentlemen, let me suggest that we carry this matter over until tomorrow in order to review the situation and perhaps we would be prepared to make some recommendations.

As I view it now, we have these issues remaining: This particular one, then we have the question of ad hoc committees and joint reference, committee assignments and chairmanships, jurisdiction and sizes, which we can now work on in light of the determined committee

structure, the acceptance of size, the issue of committee staffs, and miscellaneous.

I would like to suggest that to give our staff some time to pull some of the possibilities together with respect to the various committee sizes and the limitation on assignments, we go over until 11 o'clock in the morning, and that would give us a chance to get a little better feel for it and then proceed and try to settle these other issues, because we have only 2 days remaining. We still have a lot of work to do.

I think a lot of this will probably follow in place rather rapidly, once we get the computer figures as to what we have to do to carry out the committee structure assignments that have been developed to date.

Senator PELL. Mr. Chairman, I would hope the staff would crank into their thinking the thought that not all committees need be of the same size. As we said earlier, the Small Business Committee need not be 17 members and 15 members, and that maybe there would be a variation of size of the committee in accordance with the size of the workloads.

The CHAIRMAN. If there is no objection, then, we will stand in recess until 11 o'clock tomorrow.

[Whereupon, at 5:25 p.m., the hearing in the above entitled matter was recessed, to reconvene tomorrow, Tuesday, January 18, 1977, at 11 a.m.]

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977

TUESDAY, JANUARY 18, 1977

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

The committee met, pursuant to recess, at 11:12 a.m., in room 301 of the Russell Senate Office Building, Hon. Howard W. Cannon (chairman) presiding.

Present: Senators Cannon, Pell, Robert C. Byrd, Allen, Williams, Clark, Hatfield, Griffin, and Tower.

Staff present: William M. Cochrane, staff director; Chester H. Smith, chief counsel; Floyd M. Riddick, professional staff member; Jack L. Sapp, professional staff member; Larry E. Smith, minority staff director; Andrew Gleason, minority counsel; Ronald Hicks, senior analyst, Subcommittee on Computer Services; and Peggy Parrish, assistant chief clerk.

The CHAIRMAN. The committee will come to order. At the time we recessed last night, we were considering the proposal of Senator Clark, and Senator Byrd and Senator Clark were having a discussion. We will start at that point.

Senator Byrd?

Senator BYRD. Mr. Chairman, I thank you. Following the meeting of the committee yesterday, I had some opportunity to give further thought to the matter that was being discussed. It seems to me that the concerns that have surfaced deal with the need for assurance that the Senate will act on a code of public conduct for Senators and employees and officers of the Senate. Also, such action should come quickly. The time is already running on the President's proposed pay increase. There is a limit of 30 days from the time that it is transmitted.

I have discussed this matter overnight, and again this morning, with the minority leader. And we have decided on the following—to introduce today a resolution providing for the establishment of a temporary select committee, composed of 15 Members, 8 from the majority and 7 from the minority.

That committee is mandated to study and to report back to the Senate by March 1 legislation establishing a code of conduct for Senators, officers, and employees of the Senate. That legislation would become the pending business when reported back, not later than March 1.

And the resolution which we will introduce today is incorporated language patterned after the language in the Budget Reform Act,

which this committee had a great deal to do with writing, which would allow for an overall maximum of 50 hours of debate, with no motion to recommit being in order, with a time limitation on amendments, debatable motions, and appeals, and with a nondebatable motion being in order to reduce the time, as is the case in the boilerplate language to which I have referred.

This resolution would assure Senators and the public that, in the enactment of the salary increase, which is supported by Mr. Ford, by Mr. Carter I am told, by the House leadership and by the joint leadership in the Senate, would not be a pig in a poke, and that Senators who stood up and supported that salary increase would be assured that the Senate was going to act on a code of conduct.

So we will not have a temporary committee which merely studies and makes recommendations back, which recommendations in turn would go to the Rules Committee and perhaps would be open ended as to time for action.

I believe that this is the approach that ought to be taken. I strongly support the salary increase that has been proposed by Mr. Ford and will be supported by Mr. Carter, and that is based on the Peterson commission recommendations. I think there is a hidden crisis in Government; there is a crisis that is twofold: One, that experienced and qualified persons are leaving the Government because of salary problems—those positions are difficult to fill because of the same problem, and we are more and more getting into a situation in which only the wealthy can afford to serve in the Congress of the United States. Now, the other form of that crisis is the distrust of the public toward people in Government.

So, Mr. Chairman, the resolution that Senator Baker and I will introduced will have locked into it the assurance that the legislation, the proposed legislation, will be reported back by March 1; it will become the pending business; and there will be a built-in time agreement which will assure that action will be taken on that legislation.

And I have discussed this this morning with Senator Clark. He may comment on his own right thereon. I think that is all I have to say.

The CHAIRMAN. Senator Clark?

Senator CLARK. Just briefly, Mr. Chairman, my motion is the pending one. I want to say that I have had a chance to talk with Senator Byrd about this. I think it is the right decision primarily because I was concerned yesterday that if we had a committee which simply reported back to the Rules Committee and then the Rules Committee started at that point, after 120 days, we would lose the advantage of time in this Peterson report.

So I think the report that the majority leader has made encompasses all of the goals that I had in mind. First of all, we get a report back by about 30 days, or 40 days at the outside; that it will not come back to this committee to then be considered, but rather reported directly to the floor for immediate consideration of that proposal with time agreements; and that we do in fact have an opportunity at the time of the vote on the pay raise to permit ourselves to know roughly what we are going to be voting on on March 1.

So I think it really encompasses all of the factors, or at least most all of the factors, that I was concerned about. I think on that basis I would withdraw my resolution of yesterday.

The CHAIRMAN. Very well.

Senator CLARK. I just want to say that, obviously, I am withdrawing the pending resolution that was voted yesterday morning on establishing a new ethics committee with certain membership, which already passed.

The CHAIRMAN. Senator Griffin?

Senator GRIFFIN. That was the thrust of my question. As I understand it, then, this select committee would go out of existence after the code of ethics was adopted?

Senator BYRD. Yes; it would have 30 days after it reported back its legislation in which to wind up its affairs.

Senator GRIFFIN. Does the leadership support the establishment of a separate bipartisan committee on ethics to carry on from there?

Senator BYRD. I have no objection to that; that is entirely a separate matter.

The CHAIRMAN. We have already passed that as a part of this resolution here.

Senator GRIFFIN. I know; I just wanted to see that we all understood that they were tied together.

Senator BYRD. I think this would have the additional advantage, Senator Clark, in not getting into this particular area in this measure, because the subject of a code of ethics is broad enough in itself for the attentions of a separate temporary select committee, and we would not be further loading down this resolution with problems; it already has enough of it.

Senator CLARK. It would be my understanding, then, that the new ethics committee which we authorized yesterday would go forward after it was appointed by the steering committee; that it would not be charged with writing a code of ethics, it would only be charged with actions from that point forward?

The CHAIRMAN. The Senator is correct. And I would say that the present committee will make the staff people available to assist in the ad hoc committee any way they can. Our staff chief counsel is here—Mr. Fern—and he has been working with the committee to try to develop a new code of ethics. Considerable work has been done that might be of help to the committee itself, once it is appointed.

Senator BYRD. I think I should state, too, for the record, that I discussed this approach last evening with the chairman of the Rules Committee, Mr. Cannon, and I believe that it was his feeling that the approach I have outlined, under all the circumstances involved, would be the proper one.

The CHAIRMAN. The Senator is correct. Senator Allen?

Senator ALLEN. I want to commend Senator Byrd for advocating this joint leadership resolution. I feel that a code of ethics for the Senate is something that is long overdue. And I recognize Senator Byrd's desire inasmuch as he is supporting the President's pay raise request, that we also move in the area of setting up a code of ethics.

However, I will state that while I support the leadership resolution setting up the ad hoc committee to recommend legislation that the Senate would have an opportunity to work its will on, I do not support the other part of the package—and really do not quite like the looks of it being a quid pro quo situation; and irrespective of the action on the pay increase, if that should be defeated, I would say that

certainly the efforts to set a code of ethics should go on. I don't feel they should necessarily be grouped together. With or without a pay raise, the ad hoc committee should proceed.

Senator BYRD. Mr. Chairman, may I say, without belaboring the point, that the code of ethics will indeed not be a quid pro quo. The time will have expired on the salary increase—and regardless of whether or not the salary increase goes into effect, the temporary Select Committee on a Code of Ethics will be mandated to report back legislation under a time agreement, so that we are going to have the code of ethics whether or not we have the pay increase.

Senator ALLEN. Very fine.

The CHAIRMAN. All right, gentlemen, if we may now turn to ad hoc committees and joint reference. That is title III, page 27. We deferred that so Senator Byrd could be here and express his views on it. I may say that there was considerable opposition expressed by members of the committee, Senator Byrd, to the proposal there. And we would be glad to hear from you on this proposal.

Senator BYRD. Yes; Mr. Chairman, I had, of course, nothing to do with the incorporation of this language into the resolution. I have not heard an explanation of the justification for it.

I can see where there might be some circumstances which would arise in which it would be advantageous for the joint leadership to be able to move quickly to deal with an urgent matter that was so broad as to cut across the jurisdiction of many committees, such as the energy problem which has been with us for quite some time. I can also see that there could be some concern that the prerogatives of the leadership would be abused if this language were to be included in the final enactment of this proposal.

I would like to hear an explanation from the sponsors of the resolution as to the primary justifications for this language being incorporated.

The CHAIRMAN. Senator Stevenson, would you address yourself to title III, then?

Senator STEVENSON. Yes, Mr. Chairman. Title III is aimed at two problems. First, the question of multiple referrals and the present practice of making referrals multiply jointly, sequentially, by unanimous consent, which has made it difficult in many instances for committees of the Senate to deal with comprehensive issues and with bills which, as a result of such referrals, spill over into many committees. In fact, the practice has even made it difficult to get reports to the floor on legislation, because of the necessity for action by several committees.

The Parliamentarian, or Dr. Riddick, can be more explicit about those difficulties than I can.

But the procedure here was intended to strengthen the leadership and to avoid all of those problems by giving the leadership the opportunity, by motion, to make referrals to committees jointly or sequentially as the need arose.

The motions would be privileged, and in order to provide notice and debate there would be 24 hours' notice.

Now, the other part, section 302, was addressed to a different problem. And in section 302 we are assuming that—we are not prophets, we can't pretend to create a perfect political structure, no matter how

the jurisdictional lines are drawn, there will be overlaps in the future, and there will be unforeseen events which require action by the Senate and action which may not be appropriate for one committee or another.

And so to accommodate unforeseen circumstances, without running the risk of a continuation of this proliferattion of committees, but recognizing that, on the other hand, there would be circumstances from time to time that would require action by a special committee—we recommended a procedure which would give the joint leadership, on a privileged motion, carried, of course, by a majority, the opportunity to create ad hoc committees from time to time to deal with just such questions as have already been discussed this morning. And making it clear also that once created, they weren't going to become permanent committees; it is explicit that their life, while it could be continued, was for one Congress.

Those, Mr. Chairman, are the problems as we saw them and our response to them.

The CHAIRMAN. Senator Byrd, there were several questions raised by Members. I could probably summarize very briefly and then some of the Members can raise those questions themselves.

On title III, subsection (3)(b), was the type of a situation that might arise in connection, for example, with a national health insurance bill, which apparently would fall into the jurisdiction of two committees. And the provision would, of course, provide for a joint referral and provide that only one joint report could accompany the proposed legislation when it came out, and that the proposed legislation could be referred to two or more committees sequentially, and then the motion should specify the portions of the proposed legislation to be considered by the respective committees, and that a motion under the subparagraph might contain instructions with respect to the time allowed for consideration by the committees to which the proposed legislation is referred, and the discharge of such committees from further consideration.

I don't know that there was too much discussion, I think Senator Allen did raise a question there, but I don't recall it precisely. Maybe he would want to address himself to that now.

Senator ALLEN. The point I made was that we have a special committee that seeks to turn back the clock on the proliferation of committees that has already taken place, and yet this committee sticks in a provision that would facilitate the creation of ad hoc committees in the future.

And no case, as far as I have been able to ascertain, has been made for the fact that the leadership has had any difficulty under the existing rules of setting up ad hoc committees. And I just question whether we want to make it easier without committee consideration, without full consideration in the Senate, for setting up ad hoc committees.

And just as we see in the joint leadership resolution on the code of ethic—there doesn't seem to be a great deal of difficulty there is getting that through the Senate. I think that will go right on through.

But I don't see that the leadership is bereft of power; I think they have got plenty of power to accomplish pretty much what they want regarding committee structure. And I just wondered—Senator Byrd

says he knew nothing of this provision going in—that is what I understood.

Senator BYRD. I knew after the fact that it was in, because I read this.

Senator ALLEN. I understand.

Senator BYRD. But I had no input into it.

Senator ALLEN. That is what I understood. I just wonder if we ought to force this added power on the leadership; they made no request for it. I don't believe that we need necessarily to strengthen the hand of the leadership; I believe it is strong enough.

Senator GRIFFIN. Mr. Chairman.

The CHAIRMAN. Senator Griffin?

Senator GRIFFIN. I just want to express my view that, while I can see some merit in that part of this title which provides for reference of legislation to two committees jointly or two or more committees sequentially, I don't see the need or justification in a reform resolution of that part which encourages the establishment of ad hoc committees. That part of it I would like to see eliminated.

As we went through the discussion the other day, ad hoc committees would be considered as a third committee; senior people would not have the opportunity to serve on it, and it seems to me it is an invitation to all kinds of mischief in the handling of legislation. If a bill does fall in the jurisdiction of two or more committees, it seems to me that that situation can be accommodated either by joint referral or by sequential referral to the committees and the existing staffs that ordinarily would handle it.

Each new ad hoc committee would be some kind of a strange creature with a new staff arrangement, different chairman, different people serving on it from those who ordinarily handle it. It seems to me it would create all kinds of problems and difficulties.

Senator BYRD. Senator Stevenson, do you have any response?

Senator STEVENSON. Well, to the suggestion, Senator Byrd, that senior Senators couldn't serve on it, because of the limitation on third committee assignments, I would have no objection to changing this provision to make it clear that all Members would be eligible, regardless of their other assignments, for service on ad hoc committees.

The intention and the expectation of the select committee was that this would be resorted to very rarely—and only in the most extraordinary circumstances—by the leadership, and only in those cases which we who are not prophets can expect when subjects come up, fall between the cracks and require action.

I remember in the last Congress the struggle over energy. Well, just because we emerged from this process with an energy committee, doesn't mean that we aren't going to be faced with such struggles in the future. In the case of energy, the leadership had to, without authority, create a committee within the majority to try to hammer out an energy policy. And it was not a very successful exercise.

The hope is that with this possibility off in the wings it will also put more pressure on the existing legislative committees of the Senate to do their jobs, so that it won't be necessary in such extreme situations, to make sure that the job does get done.

The select committee recommended this without any expectation of proliferating committee assignments; it is quite the reverse. The

whole thrust, as you gentlemen know, is to reverse the proliferation of assignments—and we are still struggling here to try to get you fellows—you Members—to go along with us. You will pardon the familiarity. [Laughter.] And this is very much a part of that effort.

Senator BYRD. Mr. Chairman.

The CHAIRMAN. Senator Byrd?

Senator BYRD. May I say for the record to my friend and colleague, Senator Stevenson, that I support his effort to reduce the number of committees. For the record, I think I am as good a friend as any Senator is of the veterans. We didn't have a vote on that matter yesterday, but I am prepared to vote to send the Veterans' Committee to Armed Services; I am prepared to vote to send Small Business to Finance; I am prepared to stand with the Senator on this, because I feel that if we are going to bring forth a meaningful product at the end, we have to reduce the number of committees and committee assignments and work out of this jurisdictional maze in which we find ourselves.

I don't want to say something here that undercuts the Senator's position. If the Senator wants this left in, I will vote to leave it in. I can see some merit in it. It would not be abused, if the language is left in, as far as I am concerned. There is also some merit in what Senator Allen has said to the effect that when there is a need, an obvious need, for a special committee, I will take a stand in support of such. In today's instance we have the support of the minority leader as well; I don't know what the situation would be if future needs should arise.

But it is quite possible that the present situation would not need altering in this regard. I don't object to the language; I didn't ask that it be put in. If it is left in, I certainly will do the best in good conscience not to abuse the use of it. I am not quite willing to agree with my friend from Alabama that the leadership has all the power that it needs; sometimes it needs a little more power. But in this instance I want to stand with you, Senator Stevenson, because as the majority leader I am committed to helping you get the best package you can get.

In this instance I personally don't have any strong feelings one way or the other. I do think that section 301, providing for multiple reference on a motion, has considerable merit; and in that instance I support it, I support that part, section 301(a).

But as to section 302, what I am saying, Mr. Chairman, is that whatever way the committee wishes to go, I am willing to go, but I am going to stand with Senator Stevenson regardless, if that is his wish, as far as my personal vote is concerned.

Senator STEVENSON. I appreciate the attitude and the support of the majority leader. I think in view of all that has been said, and from what I can divine about the attitudes of the Members, it might be best, Mr. Chairman, to preserve the first part with any changes in it that the Rules Committee in its wisdom wants to make, and defer action until some time in the future on the second part. As you know, the select committee is charged with some additional responsibilities—we will be making additional reports, and perhaps in conjunction with one of those reports this subject, if it warrants it, could be brought up more appropriately.

We ought to get on with jurisdictions.

Senator BYRD. I think that is an excellent idea, Mr. Chairman. It may be that there is merit in section 302 to the extent that further consideration down the road would revive discussion of it and possibly some modification of it, so that it would meet the consensus of the committee.

If that is agreeable to Senator Stevenson, I think that would be a fine way to handle it today, but I would hope that we would adopt section 301(a), that part which deals with multiple reference.

The CHAIRMAN. I think 301 (a) and (b) could both be adopted. 301(b) simply restates the part of 3(a) under 301 now, that is in the present Legislative Reorganization Act, and this goes a little beyond that.

So if there is no objection, then, we will approve section 301 (a) and (b), which will take us down to line 9 on page 29.

Is there objection? Without objection, that will be approved. And then, if I understand it correctly, we would strike from the proposed resolution section 302, is that correct?

Senator BYRD. That is my understanding; is that yours, Mr. Stevenson?

Senator STEVENSON. Yes, sir, and without prejudice to further consideration.

The CHAIRMAN. Is there objection to striking section 302 without prejudice? Without objection, then, that will be approved.

Now, I wonder if we could move to the committee assignments and chairmanships.

Senator GRIFFIN. Mr. Chairman, are you leaving section 301, then? Are you assuming there are no changes to be made in it?

The CHAIRMAN. Well, we just acted on 301 a moment ago. Do you have a question on it?

301, the first part, subsection (a), is consistent with the present law. Subsection (b) simply provides that it can be on motion and that the motion shall be privileged.

Senator GRIFFIN. First of all, I agree with dropping out 302. Now, with respect to 301, some aspects of it that disturb me a little bit. Do I understand, then, that a motion could be made—for example, that would severely limit the committee with primary jurisdiction to some time frame? Under the present circumstances that would have to be a unanimous consent agreement. I assume that is the parliamentary situation? I would ask Jim Allen—I know he understands it.

If we adopt this and a piece of legislation falls within the jurisdiction of two or more committees—it may be that a second committee should get a look at it, and ordinarily we would send it to the second committee by unanimous consent. We even might say that they had to report it within a certain period of time. Ordinarily the committee with primary jurisdiction wouldn't be under any kind of a time restraint, let alone perhaps a very severely limited time restraint. This would set up a parliamentary procedure whereby the committee with primary jurisdiction could be so instructed. This is something new and something that we haven't had before, is that the case?

Senator ALLEN. We ought to get Dr. Riddick to answer that.

The CHAIRMAN. Dr. Riddick?

Dr. RIDDICK. This is a new idea, of course.

Senator GRIFFIN. I know, I am just trying to be sure that everyone understands the significance of it.

The CHAIRMAN. Well, it's very similar to what in effect this committee is operating under at the present time. When this proposal was introduced, it was referred to this committee with instructions to report back. Now, it was done by unanimous consent.

Senator GRIFFIN. Right. Always before these things were done by unanimous consent.

The CHAIRMAN. That's correct. But here it could be done by a motion on the part of the leadership, and you would have the time limits.

Senator GRIFFIN. I think I understand it, I just wanted to be sure everybody does.

Dr. RIDDICK. This provides definitely for setting a period for discharge of the committee, and it can be done on motion instead of unanimous consent.

Senator BYRD. But the instructions would be amendable.

Dr. RIDDICK. The instructions would be amendable.

Senator BYRD. The motion could only be offered by the majority leader and the minority leader, or their designees.

Dr. RIDDICK. And the motion to refer to said committee would not be amendable except instructions. In other words, if you were sending it to Public Works and Labor and Public Welfare, you couldn't propose to amend it by including Agriculture. But you could add the instructions setting the time for the debate et cetera—and time to report back to the Senate.

Senator BYRD. I think this is a good proposal, Bob.

Senator GRIFFIN. Now, looking at the language at the bottom of page 27—(b) (1)—"Upon motion by the majority leader or his designee made for himself and the minority leader * * *" That assumes or implies the approval of the minority leader, but it doesn't say so.

Would you have any objection to wording that made it clear that it had to be with the approval of the minority leader, because that is what you intend, isn't it?

Senator STEVENSON. Oh, yes.

Senator BYRD. I think it is clear as it is. It doesn't say "Upon motion by the majority leader or the minority leader * * *" it says upon motion by both. And at the present time, it has to have the consent of both anyhow, else there is an objection.

Senator STEVENSON. It says "Upon motion by the majority leader * * * and the minority leader * * *"

Senator GRIFFIN. Yes; I know, but you are changing that, and it certainly implies that the approval of the minority leader is required here; it just doesn't quite say so.

Senator STEVENSON. Well, it says it has to be made by both—by the majority leader and the minority leader.

Senator GRIFFIN. No.

Senator STEVENSON. Mr. Chairman, if there is any doubt about that, I certainly have no problem with either indicating it through such history as we are writing right now or in a report, or if that language can be made any clearer than that by doing it that way.

Senator BYRD. Or you can say upon motion by both.

Senator GRIFFIN. That would be fine.

Senator BYRD. Insert the word "both" after the word "by" on line 23.

Senator GRIFFIN. Thank you.

The CHAIRMAN. Is there objection to inserting the word "both" after the word "by" on line 23? Without objection, that will be approved.

Any more questions on that? Senator Byrd? Senator Griffin?

Senator GRIFFIN. Well, you may have to strike "made for himself" in there in order to make the language read right, but that is the sense of it.

The CHAIRMAN. We will ask the staff to make such technical changes as may be necessary to make that conform.

All right, if we can turn now to title II, "Committee Assignments: Chairmanships." All right, Senator Stevenson, would you address yourself to title II?

Senator STEVENSON. Mr. Chairman, this title begins by limiting Senators to service on two standing committees, and to service on not more than one additional special, ad hoc, joint, select committee.

Mr. Chairman, I am going to have to, I think, in explaining title II, rely, with your permission, on the counsel to the select committee, Mr. Gray.

The CHAIRMAN. All right, Ken?

Mr. GRAY. Senator, in the report of the select committee there is a section-by-section analysis. This is somewhat convoluted by the nature of the issues raised. Legislative counsel, of course, is the best expert on this, but I think that any questions that arise can be handled by the staff.

The first part of title II—the section-by-section analysis, incidentally, begins on page 114 of the report—the first part of title II establishes two categories of committees. There is no resolution of what they are to be called, because with the addition of Rules, Veterans, and perhaps other committees to the third-committee category, since some of those are standing committees, it no longer serves to say each Senator shall serve on two and no more standing committees.

But if, for purposes of discussion, we could call those group one committees, that is, the major standing committees, which are listed on page 20, excepting now Rules and Administration which for this purpose would be counted a third committee for assignment purposes.

If you call those group one committees, the select committee recommends that each Senator serve on two such committees and no more than two. And, second, that each Senator may serve on one and not more than one committee in group 2 class, which now includes select, special—there are no longer ad hoc committees in the bill—so select, special, or joint committees, plus the Committees on Rules, Ethics, Intelligence, Small Business, and Veterans' Affairs.

So that is the first issue, service on two and no more than two of the major standing committees; service on not more than one of the group 2 committees.

The CHAIRMAN. Would you run through that list again now, those group 2 committees?

Mr. GRAY. At the bottom of page 20, the end of title I, there is now a list of the major standing committees of the Senate. We could call those group 1 committees or "A" committees.

The group 2 committees now would be select, special, and joint committees, plus, by action of the committee yesterday, Rules, Ethics, Intelligence, Small Business, and Veterans' Affairs.

The CHAIRMAN. All right. Is there discussion——

Mr. GRAY. May I also point out, Senator, that that language also deletes the present tradition in Rules that service on certain major committees shall be exclusive, that is, Finance and Appropriations, Armed Services and Foreign Relations. Under present rules, Senators may serve on only one. Further, the Democratic Caucus added two additional committees to the exclusive rule, the Republic Caucus one.

Senator STEVENSON. Mr. Chairman.

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. I think perhaps that—and counsel will correct me if I am wrong—an additional exception to that limitation on service on the group 2 committees would have to be made for the Ethics Committee that has just been proposed to be created for a very short period of time, and reluctant as I am to suggest it, also for myself and perhaps other members of this committee which will not go out of existence for a few months.

The CHAIRMAN. So that what you are saying is that the Ethics Committee and your committee ought to be excepted from the three-committee rule?

Senator STEVENSON. That is assuming that reorganization, the adoption of this resolution, would precede the expiration of the life of the select committee.

The CHAIRMAN. Is there discussion on that point?

Mr. GRAY. Could I ask Dr. Riddick if he would make the table, that we prepared, available to Senators?

Dr. RIDDICK. They are a little confusing right at this stage—for example, I think you have your Veterans in with select committees. Veterans was voted to be retained and it is to be retained as was—that would become one of the standing committees as opposed to one of the select committees.

I think it might confuse rather than help right at this stage.

Mr. GRAY. That may be my misunderstanding; I had understood that Veterans would be retained as a third committee.

Dr. RIDDICK. Well, it might be a third committee, but it is still a standing committee, like Rules and Administration, and Budget.

Senator WILLIAMS. Mr. Chairman.

The CHAIRMAN. Senator Williams?

Senator WILLIAMS. I am not clear. There is a limitation to service on one of the third committees absolutely, or is there an exception to that?

Mr. GRAY. There would be an exception in the case of members of the Rules Committee who must serve on Joint Library and Joint Printing. And I believe, in the case of service on the Joint Committee on Taxation, from the Finance Committees, because those are statutory.

Senator WILLIAMS. I see.

Senator CLARK. I have a question, Mr. Chairman, about the permanent Ethics Committee on the same issue, but I suspect that it would be easier to resolve the immediate problem before raising that, because you are talking now just about the ad hoc ethics committee and

the existence of a select committee for brief periods of time, aren't you? That is the only matter before us at the moment, isn't it, the ad hoc ethics committee and the——

The CHAIRMAN. Well, the ad hoc committees now are eliminated as a result of us striking section 302.

Senator PACKWOOD. They are not eliminated, are they? The process by which they would be created—we could still create one.

The CHAIRMAN. By unanimous consent; yes.

Senator PACKWOOD. But you would have to consider a situation—I was just talking to Ad about it—if we were to create a Watergate kind of committee, would you be precluded from serving on it if you already served on three committees? Two majors and the Ethics Committee or the Joint Economics Committee.

Senator STEVENSON. But that, of course, would be taken care of in the resolution that created that committee at that time.

Senator CLARK. Yes; just as the Byrd proposal for an ad hoc committee could be.

Well, my question, then, I guess—I guess it is appropriate to bring it up—we debated this briefly yesterday, and at the time we passed title I which established the new Ethics Committee, we didn't have a specific amendment. But it is my strong feeling that people who serve on the Ethics Committee—or, to put it another way, the Ethics Committee should not be considered a third committee, because if you do say that no one can serve on the Ethics Committee who serves on two major committees and a third committee, then you are excluding a very large part of the Senate, because we have now kept the Veterans Committee, we have kept the Small Business Committee, and there is some significant chance that the Aging Committee is going to be kept; we have kept the Joint Economic Committee; we have got several other third committees—Rules, Intelligence—I don't know how many Senators would be left eligible to serve on the Ethics Committee, but I think that given the fact that it is not a legislative committee, given the fact that you want to have access to all the best people that you possibly can—it is not a committee that meets on a regular basis—I would move, Mr. Chairman, that the Ethics Committee be made an exception to that rule.

The CHAIRMAN. An exception as to the limitation rule.

Senator CLARK. That's correct.

The CHAIRMAN. Is there discussion on that point? All in favor, will say aye. [Chorus of ayes.] Opposed? [No response.]

The exception is agreed to.

Now, as I understand it now, with the proposal as it now stands, we would have, then, Agriculture and Nutrition; Appropriations; Armed Services; Banking, Housing, and Urban Affairs; Commerce, Science, and Transportation; Energy and Natural Resources; Environment and Public Works; Finance; Foreign Relations; Governmental Affairs; Human Resources; Judiciary—that would constitute the group 1 committees that Senator Stevenson referred to.

The third committee assignments would consist of Budget; Intelligence; Rules; Small Business; Veterans' Affairs; Joint Committee on Internal Revenue Taxation; and Joint Economic Committee.

Senator PACKWOOD. Which would mean, as you read it, you could not serve on the Joint Economic Committee and the Rules Committee,

or the Joint Economic Committee and the Small Business Committee, assuming you have two other major assignments anyway.

The CHAIRMAN. If that is the intention. I am just putting this out as I understand it. I see Ken Gray was raising his eyebrows there.

Senator PACKWOOD. And Budget is an exception only for the one Congress at the moment.

Mr. GRAY. Senator, as I understand it, none of the joint committees have been unilaterally consolidated; consequently, they would continue to exist in this Congress under this class.

The CHAIRMAN. So that the Joint Committee on Internal Revenue Taxation and the Joint Economic Committee would be exempted from that category?

Mr. GRAY. No, sir, they would be included. The point was that all the joint committees would have to be counted in that category pending concurrence of the House—and Senate action.

Senator TOWER. May I ask the status on Joint Defense Production? I know that we determined to put it into the Joint Economic. Does that require action by the House as well? And what is the status of it?

The CHAIRMAN. I think that would require action by the House. It would require action by the House?

Dr. RIDDICK. Yes.

Mr. GRAY. In the case of all joint committees, a separate resolution would have to be submitted by the responsible standing committee.

Senator TOWER. So, for the time being, Joint Defense still exists as an independent——

Mr. GRAY. Yes, sir.

The CHAIRMAN. But am I correct, now, in the recommendation that these committees that I read, then, would be counted as a third committee for purpose of the limitation? Does everyone understand that?

Senator CLARK. In other words, you can serve on any of these major—two of these major committees, and any one of the third committees.

The CHAIRMAN. The Senator is correct.

Senator PELL. One question in connection with the joint committees. Does this mean that out of this committee, by statute, the membership of the Joint Committee on the Library is pulled out of this committee; we meet—gee whiz, I think once a year. Does that count as one of these committees?

The CHAIRMAN. No; there is a separate exemption later in the act where service on a joint committee is called for by reason of statute.

Senator PACKWOOD. I want to make sure of this: if any ad hoc committee is created, it would count as a third committee unless in the act of creation it was exempted.

The CHAIRMAN. Are you ready for the question on that particular point, then?

Senator PELL. One question, in connection with Small Business—I don't know if this is the time to bring it up—is that really a select committee now or is it a regular standing committee? I would think from our action yesterday it would be a regular standing committee.

Senator TOWER. It is, it has legislative authority. In other words, it has the same status it did at the conclusion of the 94th Congress. We created it about 6 months ago.

Mr. GRAY. Senator, but it is not clear from yesterday the status of some of those committees that were retained in comparison with

Senate Resolution 4, and the point I was trying to make at the beginning is that some of the committees in the third category are standing committees, without question. And if you put Veterans back in to the list of 13, then, of course, you have to subtract the reqisite number from the number of assignments available on those committees.

So it is our understanding that, once again, Rules, Intelligence, Small Business, and Veterans' Affairs would be counted as third-committee assignments, and the assignments would come out of that 100 seats rather than out of the 200 available for the major committees.

The CHAIRMAN. That's correct, that's correct.

Senator PELL. Then it is not a select committee, then.

Mr. GRAY. Ethics is a third class of committee.

The CHAIRMAN. Is there further discussion on that point, then? To summarize, the membership on the committees that we enumerated first would be the group 1 committees that Senator Stevenson referred to, and I think the membership proposed came to a total of 200 on those?

Mr. GRAY. Yes, sir, ultimately, but, as the chart indicates, there are seven grandfathers, which makes it 207. And then in the next Congress the Budget Committee will no longer have an exemption, so for this Congress there are 16 in addition to the 207.

When you get to the numbers part, if I could suggest that that be scheduled when Mr. Kimmitt could be here.

The CHAIRMAN. All right. Very well, then, we will proceed on this now.

Is there further discussion, then, on the question of the committees, the group 1 committees and the third-committee assignments with Ethics Committee to be exempted from the third-committee limitation?

All in favor say "aye." [Chorus of "ayes."]

Opposed? [No response.]

The ayes have it, and that is agreed to.

All right, if you will proceed now to the subcommittees.

Senator STEVENSON. Mr. Chairman, I might mention just before that the question of exclusivity. On the assumption that these group 1 committees are all important, with, if not equal, certainly responsibilities which are being equalized, we did not propose classifications or exclusive memberships. It has been suggested by some that it would be, for other reasons, appropriate to make membership on the Appropriations and Finance Committees exclusive on the theory that there should be a little healthy tension between the two and the membership shouldn't overlap.

The CHAIRMAN. In other words, a person would not be able to serve on both Finance and Appropriations?

Senator STEVENSON. Yes.

Senator PACKWOOD. And we would still leave beyond that whatever rules the caucuses want to adopt in terms of their own further limitations and exclusive committee provisions.

Senator TOWER. I might note that already in the rules of the minority, we rate Appropriations, Finance, Foreign Relations, and Armed Services as exclusive committees. I think you could make probably a pretty good argument for making Foreign Relations and Armed Services exclusive because they actually deal with——

Senator STEVENSON. Well, Mr. Chairman, you can make all kinds of arguments; we could open up Pandora's box. The parties can, of course, take care of this, but as a matter of concern to the entire Senate it has been suggested that because one spends and the other raises, there is——

Senator TOWER. Well, my question would be, it is not just redundant, because doesn't the same rule exist in the Democratic Caucus?

Senator CLARK. Not quite, because the Democrats have now expanded to six exclusive committees; they have added Commerce and Judiciary to the other four.

So we now operate on the basis of six exclusive committees.

Senator TOWER. But you already include Appropriations and Finance.

Senator CLARK. Yes.

Senator TOWER. So they are both included in the rules of both caucuses.

Senator STEVENSON. Well, those rules, of course, could be changed, depending on what happens as a result of——

Senator TOWER. They can be but they are not likely to be. I would prefer to leave the parties a little flexibility on that.

Senator PACKWOOD. I think as you look at committee jurisdictions over the years——

Senator TOWER. We also include Budget, which you don't include.

Senator PACKWOOD. Committees are going to go up and down in power and popularity over the years. I am not sure we should tie into the rules of the Senate, beyond maybe those two, what the parties want to do on exclusive committees.

Senator PELL. Mr. Chairman, I would like to support also what Senator Tower says, because the exclusivity has certain disadvantages. I saw the good effects when Senator Symington served on Armed Services, Foreign Relations, and Joint Atomic Energy. And he had a body of knowledge that was better and greater than any of us in Foreign Relations or these other fields that helped us a great deal. By the same token, Appropriations and Finance—maybe it would be a good idea if the Appropriations people were cut in more on the revenue raising side, too. So my thought would be the least exclusivity would be the way I would support.

Senator TOWER. I strongly suggest, Mr. Chairman, that we leave that as a matter for the party caucuses.

Senator CLARK. Question. Then as I understand it—I just want to be sure what we are doing—we are eliminating the exclusivity rule that is now a rule of the Senate and leaving it totally to the party caucuses to decide?

Senator TOWER. There is an exclusivity rule in the Senate?

Senator CLARK. Yes; there is.

Senator TOWER. As relates to Appropriations and Finance.

Senator CLARK. And Armed Services and——

Senator TOWER. And Armed Services and Foreign Relations. That is a rule of the Senate now, that is what I was not aware of; I knew it was a rule of the caucuses.

Senator PACKWOOD. There would be no Senate rule on this at all.

Senator TOWER. I see no point in having a Senate rule on it.

Senator CLARK. That is the question.

Senator TOWER. I think we need some flexibility on it.

Senator PELL. I think we ought to knock the rule out, because it is repeating—but I did see the tremendous advantage of having Symington coming to Foreign Relations and having knowledge of what was going on in Armed Services, and vice versa. And this rule would eliminate that possibility for us.

Senator CLARK. Well, of course, the only argument, Claiborne, to the contrary is, If the caucuses do not take care of it, then you get into a situation where the most senior Members will be the only ones on the major committees, because as soon as they get one term of seniority or even one 2-year period of seniority, they can move on to Finance, on to Armed Services, immediately. And under the two exclusive committees, and it automatically cuts out——

Senator TOWER. That is the very reason we adopted the rule is because it took Barry Goldwater to get on Armed Services, for example.

Senator CLARK. But you wouldn't want a situation in which only senior Members could serve on those four exclusive committees.

Senator TOWER. I think that is the whole point of it.

Senator CLARK. You would want them to?

Senator TOWER. No; the whole point is that you give the more junior Members an opportunity to serve on those committees.

Senator CLARK. But if you do not make them exclusive either by party function or by Senate rule—without going through the list, it can be pretty easily shown that only senior Members that wanted to move on to all of those would have an opportunity to.

Senator TOWER. But I think under party rules now, and the rules of both parties, that is impossible, except for those who are grandfathered in. We have at least one—Cliff Case, I know—serves on both Foreign Relations and Finance. And, of course, Stu Symington is gone. I don't know, you might have some others grandfathered on your side.

But other than the grandfathers—and you would want to grandfather them in here anyway; I see no point in making a hard-and-fast rule about it, because, as has been pointed out, the relative importance of these committees can change from time to time.

The CHAIRMAN. Senator Stevenson, do you have any further comments on that? Or Senator Packwood?

Senator STEVENSON. Mr. Chairman, the select committee in Senate Resolution 4 did not recommend exclusivity, so if it is the desire of the Rules Committee to simply leave this matter to the party committees, no action would be required on the subject.

The CHAIRMAN. Is there objection, then, to leaving that issue for the party caucuses to determine? Without objection, that will be approved.

All right, if you will proceed from there.

Senator STEVENSON. Now, Mr. Chairman, the next matter— and it starts in section 201(b) at the bottom of page 21, is the question of limitation on assignments to subcommittees. The select committee had proposed a limit of two subcommittee assignments for each standing committee and one for each third committee.

My own suggestion now, after consultations, is a limitation of three subcommittees for each standing committee, and two for each third committee.

I should advise the committee that there is some opposition from the Appropriations Committee to that provision. We feel that it is adequate for the Appropriations Committee. And I should also tell you that there is some feeling from within the majority that this formula goes too far to limit the size of subcommittees; there are certain Democrats who would like to have a more liberal limitation in order to increase the size of the majority on subcommittees.

The CHAIRMAN. Senator Clark?

Senator CLARK. Well, I am one of those, and I would like to move at the appropriate time, that we accept the Stevenson modified proposal, except that on page 24 we go to four rather than three subcommittees. And I would like to discuss that just briefly.

I think by limiting the subcommittee memberships—for example, to two—and, to a somewhat lesser degree, to three—but I think better to four—but insofar as we limit them, we are greatly limiting the number of subcommittees, which then will be distributed only among the more senior Members, because senior Members will obviously have first choice. And if you carry that as far as two, or, in my judgment, even as far as three, you get an increased concentration of power.

We may be further concentrating power, I think, if we do that, in fewer hands—and we would be doing it obviously in the name of efficiency—but I think we would pay the price of distributing responsibility in doing it.

And I would just like to give an example of that. If you have a committee of 9 majority Members, which is the average size committee, you then have 27 subcommittee slots. If each of the majority Members is to have a subcommittee chairmanship, then the nine subcommittees could have only three majority Members each—in fact, the ratio in each case would be 3 : 2.

Now, however, it is unlikely that these subcommittees are actually going to be of equal jurisdiction. I think, for example, on the Foreign Relations Committee, the Foreign Assistance Subcommittee has about three-fourths of the legislative jurisdiction of the whole committee.

So we are going to want more people on that subcommittee, and I think virtually every standing committee of the Senate would have a similar situation—would have a subcommittee which is much more attractive and of much broader jurisdiction than others.

Now, if membership on these more important subcommittees is limited, who is going to serve on them? Obviously the people with first choice; obviously the senior Members. The junior Members, then, are faced with a very difficult choice. If they expand the size of these more important subcommittees, make them larger, they will use up more of their limited numbers of subcommittee slots; and some of the junior Members, then, will not get subcommittee chairmanships.

So either way it cuts, it seems to me that power is further concentrated at the expense of junior Members. And I think Alan Cranston pointed this out in a somewhat detailed memorandum that has been sent to everyone. I think if we go to 4, we are still accomplishing a significant amount, I think, in terms of the number of subcommittees that we have left; we have moved from an average of nearly 4 committees—3 :6, to be exact—to a maximum now, under this proposal, of 3, and from an average of 14 subcommittees that Senators now serve on to an absolute maximum of 10.

So we have cut down significantly. I think if we look at what we really accomplish even under 4 subcommittees, we are moving from an average of 18 total assignments—that is, subcommittees and committees—to a maximum of 13, with a result of at least a 30-percent reduction in assignments without hurting junior Members.

I think you have the better of both worlds. You cut assignments by a third and yet you do not penalize junior Members from the opportunity of serving on subcommittees and holding subcommittee chairmanships.

The CHAIRMAN. Senator Hatfield?

Senator HATFIELD. Mr. Chairman, I think the Senator from Iowa makes a valid point as to the junior Members. I think we could minimize that problem by doing what the minority has been doing now for a number of years—ever since I have been here, for 10 years. If there are eight or nine subcommittees, we go through, select, and clear our first subcommittee through the minority before we select our second or our third one, so that the freshman has not been denied this preference that is enjoyed by the Member with seniority.

I think that really answers that part of the problem—if the majority party would adopt the same system that we have had for at least 10 years, or perhaps longer—Senator Tower has been here longer than I and would know how long we have had it. We found that to be a very equitable way to distribute the subcommittee responsibilities between senior and freshman Members.

Senator CLARK. Well, I think it is a good suggestion, but there are two problems with it. One is that we have no assurance that the majority caucus is going to do that, in fact no inclination that it is. And, second, it doesn't resolve the problem of the smallness of the subcommittees under a proposal of three, the small size that has to exist to distribute the chairmanships across the majority party.

Senator HATFIELD. One of the main problems raised by Senator Cranston in his memorandum to committee chairmen was his fear about the control of the subcommittees for the majority party. Of course, that is a matter, a problem, more for the majority party than it is for the Senate as a whole.

I think we have to look at some of these things where perhaps we are going to have to diminish our partisan approach or our partisan concerns and look at the welfare of the body. And I think, too, that you will find in the smaller subcommittees that I have served on, it is easier to get your quorum than in the larger subcommittees. I have sat around and wasted more time in the larger subcommittees, waiting for a quorum, than I have in the smaller subcommittees.

Senator PACKWOOD. Well, and this is a point when we considered two and one—the committee was almost unanimous on two and one, let alone three and two. The feeling was—and basically the majority determines the size of the subcommittees—if they want to make them smaller, there can still be more subcommittees. It isn't a question that you have to deny freshmen anything—but they would be smaller subcommittees. If you want to keep them large, of necessity you are going to have fewer subcommittees. It is a choice the majority can make, but I think the committee, almost unanimously, would feel quite strongly about not going beyond two and one, and certainly oppose three and two.

Senator CLARK. Would you yield at that point, Mr. Packwood?

Senator PACKWOOD. Yes.

Senator CLARK. How do you get around this basic problem? I mean you are either going to have subcommittees of 3:2, three Democrats, two Republicans, all the way across the board under those committees; or you are going to begin to make those enormous subcommittees that have great jurisdiction larger and then narrowing those other subcommittees even further. And you are bound to get, as you do that, a concentration of more senior Members on those subcommittees, where if you have four you simply don't run into that problem to the same degree?

Senator PACKWOOD. Could Norm Ornstein answer that?

Senator CLARK. Sure.

Mr. ORNSTEIN. Well, one of the objections that was raised in the Cranston letter was that it was necessary to have a minimum size of subcommittee—eight members—with a 5:3 ratio. In the Senate now, including all the major committees except for Appropriations, nearly half the subcommittees have sizes less than eight and a ratio that isn't 5:3. On the Foreign Relations Committee, for example, 8 of the 10 subcommittees have less than 8 Members with less than a 5:3 ratio—there is 4:3, 3:3, 3:2, 2:2, 2:1. There are very few committees—the Labor Committee is the only major one that has every subcommittee with more than eight members, and with a greater ratio than that.

So it wouldn't be a drastic change in the existing situation if you limited people to three assignments, and if you ended up with some, although clearly not all subcommittees, with fewer than eight members. And those that now have fewer than eight members do not include only the minor subcommittees. They include some subcommittees that are fairly substantial.

Senator CLARK. It is my understanding, though, that, when you quote from the Cranston memorandum, that he is arguing for five to arrive at that; I am arguing for only four.

Mr. ORNSTEIN. But with three you can end up with a situation that is not that much different in most committees than currently exists. Now, as far as the junior Senators go, currently junior Democrats from the class of 1974 do not have—there is only one instance of a junior Democrat who has a subcommittee chairmanship that is a standing subcommittee on a major committee that remains.

Senator CLARK. Which one is that?

Mr. ORNSTEIN. That is Senator Morgan, who has Buildings and Grounds on Public Works and Small Business on Banking. Senator Gary Hart has a panel on Materials Policy on the Public Works Committee; Senator Culver has a panel on Environmental Science on the Public Works Committee; and two junior Senators, Senator Bumpers and Senator Ford, have ad hoc subcommittees on Aeronautical and Space Sciences.

The only other subcommittee chairmanships that currently exist for junior Senators are on committees like Veterans—Cemeteries and Burial Benefits, and Housing and Insurance—or none. Several junior Senators have no subcommittee chairmanships now.

Senator CLARK. But at least under that proposal—and I am not advocating it, because I think some other actions can be taken to cor-

rect that problem—in fact, I think the action the resolution suggests largely corrects the existing problem—but nevertheless all of these Members can now serve on several major jurisdictional subcommittees. If you cut them down to a small number, and give senior Members their first choice, there is no assurance at all—in fact, I think there is pretty strong assurance that they are not going to get those, the kinds and qualities of subcommittees that they are presently sitting on.

Mr. ORNSTEIN. Well, the subcommittees will be consolidated so that they will all be more major than they are now. But even if you take the worse situation——

Senator CLARK. We don't know that, first of all. I mean, how is the African Affairs Subcommittee, after we get down to consolidating it, going to have more authority than it had before?

Mr. ORNSTEIN. Well, maybe it will be combined with the Asian Affairs Subcommittee.

Senator CLARK. And maybe it won't. In other words, I am saying it isn't automatic that every subcommittee is going to be more important than it was before.

Mr. ORNSTEIN. No; but the chances are that with the consolidation, you are going to add jurisdictions to the subcommittees and probably——

Senator CLARK. Several of them.

Senator STEVENSON. Senator Clark, if I can interrupt, you are absolutely right, but you are not going to end up with a raft of paper subcommittees——

Senator CLARK. That's right.

Senator STEVENSON [continuing]. That just exist for political purposes, just little lines that you put on your stationery.

Senator CLARK. We are in agreement on that.

Senator STEVENSON. Well, that is what you are producing.

Senator CLARK. No; I am not, not by going to four. I am cutting down the subcommittees by one-third; I don't see how that produces more paper committees, by cutting the number of subcommittees by one-third.

The CHAIRMAN. Senator Tower, did you have a question?

Senator TOWER. I was just going to say that we have got a similar problem on Banking that you have on Foreign Relations—that is, 75 percent of our work is done by the Housing and Urban Affairs Subcommittee. Everybody wants to be on it; nearly everybody is—I think only the two most junior Democrats and Republicans are not on it.

But I think three satisfies our problem there and allows service in addition on Financial Institutions and Securities and others that have some appeal. And it seems to me that four is too much.

And even if you have a 3 to 2 or 5 to 4 committee disposition, if some errant Democrat strays across the line and joins the Republicans and therefore the Democratic majority does not prevail in subcommittee, there is always recourse to the full committee that he may be disciplined and given to see the light. And so it is not the final action that is taken in the subcommittee that determines how the committee is going to report.

So I don't think that is a big problem, because what a subcommittee does is always subject to the action of the full committee.

Senator CLARK. If the Senator would yield, I am not concerned about the Democratic ratio of 3 to 2; what I am concerned about is that on that subcommittee that you talk of on Banking—is it Housing?

Senator TOWER. Housing and Urban Affairs.

Senator CLARK. That if you limit the number of subcommittees you can serve on, certainly the senior Members are going to hold all the seats on that subcommittee; there is not much chance that you are going to get anybody that has been elected in the last few years that is going to sit on that subcommittee with that restriction, as I see it.

Senator TOWER. No; because we go down the line—there is only one guy probably that is going to be eliminated from service on that subcommittee that is a Republican. I think you should follow the procedure; that is up to you Democrats, giving everybody a subcommittee choice.

The CHAIRMAN. Gentlemen, I think we have had a pretty adequate discussion. Suppose we vote on the Clark amendment. The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. Pass.

The CLERK. Mr. Byrd.

The CHAIRMAN. No; by proxy.

Senator TOWER. Mr. Chairman, could we postpone that—no rollcall is in progress; could we postpone this vote until the afternoon session? The Republican Policy Committee was supposed to convene 1 minute ago under my chairmanship and has not yet. Is it possible that we could put this off? Senator Griffin, I think, wanted to address himself to this.

The CHAIRMAN. I certainly have no objection. What time can we convene, gentlemen, is 1:30 too early, or do you want to make it 2 o'clock?

Senator HATFIELD. Mr. Chairman, the Vice President is going to address the Senate at 2:15 today, and we Senators have been invited to respond to his speech. And then, also, at 3:15, there is a time set aside to pay tribute to President Ford before the Senate. So we have those matters on the Senate floor.

The CHAIRMAN. Well, gentlemen, we have got two alternatives. We can come back and do our work, or we can come back in session tonight and do it then. We have got until tomorrow night to get this out. I am willing to do whatever the committee wishes.

Senator PELL. I would suggest that out of respect we should hear Vice President Rockefeller address us; we could dispense maybe with hearing our colleagues respond, and maybe come in immediately after the conclusion.

The CHAIRMAN. Lets resume here immediately after the Vice President speaks, which should be over at least by 2:45. The committee will stand in recess.

[The committee recessed at 12:33 p.m.]

AFTERNOON SESSION

The committee reconvened at 3:35 p.m. Hon. Howard W. Cannon (chairman) presiding.

The CHAIRMAN. The committee will come to order.

Gentlemen, we have pending an amendment by Senator Clark, and first, just a few items here that I would like to move over.

The staff has suggested, for the purpose of grouping, that we provide four groups; in group 1, we would have Agriculture and Small Business, Appropriations, Armed Services, Banking, Commerce, Energy, Environment, Finance, Foreign Relations, Governmental Affairs, Human Resources, Judiciary.

In group 2, Budget, Rules, and Veterans.

In group 3, Intelligence, Small Business, Joint Internal Revenue, Taxation, and Joint Economics.

And in group 4, would be simply the Ethics Committee, which was referred separately.

This is just for a matter of reference, when we have to refer to them throughout the resolution, and for reference on subcommittee assignments.

And in addition to that, on pages 21 through 24, I believe, the use "or ad hoc committee" is referred to on several occasions. Because we have not authorized it here we should strike out the term "or ad hoc," wherever it appears, and the staff be permitted to make technical changes to effectuate that.

Is there objection to that proposal? [No response.]

The CHAIRMAN. Without objection, then, that will be agreed to.

Now, Senator Clark's amendment, I think, was discussed quite fully. Senator Clark proposed that we raise the number of subcommittees of each standing committee of which a person is a member, to four, and the select committee has now recommended three, and Senator Clark proposed that the two subcommittees of each select, special, or ad hoc committee—ad hoc would be out—but, select, special, or joint committee of the Congress, of which he's a member, which is the same as the Stevenson recommendation.

So the first amendment would be whether we are going to provide for service on four subcommittees, as proposed by Senator Clark, or not. Are you ready for the question?

Senator BYRD. Does the question come on four?

The CHAIRMAN. The question comes on four; service on four subcommittees of each standing committee of which he is a member.

Senator ALLEN. Instead of three?

The CHAIRMAN. Four instead of three, as recommended by——

Senator BYRD. Now, an amendment to strike the word "four" would be in order, and insert the word "three" then?

The CHAIRMAN. Well, he is substituting the word "four" for "three" now, so his amendment—if his amendment is defeated, then the vote would recur on three.

Are you ready for the question? The clerk will call the roll.

The CLERK. Mr. Pell? [Absent.]

Mr. Byrd?

Senator BYRD. No.

The CLERK. Mr. Allen?

Senator ALLEN. No.

The CLERK. Mr. Williams?

Senator CLARK. Aye, by proxy.

The CLERK. Mr. Clark?

Senator CLARK. No.

The CLERK. Mr. Hatfield?
Senator HATFIELD. No.
The CLERK. Mr. Griffin?
Senator HATFIELD. No, by proxy.
The CLERK. Mr. Tower? [Absent.]
Senator PELL. Mr. Chairman?
The CHAIRMAN. Yes, sir.
Senator PELL. Aye.
The CLERK. Mr. Chairman?
The CHAIRMAN. No.
The CLERK. There are four yeas and——
The CHAIRMAN. Four yeas, three nays; the amendment is not approved.
Senator BYRD. What is the count, Mr. Chairman?
The CLERK. Four yeas, five nays.
The CHAIRMAN. The amendment is not agreed to.
Then the vote will now occur on the proposal of the committee, which is three subcommittees of each standing committee, and two subcommittees of each select or special or joint committee of the Senate or the Congress.
All in favor of this proposal say "aye." [Chorus of "ayes."] Opposed? [No response.]
The amendment is agreed to.
On page 22, subpar 3, is there any objection to that proposal? That is, to provide that the Senator serving as chairman or ranking minority Member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio as a member of any subcommittee of such committee or joint committee. I don't know that that adds anything in permiting them to serve ex officio.
Senator CLARK. Mr. Chairman, I wonder if it might be appropriate to just add the words there "without vote," or "do not vote."
I think chairmen do not vote presently, and—when they serve on all of the subcommittees, but I wonder, in view of the fact that we are going to consolidate these now into a smaller number, where they will have more meaningful power, if it wouldn't be advisable.
I think that is the intent of the committee, and the intent of the Senate; I assume it is, even under the present rule; namely, that you wouldn't have chairmen and ranking Members coming in to vote on every subcommittee. I wonder if it wouldn't be wise to add those two words?
The CHAIRMAN. Senator Stevenson?
Senator STEVENSON. Mr. Chairman, it was our intention to let them vote. This——
The CHAIRMAN. "Let" them vote?
Senator STEVENSON. Yes; this provision, as far as I know, at the present time, only permits a practice to continue in one committee of the Senate, and that is the Appropriations Committee, where the chairman and ranking Member do serve as ex officio members and they do vote.
Senator CLARK. Could I ask the chairman why it is the feeling of the select committee that the chairman and ranking Members ought to have the right to vote on every subcommittee?

We are limiting the membership of committees that everybody can serve on; why would we want to extend a greater responsibility and a greater authority?

Senator STEVENSON. Well, the select committee did not find this practice offensive. If any Member of—if any committee of the Senate wanted to change the practice in order to prevent a chairman or ranking Member from serving as an ex officio member, or from voting as an ex officio member, to do so—it could do so, and I think we still feel—or at least I do, that it is wise to allow the committees of the Senate that kind of latitude and freedom to organize and manage their affairs.

Senator CLARK. I understand why you might not find it objectionable, but why is it a good idea?

Senator STEVENSON. Well, because I don't believe we ought to be dictating from here to Senate practices in the form of organization for every single committee of the Senate.

I think in a democratic institution, the——

Senator CLARK. Well, that's exactly what we are doing when we limit the membership. We are saying they cannot serve on that committee; we are not going to leave it to the committee to decide. We believe, as a Senate, that it is a bad idea to serve on more than——

Senator STEVENSON. That, Senator, is because the size of every committee is affected by the size of every other committee. There has to be, at some point, some oversight by the Senate, and control by the Senate, of all of the committees. We try to draw a line of not going any farther than is necessary.

Senator CLARK. Well, now, if I interpret this correctly, what you are saying is that every Member of the Senate will have a limitation on how many subcommittees they may serve upon, except for chairmen and ranking members who may serve on every one and on the committee that they chair. Is that an accurate——

Senator STEVENSON. If that is the practice, Senator, and at the present time it is the practice in now only one committee of the Senate. and that is the Appropriations Committee.

Senator CLARK. It would be the practice on all committees now.

Senator STEVENSON. No, sir, no, sir.

Senator CLARK. I mean, the privilege of serving——

Senator STEVENSON. That's correct; they have that privilege now and they can continue to exercise that privilege. The practice at the present time is only for the Appropriations Committee to do that.

Senator CLARK. I would move, Mr. Chairman, that the words "without vote" be inserted at the appropriate places.

The CHAIRMAN. Is there further discussion?

Senator CLARK. Just for the record, so that there is no misunderstanding, on page 22, line 7, after "ex officio" insert "without vote,"

The CHAIRMAN. I say that we have given—as a matter of fact, it's in the Legislative Reorganization Act—permission for the committees to organize, to adopt their own procedures, and I think that this would be an infringement on that right.

Senator CLARK. Well, so would the limitation on committees.

The CHAIRMAN. No; it wouldn't at all.

Senator CLARK. You mean that we would not be——

The CHAIRMAN. The Legislative Reorganization Act doesn't give that right to the committees at all.

Senator CLARK. To decide the number of subcommittees that they wish to have?

The CHAIRMAN. It does not give that right. It doesn't spell out and give that—doesn't either give it or restrict the right. The Senate would certainly have that right to restrict it if they saw fit.

Senator CLARK. Would not the Senate also have the right to restrict by resolution, included here, the fact that——

Senator HATFIELD. No.

Senator CLARK. You mean the Stevenson, and the select committee resolution does not have the power to change the Legislative Reorganization Act by Senate action? That's written in the——

The CHAIRMAN. No; it could not change the Reorganization Act by action of a resolution, I don't believe.

[Discussion off the record.]

The CHAIRMAN. I am advised by the—well, I'd better have the Parliamentarian state it.

Dr. RIDDICK. We have held in the Senate, and have done so on one or two occasions, that when there is a provision in the Legislative Reorganization Act providing for the rules of the Senate or the House, as the case might be, and they already have put a preface in there, under the constitutional rulemaking power, we have changed some provisions of the law in that regard by simple resolution.

Senator CLARK. Then you are saying that this would be in order?

Dr. RIDDICK. I——

Senator CLARK. Well, let me put it another way. The practice has been that by simple resolution we can change rules; isn't that what you said?

Dr. RIDDICK. That is what it amounts to; you can make your own rules.

Senator STEVENSON. By rules, yes. But—excuse me, Mr. Chairman—but in this case, as I understand it, it is changing law. Unless the law permits a change, you cannot change a provision established by law unilaterally, by one body of Congress.

Dr. RIDDICK. If it's confined to a rule of the Senate, it can have that effect. For example, when we passed the 1946 Legislative Reorganization Act, there was a proviso in there that required certain matters to be printed in the Congressional Record.

The Senate, in its wisdom, decided that that was not an efficient thing to do under the circumstances, so it turned around and by a simple resolution eliminated the requirement that the matter be printed in the Congressional Record.

But these, Senator—if you look at these legislative reorganization acts, at the beginning of each section where it is providing for the rules of the Senate or the rules of the House, it says that the House or the Senate, in their respective rulemaking power, do this, and therefore that means that can be done by simple resolution—undo what it did.

Senator STEVENSON. Senator Clark, I take about 40 percent of my answer back. I think the answer is, we don't know.

Senator CLARK. Well, I think the answer is that we are, by resolution—and quite appropriately—saying that Members may serve on

only three subcommittees, by the action which we just took, and we are telling the committees and their members who can sit on these subcommittee.

Now, this resolution that I am offering simply says that yes, chairmen and ranking Members may sit on each Subcommittee but may not have a vote. I don't think that would be unconstitutional to say that ex officio Members are illegal if the Senate acts positively on it by majority vote, that they may not sit on a subcommittee with a vote.

I don't think the Parliamentarian would rule that out of order.

The CHAIRMAN. Well, let me read you section 133(b) in part:

Each Standing, Select, or Special Committee of the Senate shall adopt rules not inconsistent with the Standing Rules of the Senate, or with those provisions of law having the force and effect of the Standing Rules of the Senate, governing the procedure of such Committee.

Then it goes on to say the rules of each such committee shall be published in the Congressional Record not later than March 1 of each year, and so on. Well——

Senator PELL. Could I ask——

The CHAIRMAN. Yes.

Senator PELL. Just a question of information. What is the practice?

The CHAIRMAN. Senator Stevenson said that the practice was, on the Appropriations Committee, for them permitting the chairman and ranking member to vote.

Senator STEVENSON. And there may be a similar practice in Government Operations.

Senator PELL. But with the majority of committees it would not be a practice?

Senator HATFIELD. Would the Senator yield? Mr. Chairman?

Senator PELL. Certainly.

Senator HATFIELD. Are you speaking now of the ranking member and the chairman of the full Appropriations Committee?

Senator STEVENSON. Yes, sir.

Senator HATFIELD. Now, you take that one step further. We have a unique practice on the Appropriations Committee, in that when the committee is considering its budget the ranking Member and the chairman on another standing committee may come to the Appropriations Committee and vote on that——

Senator STEVENSON. We will come to that issue very shortly.

The CHAIRMAN. Well, we have an amendment pending by Senator Clark. Let's—suppose we move along; let's vote on the amendment.

His proposal is to add to subsection 3 on page 22 "without the right to vote."

Senator HATFIELD. Mr. Chairman, I don't think we can separate these two issues, because if you are not going to permit a person, who is a member of the committee, to vote on one of his own subcommittees, then I think we ought to make sure that we are not going to permit someone to vote who is not even on that committee, and I do think the two matters do tie together.

I would certainly support Senator Clark on this amendment, but I would not then turn around and permit somebody from another committee to come in to vote on that committee when a member of that committee is precluded from voting by this action that we are taking.

Senator PELL. Excuse me. Wasn't this on the part of the ex officio members of the Appropriations Committee?

Senator HATFIELD. That's the point I raised, and I say we have to take these two things together, in my opinion to make equity.

Senator STEVENSON. Mr. Chairman, the select committee, at line 14 on page 24, proposed to end that privilege—it has existed in the past—of extending to nonmembers of the Appropriations Committee the right to vote on respective or corresponding subcommittees of the Appropriations Committee.

Senator HATFIELD. I would think we ought to keep that in mind when we vote on Senator Clark's amendment, is all I'm saying.

Senator STEVENSON. That's a good point.

Senator PELL. Mr. Chairman, I think there is a difference here between the two. In the case of the ex officio members of the Appropriations Committee, they are there representing a new viewpoint and are purposely put on it as a means of having that other viewpoint represented without enlarging the Appropriations Committee, and they should have the right to vote. On the other hand, the chairman and the ranking minority Member of any of the committees, will have the right to vote again when it comes up to the full committee level, and I think the two are separable.

The CHAIRMAN. Well, I think we've discussed the matter pretty well. Suppose we vote; will the clerk call the roll?

We are voting on the precise amendment that has been offered, which would add, in subparagraph 3 on page 22, "without the right to vote."

Senator CLARK. Mr. Chairman, I just want to read into the record from Senate Procedures, page 526, under "Legislative Procedures":

Any rule of the Senate stipulated in the Legislative Reorganization Act of 1946 may be amended or changed by a Senate resolution.

The CHAIRMAN. The clerk will call the roll.
The CLERK. Mr. Pell?
Senator PELL. Aye.
The CLERK. Mr. Byrd?
Senator BYRD. Aye.
The CLERK. Mr. Allen?
Senator ALLEN. Aye.
The CLERK. Mr. Williams? [Absent.]
The CLERK. Mr. Clark?
Senator CLARK. Aye.
The CLERK. Mr. Hatfield?
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin? [Absent.]
Mr. Tower?
Senator HATFIELD. Aye, by proxy.
The CLERK. Mr. Chairman?
The CHAIRMAN. No.
The CLERK. Six yeas, one Nay.
The CHAIRMAN. Six ayes, one nay; the amendment is agreed to.

Subparagraph 4, is there any objection to that paragraph? [No response.]

Without objection, then, subparagraph 4 will be agreed to.

On subparagraph (c) on page 22, Senator Stevenson, do you want just to summarize that briefly?

Senator HATFIELD. Mr. Chairman, before Senator Stevenson does that, I wonder if I could raise this other matter, and that is that the Appropriations Committee, this morning by unanimous resolution asked me to convey to the full committee their request to exempt the Appropriations Committee from the subcommittee limitation, the reason being that you have 13 subcommittees on the Appropriations Committee that are mandated to act in conjunction with the Budget Committee by certain time schedules, and under the circumstances they have to all function, in order to cover all the budgets, the multiple budgets of the executive branch of the Government, so they felt it was necessary to maintain the ratio between Democrat and Republicans and also to do the business of the committee, to have 13 subcommittees.

The CHAIRMAN. Well, I think we've already discussed that issue; we've heard it presented. Senator Stevenson spoke against it, and we acted on that earlier, on that proposition, and it would require that someone move to amend or move to except them from that.

Senator HATFIELD. I will so move.

The CHAIRMAN. What—is the motion that you would——

Senator HATFIELD. The motion would be to exempt the Appropriations Committee from the subcommittee limitation.

Mr. Chairman, I do feel that unless the Senator is on that committee, he does not fully appreciate the fact that, unlike any other committee, there is a definite time frame in which each subcommittee has to report back to the full committee in order to meet the budgetary act that we passed in budgetary reform, and when you call the executive agencies before you, you not only have the agencies testifying, you have to give the public opportunity to testify, and then you have to call back the agency to testify again.

And within that time frame—and again, as I say, the budget increases and the new programs that are occurring all the time in budget requests, it is impossible for the Appropriations Committee to function under that kind of limitation, unless you want to double the size of the Appropriations Committee.

Senator STEVENSON. Mr. Chairman, we felt, and still do—at least the staff and I—that with the probable size of the Appropriations Committee, and with some consolidation, that that committee would have sufficient latitude under this rule with which to establish all of the subcommittees that were necessary for those various functions in the budget, and as a matter of fact, more subcommittees than the budget required.

And I remind you that in addition to the number of subcommittees being affected by the size of the committee, it can also be affected by the size of the subcommittees, so it would also be possible, if it were necessary, to reduce subcommittee sizes in order to increase more—in order to increase the number.

But in line with our overall objective, we feel that this change from 2 to 1 to 3 to 2 ought to be enough to accommodate the special requirements of the Appropriations Committee.

Senator HATFIELD. Well, I can only say, Mr. Chairman, that I am only transmitting the unanimous opinion of all the chairmen of the subcommittees and the chairman of the Appropriations Committee, and I have a strong feeling that they are going to carry it to the floor

and make that a very strong battle on the floor, if necessary, if they cannot get that accommodation in the committee.

I personally feel that the fewer targets we go to the floor with, the more important it is—the greater possibility of passing this whole reform, what's left of it.

The CHAIRMAN. Further discussion? All in favor of the amendment, say "Aye." [Chorus of "Aye."]

Opposed?

VOICES. "No."

Senator HATFIELD. Rollcall.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Pell?

Senator PELL. Aye.

The CLERK. Mr. Byrd?

Senator BYRD. Aye.

The CLERK. Mr. Allen?

Senator ALLEN. Aye.

The CLERK. Mr. Williams? [Absent.]

Mr. Clark?

Senator CLARK. No.

The CLERK. Mr. Hatfield?

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin? [Absent.]

Mr. Tower?

Senator TOWER. Aye.

The CLERK. Mr. Chairman?

The CHAIRMAN. No.

The CLERK. Five yeas, two nays.

The CHAIRMAN. Five yeas, two nays; the amendment is agreed to. We have an exemption from the subcommittee limitation on the Appropriations Committee.

Senator BYRD. Is there no limitation at all?

The CHAIRMAN. There is no limitation at all the way it is made now. We had one more motion made to exclude the Judiciary, and we're right back where the committee started from 10 months ago.

Senator BYRD. I wonder—if we could lift the exclusion by one——

Senator STEVENSON. Good idea.

Senator BYRD [continuing]. For Appropriations. This could recognize the special situation facing the Appropriations Committee in meeting the budget restrictions, and at the same time it would not open up to the argument that was made of total exception for one committee.

Senator HATFIELD. I would suggest that perhaps the majority leader call Senator McClellan, because I really don't know. That matter did not come up, the discussion was totally or the subject of——

Senator BYRD. I'll be glad to call him.

Senator HATFIELD. I would prefer that the Senator call him.

Senator ALLEN. Aren't the appropriations bills tied to the subcommittees, in effect?

Senator HATFIELD. Yes; every subcommittee——

Senator ALLEN. That's going to complicate your appropriation bills, if you don't have these subcommittees in line with your appropriation bills.

The CHAIRMAN. There is no reason that one subcommittee couldn't handle two different subjects.

Senator HATFIELD. Oh, we do. We do.

The CHAIRMAN. Or three.

Senator HATFIELD. We have some of them with four and five agencies, four or five different subjects. The minority is so restricted, for instance, that we have to serve on six subcommittees, in order to cover the number of budgets.

Senator BYRD. You can hardly get a quorum, though, on any of them.

Senator HATFIELD. Well, as I said earlier this morning, I think on the smaller agencies, you get something like——

Senator BYRD. Usually about two Members or one Member conducts all the hearings.

Senator HATFIELD. The ranking Member and the chairman.

I would rather leave it as it is, Senator Byrd.

Senator BYRD. Let me talk to Senator McClellan, and we may come back to this.

The CHAIRMAN. Page 22, subparagraph (c)——

Senator STEVENSON. Mr. Chairman, first, I believe we need a word of clarification about the status of the Veterans' Committee.

I think on the basis of the record it is now a standing committee, and I believe it was the intention of the committee to make that a third committee for assignment purposes.

The CHAIRMAN. Yes; it is a third committee for assignment purposes, and that is why it was posted in group 2.

Senator STEVENSON. Very well.

The CHAIRMAN. On page 22, subparagraph (c), this permits the majority and minority leaders to agree that the membership on the standing committees may be increased temporarily from time to time, to accord the majority party a majority membership on the standing committees, and once that—the requirement for that temporary increase has been met, then it will go back to its original size.

Senator STEVENSON. Yes, sir, I believe this is the present practice, except that now committees can be increased by as many as four, and under this proposal it would be by no more than two.

The CHAIRMAN. Is there objection? Without objection it will be agreed to.

Subparagraph (d) on page 23 provides that a Senator who, by reason of his being chairman of a standing committee is required by law to serve on more than one joint committee of the Congress, may serve on that joint committee, but he may not serve on any select or special committee of the Senate.

Is there objection? [No response.]

Without objection, it will be approved.

Subparagraph (e):

No Senator shall serve at any time as Chairman of more than one Standing, Select or Special Committee of the Senate, or Joint Committee of the Congress.

I'd like to offer an amendment to add there:

* * * unless a Member of the Senate is required by law to be Chairman of a Joint Committee.

The law provides in two instances that the chairmanship rotate between the Senate and the House on those joint committees, and this would provide an exemption so long as the law provides that.

Is there objection? [No response.]

Without objection, that will be approved.

Subparagraph 2:

No Senator shall serve at any time as Chairman of more than one subcommittee of each standing, special, or select committee of the Senate or joint committee of the Congress of which he is a Member.

Is there objection to that? [No response.]

Without objection, it will be approved.

Subparagraph (f) is: "Membership on the Committee on Rules shall not be taken into account for purposes of Subparagraph (a) (1)," so that provides that Rules would be treated as a third committee for assignment.

Senator STEVENSON. Yes, sir, and I believe now, in view of the action of the Rules Committee, that it would be necessary to expand that category to include Veterans, Small Business, and the Intelligence Committee.

The CHAIRMAN. I think we have, by our action, made it clear that those committees are to qualify as third committee assignments, and I wonder if we could have authority for the staff to make the technical corrections that may be necessary to that particular point.

Senator STEVENSON. Third committee, Mr. Chairman, for purposes of subcommittee assignment limitations?

The CHAIRMAN. For purposes of subcommittee assignment limitations, and also for the purpose of assignments.

Is there objection? [No response.]

Without objection, it will be agreed to.

Page 24—did you have something there, Senator Stevenson?

Senator STEVENSON. Oh, this, Mr. Chairman, simply—starting at line 5, makes the Budget Committee a third committee for purposes of assignment for the 96th Congress only.

The CHAIRMAN. The 96th Congress.

Is there objection? I think we have already——

[Discussion off the record.]

The CHAIRMAN. I think we've already acted on that.

Senator STEVENSON, Oh, I see. That's effective for this Congress.

The CHAIRMAN. Without objection, then, that will be approved. I think we perhaps already had approved that.

All right. And we approved the redraft of subparagraph 2 on page 24, now.

Dr. RIDDICK. Subparagraph (b) on page 24, we've got it marked up in the revised resolution. "Rule 16 of the Standing Rules of the Senate is amended by striking out Subparagraph"—This would eliminate the ex officio members to the Committee on Appropriations.

Senator STEVENSON. That's the one we referred to earlier, Mr. Chairman.

The CHAIRMAN. Is there objection, then, to that elimination? [No response.]

Without objection, it will be agreed to.

Now, on page 25, we would—as a result of our action, we have excluded the Joint Economic Committee, the Joint Committee on Tax-

ation—did we exclude, Senator Stevenson, the Joint Committees on Library and Printing, or did we make that contingent on the House action?

Senator STEVENSON. The decision on that by the committee was deferred.

The CHAIRMAN. It was deferred?

Senator ALLEN. More or less left in limbo, as I recall, it seems to me.

The CHAIRMAN. May I ask the staff to review what action we took on subparagraph (d), and have the proposed language consistent with our present situation, available for us to approve tomorrow?

I will ask the staff then, by tomorrow, to have some language redrafted to cover subparagraph (e)(1) on page 25, and then in subparagraph 3 on page 26, we provided for handling of those joint committee until the termination had actually occurred, and we provide then for them to be handled—is there objection? [No response.]

Since there is no objection, that will be approved. Now——

Senator STEVENSON. Mr. Chairman?

The CHAIRMAN. Yes, Senator Stevenson.

Senator STEVENSON. There is another provision at the bottom of page 25 with respect to the Joint Atomic Energy Committee that would conform to the action that has already been taken in the House, simply providing that no legislation would be referred to the Joint Committee on Atomic Energy. That's the one committee with the legislative jurisdiction——

The CHAIRMAN. I asked the staff to review the action we've taken and give us the language consistent with the action for tomorrow, on page 25.

That would be one of them. The other would be the Joint Committee on Congressional Operations, for example; we took action on that also. And also on the Joint Committee on Defense Production, to consolidate that.

Mr. GRAY. Senator, is it your intention that a provision in this Senate resolution would be forwarded to the House in the case of the Joint Committee on Defense Production?

For example, I understood that the Rules Committee had given an advisory decision that ultimately your recommendation was to consolidate that joint committee in the Joint Economic Committee but it would have to be done under the provision here of a resolution coming out of Banking going to the Senate and then to the House for agreement.

The CHAIRMAN. That is correct; it would require a separate resolution action.

Now I wonder if we might go to the question of jurisdiction now, because once we determine the jurisdiction issue, then we can settle the sizes, and that is in title 1.

Senator STEVENSON. I wonder, in your worksheet of clarifications and modifications that were discussed with us on January 13, if we could go down the committee list one by one, starting with the Committee on Agriculture and Nutrition, and make the necessary changes?

Doing this Mr. Chairman, we'll just be touching on the subjects which, so far as we know, generate some discussion and controversy.

The committee has already made its decision with respect to Small Business. Irrigation and Reclamation posed in Senate Resolution 4

for Agriculture; it's the suggestion now that it remain in the Energy and Natural Resources Committee.

The CHAIRMAN. Do you want to just go right on down the line unless someone raises a question?

Senator STEVENSON. Very well. Regional economic development ought to remain in the Environment and Public Works Committee.

Land use planning: That would be deleted under Agriculture and fall under several other committees. And international aspects of food and nutrition would be shared, oversight jurisdiction, with the Foreign Relations Committee.

The CHAIRMAN. And all of the jurisdiction heretofore exercised by the Select Committee on Nutrition and Human Needs would be transferred to Agriculture?

Senator STEVENSON. That is correct.

The CHAIRMAN. Are there any questions or discussion on those points?

Senator PELL. You are talking about this one [indicates]?

The CHAIRMAN. Agriculture and Nutrition. And, of course, if there is no objection then that will be approved and the staff will be authorized to make a technical change in the resolution as set forth on pages 2 and 3 which would include the elimination of the name "Small Business" and insertion of the word "nutrition." It would strike on line 2, page 3, item 17, "small business" and make the other changes to which Senator Stevenson referred.

Senator ALLEN. Change the phrase "land use planning"?

The CHAIRMAN. Yes; I said to make the changes that Senator Stevenson has described.

Without objection then the staff will be authorized to make those changes.

The next item is the Committee on Appropriations. Do I understand there are no changes which are required jurisdictionally on the Committee on Appropriations?

Senator STEVENSON. Senator, that is correct.

The CHAIRMAN. The next one is the Committee on the Armed Services.

Senator ALLEN. What about the grandfather issue here, is that going to be decided somewhere else or in Appropriations?

The CHAIRMAN. I thought we had acted on that provision earlier.

Mr. GRAY. That is Government Operations, Senator.

Senator ALLEN. I just thought it would come in here and——

The CHAIRMAN. That was approached yes. All right. The Committee on Armed Services.

Senator Stevenson?

Senator STEVENSON. The committee has made its decision with respect to the Veterans' Affairs, for military sales, technical language is required to indicate there would be no change in the current jurisdictional arrangement between the Foreign Relations Committee and the Armed Services Committee. Then, naval petroleum reserves. Technical language is required to continue the current jurisdictional arrangement between the Armed Services and the Interior.

The CHAIRMAN. That present jurisdiction, I might say, keeps in Energy and Natural Resources the jurisdiction over naval petroleum reserves in Alaska and would retain in Armed Services jurisdiction

over PETS 1, 2, and 3 as was previously determined last year when we were considering the bill.

All right, sir.

Senator STEVENSON. Overseas education and civilian military dependents. Language is required to clarify jurisdiction with respect to civilian dependents in the Foreign Relations Committee.

Senator PELL. Mr. Chairman, in this regard I think Senator Clark has a series of amendments—I would hope without prejudice to him to mention it—to introduce his amendments tomorrow.

The CHAIRMAN. If there is no objection, we will permit Senator Clark to raise this issue tomorrow.

I might say I have a letter from Senator Stennis expressing very strong objection to transferring, fragmenting from all of the other Department of Defense personnel matters, the matters relating to dependent's education. All right.

We will come back to that, if necessary.

Senator Stevenson, will you go to the next item?

Senator STEVENSON. Now the present jurisdictional arrangement with the continued maintenance and operation of the Panama Canal requires language that——

The CHAIRMAN. That jurisdiction leaves the maintenance and operation of the Panama Canal under the jurisdiction of the Armed Services Committee since jurisdiction of the Government of the Canal Zone is already in the Armed Services Committee, is that correct?

Senator STEVENSON. Yes, sir.

The CHAIRMAN. All right. So that would remain in the status quo.

Is there objection then to the proposed changes in the Armed Services Committee? [None noted.]

Without objection, it will be approved; and without objection, the staff will be authorized to make the technical changes now in the language to carry out what we have acted upon.

Next, the Committee on Banking, Housing, and Urban Affairs.

Senator STEVENSON. The Renegotiation Board will be transferred from Finance to the Banking Committee so there must be language to reflect that change.

The next item is "Comprehensive Policy Oversight for International Economic Policy." This has been one of the most misunderstood subjects of all and I think probably Senator Clark will have amendments so perhaps we should come back to that when we reach Foreign Relations.

The CHAIRMAN. I think Senator Clark will have an amendment on that and if we could—he was required to be away the rest of the afternoon but he will be here at 10 o'clock in the morning—if we could defer action on that particular point until tomorrow.

Senator TOWER. Could we have some idea of what Senator Clark proposes?

Senator PELL. Yes; I think basically he wants to retain jurisdiction over international economic policy and leave it the way it is.

Senator TOWER. Maintaining the status quo?

Senator PELL. I do not want to jump in here because there has been discussion between him and I think Senator Stevenson and others to the best of my knowledge. Yes; I would rather we wait until tomorrow.

The CHAIRMAN. Can you elaborate any further on that, Senator Stevenson, for Senator Tower?

Senator STEVENSON. Yes, sir, I cannot tell the Senator what Senator Clark intends. I can tell the members of the committee that there is now nothing in the rule which explicitly gives the Foreign Relations Committee jurisdiction over international economic policy.

And as the Senator well knows, legislation jurisdiction with respect to many aspects of the international economic policy has been exercised in the Banking Committee. There have been discussions of this subject and as happens in any context they are very reasonable and everybody comes to an understanding when it is at the senatorial level. But when it goes below that is when it comes apart.

The general understanding, as I understood from parts of the discussion, is that international economic policy as it affects the foreign policy of the United States would remain in the Foreign Relations Committee. And international economic policy as it relates to U.S. monetary affairs, credit and financial institutions, would be in the Banking Committee where it is exercised now. And as for international organizations, the Foreign Relations Committee would retain the jurisdiction of the World Bank and regional development associations and the jurisdiction shared over the international monetary organizations which had been exercised to a greater extent in the Banking Committee.

But as a practical matter it is shared and would be in the Banking Committee, which has jurisdiction over money.

Senator TOWER. Then Banking would keep the World Bank and share IMF with the Foreign Relations because that has to do with currency and the Banking Committee has responsibility for it. We have the responsibility for the value of the American dollar, for example.

Senator STEVENSON. And the committee exercises jurisdiction over the Federal Reserve Board, monetary policy, and the Exchange Stabilization Fund which is the counterpart of the International Monetary Fund. Anyway, I am not sure it is worth pursuing that now. But that, I believe, was the understanding reached by the Senators but as happened before, that understanding begins to come apart.

The CHAIRMAN. I would defer action on that item until Senator Clark is here in the morning.

The Joint Economic Committee was not transferred, but was maintained separately, so that is eliminated.

Now, what about public and private housing?

Senator STEVENSON. The suggestion is to—we think this leaves things as they are with exception of veterans housing which would be included in general housing jurisdiction of the Banking Committee and with respect to comprehensive policy oversight—I beg your pardon—the caveat would be that we would have to come back to international economic policy when we get to Foreign Relations.

The CHAIRMAN. Is there objection to the recommendation of the select committee with the understanding that we will come back to the question of comprehensive policy oversight of international economic policy when Senator Clark is here in the morning?

Senator WILLIAMS. One question.

The CHAIRMAN. Senator Williams?

Senator WILLIAMS. I would apologize, Mr. Chairman. I just came in from the floor.

Now, under Banking, Housing, and Urban Affairs, urban development, except for mass transit, has this been discussed?

Senator STEVENSON. No, sir, and I should have made that clear. Again, we could come to that with the committee when we come to Commerce.

Senator WILLIAMS. I was going to suggest that.

The CHAIRMAN. That there will be another transportation—without objection, that will be approved subject to those two exceptions.

Now, the Committee on the Budget.

Senator STEVENSON. The jurisdiction for private and public pensions will be dropped. There is, I believe, Mr. Chairman, one paragraph to be deleted. It is paragraph 3 on page 7 of the resolution. These jurisdictions were transferred to the Budget Committee, as a result of the consolidation of the Joint Economic Committee and since that has not taken place we will revert to the status quo.

The CHAIRMAN. That will remain in Governmental Affairs, is that correct?

Senator STEVENSON. In Joint Economic.

The CHAIRMAN. In Joint Economic. I'm sorry.

That is, the oversight and fiscal policy will remain with the Joint Economic Committee and the budget and accounting matters will remain in Governmental Affairs as recommended in Senate Resolution 4?

Senator STEVENSON. That is correct. Senate Resolution 4 did not recommend it, however, it would remain in Governmental Affairs without any action to change.

The CHAIRMAN. Is there objection then? [None noted.]

Without objection then that will be approved.

All right. Now, to Commerce.

Senator STEVENSON. Mr. Chairman, the jurisdiction of the Commerce Committee with respect to commercial fishing will remain as it is.

Now, we come, Mr. Chairman, to one of the two most controversial matters. And when we come to such matters as this I am going to take the liberty, if this means ringing a bell or turning on a red light, because these are linchpins, and two have already been removed. And if another one is to get removed then the whole edifice comes down.

One of the objectives of the select committee was to create within the committee's jurisdictions that which would enable them to deal comprehensively with such complex subjects as energy and other such subjects including the environment and transportation. And so it is proposed to trade off some of the jurisdiction within the Commerce Committee, including toxic substances and the environmental aspects of oceans and deepwater ports together with the jurisdiction of coastal zone management to the Environment Committee, and we will come to it later. But I need mention it now that the committee—the Public Works and Environment Committee will transfer its jurisdiction over highways to the Commerce Committee and then the Senate would end up with transportation and environment consolidated. And if this is not done, Mr. Chairman, it will end up with neither; it will end up

with an Environment Committee without an environment as part of it, and the Transportation Committee without transportation.

The Commerce Committee is the dominant transportation committee now. It is the logical repository for transportation and I would point out that the Congress has already made the determination that highways are not, as has been suggested by some construction programs with environmental aspects or mass transit, urban programs. They are transportation programs, highways and mass transit. And that decision was made by the Congress when they placed jurisdiction for both in the Department of Transportation.

So the suggestion, my suggestion, is that with respect to toxic substances, the environmental aspects of toxic substances be placed in the Environment and Public Works Committee and the consumer product testing relating to toxic substances be placed in Commerce.

With respect to oceans where there are atmospheric activities—do you want me to go down the list?

The CHAIRMAN. Yes, sir.

Senator STEVENSON. Marine transportation, weather, ocean and water commerce, Coast Guard, oceans, atmospheric science and technology be placed in Commerce where they are now; that is, ocean dumping and other such environmental aspects of oceans and atmosphere activities be placed in the Environmental and Public Works Committee. And deep sea mining, extracting minerals, in other words, go to the Energy Committee.

And with respect to deepwater ports, navigational aspects of deepwater ports be placed in Commerce where they are now.

Environmental aspects of deepwater ports in Environment and Public Works.

The energy aspects of deepwater ports in the Environment and Public Works Committee.

For coastal zone management, the entire jurisdiction in Environment and Public Works.

For Outer Continental Shelf lands, extraction of minerals from the Outer Continental Shelf in the Energy Committee.

Environmental questions relating to the Outer Continental Shelf remain in the Environment and Public Works Committee.

Transportation and commerce questions relating to the Outer Continental Shelf remain in Commerce.

Now, Mr. Chairman, as I say that is a mission which is easily done and consistent with the objectives of the select committee and I hope the objectives of this committee. There is no quarrel with these objectives. Within them comes energy because I and others are willing to make the sacrifice, and in this case, unhappily, I believe it is largely at the staff level where certain persons associated with this industry, this institution are not.

The CHAIRMAN. Is there objection to approval of the recommendation of the committee up to that point?

Senator Tower?

Senator TOWER. Who has jurisdiction on construction projects on waterways, channelization, widening, deepening, et cetera?

Senator STEVENSON. Public Works, on the Corp of Engineers.

Senator TOWER. Public Works has that.

The CHAIRMAN. Any other questions?

Senator HATFIELD. Mr. Chairman, are we approving then the highway construction——

The CHAIRMAN. We have not gotten to that.

Senator TOWER. We have not gotten to that.

Senator STEVENSON. This is just Commerce.

The CHAIRMAN. Any further discussion? [None noted.]

Without objection, the recommendation will be approved up to this point.

You may proceed from there, Senator Stevenson.

Senator STEVENSON. "Energy and Natural Resources."

The CHAIRMAN. Were you not going to discuss the rest of the Commerce issue there?

Senator STEVENSON. I beg your pardon?

The CHAIRMAN. You have not discussed the National Science Foundation; Transportation——

Senator STEVENSON. Oh, excuse me. National Science Foundation: It is suggested that is predominantly an education association and therefore should be placed in Human Resources, instead of Commerce, which is the Science Committee. Then, Mr. Chairman, I thought it was—I do not know what order you want to take this up, and Senator Williams was mentioning earlier that we could come to the other side of this coin. We have acted on half of it now. The other half is the transporation side and we can act on that in conjunction with highways when we come to public works.

But when we come to mass transit, having already acted upon the Banking Committee, it would be appropriate at this point to take up mass transit.

We propose that mass transit be transferred from the Banking Committee to Commerce, Science, and Transportation. I would not repeat all of the arguments. Once again I would point out that this committee, the Senate, including the Banking Committee, has recognized that this is a transportation question, by placing jurisdiction for urban mass transit not in the Department of Housing and Urban Development—but in the Department of Transportation. I feel very strongly, as I know many of the others of the Senate do, that it will not be possible for the Congress to deal wisely with this extremely important and complex subject, until it becomes institutionally capable of developing a balance to transportation systems by considering in one place, all of these competing and sometimes conflicting modes of transportation. The dominant jurisdiction is in the Commerce Committee.

In fact, all of it that is not in Commerce now is urban mass transit and highways.

The CHAIRMAN. Any discussion?

Senator Williams?

Senator WILLIAMS. Well, these are points 10 and 11 on the—in the resolution, is that right?

Senator STEVENSON. Page 8, 11, and—let us see—well, 12 is mass transit.

Senator WILLIAMS. Yes, 11 and 12. It seems to me it would be appropriate to consider highways and urban transportation question

at this time or later under Public Works. Either way we have basically the same question—whether the present committee is to remain, retain it or whether each will be going into Commerce, is that right?

Senator STEVENSON. That is correct. In each case it is to leave it where it is or move it to Commerce. I do not know at the moment of any other viable proposal.

Senator WILLIAMS. Well, Senator Stevenson has said that Commerce is dominant in transportation and—right now. Is that what you said?

Senator STEVENSON. Yes, sir.

Senator WILLIAMS. And I would say it would appear to me that in an aspect, one aspect that is certainly correct where there is regulatory authority in the Federal Government over transportation modes.

The oversight for that regulation does reside with Commerce. ICC particularly, and some of the others. I cannot refute that. Here we have highways and urban transit. These are development programs called construction programs in part. While Commerce presently does have authority over highways, construction highways resides in Public Works. In urban mass transit there is presently almost a total occupation of the field by Banking, Housing, and Urban Affairs. Most of it being not regulated in Interstate Commerce.

The place for Urban Affairs, Banking, and Housing and Urban Affairs, having this jurisdiction and retaining it I think is shown on the record certainly the development of a program prior to 1961. There was no national urban mass transportation so called, and in fact, it was created not by the Executive but created within the then Banking and Currency Committee and it was created for one reason. All—most elements of urban design and redesign within the Department there resided integral to any intelligent approach to urban affairs is what ties it all together; it is transportation, and it is mass transportation more specifically. We created it and we have improved it over the last 15 years to the point where it is a significant urban affairs of our National Government.

The present Secretary of Transportation recognizes it as an integral to urban affairs. The designate Secretary of Transportation, also. The witnesses that came here to testify before the committee on the reorganization plan—Magnuson, Senator Baker—whether he was a witness or not, I do not know—those who were on Commerce indicated that this part of transportation and jurisdiction of it is not their desire. As a matter of fact, the witnesses—I cannot recall any, save one—who indicated that urban transportation, mass transportation should be separate from its functional parent, the Banking, Housing, and—underscore—Urban Affairs Committee.

I think from the—looking at it functionally its present committee resting place makes all the sense.

Senator TOWER. May I—would the Senator yield.

The CHAIRMAN. All right.

Senator TOWER. I might note that Senator Williams gave birth there to the Mass Transit Act of 1970 and thus the Urban Mass Transit Administration. I was present as a midwife for that delivery. As a matter of fact, I think we worked closely together on it. It would

not have been created had it not been for the initiative taken by the Banking, Housing, and Urban Affairs Committee. It is a creature of that committee and is, as has been noted, an integral part of the whole urban planning picture. I do not see how you can get into the business of urban planning as the Banking Committee must and develop comprehensive planning and grant programs without figuring mass transit into the bargain.

We get into many aspects of it, including direct rents, loans for capital expansion; it has gone even beyond that to operating subsidies. And this has been considered to be a part of the total urban development picture. I do not see how you can really separate it.

The CHAIRMAN. Senator Pell?

Senator PELL. No.

Senator TOWER. It is different than moving people within the confines of a metropolitan area and that of moving goods and people within urban areas of the country.

Senator WILLIAMS. One other thing I did not mention. From the opinion that has reached us the Sierra Club is one, one that has made a contribution to these deliberations and their material was sent to the committee on the reorganization. This is one area where they disagreed with the reorganization and did support what Senator Tower and I have been advancing, that the logic of urban mass transportation be retained as part of Urban Affairs.

Senator STEVENSON. Mr. Chairman?

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. The Senator is right when he says there is no compelling desire on the part of Members for this change. That is why we are here. Where others desire an energy committee and are willing to make the sacrifice, as we get it. Every bit as much logic applies in this case as in the case of energy and will in the case of environment too.

Senator Williams and Senator Tower have been strong supporters of mass transit. As Senator Tower mentioned, Senator Williams worked on it more than anybody else and gave birth to the urban mass transit program. He deserves a great deal of credit for that. I would point out, however, that he, in his wisdom, and the other authors of that program placed it in the Department of Transportation and not in the Department of HUD, presumably recognizing this basically as a transportation program and realized it ties into other forms of transportation, particularly railroad transportation.

It is not in a construction program predominantly. It is a transportation program. It was not—I noticed the other day where the Secretary of the Department of Transportation-designate had suggested a budget function for Transportation. Mass transit would go into that function; it would not go into some function for HUD.

My final point, Mr. Chairman, is that all of these modes of transportation are related and have to be balance out and it has not been a great job. You look at the cities and the inadequacy of mass transit systems, overbuilt highways, partly for that reason; mass transit is still another. We have not made ourselves institutionally capable of developing yet a balanced mass transportation system.

The Congress recognized that at least for the executive branch when it created by Department of Transportation and should do so now for

itself even though it would be with some pain in a couple of places.

Senator TOWER. Mr. Chairman, I would point out that highways are financed by user contributions through the tax structure. In urban transit we are actually giving them Federal subsidization, we are engaged in the fare box subsidization. As a matter of fact, the highways pay for themselves.

Senator STEVENSON. Of course, Mr. Chairman, I neglected to mention—and I should have—the Banking Committee would continue to maintain a general oversight jurisdiction with respect to all urban affairs including mass transit. Mass transit is a part of urban problems. We are just talking here about a legislative jurisdiction.

Senator TOWER. What about when you get to the situation of revenue sharing for urban affairs?

Senator STEVENSON. Your community development program remains in the Banking Committee. Part of the community development program which I helped to author, and the applications for it, there should be recognition made of the transportation service as well as other kinds of services. But you would not put every other kind of service, like hospital services, in the Banking Committee just because it has a jurisdiction over community development programs. That is a little like arguing that all construction programs ought to go into Public Works. By the same logic you put the Armed Forces, which do a lot of construction, into Public Works.

The CHAIRMAN. Any further discussion? [None noted.]

The proposal is open for amendment or are we ready for voting on it?

Senator TOWER. I am behind you, so go ahead.

Senator WILLIAMS. My motion would be to retain it.

The CHAIRMAN. What is your proposal now?

Senator WILLIAMS. The objective is to retain the urban transit jurisdiction in the Banking, Housing, and Urban Affairs. Now, in talking transportation here, and highways, we have not discussed that and I do not know whether this will be done in one motion or not.

The CHAIRMAN. The recommendation of the select committee is that all transportation, including urban mass transit and the construction and maintenance of highways and highway safety, be in the Commerce Committee, the Transportation Committee.

Senator TOWER. We are confining it now to urban mass transportation, right?

The CHAIRMAN. That is what the basic discussion has been on although Senator Stevenson did in his opening remarks include all of it.

Senator PELL. Maybe it would be to break out urban mass transit and talk about that and then talk about the other part as a second amendment.

The CHAIRMAN. If the amendment is desired. If not, the Chair is going to put it to a motion.

Senator WILLIAMS. We can do this in two stages then, two questions.

Senator TOWER. Can we not break this down into components because construction of highways is another question.

The CHAIRMAN. Then let us settle them one at a time. If you want to make a motion on transit, make it now.

Senator WILLIAMS. Retain with the Banking and Housing.

The CHAIRMAN. Retain jurisdiction of mass transit in Banking, Housing, and Urban Affairs.

Are you ready on the question?

Further discussion? [None noted.]

All in favor of the motion say aye. [Chorus of ayes.]

Opposed? [None noted.]

The ayes have it.

Urban Mass Transit will be retained in Banking, Housing, and Urban Affairs.

Now, the issue of construction and maintenance of highways and highway safety. Construction and maintenance of highways are now currently in Public Works and highway safety is now in Commerce. The proposal was to keep all three of those in Commerce.

Senator TOWER. Mr. Chairman?

The CHAIRMAN. Senator Tower.

Senator TOWER. I move that maintenance and construction of highways be retained by Public Works and I would briefly set forth my rationale for it.

I think the transportation policy should come within the Commerce Committee's jurisdiction. I think highway safety should come within the Commerce Committee's jurisdiction. But as far as construction and maintenance is concerned we have already acknowledged that its proper function is in the Public Works Committee, to have jurisdiction over waterways construction projects such as ports and canalization and that sort of thing which it retains.

I think the same rationale applies to highways because this is indeed construction; it is indeed public works. As far as policy is concerned, that should remain in the hands of Commerce. They can separate policy from construction and maintenance.

The CHAIRMAN. Is there any further discussion?

The question occurs on Senator Tower's amendment. All in favor of the amendment say aye. [Chorus of "ayes."]

Opposed?

Senator PELL. Nay.

The CHAIRMAN. The ayes appear to have it.

The ayes have it and construction and maintenance of highways are retained in Public Works.

The Panama Canal issue on page 4 has been disposed of. That takes us to "Energy and Natural Resources."

Senator TOWER. Mr. Chairman, one more item under Commerce. I have an amendment here which is recommended by the Senator from Wisconsin, Mr. Proxmire, who is chairman of the Banking Committee. And I would refer to page 8, line 2, item 8, "Regulation of Consumer Products and Services." Perhaps this can be accomplished by report language and I would not propose an amendment if it can be.

But what we want here is a clarification of the jurisdiction of the Commerce Committee over legislation regulating consumer products and services but not extending to regulation of credit. And I guess credit primarily, and financial institutions, that is currently under the jurisdiction of the Banking Committee. In other words, that would include your truth in lending legislation and that sort of thing.

Senator WILLIAMS. Housing, too, would it not?

Senator TOWER. Also including housing. Would you have any objection to retaining those in Banking?

Senator STEVENSON. No; I think it is just a matter of clarifying language in the report.

Senator TOWER. Senator Williams is also on that committee. If he thinks we could do it with report language——

The CHAIRMAN. I do not think the select committee intended to make any change.

Senator TOWER. I do not think they did either. And that is why I say we could be satisfied with report language on it.

The CHAIRMAN. In the area of product safety and not in banking matters relating to truth in lending and that sort of thing.

Senator TOWER. We are concerned with credit and federally financed housing.

The CHAIRMAN. If there is no objection, let us ask the staff people to either work out the language for here or the language for the report and make that clear.

Senator TOWER. I am amenable to that. Does that sound all right?

Senator WILLIAMS. That sounds all right.

The CHAIRMAN. Without objection we will proceed in that fashion.

Now, the Committee on Energy and Natural Resources.

Senator STEVENSON. Most of these items, Mr. Chairman, can be eliminated just a reference to action already taken by the committee.

First remaining is wild and scenic rivers. It was suggested that be left with the Interior Committee along with land and water conservation.

The CHAIRMAN. Irrigation and reclamation as well?

Senator STEVENSON. That was discussed earlier.

The CHAIRMAN. And insular possessions?

Senator STEVENSON. That remains in Energy—and Natural Resources.

The CHAIRMAN. All right. And now, naval petroleum reserves. We have already discussed that.

Senator STEVENSON. Yes; and deep water ports and extracting of minerals from the Outer Continental Shelf.

Now the next item is native American land management, and trust responsibilities. And it might be difficult to take this up without Senator Hatfield. He has, I believe, some strong views about what has been done. The last proposal I believe was to create a temporary committee for some 2 years to exercise jurisdiction with respect to native Americans.

The CHAIRMAN. Yes; I wonder if we can let that matter go over to tomorrow when Senator Hatfield can be here.

"Miners' health and safety?" No change from the resolution?

Senator STEVENSON. That is correct.

The CHAIRMAN. All right. And land use planning. We have already handled that under Agriculture.

Is there objection then to the items we have covered except the one on native American land management and trust responsibility which is to be held over until Senator Hatfield is here tomorrow? [None noted.]

Without objection those will be approved. "Environment and Public Works?"

Senator STEVENSON. The only item that has not been acted upon is public buildings and grounds and the suggestion is to leave that in Environment and Public Works.

The CHAIRMAN. Is there objection to that recommendation?

Senator PELL. Which recommendation is that?

The CHAIRMAN. Public buildings and grounds.

Senator PELL. No.

The CHAIRMAN. Without objection that will be approved. Fine.

Senator PELL. Excuse me. Going to the bill itself, environment and public works, oceans, weather, atmosphere activities, fisheries, wildlife, where do those go?

The CHAIRMAN. We have cross-referenced that under Commerce and it has been taken care of.

Senator PELL. This would go to Commerce. What was your understanding as to oceans and weather and atmosphere?

Senator STEVENSON. The committee has put transportation, weather, ocean and water commerce, Coast Guard, ocean and atmospheric science, and technology in Commerce. The environmental aspects of oceans and atmospheric activities go to the Environment Committee and the energy aspects, in other words, deep sea drilling, to the Energy Committee.

Senator PELL. OK, thank you.

The CHAIRMAN. All right. "Finance."

Senator STEVENSON. And now on tax expenditures, Senate Resolution 4 contained general oversight with respect to tax expenditures for authorizing committees. The suggestion is to delete that language, since all legislative questions go to Finance Committees already have that oversight jurisdiction as part of the Budget Act.

The CHAIRMAN. Just leave the existing law without any reference to it in Senate Resolution 4, is that correct?

Senator STEVENSON. Yes, sir.

The CHAIRMAN. Is there objection then to that? [None noted.]

Without objection that will be approved.

All right. "National health insurance?"

Senator STEVENSON. I believe some clarification is necessary with respect to national health insurance. Certain Members considered that matter. Perhaps Senator Williams has a suggestion.

Senator WILLIAMS. Right now we are working under a reference, a joint reference of national health insurance legislation, as I understand it and the reasoning is clear: some aspects of national health insurance do fall under finance within the jurisdiction of the Finance Committee; otherwise, under general revenue and health care delivery and those who chaired the respective jurisdictions within our labor and public welfare, Senator Kennedy, and of course Senator Long of Finance, the present joint referral of national health insurance is agreeable. Is that the general understanding of the present division or sharing, rather? And it has not been sequential; it has been a joint reference?

Senator STEVENSON. To take it one step further it is my understanding that the procedure in the resolution for joint referral, it would be satisfactory to leave the jurisdiction of the committees as is, relying on those procedures to get national health insurance to those committees that ought to have it.

The CHAIRMAN. My recollection is that Senator Long had expressed the view that that matter comes within the Finance Committee's jurisdiction and ought to go to Finance and other matters ought to be considered then by the committee with procedure available for referral.

Senator WILLIAMS. Two bills I know have been introduced in this session so far which have been jointly referred and I gather that is the long way around.

The CHAIRMAN. Senator Kennedy has sent a letter expressing his desire to keep it in that forum.

Is there objection to keeping the jurisdiction of the national health insurance in that fashion? [None noted.]

Without objection, it will be approved. "General Revenue Sharing."

Senator STEVENSON. No change in Senate Resolution 4 on that. That remains in the Finance Committee. And the Joint Committee on Taxation would continue. I believe that is all for the Finance Committee.

The CHAIRMAN. I think that would take us now to Foreign Relations and perhaps this would be a good point to break because Senator Clark has some amendments on this particular point to bring up tomorrow.

Senator PELL. I have two minor items on Foreign Relations I would like to bring up now.

One is on page 12 of the bill at line 17, after line 17 add the following: "Point 11. International Law; Ocean International and Environmental Scientific Affairs." This boils down to a somewhat nebulus area with the responsibility of the Foreign Relations Committee in the oceans area. I do not think there is any objection to that.

The CHAIRMAN. What is that now?

Senator PELL. Page 12, after line 17, a new item reading "International Law; Oceans, International Environmental and Scientific Affairs." It covers the law of the sea negotiations by the State Department.

Senator STEVENSON. I do not have the specific language but it is my understanding, Senator Pell, that this is aimed at the Law of the Sea?

Senator PELL. Law of the Sea.

Senator STEVENSON. Add international law?

Senator PELL. That is right. And the type of laws and this nails that down.

Senator STEVENSON. I think there is objection to it?

The CHAIRMAN. Is there objection to the item which Senator Pell has suggested?

I want to make it clear that this is the international law aspect and not the other.

Senator PELL. It has jurisdiction over the revenue points.

The CHAIRMAN. Without objection, that will be approved.

Senator PELL. One other minor matter.

Page 12, line 17, new item there. "Point 12. Jurisdiction of the Committee on the Red Cross and International Activities of the American Red Cross." And this also falls between because we have exercised in the past jurisdiction over the contribution to the International Committee of the Red Cross.

The CHAIRMAN. Is there objection?

Senator STEVENSON. I think Senator Williams expressed an interest in this.

Senator WILLIAMS. This was not refined at an earlier meeting at some point. The American Red Cross was—again, informally it was suggested to me that this was in the proper jurisdiction of Human Resources. Later on it occurred to me there was an international aspect which we did not discuss. I think we ought to perhaps just put this over to understand whether there is a clearer division. If not—within the Red Cross, so that they can be separated. If not it should go one or the other.

Senator PELL. The reason here is that the last Congress under the American contribution to the Red Cross raised $50,000 to $500,000 and that would not come under the domestic.

Senator WILLIAMS. I know you have refined it enough for me. If there is a way to say just the international aspect of the Red Cross or human resources.

Senator PELL. Absolutely. These are not the only international things.

Senator WILLIAMS. Just appropriate language where it is understandable. Then it would make sense to me.

Senator PELL. And attached to the bill.

Senator WILLIAMS. Yes; Senator Stevenson, does that division make sense from where you sit?

Senator STEVENSON. Yes, sir.

Senator PELL. All right.

The CHAIRMAN. Is there objection? [None noted.]

Without objection, it is approved.

Senator TOWER. Mr. Chairman, I have one thing that I think we can dispose of quickly.

On line 18, page 12, study and review on comprehensive matters relating to national security policy of the United States and report thereon from time to time.

My question is: What does that impact on the Armed Services Committee and the Select Committee on Intelligence?

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. I am sorry. Would you repeat that? I did not get the reference.

Senator TOWER. Page 12, line 18, relating to national security policy of the United States and report thereon from time to time.

My question is, now, how does that impact on the jurisdiction of the Armed Services Committee and Intelligence?

Senator STEVENSON. It is similar to the jurisdiction the Armed Services Committee has with respect to national defense. It is largely an oversight jurisdiction to indicate that Foreign Relations can do what it already does anyway, consider foreign relations, foreign aspects with some military assistance programs. It is a general oversight jurisdiction. It is just intended to make it clear that the Foreign Relations Committee has a broader aspect of responsibility in foreign policy just as the Armed Services Committee does with respect to national defense.

As I say, it is purely oversight; it does not append legislative jurisdiction.

Senator TOWER. It says national security policy and requires report from time to time, what does that mean? Getting into the nature of the Soviet threat and that sort of thing which is generally the purview of the military and intelligence community?

Senator STEVENSON. That would be in the Foreign Relations Committee.

Senator TOWER. Yes; but I am talking about a military threat to the security of the country.

Senator PELL. If the Senator would yield on that point. We spent all morning on the Foreign Relations, getting the military capability between the Soviet Union and the United States.

Senator TOWER. What does "report" mean?

Senator PELL. To fill us in.

Senator TOWER. As I say, the requirement that the Foreign Relations Committee report from time to time.

Senator STEVENSON. This comes out of the Senate boiler plate, that is used almost always in describing an oversight jurisdiction.

Senator TOWER. That still gives me some concern, Mr. Chairman, and I would like to talk to Senator Stennis on that.

The CHAIRMAN. Suppose you study that overnight.

On that note the committee stands in recess until 10 o'clock tomorrow morning and hopefully the staff will be able to make the changes now in a form that will facilitate consideration.

[The hearing was in recess at 5:10 p.m., to reconvene at 10 a.m., January 19, 1977.]

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977

WEDNESDAY, JANUARY 19, 1977

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

The committee met, pursuant to notice, at 10:18 a.m., in room 301, Russell Senate Office Building, Hon. Howard W. Cannon (chairman) presiding.

Present: Senators Cannon, Pell, Robert C. Byrd, Allen, Williams, Clark, Hatfield, Griffin, and Tower.

Staff present: William M. Cochrane, staff director; Chester H. Smith, chief counsel; Floyd M. Riddick, professional staff member; Jack L. Sapp, professional staff member; Larry E. Smith, minority staff director; Andrew Gleason, minority counsel; Ronald Hicks, senior analyst, Subcommittee on Computer Services; and Peggy Parrish, assistant chief clerk.

The CHAIRMAN. Senator Stevenson, sit right there.

Senator Magnuson and Senators Hollings, and Stevens, and Senator Long have asked to be heard briefly this morning.

We will be glad to hear from you now.

STATEMENT OF HON. WARREN G. MAGNUSON, A U.S. SENATOR FROM THE STATE OF WASHINGTON

Senator MAGNUSON. All right. Mr. Chairman, I thought we had settled all this matter in the many meetings we had, at least from the Democratic side, as to jurisdiction of committees—settled it in the main. But it is my understanding that the tentative markup of the Rules Committee, as of yesterday, and I know you are running against a time schedule, did just what we on the Commerce Committee—did the opposite from what we thought was understood.

In the first place, I think I made it clear when I testified before the committee here last week, that we would be willing to—the Commerce Committee—to forego the transfer, which was in the original resolution, of "Public Roads and Urban Transportation." But only on the basis that we would retain our heritage, which is a long-time heritage in the Commerce Committee, over the ocean.

And I understand now that the tentative markup yesterday of your committee, that they took out "Coastal Zone Management," NOAA, environmental aspects of ocean dumping, and things of that kind, and part of marine fisheries.

Now, we—and deepwater ports. Now, deepwater ports is mainly transportation, marine transportation. Sure, there are a lot of en-

vironmental matters involved in it, but I do not know how you are going to separate environment in all these instances.

If I go out here and cut down a tree, I am doing something to the environment, and there has got to be some rational approach to this. And we are here to plead that you people return to the Commerce Committee, which I originally thought was agreed upon, at least from Senator Byrd in our Democratic meetings, that we spent a lot of time on these matters. And then toxic substances, which I understood that we all then agreed—Senator Stevenson was there—that Senator Talmadge in the Agriculture Committee said that they did not want to have jurisdiction of any part of toxic substances except pesticides.

And this has been our forte up there for many, many years. So we strongly hope that the committee will see fit to change these functions. Ocean dumping is one. We are in the midst now of a very controversial and important hearing on ocean dumping, which involves all kinds of people. This is part of the Commerce Committee jurisdiction.

You cannot separate coastal zone management and put it in a new committee like Public Works, because it involves basically jurisdiction of many of the matters within the 200-mile limit that we passed. And I think you are fractionalizing the whole ocean situation again. And what we are trying to do, and hope we will get it done, is that we want to have a general national ocean policy, and it has got to be kept in the committee that is handling the real sensitive controversial things that are involved in this particular policy.

We were—I was somewhat shocked to find that, after I thought we had a basic agreement, that these items were tentatively—at least tentatively or by the committee yesterday—transferred to the Public Works Committee, who has no experience in these matters at all, and are not involved in many of the important pieces of legislation now before the committee on the oceans.

The oceans, as Senator Weicker—and I am speaking for him, too—made a strong plea before the committee, as you will recall that has become more and more important. All of us believe that, and we should have an ocean policy.

Now, NOAA was transferred, and we have the—you did transfer the scientific and technological aspects of some of these other committees to Commerce; but NOAA is part of that. And NOAA is a creature of the Senate Commerce Committee, it is a creature—we have all the oversight on it, and everything else.

So we come here with that plea. Senator Jackson has told me, over and over again, my colleague, that coastal zone management, although there is some overlapping between the Interior in that, but it involves, there again the fishing matters pursuant to the 200-mile limit. And he suggests—he did suggest to the committee or did not suggest at all that it be put over into Interior.

So I do not quite understand just what happened.

Now in the name of environment, you can do all kinds of things. Environment cuts across everything, and I think the select committee and this committee probably has done a good job in trying to concentrate parts of the environment, the really important parts, into an environmental committee.

But when you get to the ocean, there is going to be an argument over the question of seabeds, Continental Shelf, and all these things have

been a part of the oceans and part of the work of the Commerce Committee, and for years, all the experience. Every person here—we are going to have, Mr. Chairman, we are trying to have a meeting of the Commerce Committee at about 10:30 to pass out some appointments; but I think we have practically got a quorum right here of the Commerce Committee. Maybe we can hold a hearing right here, under the auspices of this committee.

But we feel very keenly about this, and we thought that the matter had been agreed upon.

Senator Randolph, I talked to him last night, and he is in general agreement—he could not be here today, but his AA is here, representing him—agreed to what we are suggesting. He said he did not want deepwater ports, and the committee did not want it, knew nothing about them.

For instance, that is one item.

Coastal Zone Management involves a lot of problems with the different coastal States, which the liaison with the Senate Commerce Committee has been great over the years, and well known.

Now, I am going to ask Senator Stevens, who is speaking for the minority in this case on the committee, the unanimous feeling of the minority—Senator Weicker wanted to be here, but could not—to tell the committee what he thinks about it now, if I may, Mr. Chairman.

The CHAIRMAN. Senator Stevens.

STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Well, we agreed when we had been here before, Mr. Chairman. I still think the committee ought to look at the Stratton Commission report and work with us to concentrate the jurisdiction of the oceans in the Commerce Committee. As I said before, when we readily agree to losing the FTC which was a substantial jurisdiction for me at this point of time, to have the fractionalization of the oceans at the same time, in my opinion, would leave me with no alternative but to opopse the reorganization entirely.

I cannot see, in any way, that we are gaining if the oceans jurisdiction is split between several committees.

Take, just for instance, the tuna problem and the porpoise. We have—the ocean mammal problem is not commercial fishing. We handled the Ocean Mammal Act, and we worked out the compromises that have got to be—have the oversight function in the future, and commercial fishing, the tuna fishing, cannot be separated now from the ocean mammal problem. And yet it appears to me, Mr. Chairman, you have done that. You have left us with the commercial side and taken the ocean mammals, which go with the NOAA jurisdiction.

Now, I think the chairman is right, we need the NOAA jurisdiction, we need the coastal zone jurisdiction, we need the deep sea mining jurisdiction, we need the ocean dumping jurisdiction. We ought to have the concentrated ocean jurisdiction, so we can pass acts that will—or recommend to the Congress, particularly the Senate, the bills that should become law, that will provide the protection the oceans need for the future.

For instance, how do you differentiate between tankers dumping and the fishermen taking out and dumping the—or a cannery dumping the remains of the processing of fish?

And yet, as I understand your jurisdictional split, you have done that. We would have the tankers, but we would not have the ocean dumping from the salmon canneries or the fish canneries, crab canneries ashore.

Well, this, to me, is the most important thing in my life, as far as the Senate is concerned, it is the jurisdiction over the oceans. And Senator Weicker, I think feels the same way.

I hope that all of you have at least one interest that you want to pursue, the oceans is the jurisdiction that I believe ought to be followed and followed completely. My colleague here from South Carolina and I have worked for many hours on these matters, the coastal zone management and ocean mammals, and with the leadership of our chairman I think we made some marks on the wall.

We would like to have further protection in the future, and it is not going to happen if this jurisdiction is fractionalized.

The CHAIRMAN. Senator Hollings.

STATEMENT OF HON. ERNEST F. HOLLINGS, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator HOLLINGS. Mr. Chairman, strictly to the point, the oceans program, the Stratton Commission report, was a 3- to 4-year study back in the mid-sixties, comprising not only the Congress, the Cabinet, but outstanding leaders in environment, in industry, oil industry, and everything else of that kind relative to trying to get America into the oceans with a coordinated oceans program.

That study was completed in 1968, and, at our request, we held that Stratton Commission report up—President Johnson was going out and President Nixon was coming in—and we wanted to give it invisibility and get a chance to see it implemented.

We finally, then, in 1969, after a year of hearings and everything else, got the attention of the administration in 1970, and we got the "Reorganization Plan No. 4," which instituted the National Oceanic and Atmospheric Administration, in Commerce. And, pursuant to that, we had 3 years of hearing. We had been through really two Congresses in 3 years of hearings, getting coastal zone management, which is an orchestration, really, of the coastal counties, and not only the oceans but the Great Lakes, the States themselves, to economically zone a plan. That whole first page of the Coastal Zone Management Act does not contain the word "environment." Congressional findings, you will run down there and you will find 11 findings, but you will not find the word "environment."

I held those hearings, and it has been really quite a task to get the program really moving.

Now, almost like Bossie, the cow, having given a full pail here, we have got a good program and everything else, we are about to kick it over in the name of coordinating and organization and everything else. We are going to disorganize and uncoordinate and fracture it around; we are still going to be in Commerce, but a second committee that has no interest, particularly, or acumen in it is going to have to take it over as a sop to balance oil.

I say that advisedly, because I kept watching this thing. We have not been negligent. Last Christmastime, in December, I talked to Dr. Ornstein, who worked with the Stevenson committee. I said, Let me find out about this oceans, I hear you all are going to palm that off somewhere. And he said, Well, Senator, you know, Commerce has taken on the transportation, and we give them the Federal Highway Administration and everything else, and make that one great thrust, and we had to give Public Works something to balance it off.

That rationale has been removed, as I understand, your Rules Committee has not approved that. On the contrary, the public works is retaining that highway, so the balancing off needs certainly is not a justification, environment is not a justification. And I can show you coastal zone management here.

And I emphasize that the major thrust of the Stevenson study and report and findings, I support. I am going to be one of the few, when you boil it down—the Veterans Committee, you are going to keep it, the Small Business Committee, they are going to keep a few of us, but Post Office and Civil Service is going to lose. I do not mind. I feel that probably the Congress is going to vote that out.

I have tried for 5 years, as chairman of the Postal Operations Subcommittee, to have oversight hearings of the post office and have not been able to have them. So I will be one of the few Senators that will not mind losing that.

But I hate to take all this good work, and where you have worked with State officials and the Governors' conference, the postal authorities, and everybody else, and you have got California and Florida, we worked up in the New Jersey area, we have the ongoing study to support otherwise, and the Office of Technology Assessment; special ones in the Baltimore Canyon. We worked well with Senator Jackson in the Interior, where the differences occurred, because they are always overlapping, environment touches everything. Coastal zone being a land use thing in the coastal area, and Interior has been trying for years, without success, to try to get a land use bill. But we have worked, and it has worked extremely well, and my plea to you is: Do not come here at this hour with no rationale and no testimony to support it, and saying there is no objection to it.

Now, someone has testified in favor of this? I would like to know who. I have tried, like Sherlock Holmes, to find out where and when. And I want to ask that question: Where is there any evidence to support the action on yesterday afternoon of the Rules Committee, transferring NOAA and Coastal Zone Management?

You just will not find that before the Stevenson committee.

The CHAIRMAN. Do you have another gentleman?

Senator MAGNUSON. Senator Long.

The CHAIRMAN. Senator Long.

STATEMENT OF HON. RUSSELL B. LONG, A U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator LONG. Might I just make this point, Mr. Chairman?

I would hope very much that you will continue your efforts to eliminate overlapping jurisdictions in so far as it can be done. But now, in some cases, you are going to find it impossible to do that.

This Government was organized, starting out on the theory that you are going to have to raise some money to pay for the Government if you are going to have a Government at all. So we started out with a committee to put some taxes on.

Then you are going to have to spend some money, and so, to try to keep the spending within some kind of control, that was all consolidated into the Appropriations Committee.

Now, once you start out on that basis, all these other issues cannot be completely within one committee, because the spending and the taxing for those purposes has been put in two committees for that purpose. So then you put a committee up, which made sense, that you are going to regulate commerce. And if you are going to do that, just as the Appropriations Committee and the taxing committee will find it appropriate to look at matters like environmental consideration, so will the regulatory committee, that regulates commerce.

Now, under these proposed changes, you have one committee, the Public Works Committee has had its name broadened to say "Environment and Public Works." Well, there are environmental considerations in public works. Then you take what is now the Interior Committee and start that out with the word "energy," "Energy and Natural Resources."

Now, that Energy Committee will have as many environmental considerations there as the Public Works Committee will have. The whole question about energy, every law you have got to pass about energy is going to have to ask this question: What environmental price are you willing to pay to try to solve your energy problems?

And so, if you are trying to put jurisdiction together, you ought to be setting your terms on the issues rather than in terms of trying to put all the subject somewhere.

There is no way, once you start out with one committee to spend money, another committee to raise money, another committee to regulate commerce, another committee to look at the treaties you make with foreign governments, there is no way that you can have all of your environment or even, for that matter, all your energy problems in one place.

But if you look at the issues, what is the issue? What is the question that you are going to have to decide? In the area of ocean jurisdiction, you are going to have to decide, for example, the environmental question you are going to have to decide is: To what extent, in regulating ocean commerce, you have an environmental price to pay, and how big a price are you willing to pay?

Now, Senator Hollings has done magnificent work in all that area, he has worked in more than one committee on the environmental problems. And you are going to have environmental considerations across the various committee jurisdictions, no matter how you try to do it.

So the Commerce Committee was perfectly willing not to acquire this additional jurisdiction over construction of highways and all that, which has an environmental problem. It was willing to give that up, compared to the recommendation they made; but, on the other hand, we do not want to give up the regulation of commerce. And, in so far as regulation is concerned, the Commerce Committee very much wants that, to stop these old buckets of rust from falling apart and polluting

all the beaches and the water out there in the ocean. And we have done a tremendous amount of work in that area, most of it under the leadership of Senator Hollings and Senator Magnuson.

And it will be just a grave mistake, when you have some people who sought assignment to the committee and sought assignment to the subcommittees, and have done magnificent work in that area, to take it from them and put it over in some other committee. And I think that will just lead to complete confusion and overlapping, rather than the opposite.

Now, we are going to have to pass several bills that have to do with environment. We passed last year a bill in so far as the taxing jurisdiction, that has to do with environment.

It is not our fault the House would not act, and would not act, and would not accept the Senate proposal in some areas, in areas where the House committees, themselves, had sponsored the legislation. But we will do that again.

But there is going to be environmental aspects coming from several committees, no matter how you put this together, even if you follow the existing pattern.

I just feel that it should not be taken from where it is, the regulation of commerce on the ocean, to look at environmental considerations. And if you try to do that, then give us what you started out to—what that committee started out to give us: Give us the highways, which we are not asking for. It just makes better sense to us to leave it in terms of what—when Senator Magnuson and the committee chairman talked it over, they were willing to agree to, and what I believe we on the committee think would be fair is that by leaving those particular questions to be answered by the committees that are trying to provide the answers now.

The CHAIRMAN. Senator Durkin, did you have something?

STATEMENT OF HON. JOHN A. DURKIN, A U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator DURKIN. Thank you. Mr. Chairman. I think I have said enough in this room to last one full term. I am here really to underscore what the others have said, namely, that you return oceans and environment, toxic substances to the Commerce Committee.

I should like to just underscore what the others have said, without running on at length.

Thank you, Mr. Chairman.

Senator MAGNUSON. I just want to add one thing. We have a Law of the Sea. There is Clay Appel, he has been up there and monitored it, still going on. And all these things we mention here are part of that. And the Commerce Committee has been involved in that Law of the Sea Conference for 8, 10 years, I think.

I went to the first one. And I do not see how you can separate them, put them in a committee, like Russ says, like Public Works that has no background. And this involves tremendous decisions to be made in the Law of the Sea. That is ocean dumping, navigation, all the things that we are involved in, on the oceans.

Senator STEVENS. Mr. Chairman, I have some specific amendments that I think are keyed to your current draft that I would like to sug-

gest. They deal with deepwater ports, ocean lining, ocean dumping, coastal zone management, and the OCS.

Senator MAGNUSON. And NOAA.

Senator STEVENS. And NOAA.

The CHAIRMAN. Well, let me ask you, have you looked at the rough draft that the staff worked up overnight, now, on the jurisdictional aspects?

Senator STEVENS. We think we have it. I think I have the last one.

The CHAIRMAN. You know, Senator Clark, in his questions to witnesses this week, has been pointing out that consolidation seems to be in the eye of the beholder. Every consolidation is also a fragmentation, when looked at from another perspective. Placing foreign economic policy in Banking would consolidate economic affairs, but fragment foreign affairs.

Similarly, placing nutrition in Agriculture consolidates on the agricultural aspect but fragments on the human health aspect.

Placing agricultural colleges in Agriculture would consolidate the agricultural affairs but would fragment the educational affairs.

Consolidating environmental concerns seem to be to fragment ocean policy matters.

It seems that one merely cannot look at these shifts as consolidations, we must ask if the consolidation is on the right aspect, or if it should be on another.

And I want to ask Senator Stevenson next, because he has been very kind to listen to all of you now, and I am not so sure we are as far apart as you indicate, in light of what the committee did yesterday, but I would like to hear from Senator Stevenson.

STATEMENT OF HON. ADLAI E. STEVENSON, A U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator STEVENSON. Thank you, Mr. Chairman. I can speak as a member of the Commerce Committee as well as chairman of the select committee.

I would say that about 80 percent of the comments that I have heard this morning are based on a misunderstanding of what the Rules Committee did yesterday.

For example, commercial fisheries remains in the Commerce Committee; the regulation of tankers, navigation, remain in the Commerce Committee; NOAA remains in the Commerce Committee.

What the select committee has attempted to do, and in response not to a great deal of testimony, as was mentioned by Senator Hollings, but in response to suggestions of Senators—and we felt it was our responsibility to listen to Members of this institution—was, to borrow another expression, develop a rational approach to organization of the committee system. And that rational approach included the consolidation of jurisdictions, such as jurisdictions over energy—there does not seem to be any objection to jurisdiction over energy, because some Members, including members of the Commerce Committee, like my good friend and colleague, Senator Hollings, are willing to relinquish the jurisdiction.

But just as soon as you get to a subject that they are unwilling to relinquish, well, then consolidation does not look too good. It is reorganization, "but not for me."

What we have attempted to do, in addition to consolidating jurisdictions for energy, is also to consolidate most of the jurisdictions for environment and also for transportation.

And unhappily, what happened in this case was that certain persons representing the Commerce Committee sought to undo this rational approach by trading off transportation for some aspects of oceans, which they were in danger of losing, and they ended up losing both.

Now, Mr. Chairman, I just have to emphasize again that at some point the bullet has to be bit, and even though some Members of the Senate oppose it, in this case it is going to be very difficult to get a Transportation Committee, to get an Environment Committee, if you do not bite the bullet.

So I would hope the committee would stay with what it did yesterday, and that the members of the Commerce Committee would take another look at what was done yesterday, and recognize that most of the jurisdictions to which they have alluded and expressed most concern this morning, they retained.

If they could produce an Environment Committee which also includes public works and economic development, some of that jurisdiction is transferred—all of that jurisdiction is transferred, it is relative to the jurisdiction of not just the Public Works Committee, but a new committee of the U.S. Senate, a newly constituted Public Works Committee, that would also be an environment and economic development committee.

Senator STEVENS. Mr. Chairman, I wonder if we misunderstand, and since he says we misunderstand, I would like to clarify that.

The CHAIRMAN. Let me read—let me go down and read the way the draft report reads, and touch on just some of the aspects that have been raised here, and then, perhaps we can have a helpful discussion here with the members of this committee and perhaps work it out.

The proposed jurisdiction now would be:

One: Interstate commerce.

Two: Transportation.

Three: Regulation of interstate common carriers, including railroads, buses, trucks, special pipelines, and civil aviation.

Four: Merchant marine.

Five: Marine and ocean navigation and transportation, including navigational aspects of deepwater ports.

Senator STEVENS. Well, who has the jurisdiction over where they are located?

The CHAIRMAN. Over where they are located?

Senator STEVENS. Yes; over the fixing of those ports to the seabed.

The CHAIRMAN. Well, the energy aspects of deepwater ports would be in Energy and Natural Resources. The navigational aspects of deepwater ports would be in Commerce. Environmental aspects would be in Environment and Public Works.

Senator STEVENS. Well, I respectfully suggest it is a pipeline. We have jurisdiction over pipelines, regulation over pipelines. That is part of the pipeline, just like a pumping station. How are you going to separate them?

The CHAIRMAN. Well, let me go ahead and read the rest of them, and then we can come back.

Six: Coast Guard.

Seven: Inland waterways, except construction.

Eight: Communications.

Nine: Regulation of consumer products and services, including testing relating to toxic substances, except for credit, financial services, and housing.

Now, that language is maybe not too clear, for that exception does not relate to toxic substances. But we wanted to make it clear, as a result of a discussion in the committee, that we were not giving to Commerce the authority in consumer products and services for credit and financial services. In other words, that would remain where it has been. And housing.

Ten: Except as provided in paragraph (c), the Panama Canal and interoceanic canals generally.

Eleven: Standards and measurements.

Twelve: Highway safety.

Thirteen: Science, engineering, and technology research and development, and policy, including that related to oceans and the atmosphere.

Fourteen: Nonmilitary aeronautical and space sciences.

Fifteen: Transportation and commerce aspects of Outer Continental Shelf Lands.

Sixteen: Commercial fishing. And that was the outline of it.

Now, on the toxic substances, the environmental effects of toxic substances was in Environment and Public Works; pests and pesticides in Agriculture; environmental effects of pesticides in Environment and Public Works; consumer product testing related to toxic substances in Commerce.

And that, I think, is about what Commerce has acted on before in relation to toxic substances.

On the oceans, as I said, the oceans, weather and atmospheric activities, the marine transportation, the weather, ocean and water commerce, Coast Guard, oceans and atmospheric science and technology, in Commerce.

Ocean dumping and other environmental aspects of ocean and atmospheric activity in Environment and Public Works; and deep sea mining in Energy.

Now, the navigational aspects of deepwater ports in Commerce. The environmental aspects of deepwater ports in Environment and Public Works. And the energy aspects of deepwater ports in Energy and Natural Resources.

Now, the coastal zone management, it is correct, as drafted here, that the entire jurisdiction would be in Environment and Public Works, Coastal zone management.

Senator HOLLINGS. Now, can I speak to that point?

The CHAIRMAN. Let me just give one other one. Extraction of minerals from the Outer Continental Shelf lands in Energy and Natural Resources; environmental questions related to Outer Continental Shelf lands in Environment and Public Works; transportation and commerce questions related to Outer Continental Shelf lands in Commerce.

Senator HOLLINGS. There, Mr. Chairman, instead of biting the bullet, you are biting a spitball. We have gotten down to coastal zone management, which is what I talked with the distinguished Chairman on last evening when I heard about it. So I did hear accurately.

And I go right again—there is no testimony. I am sure this disinguished chairman would say, oh, we had this one and that one and everybody else, so he says he has got to listen to Senators too. I would like to know of a Senator who appeared. Because I tried to follow him around in Anchorage the first time. And there has been no record made, whatever, for this particular suggestion. And when he talked about environment, I will tell him to turn to it and find the word in the congressional findings, the word "environment."

There it is. This was reaffirmed, the Coastal Zone Management Amendments. Just less than 6 months ago, by the Congress. These are the amendments we worked up. We work, we are producing, we are organized. Senator Randolph does not want it. It is going to be in Commerce, it is going to be under the Commerce budget, and everything else like that, and that is not coordination, that is fractionalizing, if there ever was a thing and there is not any—to test your courage, like he said, I agree. We have had the Federal Power Commission, the energy, the utilities side, I have spent years working in that particular field.

But I was the first to admit that we had to organize it, and we got an energy quality council within the Congress, with Senator Jackson, Senator Randolph, and Senator Magnuson—and that there represented seven committees, and we have been working with that council.

Now, in contrast, we have got an ocean policy study that is still ongoing, that includes the coastal zone management, study for that, and that is one of the principal parts of our particular study. And 66 Senators sponsor that. If you want to talk, and you say you are going to listen to Senators, I have got 66 Senators who sponsor the ocean policy study. And this is a substantial part of it. And there has been no testimony otherwise, and I do not know of another Senator, other than my distinguished colleague, who suggested it.

Senator CLARK. Mr. Chairman, could I ask the Senator from South Carolina a question?

The CHAIRMAN. Yes.

Senator CLARK. I am afraid I am about the poorest one to ask about coastal zone management, and you are obviously very well schooled in it. But, is it your contention that coastal zone management does not fall in the area of, whatever, land use and environmental questions—that it falls less in that area than in the commercial areas?

Senator HOLLINGS. Less in that area than it does in the economic area. In fact, that —is what the act found with an economic study, to encourage and assist the States to exercise effectively their responsibilities in the coastal zone through development and implementation of management programs, to achieve the wise use of land and water resources of the coastal zone, giving full consideration to the aesthetic values and everything else. And we had management grants and administration grants, and everything else of that kind.

It was really to try to get the States into this particular field, the Association of Counties, Council of State Governments, municipal associations, and everything else, because they found—we were not talking even environment, Senator Clark, 8 years ago. We should have. And this reflects on the environment, there is no question about that.

Senator CLARK. But your point is simply that it is more commercial than environmental in terms of developing the coastal zone?

Senator HOLLINGS. We were talking about the urbanization by the year, they said, 2000, and now that has been updated to 1990, 85 percent of the American population, 235 million will jam down to the coast. Where is the urban sprawl going? Where is the utility siting? Where are the deepwater ports? Where is the recreation? Where are the fisheries? Where are the coastal facilities, and everything else of that kind?

And that was the principal thrust of most of the testimony.

Senator MAGNUSON. Mr. Chairman, one other thing. You cannot separate commercial fishing for all other types of fishing. Particularly with the 200-mile zone.

Out in my State—and the Senator from Alaska had to go downtown, to meet with the President, but he has the same thing—they are right together, they belong in the Commerce Committee's handling fisheries.

The way it is now that beyond the 12-mile limit, why, all the fishing—we go out and fish 50 miles, 60 miles, and all of that is part of the 200-mile zone.

As a matter of fact, we agreed on the 200-mile zone to put the word in there to have, in each of the councils, to have a recreational member, for commercial—particularly in the salmon, that is where it is very important, on both coasts.

And it is not a question of what Senator Stevenson talks about wholly, it is a question that when you are going to reorganize committees with jurisdiction, it is: What is the end result going to be? And we just feel very strongly that the end result of anything that happens to the oceans, that we will do a better job than the Public Works Committee or any other committee. That has been our business. And to take it away or take any portion of it away is fractionalizing the thing.

And we are giving back to the Public Works Committee—the Senator from New Jersey will remember that he questioned me and I said, Well, we are not trading anything particularly, we are just trying to suggest that we are not equipped up there, by experience or by membership, to handle, say, urban affairs; but we are equipped to do a good job for the country on all aspects of the ocean.

Senator LONG. If I might just add to what the chairman said. The Commerce Committee members, represented by its chairman, were perfectly willing to cede to the Public Works Committee, and even the Labor Committee, areas of jurisdiction where those committees had the expertise, and where they have the staffing.

Now—and they suggested leaving with the Commerce Committee the areas where the Commerce Committee had the expertise and the staffing and the experience. And to reshuffle, just for the effect of reshuffling, is something we have difficulty understanding.

Senator DURKIN. Mr. Chairman, could I——

The CHAIRMAN. Senator Durkin.

Senator DURKIN [continuing]. Just make a comment with respect to toxic substances?

As you all know, we passed this new act last year, and it is inconceivable to me how you are going to split that act between the environmental aspects of testing and the consumer aspects of vinyl chloride, ACB, and some of the other more exotic things we are finding

in our environment. I am afraid what the net effect will be is to absolutely cripple the new act, because the new act will be trying to serve two masters, and will serve none except the chemical industry.

The CHAIRMAN. Senator Stevenson, do you have anything further to add?

Senator STEVENSON. Mr. Chairman, I think the amendment that has been prepared on behalf of the Commerce Committee does a little bit more than has been suggested to the Rules Committee. If there is any intention of acting on it, they ought to be aware of all the consequences.

Now, I have not had a chance to examine it fully, but it looks to me——

Senator MAGNUSON. Well, you ought to be aware of the consequences if you do what the resolution says, too. You have got to weigh them both.

Senator STEVENSON. Well, Mr. Chairman, the consequences of doing what the committee did here yesterday would be to create an Environment Committee. An Environment Committee without environment is not much of an Environment Committee.

Now, it may be possible to make certain compromises here, but I think this goes even beyond the questions which have been discussed. For example, the Panama Canal, put all the Panama Canal in the Commerce Committee.

Well, if we are going to start unraveling this little nest, maybe we had better hear from Armed Services. And if we are going to put inland waterways, as I understand it, in the Commerce Committee, maybe we had better give the Public Works Committee an opportunity to examine that language and the possible impact over the jurisdiction over the Army Corps of Engineers. Now, there may be ways of solving both those problems if they are not intended, but I would hope that on the environmental aspects of the questions that have been discussed, including ocean dumping, coastal zone management, and the toxic substances, that there would be transfer in order to accomplish what has been the major purpose of reorganization. And by that I refer to a rationalization of committee jurisdictions.

And if you do not intend to pursue that objective, you might just as well have committees, A, B, C, D, E, F, G, and carve up the pot, arbitrarily. And that is what has been suggested, the U.S. Senate has sought to rationalize jurisdictions. That is what we are going to do here, and you cannot rationally create an Environmental Committee without environmental jurisdictions.

The CHAIRMAN. Senator Hollings.

Senator HOLLINGS. Mr. Chairman, I agree. You cannot create an Environmental Committee with environmental jurisdictions. But my distinguished colleague has it mixed up. I did not ask for any inland waterways, and I do not want the Panama Canal. We have been here all as a group, and, all of a sudden, when we ask, Where were the Senators?—well, frankly, 66 of them have been behind this other thing in every committee all around, the coastal zone management. Where were the witnesses?

We have the staff. I hear them back behind me—blah, blah, blah—they do not know anything about coastal zone management.

I have not seen them, I have been working in the field for 10 years, and that is what we are trying to do, is get the Senators on top of their problems, give them two subcommittees and two full committees, so we will quit being staffed all over the blooming lot.

Now, that is the way it is. You take the Panama Canal and the inland waterways, that is not what we mentioned, we are talking about coastal zone management.

And when we asked about the fact, he said, well, he tests the courage. Somebody has got to fight the bullies.

The CHAIRMAN. Well, Senator Hollings, in justice to Senator Stevenson, there is a proposed amendment floating around that came from the Commerce Committee staff, and it does have Panama Canal on it.

Senator HOLLINGS. Well, of all the things he referred to, I was not——

The CHAIRMAN. Again we have gotten ino a mutual staff problem, that is not just on our side.

Senator HOLLINGS. A mutual staff problem, then. I will agree with it. We have got a mutuality of staff difficulty that I do not think is exclusive, at all, on that point.

But I am not for inland waterways and things belonging to Public Works. And the Panama Canal. You can have that. Give that to Senator Thurmond. [Laughter.]

The CHAIRMAN. Senator Hatfield, do you have questions?

Senator Pell?

Senator PELL. Yes; I think this is a question of words. I know, in the absence of any word to the contrary, I, myself, and I think most of our committee, were acting on the assumption that there was some kind of agreement between the select committee and the Commerce Committee. As Senator Stevenson said last week, this is a spongy area, and it requires a memorandum of delineation, which I do not think has yet surfaced.

But I raised this question yesterday with Senator Stevenson, because I was out of the room at the time these actions were being taken, although the Commerce Committee had been alerted. And I said: "What was your understanding as to oceans and weather and atmosphere?"

Senator Stevenson replied, this is in the record: "Committees for transportation, weather, ocean and water commerce, Coast Guard, ocean and atmospheric sciences and technology in Commerce."

But the environmental aspects of oceans, atmospheric activities, go to the Environment Committee; and the energy aspects, in other words, deepsea drilling, to the Energy Committee.

Well, what we are really arguing about here is the definition of the word "environment", and this is what the whole thing breaks down on.

Now, you have the expert knowledge and you have the ability, you have done a darn good job, and maybe we should shave environment and say, OK, the Commerce Committee should handle this because they are doing such an excellent job.

On the other hand, if you want to be purists, there is no question in my mind that some of these areas are environmental. And it is a question of how we interpret this word "environment."

Senator MAGNUSON. Well, Clay, if you carried to the nth degree, that Senator Stevenson talks about in environment, you could put

everything in the Environment Committee; everything. Because there is not a thing that we do that there is not some kind of environment involved.

And to do a job, as you say, that is the important thing in the end, the end result. Who is going to do the better job on all these things?

Senator PELL. But certainly ocean dumping and NOAA, oceans and weather, atmospheric activities, really is perhaps more environment than anything else. Now, maybe we ought to move environment into Commerce. I do not know.

Senator MAGNUSON. Well, you have to segregate somewhere. When you build a road, you are dealing with the environment, and the Public Works Committee knows more about that. You cannot—the word "environment" is a very broad, loose term, and who can do the best job for environment in their particular field? You could do this.

Senator PELL. I am not sold on this thing. Maybe we ought to fragment environment. But we have not——

Senator MAGNUSON. Well, you are going to have to fragment environment.

Senator PELL. This is the choice that——

Senator LONG. Might I just suggest that we look at the number of environmental problems that will remain in the other committees?

In agriculure, every time you plow the ground, that creates an environmental problem. What you plant there alters the environment. So you have got—and what you use for pesticides to kill off the boll weevils and all that, and all these insects, are all environmental problems. Whether you do it by hand or whether you spray it.

When you go out and try to kill a fire-ant, even if by hand, it is an environmental problem.

All right—appropriations—everything you appropriate that helps—that builds a public road or improves anything about the country, even if all you are doing is putting up a post office annex, it changes the environment and creates environmental problems. Now, armed services. Everything about those military bases and the use of them had environmental problems to them. A maneuver has environmental problems. All kinds of environmental problems.

All right—banking, housing and urban development—what you do to clear the swamps, open space; environmental problems. Even when you try to create open spaces—to improve the environment. That is environmental jurisdiction.

Housing: Every time you clear for a new subdivision—half the problem in New Orleans right now, we need to expand, we would not even have had the city of New Orleans, if you had had the environment committee around before they built the city, because they built it all on wetlands. [Laughter.]

Senator LONG. But now, that, in Commerce we have been discussing environmental problems. Evidentally it is the energy and not the resources. Everything you do about energy, what is the whole issue? How big an environmental price will you be willing to pay to gain energy resources?

So why do you not just take everything and merge those two committees, Energy and Environment. And then you will have most of your environmental issues in one place.

But everything about energy and the natural resources will—we have had all sorts of bills suggested, and we have passed a lot of them, suggested by Scoop Jackson and his group already. All of it has the environmental question there.

So what you did when you put environment in here before the Public Works Committee was just to recognize the fact that what environmentalists—that created more issues, and helped to solve some—that anywhere else would have stopped the public works in midstream and make everybody take a new look at all that. Which is fine. But—now Finance. We passed a bill last year with about 20 different provisions there to help with regard to energy and to look into the environmental aspects of that.

Foreign Relations has problems with regard to treaties that has to do with environment. Such as the law of the sea. If it comes in here as a treaty, it will go to Foreign Relations Committee. Governmental Affairs will have some environmental problems. Human Resources, just all kinds of environmental aspects in human resources. Judiciary—how about the environment of those prisoners inside the penitentiaries? Well, again, environmental problems.

So that you have got environmental problems scattered in 10 different committees anyway. And you cannot organize it that way. If you do, you are going to have to break up our previous approach to reorganization and start all over again.

So that, if you are going to have it all in one committee, that might be fine. But the Government did not start out that way, so they are going to have to reorganize the entire Government, if you are going to reorganize it on environmental lines.

The CHAIRMAN. Senator Griffith?

Senator Allen?

Senator ALLEN. Mr. Chairman, I am disturbed at the treatment of pesticides, because the Agriculture Committee has long had the jurisdiction, item 4 of the committee jurisdiction here, on pests and pesticides.

It seems to me what we are doing is dismembering that jurisdiction and giving to Commerce the testing, to Public Works and Environment we are giving here, in item 10 on page 10, environmental effects of pesticides. So you do not leave anything for Agriculture. And you are going to have quite a squabble there. The agricultural pesticides is something that touches and concerns the ability of the farmers to produce the food and fiber necessary for the consumption by the people of America.

And if you are not going to leave in Agriculture the use and environmental effects of pesticides—and I am confining it to pesticides rather than to all toxic substances—you are going to deprive Agriculture of one of its chief areas of jurisdiction.

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. Well, we—can I answer?

Senator MAGNUSON. Mr. Chairman.

The CHAIRMAN. Just a moment, Senator Magnuson. Senator Stevenson has requested the floor.

Senator MAGNUSON. Oh, I just wanted to answer his question.

Senator STEVENSON. Well, if I may answer his question, Mr. Chairman.

If the Senator will refer to line 11 on page 2 of the modified Senate Resolution 4, under "Jurisdiction for Committee on Agriculture," he will find pests and pesticides, and it is not the intention, and it can be made clear in the legislative history, that the present jurisdiction of the Agriculture Committee over pesticides will be in no way affected by any proposed jurisdiction to the Commerce Committee or the Environment Committee on that subject.

Senator ALLEN. That is not quite clear.

Senator STEVENSON. The jurisdiction of the Agriculture Committee over pesticides is not affected. And that is, I believe, on page 2, line 11.

Senator ALLEN. Well, let me see, there must be a different form now.

Senator STEVENSON. It is section 8, I believe.

Senator ALLEN. Item 4, line 11?

Senator STEVENSON. Yes.

Senator ALLEN. But that is just a hollow shell. When you say pests and pesticides and you dismember it, and give Public Works the environmental effects. Agriculture always has had jurisdiction over the environmental effects. And I certainly want that language included, Mr. Chairman, otherwise it will end up as just a hollow shell for Agriculture.

Senator MAGNUSON. I might say that Senator Talmadge and some of the other members of Agriculture, we talked about this informally, and we said that we thought they should have just what you suggest, because that particular committee on that particular subject can do the best job. That is just what we are talking about here today. Exactly.

Senator CLARK. Mr. Chairman.

The CHAIRMAN. Senator Clark.

Senator CLARK. It seems to me we have got to look very carefully, though, at whether we are going to have a committee on environment. The question that originally arose in this reorganization is the fact that times change, that issues, like energy and environment are concepts that did not have much significance 20, or even 10, years ago; but they do today.

Now, there is a great misconception going on here that somehow we are taking environmental issues—and we may debate what those are—but we are taking environmental issues and moving them into the Public Works Committee. That is not what we are doing at all. We created a new committee, entitled "Environment and Public Works." It is not the Public Works Committee, it is the Environment and Public Works Committee.

Now, if we are going to say that toxic substances, the effects of those on the environment—and if ever there is an environmental question, it seems to me it is toxic substances—and not remove it from both Agriculture—and I serve on the Agriculture Committee—or from Commerce—the effects of toxic substances—then it seems to me that we are not going to create any environment committee. We had better drop environment and say to the public that we do not want a special committee to look at the effects on the environment, we only want a Public Works Committee.

I think we ought to decide that issue first. Do we want a new committee on environment? If we do, we certainly have to find those jur-

isdictions that are clearly environmental, and not commercial, and not agricultural, and put them in that committee.

Senator ALLEN. But it seems to me, Senator Stevenson, that you used the phrase, in the jurisdiction of the Public Works and the Environment Committee, the environmental effects of pesticides, and not giving that jurisdiction to Agriculture, you are creating a basis of quite a hassle there, because the Agriculture Committee at present does have jurisdiction over the use and environmental effects of the use of pesticides.

Why you would put that wording over there in the Public Works and Environment Committee, certainly clouds what you say about the jurisdiction of Agriculture not being affected.

Does this mean that Agriculture's jurisdiction is not affected, but that concurrent jurisdiction is given to those committees? Is that what you have in mind?

Senator STEVENSON. Well, Senator Allen, I will repeat once again the understanding—the intent was to leave the jurisdiction of the Agriculture Committee as it is, and if the Senator wants language changes to make clear, I personally have no objection to that.

That was the understanding, just as there was an understanding also among many Members, including the chairmen of many committees—and I say this in deference to Senator Hollings, because he was not at this meeting—there was also an understanding that the environmental aspects of oceans be transferred to the Environmental Committee.

Senator ALLEN. Where would that leave legislation that has to do with pesticides and the environmental effects?

Senator STEVENSON. Senator Allen, if you want to delete it, delete it.

The CHAIRMAN. Senator Allen, we have not gotten to that point yet. We did not, yesterday, get to the——

Senator ALLEN. Well, we were talking about the pesticides right now.

The CHAIRMAN. We are talking about the pesticides as the pesticides that occurred in Agriculture, and the toxic substances that occurred in Commerce. We were discussing both of those, but I do not believe we completed action on environment yesterday, if I recall correctly.

Senator ALLEN. Well, we did complete it on Agriculture, and I was——

The CHAIRMAN. In any event, we can certainly clear that up, there is no problem. But I would like to get this problem settled with respect to the Commerce Committee first, if we can.

Senator ALLEN. If you will give me an opportunity to bring that up later.

The CHAIRMAN. I certainly will.

Senator Tower, you have any questions?

Senator TOWER. None whatsoever. [Laughter.]

The CHAIRMAN. Senator Williams.

Senator WILLIAMS. Yes; thank you, Mr. Chairman.

Just an observation. I come here from a State that is a coastal State. We have 100 miles of very active coastline. This is our future development. Now, exploration for oil and gas, the possibility of development of deepwater ports. The possibility of nuclear power. All off our coastline now. That certainly is commerce, pure and simple.

The situation is to make sure that when and if any of this development does arrive, off the coast bordering New Jersey, that all of the product there discovered is received in a way that will not do damage to another commercial aspect, one of our major industries is the resort possibilities that are there, along the coast.

Now, I know that the Senator from South Carolina has been a repeated visitor to New Jersey for conferences on the orderly development and the management of the coastline that will receive all of this commercial development in an orderly way. I know he has been intimately involved in it, and out of this has come a partnership of Federal-State Governments, so it impresses me that coastal zone management is so well managed by this Congress.

Senator HOLLINGS. Mr. Chairman, I thank the distinguished Senator. I did not know about this proposal, obviously, and only the day before yesterday I met with Bob Knecht of the Coastal Zone Management Division of NOAA, who is the Director, Assistant Secretary over there. I have been working with him and the Corps of Engineers to build a bridge in the coastal area, you have the Federal Highway Administration, Senator Clark, you have the EPA, you have the Council of Environmental Quality, you have the Coast Guard, you have the Corps, and NOAA, at the time we begin to check off. Now, the only thing to bring them together was this Coastal Zone Management Act, to bring all of those parties together to try to get one window, so when you went to it, everything was checked off and you knew about it.

We have been in various areas with enough progress and everything else, with appeals, appearances, petitions coming back and requirements. And that is one of the great thrusts of the coastal zone management.

I think we got on top of it. While environment is one slight aspect of it, I just would rather hopefully keep this ongoing movement and organization intact, because, frankly, no one is complaining about it, other than the fundamental principle about environment.

I can see that, I can understand it. But I think, overall, the Coastal Zone Management Act under the Congress and everything is working extremely well.

And you are right, we have been up there to Princeton, and we have worked with Governor Byrne. We have had different conferences, and I think that much of the delay in judicial proceedings on appeals and everything else, as we have had, for example, in the *Alaska Pipeline* case.

The CHAIRMAN. Is there a further question, or further discussion? Yes?

Senator CLARK. Just a very brief discussion, Mr. Chairman. As to Senator Williams' comment, not in regard to what he says, but I would just like to say that I agree entirely with Chairman Magnuson, that if we are going to reorganize jurisdictions, that I think Transportation ought to be consolidated into one committee.

I was not here yesterday when the vote was taken. If there is another vote here or on the floor, I am going to do that, because I think it makes sense to have Transportation in Commerce. I think they go naturally together.

I disagree, however, with what has been said, by several people here, that we ought not to move existing jurisdictions because the chairmen of those committees feel it is a bad idea, or because there have been agreements between the chairmen of the committees with regard to certain points.

Obviously, chairmen ought to be very carefully consulted and listened to, because of their experience in this area. But I do not think a chairman ought to determine for the Rules Committee or for the select committee or for the Senate, based on their current view of this, what the final resolution of the reorganization of the Senate, which is going to take place for years into the future, what that ought to be, simply for the convenience of, or for the thought or for the values of those current chairmen.

To do that would be to say we do not need a select committee. We just need simply a meeting of the chairmen to conclude where jurisdictions are going to be.

Senator MAGNUSON. Well, the chairman, at least of the Commerce Committee, is not speaking for just himself as chairman. This is a matter that was gone over by the full committee. This is unanimous. Every member of the committee, except the Senator from Illinois.

Senator CLARK. Well, let me rephrase the point, then. I do not think it is up to the committees themselves to decide only what jurisdictions they are prepared to give up or not. If we are going to do that, we do not need a select committee, to look at jurisdictions.

Senator MAGNUSON. Well, just because you appoint a select committee, you can take its advice and that is fine, but that does not mean you have to accept it whole hog.

Senator CLARK. Absolutely. What I am saying is that it is up to this committee and the select committee to recommend, this committee to decide, and with each Member having one vote to make upon the decision. Otherwise there is no need of having this meeting. If we are simply going to leave it to either the chairmen or the committee.

One last point——

Senator MAGNUSON. Well, no, I do not think that anybody should live this to, say, the chairman of the Commerce Committee. I am just—the committee asked me to—we talked about this.

As a matter of fact, I am the one that suggested we should not have urban transit, because we do not know how to handle it, personally. The committee, some of the members of the committee thought we should have that.

But the select committee is all right. I had nothing to do with the appointment of the select committee. And the chairmen of the committees, at the meetings we have had on our side, have been with members of the committee, and members of the—the leadership and everything else, to try to work something out.

But I think what you are losing sight of is who can do the best job for the country in these particular fields. That is what you are looking for.

Senator CLARK. That is the point. That is what I am trying to say. I do not think it matters particularly whether Chairman Randolph or somebody else wants to move it or not move it, it has to be in the interest of reorganization of the committees.

Senator MAGNUSON. And that was our logical conclusion.

As a matter of fact, personally, the chairman of a committee myself, I might like some jurisdictions taken away, because it gives you less work to do.

Senator CLARK. Well, actually, Mr. Chairman, I think the other problem, that all of us are somewhat guilty of here in arguing, is that because the jurisdiction rests some place now, that it necessarily ought to in the future.

If that is the case, again, I do not think we need a select committee, we need a historian to go back to the beginning of the country and see where these jurisdictions originally were.

They have to, as I think the chairman was saying, rest upon the logic of where they belong, not where they are now, or not where they have been; not simply a historical analysis, but the question of logic. Otherwise, reorganization does not mean anything.

Senator MAGNUSON. Well, the select committee, as I understood it, was supposed to consolidate jurisdiction and not fractionalize it. And all the members of our committee, except the Senator from Illinois, thinks that, in the case of the oceans, that we should do it in one piece and that we should not fractionalize it. Now, that would be—I would say that if I was not the chairman or a member of the Commerce Committee, if I took a look at it.

And you cannot do this—as a matter of fact, I think we moved a little too fast on some of these things. It is putting you people under a real burden of a time element. I like to have decisions made quickly, but—the best thing about the select committee was the procedural part of it. Everybody is for that, or at least a great portion of it.

But I—well, I am not going to belabor this point any longer.

The CHAIRMAN. We have only got the rest of the day to comply with what we have been directed to do. I would like to suggest to the committee, if the committee desires, that we have a motion to reconsider our action on the Committee on Commerce yesterday and consideration of these items in seriatim and then consider these matters that the Commerce Committee has recommended.

Senator PELL. I would like to offer that motion, Mr. Chairman.

Mr. Chairman, I would point out then to the members of the Commerce Committee that it has to be approved by the Senate as a whole; nothing we do here is sacred and can be changed in a week, a month, or 2 years. But we must decide on these matters and we are on a mandate to the Senate to report back today a lot more items than this particular one.

I would suggest that we go right down the memorandum we have of the items that are under discussion here and place those that should be considered in and move to reconsider the actions by which we handled the Committee on Commerce, Science, and Transportation matters yesterday.

The CHAIRMAN. Is there a second for that motion?

Senator WILLIAMS. Second.

The CHAIRMAN. Moved and seconded.

All in favor say "aye"? [Chorus of "ayes."]

Any opposed? [None noted.]

The action is reconsidered.

If we can, go right down the list now, I have here a sheet given me supposedly by the Commerce Committee on what they would like to

see as proposed amendments. I think we ought to consider them one by one and act on them.

Senator GRIFFIN. Mr. Chairman, I am a member of the Commerce Committee so I probably am going to support the Commerce Committee in this regard. But the procedure here bothers me a lot. Everytime you make a decision now is the committee that is adversely affected going to have the opportunity to come in here and make new presentations and while they are still here we go ahead and vote?

The CHAIRMAN. Would you suggest we do it otherwise? The committee has already voted to meet in open session and I assume as long as we are doing that we will be subjected to precisely that kind of pressure.

Senator GRIFFIN. I do not know how we will ever get through. Each committee affected is going to come running in here to make a new presentation.

The CHAIRMAN. Do you have a better suggestion? I would like to hear it.

Senator HOLLINGS This was our first chance to be heard. Would you rather we get up?

The CHAIRMAN. It is an open meeting.

Senator HOLLINGS. I just wanted to stick with Adlai. If he is going to sit down, then I am going to sit down. [Laughter.]

The CHAIRMAN. Gentlemen, in reviewing this sheet that the Commerce Committee has provided as proposed amendments, in the first five items I see no change in what we had and approved yesterday.

On the sixth item we had inland waterways except construction. The Commerce Committee proposes to strike out "except construction." I would like to suggest that the language we submitted yesterday was precisely the jurisdiction they had in the past and I certainly do not think we need to enlarge the jurisdiction on waterways.

So I would like to suggest that we leave the language on item 7, inland waterways, except construction, as it is.

Is there objection? [None noted.]

Without objection, that will be approved.

And without objection, on the first six items, the language will be approved as is because they are proposing no change.

With respect to item 7, they have proposed no change. Without objection that will be approved.

On item 8, they are proposing that item 8 read as follows:

Regulation of consumer products and services including toxic substances except for credit, financial services and housing.

What are the wishes of the committee on that?

Senator CLARK. What is the substance of jurisdiction? That is not clear on the toxic substances.

The CHAIRMAN. The jurisdiction we have approved, the approval we gave yesterday was read as follows: "Regulation of consumer products and services including testing relating to toxic substances except for credit, financial services, and housing." And what they would say now is "including toxic substances." In other words, not limited to testing relating to toxic substances.

Senator CLARK. To the environmental effect of toxic substances, that would remain with Commerce? Is that the significance of the motion?

The CHAIRMAN. That would appear the significance; that the environmental aspects of toxic substances would remain with Commerce.

Senator ALLEN. And on the pesticides?

The CHAIRMAN. Well, pesticides should certainly be excluded and not covered in Commerce and it should be made clear that the testing relating to pesticides should remain in Agriculture. We gave them specific authority with respect to pesticides and if the Senator would move to make that clarification in the language, to make it clear that they have complete jurisdiction over the testing, the testing and the pesticides, we can certainly clarify that.

Senator ALLEN. Well, change agriculture jurisdiction or limit the Commerce on the toxic substances rather than agriculture pesticides.

The CHAIRMAN. Toxic substances is, other than pesticides. Probably should be. And, of course, in Public Works, the proposed language there was to transfer to Public Works the environmental effects of toxic substances. Now, this is one of the conflicts.

Senator ALLEN. Well, I would move then that the words "toxic substances" have added after them "except pesticides."

The CHAIRMAN. You have heard the motion.

Senator PELL. Does that mean that the toxic substances would remain with Commerce and that the Environment Committee would not have anything to do with legislation concerning toxic substances?

Senator ALLEN. I am not suggesting that. My motion does not go to that. It just goes to excluding pesticides from the jurisdiction.

Senator TOWER. Mr. Chairman, if you say "testing of toxic substances" that does not apply to useage of toxic substances.

Senator PELL. Maybe we ought to keep the word testing in here.

Senator TOWER. Testing and useage.

The CHAIRMAN. We had the language yesterday, "testing relating to toxic substances" and that is apparently one of the issues that Commerce was taking exception to.

Senator ALLEN. Toxic is other than, except say "other than pesticides."

Senator CLARK. Are you voting on the Allen amendment?

The CHAIRMAN. There are two issues here. The Allen amendment I think would come first. He has proposed an amendment to that proposed by the Commerce Committee so that it would read: Regulation of consumer products and services including toxic substances other than pesticides" and then, "except for credit, financial services, and housing."

You have heard the amendment. All in favor of the amendment, say "aye". [Chorus of "ayes".]

Opposed? [None noted.]

The amendment is agreed to.

Now, the amendment as amended would next recur, that is to give that jurisdiction. All in favor say "aye". [Chorus of "ayes".]

Opposed?

Senator CLARK. Nay.

The CHAIRMAN. The ayes appear to have it. The ayes have it. OK.

Item 10: There was no proposed change there. That except is as provided in paragraph (c).

The Panama Canal and oceanic canals generally. The Panama Canal in subsection (c) was the jurisdiction retained in Armed Services

Committee that was retained yesterday. So the Commerce has proposed no change there. They have proposed no change on item 11, "Standards and Measurements". They have proposed no change on item 12, "Highway Safety". They have proposed no change on item 13, "Science, Engineering, and Technology and Research Development"—excuse me—"and Policy".

They propose that we strike the words "including that relating to oceans and atmosphere." I do not know whether that would have to be stricken necessarily.

Senator HOLLINGS. You have got it generally later on in 18.

The CHAIRMAN. That amendment was proposed because that item was considered separately later.

Senator HOLLINGS. Generally in No. 18.

The CHAIRMAN. Is there objection then to striking out from item 13 the words "including that related to oceans and the atmosphere"? [None noted.]

Without objection, that will be approved.

Item 14, item 15.

Senator PELL. You knock out item 15. Why is that?

The CHAIRMAN. Items 14 and 15, there was no change from the action taken yesterday.

Without objection that will be approved.

Item 16: The Commerce Committee proposed changing the term used yesterday by us "commercial fishing" to "marine fisheries."

Is there any discussion on that?

Senator CLARK. The only question I have is whether that includes sports fishing, which I suppose is now in Interior.

Senator MAGNUSON. It is in our committee right now.

Senator CLARK. You have them?

Senator MAGNUSON. [Nods affirmative.]

Senator GRIFFIN. Is that right, Commerce Committee had both?

Senator MAGNUSON. Yes; fish and wildlife, we have always had that.

I think there has been a proposal that it be switched between salt water and fresh water.

Senator CLARK. Fish and wildlife was moved yesterday.

The CHAIRMAN. Fisheries and wildlife was transferred to the Environment and Public Works except for commercial fisheries.

Senator MAGNUSON. We would keep saltwater fishing and they have fresh water. All the saltwater fishing is out beyond the territorial limits.

The CHAIRMAN. So you would want to keep——

Senator MAGNUSON. I mean, within the territorial limits.

The CHAIRMAN. You want salt water fishing but have no objection to fisheries and wildlife going to Environment and Public Works.

Senator PELL. And fish farming went to agriculture?

The CHAIRMAN. And fish farming went to Agriculture.

So is there objection on the use of the term "marine fisheries." [None noted.]

Without objection, that will be approved.

Now the Commerce Committee has now proposed the following changes and I will read through them and we can discuss them individually.

First, 17, coastal zone management. 19—I do not know what happened to 18—oceans, weather, and atmospheric activities. Next, National Oceanic and Atmosphere Administration, and next, ocean dumping.

Now, those are the four items under consideration.

Senator PELL. I would move that they in bloc be approved.

The CHAIRMAN. Why do we not consider them separately?

Coastal zone management: What are your wishes on coastal zone management?

Senator PELL. I would move that stay with Commerce.

The CHAIRMAN. Ready for the question?

All in favor say "aye." [Chorus of "ayes."]

Opposed? [None noted.]

That is approved.

Next is oceans, weather, and atmospheric activities.

Senator PELL. I move that stay with Commerce.

The CHAIRMAN. All in favor say "aye." [Chorus of "ayes."]

Opposed? [None noted.]

That is approved.

The next, National Oceanic and Atmospheric Administration.

Senator PELL. I move that remain with Commerce.

The CHAIRMAN. All in favor say "aye." [Chorus of "ayes."]

Opposed? [None noted.]

The ayes have it. That is through.

The next, ocean dumping.

Senator CLARK. I would oppose that, Mr. Chairman. I think it pretty clearly is an environmental issue.

The CHAIRMAN. Further discussion?

Senator HOLLINGS. I would agree with him.

Senator WILLIAMS. Is there any discussion on that ocean dumping from Commerce Committee? [None noted.]

Senator CLARK. It is administered by APA.

Senator HOLLINGS. I think the Senator is correct.

The CHAIRMAN. Pardon me, I did not hear you.

Senator HOLLINGS. I would support ocean dumping going into the Environment Committee.

The CHAIRMAN. I would support it myself. I think it ought to go into Environment.

Is there objection then to striking ocean dumping? [None noted.]

Without objection, that will be stricken.

Senator MAGNUSON. I think it is pretty hard to separate ocean dumping from navigation, from ocean activities. I do not know how you do it but there is a difference. We are now involved in trying to have standards and things of that kind. I do not know how you do it but the committee can work that out.

The CHAIRMAN. Commerce also proposed an amendment from line 15 after the word "technology" to insert "ocean policy". And then that subparagraph would read:

> Such Committee shall also study and review on a comprehensive basis all matters relating to science and technology ocean policy, transportation, communication, and consumer affairs and report thereon from time to time.

Is there objection to that proposal? I think in light of the action taken earlier that is consistent.

Without objection, that will be approved.

Are those the only items that gave you any concern?

Senator MAGNUSON. As far as I know, that is it.

The CHAIRMAN. Thank you very much, gentlemen.

We had earlier, jurisdiction of coastal zone management under the Committee on Environment and Public Works. If there is no objection that will be stricken from the jurisdiction of the Committee on Environment and Public Works as a result of our action.

Is Senator Allen here?

Senator CLARK. Mr. Chairman?

The CHAIRMAN. Senator Clark?

Senator CLARK. I do not know whether all of the members are here and I do not want to ask for a reconsideration without having everybody interested in the subject involved. But I think in the process of going over a number of the actions that we just took, that the one that is most questionable is the one on toxic substances, the environmental effect of toxic substances. And I would like to get a rollcall vote on that. I think the effect, the environmental effect of toxic substances is so clearly an environmental issue rather than a commercial issue. I would like to move that jurisdiction rest with the Environment and Public Works Committee as we acted yesterday and ask for a rollcall vote.

Senator GRIFFIN. Could I ask for clarification. What about pesticides?

Senator CLARK. I would support that as well. I think that is an issue with regard to agriculture rather than here. If it is the proper place here I would include it, if the chairman thinks it is the proper place to do it. But I think it is exactly the same argument that applies to pesticides as regards to toxic substances.

The CHAIRMAN. So you would propose that we strike the term "toxic substances" which would require no exception then for toxic pesticides if that were covered here?

Senator CLARK. That would be a neater way here of doing it and we would have an understanding of leaving the testing with the Commerce Committee. That is correct. I do not want to upset their ability to test them, only the environmental effect.

The CHAIRMAN. Senator Allen, Senator Clark was proposing here that we perhaps should reconsider the matter on toxic substances, that toxic substances actually ought to be in the other committee and that perhaps this should be limited to including testing relating to toxic substances, but retained if necessary your exception to make it clear that pesticides would not come under this category. Did I correctly state that?

Senator CLARK. Yes; the main point is that the environmental effect of toxic substances rests with the environment, the newly created Environment and Public Works Committee, and all other aspects remains with the Commerce Committee.

Senator ALLEN. That is, other than pesticides.

The CHAIRMAN. So that the language that you are proposing now would read as follows on item 9:

Regulation of consumer products, services, including testing relating to toxic substances other than pesticides and except for credit, financial services and housing.

Senator PELL. Question, Mr. Chairman. Where would the environmental effect of pesticides go?

Senator ALLEN. I trust it would stay in Agriculture.

Senator PELL. Yes.

The CHAIRMAN. I think yesterday we took the action to put the environmental effects of toxic substances in the Environment and Public Works.

Senator CLARK. May I suggest that we take up the subject for Commerce, and if there is one for Agriculture we debated that yesterday.

Senator PELL. Would it be neater to say that all the toxic effects and the environment go to the Environment Subcommittee? No matter what from.

Senator ALLEN. Well, I think that would be a part of Agriculture with regard to pesticides. This committee report says that it is Agriculture's jurisdiction.

The CHAIRMAN. Well, does Agriculture really need the jurisdiction though over the environmental effects of pesticides?

Senator ALLEN. It is the key to it, Mr. Chairman. What effect it would have on the environment, that is the key.

Senator PELL. But would you not be taking it away from Agriculture?

Senator ALLEN. We would leave that there, or you might as well not have it. That is the key question: What effect does it have on the environment? Or you might as well do away with that jurisdiction then.

The CHAIRMAN. Let us go on this one point now in order to get the committee to make that determination.

You have heard Senator Clark's motion. Are you ready for the question?

All in favor of Senator Clark's motion, say "aye." [Chorus of "ayes."]

Opposed? [None noted.]

The ayes have it. That changes that.

Now, if we can turn now to the Committee on Energy and Natural Resources on page 10 where we had yesterday the environmental effects of toxic substances including pesticides.

Senator Allen?

Senator ALLEN. Well, except for commerce, if you are going to have any area of jurisdiction you want to define that and put that in Agriculture as to pesticides but not any other toxic substances. Agriculture should have full jurisdiction over that.

The CHAIRMAN. You propose that as an amendment?

Senator ALLEN. Yes; what page is that?

The CHAIRMAN. Page 10, line 11, to accomplish that which you are suggesting you probably would want to say something like, environmental effects of toxic substances other than pesticides.

Senator ALLEN. I would make that motion.

The CHAIRMAN. Is there any discussion?

Senator CLARK. I do not understand the motion. I wonder if it could be explained again.

The CHAIRMAN. Senator Allen?

Senator ALLEN. Well, it would leave in Agriculture the jurisdiction over the environmental effects of pesticides but leave in the Environment Committee the environmental effects of all other toxic substances.

Senator CLARK. Why does it make sense to give the new Environment Committee jurisdiction over the environmental impact of everything except pesticides? Why would pesticides be separate?

Senator ALLEN. Because of the splitting of jurisdiction; that is why, because the Agriculture Committee has jurisdiction traditionally established over pesticides. That is it.

Senator CLARK. That is just the argument that it has been there in the past?

Senator ALLEN. And say pesticides do not have anything to do with Agriculture, if you are being——

Senator CLARK. I am not arguing, and I would not argue that pesticides should not stay with Agriculture. That clearly, I think, is an agriculture subject just as I think toxic substances is a commerce subject. But the environmental impact of those would be about the same and I do not see how I can support an amendment that would say the environmental impact of pesticides should not rest with the Environment. Would not those be consistent pieces as a whole?

Senator ALLEN. I do not think so because you do not have any committee having jurisdiction on these toxic substances other than Environment.

Senator STEVENSON. Mr. Chairman, could I be heard on this subject?

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. As in almost every case it is confused. As I understand the initial interest of the Agriculture Committee, it has been over the so-called FIFRA, the so-called Federal Fungicide Insecticide and Rodenticide Act. The intention can certainly be made clear that it is not interfering with that traditional interest, No. 1, of the Agriculture Committee.

But I would urge the Rules Committee not to go so far as to say that the Environment Committee, in exercise of its environmental oversight jurisdiction, could not even consider the environmental effects of pesticides. That is stretching it a bit, Senator Allen, and I can understand your concern. I represent the largest farm State in the Union and have one myself——

Senator CLARK. I am not sure of that.

Senator TOWER. You represent what?

Senator STEVENSON. It has been for the last 2 years. You are close.

Senator TOWER. You are an enemy when you make that statement.

Senator STEVENSON. I will take it back. [Laughter.]

Now, Mr. Chairman, if you are going to make such exception saying that there is an environmental committee but it has jurisdiction over the environment except the environment by beginning to make exceptions one by one you are not going to end up with much of an Environment Committee. Just general oversight jurisdiction has nothing to do with the legislation jurisdiction. I do not believe the traditional jurisdiction being placed in the Agriculture Committee infers in anyway anything on any other committee that does not already exist. You already have that.

Senator ALLEN. Does Agriculture have jurisdiction over the effects of the environment on the FIFRA?

Senator STEVENSON. Yes; but there would be the general oversight jurisdiction in the Environment Committee.

Senator ALLEN. No legislative jurisdiction?

Senator STEVENSON. That is right. That is our intention.

Senator ALLEN. Can that be made clear then?

The CHAIRMAN. We can clarify that in the report.

Senator ALLEN. Does Dr. Riddick understand that?

The CHAIRMAN. We will make that clear in the report. All right.

Senator ALLEN. I think that is a good solution of it. I did not know you were just talking about oversight jurisdiction.

Senator STEVENSON. Yes.

Senator ALLEN. The legislative jurisdiction on this effect on the environment would remain in Agriculture but the oversight role would stay with the Environment?

Senator STEVENSON. Yes.

Senator ALLEN. That is all right.

The CHAIRMAN. Based on that explanation you withdraw your proposed amendment?

Senator ALLEN. Yes.

The CHAIRMAN. All right. Senator Allen, Senator Talmadge made a suggestion with respect to the name that I understand you wanted to offer an amendment on.

Senator ALLEN. Yes, sir, Senator Talmadge points out that he does not feel the term "nutrition" that has been suggested to be added to the name "Agriculture" for the committee is quite as broad as the word "food" would be. He suggests making the name of the committee the Committee on Agriculture, Food, and Forestry. Of course, forestry is already part of the name and none of the forest jurisdiction is taken away. So there is really no need in dropping the name of forestry.

So I suggest the name "Committee on Agriculture, Food, and Forestry"?

The CHAIRMAN. What are the wishes of the committee?

Senator ALLEN. I would make that as a motion.

The CHAIRMAN. It makes no change with respect to jurisdiction.

Senator HATFIELD. Would the Senator yield on that?

I wonder if Senator Talmadge would accept "Agriculture, Nutrition, and Forestry"? Why the word "food" to supplant "nutrition," I wonder.

Senator ALLEN. Well, you have got the word "food" which is more all-encompassing phrase.

Senator HATFIELD. Except is not food and agriculture almost redundant?

Senator ALLEN. Food and agriculture? Not necessarily.

Senator HATFIELD. Well, except for tobacco what is there in agriculture?

Senator TOWER. Cotton.

Senator GRIFFIN. Yes, cotton.

Senator HATFIELD. We do not grow very much of that out in Oregon.

Senator PELL. Why do you not compromise and call it Agriculture, Nutrition, and Forestry.

Senator GRIFFIN. That is what I have just said.

Senator ALLEN. Sometimes it is necessary to point out that nutrition does not cover the jurisdiction of the committee, for instance, on

Nutrition and Human Needs which I have been a member of since its creation.

This does not focus on nutrition but the food problems, especially food programs for the needy.

Senator HATFIELD. The only point is I think it carries with it a definition and connotation that is the emphasis of the select committee, whereas food tends to fall more in line of production.

Senator ALLEN. Not necessarily. What about the 480 program, the food for peace program?

Senator HATFIELD. I am not going to argue the point. It just seemed to me that we are looking at emphasis here that has been determined over a period of time by the Nutrition Committee and one of the——

Senator ALLEN. Would food cover nutrition?

Senator HATFIELD. One of the fears expressed by the Nutrition Committee was they would be lost in the whole food production program in Agriculture. That has been the major emphasis of the Agriculture Committee, food production and so forth. And I think we tend to fight that fear again in those who fought the idea of combining the two committees by changing the word from "nutrition" to "food."

May I offer an amendment to the Senator from Alabama's amendment, and that is that we change the name to Agriculture, Nutrition, and Forestry?

The CHAIRMAN. Any further discussion?

The vote will occur on Senator Hatfield's amendment. All in favor say "aye." [Chorus of "ayes."]

Opposed?

Senator ALLEN. Nay.

The CHAIRMAN. The ayes appear to have it.

The vote now occurs on Senator Allen's amendment. All in favor, say "aye." [Chrous of "ayes."]

Opposed? [None noted.]

All right.

Senator ALLEN. Leave it with Agriculture, Nutrition, and Forestry.

Senator CLARK. Mr. Chairman, I have a small amendment.

I had originally intended to offer a change by amendment to the title to include the words "Rural Affairs," but it is very clear in that area. I think the title would get too long if we did that, so I would like to offer an amendment on page 3 on the new markup, on page 3, line 10, after the comma insert "rural affairs." Briefly, the reason is, one of the major functions of the Agriculture Committee is rural affairs. More people live in small towns than on farms and I think no one challenges the jurisdiction of the Agriculture Committee in oversight in rural affairs.

The CHAIRMAN. Where are you proposing that change?

Senator CLARK. Line 10, after the word "country" I would insert "rural affairs," two words, so the paragraph reads:

Such Committee shall also study and review on a compresensive basis, matters relating to food, nutrition, hunger both in the United States and foreign countries, and rural affairs and report thereon from time to time.

Senator HATFIELD. Excuse me. Is that world affairs?

Senator CLARK. Rural affairs.

The CHAIRMAN. Without objection that will be approved.

The question now turns to page 9. We have deferred action on item 16, "Native Americans and Trust" until Senator Hatfield could be here.

Senator HATFIELD. Mr. Chairman, we had a situation which might call for the establishment of an ad hoc committee for a limited period of time. And that has to do with the report soon to be made by the Indian Review Commission.

As you know, this Commission was made up of Members of the House, Members of the Senate, and a number of outside members selected from the Indian communities and tribes and other experts. The Commission's life will come to an end, and the request of the Commission is that they be given ad hoc status to implement and carry out the recommendations of the Commission. Otherwise the Commission, without legislative authority, would be left without the ability to carry it through.

So on behalf of the Commission, and particularly the chairman, there has been this suggested resolution calling for the establishment of an ad hoc committee. Now, I think it ought to be known that in his testimony he indicated this was his preference. But the Indian community hoped to have a permanent separate committee.

This need not be the decision of this committee at this time because the time we decide the final place where we will situate the Indian matters is down the road. But I do think it is a valid recommendation that we ought to consider, and I would like to have Senator Stevenson's reaction.

Senator STEVENSON. Mr. Chairman, we have two responses to the suggestion by Senator Hatfield.

One is that by resolution or as a part of this resolution it be recommended that there be created a Temporary Select Committee on Indian Affairs with legislative jurisdiction, not an ad hoc committee—we have gotten rid of that, the use of that expression. And that is determined——

Senator HATFIELD. Would the Senator let me interrupt at that point?

It is my understanding that the elimination of the select committee's proposal to establish ad hoc committees is by determination of the majority and minority leaders. I would remind the Senator that we did precisely that on the floor yesterday by establishing an Ad Hoc Committee on Ethics to develop a code of ethics.

So I do not think we eliminated the possibility of ad hoc committees. I may be wrong.

Senator STEVENSON. Perhaps Dr. Riddick would know the name of that committee.

Senator HATFIELD. Then you can say temporary committee.

Senator STEVENSON. All right.

Senator HATFIELD. But correct me on the record. I think we ought to determine that because if this committee went that far to eliminate the ad hoc committee in toto or eliminate that proviso in the report——

Senator STEVENSON. The procedure is eliminate and it is a semantic question. I am suggesting, subject to correction for consistency sake, that we stick with that. If that is not consistent with the action taken yersterday I do not know what that action was, the temporary special——

Senator HATFIELD. What was the title decided for the code of ethics?

Senator BYRD. The title was Special Committee on Official Conduct.

Senator HATFIELD. Special.

Senator STEVENSON. Well, it is a minor point. Temporary special committee to terminate at the end of the 95th Congress, at which time the jurisdiction of that committee would be transferred to the Committee on Human Resources as was recommended by the select committee.

Senator HATFIELD. I have no objection to that.

The CHAIRMAN. You offer that?

Senator HATFIELD. I offer that as a part of the resolution.

Senator WILLIAMS. Mr. Chairman?

The CHAIRMAN. Senator Williams.

Senator WILLIAMS. I support all of this. I have a question however of including in this resolution, the amendment at this time—at the end of this Congress of all jurisdiction of Indian affairs to the Committee on Human Resources. I wonder whether it would not be better to leave that open. There are matters that are not within human resources directly: the land management, trust responsibility particularly, and I just wonder whether we should not cross that bridge of assignment as of the end of the Congress rather than now.

Senator HATFIELD. I would not object to that. I think if we do not make that as a part of this resolution we leave ourselves vulnerable as a body and there will be the great temptation to extend the life and to make it a permanent select committee, as we have found in the past with food, nutrition, and other such committees.

Now, I am not going to object to your deletion of that, but that would be the only reason I think we have now in bringing the Committee to an end rather than creating the potential for additional life expansion.

Senator GRIFFIN. I would agree.

Senator WILLIAMS. I wonder if we should be called to have language to bring us back to the decision on appropriate committee jurisdiction it shall be transferred to the appropriate committee.

Senator GRIFFIN. We ought to make that decision now.

Senator STEVENSON. There is no appropriate committee unless you make an appropriate committee.

Mr. Chairman, here we go again. There in this case we are proposing to create an entirely new committee, entirely apart from consolidating. The Rules Committee would be going 180° opposite the direction it intends and is sought by most Members of the Senate.

Senator HATFIELD. Senator Stevenson, we can change that decision at a future date. We cannot bind future Congresses if we put it there now.

Senator STEVENSON. The Senator is absolutely right. There is nothing concrete. It can be changed if the next Congress decides that some other committee was appropriate to exercise this jurisdiction.

Senator WILLIAMS. It is not a major matter as far as I am concerned, but I make the obseravtion. I am not offering an amendment if it is not agreed to.

Senator HATFIELD. I like the terminal character that is implied here, moreso than by saying that at the end of this period it is transferred to the Resources Committee. And at that time, Senator Williams, if there is a more appropriate committee, we can always do that.

Senator WILLIAMS. It is not a major matter.

Senator HATFIELD. I would move the adoption of the resolution, Mr. Chairman.

The CHAIRMAN. All in favor, say "aye." [Chorus of "ayes".]

Opposed?

Senator ALLEN. Nay.

The CHAIRMAN. The ayes appear to have it. The resolution is agreed to and if there is no objection we will give the staff authority to insert it at the proper place and to correct the wording if it is necessary.

I am advised that the Committee on Interior and Insular Affairs already has jurisdiction over Indian affairs and the query is should we strike that jurisdiction for the time being.

Senator HATFIELD. Where we put it?

Senator WILLIAMS. Divide it?

The CHAIRMAN. Senator Stevenson, do you have any comment on that?

Senator STEVENSON. Mr. Chairman, to be consistent with the action already taken it would be to place that jurisdiction in the temporary committee for this Congress.

The CHAIRMAN. That is where it is. But it was suggested to strike it where it appears in other committees so it would be in one place for the remainder of this Congress.

Is there objection? [None noted.]

Without objection, that will be agreed to.

Senator CLARK. I think you had a matter—was it your matter on international finance and monetary organizations?

Senator CLARK. Yes; I have got a number of proposals and it would take some time. Are we planning to stay through?

The CHAIRMAN. Gentlemen, we can only use this room until 3:30 this afternoon. I would like to suggest that we maybe go through until 12:30 now and meet again at 1:30 and go for 2 hours. We may be able to get through everything by that time. Assuming we get through then I would like authority from the committee to see if we can get permission from the floor to actually report this on possibly Wednesday next week so that we can get the action of the committee completely printed up and let us go over it, let us go over the proposed report and clear it before we actually have to file it with the Senate.

I do not think anyone can accuse us of being dilatory because we certainly have kept at it in a good pace. And I hope by 3:30 this afternoon we can conclude or complete all of the amendments that we would be acting on.

Senator BYRD. Mr. Chairman, do you think we possibly could report it no later than by Tuesday midnight of next week?

The CHAIRMAN. I think we could. If we get this authority, I would hope that we would be able to meet day after tomorrow, that is Friday, and start to review our work and possibly we would be able even to report it that night.

But I would like to have it printed up where we can see what we have done.

Senator BYRD. No later than midnight, Tuesday?

The CHAIRMAN. No later than midnight, Tuesday. But I would like to hold off on that to see if we can really finish this up before

so we know that we have gotten through it and all we have is a problem with filing, getting the report ready and getting the language ready and letting us see it to see that we have not made any intentional errors.

Senator ALLEN. Mr. Chairman, at 2 o'clock in the Senate I just have to be there and possibly some of these resolutions will be coming up and a rule may be made with a vote and I am interested in two of these resolutions and I would just wonder how I can protect myself in the committee—I do not have any personal interest in any of the matters before the committee—but I am just wondering how I could divide, best divide my time.

The CHAIRMAN. I suppose we could meet over there off the floor. We do not have the nominations.

Senator ALLEN. I do not expect to ask for special consideration.

The CHAIRMAN. I am willing to do whatever the committee desires.

Senator ALLEN. Well, you want to come back at 1:30 and maybe we can cover most of the matters I am interested in at that time.

The CHAIRMAN. Let us try that. We will go until 12:30 and come back at 1:30 and go again.

Senator Clark, do you want to proceed?

Senator CLARK. Yes; I have got a number of amendments in the area of banking and foreign relations and I am going to offer at this time only those that do not, I think, in any way affect the decisions of the select committee or recommendations of the select committee. They deal with foreign policy, commerce, and banking. And if I am incorrect on my descriptions of the select committee proposal, then Senator Stevenson will correct me.

The first one I will pass out is an amendment which—I do not have an easy way to do it—they are identified as amendment No. 2 in the upper right-hand corner. They are those being distributed now.

The chairman has a copy. What it does is on page 6, new markup, line 7. It occurs after "policy." Insert "as affects U.S. monetary affairs, credit and financial institutions." And then it also modifies "foreign relations"—does not modify but inserts jurisdiction on page 12, line 20, foreign policy—international economic policy as it relates to foreign policy."

The purpose of this amendment is simply to make very clear that the oversight jurisdiction of the Commerce Committee remains in the Commerce Committee so far as it affects U.S. monetary affairs, credit, financial institutions, but is retained in the Foreign Relations Committee insofar as it affects foreign policy and international economics. That is the purpose.

The CHAIRMAN. You have referred to the Commerce Committee. You mean the Committee on Banking?

Senator CLARK. I am sorry. Banking.

The CHAIRMAN. Banking, Housing, and Urban Affairs.

Any discussion?

Senator STEVENSON. Mr. Chairman, I was thrown by the reference to "Commerce". On page—let us see.

The CHAIRMAN. The first would appear on page 6, line 7, after the word "policy" insert "as it affects U.S. monetary affairs, credit, and financial institutions."

Senator CLARK. The only purpose here, Mr. Chairman, is to make very clear that the Banking Committee does have oversight jurisdiction with regard to the particular issues—monetary affairs, credit and financial institutions.

Senator STEVENSON. Mr. Chairman, if I may be heard. I think this effectively describes the jurisdictions to state that it has been a practical matter between these two committees that the interest of the Banking Committee in monetary areas, and that it also states an understanding between representatives of both of those committees. In other words, I believe this would be acceptable to members of Banking and the Foreign Relations Committee. In other words, I have no objection to it.

Senator TOWER. Mr. Chairman?

The CHAIRMAN. Senator Tower.

Senator TOWER. As the ranking member on Banking I think that is an acceptable amendment because credit would still apply to these and that would be a question when we get into it. But in any case there is no question but what at least in terms of the monetary stability of the United States we have jurisdiction.

The CHAIRMAN. Further discussion? [None noted.]

If there is no objection, then the amendments, the two amendments will be approved.

Senator TOWER. And that would include foreign policy of the Foreign Relations Committee's amendment on security policy?

The CHAIRMAN. That is correct.

Senator CLARK. Not on security policy.

The CHAIRMAN. No; that is the second one, Senator Tower. It occurs after the term "national security policy" on page 12.

Senator TOWER. I think that meets the problem that I had yesterday. Let me check it for just a second.

The CHAIRMAN. Is there objection? [None noted.]

Without objection that will be approved.

Senator TOWER. So this does not apply to security policy at all?

The CHAIRMAN. No; it just occurs after the term ,"security policy."

Senator CLARK. Mr. Chairman, the next amendment which I have before you is the amendment identified as amendment No. 3. It deals with foreign military sales and the amendment would occur first on page 5, line 2, and the amendment simply strikes the word "jointly". It would be leaving the Armed Services Committee with foreign military sales and then further on page 12, under "Foreign Relations," line 17, again strike the word "joint." In other words, the effect of this amendment is simply to strike the word "jointly" both under the Foreign Relations Committee and the Armed Services Committee.

The CHAIRMAN. But the intent would be that the jurisdiction would remain the same as it is now with respect to foreign military sales and we can make that clear in the report.

Senator CLARK. That is exactly right. And that as I understand it was the intention of the select committee.

Senator STEVENSON. With the exception of draw downs and inventory.

The CHAIRMAN. That is correct.

Is there objection to that amendment? [None noted.]

Without objection that will be approved and we will have the appropriate language in the report.

Senator Clark, you have others?

Senator STEVENSON. Mr. Chairman, I think the effect of the amendment is to leave jurisdiction over foreign military sales in the Armed Services now instead of just the word joint, leave it as just foreign military sales.

Senator CLARK. I stand corrected. I have just had pointed out to me—it is my understanding that the purpose of this amendment is to maintain the present jurisdiction. That was the intent of the select committee and that is what is accomplished by this motion. Am I in error, Senator Stevenson?

Senator STEVENSON. The intent of the select committee would be accomplished by deleting the reference to joint in foreign relations and to military sales under Armed Services.

Senator CLARK. That is what the amendment does?

Senator STEVENSON. Yes

Senator TOWER. Wait a minute.

Now, your original amendment was to strike both. Is it your suggestion that military sales be deleted entirely from Armed Services jurisdiction?

Senator STEVENSON. That is my understanding. It was so long as it was understood that oversight jurisdiction was in Armed Services and continues the present practice.

Senator TOWER. I could not agree to that.

Senator CLARK. I will withdraw that amendment then pending your further study of it. I do not want to go into conflict on the amendments here.

Senator TOWER. No; for example, the Armed Services Committee ought to be in on any decision on sales that would be a draw down on American resources, for equipment in Western Europe or something of that sort that would affect our combat readiness.

Senator STEVENSON. The Senator is right and the understanding is that the interest of Armed Services would be continued by preserving oversight jurisdiction with respect to arms sales.

I believe, Senator, it has that jurisdiction now, the fact that it would just, under this, remain.

Senator CLARK. I think the point that I intended is that the understanding would be—so that there is no misunderstanding on this—that the report emphasize that the present practice of the Armed Services Committee oversight on effect of these sales on military preparedness and sales would be continued. That would be the report language to accompany it.

Senator STEVENSON. If the Senator would yield I would point out also that under the jurisdiction of the Armed Services Committee that is the general legislative jurisdiction with respect to the Department of Defense which gives that committee a large handle.

Senator TOWER. I have no objection to policy matters relating to military sales being exclusive jurisdiction of Foreign Relations. But once the determination is made that it is policy to allow such sales or even order such sales I think that the Armed Services really has to sign off on it. But it could seriously impact on our combat readiness

which it did some years ago on our Western European capability which we have not built up yet.

Senator CLARK. That is clearly the intent of the amendment. In other words, what happened in the bill that was reported, as you can see, it was described here as foreign military sales, jointly. So that under that circumstance, as I understand it, every bill on military sales would have to be referred to both committees and it was the intent of both committees and the select committee, rather, to maintain the present jurisdiction where not every bill would be referred jointly but rather to maintain the present jurisdiction, those involving oversight and the effect of these sales on our inventory and military preparedness would continue to go to the Armed Services and those dealing with foreign policy to go to the Foreign Relations Committee.

Senator TOWER. That would include any legislative measure that provided for the sale of systems that are currently in use or currently in our inventory even if you take out of our inventory and divert our production lines, for example, and in some way disturb our schedule for delivery of inventory. All of these things would have to come under our jurisdiction.

Senator CLARK. That is why I suggested that the record would say the effect of these sales on our inventory and military preparedness so that any impact on our military preparedness in any way would clearly be with Armed Services.

Senator TOWER. I think I can buy that.

The CHAIRMAN. Let me give you Senator Stennis' views on this; it was discussed at some length.

He feels that the present Senate rules are written adequately to cover the subject and has written that they do not precisely specify with respect to military sales.

Now the jurisdiction would remain at the present time as it is in which case Foreign Relations has jurisdiction over the military sales. Armed Services has jurisdiction insofar as it relates to our defense posture, to the draw down on equipment, the sale of our equipment and so on. And if we were to get in a crisis type situation the Armed Services Committee obviously would have to step in on jurisdiction over all military sales in that type of situation.

But there has been no problem with it in the past and Senator Stennis has suggested so here. He says: "I feel the Senate rules as presently written satisfactorily cover the matter of military sales, and is covered in that respect." He is perfectly satisfied.

Senator TOWER. Why chance it? It gives the Foreign Relations Committee policy over such matters.

Senator CLARK. That is what this amendment does. The select committee had added foreign military sales to the jurisdiction of the Armed Services and placed it jointly and we are simply bringing it back to where it was before by this amendment.

Senator TOWER. Mr. Chairman, let us insist on report language that makes this adequately clear.

The CHAIRMAN. Why not just delete item 10 on page 12 as Senator Stennis has suggested there and delete item 9 on page 5, line 2. Just delete those two items completely and that would leave it precisely where it is.

Senator TOWER. Leave it where it is.

Senator CLARK. Fine with me. And I think it would be helpful to have report language clarify that.

The CHAIRMAN. It could be covered in the report. Without objection then, line 2, page 5, will be deleted; and line 17, page 12 will be deleted.

Senator Clark?

Senator CLARK. Yes; the next amendment is identified as amendment 4 and deals with the international aspects of atomic energy, and it comes on two places. First, on page 12 after line 17. That amendment would simply say: "11. International Aspects of Atomic Energy." Likewise, on page 5, line 3, under the Armed Services jurisdiction. It would strike out "national security" and insert the word "defense" so that we would be left with Armed Services on matters relating to——

The CHAIRMAN. Why do you want to strike the national security aspect of atomic energy? That is precisely what we want to retain in the Armed Services Committee.

Senator CLARK. Sir?

The CHAIRMAN. That is precisely what we want to retain in Armed Services. That is precisely what the discussion was that it should be retained in Armed Services.

Senator CLARK. According to my information, specific jurisdiction of foreign relations over international aspects of atomic energy changes the national security aspect of atomic energy to defense aspect of atomic energy.

Now my reasoning—as I understand it, I think Senator Stevenson in his January 11 memorandum indicates a creation of the category for international aspects of atomic energy as a part of Foreign Relations to clarify the intent of the select committee report, slightly changing the jurisdiction of Armed Services from national security to defense aspects on atomic energy. Apparently, at least according to his memorandum, it clarifies the oversight responsibility for national security policy and leaves the Armed Services with what concerns them most, mainly defense.

The CHAIRMAN. Defense is the same as national security. I do not see how you can make a distinction between defense and national security. I think if you write in the amendment that you propose in Foreign Relations there would be no problem.

Senator CLARK. Let me take a quick look at it.

The CHAIRMAN. Because you say international aspects of atomic energy and that should cover it and leave Armed Services as is.

Senator CLARK. I would ask that the amendment be so modified.

The CHAIRMAN. So the Armed Services proposal would be withdrawn and the amendment as cited at page 12, line 17, the international aspects of atomic energy.

Senator ALLEN. The international aspects? That might cover defense aspects of that amendment.

The CHAIRMAN. Well, if so, there would be an overlap of jurisdiction in which there have been many other instances anyway. But we would spell out where it is.

Is there objection?

[None noted]

Without objection then that will be approved.

Our recess time is here and we will recess until 1:30.

[The hearing was in recess at 12:35 to reconvene at 1:30 this date.]

AFTERNOON SESSION

The CHAIRMAN. The committee will come to order. A quorum is present.

Earlier today we adopted an amendment proposed by Senator Clark concerning the international aspects of atomic energy and foreign relations.

I have gotten a letter from Senators Ribicoff, Percy, and Glenn. Do you see any problem there with the language in the report along the lines they suggest here? Do you see any inconsistency?

Senator CLARK. I am not sure what they are suggesting. Do they offer an amendment?

The CHAIRMAN. No; in the past they, the Government Operations Committee has exercised oversight jurisdiction with respect to nuclear export policy.

Senator CLARK. I do not see any problem. In other words the report language would acknowledge their work and their ability to have oversight over those matters?

The CHAIRMAN. That seems to me to satisfy the problem. If there is no objection, then that will be covered.

Senator CLARK. In that connection, Mr. Chairman, the amendment which we just passed on citing within the Foreign Relations Committee, international aspects of atomic energy, I think the report—it has been suggested to me by the select committee, some of the select committee staff, that international agreements for cooperation of atomic energy now rests in the Joint Committee on Atomic Energy. And it has been shared with the Foreign Relations Committee. Perhaps in the report we should mention that this does go to the Foreign Relations Committee since the Joint Atomic Energy Committee is abolished.

The CHAIRMAN. I think that probably could be covered in the report.

Senator CLARK. Yes; just in the report.

The CHAIRMAN. Do you have some other amendments now?

Senator CLARK. I do have three or four others, Mr. Chairman.

Senator ALLEN. Somewhere along the line I have two amendments that I would like to bring up. I had explained to you that I have to go to the floor.

The CHAIRMAN. Would you yield?

Senator CLARK. I would be happy to yield.

Senator ALLEN. One is contained in a letter to you on jurisdiction—from Senator Talmadge—which has to do with jurisdiction regarding Public Law 480 and this points out most recently in December of 1975 the Foreign Relations Committee began to consider major amendments to Public Law 480 at which time Senator Talmadge says he felt it necessary to request re-referral to such as related to Public Law 480. And it is agreed primarily that sole jurisdiction for Public Law 480 remain in the Committee on Agriculture and Forestry and that at the conclusion of the amendment, amendment of Public Law 480 and foreign aid was only on the Committee on Agriculture and Forestry.

I would like to add—insert his one page letter into the record.

The CHAIRMAN. You may for the record.

[The letter referred to follows:]

U.S. SENATE,
COMMITTEE ON AGRICULTURE AND FORESTRY,
Washington, D.C., January 18, 1977.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In your consideration of Senate Resolution 4, I understand that the issue of jurisdiction for foreign food assistance was decided to remain unchanged. Unless there be some confusion over this issue, I would like to clarify the present jurisdictional arrangement.

Public Law 480 was reported from the Committee on Agriculture and Forestry when it was originally enacted in 1954. Since that time the Committee on Agriculture and Forestry has retained primary jurisdiction for this Act although on rare occasions the Committee on Agriculture and Forestry has not challenged relatively minor amendments contained in legislation reported by other committees. Most recently, in December 1975, the Foreign Relations Committee began to consider major amendments to Public Law 480, at which point I felt it necessary to request re-referral of the portion of such legislation related to Public Law 480. It was agreed that primary and sole jurisdiction for Public Law 480 remained in the Committee on Agriculture and Forestry and that inclusion of amendments to Public Law 480 in foreign aid or other legislation was only at the agreement of the Committee on Agriculture and Forestry.

As you know, I have been generally supportive of the reorganization plan. However, this issue is one which is of vital interest to our committee and we would, therefore, appreciate your clarification of this matter before Senate Resolution 4 comes before the Senate for consideration.

With every good wish, I am

Sincerely,

HERMAN E. TALMADGE, *Chairman.*

Senator ALLEN. And I would like to have this matter clarified for the Committee on Agriculture, Nutrition, and Forestry.

The CHAIRMAN. Do you see any problem there, Senator Stevenson?

Senator STEVENSON. We see no problem to that, Mr. Chairman.

The CHAIRMAN. There is no intent to remove the jurisdiction of Public Law 480 from the jurisdiction of the Agriculture Committee.

Senator PELL. Does that not change the present procedure? As I understand it, the Foreign Relations Committee has made amendments to Public Law 480 at its own initiative and here we say it can only do it through the Committee on Agriculture.

Senator ALLEN. These amendments were offered and presented more or less at the suffrance of the Agriculture Committee because sole jurisdiction of Public Law 480 is in Agriculture and that was just more or less to accommodate the Foreign Relations Committee.

Senator CLARK. Mr. Chairman?

The CHAIRMAN. Senator Clark.

Senator CLARK. I think the practice has been—and I think the law would show—that Public Law 480 was passed and came out of the Agriculture Committee and is under the jurisdiction of the Agriculture Committee, but the administration of Public Law 480 is through the Agency for International Development which falls under the jurisdiction of the Foreign Relations Committee, so that the Foreign Relations Committee has only been concerned with the administration insofar as it deals with the Agency for International Development, AID—but not with the authority over the law itself.

Senator PELL. This would change the present procedure whereby the committee would not initiate an amendment.

Senator CLARK. That is not my interpretation that it would. Maybe somebody with better authority would know.

Senator PELL. That is what it says here.

The CHAIRMAN. It says that they have offered amendments in the past at the suffrance of the Agriculture Committee. That is the precise situation. If the Agriculture Committee is wanting to permit them to do it. But basically jurisdiction remains in the Agriculture Committee—Agriculture, Nutrition, and Forestry Committee.

Senator PELL. All right.

Senator ALLEN. And I would like to present this.

The CHAIRMAN. Very well. That will be made a part of the record and we can also have those comments in the record.

All right. Senator Allen?

Senator ALLEN. The other matter I would like to bring to the committee's attention is on page 27 where it is provided that where amendments, the chairman and the ranking minority member of the standing committees through jurisdiction is transferred to and consolidated in and to other standing committees, that it would be the sense of the committee that they would have preference in being assigned to the committees that absorb the committees on which they were serving. But it does leave out the joint committees and they are just left to, more or less, fend for themselves. And no preference is given to them on transfer of their duties over to another committee.

I wonder if we might add "the chairman and the ranking minority members being one from each party of the standing committee and joint committee, and joint committee——

Senator STEVENSON. Well, Mr. Chairman, this was not proposed because we were not aware of any of the problems that would correct this, unless Senator Allen is aware of such a situation.

I am at something of a disadvantage because I am not sure what complications this would cause. And if there is anything to be accomplished by it I do not see the purpose.

Senator ALLEN. Well, the purpose is that anyone serving on a joint committee that is abolished, you would not want to cut them adrift.

Senator STEVENSON. But I am not aware of any individual offhand who would be affected.

Senator ALLEN. Well, I have particular reference to the Committee on Congressional Organization. I believe, Senator Metcalf and Senator Helms, would be the two Senators involved in that committee. It is merely the sense of the resolution that the——

Senator STEVENSON. Senator Allen, both of these Senators are members of the select committee and neither of them has suggested this. Furthermore, there are, for example, no vacancies on the Rules Committee and——

Senator ALLEN. There might be in time.

Senator STEVENSON. I do not think this is intended to give certain individuals claims in perpetuity on the seats to serve on the committees in the Senate.

Senator ALLEN. I do not know. You have said in answer to similar situations that we do not yet—when I asked you about the Agriculture Committee when you added two Members to that, supposedly because

of the Small Busines Subcommittee, you said that you would get to the numbers on the committees later and then was not concerned about that. I thought we might reduce the suggested number by two inasmuch as you would not need to do that with the Small Business Committee continuing as a committee on its own. Why would not the same rule apply here and make provision for this and then decide later how many Members you were going to have on the various committees.

Senator STEVENSON. Our intention was to first claim two vacancies that would exist in the ordinary course and not to create vacancies for the purpose of accommodating certain individuals although there have been such cases so far. I just have to remind you that neither of those Senators have sought this and both of them were on the committee.

And I do not believe it was ever, any of the actions by this committee contemplated that we would or might in any situation create claims that would last in perpetuity.

Senator ALLEN. Well, I see it as not being perpetuity but only as to such time as you decide how many members would be on these committees. It is not perpetuity at all.

This is not saying how many members you have. But obviously if there are no vacancies, there would be no appointments.

Senator STEVENSON. Well, sir, I have no more to add. I begin to sound like a broken record if I keep repeating what I have already said.

I am not aware of any problem that needs to be taken care of in this case and it could create complications, so why do it.

Senator GRIFFIN. I would like to support his amendment. I think it seems like it is consistent with what we have done before.

Senator ALLEN. You might have different rules for a full committee than what you have for a standing committee. You do away with the standing committee and in doing away with the standing committee——

The CHAIRMAN. Anyway, it is only for the Senate to speak for the respective case in caucus to make the determination.

Senator CLARK. What would its effect be in this particular case you have mentioned? Namely, if a vacancy were to occur at some future point on this committee, the caucus would some how give them a standing——

Senator ALLEN. I do not think it means that. I think it means depending on how many positions are on each committee. Then this would come into effect if at the naming of the committees and the determination of the number of these that have vacancies then this would become operative.

Senator CLARK. This year?

Senator ALLEN. Yes.

The CHAIRMAN. And it is applicable only to those Senators who on October 1, 1976, were serving as chairman of a standing committee.

So, you propose the words "and joint committees"?

Senator CLARK. Just one further question.

The effect of that in this case, who are the two individuals involved?

Senator ALLEN. Metcalf—in this particular case, Metcalf and Helms. There may be others; I do not know.

Senator CLARK. Senator, the effect here would be as the two caucuses meet Senator Helms would have preference. There is one Republican vacancy and Senator Helms would have preference for that seat.

The CHAIRMAN. That would be the sense of the Senate but it is up to the Congress and it would not bind the Republican Caucus as to what assignment they make.

Senator ALLEN. I would make that motion, Mr. Chairman.

The CHAIRMAN. Is there further discussion? [None noted.]

All in favor, say "aye." [Chorus of ayes.]

Opposed?

Senator PELL. Nay.

The CHAIRMAN. All right.

Senator CLARK. Nay.

The CHAIRMAN. The Chair is in doubt. The clerk will call the roll.

The CLERK. Mr. Pell?

Senator PELL. No.

The CLERK. Mr. Byrd? [No response.]

Mr. Allen?

Senator ALLEN. Aye.

The CLERK. Mr. Williams? [No response.]

The CLERK. Mr. Clark?

Mr. CLARK. No.

The CLERK. Mr. Hatfield?

Senator HATFIELD. No.

The CLERK. Mr. Griffin?

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower? [No response.]

The CLERK. Mr. Chairman?

The CHAIRMAN. Aye.

The CLERK. Three and three.

The CHAIRMAN. Three and three; the amendment does not carry.

Senator ALLEN. There will be another opportunity I presume, I assume, inasmuch as only two-thirds of the committee are here that at such time as we have a full committee it will be brought up again.

Senator GRIFFIN. Mr. Chairman, I have an amendment which would be out of order to call up at this time but I would like to call it up sometime when Senator Allen is going to be here. I understand he is going to the floor and I do not know whether he is going to be back or not. If we are going to finish up today——

The CHAIRMAN. Would you have objection to Senator Griffin calling it now?

Senator GRIFFIN. My amendment does not need a lot of explanation or a long speech because I have been talking about it and giving speeches about it almost every day. It would be after 703(d) which is on page——

Senator ALLEN. Excuse me just a moment.

Senator GRIFFIN. Yes.

Senator ALLEN. Did the chairman say there would be an opportunity to review this decision when we have a full committee?

The CHAIRMAN. There will be in the event we do not finish prior to getting a full committee here.

Senator ALLEN. All right.

Senator GRIFFIN. There would be a new subsection (e) to section 703. It would be on page 41 of the resolution, not the new one of course. It would deal with staffing. I guess the staff is passing out a copy of it.

Committee staffing includes investigation, clerical, and should reflect the relative number of majority and minority members of the committee. A majority of the minority of any committee may, by resolution, request that at least one-third of the statutory investigative and clerical funds of the committee be allocated to the minority of such committee for compensation of the minority staff as minority may decide.

The committee thereafter shall adjust its budget to comply with the resolution. No additional hiring or staffing or hiring of consultants shall be made by the majority until such resolution is complied with.

Upon request a portion of space, equipment, and facilities shall be provided for minority staff.

I would point out that while we stated the principle that the staff should reflect the strength of the majority and minority which would indicate that the minority would be entitled to 38 percent in the present Congress there is only created a right or a guarantee to up to one-third. It is also recognized in the last paragraph that it may take some time to acquire, to actually make an adjustment but in order to be sure that it happens the majority would not be able to hire new or additional staff people until this ratio were complied with.

Furthermore, I might point out that in the event there is a committee where they want to waive their right or do not want to claim the one-third staffing all they have to do is not file a resolution. This is a permissive act on the part of the majority of the minority of a particular committee. I do not know if this is the best wording but certainly it expresses the principle and I would hope the committee would adopt it I think it is a very important part of any meaningful attempt to reform the committee system.

Senator CLARK. Are you open to questions?

Senator GRIFFIN. Yes.

Senator CLARK. I am curious about how it would work. Would it affect any staff members presently working, are you talking about pulling a third of them off or is this in addition to those or is it done by attrition; what process would be used?

Senator GRIFFIN. I think you have got the same concern, the same kind of problem as you do when you eliminate committees. You are going to have some staff problems. If you consolidate committees and eliminate committee staff it is going to be affected.

It seems as though in this situation we ought to face up to the fact that staff will be affected here, too.

Senator CLARK. In other words, if there are 30 staff members on a committee presently, then the minority would have to approve one-third of those or one-third would have to be released?

Senator GRIFFIN. There would not be any reason, of course, why you could not give them the same protection in terms of severance consideration as you are doing in this case of elimination of committees and their staff, which we are doing in this resolution.

Senator CLARK. Is there some way of doing this short of actually firing the existing staff members?

Senator GRIFFIN. What would you suggest?

Senator CLARK. I do not know. I am asking.

The CHAIRMAN. Would the Senator yield?

It is a very complicated problem and I would like to ask Senator Stevenson to comment on it because it is my understanding that they were going to study that problem as well.

But I can say right off the bat you have got two alternatives—you either fire some staff people or increase the size of the staff if this is approved. We have just finished going through the Senate Resolution 60 situation and if we want to increase the cost of Government then all we have to do is just take some action like this which will, as I said, permit one of two things—firing staff people who have been carried over for many years, and no one knows who appointed them really, whether minority or the majority, because they are not identified as such.

I would like to ask Senator Stevenson if his committee did consider the staffing problem.

Senator STEVENSON. Yes, sir, Mr. Chairman, you drew a finger on one thing, probably not the best of effect of firing but additional staff would have to be hired in order to meet this requirement. And without interfering with the ongoing activities of the professional corps staff of the committees. The committee considered the matter and decided it could deal sensibly with this problem until after decisions were first made about the committees, about the committee structures. And Senator Packwood, a representative concurring, was that we should move ahead on structure and changes that we have been discussing.

When the decision was made on structure and duties of those committees then to make further recommendations on staff requirements, on staffing.

We have a staff report. We have studied and started work on this but felt it was not possible to do it wisely until the fundamental decisions were made on structures.

Senator HATFIELD. Mr. Chairman?

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. I do not think we need to raise the horrible images of fear that we are going to create some chaotic circumstances by adopting this resolution.

We certainly have to let that stand in our way as it relates to structure of committees where long-time staff people will only be affected. We are only here for 6 years, and it might enhance the representation of the Senate to fire a portion of the staff. I think we are frankly a little top heavy with bureaucracy up here on the Hill anyway, but I would say that everytime this committee sits in judgment on the various standing commitee budget requests, almost invariably we add to that staff year-in and year-out. Now, all we would have to do in order not to create this great dislocation of these ingrained and some well implanted staff that we have today is that during this transition period which we have proposed, those future additions to committee staffs would be on the minority side until we reach that factor of one-third. Anything of this kind need not be implemented overnight.

Senator GRIFFIN. Would it be possible to have a phasing-in period of 3 years so that you accomplish a third of the difference a year at a time.

Senator HATFIELD. Or by the beginning of the next Congress. We are looking at this to be achieved, ultimately, in an ordinary transition system with the least amount of dislocation.

Senator GRIFFIN. I do not want to underestimate or make light of the problem. It will be a problem to a couple of committees where the distance is far away. For instance, if the minority of the Foreign Relations Committee should exercise the right to adjustment of 55 staff members accountable to the majority and only 3 accountable to minority, the transition would be difficult.

The other day they were talking about nonpartisan staff and they were deciding to fire the staff director without consulting the minority at all.

Senator PELL. Forgive me. But 1 of the 53 majority; we do not know the politics of a great many.

Senator GRIFFIN. We do not know some on our side. We just want them to be accountable to us.

Senator PELL. And it was agreed at that meeting there would be consultation by the chairman and——

Senator GRIFFIN. It just demonstrates the facts of life. We recognize there that they are working for the majority and that it is the way it should be. We think we should have some fairness on our side.

Senator HATFIELD. We have some nonpartisans on our side, but you do not hire them. All that we are asking is equity.

Senator GRIFFIN. A 3-year phasing-in period and give to any employees who were then affected some kind of rights comparable to the rights you are giving here in this resolution would be a very fair way to go.

The CHAIRMAN. Senator Griffin, as you know we are still up against that time frame.

Let me suggest this: Why do you not get a commitment from Senator Stevenson to give full consideration to your proposal. You have got on their committee equal numbers; you have got equal Republicans and equal Democrats. If you cannot get that kind of a proposal out of an equally divided committee I do not believe we should waste our time here—and I do not say that disparagingly—but we have very little time left to get the issues done that we are supposed to do.

Senator GRIFFIN. You can vote me down if you wish; I hope you will not. I do not think it would reflect very well in the Senate or this committee.

I think the case is so obvious and so clear and so fair that there is no reason or justification for delaying putting this principle into any reform of the committee system.

The CHAIRMAN. As a principle I might say you have a very good point. But as a practical matter, when you talk in terms of staff of these committees where you do not know who appointed them, most of them, they have been carried over from previous times because they do have some expertise. And you are talking for one of two results; you are asking to fire them or asking to increase the size of committees.

Now, in my judgment we have already got too many staff people on board—and I am not recommending firing—but I certainly could not support either one of these proposals.

Senator GRIFFIN. Right now the majority insofar as the system runs, has the authority both to hire and to fire and I think this is very basic

equity. If you want to vote us down, as you have done before, it is your privilege. I hope you will not.

I know that there are many Democrats in the Senate who think otherwise. We believe that this is the right thing to do.

Senator ALLEN. Mr. Chairman?

The CHAIRMAN. Then why do you not bring it up on the floor and offer it there?

Senator GRIFFIN. I want to bring it up now.

The CHAIRMAN. Senator Allen?

Senator ALLEN. If I felt taking this action was because of proliferation of the number of staff I would be against it. But I wonder if the matter could be handled in such a way that it could be handled by attrition. It is a matter of simple arithmetic. If you assume that the committee has as few as 10 staff members—I do not suppose there is any such committee as that [laughter]—but assume that you have that and you had nine Democrats and one Republican. What would be wrong with wording the amendment in such a way that if there should be a vacancy in those nine that until such time as it came up two-thirds to one-third ratio you would fill such position with minority staff members and in the course of the committee's work it was necessary to add a staff member rather than fill a vacancy that that person would be from the minority until such time as the total number got up to one-third.

I am thinking this: I think we all make criticism that much of our legislation is as a result of staff input. And I am wondering if we have not had any varied balanced input philosophically if we had 52 or 53 ratios, I wonder if you would end up with better legislation if we had a philosphical balance of staff input.

What would be your comment on that?

Senator STEVENSON. Senator Allen, let me just say one example and perhaps it would clarify my other point that we need to face up to structural changes with respect to staff.

Your proposal, if I understand it, the newly constituted Commerce Committee would take over all of the jurisdiction of the Aeronautics and Space Committee under this resolution. And under your proposal to meet this quota all of the staff for NASA, for example, you take on this new jurisdiction in the Commerce Committee and they would be hired by the minority. The majority would not get any staff at all on that.

Senator ALLEN. Why do you not word it this way: The application or this formula would go into effect subsequent to the reconstitution of the staffs following the approval of this Senate Resolution 4 and let you make just such adjustment as you need to make.

Senator STEVENSON. Senator Allen, I am completely sympathetic to your objective. I do not know how long the committee wants to spend on this. We can spend as long as we did on jurisdiction. It has not been mentioned that some staff positions are already taken. Many of the committees—it was my impression Foreign Relations Committee was one—very historically organized on a nonpartisan basis.

Senator GRIFFIN. What does nonpartisan mean, Senator Stevenson?

Senator STEVENSON. I thought as a practical matter it meant consultation between the ranking member and the chairman and that is what happened in the Intelligence Committee. I do not think we should have a partisan staff.

Senator GRIFFIN. We are not complaining about the Intelligence Committee. We just wish the other committees would follow its example.

Senator STEVENSON. Part of what has happened in the Intelligence Committee is just fine and part is not, in my opinion. The part that is not, involves the right of Members including minority and the majority to appoint, in addition to Senate Resolution 60 personnel, individual staff without any real concern about the priorities of the committee, its role, if they fall into place then it is by accident. As I said in the beginning, my largest concern about this proposal is a much larger staff bureaucracy. I think to put together the corp of professional staff to keep the work of these committees going and to fill the quota, what you are going to end up doing is tying in a whole lot more staff.

Senator GRIFFIN. Let me say this: If the staff is made up of nonpartisan experts as you contend and which I concede may be true in some situations, do you not think it likely that the minority would adopt some of those employees as their employees in meeting this ratio? I think they would. It does not necessarily mean that all of those people would be fired. Beyond that why is it that you are so willing to go along with the separations or firing of employees to achieve your committee consolidation but not if it means giving the minority at least one-third of the staff?

Senator STEVENSON. You do not understand. I think what we have to do is establish objectives and my objection as it is remains.

Fair staffing procedures, if they require firing, then there will be firing. And at this point I do not know what is fair because Republicans and Democrats are equally divided in the committee and they have decided that it would not be the best time to make decisions about staffing for a committee system that we have not created yet. That was a bipartisan decision and it may well be when we continue to do this work after the decision is made on the committee structure we will come out with proposals for your consideration which if you adopt will be fine on the firing of staff. I just do not know.

All I am trying to suggest to you is this is not quite as simple and as easy as it looks on its face. It is a proposition to which I subscribe 100 percent, justice for the minority. But in getting there it is not easy.

Senator GRIFFIN. I might just say that this is a subject about which I have been concerned for quite a while and I have noticed with some committees where the chairman wants to achieve this result and is willing to say this is the right thing to do, we have seen a very dramatic shift in recent years.

I am pointing to the Government Operations Committee as an example. Less than 5 years ago the minority had a very small percentage of that staff and Senator Percy has been very adamant and very vigilant and has finally gotten the majority and the chairman to go along with it. And within a couple of years. There are now, the minority has a third of staffing budget. It can be done. All you have got to do is want to do it. It can be done in a relatively short period of time. We are not asking that it be done overnight. I think a 3-year period would be very fair and equitable. We just ask that you make a third of the progress each year until it is done without adding to the staff.

I mean, we are not contending or asking that the total staff be increased in order to do this. If you want to write that then we will be glad to write that in.

Senator CLARK. I think that would make it much more satisfactory than it is.

One question that I had—and here perhaps it is my nature—but it seems to me that the most important thing is that there be some equality in the professional staff. Obviously if you are going to do that there is going to be some administrative staff, whatever it might be, identified and associated with the minority professional staff.

But one thing that might be somewhat inequitable would be, as tradition has developed at any rate, as I understand the committee system, a lot of the administrative work, printing, preparation for printing, perhaps even drawing up the schedules and so forth, the majority has done that traditionally. In fact, the administrative staff would be coming out of the majority two-thirds. There ought to be some agreement that that work be shared equitably or that apply to professional staff and secretarial help rather than these other routine administrative things that are normally done by the majority.

I am not sure I am articulating that correctly.

Senator GRIFFIN. I know what you are saying.

I might point out that on the surface equity would indicate that the minority has 38 percent and we are asking for only 33 percent.

Senator CLARK. We are not doing this for one Congress.

Senator GRIFFIN. That is right.

Senator CLARK. The Democrats may have 70 percent by the next election.

Senator GRIFFIN. Well, if you wanted to say that 5 or 6 percent in addition to whatever the minority has should be allocated to the majority for those purposes, I think that would be fair. That is what the situation would be now.

Senator CLARK. Right.

The CHAIRMAN. But gentlemen, I think what we are already doing now is pointing up what a very difficult problem that is.

Senator GRIFFIN. Senator Cannon, it will always be difficult for you.

The CHAIRMAN. No; it will not. And if you check with your minority ranking member you will find that we have been very fair and never failed to put anybody on that he has requested.

Senator GRIFFIN. Do you care to take a look at it, at what it is?

The CHAIRMAN. If you can find out who they are charged to, I would like to know myself.

Senator GRIFFIN. Twenty-five to the majority and 5 to the minority. Is that correct?

The CHAIRMAN. And how did you allocate the 25 to the majority? Simply because they have been here a long period of time.

Senator GRIFFIN. Who can fire them?

The CHAIRMAN. You have got technical people here. I suppose I could fire them. And certainly if Senator Hatfield made a request of me I would give every consideration to it.

Senator GRIFFIN. Who do you think they think they are working for?

The CHAIRMAN. I think that they think that they are working for the committee.

Let me ask you. Have you had any problem in getting any information out of the staff people on this committee?

Senator GRIFFIN. That is not the question at all.

The CHAIRMAN. Well, the point is that we have a very difficult situation. If this is to be proposed, then we have to consider the Senate Resolution 60 people as a part.

Senator GRIFFIN. Why?

The CHAIRMAN. Because you are entitled to Senate Resolution 60 staffing which is to help on a particular committee. And if you have got one-third of staffing of the committee and then each Member of the minority puts a Senate Resolution 60 appointee on there you change the balance completely.

Senator GRIFFIN. Each Member has the same entitlement to Senate Resolution 60 staff personnel and it does not change the ratio as far as the committee staffing is concerned.

The CHAIRMAN. It would because the chairman does not automatically get an appointee under Senate Resolution 60. But the point that I am trying to make is that it is a very complicated subject. You have got here a chairman of a special select committee that is equally divided that supports your proposition but as he has said, give us a chance to work it out. And I would think that you would be willing to get a firm commitment from him that they will work it out and come back with some recommendations.

Senator GRIFFIN. Mr. Chairman, I would be much more interested in getting a firm commitment written into this resolution and if there are details to be worked out then we would work them out. I think we are being very fair and very reasonable.

Senator WILLIAMS. Mr. Chairman, this proposal does not reflect the personnel under Senate Resolution 60 at all.

Senator GRIFFIN. No.

The CHAIRMAN. No.

Senator WILLIAMS. Where the true equity—in Senator Griffin's term—I think it should.

The CHAIRMAN. It should, yes.

Senator WILLIAMS. Yes.

Senator GRIFFIN. I fail to understand your reference to Senate Resolution 60 because it has nothing to do with the ratio of staff as far as the committee is concerned.

Senator WILLIAMS. That is exactly why Senate Resolution 60 was adopted.

Senator GRIFFIN. As I understand, it was to give each party, whoever he was, a staff person. That does not change the ratio between the Democrats and the Republicans.

Senator WILLIAMS. Then from your argument the majority has the staff. So under that argument the 60 is to those that do not have staff and you are arguing it is that predominant the minority.

Senator STEVENSON. Mr. Chairman, to help the committee out, certainly our bipartisan committee would take a serious look at the problem of staffing. We can also consult with the Hughes Commission on the operation of the Senate and get some response from those who have some responsibility for making recommendations in this field. And pledge to you our best efforts to make a recommendation, a rec-

ommendation after we have the chance to consider the effects of reorganization which was, of course, our intention.

Senator GRIFFIN. Mr. Chairman, I would like to modify my amendment as I have a right to do. At the end of the first paragraph following the sentence, "The committee shall then thereafter adjust its budget to comply with the resolution. I would add the sentence, "Such adjustment shall be equitably made over a 3-year period of time." Then I would ask for a vote on the amendment.

Senator STEVENSON. Mr. Chairman, may I ask the question of the sponsor of the amendment?

The CHAIRMAN. Yes.

Senator STEVENSON. Is it the intention of the sponsor to retain the last paragraph, and if so, would that not have the effect of—to cite one example, the majority on the Commerce Committee—from hiring any staff to exercise the responsibilities of the Aeronautics and Space Committee and other jurisdictions?

Senator GRIFFIN. Do you know how much staff the Commerce Committee has now?

Senator STEVENSON. I do not know. I am on the committee but I do not know what the number is. I know it is a large jurisdiction.

Senator GRIFFIN. It sure is. It is just top heavy with staff.

Senator STEVENSON. And there is, within that staff at the present time, little if any of the expertise necessary to carry on and, if anything, do better the work of the standing committee of the U.S. Senate which is being transferred into that committee, the Aeronautics and Space Committee. I do not know how many members were on that committee.

Senator GRIFFIN. I would be reluctant to increase the budget of the Commerce Committee and if they need expertise let them reshuffle the staffs of the combined committees.

Senator STEVENSON. It has taken over a multibillion dollar program and no one to oversee it. If there ever was a "penny-wise pound-foolish" to policymaking in the oversight of the executive branch, that is it.

Senator HATFIELD. All that will be decided anyway after they come in before our committee to ask for their budget. So we are not making that decision at this point.

Senator STEVENSON. No; the question was about the last paragraph.

Senator GRIFFIN. Would you support it if we struck out that sentence?

Senator STEVENSON. I have to support my own committee's decision, which I have already explained. The committee might come out with something very close to that, I do not know. We really have the bipartisan—the unanimous decision has not gotten into it.

Senator GRIFFIN. I would be glad to strike that sentence out if that would get your support.

Senator STEVENSON. It would make it a little less bad.

Senator GRIFFIN. The first sentence of the second paragraph, so that it does not preclude the addition, the hiring of additional staff for consultants unless there is some justification for it.

Senator STEVENSON. You could improve it by striking the rest of it.

Senator GRIFFIN. I would go back to the point Senator Allen made; we are not suggesting that this should be the justification for hiring of additional staff. It might require some, over a period of time, for some staff to leave in order to transfer to the minority. We are willing to space that out over a period of time but I think it is fair and right so we ought to get there.

Senator STEVENSON. Agreed.

Senator GRIFFIN. I am sorry. I do not mean any disrespect but I have very little confidence that if we cannot do it now that we are going to do it later by itself.

Senator HATFIELD. Mr. Chairman?

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. I would just observe that this, of course, is not a a new subject. When Senator Curtis was a ranking member of this committee some time ago, every year when this committee goes over every budget, this discussion comes up. And we get the same story from the majority, that is, "Why we have a nonpartisan staff." We do not know the party registrations, and one of the few things I was able to agree with Strom Thurmond on is when he said in answer to that: "But we do not have any part in the hiring of the nonpartisan members for the committee staff." Consequently, it just seems to me that we have been overtime on this subject for so long.

Senator Griffin or I have brought it up on every single committee here, and I think it is unfortunate that the minority party has had to pull teeth to get any concession out of the majority party. And it has been only by the personal working relationship between the ranking member and the chairman that has gotten any consideration at all—not on the basis of principle, but on the basis of persuasion, cajoling, and wooing that has to go on to get some kind of a breakthrough on this reticence, this determination of almost all of the majority to limit staff for the minority.

Senator STEVENSON. Senator, you joined in the creation of a new bipartisan committee with a duty to look into such questions, and you will hear from it. All I am suggesting is that you hear from it before acting on this issue.

Senator HATFIELD. What are you going to do after February? Are you going to do it before February?

Senator STEVENSON. I am going out of business on February 28 and I hope the whole committee goes out of business. Our final report would be no later than February 28.

The CHAIRMAN. It would include this subject?

Senator STEVENSON. Yes, sir, or in an earlier report, if possible.

The CHAIRMAN. Have you further modified your amendment now? If so, how does it read now?

Senator GRIFFIN. Well, Senator Stevenson objects to "No additional hiring of staff members or consultants, either new or replacement, by the majority shall occur until such resolution is complied with." I will strike that out. I don't want this, however, to indicate that we want to increase the size of staff.

But it is conceivable, as he says, that maybe there are some expanded jurisdictions here and there, maybe some increase in staff justified.

Senator CLARK. Is the Senator from Michigan also prepared in the report language to allow for a 5 percent increase in administrative staff for purposes we discussed earlier?

Senator GRIFFIN. Are you thinking in terms of the present spread which would be from 33⅓ to 38. Are you thinking, if the ratio changed in a new Congress we would preserve that specific percent or are you thinking of an additional 5 percent?

Senator CLARK. The Senator from Michigan made a proposal a little while ago to cover the problem that I suggested.

Senator GRIFFIN. What I suggested was that the difference between 38 and 33 accounts or provides for administrative staff; and then the Senator from Iowa made the statement, "yes, but the ratio might change in a future Congress." You are right, it might. If it did, we should be sure that there was at least that much of a spread in any event—5 percent or 6 percent or something that would be available to the majority regardless for the administrative purposes and so on. I would be willing to put that in, either in the report or as an amendment.

The CHAIRMAN. I want to offer an amendment. After the last sentence, which Senator Griffin added, where he added "Such adjustment shall be made over a 3-year period of time," insert the following: "and take into full consideration employees appointed under Senate Resolution 60."

Senator GRIFFIN. Would the chairman be able to explain to us what he means by that?

The CHAIRMAN. Yes; it means simply this, that if you have, for example, on the Rules Committee—if you have 8 employees that you have appointed to the Rules Committee, and each member of the minority has a Senate Resolution 60 person, you would then have 11 people charged against your appointing authority to fill this quota under the Rules Committee.

Senator GRIFFIN. Then you would count any majority employees that were hired on the same basis.

The CHAIRMAN. Absolutely, that are assigned to the majority. So that any persons that are working, either for majority or minority, assigned under Senate Resolution 60 to that committee, would be chargeable to the committee in determining your ratio.

Senator HATFIELD. I think that is an excellent amendment. And I would say to the chairman that if we had had a system like this to begin with, we would never have had Senate Resolution 60. That is what gave rise to Senate Resolution 60. Maybe one of these days we can repeal Senate Resolution 60, if we can get adequate majority and minority staffing on the committees.

Senator TOWER. Of course, Senate Resolution 60 is partially a creature of Democrats as well as Republicans; there are a lot of Democrats who joined it then.

Senator ALLEN. Mr. Chairman, let me suggest that you make this effective at a time when Senate Resolution 4 will have been implemented; otherwise we are going to throw it all out of kilter. Make this effective, say, the 1st of April, or something of that sort.

Senator TOWER. I think the effective date of Senate Resolution 4 would be the effective date of——

Senator ALLEN. No; because you have got to merge these staff people into all these committees; you need to have that stabilized before this goes into effect. That probably ought to be June 1.

Senator STEVENSON. Mr. Chairman, may I make a suggestion?

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. Senate Resolution 4 provides for, and establishes, a staff transition period—and I haven't thought all this through, but if the committee is thinking of adopting this, I think its provisions would probably conflict with some of the provisions for staff during this transition period. And, therefore, the suggestion would be that if it is adopted it would be made effective at the expiration of that staff transition period, which would be July 1. There may be some technical problems that the staff would have to work out, too.

The CHAIRMAN. There are some technical problems, you say?

Senator STEVENSON. I believe so, but I think they are technical and could be worked out—not going to the substance of this proposition, with which I would quarrel strenuously, but if the committee wants to do it.

Senator ALLEN. I wonder how it would be also to make this a 5-year period? I think the 3 years might be a short time to go from 5 or 10 percent up to 33⅓ percent—but you would have movement toward it.

The CHAIRMAN. It would require a lot of firings to do that.

Senator ALLEN. Yes; but if you have it 5 years, but half to be achieved at the end of 3 years.

Senator PELL. What this would then mean is that many chairmen would find themselves unable to hire an individual on their committee for up to 5 years, until this had worked itself out.

Senator TOWER. We could get rid of some undesirable staff at the end of 2 years.

Senator HATFIELD. Senator, what about 4 years with half at the end of 2 years?

Senator ALLEN. I think that would be an improvement.

Senator HATFIELD. Four years rather than 5—that would be two Congresses, if we have to go an extension.

Senator GRIFFIN. Just as Senator Tower said, this will give them an excuse to get rid of some of that deadwood around here.

Senator TOWER. I think you could take care of it by attrition really.

Senator CLARK. Mr. Chairman.

The CHAIRMAN. Senator Clark?

Senator CLARK. Just one other person to speak on it—I think the Senator from Michigan's arguments are quite persuasive in the sense of giving equality. I lean very much toward the Allen suggestion, as modified by Senator Hatfield, namely, that it be over a 4-year period with half of it to be accomplished within 2 years, and with the amendment of the Senator from Nevada on Senate Resolution 60. And I intend to vote for it if those two changes are made.

Senator GRIFFIN. I will so modify it to make it 4 years instead of 3 years, then.

Senator TOWER. In 4 years the gentlemen on the other side may be the beneficiaries of this. [Laughter.]

Senator HATFIELD. Question.

Senator TOWER. I am not holding my breath. [Laughter.]

The CHAIRMAN. Have you modified it now to say with half to be done in 2 years? Is that included?

Senator GRIFFIN. Over a 4-year period——

Senator HATFIELD. With half to be achieved in 2.

Senator GRIFFIN. Perhaps the staff can come up with some more artful language than that. If they can have more artful language, that's

fine—but that is what we want to say: A 4-year period of time with half to be accomplished in 2 years.

The CHAIRMAN. And you have already stricken the provision for no additional hiring of staff members or consultants.

Senator GRIFFIN. Yes.

The CHAIRMAN. And what did you do on the date; that this action should not be implemented prior to what date?

Senator GRIFFIN. Senator Stevenson, did your staff man suggest July 1? Does that somehow fit in with the——

Senator STEVENSON. Yes; that is the expiration of the transition period that is provided for in Senate Resolution 4.

The Chairman. Shall not be implemented prior to July 1, 1977, and will take into full consideration——

Senator GRIFFIN. Now, wait a minute; let's not say it shall not be implemented; you shouldn't preclude, surely, a committee chairman that wants to cooperate, but you are going to make it the effective date of it, isn't that right?

Senator HATFIELD. Effective date, July 1.

Senator GRIFFIN. You know, there might be some chairmen who are going to get some pangs of conscience before then and be willing to do something.

Senator PELL. Wouldn't this mean that if, for example, the chief counsel of a committee resigned to go on somewhere, if the chairman of that committee had what in the minority view is an undue balance, could not hire a new chief counsel, he would have to promote someone from within the committee, even if that person was not qualified to be chief counsel or chief clerk.

Senator HATFIELD. Not at all. What would prevent him from hiring a chief counsel? He has 2 years to implement this—only 50 percent of it in 2 years. So that doesn't mean he has to take each vacancy as it occurs and fill it in order to bring the balance for it.

Senator GRIFFIN. You know, the enforcement of this comes right down to this committee when we approve the budgets and the funding for these committees. If we mean what we are saying here, we can see that this happens in a 4-year period of time.

The CHAIRMAN. Senator Williams?

Senator WILLIAMS. Well, just a couple of fast questions, if I could.

First, does the upon-request provision stay in? That has not been amended out; in other words, the majority and the minority have to request action—that's the trigger, that stays there.

Senator HATFIELD. Yes.

Senator GRIFFIN. That's right.

Senator WILLIAMS. Now, No. 2, do you need a base to establish whether you have gone halfway in 2 years or 3 years? The goal is one-third—conforming to one-half of—of what?

Senator ALLEN. One-sixth. [Laughter.]

Senator WILLIAMS. Of what?

Senator GRIFFIN. Well, I think you look at the ratio and see what it is, and see how much short it is of a third—and you take at least four steps and get there.

Senator WILLIAMS. In other words, the base is what it is now—and that should be understood, I would imagine, with the minority, what your present situation is.

Senator GRIFFIN. It's committee by committee.

Senator WILLIAMS. Human Resources is at 30 percent now.

Senator HATFIELD. You don't have to worry; you have got it.

Senator WILLIAMS. Well, that's the question—are we there, are we half way home already?

Senator GRIFFIN. The 4-year period doesn't make sense for some committees that are almost there now, frankly.

Senator HATFIELD. 30 to 96 now, so you are——

Senator GRIFFIN. In the case of a couple of committees, like Foreign Relations, such time delay would be necessary, because they have a long way to go.

The CHAIRMAN. Now, Senator Stevenson, may I ask you this—if the committee should adopt this resolution, would your committee consider that it had nothing further to do in this area, or would you continue to study this problem of staffing and come back with some recommendations to us?

Senator STEVENSON. Mr. Chairman, I can confidently predict that if this resolution is adopted—and unless it is provided also that the staff directors of the committees are going to be able to assign work to the minority—this resolution will be followed by a staff explosion on the Hill. The only way to get the work done and to meet the quota is going to be to hire a lot more staff.

That being my expectation, yes, we would continue to work on this and try to come up with additional suggestions on staffing.

The CHAIRMAN. There would, of course, be the problem to look at of the permanent core staff and what that ratio ought to be of the core staff on the committee, as well as the additional people that are on there.

Senator STEVENSON. Yes, sir.

The CHAIRMAN. And there ought to be looked at the question of termination of employees, whether they are going to be granted any termination right if they are fired as a result of this adjustment. There also ought to be looked at the question of how big we are going to permit the staffs to be as a result of this recommendation, in addition to the size of the staffs that you will have to look at because of the new structure of the committees, the new structure of this reorganization.

Senator STEVENSON. That's right. We will have to consider termination benefits in connection with any firings that would be a result of this measure, in conjunction with the provisions on that subject that have been made for layoffs that result from reorganization. You wouldn't presumably want different benefits.

I can see all kinds of ramifications—and some of them quite unintended. So we would try to go into all of them and hopefully also come up with a better way of accomplishing the objective than this is, in time for some consideration by the full Senate.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield?

Senator HATFIELD. Wouldn't all those same considerations be given to the staff who will be affected by the committee consolidation?

Senator STEVENSON. Well, I don't know what the dimensions of the staff layoffs in this case would be. Maybe there is going to be a very large additional expense to the taxpayers, so we have to consider reducing benefits for everybody. I just don't know at this point.

Senator HATFIELD. Well, how are you going to handle the staff people on the committees that you have recommended here be consolidated?

Senator STEVENSON. 1 week's pay for every year of service up to 10, and 2 weeks' pay for years of service in addition to 10.

Senator HATFIELD. And over what period of time would there be to consolidate and to try to adjust to this? You would have a grace period of——

Senator STEVENSON. That was the transition period that I mentioned; that expires on July 1.

Senator HATFIELD. Well, we are in effect working about a 2-year grace period, at least for 50 percent, and a 4-year grace period for the rest of them.

So this resolution would have a much longer transition period for implementation of the minority staffing section than your committee report has as it relates to other aspects of committee staff.

Senator STEVENSON. The point is, Senator Hatfield, you are talking about grace periods for different problems, and the problem that I think Senator Cannon referred to rightly, and that I referred to twice, and which understandably can't be appreciated fully by the minority, is the need of these committees to maintain professional core staffs to keep the ongoing nonpartisan work of those committees done.

And there is just an irreducible minimum in all of them. And work that may be done by staff that is labeled "majority," but it is just as important to the minority as it is to the majority. You can't cut beyond a point.

Senator HATFIELD. May I assure the Senator that we will appoint just the same quality of nonpartisan professional staff as the majority has appointed nonpartisan professional staff.

Senator STEVENSON. And will they be subject to the staff director's directions then, so that the reports get printed and the wastebaskets get cleaned out and all the rest of the routine work gets done?

Senator HATFIELD. We will take that 5-percent differential and handle that all ourselves on the minority side, if that bothers the Senator from Illinois.

Senator GRIFFIN. All on a nonpartisan basis.

Senator HATFIELD. Yes; all on a nonpartisan basis; we will have janitors on a nonpartisan basis. If you want to divest yourself of those responsibilities, we can do it probably for 3 percent.

Senator STEVENSON. Well, maybe that would be a good idea; it would be something to keep you busy. [Laughter.]

Senator HATFIELD. Question.

The CHAIRMAN. Is there further discussion? Clerk will call the roll.

Senator PELL. What are we voting on, Mr. Chairman?

The CHAIRMAN. On the amendment, as amended, by Senator Griffin.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. Byrd.

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Allen. Mr. Williams.

Senator WILLIAMS. No.

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin.
Senator GRIFFIN. I think that Senator Allen is here, isn't he? Is he going to get a chance to vote?
Senator PELL. He's not in back; I was looking for him.
Senator GRIFFIN. The whole point of me bringing this up at this time, as the chairman will recall, is that I wanted to bring it up at a time when Senator Allen could be here and vote. I vote aye obviously.
The CHAIRMAN. We brought it up before 2 o'clock so that we could get that done; we have taken an hour of 2½ hours.
Senator GRIFFIN. I would think that we could poll the absent members perhaps, or something.
The CHAIRMAN. Do you want to continue the rollcall.
The CLERK. Mr. Tower.
Senator TOWER. Aye.
The CLERK. Mr. Chairman.
The CHAIRMAN. No.
The CLERK. Four nays, four yeas.
The CHAIRMAN. The amendment is not agreed to.
Senator TOWER. Mr. Chairman.
The CHAIRMAN. Senator Tower.
Senator TOWER. I move that Senator Allen be polled.
Senator HATFIELD. I second the motion.
The CHAIRMAN. Moved and seconded that Senator Allen be polled.
The clerk will call the roll.
The CLERK. Mr. Pell.
Senator PELL. No. [Laughter.]
The CLERK. Mr. Byrd.
The CHAIRMAN. No.
The CLERK. Mr. Allen. [Laughter.]
Mr. Williams.
Senator WILLIAMS. I don't think he should be forced to vote—no.
The CLERK. Mr. Clark.
Senator CLARK. Aye.
The CLERK. Mr. Hatfield.
Senator HATFIELD. Aye.
The CLERK. Mr. Griffin.
Senator GRIFFIN. Aye.
The CLERK. Mr. Tower.
Senator TOWER. No.
The CLERK. Mr. Chairman.
The CHAIRMAN. No.
Senator TOWER. Mr. Chairman, I move to reconsider the vote by which the motion to poll Mr. Allen was——
The CHAIRMAN. Gentlemen, I suggest that we get on with the business of the committee. We have spent an hour on this matter.
Senator TOWER. Mr. Chairman.
The CHAIRMAN. We are up against a time constraint to report tonight.
Senator TOWER. I am aware we are up against a time constraint.
The CHAIRMAN. Let's get some work done.

Senator TOWER. But we are also sitting here as a substantial majority of the Senate; we have no resources downtown; we have a very small percentage of the staffing. It is in the interests of the democratic process that we be able to mount some kind of an effective opposition. Now, if you are going to roll over the opposition and suppress it, then I think you must say, we don't care to hear from the minority, we don't care anything about alternatives, we don't care to have their case presented in the most effective manner so the American people can have some idea about what is going on. Now, it is obvious that the amendment would have carried had Senator Allen been here, so the majority of the committee—their will is not being worked in this instance anyway. Let's announce to the public—the majority be damned, as far as the committee vote is concerned; we are going to work the will of the Democrat conference or caucus, or whatever it is called, and make sure that the minority is inadequately staffed so that they can mount the least effective opposition.

Now, that is what it boils down to.

The CHAIRMAN. Well, Senator Tower, I am sorry that you interpret it that way. Senator Stevenson has given you what I consider a very firm commitment to report back on staffing recommendations on this entire matter. And I must say that I will go along with a studied recommendation as to how these problems ought to be handled; but I think they do need to be studied and need to be considered rationally, and all of the problems considered, rather than have us legislate right here.

Senator Stevenson has said that he supports your proposition; you have a bipartisan committee, an equal-member committee, and I think that all of these matters need to be reported back, and, as I said, I will support a movement along this line.

Senator TOWER. Well, Mr. Chairman, we sat here this morning and heard Senator Magnuson say how disappointed he was that the committee failed to go along with something the majority agreed to, and we acted on it; we didn't listen to Mr. Stevenson at the time. I think we have been highly selective about the way we listen to Mr. Stevenson—and he pleads his case very well.

I don't think that we ought to sit around and rely on that because we have been trying to get adequate minority staffing for years—and we haven't gotten it. I don't distrust Mr. Stevenson; I distrust the process very much.

And I believe that I had a motion pending; I was qualified to offer the motion because I voted on the prevailing side, and the motion is debatable. And, therefore, I would like for us to discuss the matter a little while myself.

Now, we discussed this matter in a conference of Republicans. We agreed that we would try to incorporate the question of minority staffing into the reorganization resolution. We agree also that we would not try to delay or throw any obstacles in the way of the Senate being able to consider the reorganization resolution for the sake of minority staffing. All we are asking for is a fair shake.

We have determined we would not filibuster the reorganization resolution; we are trying to act responsibly; we held no threat over anybody's head; we delivered no ultimatums. The fact of the matter is, even though there are only 38 of us, we can throw a hell of a delay into

the Senate if we choose to. We don't choose to do it. We just want our legitimate rights observed.

And I think that we have been evenhanded in the way we have done this; we have said it can be spread out over a 4-year period of time. I think we have made every accommodation. I think fairness dictates that the minority, which is in excess of one-third, be given one-third of the staff. When you consider the enormous resources that the Democrats have.

Now, do we want a two-party system in this country or not? Maybe there are some who think we would be better off with a one-party system, with a multifactional system. The Democratic Party, of course, is only cohesive for political purposes; it is made up of a very interesting assortment of conflicting interest groups—and what holds it together I will never understand, even as an academic political scientist. But it does—much to our dismay.

I think that fairness dictates that we be given adequate staffing.

Senator GRIFFIN. Would the Senator yield to me without losing his right to the floor?

Senator TOWER. I yield.

Senator GRIFFIN. I just wonder if we couldn't resolve this by—obviously this is the kind of a question that every Senator on this committee ought to vote on, and we are not going to be satisfied until everyone does have a chance to vote. Obviously I brought it up at a time when I thought that Senator Allen would be here, because I think I know how he would vote—but I don't know for sure.

Couldn't we agree by unanimous consent that we will reconsider this and that you will set a time to vote when Senators will be here and vote on its again?

The CHAIRMAN. Yes; if we can move along and get on to other business, I certainly would agree that we could reconsider it at a time when all of the membership is here.

Senator GRIFFIN. You could agree to poll the members of the committee, if you want to do it that way.

The CHAIRMAN. Well, I think we could reconsider it at such time as all the members are here.

Senator TOWER. I am willing to have my motion set aside without prejudice, to be taken up prior to the reporting of the resolution.

The CHAIRMAN. Very well. Senator Clark, did you have some other amendments now? Did we conclude all of yours?

Senator CLARK. I do have some other amendments, Mr. Chairman. It is marked amendment 5, "International Food Matters." Again, this amendment, like the others that we have considered in the foreign policy area, are simply clarifications of specific recommendations by the select committee; they are not changes in what they recommend.

Does the Chairman have that amendment? It is marked "Amendment 5, International Food Matters." On page 12, line 20, after "States," strike the comma and insert the following: "In matters relating to food, nutrition, and hunger in foreign countries."

Now, that does not have the effect of changing any jurisdictions at all; it simply clarifies the fact that the Foreign Relations Committee does have the right to study and look into matters relating to food and nutrition and hunger in foreign countries.

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. Mr. Chairman, I don't believe there are any difficulties with that language. It does not impinge upon the jurisdiction of the Agriculture Committee.

The CHAIRMAN. Is there further discussion? Without objection, that will be approved.

Senator CLARK. Next is amendment No. 6, "Foreign Loans." And the amendment is again on page 12, after line 17, insert the following: "11." and then the words "Foreign loans."

Now, this simply makes explicit the jurisdiction over foreign loans. Senator Stevenson's January 12 memorandum indicates this change merely modernizes the language, does not change the jurisdiction of the committee—and nothing to that effect is mentioned in the Committee on Committees' report; this is simply to help clarify that point.

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. The Senator does not intend by this amendment to enlarge upon the jurisdiction now stated in rule 25 for the Foreign Relations Committee, is that correct?

Senator CLARK. That is correct.

Senator STEVENSON. With that understanding, I have no objection to that.

The CHAIRMAN. Is there further discussion?

Is there objection? Without objection, it is approved.

Senator CLARK. Two other amendments remaining, Mr. Chairman.

The first amendment, entitled "amendment 7, American business interests abroad, as they affect American foreign policy." Again on page 12, after line 17, insert the following: "American business interests abroad, as they affect American foreign policy."

Now, again, this merely modernizes the language to insure the jurisdiction over operations of American business interests abroad, as they affect American foreign policy, while not objecting to the transfer of foreign trade promotion out of the Foreign Relations Committee.

The CHAIRMAN. Is there discussion?

Senator STEVENSON. Yes, Mr. Chairman, I think this requires some clarification. I think I know the intention, but the language, on the face of it, goes beyond that.

I believe this was intended to codify the jurisdiction which has been exercised recently in the Foreign Relations Committee, the oversight jurisdiction, with respect to multinational corporations.

It would not, then, be the intention of the author to enlarge upon any legislative jurisdiction within the Foreign Relations Committee?

Senator CLARK. Not at all. Not at all.

Senator STEVENSON. Well, I have to point out, then, to the author of this amendment that it does more than he intends. At least the staff tells me that this is legislative jurisdiction, it is not stated just as oversight jurisdiction, and that being the case, with an appropriate change, it could clearly impinge on the jurisdictions of other committees, as, for example, the activities of U.S. banks abroad.

Senator CLARK. I will say this. The current situation, as I understand it, is that Foreign Relations has jurisdiction over "majors to foster commercial intercourse with foreign nations and to safeguard American business interests abroad."

Now, this is in item 11 of rule 25.

As I understand what Senate Resolution 4 does, is it deletes item 11 of rule 25, replaces it with nothing, and makes, therefore, I think, somewhat confusing the Foreign Relations jurisdiction over multinational corporations.

Senator STEVENSON. Well, if the Senator's intention is to preserve the measures to safeguard U.S. business interests abroad, I would have no objection.

Senator CLARK. Well——

Senator STEVENSON. You see, you get into a clear conflict with the jurisdiction of other committees, and one that I do not believe you intend to challenge, as, for example, the Export-Import Bank jurisdiction in the Banking Committee. That's the problem.

Senator CLARK. It is unclear to me what there is in the language of the amendment to which the Senator is opposed. The specific language is "American business interests abroad, as they affect American foreign policy."

Senator STEVENSON. That is legislative jurisdiction—legislative language. If the Senator would care to restate it, to indicate that this is oversight jurisdiction with respect to American business activities abroad, as they affect American foreign policy, I would have no objection.

I am anticipating objections from several committees, because, drafted as broadly as it is, the Foreign Relations Committee could assert a jurisdiction over the activities of American banks abroad, it could conflict with jurisdiction in the Finance Committee, and——

Senator CLARK. Well, that certainly is not the intent of the amendment. The intent of the amendment is as follows: As you know, the Multinational Corporations Subcommittee of the Foreign Relations Committee has certain jurisdiction in connection with item 11 of rule 25. It is my understanding that the select committee did not intend to disturb that existing situation. This amendment is simply to try to clarify that point, in view of the fact that Senate Resolution 4 deletes item 11 of rule 25. In other words, there is no intent to broaden the jurisdiction in any way. The idea is simply to maintain that jurisdiction as it is, and as the select committee intended it to be.

Senator TOWER. Would the Senator from Iowa yield?

Senator CLARK. Yes.

Senator TOWER. Mr. Chairman, it occurs to me that we could probably resolve this matter very quickly if the motion to reconsider the vote by which the motion to poll Mr. Allen's defeat, we could dispose of that, I think, with some dispatch at this point, and have that done before we have to give up this room at 3:30.

The CHAIRMAN. Do you want to yield to him?

Senator TOWER. May I then ask the Chair to put that motion?

Senator CLARK. I yield for the purpose of doing that.

The CHAIRMAN. The question is on the motion to reconsider.

All in favor of reconsidering say "aye." [Chorus of "ayes."]

And the clerk will call the roll on the initial motion.

The CLERK. This is on the amendment, as it was amended before.

The CHAIRMAN. Yes.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. Byrd.

The CHAIRMAN. No; by proxy.
The CLERK. Mr. Allen.
Senator ALLEN. Aye.
The CLERK. Mr. Williams.
Senator WILLIAMS. No.
The CLERK. Mr. Clark.
Senator CLARK. Aye.
The CLERK. Mr. Hatfield.
Senator GRIFFIN. Aye; by proxy.
The CLERK. Mr. Griffin.
Senator GRIFFIN. Aye.
The CLERK. Mr. Tower.
Senator TOWER. Aye.
The CLERK. Mr. Cannon.
The CHAIRMAN. No.
The CLERK. Five ayes; four nays.
The CHAIRMAN. Five yeas, four nays; the resolution is agreed to—the amendment is agreed to.
Senator ALLEN. Mr. Chairman.
The CHAIRMAN. Senator Allen.
Senator ALLEN. As you may recall, I stated I had to go to the floor.
The CHAIRMAN. Yes.
Senator ALLEN. Before I left for the floor, I had thought a meeting of the minds had been reached, that you had an amendment, I had an amendment, Senator Clark had an amendment, Senator Griffin had an amendment. I thought there had been a meeting of the minds or I would not have gone. But I am glad now with the result.
The CHAIRMAN. Senator Clark.
Senator CLARK. Well, I think I have explained what I meant to. Just very briefly, it is our understanding that item 11 of rule 25 specifically gives some jurisdiction over business interests of—American business interests abroad, and that covers the multinational jurisdiction, and that there is no intention to go beyond the present jurisdiction.
I think Senator Stevenson was about to respond to that.
Senator STEVENSON. Mr. Chairman.
The CHAIRMAN. Senator Stevenson.
Senator STEVENSON. This opens the barn door. We will have another delegation or two or three in this committee room if it were adopted. And I know the Senator does not intend to go beyond his stated intention.
I would ask, that being the case, if Senator Clark would consider just retaining the present jurisdiction under which the Multinational Subcommittee has acted. It is language now in the rule, and it has a history, it is understood, and would not, I believe, create any misunderstandings or complications in the future, and that language, "as used to foster foreign commerce and safeguard U.S. business interests abroad."
Senator CLARK. Well, I think we are on exactly the same wavelength. In other words, rather than having Senate Resolution 4 delete item 11 of rule 25, have them list it.
Senator STEVENSON. Put it back in.
Senator CLARK. Fine.

Senator STEVENSON. That satisfies Foreign Relations.

The CHAIRMAN. List that item as it now exists in rule 25?

Senator CLARK. And do not change it.

The CHAIRMAN. All right. Is there objection?

Without objection, then, that will be approved.

Senator Clark?

Senator CLARK. Mr. Chairman, just a couple of other—three other minor report language suggestions.

On commodity agreements, those agreements, we think, for clarification purpose, need an explicit statement in the report that the language in Senate Resolution 4 merely codifies existing practice. For example, those commodity agreements are treaties and are presently within the Committee on Foreign Relations and should stay there. We just want to have that clarified.

The CHAIRMAN. Without objection, that will be approved.

Senator CLARK. Second, the Overseas Private Investment Corporation, OPIC, the statement in the record necessary to insure Foreign Relations continuing jurisdiction over OPIC. OPIC is presently listed with the Banking Committee.

When I say that, I mean under Senate Resolution 4.

Senator STEVENSON. As far as what the Senator—there are two representatives of the Banking Committee here: as far as I know there would be no objection to this.

The CHAIRMAN. Is there objection?

Without objection, it will be approved.

Senator CLARK. And neutrality oversight responsibilities and Government information, including freedom of information, and oversight responsibilities for intergovernmental relations between the United States and international organizations. Again, just a suggestion for a statement in the report that includes that jurisdiction.

Senator STEVENSON. The Senator is not suggesting that it would take any jurisdiction with respect to freedom of information from any other committee, is he?

Senator CLARK. No.

Senator STEVENSON. With that understanding, I do not believe there is an objection.

The CHAIRMAN. Is there further discussion?

Without objection, then, that will be approved.

Senator CLARK. Mr. Chairman, the other amendment that I have in this area, the last one, is of a more controversial nature, I am sure. And I wanted to take it up separately, because I think there may be a difference of opinion.

It is listed as amendment No. 1. "International financial institution." I think that is being circulated to every member of the committee.

Again it addresses itself, first, to page 5, and would strike all of lines 13 and 14 and renumber accordingly; and then on page 12, under "Foreign Relations," after line 17, insert the following: "International financial and monetary organizations."

Mr. Chairman, I want to point out that the amendment as printed and circulated has three other words in it that ought to be stricken, the first three words: "International finance, including—those were not intended to be put in the amendment. So the amendment would simply read "International financial and monetary organizations."

And I would like to speak to it for just 2 minutes.

The current situation is that jurisdiction over these items is in the Foreign Relations Committee, although banking exercises de facto oversight, as well, on these issues. And we think that the report ought to indicate that they continue to do that.

That they be specifically recognized, in fact, for sequential referral of any legislation falling within this category.

Now, Senate Resolution 4 removes jurisdiction from the international—I should say for the international financial and monetary institutions from the Foreign Relations Committee and places it exclusively within Banking.

The particular amendment I am offering will maintain jurisdiction over international financial and monetary institutions. And the reasons for these, I think, are convincing to this extent: I think one can argue either side of this, but it seems to me that these institutions are not just banks or financial institutions; not in the conventional meaning of the words.

Rather, they are institutions organized through international agreements. In most cases, I think perhaps in all cases, they require treaty ratification, they have a direct effect on the foreign policy of this country. Both the regional banks that deal with development and, indeed, the various financial institutions that deal with the developed nations, not simply with the World Bank and the development agencies, but I think, insofar as one gets other kinds of bank participation as well.

For example, the safety net, OECD, the Organization of Economic Cooperation and Development in Europe; debt moratoriums for developing nations. I think any of these vitally affect the foreign policy of the United States. We are about to consider an IMF bank loan to Great Britain; considerations in terms of Italy. Those, it seems to me, are much more foreign policy questions than they are—centrally foreign policy questions than they are banking and credit.

Now, I do not suggest for a moment that they do not involve banking and credit. Obviously they do. And have an effect upon those areas here at home.

But I have had the question on all of these jurisdictional disputes as to which is the central question; and, in my judgment, the central question is a foreign policy question which does not, in any way, as I have said earlier, prevent the Banking Committee from having hearings or having oversight studies, reports, any of these things. And, indeed, to have sequential referral of any of this legislation that falls in this category.

Senator TOWER. Mr. Chairman.

The CHAIRMAN. Senator Tower.

Senator TOWER. I would agree with the Senator from Iowa on everything except the World Bank—the Eximbank and the International Monetary Fund. I think he is quite right that those development banks are instruments of foreign policy.

The Eximbank which has long been under the jurisdiction of the Banking Committee, of course, is financed or under American sales abroad, it is a promotional scheme so that we can compete with other countries in terms of financing American sales. And it has done quite well.

The IMF is responsible for the stabilization of currencies, monetary values, or at least it performs an important role in this connection.

And I do not see how we can separate the responsibility of the Banking Committee to consider matters affecting the value of the American dollar without also giving them the jurisdiction over matters that affect currencies generally over the world.

We have the power to—the legislative authority over legislation, for example, that regulates the value of the American dollar. We can raise the price of gold or lower the price of gold.

What I am saying is, the Senate does that or the Congress does it, but at least we have jurisdiction over the legislation that does it.

The principal function of IMF is currency stabilization. And I think, therefore, it should not be divided from that function that is exercised by the Banking Committee.

Certainly it becomes a foreign policy matter as well, but it is inevitable that some of these things are going to overlap. That change in the value of the American dollar becomes a foreign policy issue, and we can do that unilaterally.

So I think it is altogether reasonable to put the IMF in the Banking Committee—again it could be referred sequentially, or jointly, to the Foreign Relations Committee if that was the desire of the Foreign Relations Committee.

Certainly in terms of the development banks I think there is no argument.

Senator CLARK. Well, may I say to the Senator from Texas that I think we are even closer on this than might be expected, because it is certainly not our intention in this resolution to change the jurisdiction over the Export-Import Bank; that would remain.

Senator TOWER. I understand that.

Senator CLARK. With the Banking Committee. I guess the question really revolves around the IMF, the disagreement over the IMF. And there, I guess, I am simply saying it seems to me that it ought to rest with the Foreign Relations Committee, as all the others do, but with the clear understanding in the report that, upon request, any legislation would go sequentially to the Banking Committee.

Senator WILLIAMS. Is there any change in what the present method is in handling IMF, for example?

Senator CLARK. No; the IMF is presently under the jurisdiction of the Foreign Relations Committee.

Senator STEVENSON. Mr. Chairman, may I be heard on that?

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. We are going through this exercise because, in many cases, the jurisdictions of the committees are not only outmoded but not altogether clear. I overheard the Senator from Iowa referring a moment ago to de facto oversight. That is a convenient and an appropriate phrase.

The fact of the matter is that the jurisdiction over the IMF has been shared recently between the Banking and the Foreign Relations Committees, and recently history has proved when the Jamaica agreement of modification and the charter for the IMF came before the Congress, it came to both committees.

Now, I think this latter-day interest of the Foreign Relations Committee in economic policy is commendable, and, at the risk of sound-

ing personal, and I am on this, is belated. There is plenty of work to be shared by these two committees.

The work, in that case, for the IMF was done in the Banking Committee. Twelve amendments came out of the Banking Committee.

But the same might be said in conjunction with the OECD support fund, which, likewise a payments and financing mechanism, was considered by both committees. In this case it was not reported by the Banking Committee.

The jurisdiction referred to in this amendment is international finance. It was not, I do not believe, until, well, within the last couple of months that the Foreign Relations Committee created a Subcommittee on International Economic Policy. For as long as I have been on the Banking Committee, it has had a Subcommittee on International Finance, and it has been active in the field of international finance, and it has to be, and will have to remain active, and for reasons which Senator Tower began to allude to. The dollar is a dominant currency in the world. This committee has the jurisdiction over the value of that dollar, by indirection in any event. It is going to have jurisdiction and to some extent control of the value of all currencies.

It has the jurisdiction over the Federal Reserve Board. It has the jurisdiction over the Treasury. And perhaps the Senator would answer a question: What committee, under his proposal, would obtain jurisdiction over the Economic Stabilization Fund?

Senator CLARK. The Economic Stabilization Fund? That would stay in Banking.

Senator STEVENSON. Well, that makes my point, Mr. Chairman. That is the domestic corollary of the International Monetary Fund. They work hand-in-hand. It has already extended $1 billion to Great Britain to support its currency.

These are jurisdictions that cannot be separated, and in fact they have not been in practice recently.

Now, in addition to rationalizing jurisdictions, the select committee had other purposes, and one was to equalize workload and responsibility, recognizing that we are all mortals, there is no monopoly of wisdom in any one committee; and in this case, that the jurisdiction of any committee of the Senate, with authority for the foreign policy of the United States, the interests of the United States in all parts of this complex fast-moving world was large.

That committee, any committee could spend all of its time, and usefully, improving relations between the United States and the other OECD countries.

I must say, Mr. Chairman, it is somewhat ironic, some inflammatory accusations were made at one point about intentions on the part of myself and the select committee, that we proposed taking NATO away from the Foreign Relations Committee, the Middle East, OPEC, and so on; most all of which was about as far from the truth as one could get. And, in a spirit of cooperation and recognizing legitimate interests on both sides, representatives of both committees got together and worked out, I thought, a very sensible settlement, and much along the lines that Senator Tower suggested.

The Foreign Relations Committee retaining jurisdiction over the World Bank and over the regional development associations, and the

Banking Committee getting the jurisdiction of international monetary organizations, a jurisdiction which it has, de facto, exercised anyway.

Now, I find, as a result of this resolution, that that gentleman's understanding has been cast aside, and, far from defending itself against the claims of other committees, this committee is asserting claims to a jurisdiction which, at least de facto, has been exercised in the Banking Committee.

So, for purposes of rationalizing jurisdiction, assuring that part of this work has been in the field of general international economic policy, continues to be exercised, and wisely, and also for the purpose of trying to equalize workloads, I would recommend that international monetary organizations stay in the Banking Committee, and the World Bank and regional development banks, which are basically development associations, the World Bank has its soft loan windows, go to the Foreign Relations Committee.

Senator TOWER. Mr. Chairman, I so move the suggestion made by the Senator from Illinois. And that could be done very simply. On page 5, line 13, strike lines 13 and 14, and insert in lieu thereof: "International Monetary Fund and other international organizations established primarily for preserving the stability of the international monetary system."

And then on page 12, insert the following after line 17: Item 11, "The World Bank Group, the Regional Development Banks, and other international lending institutions established primarily for extending development assistance to less developed nations."

The CHAIRMAN. Could we get a copy of that?

Senator CLARK. May I ask a question, Mr. Chairman, about the amendment?

The CHAIRMAN. Yes.

Senator CLARK. Well, as I understand it, then, the effect of this amendment would be to—the total effect as compared to the situation today, where jurisdictions rest today, would be to remove from the Foreign Relations Committee jurisdiction over the IMF, which it presently has. And the safety net. Is that a correct interpretation?

Senator TOWER. That is correct. I would have no objection to language that would give the Banking Committee the primary jurisdiction, with no objection to some provision being made that, on request that legislation affecting the IMF could be referred sequentially, or jointly.

Senator STEVENSON. Would the Senator yield on that point? Because the statement is not accurate. There has not been, in rule 25, any statement of any international economic policy for the Foreign Relations Committee in the past. We are recommending that. And the only reason we did not do it earlier was because, as Senator Church and others have pointed out, international economic policy and foreign policy as inseparable. We assumed that that was subsumed and now we are making it explicit. International economic policy, as it affects foreign policy, is in the jurisdiction of the Foreign Relations Committee.

That is stated now and for the first time.

Senator CLARK. For oversight.

Senator STEVENSON. For oversight. And under that oversight jurisdiction, it would certainly have the authority to hold hearings and in-

vestigations over the IMF and any other monetary organizations. And as a practical matter, Mr. Chairman, all the Foreign Relations Committee is losing is a part of a relationship with the—a part of the jurisdiction over the IMF that has been shared as a de facto matter.

Senator CLARK. Well, that is precisely what my statement was, that the only real change that we find here is that the Foreign Relations Committee would lose primary jurisdiction over the IMF.

Now, as to the fact that the rules did not specify oversight over foreign economic policy, of course the Banking Committee had no such—Senator Stevenson, the Banking Committee had no such statement, either, until Senate Resolution 4 was written. So it seems to me they are both granted in this proposal. Oversight over foreign economic policy.

But, in any case, I would urge my colleague to vote no on this, simply on the grounds that the IMF is a foreign policy question, even though it certainly is a credit question, and I would, if this amendment fails and that my amendment prevails, then we would be doing exactly the opposite: The primary jurisdiction would remain in Foreign Relations but sequential jurisdiction would go to Banking, if requested.

Senator PELL. Would the gentleman yield?

But what you are talking about then is just the IMF? But does not this amendment here, as drafted by Senator Tower, give us what we want, the major point, referring to oversight over various things, including international economic policy?

Senator CLARK. No, no; we already——

Senator PELL. You mean that is not in here before?

Senator CLARK. That has already been agreed to in a previous statement, that I offered late this morning.

The oversight question was resolved earlier. This really deals with the issue of—the only difference between the Tower amendment and my own are the IMF and who has primary jurisdiction.

The CHAIRMAN. And what is your recommendation, Senator Stevenson?

Senator STEVENSON. My recommendation and the recommendation of the committee is to accept the position of Senator Tower, taking the position that the World Bank, which it really is not, but it is a development institution and therefore, it, like regional development banks, should go to the Foreign Relations Committee. And that the International Monetary Fund and other international organizations established primarily for preserving the stability of the international monetary system remain in or go to the Banking Committee.

The CHAIRMAN. Ready for the question?

The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. BYRD. [No response.]

Mr. Allen.

Senator CLARK. Senator Allen votes no, by proxy.

The CLERK. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. No.

The CLERK. Mr. Hatfield.

Senator GRIFFIN. No, by proxy.
The CLERK. Mr. Griffin.
Senator GRIFFIN. No.
The CLERK. Mr. Tower.
Senator TOWER. Aye.
The CLERK. Mr. Cannon.
The CHAIRMAN. Aye.
The CLERK. Three ayes; five nays.
The CHAIRMAN. The amendment is not agreed to.
The vote would now occur on Senator Clark's amendment.
All in favor of the Clark amendment say "aye." [Chorus of "ayes."]
Opposed? [No response.]
The amendment is agreed to.
Senator PELL. Mr. Chairman, are you going to bring up this fund for buildings, et cetera?
Senator CLARK. I wish the Senator would, I have offered so many amendments.
The CHAIRMAN. Well, gentlemen, we are supposed to clear this room by now, by 10 minutes ago. Do you desire to move over into the Capitol and try to proceed today—we are not going to be able to complete today, and we will have to resume again Friday to meet on it.
Senator PELL. Are we not finished now except for this one amendment?
The CHAIRMAN. Oh, no, we are only down to "governmental affairs." We have got some issues there.
In light of the inauguration tomorrow, would you prefer to meet at, say 11 o'clock Friday morning? Can everyone be here?
Or would you prefer to be here at 10?
You can be here at 10. OK. Ten o'clock Friday morning.
[Whereupon, at 3:38 p.m., the committee was recessed, to reconvene at 10 a.m., Friday, January 21, 1977.]

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977

FRIDAY, JANUARY 21, 1977

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

The committee met, pursuant to recess, at 10:27 a.m., in room 301, Russell Senate Office Building, Hon. Howard W. Cannon (chairman), presiding.

Present: Senators Cannon, Pell, Robert C. Byrd, Allen, Williams, Clark, Hatfield, and Griffin.

Staff present: Chester H. Smith, chief counsel; Floyd M. Riddick, professional staff member; Jack L. Sapp, professional staff member; Larry E. Smith, minority staff director; Andrew Gleason, minority counsel; Ronald Hicks, Senior analyst; Subcommittee on Computer Services; and Peggy Parrish, assistant chief clerk.

The CHAIRMAN. The committee will come to order.

Senator Allen, did you have a matter to raise here at the moment?

Senator ALLEN. Mr. Chairman, I do have two clarifying suggestions made by interested Senators.

The first is contained in a letter to all of the committee members by Senator Talmadge—the jurisdiction over forestry as between Agriculture and Interior would seem to need clarifying because the jurisdiction of Agriculture over forestry is limited to the one word "forestry," whereas the jurisdiction of the Interior Committee would seem to indicate that the Interior Committee would have jurisdiction of forests, forest reserves and wilderness areas that are formed out of land other than that created from the public domain.

And Senator Talmadge suggests that on page 2, line 14—it may be changed now in revised print, but in the Agriculture jurisdiction, after the word "forestry" add the words appearing on page 3 of his letter, "and forest reserves and wilderness areas other than those created from the public domain." Of course leaving in Interior those forest reserves and wilderness areas created from the public domain and in Agriculture from acquired lands, which seems to be the present jurisdiction, and it was not contemplated, Senator Talmadge felt, that the jurisdiction would be changed.

The CHAIRMAN. Senator Stevenson, do you see any objection?

Senator STEVENSON. Mr. Chairman, I believe it is a helpful, clarifying amendment.

The CHAIRMAN. Is there objection? Without objection, then, that will be approved subject to Senator Hatfield's OK when he gets here.

Senator ALLEN. That is the amendment suggested, to add after "forestry," "and forest reserves and wilderness areas"?

The CHAIRMAN. Yes; to add "and forest reserves and wilderness areas, other than those created from the public domain."

Senator ALLEN. All right, sir. Fine.

Now, second, it was called to my attention by the distinguished assistant majority leader, Mr. Cranston, on the jurisdiction of the Veterans' Committee, which the committee has voted to leave as a separate standing committee, that, whereas, under the original plan of the select committee, the jurisdiction over veterans' housing would be split between the Veterans' Committee and the Armed Services, that now that the separate committee is to be retained according to the Rules Committee version, that it be clear, and it would seem that it is almost clear in the present print, that veterans' housing would be handled by the Veterans' Committee, as at present.

I believe that was the intent of the committee in voting to retain the Veterans' Committee as a separate committee.

The CHAIRMAN. Well, my recollection is that I asked Senator Stevenson if it was not their suggestion that the jurisdiction over all housing, including veterans' housing, remain in Banking; and the answer was "yes." If I recall correctly, that was my understanding, that the legislative jurisdiction over all housing would be in Banking and Housing, including veterans' housing.

Now, do I recall that correctly?

Senator STEVENSON. You certainly recall my answer correctly, Mr. Chairman. And my memory may be imperfect, but, like yours, it was my understanding that this had generally been agreed by all those affected that this is a housing program and ought to go into the housing committee.

I do not recall, certainly, any objection from anyone as to that.

The CHAIRMAN. I think at the time, the discussion made it abundantly clear that jurisdiction over all housing would be in Banking. There would be no exclusion on veterans' housing.

Now, I suppose the Veterans' Committee could certainly exercise oversight in that area, but, as far as legislative jurisdiction, I know my thinking was that it was the intent to have it all in one place, so that—yes?

Senator ALLEN. I believe Dr. Riddick has a different interpretation of the jurisdiction.

Dr. RIDDICK. That is under the existing rules, if you look at page 5.

Senator ALLEN. Well, that is the very point, then, that Senator Cranston is making, the veterans' housing ought to remain in the Veterans' Committee.

The CHAIRMAN. Well, we have acted to the contrary. If you want to submit an amendment along that line, we can consider it. Personally, I am opposed to it. I think one of the things we have got to do here is to try to pull some of these loose ends together in one location, and certainly veterans' housing has got to be considered, in my judgment, in the overall context of our entire housing program by one committee on a legislative program, and I would have absolutely no objection to the Veterans' Affairs Committee having oversight authority, and to hold hearings, if they desire, in that area. But I would be opposed to splitting up the jurisdiction again.

Senator ALLEN. Very well. Could it be part of the resolution, then, that the Veterans' Affairs Committee would have general oversight over veterans' housing?

The CHAIRMAN. Senator Stevenson, would that——

Senator STEVENSON. That is the intention now, Mr. Chairman, in the rule, the Veterans' Committee would have general oversight jurisdiction with respect to all veterans' affairs, and——

Senator ALLEN. Including housing?

Senator STEVENSON [continuing]. That includes housing.

Senator ALLEN. Could that be inserted in the resolution, or is that understood?

The CHAIRMAN. I think we could make it clear in the report if we could state there that it is the intention that the Veterans' Affairs Committee would have oversight jurisdiction, as far as veterans' housing is concerned.

Senator ALLEN. Well, I make that motion, then, that this be included in the report, as to the Veterans' Affairs Committee have general oversight over veterans' housing and veterans' housing legislation.

The CHAIRMAN. Do you see any problem there, Senator Stevenson?

Senator STEVENSON. Well, it is a drafting problem. The committee has oversight jurisdiction with respect to veterans' measures generally, and then just as soon as you list items specifically, that——

The CHAIRMAN. Might be limiting?

Senator STEVENSON [continuing]. Historically suggests legislative jurisdiction.

So I just do not know why it is necessary to get into that problem, when it can be clear from this record, clear from the report, clear from the record on the Senate floor, that the general oversight jurisdiction of veterans' measures generally includes housing.

The CHAIRMAN. Well, that is what Senator Allen's motion was, that we just simply write in the report——

Senator STEVENSON. Oh, I beg your pardon. I thought——

The CHAIRMAN [continuing]. That the Veterans' Affairs have general oversight jurisdiction——

Senator STEVENSON. Well, then, yes, sir, we can certainly do that.

The CHAIRMAN [continuing]. With respect to veterans' affairs, including veterans' housing.

Senator STEVENSON. I misunderstood the suggestion.

The CHAIRMAN. Is there objection? If there is no objection, then, that action will be taken.

Senator ALLEN. That is all I have, Mr. Chairman.

The CHAIRMAN. All right, sir.

Senator Stevenson, did you have something on foreign relations you wanted to come back to?

Senator STEVENSON. There are a number of loose ends, Mr. Chairman. I think Senator Clark is not ready yet to take up Foreign Relations, so we could take up some matters that have been raised by the Budget Committee, if the Members are willing, if so, I would like to call on Mr. Gray.

The CHAIRMAN. All right, sir.

Mr. GRAY. I believe the chairman has a memorandum from Senator Muskie, the essence of which is to ask that assignments made to the Budget Committee in this Congress count as one of the two major

committee assignments. That is, only Senators serving on the Budget Committee in the last Congress would then serve on three major standing committees in this Congress.

The CHAIRMAN. Yes, as I understood it, that was Senator Muskie's position. In other words, there was no intent to grandfather for an additional 2 years people who were being newly assigned to the Budget Committee. I think we could make that clear in the report, if there is no objection.

Mr. GRAY. Senator Muskie did request an amendment, which he submittted.

The CHAIRMAN. Do you have a draft of it?

Mr. GRAY. Yes, sir, on page 24, line 11, after "(a) (1)", insert the words, "in the case of Members who served on the committee during the 94th Congress."

Senator CLARK. I move that amendment.

The CHAIRMAN. That is line 11, after "(a) (1)"?

Mr. GRAY. Page 24, line 11.

The CHAIRMAN. Yes.

Mr. GRAY. After "(a) (1)".

The CHAIRMAN. All right. Is there further discussion?

Is there objection? Without objection, then, that amendment will be agreed to.

All right, Senator Stevenson.

Senator STEVENSON. Mr. Chairman, there are also some questions with respect to the jurisdiction of Governmental Affairs, and if it is the committee's desire, we could turn to that. And, if so, I would again ask Mr. Gray.

The CHAIRMAN. Go ahead.

Mr. GRAY. My understanding is——

The CHAIRMAN. If I may, just before you start, on the draft that the staff has prepared, with respect to Commerce on page 8, it says "Regulation of consumer products and services, including"—the words "testing related to toxic substances"—that language was left out. I think we agreed the other day that Commerce would have consumer products and services including testing related to toxic substances. But we have transferred jurisdiction over toxic substances themselves to the Environmental Committee.

Do you see any problem?

Senator STEVENSON. Well, I am told that the——

Senator ALLEN. Well, was that not testing of toxic substances other than pesticides?

The CHAIRMAN. Was what?

Senator ALLEN. Was that not testing of some toxic substances other than pesticides?

The CHAIRMAN. Yes.

Senator ALLEN. It was put in the language, as I recall, of the resolution.

The CHAIRMAN [Reading:].

Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services and housing.

Senator ALLEN. But I did not hear you say "except pesticides."

The CHAIRMAN. I just did not finish the reading. I am sorry. Yes, that was the language on which we agreed.

And if there is no objection, then, we will have the staff make that correction when they reprint it.

All right, now, Senator Stevenson.

Mr. GRAY. It is my understanding two questions have been raised relating to the jurisdiction of the Governmental Affairs Committee, on page 13, first of all with respect to line 7, because of the Judiciary Committee's historic jurisdiction, it would be incorrect to have the entry read "including freedom of information."

I believe it as been suggested that "including freedom of information" be deleted.

Senator CLARK. Page 13, line 7?

Mr. GRAY. Line 7, yes, sir, item 4.

The CHAIRMAN. Well, is there intent to exclude that from Governmental Affairs jurisdiction?

Senator STEVENSON. Sir, the intent is to leave the Freedom of Information Act within the Judiciary Committee, is that not right?

Mr. GRAY. Yes; although at times, according to recent practice, the Government—Governmental Affairs Committee does, in its studies, do things affecting the Freedom of Information Act.

The CHAIRMAN. So you are suggesting, then, in subparagraph 4, just to delete "including freedom of information"?

Mr. GRAY. It is my understanding the Judiciary Committee has made that.

The CHAIRMAN. Do you have any objection to that, Senator Stevenson?

Senator STEVENSON. No, sir, I do not. That is consistent with our understanding.

The CHAIRMAN. Then, without objection, "including freedom of information" will be stricken on line 7.

All right.

Mr. GRAY. On item 11—line 11, item 6, "Acquisition of land and buildings for embassies and legations in foreign countries," that should be under Foreign Relations.

Senator STEVENSON. Well, this, Mr. Chairman, is part of an understanding that was reached with certain representatives of the Foreign Relations Committee this morning. I would hope that with this change there would be no difficulty making the remaining changes.

The CHAIRMAN. Is there objection to that proposed deletion?

Without objection, then, item 6, starting on line 11, will be deleted from Governmental Affairs.

Do you have anything else now under Government Affairs?

Senator STEVENSON. The only other—one other matter, which I believe can be cleared up in report language: on page 13, line 22, "Federal buildings and parks within the District of Columbia" needs to be clarified in the report, to make it clear that does not include parks within the jurisdiction of the National Park Service, which would remain in the Interior Committee. That, I believe, Mr. Chairman, as I say, can be taken care of in the report.

The CHAIRMAN. Well, is this not clear now, "Federal buildings and parks within the District of Columbia"? That does not——

Mr. GRAY. Well, if it is interpreted to mean Federal parks, then there would be some ambiguities, that is all.

Dr. Riddick, is there some question with respect to items 15 and 16?

The CHAIRMAN. Well, comment on that item 14 again, "Federal buildings and parks within the District of Columbia." What is your suggestion?

Senator STEVENSON. We just make it clear that by the reference to Federal parks, the Senate is not conferring jurisdiction over National Park Service parks on the Governmental Affairs Committee.

The CHAIRMAN. Are there any parks within the District of Columbia, then, over which the Committee on Governmental Affairs would have jurisdiction?

Mr. GRAY. We have a suggestion from counsel of the D.C. Committee, Senator, that it would be better to delete the entire item, that the other parks would come under municipal affairs of the District of Columbia.

So just delete "and parks."

The CHAIRMAN. So just delete the term "and parks," so that item 14 would read "Federal buildings within the District of Columbia"?

Senator STEVENSON. That takes care of it.

The CHAIRMAN. Is there objection?

Without objection, that will be agreed to.

Now, on item 15, "United States Capitol and congressional office buildings," it would seem to me, with the broad jurisdiction that the Rules Committee has in that area, that we would be fragmenting it to make that kind of a statement under Governmental Affairs.

Senator STEVENSON. Yes, sir, I agree, Mr. Chairman. That should be under the Rules Committee.

The CHAIRMAN. And that properly should come under the Rules Committee.

Is there objection to eliminating item 15, and putting that, then, clearly under the Rules Committee?

Without objection, then.

We have a problem now under Foreign Relations, we gave them jurisdiction over "International aspects of atomic energy." Governmental Affairs has raised the question that they ought to have the jurisdiction over the executive management of nuclear export policies.

Do you have any comments on that, Senator Stevenson?

Senator STEVENSON. Well, I had not been aware of this claim. This creates a major issue——

The CHAIRMAN. Well, the argument is that they are presently working, under the Export Reorganization Act of 1976, and they have been considering this question of nuclear policy, of what the limitations ought to be, for example, what restrictions should be put on the use of reprocessing of material, how much material should be made available, and so on.

Senator Clark, do you have any comments?

Senator CLARK. Well, the only thing that I would be concerned about, we talked about it very briefly, is that these international agreements for cooperation that are really handled as executive agreements rather than treaties, would clearly be a Foreign Relations jurisdiction. Just so that is made very clear.

Senator STEVENSON. Well, Mr. Chairman, I think it is more complicated than that, because it also involves international organizations such as the International Atomic Energy Agency, over which I do not believe the Foreign Relations Committee would want to imply any transfer of jurisdiction.

The first, the original work, actually, Mr. Chairman, on this general subject again, has been in the committee that has the general jurisdiction over exports controls, and that is the Banking Committee.

I think we can work it out, but at this moment, Mr. Chairman, I am not quite sure how to do it.

The CHAIRMAN. Let's pass over that at the moment, and give your staff people a chance to consider that.

Senator STEVENSON. All right.

Mr. Chairman, we made a mistake, I am afraid, with respect to the Governmental Affairs Committee. Could we return to that very briefly?

The CHAIRMAN. Yes, sir.

Senator STEVENSON. Items 13 and 14 on page 13.

The CHAIRMAN. Items 13 and 14 on page 13?

Senator STEVENSON. Yes, sir.

The CHAIRMAN. All right.

Senator STEVENSON. "Public buildings and grounds" should be within the jurisdiction of the Public Works Committee. No controversy over that that I am aware of.

The CHAIRMAN. Is there objection to eliminating "Public buildings and grounds," and leaving that jurisdiction within the Public Works Committee?

Without objection, then, that will be approved.

Senator STEVENSON. And the same recommendation with respect to "Federal buildings within the District of Columbia."

The CHAIRMAN. "Federal buildings within the District of Columbia" should also be left within Public Works?

Senator STEVENSON. Yes, sir.

The CHAIRMAN. Is there objection to eliminating item 14, then, and including that in Public Works?

Without objection, it will be approved.

Senator STEVENSON. And then, Mr. Chairman, you have taken care of item——

The CHAIRMAN. Fifteen.

Senator STEVENSON [continuing]. Fifteen, but I do not believe we have considered item 16, and the recommendation would be to place that within the jurisdiction of the Rules Committee, too: "Construction and maintenance of the Botanic Garden, the Library of Congress, and the Smithsonian Institution."

The CHAIRMAN. Yes; that should properly be in the Rules Committee.

Is there objection to eliminating item 16, then, from Governmental Affairs and including that in the Rules Committee?

Without objection, it will be approved.

All right, Senator Stevenson.

Senator STEVENSON. Then, previously, the committee transferred item 7, "Insular possession of the United States," to the Interior

Committee, which at present has that jurisdiction. That jurisdiction includes territories and trusteeships, and a suggestion has been made, during the course of discussions this morning with representatives of the Foreign Relations Committee, that the jurisdiction over territories, since that jurisdiction involves citizens, remain in the Interior Committee, but the jurisdiction with respect to trusteeships, since it involves the citizens of foreign nations, be placed within the jurisdiction of the Foreign Relations Committee.

As I say, that was part of the general discussion with respect to international economic policy, and the division of jurisdiction in that area between the Banking and the Foreign Relations Committees.

I am told that—I have not talked to him, but I am told that Senator Jackson would have no objection to retaining territories, but putting trusteeships in the Foreign Relations Committee.

The CHAIRMAN. Do you have any proposed language on that?

Senator STEVENSON. Mr. Chairman, I do not have language. I think, if there is an understanding, the staff will be able to——

The CHAIRMAN. Why do you not just summarize it now?

Senator STEVENSON. Well, item 7, "Insular possessions of the United States," which includes territories and trusteeships, would be taken out of the Committee on Governmental Affairs—there is no objection to that, so far as I know, from the Committee on Governmental Affairs. The jurisdiction with respect to territories, in other words, American citizens residing in the territories, would remain where it is now, in the Interior Committee.

The jurisdiction with respect to trusteeships, involving foreign citizens, would go to the Foreign Relations Committee from the Interior Committee. And, as I say, I am told that Senator Jackson has no objection to that, and it is strongly supported by Senator Church, who is a member of both the Interior and the Foreign Relations Committees.

The CHAIRMAN. Is there a discussion?

Is there objection?

Without objection, then, that will be approved.

We will ask your staff to work out the precise language on that with Dr. Riddick.

Senator STEVENSON. Very well.

The CHAIRMAN. All right. Did you have anything else under Governmental Affairs?

Senator STEVENSON. We have nothing more under Governmental Affairs, Mr. Chairman.

The CHAIRMAN. All right. "Human Resources."

I have been requested—Senator Williams had to leave for just a few moments and will be back very shortly. Could we go to Judiciary, and then come back to Human Resources as soon as Senator Williams comes back?

Senator STEVENSON. Mr. Chairman, I do not have an amendment, but language is required to state the justification of that committee over freedom of information, privacy, and administrative practices. And I believe the chairman has a letter with a suggestion to that effect from the Judiciary Committee.

The CHAIRMAN. Ken, do you have some language there on that point?

Senator STEVENSON. Well, now, Mr. Chairman, I am informed another letter is on its way.

The CHAIRMAN. Pardon?

Senator STEVENSON. I am informed that another letter is on its way from members of another committee, so perhaps it will be best to pass over this one temporarily.

The CHAIRMAN. All right. If we could go to item 11 on Judiciary, that item says "Meetings of Congress, attendance of Members, and their acceptance of incompatible offices."

Actually, the meetings of Congress and the attendance of Members would properly come under the jurisdiction of the Rules Committee, I believe, and acceptance of incompatible offices, I would think, should come under the Ethics Committee.

Senator STEVENSON. We agree with that, Mr. Chairman.

The CHAIRMAN. Is there objection to that change?

Without objection, then, that will be agreed to.

Do you have any other comments now on Judiciary?

All right, what about Rules?

Senator STEVENSON. Well, with the changes required by—changes made in the jurisdictions of other committees, we have covered it, except for printing and Library. I believe the resolution includes printing and Library within the Rules Committee on the assumption that the two joint committees which now have those jurisdictions would be abolished.

The CHAIRMAN. Well, the jurisdiction currently lies within the Rules Committee on Printing and the Library, and except as provided for by statute with respect to the two joint committees. So I think if we left it here, and then we take the action that you have recommended to see if we cannot do something about those joint committees, then that would properly reside here.

Dr. Riddick has suggested that the drafting of the jurisdiction there could be probably improved on if he and your staff were to redraft the jurisdictional items under Rules, consistent with the action that the committee has taken.

If there is no objection, we will have Dr. Riddick and the staff people redraft the jurisdictional items, neither expanding on nor diminishing from the items that we have already acted on.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. Senator Stevenson, on line 16, page 17, under Rules Committee——

Senator STEVENSON. Yes.

Senator HATFIELD. Listing those items of jurisdiction, did you consider the possibility of combining the phrases "statuary and pictures" with the following jurisdiction of "acceptance or purchase of works of art for the Capitol"?

It is a very small point. It sounds like two distinct functions or jurisdictions, and it seems to me it is all one.

Senator STEVENSON. We did not consider that, Senator Hatfield. This is the old language.

Senator HATFIELD. It seems to me that for the people drafting the language or finalizing the draft language, it might be an improvement.

Senator STEVENSON. Well, the point is very well taken. We can take care of that in the redrafting.

The CHAIRMAN. All right, sir. Any other items?

Senator STEVENSON. Yes, sir, in view of the decision to create a temporary special committee on—well, a permanent Committee on Ethics, and the temporary Committee on a Code of Conduct, some new attention will have to be given to the language on page 18, beginning on line 12, through page 19, line 12.

In other words, we will have to delete language there, placing the ethics jurisdiction in this committee in order to place it in the——

The CHAIRMAN. Yes; we would have to strike, starting with line 12——

Senator CLARK. What page are you on?

The CHAIRMAN. Page 18, line 12, down through line 12 on page 19. Is that correct?

Senator STEVENSON. Yes, sir, that will do it, I believe.

The CHAIRMAN. Because that would be under the jurisdiction of the Ethics Committee.

Is there objection?

Without objection, then, the language starting with line 12 on page 18, down through and including line 12 on page 19 will be stricken.

All right, sir.

Senator STEVENSON. That takes care of the Rules Committee, I believe, Mr. Chairman.

The CHAIRMAN. So that concludes the jurisdictional items, except for human resources, and the one other—did you say that someone was sending a letter over on one point in the Judiciary?

Senator STEVENSON. That is my understanding. And I understand now that Senator Clark might be ready.

Senator CLARK. I do have the language for the Foreign Relations amendment, if it is appropriate now.

The CHAIRMAN. All right, let's go to Foreign Relations then.

Senator CLARK. The various people that study and know these matters a good deal better than me argue that my amendment went too far last Friday, in removing all of the IMF jurisdiction from Banking and putting it in Foreign Relations. So this amendment is—I wonder if these could be passed out? The summary of the legislative issue.

And I think their arguments are rather convincing, and so I would like to, in effect, modify that amendment to leave more of the jurisdiction in Banking.

What it does, Mr. Chairman, just to explain it for the record, is that it is easier to explain than to amend.

Under the present rule, the Banking Committee has no specific reference to international finance. Under the rule proposed by the select committee in Senate Resolution 4, they are assigned "international finance, including international financial and monetary organizations."

The amendment which I offered Friday, and which passed, put all of that "international financial and monetary organizations" in the Foreign Relations Committee.

What I am suggesting now is that we not go that far, and that we assign to the Banking Committee—and this would be done on page 5, line 13, the following language:

The International Monetary Fund and other international organizations established primarily for international monetary purposes.

That would fall under the jurisdiction of the Banking Committee. Then, Foreign Relations language will be changed, and, this is on page 12, after line 13, to read as follows:

The World Bank Group, the Regional Development Banks and other international organizations established primarily for development assistance purposes.

So that what we have really done is to say that those areas of international finance that deal with primarily monetary purposes would be with Banking; those that deal with development assistance purposes would stay with Foreign Relations.

Now, just one other important point. There must then include a statement in rule 25 requiring that all bills referred to the Banking Committee under this jurisdiction be sequentially referred to the Foreign Relations Committee when requested by the chairman of that committee. That language would accompany the first part of the amendment, on page 5 that deals with the new Banking Committee jurisdictions.

Have I explained that accurately?

Senator HATFIELD. Senator Clark, would you yield?

Senator CLARK. Certainly.

Senator HATFIELD. I believe that this has been discussed with both Senator Proxmire and Senator Church and, as I have been informed, they have agreed to your proposed modification.

Senator CLARK. Yes; that is my understanding. I did not actually meet with them. But I think it makes—quite aside from that, I think it makes good sense, because I think it is the area that we were trying to reach the other day, and, frankly, did not reach; namely, that Banking really ought to have the concerns insofar as it pursues monetary policy, and Foreign Relations insofar as it approaches the problems of development. And I think this amendment does that more clearly than the one we had.

The CHAIRMAN. Do you see any problem with that, Senator Stevenson?

Senator STEVENSON. No, Mr. Chairman. This does, I believe, reflect the understanding of many of the affected Senators. And Senator Clark has proposed the necessary language, except for the reference to sequential referral, which I believe the staff could be directed to prepare for the rule.

The CHAIRMAN. All right. Is there further discussion?

Is there objection, then, to the two amendments proposed, and the language on sequential referral?

Without objection, that will be agreed to.

All right, if we can turn now to Human Resources.

On page 15, item 14 would now have to be stricken, because of the special committee that we appointed for a 2-year period.

And also—pardon?

Senator WILLIAMS. No. 15 on veterans—did you——

The CHAIRMAN. Item 14 would have to be stricken, and item 15 would have to be stricken.

Is there objection?

Without objection, those will be stricken.

Senator Williams?

Senator WILLIAMS. Yes, Mr. Chairman. With all of the specificity here, I think there are some areas that should be perhaps restated, and there also should be some where I think some clarifying language, either in the report or in the resolution.

The CHAIRMAN. All right. Why do you not——

Senator WILLIAMS. For example, labor standards and labor statistics, wages and hours of labor, child labor, mediation and arbitration of labor disputes, convict labor, and the entry of goods made by convicts into the interstate commerce, and the regulation—regulation of foreign laborers.

The CHAIRMAN. And those already exist in the current rule, do they not?

Senator WILLIAMS. They exist, and——

The CHAIRMAN. And you think these ought to be restated here?

Senator WILLIAMS. I think that is probably the cleanest way, to restate these subjects in that way.

The CHAIRMAN. Is there objection to that suggestion?

Without objection, then, that will be approved.

Do you have something else?

Senator WILLIAMS. Well, there are others—I think the report perhaps could carry some clarifying language to make sure that existing jurisdiction is understood to be the jurisdiction of this committee: migrant and seasonal labor, food, drugs, and cosmetics, alcohol and drug abuse, employment development and training, unemployment, and poverty.

I think we could work up language for the report that would clarify that.

The CHAIRMAN. Is there objection to that suggestion?

Senator WILLIAMS. And in that connection, vocational education is specifically stated, I think that that could be stricken, and the report could describe the full educational range of jurisdiction.

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. Just one point of clarification, I think, to avoid any more confusion. The reference to unemployment, is that intended to include unemployment compensation?

Senator WILLIAMS. No; we have not—not totally. There are those who are not covered. and we did pick up some coverage in the Labor Committee, within the last 2 years. So there is a section that is not covered under the national program that we have picked up under ours.

Senator STEVENSON. But there is no intention to take any jurisdiction beyond that from any other committee?

Senator WILLIAMS. That is right, yes. That will be described in the report language.

Senator STEVENSON. And, Senator Williams, you included labor statistics?

Senator WILLIAMS. That is in this, yes.

Senator STEVENSON. I think this is a helpful amendment, Mr. Chairman, I have no objection.

The CHAIRMAN. Is there objection?

Without objection, then, that will be approved.

Senator WILLIAMS. Now, on the labor statistics, the last thing mentioned, Senator Stevenson, that still does appear in Governmental Affairs.

Senator STEVENSON. No; that has been taken care or, that reference under Governmental Affairs.

The CHAIRMAN. The Bureau of Labor Statistics?

Senator STEVENSON. On page 13, line 19, if it has not been done already, Mr. Chairman, the reference to "and labor statistics" on line 19 should be stricken.

The CHAIRMAN. Should be stricken?

Senator STEVENSON. Yes, sir, so that it would read "Census and collection of statistics, including economic and social statistics."

The CHAIRMAN. So that you would strike the term "and labor"?

Senator STEVENSON. That would be consistent with the action just proposed by Senator Williams.

The CHAIRMAN. Is there objection?

Without objection, then, the words "and labor" will be stricken on line 19, and "and" will be inserted between "economic" and the word "social."

Now, on the jurisdiction on item 17 on page 15, "Overseas education of civilian and military dependents." We discussed this some the other day, we did not come to any conclusion. I have a very strong response from Senator Stennis, which I will make a part of the record.

But he points out that jurisdiction over overseas dependent education should not be transferred from the Armed Services Committee for a number of reasons; one of them being that overseas dependent education is a military benefit, just the same as medical, commissary and PX privileges for military dependents. And these benefits should be treated as a package.

He also points out it is of strategic importance to have U.S. military personnel stationed throughout the world, and there is a strategic significance in the Department of Defense budgetary cost to permitting overseas stationing of military dependents and their support facilities, including education. These decisions should not be fragmented, and, as a practical matter, the schoolteachers are one element of Department of Defense civilian personnel and should not be separated from all the other Department of Defense civilian personnel subject to authorization within the jurisdiction of the Armed Services Committee; and that the overseas schools are authorized as a part of the annual military construction authorization bill.

Removing this jurisdiction from the Armed Services Committee would further fragment that responsibility.

Senator WILLIAMS. I happen to agree.

The CHAIRMAN. Is there objection, then, to eliminating item 17 on page 15, "Overseas education of civilian and military dependents," and to have the staff provide the proper language, then, to put that jurisdiction back in Armed Services where it lies, consistently with what I have presented to you?

Senator STEVENSON. We have no objection, Mr. Chairman.

The CHAIRMAN. Is there objection?

Without objection, then, that will be approved.

All right, Senator Stevenson or Senator Williams, anything else on Human Resources?

Did we hear from the Judiciary Committee yet on the item that you wanted held up, Senator Stevenson?

Senator STEVENSON. Mr. Chairman, there may be one more question with respect to human resources.

I do not, I just do not know whether there has been an understanding reached with respect to the Red Cross.

Senator WILLIAMS. With respect to what?

Senator STEVENSON. Red Cross.

Senator WILLIAMS. I thought we divided that on the lines of domestic and international.

Senator STEVENSON. Foreign Relations now reads:

International activities of the American National Red Cross and the International Committee of the Red Cross.

Senator WILLIAMS. There is no lineup here to——

Senator STEVENSON. No reference to the subject under "Human Resources."

The CHAIRMAN. Yes; we had that under Foreign Relations on item 11, on page 12, international activities of the American National Red Cross and the International Committee of the Red Cross.

Senator STEVENSON. Well, Mr. Chairman, I would suggest that the staff, if it is agreeable, prepare language to cover within the jurisdiction of the Human Resources Committee domestic activities of the Amercan National Red Cross.

The CHAIRMAN. Is there objection?

Without objection, then, that will be approved.

Senator STEVENSON. I believe it is the intention of the Rules Committee to make clear in the report that the jurisdiction over the National Science Foundation will remain in the Human Resources Committee.

If so, there is no objection to that——

The CHAIRMAN. We had National Science Foundation, I thought, in Commerce on page 8, line 12.

Did we change that?

Senator STEVENSON. Yes, sir, that was—that was agreed, I believe that reference under Commerce would be deleted and included under Human Resources.

The CHAIRMAN. Yes; I am advised that it was deleted. So that should be added then under Human Resources. But I think we took action on that, National Science Foundation.

All right. Anything else, Senator Stevenson?

Senator STEVENSON. That takes care of Human Resources.

I have not heard from the Governmental Affairs Committee with respect to freedom of information. I do not know if the committee has. That is one remaining jurisdictional problem.

Any other jurisdictional problems—I think we have two remaining problems, jurisdictional problems, and they both involve the Governmental Affairs Committee.

One is with respect to nuclear proliferation mentioned earlier. The other, freedom of information.

And I would suggest, Mr. Chairman, that we pass over those for the time being.

The CHAIRMAN. All right. We will pass over those and return to them later.

I am wondering if we could go over now to——

Senator STEVENSON. Mr. Chairman, is it the intention of the Rules Committee to include within the—to make the jurisdiction of the Veterans' Committee the same jurisdiction as it has been in the past? If so, I think language will be necessary to make that clear.

The CHAIRMAN. I think the intent was to give them the same jurisdiction that they have had in the past, except that in Housing, Banking was to have legislative jurisdiction of all housing, and the Veterans' Affairs would have oversight jurisdiction with respect to veterans' housing.

So that we can state that jurisdictional item.

Senator STEVENSON. Is it the intention to continue the same language with respect to the jurisdiction of the Standards and Conduct Committee for the Ethics Committee that is proposed?

The CHAIRMAN. If I could ask the committee members to turn to the language that we struck from Rules Committee jurisdiction, starting with line 12 on page 18, down through line 12 on page 19, and to look at that language and see if that is the language that ought to be given to the Ethics Commission on jurisdiction.

Senator CLARK. I have an amendment on that point.

The CHAIRMAN. Does it include this?

Senator CLARK. You are on page 18?

The CHAIRMAN. Page 18, line 12. That is the language we struck.

Senator CLARK. My amendment does include striking that, striking those lines just as we have already done.

The CHAIRMAN. Why do we do not proceed with that now?

Senator CLARK. All right. We might pass out the amendment and the explanation of it.

This regards the permanent Ethics Committee and, in no way, affects the ad hoc committee that has been set up. What we did, in fact, several days go, is to adopt a general descriptive paragraph which reads as follows:

> There would be a new six member Select Committee on Standards and Conduct. The membership would serve staggered six-year terms and would be balanced both by party and seniority. The membership on the Select Committee would not count toward S. 4 limits on committee assignments. The jurisdiction of the Committee would be broadened to include new financial disclosure and code of conduct provisions. There would be new provisions requiring investigations and reports.

Mr. Chairman, this obviously is a very vague descriptive language of a specific proposal. The amendment that you have before you is the specific amendment to implement that language. And what it does, briefly put, is to describe the membership specifically. I think every Member has in front of them how that would be implemented.

No Member may serve on the select committee for more than 6 years, continuing service and so forth.

Then there really are three main provisions, the membership, jurisdiction and functions, investigation of complaints, disqualification of Members in certain proceedings, and staff.

And rather than go through it all, I guess it is best just to answer questions at this point.

It is exactly the provisions which Senator Brooke—that the Senator said in these hearings, and, as I recall, every Member said it was the right approach.

So this is really just implementing that proposal. I therefore move its adoption.

Senator ALLEN. Mr. Chairman, I regard the general thrust of this as Senator Clark pointed out, one is how this might fit in with the work of the ad hoc committee. They may recommend something entirely different.

The CHAIRMAN. That was my concern. That is why I was reading it here.

It seems to me that the special committee that has been appointed might well recommend something that could be inconsistent with this. And we would be making that judgment ahead of their report.

Perhaps Senator Byrd could comment on it.

Senator CLARK. Well, it was my understanding that the ad hoc committee, that we passed, that was agreed to here, was only to establish a code of conduct, not to specifically assign the jurisdiction to the committee.

Senator ALLEN. Well, it acts here as a foreign amendment——

Senator CLARK. Could you give some examples of this?

Senator ALLEN. B–2 standing, all financial statements——

Senator CLARK. B–2?

Senator ALLEN. B–2, yes.

The CHAIRMAN. That is in your amendment on page 2.

Senator CLARK. That the ad hoc committee might provide something different, as to the jurisdiction of the permanent committee.

The CHAIRMAN. Yes, yes.

Senator BYRD. I think it is quite possible, Senator Clark, that the select committee, which has been authorized to bring in legislation, not just to report, not just recommendation, but legislation, that legislation will be made the pending business. And there is a built-in time agreement. We do not know what that special committee may bring in as part of its legislation.

It would certainly be working with the Obey Commission in the House which, of course, has been working in this area for a long while. The two Houses have different problems.

I can see how the Senate select committee might very well want to bring in a proposal in its legislative package that would encompass some of the things you are talking about here.

Certainly you would have the opportunity to appear before Senator Nelson's select committee, making representation that you desire to make, and let that committee consider it.

I believe at this point we ought to leave that committee with a free hand. It is working under a mandate. Free hand, to bring in whatever legislation it feels is necessary to provide for the strong code of public conduct for Members of the Senate, officers of the Senate, and employees of the Senate.

Senator CLARK. If the majority leader would yield.

It is my understanding that Senate Resolution—is it 38, 36—that established the ad hoc committee charged it with only reporting the code of ethics. If it is the understanding here, on the record, that they are also going to recommend the exact jurisdiction and functions of the permanent committee—that is what this deals with.

So, that is, we are arriving at the same conclusions.

Senator BYRD. I do not know what they will recommend. I have no way of knowing what they will recommend.

I think we have to keep in mind, though, that the Nelson committee, the select committee, is going to recommend legislation that deals with the code of public conduct, code of ethics, whatever you want to call it, for the Senate, to be working with the Obey Commission and the House, I am quite sure.

Later on, the Speaker of the House is appointing Mr. Preyer to chair a committee which will present legislation dealing with the overall legislative branch, and possibly with the executive and judicial branches.

As I see it, the Senate has taken the step which is necessary at this point to deal with a code of conduct for the Senate, and it is entirely in keeping with the recommendations by Mr. Ford, and which was supported by Mr. Carter. And I think it might be well to not step ahead of the Nelson committee at this point but to see what it recommends. If it has the power to recommend legislation, that is just what this committee is doing, recommending legislation.

Senator ALLEN. Mr. Chairman, if I may call Senator Clark's attention that this amendment here, the provisions which I would support, if it is the ad hoc committee, that goes far beyond what we are trying to do here.

It says the jurisdiction.

Now, here, this jurisdiction and function is going into great detail about that, investigations and complaints. You have four different items. This is more like a bill than establishing jurisdiction.

For instance, item C here, investigate a complaint. That is all you really need in this resolution to establish jurisdiction. But you go on and explain in minute detail a supposed bill. It has got four long paragraphs on exact procedures.

Well, that is something that comes up later on, legislation that would not be any paragraph having to do with jurisdiction.

The same is true on item D, disqualification of Members in certain proceedings. Well, that is covered by the general jurisdiction of the amendment, I believe. You are going into too much minute detail.

Senator CLARK. In other words, as Senator Byrd and Senator Allen are saying, that jurisdiction, function, investigation of complaints, disqualification of Members in certain procedures, staff, are something that the ad hoc committee might recommend legislation on and, therefore, it would be more——

Senator ALLEN. Yes.

Senator CLARK. Is it your understanding these would be dealt with by the ad hoc committee?

Senator BYRD. These areas would certainly be within the province of that committee.

Senator CLARK. Within the code of conduct.

Senator BYRD. That is correct. We have enough problems with the Stevenson resolution without loading another 100 percent of burden on that resolution.

You are getting into an entirely separate and distinct area of legislation. I would hope that we would not saddle this proposal with something here that I can foresee would cause a lot of problems on the

vote. It would compound the problems that we have with the Stevenson proposal. Let the Nelson committee deal with that.

Senator CLARK. I just do not think they have the authority consistent with the code of ethics.

Senator ALLEN. On any legislation they want to——

Senator GRIFFIN. I have here in the Congressional Record the text of this Resolution 36, and I am reading from section 2:

> It shall be the function and duty of the Special Committee to conduct a complete study of all matters relating to standards of conduct of officers and employees of the Senate in the performance of their official duties, and to recommend to the Senate a code of official conduct for members, officers, employees of the Senate. Such study and recommended code of official conduct shall include but not be limited to the standards for annual public disclosure of income, restrictions on honoraria, conflict of interests, so on and so forth.

I do not know that it follows that this ad hoc committee is going to establish the procedures of the Ethics Committee.

I think what you are doing here is suggesting procedures regardless of what they come up with.

Senator BYRD. Were you finished?

Senator GRIFFIN. Yes.

Senator BYRD. I do not want to misrepresent anything here. I do not know that they would do that either. That committee is fully authorized to come forward with legislation in this area, under the provisions of the resolution adopted by the Senate, as is the Rules Committee, and I should think that inasmuch as the Nelson Committee has this mandate, it can certainly consider the matters you have expressed, and can exercise its own judgment on those matters. As to whether or not it would include such, I am in no position to say.

I would hope that we would not put this package into the Stevenson proposal. I firmly believe that the Nelson committee should——

Senator ALLEN. Mr. Clark is on the Nelson committee, is he not?

Senator BYRD. Mr. Clark is on the Nelson committee.

The CHAIRMAN. I must say that I agree completely with what Senator Byrd has pointed out here, and I should point out that we already acted, the other day, to retain the Senate Ethics Committee as a new six member select committee, members to serve staggered 6-year terms, that are to be balanced both by party and seniority, membership on the committee not to count toward Senate resolution limits, and committee assignments, and that jurisdiction of the committee be broadened.

Now, this is jurisdiction of the present committee, be broadened to include new financial disclosure and code of conduct provisions, and new provisions regarding the requiring of investigation of reports.

So we acted on a general proposition. I think we should let the committee that has been appointed do its job, and get that approved by the Senate, rather than to try to have us include it as a part of this package.

Senator CLARK. Let me be certain that I understand. It is the understanding then that these other jurisdictions, functions, complaints, and so forth, could be included in the ad hoc committee's report as to what the authority of the new permanent committee would actually be in these areas?

The CHAIRMAN. What it should consist of, and what will be required. Because the Senate will have to debate that and act on it.

For example, you are talking about financial disclosure. Well, you know there has always been the argument as to whether income tax returns should be required to be filed, and that has been a very heated discussion in the past when it has come up. So we have passed, on occasion, the financial disclosure provision, but not the income tax——

Senator CLARK. That would be clearly within the jurisdiction of the ad hoc committee report?

The CHAIRMAN. Certainly.

Senator CLARK. Well, I think that is the clarification, because I thought what we were doing here is establishing a permanent committee that did not have any particular relationship to the ad hoc committee until after it had issued a report on that.

The CHAIRMAN. No; this committee that we have established would have the broad general jurisdiction that the present select committee has, which is very broad, and many of the things that you describe there are procedural matters that the present committee follows anyway.

Senator CLARK. This last statement, is it your understanding that what is marked here as paragraph (a), membership, has been adopted? That is, no Member may serve on the select committee for more than 6 years of continuous service? Two Members, one from each party, shall have served in the Senate less than 6 years, two have served between 6 and 12, two shall have served in the Senate for 12 or more years.

The CHAIRMAN. We did not vote that a person should not serve more than 6 years in our proposal the other day, but we did act on the fact that it should be a six-member committee. Members should serve staggered 6-year terms, and be balanced both by party and seniority.

Senator CLARK. See, this paragraph is the summary I wrote of that section of the amendment.

The CHAIRMAN. Right.

Senator CLARK. So I assume it is the same thing, but that is what I am not clear on.

If we adopt, in other words, if we adopt the general description of that section, membership, is there any conflict—I guess that is what I am asking, in the general descriptive paragraph, compared to the amendment. Just in terms of the membership.

Senator GRIFFIN. I do not see why we could not adopt that.

The CHAIRMAN. I was just going to say, we probably could substitute your first part here with respect to membership. If you wanted to act on that, in lieu of the action that we took the other day.

Senator CLARK. I think that might be more clear.

The CHAIRMAN. Because you do have the limitation for not more than 6 years of continuous service.

Senator CLARK. What we adopted the other day was simply the summary that we wrote.

The CHAIRMAN. That is right. Which you summarized from this——

Senator ALLEN. Let us see, this might cause confusion then. You have two less than 6 years, and two in the area of 6 to 12, two with more than 12.

You might have a person moving from one category to the other, upsetting the balance. So I do not believe you could operate on that.

Senator CLARK. This would be a final appointment, would it not? In other words, if I had served 6 years?

Senator ALLEN. Yes; but by that time, at the time of appointment, maybe somebody in category A, at the time of appointment, would move into category B.

Senator CLARK. This is just for purposes of appointment, and not for purposes of staying on the committee.

Senator ALLEN. That is what I say. He has already moved over into another category.

Senator CLARK. I know, but he was chosen from category A, and he stays there for 6 years, then he must necessarily move off the committee, even if he moves over to another category.

Senator ALLEN. The two move into another category, you might have none in one category, and four in the other category.

Senator CLARK. Remember, they are staggered terms, every 2 years you add, and any member who is appointed under category A or B, obviously would serve his 6 years, and then go off. So that I do not think you simply stagger here for purposes of balance and seniority.

The fact that you move from A to B, or B to C, does not mean that you have to go off the committee until your 6 years.

Senator ALLEN. The purpose, though, it would seem to me, having four in one category and nobody in another category——

Senator CLARK. Well, every 2 years you are going to appoint new members, you balance that each 2 years.

Senator ALLEN. I just do not feel that it is so important that it is a complicated method to choose the amendment.

The CHAIRMAN. I would think that if we let the staff write the appropriate language from most of the action that we took the other day, to draft the proper language, that it would cover really what you are trying to do here.

Senator CLARK Fine with me.

The CHAIRMAN. Is there objection to having the staff draft the appropriate language consistent with our motion the other day, in relation to membership on the committees, and broaden the jurisdiction of the present committee as we acted upon it?

Senator GRIFFIN. Could they not use this as a base, though?

The CHAIRMAN. Yes; certainly.

Is there objection?

Without objection, that will be approved.

All right, what else?

Do we have anything on the two——

Senator STEVENSON. It is the intention, on this Ethics Committee, to start with staggered terms. I do not believe that was clear.

So there would be different categories, 2 years, 4 years, 6-year terms. I just want to make sure that the intention is there, so that the staff knows what to achieve.

Senator CLARK. Well, I think it is a good point. That is not a clear point here, but that clearly is the intention, to start staggered.

The CHAIRMAN. Well, we said in the motion the other day, the action that was approved, members to serve staggered 6-year terms. So let us see if the staff can draft the appropriate language.

Senator HATFIELD. Mr. Chairman?

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. Mr. Chairman, the other day we took action to create an ad hoc committee, or a Special Committee on Indian Affairs for a 2-year period, and we transferred the jurisdiction from the Senate Interior Subcommittee on Indian Affairs to this special committee.

The question has been raised now as to whether or not that should be considered a third committee, or perhaps a fourth committee category, because of the fact that it has but a 2-year life, and it therefore would attract perhaps little interest on the part of Senators to select it as a third committee, as opposed to Committee on Veterans' Affairs, which has a permanent life as we see it at this time, a Committee on Small Business, Joint Economic Committee of the Congress, Joint Internal Revenue Committee, and so forth. In talking to Senator Abourezk and others on the Indian Review Commission, we felt it might be difficult to get Senators to select this committee, that has become a third committee, and give up the opportunity to serve on a more permanent committee in that category.

So I raise that question, because I do think it is in a rather unique circumstance, and I would appreciate Senator Stevenson's comments on that question.

Senator STEVENSON. Mr. Chairman, as you know, I am reluctant in all these cases to make exceptions, because each one invites another. But there is a real problem here.

This is a committee with a life of only 2 years, and unless some exception is made, it would be difficult to get anyone to serve on it.

On the other hand, if it is made a fourth committee, it would be regarded by some, I believe, as unfair to—all the newly elected Members.

So I would suggest for the committee's consideration, a procedure that has been adopted in another case, that might serve both, serve all our objectives here, without creating still another procedure that might set a precedent in another context, namely to make this a fourth committee assignment, not for all the Members, but for those who have been most active on Indian affairs, and I think that language could be drawn to refer specifically to the majority and the minority members, too, of the Interior Committee who have handled Indian affairs, primarily in that committee. Make it a fourth committee assignment for them, but not for all Members of the Senate.

Senator HATFIELD. Mr. Chairman, I think that accomplishes the objective.

The CHAIRMAN. That would be for the ranking majority and minority Member on that subcommittee.

Senator STEVENSON. That is where I think we need some help with the staff. I do not know how the jurisdiction is organized within the Interior Committee so as to—to specify those individuals.

Senator HATFIELD. Mr. Chairman, I would move that amendment to our report.

The CHAIRMAN. And have the staff draft the appropriate language.

Senator STEVENSON. The chairman and ranking member, or their designees——

The CHAIRMAN. Is there objection?

Senator HATFIELD. I would like to make sure that we understand that the chairman and the ranking minority member are not the same

on both the Interior Subcommittee and on the Indian Affairs Commission.

Senator STEVENSON. Yes.

The CHAIRMAN. Did you intend to include both?

Senator STEVENSON. No; the intention was to include the two. My intention.

The CHAIRMAN. Only on the Indian Affairs Subcommittee?

Senator STEVENSON. That was my intention.

Senator HATFIELD. In other words, to provide for the existing chairman and ranking minority Member on the Interior Committee, Subcommittee on Indian Affairs?

Senator STEVENSON. Or their designees.

Senator HATFIELD. Pardon?

Senator STEVENSON. Or their designees.

The CHAIRMAN. Is there objection?

Senator WILLIAMS. How large a committee is this?

Senator STEVENSON. Well, we have not gotten the committee size as yet. I believe it is the plan to get committee sizes after the preliminary question, such as the jurisdiction number, is resolved.

The CHAIRMAN. Is there objection then?

Senator WILLIAMS. This is an exception in a committee that does not count——

The CHAIRMAN. This has only a 2-year life, so that it would be an exception with respect to the majority and minority ranking member on that subcommittee.

We took that jurisdiction and transferred it to this committee for the 2-year period.

Senator STEVENSON. I misspoke, Mr. Chairman. The committee has approved a five man committee, three from the majority, and two from the minority. Of course, it is subject to reconsideration when we get to the size of all the committees.

The CHAIRMAN. Is there objection?

Without objection, then that will be approved.

Senator CLARK. I have an amendment in title II. Is it appropriate to offer an amendment at this time?

The CHAIRMAN. On jurisdiction?

Senator CLARK. No; it is not.

The CHAIRMAN. Do we have anything else now under jurisdiction?

Senator STEVENSON. Mr. Chairman, I believe Senator Pell has one clarification with respect to the Foreign Relations Committee.

Senator PELL. Do you have the language?

The problem is that the oceans jurisdiction of the Foreign Relations Committee is too wide to be eroded without breaking it up, having one item marked international relations, and then the next item, in view of the language there——

Senator STEVENSON. Yes, Mr. Chairman, the present language, and it appears on page 12, at line 17, is international law; oceans and international environmental and scientific affairs.

If you will leave that language, you will be hearing from the Commerce Committee again, and perhaps from other committees, so the suggestion is to clarify the intent with the following language—the language for item 10 would be deleted, and the following language inserted:

International law as it relates to foreign policy, oceans and international environmental and scientific affairs, as they affect the foreign relations of the United States.

Senator PELL. These would be two separate items?

Senator STEVENSON. Two separate items.

Senator PELL. Which would alter the sequential number afterwards?

Senator STEVENSON. The items will have to be renumbered accordingly.

The CHAIRMAN. Where does that occur now?

Senator STEVENSON. Item 10 would be changed to read "International laws that relate to foreign policy" and a new item 11 would be added, reading: "Oceans and international environmental and scientific affairs as they affect the foreign relations of the United States."

The CHAIRMAN. I am sorry, would you read that once again?

Senator STEVENSON. Item 10 would read, "international law as it relates to foreign policy." Otherwise, it is a sweeping jurisdiction in the Foreign Relations Committee that would impinge upon jurisdictions elsewhere.

The new item 11 would read, "Oceans and international environmental and scientific affairs as they affect the foreign relations of the United States." Otherwise, there is an unqualified reference to oceans. And international environmental and scientific affairs is very broad.

The CHAIRMAN. All right, is there——

Senator PELL. Excuse me. Would it not be simpler to use the final phrase there as it relates to the United States? As it relates to foreign policy, keeping the same phrase in both?

Senator STEVENSON. We have no——

Senator PELL. It is simpler, I think it is better English, to use the same language.

The CHAIRMAN. So that it would just read "oceans and international environmental and scientific affairs as they relate to foreign policy."

Senator PELL. Yes.

Senator STEVENSON. That is an improvement, Mr. Chairman.

The CHAIRMAN. Is there objection to that proposed amendment?

Without objection, it will be approved.

I understand we have a letter from Senator Muskie now. Have you had a chance to go over that?

Senator STEVENSON. No, sir.

The CHAIRMAN. Senator Hatfield?

Senator HATFIELD. Mr. Chairman, Senator Jackson of the Interior Committee has a desire to have some language in the report, not in the bill, to make certain it is clear that the implementation of the Alaskan Native land claims would remain with the Interior or the Energy Committee.

I believe that was the general agreement, and he has submitted language here for the report that I would like to have the staff take a look at.

Senator STEVENSON. That was the intention of—I have not seen the language suggested, but the intention, I believe, was to leave the jurisdiction within the Interior Committee.

Senator HATFIELD. I wonder if your staff would take a look at this so-called clarification language. If there is no objection I would move that we adopt it, Mr. Chairman, as part of the report.

The CHAIRMAN. If there is no objection, after you have had a chance to review it, it will be approved.

Now, I wonder if I could have Dr. Riddick go over the letter from Senator Ribicoff and Senator Muskie.

Dr. RIDDICK. Well, we have two letters here, Senator, the contested jurisdiction. One from the Judiciary, which is signed by Mr. Eastland, Mr. Thurmond, Mr. Scott, Mr. Mathias, Mr. Abourezk, Mr. Kennedy, Mr. Bayh, and Mr. McClellan, and then the letter from the Government Operations, signed by Mr. Ribicoff and Mr. Muskie.

Their concern is:

> We strongly support the recommendations of the Stevenson committee regarding consolidation of Government information jurisdiction. We believe this appropriately will recognize the work of the Government Operations Committee over the past several years, and particularly the committee has developed and reported the Privacy Act of 1974.
>
> The Government, in the Sunshine Act, advised that the committee act, and has dealt with a wide range of information issues, including the right of Congress to information, Government records management, the collection of census information, and the paperwork burden in the Federal Government.
>
> All these issues interrelate in a broad based, Government-wide information policy.

The letter is signed by the various members of the Judiciary Committee and it points out that they are very much concerned about information, including freedom of information, and then lists a great number of measures which they have handled, including all aspects of this subject, and in the last paragraph they set forth their contention which is in short—both in terms of historical perspective, and productive activities—

> The Senate Committee on the Judiciary has, since 1946, investigated all aspects of, and legislated on virtually every matter relating to Government information.
>
> The activities of the Government Operations Committee in this area began with Chairman Sam Ervin's tenure in 1972, and its interest in privacy, executive privilege and classification relate to, and date from that tenure.
>
> Thus, while the proposal by the Stevenson committee to consolidate the jurisdiction category of Government information, and to place this with one committee's jurisdiction, may be sound, if your committee concurs with this conclusion, it is our view that the appropriate committee to exercise this jurisdiction is the Committee on the Judiciary.

So both contested to the same. It looks like the committee has to vote on it.

The CHAIRMAN. Has your committee considered that?

Senator STEVENSON. Oh, yes, sir, and our suggestion originally was to place this jurisdiction within the Government Affairs Committee.

It had been my impression that the principal objection was to the transfer of Judiciary's jurisdiction over the Freedom of Information Act.

Now, at the last moment, down to the wire, both committees have come in to strenuously reassert claims to this jurisdiction.

Mr. Chairman, I cannot suggest a way out of this right now. And if it is your wish, we could try, in the next hour or so, to come up with a suggestion. I thought it was worked out, and it was, but now it has been unraveled.

The CHAIRMAN. We acted earlier today, and struck; we left the Government information on page 13, but we struck, "including freedom of information."

Senator STEVENSON. That had been my——

The CHAIRMAN. From Governmental Affairs, and that would leave it residing in Judiciary, where it has been. The Judiciary proposed that we add privacy and administrative practices.

Senator STEVENSON. And may I ask Mr. Gray, Mr. Chairman, to comment on this?

Mr. GRAY. It is my understanding, Mr. Chairman, that the insertion of the words in the rule for Governmental Affairs, Government information, including freedom of information, again on page 13, line 7, that is an entirely new statement.

If you struck "including freedom of information" you would leave Government information, which is, as we understand, a reflection, at least of current practice.

If you wanted to go back exactly to the existing situation, you would have to strike all of item 4, including the words "Government Information." That is, the Judiciary Committee, and I have only just seen that letter, and have not had a chance to read it.

The Judiciary Committee may feel that saying Government information in the jurisdiction of the Committee on Governmental Affairs changes the status quo.

The CHAIRMAN. Any members of the committee have a question on that?

Senator Griffin?

Senator GRIFFIN. I would be inclined to leave the jurisdiction the way it is, myself, rather than shifting it.

The CHAIRMAN. If we left jurisdiction the way it was, could we leave the term "Government Information" under Governmental Affairs, and then if we added, "for Judiciary, the freedom of information, privacy, and administrative practices," would that be the idea?

Mr. GRAY. My understanding is that Governmental Affairs would feel that that substantially changes their understanding of the status quo.

If you omitted the word "privacy," I am advised they would, but I think it is too complicated to satisfy all parties without taking a look at it.

Senator STEVENSON. Mr. Chairman, we have not even had a chance to examine the Judiciary Committee letter. This came up at the last minute.

I do not like deferring action, but it might be best, because it is complicated, to pass over, to give us a chance to offer some advice.

The CHAIRMAN. Without objection, we will pass over that item.

I wonder if we could turn to page 34, section 402?

The staff advises me that we had not acted on section 402. I thought we had acted on it. Would you address yourself to section 402, Senator Stevenson?

Senator STEVENSON. If I may, Mr. Chairman, I will call on Mr. Gray again.

Mr. GRAY. Yes, sir, the Senators will recall they approved 401. The voluntary computerized scheduling system under which, while it would be mandatory, to report the scheduling of meetings, as soon as such a scheduling occurred, or the cancellation of such a meeting, the committees, of course, would not have to follow any other rule in scheduling their meetings.

Section 402 suggests a time period in which committee meetings should occur, that is, before 2 o'clock, or in no case after 2 o'clock, or within the first 2 hours of the Senate's meeting. And a committee meeting occurring outside of that time period would have to have the approval of the majority leader and the minority leader, or their designees, who also would have to appoint, announce such grant to the Senate.

The second part of section 402, which begins on the top of page 35, suggests, and again this is voluntary, two meeting periods for committee meetings in the morning, instead of only one.

That is, one would begin, for example, at 8 o'clock, or 9 o'clock and end at 11 o'clock. The second period would begin at 11 o'clock and end, say, at 1 o'clock or 2 o'clock, and the select committee suggestion there is simply, that on a voluntary basis committees might be willing to schedule brief business meetings during the early period, and that would be made known through the scheduling system to other committees, who then could schedule their important meetings beginning at the 11 o'clock period. However, any committee that did not find this useful, would simply announce they are meeting at 10 o'clock, as is now the case.

The CHAIRMAN. Well, then why even have that in there?

Mr. GRAY. The suggestion was simply that because there is so much conflict among committee meetings, that it would be much more efficient if the committees would move to that practice. It would give them more meeting periods in which to have committee meetings without conflict.

The CHAIRMAN. Senator Griffin?

Senator GRIFFIN. I do not have any comment, Mr. Chairman.

The CHAIRMAN. Senator Pell.

Senator PELL. No, nothing.

The CHAIRMAN. Senator Allen.

Senator ALLEN. I am just wondering, this is a radical change on the meeting committees, putting that power in the joint leadership committee, whereas now it takes unanimous consent for a committee to meet, further concentration of power of committees.

The individual Senator without any control at all, it is one of the time-honored provisions of the Senate rules that has been with us for 180 years, tossed in the wastebasket.

The CHAIRMAN. Senator Williams.

Senator WILLIAMS. I show a little concern here, the single method evidently of granting this exemption. Am I right? Is it a majority, a minority leader absolute authority to grant the exemption here?

Mr. GRAY. Yes, sir, except that they would have to announce it to the Senate.

Senator PELL. They would both have to agree?

Mr. GRAY. Yes, sir.

Senator WILLIAMS. If it is just an announcement, is there no opportunity for Senate action here?

You have taken the unanimous consent out, I gather, of the Senate, is that right?

Mr. GRAY. That is correct. I would assume it would still be granted by unanimous consent, but it is additional authority exclusive of unanimous consent.

Senator ALLEN. No; it is wrong. It could be by unanimous consent, but this provides here for the leadership to do it without unanimous consent.

Mr. GRAY. Yes; that is right.

Senator WILLIAMS. Where does unanimous consent enter into this in any way?

Mr. GRAY. It does not come into this feature.

Senator ALLEN. Well, if you ask for unanimous consent without the work of the leadership——

Senator WILLIAMS. In other words, a Member could get up where the majority leaders have not got up, could ask for unanimous consent.

Senator ALLEN. Could ask for unanimous consent.

Senator WILLIAMS. The majority leader will be there.

Mr. GRAY. Senator, the feature does not provide that authority.

Senator WILLIAMS. No; but any Member can, as Senator Allen suggests, it would be a vain act. This is something that——

Senator ALLEN. It eliminates unanimous consent.

Senator PELL. I wonder if that is such a bad idea, but I think we are being hung up in the past, because of the unbridled use of the power of suggestion, the work of the Senate would move more expeditiously.

We really come to the question of what we are talking about, of whether one or two men should be able to hold action up for a period of time, or whether we believe the Senate majority to get final decision——

Senator ALLEN. Well, this adds a large length of time in that we have a right to meet for 2 hours, as I understand it, after the Government says, is that not right?

Mr. GRAY. Yes.

Senator ALLEN. That is a great additional right there, and you have two tier committee meetings, but you ought to have some right of—an individual Senator ought to have some right against computerizing a normal operation and destroying any individual initative in the Senate.

Senator PELL. The individual initiative is blocked, and I think many of us think that that is exercised maybe too frequently.

Senator ALLEN. Well, at least it is a system that has been in effect for 180,190 years.

Senator PELL. They used to use candles, too.

Senator ALLEN. I go back to them, too.

The CHAIRMAN. Well, the Legislative Reorganization Act provides, in part, as follows:

> Any of the standing committees of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate.

Senator GRIFFIN. It now provides that.

The CHAIRMAN. That is in the Legislative Reorganization Act now.

Dr. RIDDICK. They have never used it because I went to Senator Mansfield when this provision was first brought in and told him that I did not think it would be a good idea to give that consent unless he announced it for the record, because if that matter was ever brought to the court, there would be no sanction that authorized the committee to

meet while the Senate was in session, unless they made such a statement for the record.

Senator ALLEN. Well, the person—the Senate adopts rules for themselves—it is not fair to do the Reorganization Act——

The CHAIRMAN. Well, it has not changed this. This is still in that Legislative Reorganization Act.

We found the other day that the Senate could change the Reorganization Act by rules of the Senate.

You see, that paragraph starts out:

> Except as otherwise provided in the subsection, no standing committee of the Senate shall sit without special leave while the Senate is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget in the Senate. Any other Standing Committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the Majority Leader and the Minority Leader of the Senate. In the event of the absence of either such leaders, the consent of the absent leader may be given by a Senator designated by such leader for that purpose.

Senator ALLEN. The practice nonuse almost seems to be a rule, not a practice.

The CHAIRMAN. Well, the proposal here now, of course, has redrafted that, and on page 35, where they say section—subsection (c), section 134(c) of the Legislative Reorganization Act of 1946 is repealed, and that is the subsection that I have just read.

Senator ALLEN. That is restated here.

The CHAIRMAN. That is right. That substantially restates it, but gives them that 2-hour grace period.

Senator ALLEN. Yes.

The CHAIRMAN. That they do not have presently.

What are the wishes of the committee?

Senator ALLEN. I would move that probably the majority-minority leaders, on their own motion, to prevent a committee to meet after 2 hours would be withdrawn. Leave the power to meet for 2 hours or until 2 o'clock, but not give the leaders the right on their own motion only to give the committee the right to meet.

The CHAIRMAN. So that you would suggest that we simply say no committee of the Senate or any subcommittee thereof may meet without special leave after the conclusion of the first 2 hours after meeting with the Senators that commenced, and in no case after 2 o'clock. We stop there.

Senator GRIFFIN. I would support that.

The CHAIRMAN. And not repeal the existing provisions of the Legislative Reorganization Act.

Senator ALLEN. Yes; well, I guess my point is you have to repeal that section of the Reorganization Act.

Senator GRIFFIN. But there is a provision in here that does that. Just leave that the way it is.

Senator ALLEN. That is contained in here, yes.

Senator GRIFFIN. In other words, the leader's authority would be limited to a 2-hour period while the Senate is in session?

Senator ALLEN. I do not understand that.

Senator GRIFFIN. The leader's authority to allow a committee to sit would be limited to a 2-hour period.

Senator ALLEN. No; they would have it. This standing time during which they could meet or the first 2 hours but, in no event, beyond 2 o'clock to begin. That is not much more than they allow to meet now. All they allow to meet now is through morning business.

Senator GRIFFIN. I think I was saying the same thing here.

What we are going to do, if we follow your instructions, is to limit it to a 2-hour period, is that right?

Senator ALLEN. You mean that is more or less compromise on the thing, to allow them to——

Senator GRIFFIN. No.

Senator ALLEN. This does not—at my suggestion they would not enter the picture at all. For this period here, in no case, after 2 o'clock, could they meet.

In other words, at this point, Senator Griffin, there is 2 hours that they could meet in the first 2 hours but, say, you came in at 1 o'clock, they could not meet beyond 2 o'clock.

That is what this says here.

The CHAIRMAN. That is correct. Under Senator Allen's proposed modification, he is taking away the authority of the majority and minority leader to give consent to meet beyond that 2-hour period, or after 2 o'clock.

What Senator Allen is proposing would in effect say that committees can meet while the Senate is in session for the first period of the 2-hour period, or up until 2 o'clock in the afternoon period.

Senator ALLEN. And then always by unanimous consent.

The CHAIRMAN. Then if unanimous consent was obtained, why they could do it. But it would not need permission of the majority and minority leaders. And he would repeal that 134–C of the Legislative Reorganization Act.

Now, to do that, Senator Allen, I think you would have to strike your amendment, which strikes on line 10, after the word "meridian," strike the rest of that, down through and including the word "designee," on line 13, and then on line 21, strike after the word "post meridian," down to the word "subparagraph" on the last line of that page.

Senator ALLEN. Yes, sir.

The CHAIRMAN. Are you ready for the question on that amendment of Senator Allen?

Senator GRIFFIN. I think this is an improvement over what has been recommended here. I cannot understand if we are trying to reduce the number of conflicts, so that Senators are not supposed to be in more than one place at the same time, why would we would want to encourage committee meetings at the same time that the Senate is in session?

Senator PELL. I do not think it would be to encourage that. It is so that as we move toward some of these crisis periods, where the problem of legislation exists, that one man has the power to ransom his or her proposal, in order that—and the whole thing is up, and not given permission of unanimous consent.

In this case the majority and minority leaders felt it was the right thing to do, that this committee should meet, because it must have legislation, they could go ahead and do it.

Senator GRIFFIN. Frankly, I think we have too many situations where the committees are meeting at the same time while the Senate is in session, carrying on very important business.

Senator ALLEN. Ninety-nine times out of a hundred, possibly more, there would be no objection to the request of the majority leader, and we have seen in the last Congress, the majority leader announced that there would be no meetings for any purpose, unless it was an emergency situation, when committees could meet.

Yet, over there at the start of the session, he would rattle off about 10 or 12 committees that were requesting the right to meet. So I agree with Senator Griffin's point that we are trying to schedule these committees where there would not be any conflict, yet we open up the door to grant authority for subcommittees all over the place to meet, and full committees to meet. Your schedule has been knocked into a cocked hat.

Senator GRIFFIN. This would give them 2 hours that they have not had as a matter of practice.

Senator ALLEN. That is right.

The CHAIRMAN. Is there further discussion?

Senator STEVENSON. Is it the intention to repeal the Legislative Reorganization Act with respect to the majority leader's authority?

Senator ALLEN. It is already in there.

The CHAIRMAN. The repealer is already in there, in your proposal.

Senator STEVENSON. Yes; but we conferred other, substantially similar authority on the majority leader.

Now, as I understand it, the intention is to repeal the authority in Senate Resolution 4, and in the Legislative Reorganization Act. If that is the case, why, I should think it would be possible for one or a few——

Senator GRIFFIN. Maybe we ought to get Senator Byrd here.

Senator STEVENSON. Members of the Senate to tie it up, on inconsequential matters beyond 2 o'clock every day would prevent every committee of the U.S. Senate, if I read this correctly, even including the Appropriations, Budget Committees, from conducting any business.

Senator PELL. I think the times when there has been objection in the past, has not been valid, real concern of being in two places. It is being an order to hold up the progress of legislation, as a matter of fact.

The CHAIRMAN. If Senator Allen's amendment were carried, he leaves in there the exemption for the Committee on Appropriations and the Committee on the Budget.

Senator STEVENSON. Very well. Then one committee would be permitted.

The CHAIRMAN. Two committees. Budget Committee and Appropriations.

Senator STEVENSON. I am sorry.

The CHAIRMAN. And this would not preclude the majority leader, or someone attempting to get unanimous consent beyond that point.

What Senator Allen is trying to take away is the specific authority for the majority and minority leaders to give consent without it coming before the Senate, as I understand it.

Senator STEVENSON. Well, Mr. Chairman, if I may respectfully suggest, perhaps it would be well to hear from the majority leader.

Senator GRIFFIN. I think that the majority leader is here in the committee area. Maybe we could get his views before we vote. It would be good to have him.

The CHAIRMAN. We will try to get him in here.

Senator STEVENSON. Mr. Chairman, we do have some other matters, if you like, if you would like, we could go ahead to.

There is some questions about transition staffing that Mr. Gray could address.

The CHAIRMAN. All right, sir. What page is that?

Mr. GRAY. That begins on page 37, title VII, the very bottom of the page.

What the select committee sought to do here is primarily to make sure that during a transition period, the qualified staff of any consolidated committees or subcommittees would still be present to assist the committees in their work.

The select committee also had in mind the need of Senators who were affected by the transition, and third, the main considerations for Senate staff effective.

What this section does is establish a transition period which roughly ends around July 1, in order to give the Rules Committee sufficient time to reexamine the needs of new and consolidated committees for staff.

It also defines, displaced staff, as those, and I am sorry that the draft is a little—I think the chairman will agree, is a little weak on that point, but I will come back to it, if I may.

But the intention of the committee was that a displaced person be a staff person, either professional or clerical, displaced by the committee reorganization. It would primarily be in two classes.

One: Staff people working for the committees which were consolidated in other committees and; second, staffs of subcommittees, which because of the subcommittee membership limitations, or chairmanship limitations, where consolidated within a committee, and the basic provision of this title is that those displaced staff on the effective date of the resolution, would be automatically but temporarily transferred to the staff of the new committee.

During the transition period, such staff would either seek a placement on the staff of that new committee, or other positions.

At the end of the transition period, if they had made a valid effort to seek employment, and had not secured it, they would then be granted severance pay, basically on the same principle employed in the executive branch, which would be 1 week's pay for each year of Federal service, up to 10, 2 weeks pay for each year of Federal service above 10, and 2 weeks pay for each year of Federal service above 10, and it is further drafted to require that such severance pay be granted on a monthly basis, as if it were a salary, and if that person had gainful employment during that period, the severance pay would be lessened by that same amount.

The CHAIRMAN. OK, with that explanation, we have requested Mr. Ridgely to come over.

I think he wanted to comment on that, and if he could go back now to the matter we held up for Senator Byrd.

Senator Byrd, the proposal on section 402, was under discussion, and under that proposal it would amend subparagraph (a) of paragraph 7, of rule 25 of the standing rules, and would permit a committee to meet for 2 hours after the Senate is in session, or until 2 o'clock in the afternoon, no later than 2 o'clock, and Senator Allen has proposed an amendment to strike the provision, unless consent therefore has been obtained from the majority leader and minority leader, or their designees.

This proposal also would strike 134(c) of the Legislative Reorganization Act, which in essence provides that a committee shall not meet while the Senate is in session, unless the majority and minority leaders have approved.

We wanted—Senator Griffin wanted to have the benefit of your views before we acted on the amendment.

Senator BYRD. I have not heard Mr. Stevenson on this.

Senator STEVENSON. Mr. Chairman, I would personally oppose this amendment.

I believe it is inconsistent with the recommendations of the select committee. The select committee, first of all, had no intention of repealing any authority in the leadership under the Legislative Reorganization Act, and in this—and in this provision, substantially restated that authority. To require advanced notice, my concern is that it would be possible for one, or a few Members of the Senate to tie the Senate up, and by doing so, effectively prevent all of the committees of the Senate, except for the Committee on Appropriations and the Committee on the Budget, from acting.

I think, far from our recommendation giving too much authority to the leadership, selected by the Senate, this would give far too much control to one, or a handful of Senators, who act on no authority except their own.

Senator GRIFFIN. Mr. Chairman, I might just say, as I said before, when Senator Byrd was not here, that it seems to me that the provision as amended by Senator Allen, would actually provide more flexibility for committees than is the practice now. As it is now, there is no guarantee that a committee can meet for 2 hours after the Senate convenes, except by unanimous consent.

This would still mean that by unanimous consent committees could meet beyond the 2-hour period. So this is liberalization, if you want to use that term, or at least making a more flexible situation than we have had.

My own feeling is that while I will go that far, that it goes in the wrong direction. I do not think we should have committees meeting while the Senate is in session.

This would, however, certainly give committees more latitude, and more flexibility than they have had.

Senator BYRD. Could we move to something else while I go over this?

The CHAIRMAN. Well, I was wondering, it is about time to break for lunch. If we are all going to be here right after lunch, maybe you could have a chance to think about that, and we could recess now for lunchtime, and be back at 2 o'clock.

Would that be agreeable?

Senator PELL. Is it the intention of the chairman to finish up tonight?

The CHAIRMAN. We will recess until 2 o'clock, and this will be the pending business, and this will give Senator Byrd the opportunity to review it. We would hope that we could finish tonight, whatever time we have to go to, so that we would have the opportunity then to get it printed by Monday, and then Monday we could go over the final print, and go over the proposed report, and do any further refining that we think would have to be done.

All right, we will recess until 2 o'clock.

[Whereupon, at 12:33 p.m., the committee recessed, to reconvene at 2 p.m. the same day.]

AFTERNOON SESSION

The committee reconvened at 2:21 p.m., Hon. Howard W. Cannon (chairman) presiding.

The CHAIRMAN. The committee will come to order.

I wonder if we could first go to the matter that Senator Clark has before we start on the ——

Senator CLARK. Well, Mr. Chairman, I would like to offer an amendment that has just been prepared, but I think it has been printed and circulated to all of the Members, which would do as follows: On page 41, in subparagraph 703(e), in the second sentence—I will wait until you turn to it—in the second sentence, after the phrase "clerical funds of the committee" insert the phrase "other than those funds determined by the chairman and the ranking Member to be allocated for the administrative and clerical function of the committee as a whole."

Now, the intent of this amendment is simply to specify in somewhat more detail what we were discussing with regard to this issue yesterday afternoon.

The problem, briefly put, was that there are many specific duties that fall under the administrative and clerical work of the committee that ought to be set aside before we divide up all the professional staff and their clerical help. And that is the intent of this amendment, simply to make certain that the minority does indeed have one-third of all the professional staff and clerical staff associated with their efforts, but that those very routine things that the majority does, preparing the printing—there are a whole list of items—would first be considered as a separate group by full agreement of the ranking minority member and the chairman.

I think this is fairer to all concerned. I think that it does not disturb the intent of the amendment that the Senator from Michigan and the Senator from Oregon offered. And I frankly think it is more equitable to do it in this way. So I therefore move its adoption.

Senator GRIFFIN. We discussed this earlier, Senator Clark. I mentioned the fact that while the strength of the minority now is 38 percent, and we are only asking for 33 percent, therefore, there was 5 percent or so that was available for this purpose, and your point here is that 5 percent may or may not be the right percent in a given situation, and there should be more flexibility here. That could be decided and agreed upon by the chairman and ranking Member.

I think that makes sense, it is reasonable. I would not object to the amendment.

The CHAIRMAN. So that what you are saying by this amendment is that you would agree on the people that are working, doing the job of

the committee, the essential routine job, and not the legislative type of action that is sometimes getting into the partisan matter?

Senator CLARK. That is essentially it. In other words, we believe that the minority ought to receive its representation in terms of all of the significant substantive matters that are done on a committee. They would have one-third, which is roughly equivalent to their present representation in the Senate.

Senator GRIFFIN. This is a decision that would be made every year, as the budget of the committee is proposed?

Senator CLARK. Absolutely.

The CHAIRMAN. All right. Is there further discussion?

All in favor of the amendment say "aye." [Chorus of "ayes."]

Opposed? [No response.]

The amendment is agreed to.

Senator Byrd, now, if we can come back to the pending Allen amendment and your discussion on it.

Senator BYRD. I think the intent of the Stevenson committee was to assure the committees that they would be able to meet for 2 hours after the convening of the Senate, without getting special leave to do so.

And that they could only meet after that 2-hour period, or, in any event, if the expiration of the 2 hours came at 2 p.m., or earlier—2 p.m. or later, they would then need special leave of the Senate, or they could get the consent of the two leaders and be able to meet.

At the present time, no standing committee may meet after the morning hour, which is the first 2 hours of the session, or after the Senate has proceeded to the consideration of the unfinished business, or to the considering of pending business, whichever is the earlier.

Unanimous consent is required then for them to meet. This means that every day the leader has to ask unanimous consent that the committees may be authorized to meet during the session of the Senate.

In many instances, committees will have summoned witnesses to appear, and those witnesses may have been forced to travel great distances. If consent of the Senate cannot be gotten, and only one objection would prevent the committee from meeting, then the witnesses have been discommoded. The committees cannot hear those witnesses until the Senate goes out of session or is forced to schedule the hearings in early mornings before the Senate convenes, or in the evenings after the Senate has adjourned or recessed, or on Saturdays when the Senate is not in session.

So I can see that the intent of the resolution is to assure committees that they will be able to meet for 2 hours without having to get the consent of the Senate.

If the Senate should go in session at 10 o'clock in the morning, the committees would be able to meet until noon; if the Senate goes in session at 12 noon, the committees could meet until 2 o'clock. If the Senate goes in session at 2 o'clock in afternoon, the committees would not be able to meet at all, except by the consent of the majority and minority leaders.

At the present time, the committees would have to have the consent of the whole Senate, and one objection could keep the committees from meeting.

I do not see any objection to this language. I think, from the standpoint of the committees, it does give them some degree of assurance,

although not complete assurance, that they would be able to meet for 2 hours after the Senate has gone into session, unless the Senate goes into session after 2 p.m. in which case that would have to be by special leave of the Senate or with the consent of the two leaders.

It is my intent to meet when we can in the Senate no earlier than 12 noon, possibly coming in at 1 or 2 o'clock as we have been doing. Until such time as the business of the Senate requires otherwise. And of course that could come at any time, certainly when we reach the months of March and April, and the calendar is loaded, we will have to come in before 12 o'clock.

I think perhaps, Mr. Chairman, that, in summation, that the language beginning with line 6 on page 34, down through the word "Budget" on line 15, is probably an improvement over the present situation, under the present standing rules.

I would point out that the language to which I have referred covers all committees, not only standing committees but select committees and special committees, whereas the present rules cover only standing committees. Select committees and special committees under the current rule may meet during the session of the Senate without leave.

I would suggest that the language in the resolution be amended to continue that present practice.

For example, we have the Special Committee on Standards Conduct, which will be chaired by Mr. Nelson. That committee is mandated to report back to the Senate no later than March 1, so, obviously, that committee may have to meet during Senate sessions, beyond the first 2 hours.

So I will propose that the word "standing" be inserted between the words "no" and "committee" on line 6 of page 34 of the resolution.

Also I will propose that the words "except when the Senate is not in session" comma, be placed after the comma, the first comma on line 7 of page 34. So that it would read, "No standing committee of the Senate or any subcommittee thereof may meet, except when the Senate is not in session, without special leave, after the conclusion of the first 2 hours after a meeting of the Senate has commenced" and so on.

Otherwise, it could be interpreted as meaning that after 2 o'clock on any day, whether the Senate was in session or not, no committee of the Senate or any subcommittee thereof could meet.

Senator ALLEN. Will the Senator yield just a moment there?

Senator BYRD. Yes.

Senator ALLEN. That makes that a double negative, I believe, when you could accomplish the same thing if you said "may meet when the Senate is in session, without special leave," instead of having a double negative.

Senator BYRD. Yes; that would be all right.

Now, I understand that Mr. Allen wishes to strike the language "unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee)". I would object to the striking of that language.

Conceivably, there will be times when it will be necessary for a committee or certain committees to meet after the first 2 hours, or after 2 p.m., as the case may be.

This language requires the consent of both the majority leader and the minority leader. And if the consent of the minority leader cannot be gotten, it could not be gotten under the present rule, which requires unanimous consent for a committee to meet during the session of the Senate, any time.

And so, in contemplation of the necessity for some committee or some committees to meet at some time while the Senate is in session, and beyond the parameters of the language expressed herein, at the time, I feel that the majority and minority leaders ought to retain the authority that this resolution would give them, to give consent to such committees to meet.

I will cite again the Nelson special committee, if we leave this language in, which Mr. Allen proposes to strike, I am not too concerned about having the word "standing" up above inserted, because as long as the majority and minority leaders can give consent, then the Nelson committee would be allowed to meet at other hours.

I am using that committee, that special committee as an example.

Now, finally, Mr. Chairman, I would propose to strike the language beginning on line 15, with "The Senate Members of" and going through the word "from his designee)" on line 24. This deals with the Senate Members of joint committees, and joint committees, or recommend, at least, that they be eliminated, by putting certain restrictions on the Senate Members thereof, I do not believe that we ought to enact this language. If we do, we are imposing the will of the Senate on the other body. Now, we are saying the Senate Members cannot—this, in effect, is saying that the committee cannot meet.

House Members—I think it would be in vain for them to meet, if the Senate Members could not meet with them. And certainly the Senate ought to be in the position to protect itself, if it wants its own Members to be at any joint meeting. So rather than attempt to impose the will of the Senate on the other body, I would suggest that that language be stricken.

Now, those are my comments. Mr. Allen has an amendment pending, and I have already addressed myself to his amendment. And I would respectfully move to table the amendment, or—I would just as soon have the vote up or down on the amendment, it would be all right with me, so I will not move to take it; but I will object to the amendment as proposed.

The CHAIRMAN. Senator Pell.

Senator PELL. Mr. Chairman, for the reasons I mentioned earlier, in the absence of Senator Byrd, I support this viewpoint as being a way of moving on more expeditiously with the work of the Senate.

The CHAIRMAN. Any further discussion?

The vote would occur then on the amendment proposed by Senator Allen.

Senator ALLEN. Mr. Chairman, may I be heard from?

The CHAIRMAN. Oh, certainly. I thought you had——

Senator ALLEN. I had not commented in Senator Byrd's presence. He was not here when I commented before.

The CHAIRMAN. Excuse me, Senator.

Senator ALLEN. When the distinguished majority leader made his opening remarks on the amendment, one would have thought that—or I thought that he was going to guarantee that a committee could

meet for the first 2 hours after the start of the session, and pointed out that a committee, under this, could meet in no case after 2 o'clock unless consent therefor had been obtained from the two leaders.

So I have got no objection to leaving the first 2 hours in there, and I think you could accomplish that by stopping with the words "has commenced" on line 9, and not have the exception that it could not meet after 2 o'clock, so that even without any action being taken by the leaders, if they met at 3 o'clock, say, they would have—or at a later time —they would have 2 hours, and the 2 o'clock provision then would not have any application, would not have any place there.

But then as he continued talking, it seemed that he wanted to go beyond the 2-hour situation. Is that correct, Senator Byrd?

Senator BYRD. I said that——

Senator ALLEN. You are not interested only in guaranteeing the first 2 hours? I think we have no difficulty at that point.

Senator BYRD. I said that there would undoubtedly be instances in which it would be an urgent necessity for a committee to meet at a later time than that which is provided for in the resolution if your amendment were to be adopted.

And for those urgent situations, I think the language should be retained so as to give the majority and minority leaders the authority to allow such a committee to meet after the 2 hours.

Senator ALLEN. Well, as I understand the purpose of Senate Resolution 4 is to streamline procedures in such a way as to schedule committees so they know how much time they have, and they can get the work in in the appointed time, and that it would not then be necessary to meet and to have committees competing for this special dispensation, and they would know that they could meet for 2 hours after the Senate started, and that any exception from that would take unanimous consent.

And I recall, I am sure the distinguished leader does, in the closing days of the last Congress, the majority leader, Senator Mansfield, decreed that there would be no meetings of committees during the time that the Senate was in session, yet requests were made, numerous requests, and he would, each morning, request several, possibly as many as 10 committees, or subcommittees to have the right to meet.

So we are going to get back in the very situation that we had before, with committees meeting all over the place at the same time that the Senate is in session. So it seems to me that it runs counter to the thought of streamlining.

Second, it encourages laxity by the committees and the committee chairmen if they know that they do not have to get the sessions over, the committee sessions over, prior to the expiration of 2 hours after the convening of the Senate. If they know that all they have to do is go to the two leaders and get special dispensation for their committees, I think you are going to have committees meeting during the entire time that the Senate is in session.

Furthermore, it seems to me that this puts considerable pressure on the leaders to respond and acquiesce in requests made by the various chairmen for committees to meet. Whereas now that is left up to the membership of the Senate.

And Senator Pell suggested that this right of any Member of the Senate to object to a committee meeting has been abused. Possibly he

feels it has. As far as I know, I never have objected to committees meeting at any time, so I do not know who the abuse has been by. And I just do not feel that there has been a whole lot of abuse. It has been my observation on unanimous-consent requests by the leadership, that at least 99 times out of 100 permission has been granted for the committees to meet.

Senator BYRD. Mr. Chairman, I believe my distinguished friend from Alabama overlooked the provision in the Legislative Reorganization Act which, at the present time, gives the majority and minority leaders the power to issue consent to the standing committee, to meet for any purpose while the Senate is in session.

Senator ALLEN. No, sir, I had not overlooked that. I am mindful of that.

Senator BYRD. And I will read it:

> Except as otherwise provided in this subsection, no standing committee of the Senate shall sit without special leave while the Senate is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget of the Senate. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate.

So we already have that provision at the present time.

I am simply trying to go a step in the direction of giving committees some additional degree of assurance that they can call a meeting, have witnesses appear, and be assured of 2 hours of meeting time, without having to get the unanimous consent of the Senate to do so.

Now, this does not mean that they will be able to meet the 2 hours, there may be a rollcall in the Senate, there may be quorum calls in the Senate that will require them to break up the meeting. But, on the other hand, there may not be.

Now, suppose the Senate meets all day, goes in at 10 o'clock in the morning, meets until 6 o'clock in the evening, and there is not a rollcall. This sometimes happens. Maybe just debating a matter, you see. Yet a single objection on the part of any Member at the present time can prevent any committee from sitting that day, unless the majority leader and the minority leader give consent, under the present rule.

But under this rule, consent of the Senate would not be needed for the first 2 hours, consent of the leaders would not be needed for the first 2 hours, and committees could at least meet 2 hours and accommodate witnesses who had been called from long distances, at least to the extent that the Senate did not interrupt them with some quorum calls or rollcalls.

I think it is probably an improvement over the present situation.

Now, I can foresee times when it might be in the majority leader's interest to object to any committees meeting during that time, but that is something I would have to live with. Because from that standpoint this language is a disadvantage. Could be a disadvantage to the majority leader, if he wanted to have all the—as many Senators on the floor as possible, to stop committees from meeting. But the majority leader is not going to do that except in very extenuating circumstances, because he has to keep in mind that those committees have called witnesses.

But while he does not do it, any single objection on any part of any Senator can do it now, and stop committees from meeting. So, while

there may be some disadvantages, I would come down on the side of supporting the first part of this paragraph that I referred to.

Senator ALLEN. Well, if all it sought was to get the first 2 hours clear without getting permission from anybody, just knock out everything after the words "has commenced," because that guarantees 2 hours.

Senator BYRD. Senator, we went over that once before.

Senator ALLEN. Well, that was what you came right back and made a statement you were just trying to guarantee the first 2 hours.

Senator BYRD. Well, that is what the language here is trying to do.

But now, the Senator—I want to go further and be able to contemplate and deal with those situations that might arise, when it is absolutely urgent for a committee to meet beyond those 2 hours, and the Senator's language, my friend from Alabama's language, would stop the majority and minority leaders from dealing with that contingency, should it arise—and it will arise.

Senator ALLEN. But it would not come within the first 2 hours.

Senator BYRD. Not only would the Senator amend that resolution, but he would amend the language in the Legislative Reorganization Act, which can be done, of course, but he would amend that language which we have had now for several years.

Senator ALLEN. Has it ever been used?

Senator BYRD. I do not know that it has. It may have been.

Senator ALLEN. I do not recall.

Senator BYRD. But even if it has not been, it may have to be used next week.

The CHAIRMAN. Any further discussion?

The vote occurs on Senator Allen's amendment.

All in favor of the Allen amendment say "aye." [Chorus of "ayes."]

Opposed "no"? [Chorus of "noes."]

The noes have it. The amendment is not agreed to.

Now, Senator Byrd, did you wish to offer some other amendment now in connection with this?

Senator BYRD. Yes; the language on line 7, page 34, in accordance with Senator Allen's point about the double negative, "No committee of the Senate or any subcommittee thereof may meet when the Senate is in session"—"may meet" comma "when the Senate is in session" comma.

The CHAIRMAN. Did you want to insert the word "standing" after "no" also?

Make it, "No standing committee of the Senate or any subcommittee thereof may meet, when the Senate is in session, without special leave." You said earlier you wanted to insert "standing."

Senator BYRD. Yes; I did say earlier that I wanted "standing" in there. So I would propose that amendment also.

The CHAIRMAN. You propose to insert the word "standing" after "no" on line 6, and after the word "meet" add the following: "when the Senate is in session."

Is that correct?

Senator BYRD. I am not so concerned about the word "standing." Now that Senator Allen's amendment has been voted down, I do not mind leaving it like it is. "No committee." Leave out the word "standing." No amendment there. Just that on line 7.

The CHAIRMAN. All right.

All in favor of the Byrd amendment on line 7, say "aye." [Chorus of "ayes."]

Opposed? [No response.]

The ayes have it, the amendment is agreed to.

Senator BYRD. Now, Mr. Chairman, I would propose to strike—sorry to do this when Senator Stevenson is not here, because he may have some other reasons that I do not comprehend at the moment for having that language in. But I do not suppose he is going to be back this afternoon?

The CHAIRMAN. He may be back a little later, but Ken Gray is here, his staff man, if you want to ask him any questions on it.

Senator BYRD. Mr. Gray, did you hear what I said a moment ago?

Mr. GRAY. Yes, sir, I have been following closely.

I think the select committee's intent was to have a regular expectation on the part of committees in the scheduling of their business, and on the part of the leader with respect to the floor, and that if you were going to have select and special committees now covered, that the Senate Members of joint committee ought also to be covered, similarly. That is the limit of it.

Senator BYRD. Well, do you not agree that if this language remains in, the Senate is imposing its will on the House with respect to the meeting of joint committees?

Mr. GRAY. Yes, sir.

Senator BYRD. And do you not feel that we would be putting ourself in an awkward position in that regard?

Mr. GRAY. That does not make any difference.

Senator BYRD. I move to strike that language, Mr. Chairman.

The CHAIRMAN. That is starting with the words "The Senate" on line 15, and ending with the word "designee" on line 24?

Senator BYRD. Yes.

The CHAIRMAN. Page 34. That is the prohibition as to meeting of the joint committees.

All in favor of the amendment say "aye." [Chorus of "ayes."]

Opposed? [No response.]

The ayes have it, the amendment is agreed to.

Senator BYRD. The joint committees, I point out for the record, are not now covered in the present rules. Consent does not have to be given for Members to attend joint committees now. So we are not going backwards in that.

May I ask you one question? Mr. Gray, do you feel that the word "standing committee" should be written in on line 6? Or do you feel that it should be left as it is?

I had said something about inserting the word "standing committee" so as to relieve select and special committees from this language.

Mr. GRAY. I believe the select committee was aware of the problem that some select committees have of having to act in a very quick way, but it felt, I think, on the other hand that the assurance of the regularity of meeting times for committees was important, and that the select and special committees should be treated the same way as standing committees. That is, that they must have consent, in order to meet when the Senate was in session.

The CHAIRMAN. I think it would be just as well to leave it the way it is.

Senator BYRD. All right.

The CHAIRMAN. All right. If we go to page 35, the first full paragraph, line 4, Senator Byrd, do you have any comments on that?

> Morning meetings of committees of the Senate and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at 11 o'clock antemeridian. The second period shall begin at 11 o'clock antemeridian and end at 2 o'clock postmeridian.

Senator BYRD. No; I think that language is an attempt to comport with the language that we have talked about, so as to give Members who may be serving on two committees, which otherwise would be having conflict in meeting time, an opportunity to meet on the one committee for 2 hours and then go to their second committee assignment for the second 2-hour period. I find no fault with that.

The CHAIRMAN. Is there objection, to that amendment?

Without objection, it will be agreed to, then.

And section (c) "section 134(c)) of the Legislative Reorganization Act of 1946 is repealed." I think that is consistent with the action we have already taken.

Is there is——

Senator ALLEN. Mr. Chairman——

The CHAIRMAN. Senator Allen.

Senator ALLEN [continuing]. In this announcement by the leaders, it is not clear when that announcement has got to be made. I wonder if we can clarify it? With the idea that no committee could meet until the announcement had been made.

It also appears here they could be meeting for 2 or 3 hours and then have the majority leader announce that the consent had been given.

It ought to say they should not meet until after the majority leader has made the announcement. Otherwise, you are going to have a great big loophole there.

They could be meeting and then, meet starting at 2 o'clock, and the majority leader get around, at 4 o'clock, to be making the announcement, it would be perfectly valid. The Senate ought to know which committees are meeting.

Senator BYRD. Mr. Chairman, I believe that the important thing here is that the majority and minority leaders give consent and that the Senate be informed of such consent.

Now, if the majority and minority leaders have given their consent, the committees may have started meeting. I do not feel that it is absolutely necessary that either the majority or the minority leader, or both, go direct to the floor and interrupt another Senator who has the floor, just to state that they have given consent for such-and-such committee to meet.

It is perfectly agreeable with me. I am willing to announce that consent at the very earliest moment, but I do not think that we should hammer into this proposal some language that would hamstring the committee from meeting, for which consent has been granted by the majority and minority leaders until such time as one of the leaders has been able to so announce.

I think the fact that the leaders have consented, and the fact that they do announce it and have made it public should be sufficient without putting that additional time restriction on the meeting.

Senator ALLEN. On the other hand, Mr. Chairman, under our "sunshine" laws, and rules, it is anticipated that there would be some sort of notice or knowledge of the meeting of committees, so that interested parties could go to these open meetings, Senators on the floor might be interested in what was taking place in the committees.

The committee could be meeting over there and transacting its business as a star chamber committee.

The CHAIRMAN. Well, I think we could rely on the majority leader to announce that to the Senate at the earliest practicable time. I do not—I agree with Senator Byrd, I do not think we ought to make it so that the committee could not meet until it is announced. I think we could certainly rely on the representation of the majority leader that he would expect to make any announcement of consent at the earliest practicable time.

Senator ALLEN. Well, I am not questioning the majority leader in this case, but a committee might need only 2 minutes to rubberstamp a bill, and without some sort of notice to the public or to the Senators, that could be done, and by the time he made the announcement that they were meeting, they could be through. Nobody would ever know what took place, until it became apparent by their handing in the bill.

The CHAIRMAN. Do you offer an amendment, Senator Allen?

Senator ALLEN. Well, let me see what language I would want to suggest, before I offer an amendment.

The CHAIRMAN. All right. While you are thinking about that, let me ask, is there objection to the approval of subsection (c) on page 35, which would repeal 134(c) of the Legislative Reorganization Act?

Without objection——

Senator ALLEN. Wait, wait. Are you repealing it or not repealing it?

The CHAIRMAN. Repealing 134(c) of the Legislative Reorganization Act. Because we have taken care of——

Senator ALLEN. Yes; you are repealing it, inasmuch as you have already put more permissive language in the resolution, is that right?

The CHAIRMAN. The Senator is correct.

Without objection, then, subsection (c) will be approved.

If we could, Senator Allen, and we will give you permission to come back to this when you have some language drafted—we have here now a submittal from Governmental Affairs and Judiciary on the problem that we discussed earlier.

The suggestion has been made that we write the general statement "government information" under the jurisdiction of Governmental Affairs, and that same term under Judiciary, and that we include in the report a statement along this line: The reference to "Government information" does not necessarily imply the joint referral of all Government information legislation, but recognizes both the unique and shared responsibility of the Governmental Affairs and the Judiciary Committees in the area of information policy. Thus the Judiciary Committee jurisdiction would continue to include responsibility for the Freedom of Information Act, electronic surveillance, and shared jurisdiction of the Governmental Affairs Committee over executive privilege.

The Governmental Affairs jurisdiction would include responsibility for the Privacy Act, Government Under the "Sunshine" Act, Federal Advisory Committee Act, information policies relating to the National Archives, Census, and the collection of statistics, Federal records management programs, and shared jurisdiction with the Judiciary Committee over executive privilege.

Do I understand correctly that that is the agreed-upon statement on the part of both the committees?

I am also advised that the words "Federal Reports Act" should be included in the report language, after the word "programs," in the next to the last line.

Is there objection?

Without objection, then, that will be approved.

Now, if we could——

Senator CLARK. Mr. Chairman, I have got an amendment at some point in title II, but I do not know——

The CHAIRMAN. Well, we have got Mr. Ridgely here standing by on this staffing situation, and I wonder if—could you go down here with Ken Gray and—now, Mr. Ridgely, we had explained to us the committee's proposal with respect to committee staffing, and I wonder if you could comment on that now?

Mr. RIDGELY. All right. Under title VII, the subject matter of which is the committee staff, there are some technical and clarifying amendments I would like to recommend to the committee.

But, before going into that, I would like to raise some questions in connection with—it is on page 39, line 15, subsection 703(b). "On the effective date, each eligible staff member of each consolidated committee is transferred to the new committee which has the jurisdiction," et cetera.

In the transfer of these employees, our concern is the top positions for each of these committees, which is authorized by law; for instance, on a standing committee, we are authorized two positions at $41,750; four at $39,412; and two at $37,742. And when this authorizes a transfer, if some of these committee staffers are at, let's say, the top six positions, it would mean that the receiving committee then would have more positions than there would be authorized by law at these rates, which would mean that these people would be transferred at what is known as the committee general level of $37,742.

The Legislative Reorganization Act, of course, on the standing committees, limits it to 12 employees. And where a standing committee is involved with—then that would seem to be in conflict with the number of positions authorized by law.

The CHAIRMAN. Was it the select committee's intention that those people would be transferred in exactly the same situation and then would have—there would be a period until what date for adjustment?

Mr. GRAY. Until no later than July 1.

I think we were aware of the problem of amending the statutes in the resolution. We had hoped that, as a temporary solution, that would be possible. Perhaps even in legislative appropriations bill, or some other appropriations bill.

Mr. RIDGELY. Well, that can be done, while it is my feeling that a resolution could not override the law in this respect, that maybe some

language could be written in here that could authorize these committees such additional positions. But once again we have the salary limitations that comes into the picture, which we do not seem to be able to override with a resolution.

If we have one standing committee whose staff was consolidated and transferred to a committee that was taking up the jurisdiction of the committee that is being abolished, let's say, and if they have two staff people on at the top rate, of $41,750, and if the receiving committee already has two at $41,750, under the law you could not have those four at that top rate.

The CHAIRMAN. Well, what are you telling us would be necessary for us to do here?

Mr. RIDGELY. Well, it would actually take statutory authority to change that, to change not only have more at this high level, but to have the additional positions, too.

Now, there are some committees of the Senate, as you know, who have gotten additional professional staff members, additional clerical assistants, than authorized by special resolution—several of them have that authority there. And maybe some—once again, this would give them the additional position, but it would not change the picture as far as the top salaries are concerned.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Yes, Senator Hatfield.

Senator HATFIELD. Mr. Ridgely, have you gone through the latest draft of our proposed consolidation and committee listing?

Mr. RIDGELY. No, sir, I have not. The only copy I have is the bill that was—the resolution that was introduced.

Senator HATFIELD. Of what date?

Mr. RIDGELY. This was January 4 copy of the resolution.

Senator HATFIELD. Well, I wonder if it would be possible to go through and see what the latest modification of that resolution represents, and find out how many people are actually affected. Do you have a summary there of how many, and who?

Mr. GRAY. Yes, sir, that summary has not been—in checking with Mr. Ridgely, we believe that is approximate. That is the select committee staff.

Senator HATFIELD. Would you interpolate that for us, please?

Mr. GRAY. It is my understanding, if you include the—I think Joint Printing now has to be eliminated from that.

Senator HATFIELD. First of all, let me tell you what I really want to know. I want to know how many positions are actually affected by the statutory limitations?

Mr. GRAY. We do not have that information.

Senator HATFIELD. How long would it take to get that?

Mr. RIDGELY. I would have to know which—I would have to look at the new rundown of the committees and how they are going to be consolidated.

Senator HATFIELD. I think it might be a great deal easier to deal with the problem if we knew precisely how many are involved, and at what level and how the statute affects them. Because we may not be dealing with as big a problem as appears on the surface.

Mr. RIDGELY. I see. Senator Hatfield, on these, listing here of these

committees, it could be as many as six employees on each committee, because there are six positions at a rate that is higher than what is normally called the committee general maximum.

Senator HATFIELD. Six times what?

Mr. RIDGELY. Seven of these committees here, three standing committees, one special, one select, and two joint committees which are funded through the Senate. Seven of them. Oh, six of them, Joint Committee on Printing is not included. One joint committee.

Senator HATFIELD. Yes; but we are not really dealing with the joint committees at this point. Because that does not become effective until there is a mutual——

Mr. RIDGELY. Then there are three standing committees, one select, and one special.

Senator HATFIELD. And you look at that District of Columbia. There is only a total there of five, so it could not be six on that one, could it? Five professionals.

Mr. RIDGELY. Those could be in that—well, it could be the five of them; I do not know what their salaries are, but they could be affected, all of them could be.

Senator HATFIELD. Well, it seems to me that again we ought to get this down to a precise figure, because I do not think we really have to try to amend the law. It seems to me that we may have vacancies on some of those committees anticipated. We might also check with the chairmen. I know one or two committees that I am on, which have some existing vacancies, because it is anticipated in the very near future at those levels, and it may be that we are dealing here with only a handful of people.

Mr. RIDGELY. We can check this out.

Senator HATFIELD. Can we?

Mr. RIDGELY. Yes, sir.

Senator HATFIELD. I think that would be very good.

The CHAIRMAN. No; I would agree, but if it requires legislation, we will have to have legislation. We still should not hold up this resolution, the action on this resolution, as I see it.

Senator HATFIELD. In fact, Mr. Chairman, I would suggest that if there are such numbers of people you bring in to us a draft of the amendment to the law that is required to do that and how we can accomplish it.

Mr. RIDGELY. All right.

Senator HATFIELD. The point is, we want to accomplish it, so your job now is to try to show us how.

Mr. RIDGELY. All right, sir.

The CHAIRMAN. All right. What else do you have now?

Mr. RIDGELY. On page 41, on lines 7 through 9, this concerns a transition period for: "The staff of the new committee shall receive compensation at a rate not less than the rate of compensation such staff member was receiving on January 4." The question came to our minds, what about someone who is on the payroll at a lesser rate now than they were on January 4? This would mean that someone would be transferred, and their salary would be mandatory at the January 4 rate, rather than the rate they are being paid now.

The CHAIRMAN. Well, I do not assume that you would have any-

body that got a reduction in pay between January 4 and now, do you? I have not heard of anything like that.

Mr. RIDGELY. Well, I do not know of any, Mr. Chairman, but it could happen. And the intent—we know exactly what it means here, but we wanted to be sure.

The CHAIRMAN. I cannot imagine such a thing happening. I have never heard of anybody having a pay reduced up here on any of these staffs. Usually it is quite the opposite.

Senator HATFIELD. I will draft the language on that. If that occurs, you will not have to do that.

The CHAIRMAN. All right.

Mr. RIDGELY. Now, sir, to page 43, on line 3, on subsection (c)(1), dealing with severance pay. This would be the first experience we would have had with any severance pay, and we have some questions, and also want to recommend a couple of changes there to clarify the payment of this severance pay so that it will conform with our statutory pay periods.

The CHAIRMAN. All right.

Mr. RIDGELY. First of all, in section (c)(1) (A) and (B)—that is on line 8 through line 13, and determining the time that is used to determine eligibility, the question that is raised in our minds is: What employment is to be used in determining somebody's eligibility for severance pay? Is it to be Senate service only? Is it to be all Government service, including possibly military service? And even what about maybe former members who may be on the payroll who are involved in this?

And of course the question, does the committee want to place any limitation on how long a period that person could be paid severance pay?

Based on the wording here, we determine that somebody that had 30 years of service, they could get, I believe, as much as 50 weeks severance pay, based on 30 years of service.

The CHAIRMAN. Ken?

Mr. GRAY. The select committee did not touch that specific question. I think—to the extent that it is setting an overall limit. The way this is established is, we understand, roughly comparable to what would be implemented in the executive branch, if they have such a situation. That is the 1-week pay for each year. And as to whether it should be Senate service or Federal service, Senator Stevenson and Senator Packwood recommended Federal service, for example, as I understand Senate retirement benefits you do include military service for that period.

We realize there might be a question, but that was their recommendation.

The CHAIRMAN. And you recommended going to your 7 days rather than 1 week; is that for pay purposes?

Mr. RIDGELY. Yes, sir, because our pay periods are twelve 30-day months, and of course, normally, when a week is referred to, a person will refer to their workweek of Monday through Friday, but our pay is computed on the basis of 30 days, which includes Saturdays and Sundays. So the wording there, we want to recommend the use of 7 days and 14 days, instead of using 1 week or 2 weeks.

The CHAIRMAN. And so the committee then would have to make the determination: Do we accept the recommendation of the select committee on Federal Government service, which is used in other branches of Government.

Is there discussion on that point?

All in favor of the committee's recommendation say "aye." [Chorus of "ayes."]

Opposed, "no"? [No response.]

That is agreed to.

All right, what else?

The question of a limit, does the committee desire to place an upper limit?

Senator HATFIELD. To review again, Mr. Chairman, what is the practice that we have up to this point?

The CHAIRMAN. We have no provision for severance pay at all.

Senator HATFIELD. No; I know, but I mean in the executive branch——

Mr. RIDGELY. I think they pay up to 1 year, 52 weeks.

Senator HATFIELD. I would think that conforming to the present practice anywhere in the Federal Government, rather than setting forth new bases, would be preferable. What is your recommendation?

Mr. RIDGELY. Well, I guess there is a lot to be said about it; 52 weeks, that is a whole year to retain somebody on the payroll, and pay them for maybe services rendered to the Senate. I guess I am a little tight on that. I mean, my own feeling is I think that is a long time.

Senator HATFIELD. What would be a good time?

Mr. RIDGELY. Well, I would say, it seems to me that 6 months would be at least adequate for a person to be able to locate a position, to get a position somewhere.

Mr. GRAY. It might be worth noting that the executive branch policy includes an age factor, which we did not put in here. So this is not as liberal as the executive branch policy.

The CHAIRMAN. What are the wishes of the committee?

Senator HATFIELD. Well, Mr. Chairman, I again would like to see us informed where there has been a precedent established. I would say 1 year, if that is what the practice is in the executive branch.

Senator BYRD. Mr. Chairman, I do not think we ought to necessarily follow the practice of the executive branch. I agree with Mr. Ridgely that 1 year is too long.

Senator HATFIELD. What is the practice in private industry?

Mr. RIDGELY. I do not know, sir.

Senator BYRD. I think a year is too long in the executive branch, too.

Senator HATFIELD. Mr. Ridgely.

Mr. RIDGELY. Yes, sir?

Senator HATFIELD. Is there not a clause in here that once they obtain a job, then those payments cease, do they not?

Mr. RIDGELY. There is a provision in here, and I think it is the one on page 44 you are referring to, where they have to give notification of their earnings, and that any severance pay so to be reduced by earnings, by whatever they may earn——

Senator HATFIELD. Then it is not a guaranteed period of payments, as such, but it is related to their finding new employment?

Mr. RIDGELY. Yes, sir, in other words——

Senator HATFIELD. Like in unemployment compensation, they have eligibility there, do they not?

Mr. RIDGELY. Well, that is a question I wanted to raise with the committee as to what is to be included in the reduction factor of the severance pay, and I was going to address myself to that.

Senator HATFIELD. If they have severance payments, then they are not then eligible, hypothetically, for unemployment compensation, and they have to be reduced if they find new jobs. It seems to me that all those factors are restrictive to the possibility of a person just enjoying "rocking chair money" of severance pay. Do you not think so?

Mr. RIDGELY Yes. sir, I had several items—we had determined there are several areas that could become involved, where an individual could be receiving severance pay and have income from other sources in addition to that, unless the wording was changed to include such an item, such as——

Senator HATFIELD. It seems to me that if we tighten up those other areas which you refer to, and I think I mentioned one or two others, and make this pay strictly severance pay, contingent, of course, upon new employment, and so forth, a year is not terribly unreasonable.

Mr. RIDGELY. I gather that the purpose of this, of the intent of this language was to—I use the word "subsidize" an employee between what they had earned otherwise, and at the rate of salary they were earning when they left the payroll, had they——

Senator HATFIELD. In terms of service?

Mr. RIDGELY. Yes, sir.

Senator HATFIELD. Years of service.

Mr. RIDGELY. Yes; I have not touched on the amendments I wanted, I was just going through this and checking out some of these items I would like to bring to the attention of the committee before I brought these amendments to your attention.

On page 44, still on the severance pay, on line 11, which brings in the question of the certification by an employee of whether or not he was employed or engaged in self-employment during the preceding month, and the amount of gross compensation received. And our question is: What is to be included in this gross income?

For instance, there is employee's compensation, there is retirement income, unemployment compensation, social security, other Government service. Of course, on other Government service, that would bring the dual compensation laws into effect, which would stop it right there.

But we did want to bring it to your attention that—what about someone who does leave the payroll under the change of the committee structure by this resolution, and they lose their job? That is an involuntary separation. And if they have hit a certain level of service and age, they are entitled to an immediate annuity under the civil service retirement laws. And this would mean that if somebody had 25 years of service at that time, and were participating in the retirement program, they could receive an annuity under the retirement program. Likewise, if they had 20 years of service and had attained age 50, they could also get an immediate annuity. It would be reduced, but, nevertheless, it would be income.

So when we talk about the amount of compensation, we are referring to personal services, more or less, and we felt that this should maybe be qualified, to include these other types of income that would possibly occur to a person.

You mentioned unemployment compensation as being one of them. Well, that is not considered gross compensation. Unemployment compensation is not considered that.

The CHAIRMAN. Well, I do not think a person can draw severance pay and unemployment compensation at the same time, can he?

Mr. RIDGELY. I do not know what the unemployment laws are in connection with that, Mr. Chairman. I really cannot answer that.

But it may be that the severance pay aspects for unemployment would be like under the retirement laws. Now, severance pay is not subject to civil service retirement deductions nor life or health insurance, and it may be—I do not know—they may apply this to the unemployment laws in the same direction.

Senator HATFIELD. Well, we can restrict our severance pay system to exclude unemployment compensation, if we so desire, can we not?

Mr. RIDGELY. Yes, sir, you could indeed.

Senator ALLEN. The other way around. In my opinion, if you are getting unemployment, they not get this, rather than exclude unemployment.

The CHAIRMAN. Did the committee consider these matters?

Mr. GRAY. Not in that detail, sir. I wanted to mention that since there is this transition period, if you read on the principle of this, that the severance pay could not start, in any case, before July 1. There would be time, at another time, to decide these details.

Senator HATFIELD. You are really talking about 18 months, if we should decide then on 1 year's severance pay.

Mr. GRAY. No; I mean in the next 4 months, prior to July 1, under the transition period you could decide these detailed matters with respect to severance pay, if you decide the principles today, because Mr. Ridgely certainly has shown us many difficulties with regard to that.

Senator HATFIELD. Mr. Chairman, it seems to me that we are not going to be able to work out such details at this point, and that the staff's recommendation makes a lot of sense. These points have been raised and must be answered, and probably others that we have not even thought of, until we get into an actual case by case on severance pay, if there is such to develop.

Possibly we ought to establish some broad guidelines and then move ahead with the implementation on an actuarial base, rather than on a legislative base.

Mr. GRAY. If you like, the select committee could give you more detailed examination.

The CHAIRMAN. I would like to suggest to the committee here that we ask the select committee to consider that question of severance pay in connection with Ridgely and our counsel, and try to come back with some recommendation to us at a later time, and that we take the severance pay issue out of this resolution right here.

We could act on the broad general principles here, and as long as we have got a transition period, let's act on that, and let the committee come back with recommendations for us on this severance pay, because

this is obviously very, very complicated, and we do not have all the answers to it right now.

Senator HATFIELD. Mr. Chairman, I move that we delete this section, and that we insert in the report language of the committee some broad statement to cover the area, to indicate that we are addressing ourselves to it and to be determined in the near future.

Mr. RIDGELY. We could find out some answers on how the unemployment compensation would be affected by this.

Senator HATFIELD. Right. I would like to know of some general idea of how severance pay is handled by industry, and some other comparisons.

Senator GRIFFIN. And how much is it likely to cost.

Mr. RIDGELY. Unless we know maybe an exact number of people and how much their salary is—the reduction fact, I think, would preclude you from—you could maybe get a maximum cost idea. But then, how many people would be involved in this is something we would not know until after the transition period. Is that correct?

Mr. GRAY. Yes; we would have to know a lot more of the individual process than we know at this moment.

The CHAIRMAN. Would we need to strike anything other than section 705 to completely eliminate the question of severance pay from the resolution at this time?

That is midpage 42 and runs down to midpage 45.

Senator BYRD. Mr. Chairman, could I ask Mr. Ridgely this question?

What provision is there for severance pay now, for employees of the Senator who is defeated or who retires after his term expires?

Mr. RIDGELY. None.

Senator BYRD. Who is defeated, or who retires after his term expires.

Mr. RIDGELY. For a Senator who is defeated, or decides to retire, there is none. For a Senator who resigns before his term expires, we have a permanent resolution of the Senate that continues employees in his office on the payroll for not more than 30 days, and that cannot extend beyond the end of his term.

Then in the case of a death of a Senator, we have a 60-day period, and then in the case of a Senator who is appointed to the Senate, and who is defeated in the election, or if he does not decide to run for the short term, or the unexpired term, let us say, then his employees may be retained on the payroll not to exceed 30 days.

So we have three situations where the maximum is 60 days.

The CHAIRMAN. Is there objection to striking section 705 in the resolution?

Without objection then, section 705 will be stricken.

Mr. RIDGELY. Mr. Chairman, can I address myself to these technical and clarifying amendments that I have?

The CHAIRMAN. Yes, sir.

Mr. RIDGELY. The first one is on page 40, on line 15.

I would strike out the word "is" at the end of the sentence, and insert "shall be."

The CHAIRMAN. Without objection, that will be approved.

Mr. RIDGELY. Then on page 42, line 16—well, that has all been taken care of by striking the section 705, all those that we had for—that covered the severance pay. Page 44, also.

The last one I have is on page 45, beginning at line 23.

When Senate Resolution 60 was agreed to in 1975, the language in the resolution prescribed certain methods by which a Senator got an allowance for legislative assistance, and in that resolution it mentioned that a chairman, a ranking minority member, and so forth.

In dealing with this allowance, and administering for the Members of the Senate, we have been basing everything we do so far as the chairman and ranking minority members are concerned, on the intent, which was defined on the colloquy on the floor, when Senate Resolution 60 was being considered, and then when the Legislative Branch Appropriations Act for 1976 came along, the subcommittee picked up the language from Senate Resolution 60 and made it a matter of law, and Senate Resolution 60 then was suspended, that part of Senate Resolution 60 was suspended, and in Senate Resolution 60 it had a provision in there that you could not diminish the allowance, or whatever was in Senate Resolution 60.

So it was written at that time exactly as Senate Resolution 60.

Once again, in the reduction factor, chairman and ranking minority member is recognized, and each Senator who had staff on the committee, that he recommended for appointment to the committee staff.

This language that we have here to present to the committee, clarifies and puts into real language the intent that we have been working with, rather than continuing with the intent.

We would have this language that would definitely say that in the case of a chairman or ranking minority member, he would not get any funds from that committee of which he is a chairman or ranking minority member.

All that says here, the first part of this amendment that we have here, it says that the amount referred to in subsection (a), which establishes the 100, the allowance of $113,226, it shall be reduced by the amount referred to in section 105(e)(1) of the Legislative Branch Appropriations Act of 1968, which is $37,742.

It would be, in the case of a Senator who is the chairman or ranking minority member of any committee or subcommittee that receives funding to employ staff assistance separately from the funding authority of the standing committee.

This would mean if a Senator had three committees, and was either the chairman or ranking minority member of a standing committee, or even a select or special committee, or was the chairman or ranking minority member of a funded subcommittee, then he automatically is reduced down to zero, because of that one committee.

So if he has the $113,226, that would be reduced by $37,742.

Now, this would then put into bill language, as I say, the intent that we have been working toward.

The CHAIRMAN. What you are doing here is just having us put in the resolution what you are carrying out as a policy matter now, based on the historical or legislative history of the Senate Resolution 60?

Mr. RIDGELY. Yes, sir, that is correct.

The CHAIRMAN. And that language would go on page 45?

Mr. RIDGELY. Starting with line 23, we would strike all the language through line 24 on page 46, and insert this new language.

The CHAIRMAN. Is there discussion on it?

Senator Hatfield?

Senator HATFIELD. Mr. Chairman, does Mr. Gray have any comment on it?

Mr. GRAY. As I understand, this would codify the current practice.

Mr. RIDGELY. Yes; that is true.

The CHAIRMAN. All in favor say "aye." [Chorus of "ayes."]

Opposed? [No response.]

It is agreed to.

Do you have any others?

Mr. RIDGELY. No, sir, that is all I have on this, Senator.

We will develop these papers on the committees.

The CHAIRMAN. Senator Allen, do you want to give your amendment?

Senator ALLEN. Yes; turning back to page 34, in the matter of the timing of the announcement by the majority leaders, the leaders, of the consent that they have given to the committee to meet beyond the first 2 hours of the meeting of the Senate, or after 2 o'clock, as the case might be.

At the bottom of page 34, in the sentence reading the "majority leader or his designee shall announce to the Senate, whenever consent has been given under this subparagraph." I wanted to add, and I would like to discuss it just a moment, these words, make a semicolon instead of the period, "and after such announcement to the Senate, such committee shall be permitted to meet in accordance with the terms of such consent."

Now, it appears to me that this announcement of the consent could be given at the start of the legislative day, when it seemed likely, on advice from the committee chairman, that they might meet beyond 2 o'clock, that that announcement could be made at that time, in order that the public and the Members of the Senate would understand that the committee is going to meet.

Now, I do not—in any sense, charge that there would be any holding back of the announcement purposely by the leadership, but this could be used in this fashion, that in order to do away with our present sunshine rules in the Senate, whereas the public is permitted to attend committee meetings, and not only the public, but interested Senators.

You could have a hotly contested issue, where Senators possibly would not be anxious to take a stand before the public meeting, and they could carry the meeting on up to 2 o'clock, and after adjourning the meeting, and then get permission to meet, and meet in chamber, with the President not present, only Members of the Senate having knowledge of the meeting, and take such action as they wanted to, and the announcement be made, and action would have been completed without any people outside the committee knowing what had happened.

So all this amendment that I am suggesting, and I would rather imagine it would receive no more support than any other suggestion in this connection, but after the announcement is made, it could be made 5 hours in advance, if they wanted to, but after the announcement to the Senate has been made that such committee shall be permitted to meet in accordance with the terms of such consent.

So all the majority leader would have to do is get up, come in at 10 o'clock, and say, consent has been given. That committee X be per-

mitted to meet today after 2 o'clock, and that is all that it would require. I cannot see a great deal of harm in making the announcement prior to the meeting.

So if you want to make the announcement after the meeting, that would serve a very useful purpose.

Senator WILLIAMS. Could I ask a question?

Senator ALLEN. Yes.

Senator WILLIAMS. Prior to the meeting, the first meeting, or the adjourned meeting?

Senator ALLEN. All this would say is that they could meet after 2 o'clock. That is all this would say. The consent is that they could meet after 2 o'clock, or after 2 hours beyond the convening of the Senate.

Senator WILLIAMS. And if the meeting ended at 2 o'clock, and then permission was granted, then they could go back at 2:30?

Senator ALLEN. Yes.

Senator BYRD. Mr. Chairman, it is not quite this simple.

In the first place, the leader may not know at 10 o'clock in the morning that there is such a need for a committee to meet beyond the 2 hours set forth in the rules. It is conceivable that a law is about to expire at midnight. It is conceivable that a committee would have to meet beyond the first 2 hours, or beyond 2 o'clock, in order to complete its considerations of legislation that would be necessary because of the time deadline of the expiration of the law.

It would be possible for any Senator who wished to defeat the legislation simply to get to the floor, and to get the floor, and hold it and refuse to yield to the majority leader for him to make such an announcement.

To that extent, the consent of the majority leader and minority leader is negated, to the extent of the time required for the majority leader to make that announcement. So it would be some matter for a Senator, as I say, to hold the floor past midnight, refuse to yield, or if he offered to yield, another Senator could object to his yielding, by saying it would count as a second speech, and another situation could arise in which the Senate had met during the morning, had recessed at 2 o'clock in the afternoon.

So the Senate would be in recess for 2 hours. The chairman of the Committee on Labor and Public Welfare comes to the majority and minority leaders and says it is absolutely urgent that our committee meet, continue to meet until 4 o'clock today, 5 o'clock today, let us say until 4 o'clock today in order to get language for the law, so that we can get a report written, and get that report filed at midnight.

Well, if we are in recess until 4 o'clock, his committee will not be able to meet, even though Senator Baker and I consented to its meeting at 2 o'clock. He will not be able to meet until 4 o'clock when the Senate goes back into session, and the majority leader will be able to announce it.

Mr. Chairman, I really think we are quibbling over a splitting of hairs, or something here. The majority leader is going to make the announcement if such an announcement is necessary, and it will only be necessary when the majority leader and minority leader have agreed to give consent.

The majority leader is going to make the announcement at the very earliest. I do not think it should be written into this resolution that

the committee cannot meet until such consent is given. Because if we write that in, we put a qualification upon the language that allows the committee to meet by such consent.

It is very innocuous language, but it can, under certain circumstances, be used to the advantage of a Senator who wishes to thwart a committee's desire to meet.

Senator ALLEN. Mr. Chairman?

The CHAIRMAN. Senator Allen.

Senator ALLEN. I believe Senator Byrd does credit to the committee chairman, and has much foresight when he says that some law might be on the verge of expiring at midnight. I rather imagine that the chairman would know at noon that that law was about to expire at midnight, and he would not certainly wake up at 4 o'clock and find out that the law is about to expire. Also, on the matter of not getting recognition for the purpose of making the announcement, I wonder if it would remove the Senator's objection if we provided that such an announcement would have the same priority as a petition which could be filed even though a Senator is speaking. That would remove that objection, it would seem to me.

The CHAIRMAN. Further discussion?

The question is on the amendment of Senator Allen.

All in favor say "aye." [Chorus of "ayes."]

All opposed, "no." [Chorus of "noes."]

The noes have it, and the amendment is not approved.

If there is no further amendments to title VII, without objection, title VII will be approved as we have it now.

Senator Clark.

Senator CLARK. Yes; I would like to offer an amendment on title II, and ask that it be distributed for all the Members.

I will read the paragraph that is significant. It is not very long.

The CHAIRMAN. What page is it on?

Senator CLARK. It is on page 23, line 20, strike the period after Member, and insert the following:

Provided, however, That no Senator serving as chairman of a standing committee of the Senate shall serve at any time as chairman of more than one subcommittee of any standing committee of the Senate.

Provided further, That no Senator serving as chairman of a special, select, or ad hoc committee of the Senate, or joint committee of the Congress, shall serve at any time as chairman of any subcommittee of such committee.

Now, the other two paragraphs are really designed to clarify other parts of the bill. That is the substance of it.

And just briefly, Mr. Chairman, it is my judgment that this amendment would do more than almost anything possible to share the responsibility of the work of the Senate, because the Members that I have spoken to about this amendment, and I know it was considered a number of times, this would be the kind of change which would effectively give junior Members an opportunity to chair subcommittees.

The fact now obviously is, committee chairmen are burdened with extremely heavy duties. I think they would be the first to say that their responsibilities are enormous, as full committee chairmen.

The second point I want to make is that it helps to achieve the charge of—or at least the goal of the select committee, particularly because it will help to limit the number of subcommittees.

Right now the maximum number of subcommittees that could exist in the Senate under the changes that we have already made is 124.

Now, it could be limited to 112. So it limits the number of subcommittees, it helps share the responsibility, and lastly, just to make that point, right now, several committee chairmen have numerous subcommittee chairmanships, while several junior members have absolutely none on any committee.

Now, under Senate Resolution 4, committee chairmen will still hold as many as three subcommittee chairmanships, two on major, and one on minor, and this amendment would increase the likelihood, I think, therefore, that junior members would get to chair subcommittees.

What it really does, in short, Mr. Chairman, is to say that chairmen of full committees would have their chairmanship considered as, counting as, a subcommittee chairmanship, and therefore a full committee chairman would, like everyone else in the Senate, still hold two chairmanships, one full committee, and one subcommittee, and I think that could do about as much to really distribute the responsibility as anything could.

I yield.

Senator HATFIELD. Would the Senator yield for a question?

Senator CLARK. Yes; I am finished.

Senator HATFIELD. You have just indicated that a person who is serving as a chairman of a full committee could serve as a subcommittee chairman?

Senator CLARK. Yes.

Senator HATFIELD. On the parent committee?

Senator CLARK. Well, either on the parent committee, or on another one, whichever his choice might be.

In other words, it would not limit a full committee chairman from serving as a subcommittee chairman on his own committee. My amendment would not——

Senator HATFIELD. Or any other?

Senator CLARK. Or any other subcommittee.

Senator HATFIELD. It limits him to total committee assignments. One parent committee chairmanship, and one subcommittee chairmanship.

Senator CLARK. That is correct.

Senator HATFIELD. What is nonchairman's limitation?

Let us say a Democrat that you are talking about, a Democrat person here. He is not a chairman of a parent committee. What is his limitation there?

Senator CLARK. Two.

Senator HATFIELD. Two subcommittees?

Senator CLARK. Two subcommittees, the same as here.

Senator HATFIELD. Must they be on the same committee, or different committees?

Senator CLARK. Well, I think they may be—do they have to—I think they have to be on different committees. One chairmanship per committee.

Senator HATFIELD. I see, one subcommittee chairmanship?

Senator CLARK. Yes; now, this gives the full chairmen a little bit more flexibility than all other Members, because they may have only

one subcommittee chairmanship on each major committee, but this would allow a full chairman to also hold a subcommittee chairmanship on that same committee, if he desired to do it in that way.

Senator HATFIELD. Thank you. This does not involve ranking minority member limitations?

Senator CLARK. No; we cannot, because there are not enough to go around, as I undrestand it.

Senator HATFIELD. Yes; that is coming back to the fundamental question.

The CHAIRMAN. First, I think—I do not believe that Senator Clark's response to you was quite correct.

As I read this now, you said that a Senator who was not a chairman could chair only two subcommittees?

Senator CLARK. Two subcommittees of the major standing committees. He may also have a third subcommittee.

The CHAIRMAN. That is right, so he could have three. He could have chaired three subcommittees, and yet a man who is the chairman, you are limiting him to only one subcommittee chairmanship, if he is the chairman of the committee?

Senator CLARK. No; I think he may serve as a—he may serve as a chairman of a third committee. That is, you do not limit—he is not limited in terms of the so-called third category committees in any way that any other Member is. He is treated in the same way.

The CHAIRMAN. Well, I do not think I—either I am not understanding you, or you are not understanding me.

But if a person is a chairman of a standing committee, then according to your amendment, he would be or would not be eligible for chairmanship on a subcommittee, on any other subcommittee, on only one subcommittee?

Senator CLARK. No; I have not explained this well, then.

He may also be a chairman of a subcommittee, on any—I cannot think of the language, a third committee, a nonstanding committee.

He is not prevented from also holding a subcommittee chairmanship on a—what do we call them, minor committee, third committee? Nonmajor committee?

In other words, if I were a full committee chairman, I could also have another subcommittee, either on my committee, or another, and in addition I could sit as a subcommittee chairman on my nonmajor committee.

The CHAIRMAN. But this amendment of yours would not permit that: would it?

Senator CLARK. Well, it says—certainly my intent, maybe I am—you notice that it refers only to standing committees, the amendment.

The CHAIRMAN. Well, how do you define standing committees?

I think the way we have listed the committees now, we have in a group, 1, 2, and 3.

Senator CLARK. Well, we might have to make a technical change, and say that these are major standing committees then. That certainly is the intent.

The CHAIRMAN. That is why we grouped them, so that we could get from that major-minor situation.

Senator CLARK. Well, group 1 committees is a better way of expressing it.

In other words, we have made a very careful distinction in Senate Resolution 4, between group 1 committees and the other committees, so that we could serve on both of them, and I am referring only to the major committees.

The CHAIRMAN. Well, let me ask you a specific question. Myself, for example, as chairman of the Rules Committee, if the amendment was passed, does that mean that I could not chair a subcommittee on Armed Services, and also chair a subcommittee on Commerce?

Senator CLARK. No; it would not. It would not affect you in that way.

In other words, the fact that you are a chairman of the Rules Committee would not prevent you from serving as a subcommittee chairman on both Armed Service sand your other committee.

The CHAIRMAN. Where do you see that?

Senator CLARK. Well, there is nothing in here that would prevent it, because on page—the second paragraph of my amendment, it says on page 24, line 4, after the period, insert the following. "For purposes of subparagraph (e) (2), the Committee on Rules and Administration shall be considered as a special, select, or ad hoc committee of the Senate," just as it would be in the case of the next paragraph, Budget. Because they are considered third committees.

The CHAIRMAN. If I can carry that a step further then. What you are saying is that I could not be chairman of the Subcommittee on Rules, of which I am now chairman.

Senator CLARK. That is correct.

The CHAIRMAN. And——

Senator CLARK. Except for—that is correct, except for those committees that are exempted for other reasons like Joint Printing, or any other of those. I think Joint Printing, what else have we exempted—Joint Library, Joint Printing, and Joint Library would not be affected by those.

The CHAIRMAN. How many—what is the net difference of this now?

Senator CLARK. The net difference would be that a chairmanship, in effect——

The CHAIRMAN. In other words, what you are trying to say is that for some certain Senators, you want to make space available, and this is the way to get them involved in chairing a subcommittee. How many would this make available?

Senator CLARK. Well, it could make 12, I would think.

The CHAIRMAN. Twelve, and does it have a listing of what those 12 would be?

Senator CLARK. What?

The CHAIRMAN. Do you have a listing of what those 12 would be?

Senator CLARK. One for every major standing committee.

In other words, the goal here is to say that the chairmanship shall count as a subcommittee chairmanship would count for any other Member. Every other Member of the Senate under Senate Resolution 4 may hold two chairmanships, both subcommittee. A full committee chairmanship under Senate Resolution 4 may hold full chairmanship, plus two subcommittees.

I am just saying you count the full chairmanship——

The CHAIRMAN. But not on that same committee. You cannot hold them on the same committee.

Senator CLARK. Yes; that is correct, because under Senate Resolution 4, each of us may hold one subcommittee chairmanship on each major committee.

Under my proposal, a full chairman, the chairman of a full committee, could hold one subcommittee, either on his own, or the other.

In other words, he still holds two chairmanships, just as everyone else would. The advantage to it is what you anticipate. Namely, that there being a number of Members at the bottom end who receive no chairmanships on any committee, would then be given a greater opportunity to receive one.

Senator BYRD. I would like for Mr. Gray to indicate the distinction between the Stevenson resolution proposal and the proposal by Senator Clark.

Mr. GRAY. Yes, sir, the select committee's recommendation was that each Senator, regardless of whether he is a full committee chairman, could serve as a chairman of one subcommittee of each committee on which he serves.

Senator BYRD. And?

Mr. GRAY. Senator Clark's proposal, as I understand it, would say that each Senator who is chairman of one of the—either 12 or 13 committees in group 1, that is, the major standing committees, could not serve on more than one subcommittee as chairman of the two committees.

He could elect whether or not that subcommittee that he chaired is on his committee that he so chairs, or on his other major committee.

Senator PELL. The full committee chairman, in other words, an individual has a choice. He could be chairman of the subcommittee and resign the chairmanship, or chairman of the full committee and give up the subcommittee.

Mr. GRAY. Yes; some full committee chairmen do not now chair subcommittees on their committees.

Senator BYRD. All right. Let us take Senator McClellan, for example.

The reason I am taking him is because he is chairman of the Appropriations Committee on which I serve. He also serves on the Judiciary Committee on which I serve.

Under the Stevenson resolution and on Appropriations he is chairman of, I believe, and I am not sure of this——

Senator CLARK. Defense Intelligence.

Senator BYRD. Defense. Defense Subcommittee. On Judiciary he is chairman of——

Senator CLARK. Criminal law and procedure, and patent trademarks and copyrights.

Senator BYRD. He is chairman of three subcommittees there and under the Stevenson proposal, what happens to a Senator in Senator McClellan's position?

Mr. GRAY. He would have to give up two of his subcommittee chairmanships.

I understand he has three now. Does he have two or three?

Senator CLARK. Two.

Mr. GRAY. He gives up one.

Senator BYRD. I thought he had three.

Senator CLARK. No; criminal law and patents, trademarks and copyrights.

Senator BYRD. All right. So, he would be allowed, he would be permitted one chairmanship of one standing committee plus one chairmanship of one subcommittee on each of the two committees, is that correct?

Mr. GRAY. Yes, sir.

Senator BYRD. So he would indeed have three chairmanships.

Mr. GRAY. Yes, sir.

Senator BYRD. One the committee, and two of subcommittees.

Mr. GRAY. Yes, sir.

Senator BYRD. But he could not be chairman of two subcommittees on either of the committees on which he serves?

Mr. GRAY. That is correct.

Senator BYRD. Could he be appointed as chairman of this Select Committee on Conduct, let us say, which Mr. Nelson is chairman of at the moment?

Senator CLARK. Yes; because we exempted that from a fourth committee.

Mr. GRAY. Yes; because it is exempt.

Senator BYRD. Why is it exempt?

Mr. GRAY. Because the Rules Committee exempting it——

Senator BYRD. I am talking about the special committee that was just created.

Mr. GRAY. No.

Senator BYRD. That is exempt only because it was exempted in the resolution but now suppose in the future it is important that another select committee be appointed for some reason.

Can a chairman, say Senator Cannon or Senator McClellan, of a standing committee, be appointed as chairman of that particular select committee?

Mr. GRAY. No, sir, unless there was an exemption made in the Rules Committee, because the Stevenson recommendation is chairmanship of one full committee of any sort.

Senator BYRD. It prevents a chairmanship of any other full committee.

Mr. GRAY. Yes.

Senator BYRD. In other words, Senator Ribicoff, for example, who is chairman of the now—presently called Government Operations Committee, could not serve as chairman of the Select Committee on Standards and Public Conduct.

Mr. GRAY. That is correct, as Senate Resolution 4 stands now.

Senator CLARK. Well, from one point of information on that—of course, my amendment does not change that one way or the other.

But just significantly to this point, however, the resolution that the leader introduced, specifically did exempt and that would be the case in any new committee, or ad hoc select committee that would be appointed.

Chairman Nelson, for example, is chairman of a standing committee, the Small Business Committee, but he may serve on the other

committee as chairman because the resolution itself exempted that and each time a new select committee is introduced, as was with the Watergate Committee, and so forth, that could be included if it was the wish of the leader of the Senate, really.

Senator BYRD. Yes; so now under the resolution by Mr. Stevenson, a Senator may serve as chairman of a committee and as chairman of two subcommittees, not on the same committee but on one, one subcommittee on each of two committees. So he can have three chairmanships, right?

Mr. GRAY. He may have a third subcommittee chairmanship on this third committee.

Senator BYRD. He can have the third subcommittee chairmanship?

Mr. GRAY. Third.

Senator BYRD. Now, under your proposal, what do we have?

Senator CLARK. Under my proposal you count the full chairmanship as one subcommittee chairmanship, so that he would not only be full committee chairman, but he could hold one other subcommittee chairmanship on major committees, and one other as with the Stevenson resolution on a minor.

Senator BYRD. You just could have one chairmanship and one subcommittee.

Senator CLARK. That is right, the simplest way to put it is the full chairmanship is now counted as a subcommittee chairmanship in fulfilling that requirement.

Senator HATFIELD. If the gentleman will yield.

You are only one less subcommittee than the Stevenson recommendation.

Senator CLARK. One less for each major committee. It is conceivable. Yes.

The CHAIRMAN. Well, I thought we considered this matter pretty well when we acted on the limitations earlier and I, personally, am opposed to this limitations provision.

Senator CLARK. I was not here to offer that, that was my problem. That is why I'm taking it up now.

Senator BYRD. May I ask one further question, Mr. Chairman?

The CHAIRMAN. Yes.

Senator BYRD. Under your proposal, a Senator could be chairman of a committee and that counts as a chairman of a subcommittee. He could be chairman of a committee and he could be chairman of each of two subcommittees.

Senator CLARK. No.

Senator BYRD. One?

Senator CLARK. One on major committees.

Senator BYRD. All right. He can be chairman of a committee and chairman of one subcommittee, that is it?

Senator CLARK. That is right. On a major committee. He can be another chairman on a minor committee, on a third committee, a nonmajor committee.

Senator BYRD. All right. Suppose we take a Member who is not a chairman. How many subcommittees can he chair?

Senator CLARK. Two.

Senator BYRD. Possibly one on the—so he could chair three subcommittees?

Senator CLARK. That is right. The idea is to have the same number of chairmanships for full committee members, chairmen and nonchairmen, that is. Everyone would have two on major committees.

Senator BYRD. All right. Let us take a Senator like Harry Byrd of Virginia and there is another Senator or two who is only on two committees.

Does this mean that a Senator who only has two committee assignments can serve as chairman of three subcommittees?

Senator CLARK. No.

Senator BYRD. He can only serve as the chairman of two subcommittees?

Senator CLARK. Because, in accordance with Senate Resolution 4, each Member of the Senate may have only one subcommittee chairmanship on each standing committee, and my resolution would not affect that.

Senator BYRD. Is this a motion or amendment?

Senator CLARK. I moved it.

The CHAIRMAN. This is an amendment offered by Senator Clark.

Senator CLARK. I think I would like a rollcall vote if I can get one. I assume that it is going to be a close vote.

The CHAIRMAN. The clerk will call the roll.

Mr. GRAY. Mr. Chairman, there is a technical question with respect to the status of the budget by the action of the Rules Committee this morning. It could be inferred that the Budget Committee should be considered as it would be after this Congress as the group 1 committee for the purposes of this amendment.

Senator CLARK. Yes; that is the intent.

Mr. GRAY. It is a group 1.

Senator CLARK. After this Congress.

Mr. GRAY. After this Congress.

Members appointed to the Budget Committee——

Senator CLARK. New Members.

This would not stand in contradiction to that. That would be a clear understanding.

The CHAIRMAN. The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. Byrd.

Senator BYRD. No.

The CLERK. Mr. Allen.

Senator ALLEN. No.

The CLERK. Mr. Williams.

Senator WILLIAMS. No.

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower.

Senator HATFIELD. Aye, by proxy.

The CLERK. Mr. Chairman.

The CHAIRMAN. No.

The CLERK. That is four ayes and five nays.

The CHAIRMAN. The amendment is not agreed to.

Senator CLARK. Mr. Chairman, I have——

Senator BYRD. For the record, what impact would this have on ranking minority members?

Senator CLARK. Well, it would not have any because there are not enough to go around.

Senator GRIFFIN. Give us some more Members.

Senator CLARK. Mr. Chairman, I have a second proposal.

Senator BYRD. I wondered why all the minority members were voting for the amendment.

The CHAIRMAN. Senator Percy has—I understand he has a point that he wants to present to us. I wonder if we could do that before we go with the next one.

Senator Percy?

Senator PERCY. Mr. Chairman, despite the size of my exhibit, I would think that in two subjects that I respectfully bring before this committee, I could take 3 minutes on the first one and 2 minutes on the second one, and dispose of what I have to say.

The first deals with nuclear jurisdiction. Obviously, the action has been taken on the Joint Atomic Energy Committee.

We have members here, of the Foreign Relations Committee, Senators Griffin, Clark, myself, and Senator Pell.

We do not all argue with the fact that in nuclear proliferation, one has a deep interest and responsibility. What we feel very strongly about is that the Government Operations Committee has by the very nature of the basic two authorities given to it, organization and reorganization of the executive branch of Government first and, second, intergovernmental relations, clear responsibility in the field or organizing the Federal Government with respect to the problem of nuclear proliferation and what we are so concerned about is what is apparent to all of us, that is happening in the world.

We held a naive impression for a number of years that you had to have a sophisticated developed society in order to have capability of building nuclear bombs and the other developing country, China, exploded a bomb.

I do not think we have a peaceful nuclear explosion. India went off and it was immediately followed by application by Pakistan to furnish a goal, nuclear capacity.

A group of Senators has just returned from the Middle East because we know that Israel has atomic bombs and we know that Egypt and other countries want the capacity to build atomic energy plants and God knows what Libya will want to do if they have the money and resources and the desire. We do not know what they will want to do.

We do know that South Korea was on the verge of having the capability and there is a tremendous worldwide competition and the salesmen are winning over those who are looking for world safety.

If South Korea could have the total capability, then North Korea could bargain from the Soviet Union or China. Argentina and Brazil are asking for it and France and Germany are out-bidding each other to see which one can build the most complete system, each of which would provide the capacity, to build bombs.

So, therefore, we held a series of extensive hearings in Government Operations as to what was happening.

What was happening to atoms for peace when it was leading to this kind of danger?

This is just one exhibit as to the kinds of hearings we held.

David Lilienthal, the chairman of the Atomic Energy Commission, was one of our first witnesses and he said in a question I put to him, "I am glad I am as old as I am. I would not want to be as old as my children or grandchildren, or as young as them. The world is too dangerous for that."

And we know what is now happening.

And so, after these very extensive hearings, after carrying on and putting out a report on facts on nuclear proliferation which is the first handbook ever put out, after hearing from Senator Symington, who is the only Senator to serve on Armed Services, Foreign Relations, and the Joint Atomic Energy Committee, that the Government Operations Committee builds the first attempt to really put a stop and use the leverage and clout this country now has.

To stop the arms, this kind of proliferation—when we have that kind of testimony, Senator Ribicoff and Senator Glenn and myself are fulfilled to reorganized the Federal Government, and we came very close in passage of that bill. Working with our House Members, working with Robert Fry, working with the White House, President Ford, we came within a matter of days, I would say, of almost passing that bill.

We built up a body of expertise and knowledge in the committee that I think is extraordinarily important. It would be our intention to not lose what we did in the last Congress, to move forward and certainly Senator Allen has worked intimately with us, and is acquainted with our work.

The Government Operations interest really grew out of the 1974 Energy Reorganization Act in which we created ERDA and NRC. The nuclear export policy is now a patchwork of conflicting responsibilities cutting across several agencies, States, NRC, ERDA, ACDA, Commerce; we have absolutely no coherent policy in this country. It is little wonder that anyone can do almost anything and get away with it.

No one has any sense of responsibility, and that is what we really try to pinpoint and put our finger on.

Government Operations is the only committee that can examine the entire structure, looking at the mutual controls, the interaction of agencies, the balance of responsibility.

Here is what we are not interested in having any jurisdiction over whatsoever. It is not our business.

Agreements, for instance, for cooperation submitted by congressional review. This is clearly Foreign Relations Committee responsibilities.

We are not interested in the financing aspects and that is banking finance. This is the Banking Committee's responsibility. Government Operations recognizes the new Public Works and Environment Committee would have the principal jurisdiction over NRC.

We support that. We do not quarrel with it one bit. But this is a classic case in which Government Operations should establish and

oversee a coherent intergovernmental approach to a problem and other committees then have the primary responsibility over the various parts of it.

What I am respectfully asking on behalf of Senator Ribicoff, Senator Glenn, and myself, we have given you, Chairman Cannon, a letter, and Senator Hatfield, and all we ask is that you add to rule 25, page 13, these words:

The organization and management of U.S. nuclear export policies so far as the Government Operations Committee is concerned.

That is the completion of my comments on that portion.

I would be happy to answer any questions.

Senator GRIFFIN. Senator Percy, do you not have that specific jurisdiction now, under the rules of the Government Operations Committee?

Senator PERCY. Government Operations has had it, we felt, assumed it——

Senator GRIFFIN. You had no express words like that?

Senator PERCY. No; this wording would now clarify what we have been doing and doing in really cooperation with the Joint Atomic Energy Committee.

They worked intimately with us, we testified before them, and we worked with their staff over a period of months and you will recall the final bill that was put in, was not our bill at all. It was the Pastore compromise in which Senators Glenn, Ribicoff, Percy, Symington, and others, joined as cosponsors.

We simply felt it a fitting climax to his career, that he be the author, but the basis for the origin, of all the hearings, really grew out of the original bill that we created after these hearings.

Senator GRIFFIN. What I am looking at is on page 13, a specification of the jurisdiction of the Government Affairs Committee, item 2. "Organization and reorganization of the executive branch of the Federal Government."

To the extent that your effort was involved, you would have as much jurisdiction over the reorganization of part of the executive branch of Government, under the proposed Stevenson resolution as you have had.

Senator PERCY. We feel, Senator Griffin, that so, to date, the only jurisdiction that really clearly has rested has been with the Joint Committee.

It was only really after several months of soul searching negotiations that we began to work with them cooperatively on this and they welcomed us, particularly when Senator Symington said, we have since passed Senator Pastore's origin of the test ban treaty, the Joint Committee did nothing.

He said not until Government Operations got into this had anyone done anything to arrest what was the most dangerous trend the world has ever seen.

Senator CLARK. I just wanted to make sure that in the legislative history, we make it very clear that Senator Percy's proposed language, that the proposal would give the Committee on Governmental

Affairs jurisdiction over the "Organization and Management of Nuclear Export Programs."

The record should be very clear that this does not in any way diminish the jurisdiction of the Committee on Foreign Relations over nuclear export policy.

The resolution now reads—as the resolution now reads, the Foreign Relations Committee has exclusive jurisdiction over "international aspects of atomic energy," over all executive agreements other than reciprocal trade agreements, and over relations with foreign nations generally.

So, its jurisdiction already encompasses agreements for nuclear cooperation as well as policy principles on which those agreements are based.

So, when we give the Government Affairs Committee jurisdiction over organization and management of nuclear export programs, we give it the power to organize the agencies that manage these programs, but we do not take away jurisdiction from Foreign Relations Committee on these other items, is that your understanding?

Senator PERCY. The one thing that I have asked for is a little bit different than you have given Senator Clark. We have asked for the organization and management of U.S. nuclear policy.

But I clearly stated that it did not infringe upon clear jurisdiction and responsibility of the Foreign Relations Committee that has responsibility for agreements of cooperation submitted for congressional review.

The particular agreements that are worked out of the executive branch and any country, come right to Foreign Relations Committee, for their action.

The CHAIRMAN. Further questions?

Senator Pell?

Senator PELL. I just want to be sure that I understand what we are doing. We are reversing an action that we took this morning, which let this authority, as I understand it, between the foreign relations and with Foreign Relations Committee, basically.

We are now moving it over to Government Operations, is that correct?

Senator PERCY. That is so far as the organization and management of export policies, yes.

And what we felt we had been doing and carrying out effectively for, we hope these past several years, but having worked out after many months of negotiations this arrangement and agreement with the joint committee; the Foreign Relations Committee never has asked for this authority.

But, making—because it did have foreign policy implications, we asked that our bill be referred for 30 days to the Foreign Relations Committee, then the Foreign Relations Committee.

We, after the Government Operations bill, went back and asked that instead of adopting our bill, they adopt and support and report out to the Senate, the compromise bill, which was the Pastore bill. But we did so with the authority, we felt clearly in the Government Operations Committee, worked out with the joint committee.

Senator PELL. But should not question dealing with the export——

Senator PERCY. I do not think the Foreign Relations wants to get into the job of overseeing the organization, structure, and management policies that relate to the whole export of technology, materials, et cetera. They do get into every single country agreement that has been worked out.

Senator PELL. Have you discussed this with yourself, wearing your other hat as a member of the Foreign Relations Committee?

Senator PERCY. I think Senator Javits would support it. He is the second ranking on Government Operations, although I cannot really speak for him.

Clearly, so far as I can see, the Foreign Relations Committee has in the language you have worked out, clearly what the Foreign Relations Committee wants. But I do not see that Foreign Relations Committee really wants to get into management of executive branch power authority, which really gets into our basic power in Government Operations, the organization of the executive branch of Government, and intergovernmental relations.

The CHAIRMAN. What specifically are you proposing that we change?

Senator PERCY. Just simply add language on page 13, that would provide for the Governmental Affairs Committee, the authority, to have authority for the organization and management of U.S. nuclear export policies.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator.

Senator HATFIELD. Senator Percy, under the assignment to the Committee on Energy and Natural Resources, we have an item, the nonmilitary development of nuclear energy.

Then on the Committee on Environment and Public Works, we have the assignment of nonmilitary and environmental regulations and control of atomic energy.

Now, how do those assignments fit into what you are proposing here and have you discussed the matter with Chairman Jackson of the District who will probably be committee chairman of Energy and Natural Resources and Senator Randolph who will probably be the chairman on Environment and Public Works?

Senator PERCY. All I am simply saying is that the Government Operations or the Government Affairs Committee, should not specifically be excluded in the nuclear field from doing and having responsibility for doing what it does and in every other area of Government.

There is no area of Government that we did not somehow conflict with the whole idea of Government Operations, it has an overall view and a reorganization initiating a responsibility.

Let us just take drugs. Drugs are involved in HEW, certainly in the Justice Department, and God knows how many other areas of Government. But what we finally decided, that it was such a hodgepodge, it made no sense whatsoever the way we were operating, no one had full responsibility and the President of the United States said it is the No. 1 domestic enemy; we then held oversight hearings and reorganized all the drug areas, and pulled together the Drug Enforcement Administration in the Justice Department now, which pulled together out of Customs, out of every, you know, a lot of judiciary fights, but DEA now has the responsibility and authority.

But the Government Operations Committee had to have that authority to do it in the field of drugs.

I do not want to see by our actions overlooking the fact that Government Operations should have an overall interjurisdictional area only from the standpoint of organizing and then having oversight over the management of nuclear export policy.

We have a body of expertise in the committee and a background.

I hope this committee would not want to just go away and start us all over again on something that President-elect Carter has said is one of this most urgent priorities, and that President Ford gave a major campaign speech on, saying we must do something about this problem.

We are ready to go; Senator Allen and others of us are ready to go with a piece of legislation now very soon, and to hold hearings very soon.

To start all over again, to put parts of it in a Foreign Relations, parts of it in Public Works, I just do not think is the right way to run the Government or the Senate.

Senator HATFIELD. I certainly would not preclude the Government Affairs Committee from this kind of involvement. The only problem I have is the wording that you propose tends to imply a certain exclusive jurisdiction. If we should adopt that language, we would, I think, have to go back and sort of review the intent that we had behind the assignment to these other committees.

Those items which I recited, and as well, Foreign Relations.

Senator PERCY. Senator Hatfield, let me state my understanding of what the committee tried to do and very wisely in connection with the Energy Committee.

It is my understanding that this committee created the Energy Committee to be concerned essentially with domestic energy resource development rather than have in mind nuclear export controls.

That was not the purpose, the function of what you are trying to go after.

This language that I propose, would in no way infringe upon the Public Works and Environment areas.

Primary jurisdiction over the Nuclear Regulatory Control Commission. We do not want that control in our Commission. That does not belong in our bailiwick but we feel that now this hodgepodge has to be put together into one coherent package and the Government Affairs Committee clearly should have responsibility and authority to reorganize the executive branch of Government so that we can make some sense out of the overlapping and duplication that we now have.

Senator HATFIELD. Would you read again your proposed language?

Senator PERCY. Yes; simply add to rule 25 someplace on page 13, under "Government Affairs," this language:

> The organization and management of U.S. nuclear export policies.

Senator HATFIELD. Export policies.

Senator PERCY. Export policies. That is nuclear proliferation abroad.

Senator HATFIELD. How did you delineate that between what we assign to the Foreign Relations Committee?

Senator PERCY. Once, you see, we now have agreements with all the countries in the world.

Our feeling, after this body of testimony from every expert witness we can bring, is that the existing agreements we have right now are terribly dangerous. They were done under conditions none of us envisioned.

We now know that India used our heavy waters. We did not even slap their wrist. We know that these agreements are not now as strong and binding as we should and can make them and the people of the world expect us to.

When we start to put pressure on countries as we did on South Korea and France, eyeball to eyeball, they blinked. They knew they were wrong. They knew how dangerous it would be to go ahead with what they had intended to go ahead with.

But until we stop the salesmen having the control and outbidding each other to see who can build the most of these plants with the least safeguards on them, we are never going to end this proliferation. We are never going to end the danger and that is what we are on the verge of getting and what we almost got from the last Congress.

We just want to have the authority to keep doing what we have been doing and do not want to have it so that some other committee, not even interested perhaps in the problem, will lose sight of it.

If we do not do a thing, the old Joint Atomic Energy Committee would have picked our bill and run with it as a Pastore bill immediately.

That does not really belong in the new Energy Committee.

Senator HATFIELD. Senator, is that what is behind the assignment to the Foreign Relations Committee?

Is not that what is expected of the Foreign Relations Committee?

Senator PERCY. No, sir, I do not envision us doing that. Once we start the process of renegotiating every single agreement we have got in the world and we are going to have to do it, Panama can do it with us, we can do it with all these other countries.

Any agreement is subject to renegotiation and all we are saying is now, in light of what we now know, how easy it is with a copy of Popular Mechanics and a handful of fuel that can be stolen and we are missing enough fuel that it cannot be accounted for, for bombs to be put together, as these agreements are renegotiated.

And the executive branch has that responsibility, they are referred to the Foreign Relations Committee. Would you not want them in the Government Operations?

What we want is to lay the framework that will then cause them to go back and give them the authority of, that is to say, Congress is saying we must renegotiate these agreements.

But what is in them, what happens to them, is none of our business. That is the Foreign Relations Committee.

Senator HATFIELD. Thank you, Mr. Chairman.

The CHAIRMAN. Does the committee staff have anything to offer on that point?

Mr. GRAY. Senator, as you know, this is an issue that arose only in the last few hours and I do not believe that we have anything to add.

The CHAIRMAN. I really do not believe that we gave Foreign Relations anything that they did not already have.

Certainly, the international aspects of atomic energy is a foreign policy matter and I do not think by delineating that to Foreign Rela-

tions we are taking anything away from Governmental Affairs if they actually had it.

Senator PERCY. Senator, again, and I am happy with the legislative history that was made by you, it is good, but I feel, I think the committee, Senator Ribicoff and myself, and the entire committee, would feel better. Just put it right in our jurisdiction and write it right in there so it is unmistakably clear.

The CHAIRMAN. Your language there, it seems to me, gets right flat to the area of foreign relations policy matters, so I——

Senator PERCY. I am advised and rightfully so that the language that we figured here, all we did was lift out of the language of the Atomic Energy Commission, it was never in the Foreign Relations Committee, never in there.

We brought Foreign Relations in when we felt—because it would mean new agreements, we felt we should refer our reorganization bill to Foreign Relations for them to study. But they never had that authority.

I do not think anyone on the committee really seeks it today. It would be quite out of character for them to start reorganizing the Government. They do not have the staff to do it as a matter of fact. We have an expert staff in this field.

The best that can be put together; Foreign Relations just rebuilding our staff. We do not have a soul on there that would be able to go to work on this right now.

But so far as reviewing their agreement, that the Foreign Relations Committee should do and will be doing but it has no authority that they have ever had.

Well, I have nothing further to add, Mr. Chairman.

Senator GRIFFIN. Are we going to finish today, Mr. Chairman?

The CHAIRMAN. We are going to finish today, hopefully, if we can. I think we are not too far from it.

But we are not going to be able to spend all of our time on these matters.

Have you checked with either Senator Randolph's committee or Senator Jackson's committee with respect to this issue?

Senator PERCY. I have not. I will have to ask if the staff has.

Would it be all right for Mrs. Evans who has talked with them to simply state what their reaction is?

The CHAIRMAN. Are there any staff directors of any of those committees here?

Do you have any comment, John?

Mr. VAGOE. Mr. Chairman, Senator Randolph is out of the office today but we have made contact with the offices of several members of our committee who have experience in this field and have particular interest in it.

And of those three, that I have contacted on that basis, they, with all due respect, Senator Percy, would not support your proposal.

Senator HATFIELD. May I ask one more question?

Senator Percy, do you not have the authority to make reorganization proposals, recommendations of any of the parts of the Government that you should select?

In other words, you have some generic overall authority—do you have to have each agency specified or each program spelled out?

Senator PERCY. We are afraid that the redistribution of the authority of the Joint Atomic Energy Committee did not question it before——

Senator HATFIELD. You have done it without this specific language in the past?

Senator PERCY. It would simply be a matter of personalities. We all know how the Joint Atomic Energy Committee grew up and the way it was operated and it was magnificantly handled but, and out of consideration for our colleagues and being a House and Senate, we sat down with John Anderson, we sat down with John Pastore, just to make certain that they knew, but at no time did they ever quarrel with our rights or jurisdiction to do it.

The only thing worries me is that language that was in their bill, we think, ought to go someplace else.

Senator HATFIELD. But the Senator——

Senator PERCY. And we went ahead and we did and ultimately with their cooperation, introduced this legislation and held all these hearings on it.

Senator HATFIELD. It seems to me, Senator, you have a far stronger position by the precedent that you have already embarked upon this. You already have done this, and then to raise the question at this point with this language——

Senator PERCY. Well, I am simply testifying because Senator Ribicoff wrote the letter and sent it to the two of you and John Glenn signed it and I signed it and I simply want to submit myself to questioning as to our reasoning for it.

We just feel more comfortable. We intend to go ahead. We want to go ahead. We think it is urgent that we want to go ahead.

I think that President Carter would be aghast if one of his principal programs, there was confusion, delay, indecision, down here as to who has the authority or did we sit around and wait for a brand new committee to get started on something that we are ready to reintroduce legislation on in a week.

Senator GRIFFIN. Senator Percy, my concern is your use of the word "policy." It seems to me that nuclear export policy ought to be a function of the Foreign Relations Committee. I will have to concede that we have not done it, and your committee has done a good job.

I think the traditional concept here is governmental affairs, Government Operations Committee deals with the organization and reorganization of agencies and bureaus of the Government.

The Foreign Relations Committee would generally, however, handle the policy aspects and that is what raises the problem.

The CHAIRMAN. Well, thank you very much, Senator Percy. We appreciate your being here.

Senator PERCY. Mr. Chairman, I did say I had two subjects. I think if I could take 1 minute I could dispose of the other one.

The subject is so well known to you that I will not have to——

The CHAIRMAN. All right. You are using your 1 minute.

Senator PERCY. The Rules Committee has decided not to consolidate foreign economic policy and the Banking Committee.

The original idea to move from the finance trade, from financing and general economics, from JEC, was defeated.

The third aspect of this plan, moving foreign economic policy to Banking from foreign Senate was logically defeated on Wednesday. However, this morning this last decision was reversed.

Jurisdiction over the way institutions has been moved to Banking Committee, leaving the Senate Foreign Relations Committee with general oversight and foreign aid.

This action, really, in a sense, Senator Clark, you are a key to this, guts the Senate Foreign Relations capability to effectively handle foreign policy.

Foreign policy is a three-legged stool, really, politics, national security, and economics.

This morning's decision cripples the capability of the committee to carry its function. Certainly the Senate has special roles in foreign policy. It must be able to carry out this role. It created legislation, was put in, and we created an Under Secretary of State, permanent, full-time, for economic policy; economic issues are now key in our alliances.

The United Kingdom, Italy, Portugal, International Monetary Fund, underpinning $3 billion to Great Britain, a major foreign policy issue, but an economic issue, and I just simply feel to have the Foreign Relations Committee not having jurisdiction over this area, with the world in which we are living now, with more and more political policy governed by economics, when we take into account the oil fact, the oil cartel, bauxite cartel, foreign policy and economics are intricately wound together now and I just really feel the action taken this morning would undercut the ability of the Foreign Relations Committee to really carry out a major function of the Senate.

Senator ALLEN. I am impressed with Senator Percy's statement, his division of jurisdiction and I hope that we will go along with his recommendation.

Senator PERCY. Would it be possible to hold this decision open until Monday?

The CHAIRMAN. We are going to try to finish tonight and have a print ready to go over on Monday and, of course, that would not mean that we could not——

Senator HATFIELD. Senator Percy, before you leave, on that last point, our action was predicated this morning when the amendment was offered on the information of both Senator Church and Senator Proxmire, we worked out this kind of agreement.

Senators Clark and Griffin, were you in the meeting this morning?

Senator CLARK. No.

Senator PERCY. That decision was not concurred in by the rest of the committee.

The CHAIRMAN. Well, it was represented to us as if it were——

Senator CLARK. With those two people: Senator Church and Proxmire and Stevenson—three people.

The CHAIRMAN. All right. Senator Clark.

Senator CLARK. Are you ready for another amendment?

The CHAIRMAN. There is no amendment pending now.

Senator CLARK. All right. I have an amendment that has been circulating.

I know the hour is late and I will not take more than 2 minutes.

I will just read it. It does not deal with chairmen.

Page 27, after line 8, "it is the sense of the Senate," and I emphasize that point, we are not mandating,

> It is the sense of the Senate that in adopting rules, each committee of the Senate will include a provision to insure that assignment of Senators to subcommittees will occur in an equitable fashion, namely, that no member of a committee will receive assignment to a second subcommittee until an order of seniority, all members have chosen assignments to one subcommittee.
>
> No member shall be assigned to a third subcommittee until all members of the committee have chosen assignments to two subcommittees.

That is it.

Just one word of explanation. The intent here is that the senior Member gets first choice in the subcommittee and that the next senior Member their choice, all the way through until everyone has chosen a subcommittee. Then we go back and do it again for the second committee and back and do it again for the third committee.

Now, the difference obviously is that if we do not follow such a policy, a senior Member may pick all three of his subcommittees first, and the next senior Member all three of his subcommittees second, and on down.

So, you get to the bottom, and automatically all of the people at the bottom get all the bottom, only those that are left.

Senator HATFIELD. Senator Clark, will you yield?

I do not want this to be a crippling comment to your proposal, but I want you to know that this is what the minority has been doing for some time.

We find it a very practical system.

The CHAIRMAN. The minority did that by caucus; is not this a matter for caucus?

Senator CLARK. Well, I am only suggesting it as a sense of the Senate and I am not mandating it, just saying that we would put language in here that it is the sense of the Senate that they do that.

I think it would be better to do it this way than by caucus, but it certainly could be done either way.

The CHAIRMAN. Senator Byrd.

Senator BYRD. No.

Senator CLARK. I must say some committees have done it before and other committees do operate on that basis even now.

Senator ALLEN. I wonder if Senator Clark has considered that since Republicans favor this, and you might have a divided vote among the Democrats, you would have the Republicans dictating what the Democrats——

Senator CLARK. It is no more true on this vote than any other vote in the U.S. Senate.

Senator ALLEN. I am sure that there is somewhat of a difference there. They are solid on their position and I am sure there would be a division among the Democrats.

Senator CLARK. Well, I would not feel that that partisan position ought to outweigh the merits of the matter. I think the merits are on the other side.

The CHAIRMAN. Is there further discussion?

All in favor of the amendment, say "aye." [Chorus of "ayes."]

Opposed, "no." [Chorus of "noes."]

The ayes have it. The ayes appear to have it.

Senator HATFIELD. Mr. Chairman, I have great hesitation in bringing up the subject of the Indian Affairs again.

It is with great reluctance that I bring up Indian Affairs again.

Mr. Chairman, we took action this morning to provide that the chairman or the ranking minority member of the Indian Affairs Committee could not be restricted to the limitation. Because of the temporary character of the committee, it would be difficult to get additional members now.

Senator Abourezk has done a little checking and he finds that it is going to be difficult to get three Members to fill out the committee with five Members. He suggests reducing the size of the committee to three, two Democrats and one Republican, and in order to get membership on that committee, because the general reaction has been that people do not want to give up their third committee selection privilege by going onto a temporary Committee of Indian Affairs.

So, I think practicality may dictate that we move to do either one of two things: Exempt all five from that limitation or reduce the size of the committee from five to three, two Democrats and one Republican.

The CHAIRMAN. What are the wishes of the committee,

Senator HATFIELD. I would like to try first, Mr. Chairman, to exempt all five members of the committee. Then, if I fail on that, I will offer as a second amendment the reduction of the committee to three.

The CHAIRMAN. So that it would be considered as a third committee.

Senator HATFIELD. The exemption would then provide people with the opportunity to select this committee without giving up their third committee rights.

The CHAIRMAN. Make it a fourth committee.

Senator HATFIELD. That is what we did for the ranking member and the chairmanship this morning. We have given them a privilege of a fourth committee.

The CHAIRMAN. The question is on the amendment proposed by Senator Hatfield.

All in favor say "aye." [Chorus of "ayes."]

Opposed, "no." [No response.]

The ayes have it.

Senator HATFIELD. Now, Mr. Chairman, one more point if I could.

We have exempted the Budget Committee thus far.

Those proposals are on that Budget Committee now, but we did not apply this to the freshman Members. So we have here a bit of a discriminatory situation where the freshman Members have to select the Budget Committee when it comes their turn, and we will have two on that Budget Committee.

I say we, the Senate will have two. They will be required to select the Budget Committee only as one of their committee assignments and we have blanketed in or grandfathered in all the existing Members of the Budget Committee.

It seems to me that would be a bit discriminatory and I would move that we will provide that exemption for all the Members when that committee is finally constituted.

The CHAIRMAN. We specifically considered that problem. We had Senator Stevenson's testimony on it; Senator Muskie does not support your proposal.

Senator HATFIELD. For the two new Members?

The CHAIRMAN. That is right. We wrote specific language because they did not want the exemption to extend beyond the people currently on there. The new people, then, would have a chance to make that selection and have it considered as one of the committees.

The language was written and drafted here, specifically to cover that on page 24. He addressed himself to that, is not that correct?

Mr. GRAY. The chairman's statement is correct as to Senator Stevenson and Senator Muskie's intent.

Senator HATFIELD. What was the rationale behind two new Members?

Mr. GRAY. It is my understanding from Senator Stevenson and from the staff of the Budget Committee who are here, that Senator Muskie does not have the entire Budget Committee resign in the 96th Congress, because it then reverts to one of the 13 committees and each Member could serve on only one other major committee in addition to the Budget.

Senator HATFIELD. Is there a practical problem, too, of guaranteeing some continuity of two memberships for existing Members that would continue on beyond the grandfathered?

Mr. GRAY. I am not sure I understand the question.

The CHAIRMAN. Let me read you the memo that we have, a draft of the present grandfather, and this was earlier, provision of Senate Resolution 4 which would allow any Senator, including those joining the Budget Committee for the first time in the 95th Congress, to treat Budget as a third committee.

That threatens to leave the Budget Committee without any Member 2 years hence, since each would also have a stake in two other standing committees, which is one of the very reasons grandfathering was advocated.

The thought was that by limiting grandfathering to the present membership of the Budget Committee for 2 more years, some senior Members would be retained during the 95th Congress, while the newly assigned Members would have seniority to carry over into subsequent years.

This purpose was substantially impaired by the present language of section 201–G. Senator Muskie would like to insure that new Members coming on to fill vacancies on the committee must elect Budget as one of their two major committees, to make sure that we have some experienced Members in the 96th Congress.

Senator HATFIELD. That is the point that we have to guarantee continuity by adopting a different standard for the two new Members than we have for the others.

Mr. GRAY. Yes, sir, Mr. McEvoy is here.

I am not an expert on that, but my understanding——

Senator HATFIELD. What makes you think that you will get the freshman Senator to make that kind of selection without that restriction?

Mr. GRAY. I am not competent to answer.

Senator HATFIELD. I understand.

I wonder if any of our people around would have any comments to make about whether there is any kind of feedback from freshmen people?

Mr. Kimmitt, do you have any comments to make?

Mr. KIMMITT. May I bring John McEvoy up with me?

Senator HATFIELD. The only reason that I have offered this, because there is some concern that they would get no two people to accept this.

Mr. KIMMITT. Mr. Chairman, first of all, there is no guarantee that there will be four freshman Members, two Democrats and two Republicans.

As a matter of fact, on your side of the committee, Senator Hatfield, there is a rather senior Member who has asked for Budget and under this he would have to give up one of his two existing committees whereas the other Members would not.

There is also no guarantee that at the end of this Congress the recently acquired Members, who will join, will opt to stay there again.

Now, if everybody above them left, they would probably stay and maintain their seniority.

Nor is there any guarantee that the current Members of the Budget Committee will not opt to give up another committee to stay on Budget.

I can fully appreciate Senator Muskie's viewpoint on it and he wants continuity and freshman Members and training and particularly continuity after that.

It gets a bit more complicated, in that you previously selected the Budget Committee to be a category 2 for this Congress as a third committee.

Now, I think you are going to have to bring it up into category 1 committee again for at least those four Members who are going on because they can only have one category in one committee and you will be grandfathering the others.

I have no personal strong feelings either way.

I think the committee should be aware, however, when the committee assignments are made, that those four Senators, regardless of their seniority, are going to feel that they have been militated against by having only one other committee whereas the other members of the Budget Committee have had two other major committees and I think you will have a problem at the time of assignment possibly on the floor on this, but I can fully appreciate Senator Muskie's viewpoint in wanting to provide this continuity but I just do not know if it is going to work that way.

Right now, we are looking at 207 seats, exclusive of the Budget Committee, to take care of everybody, break it up.

If you apply this criterion that—criteria you just have, then you automatically go down to 203 seats on the major committees or require some adjustments.

I have read Senator Muskie's memorandum and from the chairman of the Budget Committee's viewpoint, it makes good sense if you could insure that those Members will remain on there in the 96th Congress.

Mr. MCEVOY. Mr. Chairman, if I might add a footnote, Senator Muskie—one of his concerns is one of the esteemed Senators, to whom

that grandfathering is most important, is those who do not find themselves able to elect, to join the full committee and surely would not 2 years hence.

The very people most advancing, by relaxing as we did this morning, will be the very ones most likely to leave and defeat the purpose for which grandfathering is advocated in the first place, and that is continuity of membership.

Senator Muskie has put a high premium on the senior Members that we now have and that is why he is willing to go along with the temporary grandfathering for 2 more years.

The CHAIRMAN. Further discussion?

No further discussion, then let us turn to the committee sizes.

Stan, do you want to give us a presentation on that?

Mr. KIMMITT. Yes, sir, do I assume, then, that the—that the action you took this morning on the Budget Committee will pertain?

The CHAIRMAN. No one has——

Senator ALLEN. Before we get to that, while we are leaving possible amendments to vote, sometimes bring up the vote on the matter of the priority of the chairman and ranking minority members of the joint committee—I would like a vote on it.

Here on page 27, the top of the page, it provides that as to chairman and ranking minority members of standing committees, whose jurisdiction transferred to other standing committees, that the chairman and ranking minority members of the joint committees would have priorities just as the members of the standing committee.

The CHAIRMAN. Then you would act on joint committees, is that correct?

Senator ALLEN. Members of standing and joint committees.

The CHAIRMAN. Is there further discussion on that point?

The Clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. Byrd.

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Allen.

Senator ALLEN. Aye.

The CLERK. Mr. Williams.

Senator WILLIAMS. No.

The CLERK. Mr. Clark.

Senator CLARK. No.

The CLERK. Mr. Hatfield. [No response.]

Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower. [No response.]

Mr. Chairman.

The CHAIRMAN. No.

The CLERK. Two ayes and five nays.

The CHAIRMAN. Stan, go over the committee sizes.

Mr. KIMMITT. As I say, I am not too sure how you are going to handle that budget thing. That letter started the beginning, the breakout prior to the budget action, and look at it.

You have 12 category A committees—Agriculture, Small Business, Appropriations, Armed Services, Banking, Commerce, Energy, En-

vironment, Public Works, Finance, Foreign Relations, Governmental Affairs, Human Resources, and Judiciary, and Budget was to be a third committee assigned in category 2.

You need 207 seats of your major committees in this instance, 128 to the Democrats and 79 to the Republicans. You get those 207, for example, on the Democratic side, two per Member, and that is 124, and you excluded or you continued the grandfather for Senators Jackson and McClellan——

Senator PELL. Excuse me for interrupting.

Did you list Small Business as a major committee?

Mr. KIMMITT. Agriculture and Small Business is one committee under the current proposal. Excuse me. I apologize.

The Democrats need two per Member, which is 124 seats. You need two seats for Senators Jackson and McClellan, who will continue on Government Operations for one more Congress, and you need two seats for the ranking or the chairman of the D.C. Committee and the Post Office Committee that are going on to Government Operations.

The Republicans need two per Member, 76, one for Senator Javits, who is continuing as third committee for next Congress in Government Operations and their ranking minority man on Post Office and District of Columbia, going on Government Operations.

Within these 207 seats the Democrats need 24 vacancies, two per new Member, 20. One for Post Office and District of Columbia makes it 22, and then we have to provide for Senators Bumpers and Ford, who are—when you abolish the Space Committee—have to move to other committees.

On the Republican side, two new Members, 16, ranking minority for Post Office and District of Columbia are two, which is 18. They have four Senators on the Space Committee that have to be moved to other committees.

As a result, to begin with, we established Agriculture as 16 with a 10–6 ratio, leaving one Democrat and one Republican vacancy on Agriculture.

The Appropriations Committee is recommended——

Senator ALLEN. You say we are going to pass on these as we go along?

The CHAIRMAN. Let us go over them and then we can act on them individually.

Mr. KIMMITT. Appropriations Committee is recommended to be 24, as a result of recommendations of the chairman of the Appropriations Committee and other discussions. That would leave the Democrats with three vacancies on Appropriations. It would be a 15–9 ratio, three vacancies for the Democrats and one for the Republicans.

On Armed Services, it would be established at 16 with a 10–6 ratio. One Democratic vacancy and one Republican vacancy.

Banking, Housing, and Urban Affairs at 16, with a 10–6 ratio, two Democratic vacancies and one Republican vacancy.

Commerce, Science, and Transportation, 18, with an 11–7 ratio, three Democratic vacancies and two Republican vacancies.

Energy and Natural Resources would be a 17-man committee with an 11–6 ratio, two Democratic and two Republican vacancies.

Environment and Public Works would be a 16-man committee, with a 10–6 ratio, two Democratic and two Republican vacancies.

The Finance Committee at 18, with an 11–7 ratio, with two Democratic and two Republican vacancies.

Foreign Relations, 15 members, with a 9–6 ratio, two Democratic vacancies and one Republican.

Governmental Affairs—I am not sure of the new title, but Governmental Affairs would be 20, with a 12–8 ratio, and three Democratic vacancies and 4 Republican.

I point out that four of that 20 are the Members who are coming from the Post Office and Civil Service and District of Columbia. So, in effect, you really have one new Democratic vacancy and two new Republican vacancies.

Human Resources at 16, with a 10–6 ratio, giving one Democratic vacancy and two Republican, and the Judiciary at 15, with a 9–6 ratio, two Democratic vacancies and three Republican vacancies.

Now, as that sits right there, Mr. Chairman, everything fits. You get 207 seats, and the proper ratio applies.

But I now must point out that if the Budget proposal, Senator Muskie's proposal, is applied, we have got to go in there and take out four seats from this ratio, because the two Members who opt for Budget, Democratic side and Republican side, can only have one of these committees. You will have to decide where to reduce—probably Governmental Affairs is one. Possibly Finance.

But you will have to take those out because they can only have one of these and the other.

The other alternative, and at the same time, in doing that, you would probably move the Budget Committee up to a category of one committee again for this particular Congress.

Another alternative which Senator Muskie would not agree with would be to give all the members on Budget the third committee for this Congress only and have it as a category 2 committee or a third committee, and then everything fits across.

But that is the problem that you would have——

Senator HATFIELD. Would that act alone do that, that one action of grandfathering in all the budget Committee?

Mr. KIMMITT. Yes; But I must press that Senator Muskie made a good argument from his viewpoint to only giving them the one committee. I think Mr. McElvoy said he felt the chairman of the Budget Committee would prefer that this matter be settled on the floor if necessary, if it is brought up, rather than in the Committee, because it is going to be controversial either way.

Senator HATFIELD. May I ask a question?

The CHAIRMAN. Sure.

Senator HATFIELD. Why do we have a 17-member Small Business Committee?

It seems to me that is an awfully large number to be carrying the general responsibilities of that committee. Seventeen was established when it did not have legislative authority, when it was basically a hearing kind of operation.

Last year, we established legislative authority, restricted legislative authority to the committee. It seems to me that we could well adjust the size of that committee. Would that have an impact on this problem?

Mr. KIMMITT. It would not. That would be category 2 committee or third committee category. You can adjust that size as you see fit.

Senator HATFIELD. I will bring this up when we get to that committee again. I did not know whether or not that would have an impact on this overall problem.

Mr. KIMMITT. It does not have the major committees.

The CHAIRMAN. We have one of two alternatives, as I see them here. If you want to settle this tonight on sizes, we can go right through them one by one. Or, if you would prefer, we could have the print done without filling in the committee size and think about that over the weekend and decide in committee on Monday if there is a preference.

Senator HATFIELD. May I ask one more question?

The CHAIRMAN. Sure.

Senator HATFIELD. Could you tell me why you increased the size of these committees? Was it with reference to expected increased workload?

For instance, you jump from 16 to 20 on Governmental Affairs. Is that because of the transfer of these other subcommittees?

Mr. KIMMITT. Yes, sir, that added four more. When you decided to bring those four Members over, you had to go to 20 Members.

Senator HATFIELD. What about Environment and Public Works, that was increased was it not?

Mr. KIMMITT. I guess the simple answer, Senator Hatfield, is that you must come up with so many seats to take care of all these Members. It is a question of just adjusting the size of each committee to provide for the seats.

Now, on that particular one, the question was Environment and Public Works, did you say—we just arbitrarily went from 15 to 16 to provide a seat on that committee as we took Appropriations down by one, from 25 to 24.

Senator HATFIELD. The point is now we have four too many.

Mr. HILDENBRAND. As a result of your action on the Budget Committee, that is right, sir.

Senator HATFIELD. Do we know, for instance, that all those people want to move over to that Government Affairs Committee?

Mr. KIMMITT. From the District of Columbia and Post Office, I do not know that, Senator.

Senator HATFIELD. If they did not want to move over, then we would not have to accommodate that?

Mr. KIMMITT. I think I may speak for the Democratic Members that they did indicate an interest in moving over. I think Senators Eagleton and Burdick were interested in assisting the chairman of the Government Operations Committee in that field.

Mr. HILDENBRAND. We have one Member—I have not checked the second, but at least one of the two desires to make the move.

Senator ALLEN. May I ask a question?

How many Members do you have for Agriculture?

Mr. KIMMITT. Agriculture, recommended to be 16 Members—10 Democrats and 6 Republicans.

Senator ALLEN. What is the membership now?

The CHAIRMAN. Fifteen.

Senator ALLEN. It would be an increase of one?

Mr. KIMMITT. Yes, sir.

Mr. HILDENBRAND. Many of these memberships are due to the fact that the ratio of 15 to 16 breaks out in order to give the Democrats the 20 seats at the 15 level—there the Democratic size is reduced, whereas the Republican size stays the same.

So to provide for 20 seats they need for their new Members, well, those were increased by 1 in order to give them that 1 seat.

Senator ALLEN. Ten to six now. Under the resolution—well, what is it now?

Mr. HILDENBRAND. It would have been nine and six under the resolution that was originally adopted last year or presented last year, but that does not provide the sufficient seats for Mr. Kimmitt and for the Democratic Members.

Mr. KIMMITT. You see, Senator Allen, you can establish the committee of 15, but being very partisan about it, if you do that, you would only have 9 Democrats and 6 Republicans.

If we just go to 16, we get 10 Democrats and the Republicans. It does not always work that way, but it provides a vacancy for those new Members and other Members who wish to go on Agriculture Committee, so we generate the vacancy.

Senator CLARK. If the Senator would yield on that point.

You would not get any change or any loss, as I understand it, if you switch, let us say, Agriculture from 6 to 15, and move, say, Foreign Relations from what you recommend here, 15 to 16, because you would simply move the extra Democrats from one to the other. The ratio would stay the same.

It seems to me that that would make some sense in view of the fact that the Foreign Relations Committee is obviously going to be more active than the Agriculture Committee.

Mr. KIMMITT. On the other hand, if I may say, Senator Clark, the committee chairmen specifically recommended and has recommended on the Foreign Relations Committee for the last several years to get down to the size of 15. They were up to 17.

Senator CLARK. This is true, under the Legislative Reorganization Act, but if we wrote it in here at 16, then that really replaces that—we would not be one over if we wrote it in at this time?

Mr. KIMMITT. If you put it in one committee and take it away from another, you could do that. I would caution that when the steering committee meets, they may again adjust these schedules. So what you are putting in this resolution may not hold in the end.

Senator PELL. If the Senator would yield.

As Stan says, the chairmen for the past few years has tried to get the Foreign Relations Committee down. It seems to me that a smaller committee works more efficiently.

Senator CLARK. I understand your point. The same is true on Agriculture where you have got a little less jurisdiction and responsibility, but where you have even a higher number.

Senator PELL. And a little more inefficient.

Mr. KIMMITT. By doing that, you now have two vacancies on the Foreign Relations Committee and one on Agriculture. If you went

that route, you would have three vacancies on Foreign Relations, and a Senator who wanted to go on Agriculture would be foreclosed that possibility.

Senator CLARK. But the demand for Foreign Relations—I have got the demand, in fact, in front of me—is greater in Foreign Relations than it is in Agriculture. It happens this time, for example, that we have five people, either first or second choice, for Foreign Relations, and only two for Agriculture. I think the demand would be greater.

The CHAIRMAN. What are the desires of the committee?

Senator PELL. Why do we not put in the print we are going to make—well, why do we not have these recommended numbers——

The CHAIRMAN. We could have it printed with the understanding that we have not taken any action, any final action on them, and then we could look at this on Monday. And if we can have a print of this Monday morning, then I would suggest we meet at 2 o'clock Monday afternoon and that would give us a chance to go through it. And we may find other problem areas.

Senator HATFIELD. I do not want to delay the meeting tonight, but I would just like to make one simple point, and that is, Whatever figures we work with here, this is an arbitrary situation. We are trying to set up an arbitrary figure.

As much as I respect Senator Muskie's objective, we can accomplish this whole thing on the basis of principle. That is to treat all Members of the Budget Committee the same rather than have a two-class membership, by giving them all the same kind of treatment on the Budget Committee. Then we do not get into this arbitrary fixture of committee sizes.

Is that an accurate statement, without making a judgment on the value of the position?

Mr. KIMMITT. Yes, sir, that would do it. Everything would do it.

We could prepare for you, working with Dr. Riddick, an alternative proposal if you followed Senator Muskie, where we take seats out, and how you would readjust them.

So my recommendation, Mr. Chairman, is that we give you this under one condition, and another set on another condition, and you can make your decision on Monday.

Senator ALLEN. Could I suggest that the print have the number, and parenthetically the party split, and another number outside of the parentheses being the present size and the party split so we have the whole thing before us?

The CHAIRMAN. Without objection, that will be done.

If we could turn to title VIII, some miscellaneous sections there, I do not believe there is anything controversial. I believe title VIII is all procedural matters.

If there is no objection, we will have title VIII approved tentatively and have it restated in the new print.

Senator HATFIELD. Were we going to consider the sizes of these other groups of committees for instance, this question I raised on Small Business?

Should that not be given a guideline if we are going to take action to reduce the size of that committee?

The CHAIRMAN. He does not have Small Business listed.

Senator HATFIELD. I am talking about the Committee on Small Business.

The CHAIRMAN. Make a motion.

Senator HATFIELD. Mr. Chairman, I would like to go to that one category, again bringing up the Select Committee on Small Business, page 20, point 5.

That is the only committee that falls into this particular situation. I would say we ought to reduce the size of that committee. That is 17. That is more than we have on Appropriations or Foreign Relations or a lot of the others. May I move that we establish it as a committee of nine?

The CHAIRMAN. You have heard the motion.

Senator PELL. Which committee?

The CHAIRMAN. Small Business.

Senator CLARK. Just one question. How many people would be put off that?

Senator HATFIELD. I do not know how many vacancies there are under Small Business.

Mr. KIMMITT. Three.

Senator CLARK. What is the size of it now?

Mr. KIMMITT. Fourteen. Fourteen returned.

Senator HATFIELD. Why can we not say a nine-member committee and then, through attrition, have this achieved in 2 years?

Mr. KIMMITT. If you go to a nine-member committee, you are going to remove involuntarily a number of Senators from the committee.

Senator HATFIELD. That is what I say.

But I think it is ridiculous holding that a 17-member committee at this point when it is no longer a basic select committee without legislative jurisdiction.

Mr. KIMMITT. Consider going to 14, and letting the existing members stay.

Senator HATFIELD. How does that work out ratiowise?

Mr. KIMMITT. I think that is all right. The ratio would be all right.

Senator HATFIELD. Mr. Chairman, I change my motion to say reduce the Small Business Committee to 14 members and, in 2 years, to indicate review of the size of the committee again.

The CHAIRMAN. Is there objection?

Without objection.

Senator GRIFFIN. I would raise another point with respect to Small Business. The title here is Select Committee on Small Business, and the staff member has questioned whether that should be entitled "Select Committee."

Senator PELL. I thought we knocked that out.

Senator HATFIELD. It should be knocked out.

Senator GRIFFIN. Does it have legislative authority now?

Senator HATFIELD. Yes, limited.

Senator GRIFFIN. Should it not be put on page 20.4 with the Rules Committee and the Veterans' Affairs Committee?

Senator HATFIELD. That would be true of Intelligence then also.

Senator GRIFFIN. Yes.

Senator HATFIELD. Yes; those two.

Senator GRIFFIN. Then we would knock out the word "Select" in each case.

Senator HATFIELD. Why do we have Veterans' Affairs and Rules Committee separate?

Dr. RIDDICK. Do you want to make them standing committees?

Senator GRIFFIN. I do not know why Small Business is in a different category than Veterans.

Dr. RIDDICK. The main reason is the committee voted to retain it, and you did not change the name.

Senator HATFIELD. We are hung up on semantics.

I would think we ought to handle Veterans' Affairs and Rules and Administration and Intelligence and Small Business all in the one category, make them standing committees, third committee appointment.

Senator GRIFFIN. I second.

The CHAIRMAN. Is there further discussion on that point?

Without objection, that is agreed to.

Mr. KIMMITT. May I ask a question?

How about the Joint Economic and the others?

Senator HATFIELD. Those are joint committees.

The CHAIRMAN. Those are separate categories.

Mr. KIMMITT. OK.

Senator HATFIELD. We do not have full jurisdiction over that. The same is true with the Temporary Committee on Indian Affairs, the Special Committee on Official Conduct. Those are ad hoc in a sense, those two.

The CHAIRMAN. Is there anything further then?

Senator CLARK. One other question I had.

Page 25, listed here in terms of the size of the Special Committee on Official Conduct, which we now call the Ethics Committee, 15.

The CHAIRMAN. That is the committee that has already been appointed.

Senator CLARK. That is the ad hoc. I am sorry.

The CHAIRMAN. Before we recess, may we have authority for the staff to make such technical changes as may be required and that they recommend?

Senator HATFIELD. One last thing. In all deference to our colleague, Senator Percy, the committee really did not act on his request concerning the adding to Governmental Affairs the organization and management of nuclear export programs. I think we ought to at least take some formal action on that request, because he did present it to the committee as such.

The CHAIRMAN. You are offering that?

Senator HATFIELD. I would offer it as an amendment.

Senator CLARK. What is the amendment?

The CHAIRMAN. He is offering the Percy amendment on nuclear export policies organization and management——

Senator CLARK. We looked at it more carefully since he was here. I would think it would be agreeable.

The only thing we were concerned about was the language in the report and language here accompanying the action be very clear with regard to where the present jurisdictions are.

I understand Senator Percy is agreeable to this accompanying statement. At least he has indicated to me that he is.

It says this:

I think the record should be clear that this does not—in any way—diminish the jurisdiction of the Committee on Foreign Relations over nuclear export policy. As the Resolution now reads the Foreign Relations Committee has exclusive jurisdiction over "international aspects of atomic energy," over all executive agreements other than reciprocal trade agreements, and over relations with foreign nations generally. So its jurisdiction already encompasses agreements for nuclear cooperation as well as the policy principles on which these agreements are based.

I think if that is understood, then I do not think there is any question or any problem. And Senator Percy agrees with that statement as well.

Senator HATFIELD. Then I would include the statement with my motion, my offering of this amendment, tying the two together.

The CHAIRMAN. Any further discussion?

The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd.

The CHAIRMAN. No; by proxy.

The CLERK. Mr. Allen. [No response.]

The CLERK. Mr. Williams. [No response.]

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower.

Senator HATFIELD. No; by proxy.

The CLERK. Mr. Chairman.

The CHAIRMAN. No.

The CLERK. Four yeas and three nays.

The CHAIRMAN. The amendment is agreed to with the accompanying language.

All right, gentlemen, that finishes it for tonight, and we will try to have the print first thing Monday morning.

We will meet at 2 o'clock Monday afternoon.

[Whereupon, at 5:32 p.m., the committee recessed, to reconvene at 2 p.m., Monday, January 24, 1977.]

COMMITTEE SYSTEM REORGANIZATION AMENDMENTS OF 1977

MONDAY, JANUARY 24, 1977

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

The committee met, pursuant to recess, at 2:13 p.m. in room 301, Russell Senate Office Building, Hon. Howard W. Cannon (chairman) presiding.

Present: Senators Cannon, Pell, Allen, Williams, Clark, Hatfield, Griffin, and Tower.

Staff present: William M. Cochrane, staff director; Chester H. Smith, chief counsel; Floyd M. Riddick, professional staff member; Jack L. Sapp, professional staff member; Larry E. Smith, minority staff director; Andrew Gleason, minority counsel; Ronald Hicks, senior analyst; Subcommittee on Computer Services; and Peggy Parrish, assistant chief clerk.

The CHAIRMAN. The committee will come to order.

We now have the committee print which has been passed out to the members of the committee, and I hope they have had a chance to review it this morning.

In going over it, there are a few changes that I would like to recommend, and the bulk of these are not controversial; I would like to hurriedly go through those, and, if there is no objection to them, we will try to act on them.

Senator ALLEN. Mr. Chairman.

The CHAIRMAN. Yes; Senator Allen.

Senator ALLEN. Before we get to that, Mr. Chairman, if you would excuse me. On Friday, after Senator Percy—I am not sure it was Friday——

The CHAIRMAN. It was Friday.

Senator ALLEN. At any rate, Senator Percy made his presentation on the matter of the nuclear export policy and the transfer of that jurisdiction over to Governmental Affairs. I stated in committee that I favored his position; and then I had to go over to the Capitol for about 20 minutes, and I found, when I got back, that the committee had already acted on that proposal.

Since the motion of Senator Clark did carry by a 4 to 3 vote, I would like for the record to show, since it would not change the outcome, that I voted "aye" on that motoin of Senator Clark.

Could that be shown in the record? Could Dr. Riddick and the reporter handle that?

The CHAIRMAN. If there is no objection, that will be so indicated in the record.

Senator ALLEN. I thank you, Mr. Chairman.

The CHAIRMAN. If we could turn to page 18, subparagraph 11 on line 10—that is in the jurisdiction of the Rules Committee; it reads: "Parliamentary rules and floor and gallery rules."

That is little indefinite; I would like to suggest that that read: "Congressional organization and Senate rules and regulations, including floor and gallery rules."

I think that delineates a little more clearly the authority of the Rules Committee as it has existed.

If there is no objection, that will be approved.

On page 36, line 5, the suggestion has been made that the word "hourly" should be stricken, where it says "and shall be updated hourly," and insert: "immediately upon receipt of notice from the committee." So that there would be no hourly requirement, but immediately upon notice being received from the committees the terminal would be updated.

As I said, that would require striking the word "hourly" and inserting the following words: "immediately upon receipt of notice from the committees."

Is there objection? Without objection, that will be approved.

I wonder also if we could have permission from the committee to authorize the staff to make any technical and clerical corrections. Is there objection? Without objection, that will be approved.

Now, I would like to make one further suggestion. Under the jurisdictional items of each standing committee, they do not appear in alphabetical order; and it would make it much easier to track, I believe, if the jurisdictions of each standing committee appeared in the resolution in alphabetical order, if and when the resolution was approved by the Senate.

So, is there objection, then, to having the staff rearrange those jurisdictional items under each committee so that they appear under the committee in alphabetical order? Without objection, then, that will be authorized.

Also, I believe that when we report the resolution to the Senate with an amendment in the nature of a substitute for the resolution, I would like to ask that the substitute be considered as having been agreed to and that it be treated as original text for the purpose of further amendments. I think procedurally that might be helpful.

If there is no objection, that will be approved.

Now, Senator Stevenson, I think you have some questions.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. Mr. Chairman, I think on page 29 there needs to be a bit of clarification. On page 29, beginning line 13, is this the proviso that we incorporated to grandfather Senator McClellan, Senator Javits, and Senator Jackson into the third committee?

The CHAIRMAN. The Senator is correct.

Senator HATFIELD. It seems to me that I recall we put a limitation of a 2-year period on that and in this wording—it is sort of open-ended, or maybe I haven't read it correctly?

The CHAIRMAN. I would say that I raised that question myself with the staff this morning when I went over it, and it was pointed out to me that on line 5, it takes care of imposing the limitation: "Until that date occurring during the first session of the 96th Congress upon which the appointment of the majority and minority members of the standing committees is initially completed * * *," and then it goes on to a limitation provision; in other words, that limits it until the appointment of the majority and minority members of the standing committees in the 96th Congress.

Senator HATFIELD. All right, thank you.

The CHAIRMAN. I had raised the same question myself and the staff pointed it out to me this morning.

Senator WILLIAMS. Mr. Chairman, could I go back to just one thing you mentioned?

The CHAIRMAN. Yes, sir.

Senator WILLIAMS. The alphabetical listing. On page 15, the Committee on Human Resources, No. 1, I think should remain as the first item; that describes the universe of that committee, and then the particulars that follow in that order.

The CHAIRMAN. So that you would request that No. 1 be listed as is, and then the alphabetical listing to follow thereafter?

Senator WILLIAMS. Yes.

The CHAIRMAN. Is there objection? Without objection, that will be approved.

Senator WILLIAMS. And National Science Foundation is not included; I believe it was our understanding that it would be retained. And that would be No. 21.

Senator STEVENSON. Mr. Chairman, may I respond on that?

The CHAIRMAN. Senator Stevenson?

Senator STEVENSON. The intention was to make that clear in the report, because the rules do not refer by name to agencies. There may be a few historical cases, but we believe that we can, for the sake of continuity and proper draftsmanship, accomplish the Senator's result in the report.

Senator WILLIAMS. I guess that was discussed, wasn't it, earlier?

The CHAIRMAN. The jurisdiction is there, but it was thought that the language in the report would cover it.

Senator WILLIAMS. It would be clearly described in the report? All right.

The CHAIRMAN. All right, Senator Stevenson.

Senator STEVENSON. Mr. Chairman, I have a question about the language that starts on page 29 on line 23, continuing through line 9 on the following page. It says:

> In any case in which the jurisdiction of an old committee is vested in two or more successor standing committees, a Senator may select which of such committees shall be treated as the successor standing committee for purposes of subparagraph (2).

If that goes beyond the individuals that have been mentioned and in effect gives any Senator a choice of vacancies on all the committees into which jurisdiction may have been transferred from a committee of which he had been a member, it would be mischievous, to say the least. Now, that has never been discussed; so far as I know, it has never been suggested, and not intended by the committee.

I don't know quite why that language is there, and without some reason for it, I would suggest that it be deleted.

The CHAIRMAN. So that you would suggest that we delete, starting with the words "In any case" on line 3, down to and including "subparagraph (2)" on line 7?

Senator STEVENSON. Yes, that is the offending——

The CHAIRMAN. It is my recollection that we did not intend to broaden the transfer authority, and we were talking only about the chairmen and ranking minority members of the committees.

Is there objection to striking that provision, starting "In any case * * *" on line 3, page 30, and ending with the words "subparagraph (2)" on line 7? I think that would clarify actually what the discussion of the committee has been.

If there is no objection, that part will be stricken.

All right, Senator Stevenson.

Senator STEVENSON. Now, I understand, Mr. Chairman, that there was to be some further consideration of the number of subcommittees for the Appropriations Committee. The resolution at present provides for no limitation at all; it is the only committee so treated. And while the select committee had originally recommended a limitation of three as to the other committees, we can see that it might be desirable to increase that to four; but I don't know of any reason for making it open-ended.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield?

Senator HATFIELD. Mr. Chairman, it seems as though we had discussion on this particular point before and had a vote on it. And I didn't understand the Senator's reason for bringing that up at this time.

Senator STEVENSON. I wasn't here at the time, but I had heard that the matter was to be taken up again with members of the Appropriations Committee, including its chairman. I don't have a report. Our hope was that the committee might agree with the limitation of four.

Senator HATFIELD. That was an expression on the part of Senator Byrd that he might take this matter up with Senator McClellan, but that was the only indication the matter might be reconsidered.

Senator STEVENSON. Well, I have nothing on that, and apparently the committee doesn't either.

The CHAIRMAN. Well, unless someone wants to sponsor a proposed change in that, we would have to leave it as is. If that is explored with the Appropriations Committee members and they are willing to go to a limitation something more than three and less than complete exemption, perhaps that could be raised on the floor.

All right, Senator Stevenson.

Senator STEVENSON. It was the intention, I believe, of the committee to provide for staggered terms on the Ethics Committee. This is page 22. To carry out that intention, I believe language is necessary to provide for staggered 2-, 4-, and 6-year terms for the initial appointments to that committee.

I don't have language, but that is the intention; perhaps, Mr. Chairman, the staff could be instructed to——

The CHAIRMAN. We originally acted on the proposal that Senator Clark raised that did include this language:

There would be a new six-member Select Committee on Standards and Conduct, and the membership would serve staggered six-year terms and would be balanced both by party and seniority.

I wonder, would there be objection on the part of the committee to permit the staff to make a technical addition after line 17 on page 23 to make it clear that the initial appointments should be made on the basis of staggered terms?

Is there objection? Without objection, then, that will be approved.

All right, Senator Stevenson.

Senator STEVENSON. The committee might wish to—I would hope—give some further consideration to its action upon the Joint Library and Printing Committees. The other joint committees—with respect to the other joint committees, the relevant standing committees are instructed to report legislation providing for their consolidation. That was not done in connection with these two committees for the sake of consistency, and I would hope that the intention of providing for a further consolidation of committees, that the committee might apply the same language to those two joint committees as it has to the other joint committees, strengthening it to require legislation providing for their consolidation.

The CHAIRMAN. In the discussion of that, Senator Stevenson, it was pointed out, as I recall, that there was some indication from the House side that they would not be amenable to dissolution of those two joint committees.

I personally would have no objection to us including those two committees under the first paragraph in (d)(1), to follow as items (D) and (E), if that is the wish of the committee.

Senator ALLEN. What would be the effect of that, then, as to those——

The CHAIRMAN. Well, if they were put there, that would require the appropriate standing committee to report legislation terminating the statutory authority of those committees and transferring the functions to the appropriate standing committees in the Senate and the House.

Now, I think that could well raise a problem if the Members of the House make it clear that they are not willing to go along on a termination of those two committees. That could put us in the position of having a legislative proposal reported, but no action on it unless the House were to concur.

Is there discussion?

Senator Hatfield?

Senator HATFIELD. Did the select committee come to any conclusion as to ability of one House to unilaterally abolish a joint committee? Where do we stand on the legal aspect of that?

Senator STEVENSON. Well, I do not think there is a clearcut answer to that question. To change the law, of course, requires the concurrence of both Houses.

But the House has recently acted effectively to abolish the Joint Atomic Energy Committee, not to refer any legislation to that com-

mittee. So that while the committee cannot be abolished as a matter of law, the committee that is established by law, it is, short of statute, possible to deprive one of much if not all of its jurisdiction.

Senator HATFIELD. The situation with Library and Printing, if I am not mistaken, is that the joint committee primarily is an oversight committee, whereas the Rules Committee presently handles the legislative functions of both the Printing and——

The CHAIRMAN. Both the Library and Printing. There is no legislative jurisdiction presently existing in either the Joint Committee on the Library or the Joint Committee on Printing. As a matter of fact, the Joint Committee on the Library does not even have a staff; the Joint Committee on Printing does have a staff, and oversees the printing matters in connection with the Public Printer.

Senator STEVENSON. That is why, Mr. Chairman, we argue that it is more effective to exercise the oversight jurisdiction in the standing committee. All of the committees—only one of all of the joint committees proposed for consolidation exercise any legislative jurisdiction. In fact, there is only one committee, and that is the Joint Atomic Energy Committee, and it has now been deprived of that.

Senator HATFIELD. Would it not position us in a stronger role if we could work out the language as the Senate mandated, that is, that the Senate participants or the Senate Members of these two joint committees or the Senate Rules Committee move toward abolition, rather than what we are, in effect, doing here inviting those committees to come up with some proposal in the future?

I would like to see us in the strongest role that we can assume, which would lead to the abolition of the two joint committees and the consolidation of those functions in the appropriate committee of the Senate.

This language seems to be sort of a copout. I do not know what language could put us in that strong a position, but that is the role I would like to see us take.

Senator STEVENSON. Well, Mr. Chairman, our objections are the same, and we have attempted to come up with such language.

Senator ALLEN. Well, did you say that you would not—that you would mandate that no legislation be referred to this joint committee? Was that the statement?

Senator HATFIELD. No; they do not have legislation now.

Senator ALLEN. I know they do not, but I thought that was the statement that you were going to mandate that nothing could be referred to it.

Senator STEVENSON. Well, that is just not applicable here, because no legislation would go to them. We are suggesting that they be treated the same way as the Joint Committee on Atomic Energy and the Joint Committee on Congressional Operations and the Joint Committee on Defense Production on page 31, where, starting at line 11, it says:

> Appropriate standing committees shall report legislation terminating the statutory authority to the following joint committees of the Congress, transferring their functions to the appropriate standing committees.

Senator ALLEN. I do not see the advantage of having separate committees in this area, since it is not legislative in nature, and it is merely policymaking as regards the GPO and the Library.

What is the advantage of having your subcommittee in the House agree on some sort of policy and your subcommittee in the Senate agree on something, and they might be working at cross-purposes; whereas, if they are meeting as a joint committee, they might thrash out this matter of policy.

So I do not see that it takes anybody's time, to speak of, on either of these committees. I believe they are rendering a useful function.

Senator STEVENSON. Well, Mr. Chairman, the solution we are suggesting is the standard operating procedure for the Senate; it is, in effect, a bicameral legislature. This one, as the Senator well knows, is standard for each of the bodies to have committees with jurisdiction over agencies in the executive branch. And there is nothing to prevent those committees from coming together, holding joint meetings if they wanted to, and if their duties would be better fulfilled that way.

This would simplify our problems with respect to limitations on assignments. It would be getting down the number of committees and, I think, making it easier to wrestle with some of the subsequent questions as to the size of the committees.

Senator ALLEN. I believe you are losing efficiency, rather than gaining efficiency, because, as it is now, I believe Senator Cannon possibly—the chairman rotates year by year. But one chairman can call a meeting of the joint committee, whereas you have to have a lot of consultation as between the House chairman and the Senate chairman as to when you might meet. And I just do not believe that—when they meet, then, they are in effect acting as a joint committee, which you are here doing away with. I just do not feel like it is very practical what is being done here.

Senator HATFIELD. Mr. Chairman.

The CHAIRMAN. Senator Hatfield.

Senator HATFIELD. I would like to comment on my experience on one of these two joint committees, namely the Joint Committee on Printing.

In the period of time that I have been on that joint committee, I think we had three scheduled meetings, none of which took place, because they could not get——

Senator ALLEN. Well, it is not too much of a hardship on the Senator, then. [Laughter.]

Senator HATFIELD. And I feel it is all the more argument that it is silly to continue. Why continue an anachronism of this kind, which was being run out of the vest pocket of Wayne Hays, as chairman, and in the meantime the staff ran everything.

I think it is incumbent upon Senators to be in control and responsible for the committees to which they have been assigned, and not for staff. And I think what we have done is abdicate to the staff some of these joint committees—on printing especially—the responsibility that we should maintain.

And I feel there is no visible or practical purpose for the retention of the Joint Committee on Printing. And I speak only for that committee, because that is the only committee I have served on.

Senator STEVENSON. I might point out that these are important committee assignments for the members of the Rules Committee, and in the termination of committee assignments in the future they could disadvantage members of the Rules Committee.

The CHAIRMAN. What are the desires of the committee?

Senator HATFIELD. Senator Stevenson——

Senator STEVENSON. And unfairly. By that I mean very unfairly for just the reasons that you have mentioned, Senator Hatfield.

Senator HATFIELD. Senator Stevenson, then you feel the strongest language we can incorporate is the language on page 31, beginning on line 23, over to page 32, ending on line 4; is that correct?

Senator STEVENSON. That is correct, unless you would like to do it sooner. We have a July 1, 1977, date there.

The CHAIRMAN. Senator Stevenson, Senator Hatfield asked you if you thought that was the strongest language we could have, and you said that is correct. I do not think that is what you have been representing here. What you have been representing is that the language, starting on line 11 through line 18, ought to apply to the Joint Committee on Library and the Joint Committee on Printing.

Senator STEVENSON. I misunderstood the question, Mr. Chairman. I thought Senator Hatfield was referring to the language on page 31. That is the strongest language, you are quite right.

Senator HATFIELD. Just list then the two committees as (D) and (E)?

Senator STEVENSON. Yes, sir.

Senator HATFIELD. And strike the language, then, on line 23 through line 4 on 32?

Senator STEVENSON. That is the suggestion.

Senator HATFIELD. Well, I would so move, Mr. Chairman, that on page 31, beginning on line 23, we strike that language through line 4 on page 32, and insert therefor "(D) Joint Committee on the Library; and (E) Joint Committee on Printing."

The CHAIRMAN. Is there further discussion?

No further discussion. All in favor of the motion say "aye."

Senator HATFIELD. Aye.

The CHAIRMAN. Opposed?

Senator ALLEN. No.

The CHAIRMAN. Tie vote. [Laughter.]

One to one. Should we have a revote?

Senator PELL. If we have a revote, what is the issue once more. [Laughter.]

Senator HATFIELD. The revote would be the same as the first vote, which would be that we would incorporate on page 31 the Joint Committee on the Library and the Joint Committee on Printing as a part of the categories now listed as (A), (B), (C), by adding (D) and (E), and striking the other language.

The CHAIRMAN. Is there further discussion?

So I will call for the vote again. All in favor of the motion of Senator Hatfield say "aye." [Chorus of "ayes."]

Opposed "no"? [Chorus of "noes."]

The noes have it. The language is not stricken.

Senator ALLEN. Mr. Chairman, could I bring up one matter for clarification? Then I have got to go to the floor.

The CHAIRMAN. Yes, sir.

Senator ALLEN. On page 23, this could be academic, but the service on the select committee, "No member may serve on the select commit-

tee for more than 6 years of continuous service." Does that mean from the date of the adoption of the resolution? That would not apply to past service, would it?

The CHAIRMAN. Well, the way this is drawn, legislatively I think it would apply from the date of the resolution, but I would hope it would be applied to past service as well.

Senator ALLEN. Well, I do not think we ought to rule the present members out. I do not serve on the committee, I hasten to say, but I just fell like they ought to be.

The CHAIRMAN. Well, this is a new committee, a different name, expanded authority. The Chair would rule that that would not preclude service by persons in the past, it would be effective as of the date of this resolution, when it is passed.

Senator ALLEN. Thank you.

The CHAIRMAN. Senator Stevenson.

Senator STEVENSON. The resolution requires an effective date, and the suggestion is that it be set 5 days after its approval by the Senate, so as not to delay appointments to the committees. That would be on page 51. In section 801 at the top of that page, at the present time it says that the resolution takes effect "on the 30th day after" it is agreed to. It is just that we change "30th" to "5th."

The CHAIRMAN. Is there discussion on that point?

Senator TOWER. Change it from "30th" to what?

Senator STEVENSON. On line 4 on page 51, "30th" to "5th." The fifth day after approval, in order not to delay appointments.

The CHAIRMAN. Is there further discussion?

Did you put that in the form of a motion, Senator Tower?

Senator TOWER. I so move.

The CHAIRMAN. So that line 4 on page 51 would read "such titles shall take effect on the fifth day after the day on which this resolution is agreed to."

Is there further discussion?

No further discussion. All in favor say "aye". [Chorus of "ayes".]

Opposed? [No response.]

The ayes have it, and it is amended to read "the fifth day."

Senator Stevenson?

Senator STEVENSON. Mr. Chairman, on page 26, line 23, the suggestion is to add the following language after (b): "and any other new committee subsequently created shall be subject to the provisions of said paragraph 3 (a) or (b)."

The purpose here is to simply make it clear that for purposes of committee assignment limitations, committees in the future, created in the future, unless otherwise specified, will be third committees for purposes of assignments.

The CHAIRMAN. What was the language you proposed? "or any other committee subsequently formed?"

Senator STEVENSON. "And any other committee subsequently created shall be subject to the provisions of said paragraph 3 (a) or (b)." That may need a little clarifying, technical clarifying.

The CHAIRMAN. The intent there being that if any committee is created after this date, the limitations as to assignment would apply,

so that creation of a new committee would not exclude assignment because of the committee limitations?

Senator STEVENSON. Precisely. It would not be automatically exempt, yes. It, of course, could be exempted from the limitations if the resolution creating the committee so provided. Otherwise it would be created as a select committee.

The CHAIRMAN. And if this amendment is approved, I would like a—well, let's act on the amendment first.

Is there further discussion?

All in favor of the amendment say "aye." [Chorus of "ayes."]

Opposed? [No response.]

The amendment is agreed to.

Now, may I ask that the staff be permitted to draft that in the appropriate language consistent with the action that we have taken, if there is no objection.

All right, Senator Stevenson.

Senator STEVENSON. Mr. Chairman, I believe that exhausts our suggestions.

The CHAIRMAN. All right. We have a vote on, gentlemen, and this vote will be followed by a vote on cloture, so I think we should plan on recessing until half past three, and we have the following items to dispose of: one is to determine the committee size; and we have requested Mr. Ridgely to report back to us as to the transfer of personnel, the effect of that, which we would have to consider.

Senator STEVENSON. Mr. Chairman, I have one little item.

The CHAIRMAN. And the question that was raised on Friday, Senator Muskie's recommendation that new members to the Budget Committee must treat Budget Committee assignments as a class A committee for the limitation purposes.

Senator STEVENSON. The resolution so states now.

The CHAIRMAN. Yes, I understood that there was some argument that arose in connection with determining the size of the committees, so we can consider that at that time.

Senator HATFIELD. Mr. Chairman, there will be presented to us an alternate plan to Senator Muskie's proposal on how we arrive at the correct number of committee slots.

The CHAIRMAN. The Senator is correct.

Senator Pell, did you have something?

Senator PELL. Yes; there are two items, very short, and maybe one could take a look right now. I think one was decided, and that is whether the Committee on Small Business was, in accordance with Senator Griffin's motion, it was agreed that it would be a standing committee, and yet it is not in the list of the standing committees. It should be here right before the Committee on Veterans' Affairs, and I would make that suggestion.

The CHAIRMAN. Well, what is the purpose? I mean, we voted to designate these three classes of committees, and voted to include the Small Business Committee in that the other day. We tried to classify them by groups rather than saying a standing or a nonstanding committee. I do not know of any——

Senator PELL. But I think this would be the only committee that had legislative responsibility that was not listed with the standing committees.

The CHAIRMAN. No, Intelligence has legislative jurisdiction as well.

Senator PELL. It does, you are correct.

The CHAIRMAN. Did you have another point there?

Senator PELL. No, that was it. It just seemed tidier and neater if it could have been put in there specifically. But—let's see, where is Intelligence, what page is that on?

The CHAIRMAN. Page 21.

Senator PELL. I would be very interested in what your thoughts are, Dr. Riddick's thoughts are. Would it not be tidier, maybe it should apply to Intelligence, too, that since they do have legislative oversight and legislative responsibility, they be included in the list of standing committees.

The CHAIRMAN. Well, we make it clear as to what their jurisdiction is. I do not see any particular point in doing that.

Senator PELL. Would it not be a tidier thing?

I will not press this at this time.

The CHAIRMAN. Is there further discussion at this time?

Very well, the committee will stand in recess then until 3:30.

Senator WILLIAMS. Mr. Chairman, could I get permission now to file additional views on the Special Committee on Aging?

The CHAIRMAN. Certainly.

[Whereupon, at 2:54 p.m., the committee was recessed, to reconvene at 3:30 p.m., the same day.]

The CHAIRMAN. The committee will come to order.

STATEMENT OF HON. EDMUND S. MUSKIE, A U.S. SENATOR FROM THE STATE OF MAINE, ACCOMPANIED BY HON. HENRY BELLMON, A U.S. SENATOR FROM THE STATE OF OKLAHOMA

The CHAIRMAN. Senator Muskie, in our discussion the other day as to the committee sizes, we were considering the question of whether the Budget Committee ought to be made a fully exempt committee for the next 2 years for new Members coming on; or if it ought to apply only to the older Members.

Now, I received your letter on it. I wonder if you would give us the benefit of your thinking on that particular point?

Senator MUSKIE. Well, Mr. Chairman, what we tried to achieve with that proposal is two things; one was to insure for 2 more years the kind of continuity that we could get from the Senators who have been Members for 2 years.

Not all of them—perhaps not even a majority of them—are forced to drop a committee now, which is to say on the Budget Committee—the reason being not that they are disinterested in the Budget Committee, but because they have more seniority on their other committees and a stake in their other committees that they would hesitate to give up.

And so it seemed to me that the Budget Committee was at a potentially vulnerable point in its development and its existence and that we ought to keep those members on for another 2 years.

On the other hand, I think it is important that the Budget Committee begin to build the hard-core membership that it will need in the long haul if it is to become a viable, permanent institution.

So to the extent that there are vacancies now, I think we ought to try to fill them from among Members who are willing to make a commitment to the Budget Committee at the long-term.

There are three members of the present Budget Committee who are willing to make that commitment now. I have already made it. Senator Bellmon is ready to make it. Senator Biden is ready to make it. Maybe I should not use his name. I talked to him about it today to make sure of what I have in mind.

With respect to the others, we might lose a substantial majority if not all of the others because of the reasons I already stated.

But I think we have a chance to pick up new Senators either from those who have been Members for a while or some new Senators to fill the four vacancies that we have on this side; and I would like to do so, and get a commitment from them that they are with us for a while.

I say that because to fully examine the budget and all of its details and the forces that influence it, I think, is a fulltime job; and I think will require a considerable period of service before we are all completely equipped to do the job as well as the Congress has a right to expect us to do it.

So I viewed the proposal as sort of a compromise between the present law and the initial formulation of the Stevenson proposal. And I discussed it with Senator Bellmon and he agrees.

The CHAIRMAN. Senator Bellmon?

Senator BELLMON. Mr. Chairman, I join with Senator Muskie on the Budget Committee in his position. I feel that the Budget Committee has a vital role to play in the Congress and that the sooner we can get people on that committee who intend to stay there, the quicker we will be able to do our job in a way that was anticipated when the Budget Act was written.

It seems to me that allowing those who really want to stay on the Budget Committee to make that selection now rather than having those come on who might want to come on for 2 years and then go off, would be extremely wise. And it is for this reason that I support Senator Muskie's position.

The CHAIRMAN. Senator Hatfield?

Senator HATFIELD. Senator Muskie, I am really kind of bothered by this procedure. I am bothered by it because we are applying a different standard for the new Members than what we are requiring of the current Members, if I understand your proposal correctly. It seems to me that if continuity is our main concern we ought to require all people to take it out of this particular exemption and let's set the membership right at this time.

I think that would be a far more equitable way than to set a requirement for the two Members that would come from our side or the Members that would come from your side and require them to make long-term commitments and not to require that of the existing Members.

I think the more valuable Members at this point, in the development of the Budget Committee, are the existing Members.

Senator MUSKIE. Why don't we say two things?

First, that is not without precedent. When I became a member of the Government Operations Committee 18 years ago, it was a third

committee for all members, but then the Government Operations Committee was made a major committee, and those of us who had been on since I went on were grandfathered in; all new members who had come on since have had to make a choice and include Government Operations as one of their major committees. So there is precedence in the Government Operations Committee at least.

The new members coming on Government Operations today must choose Government Operations as one of their two major committees. I am still grandfathered in and several other members are still grandfathered in, and we treat Government Operations as a third committee. I am not sure that is why; but on the part of discrimination, there has been that discrimination for this time.

Second, with respect to Government Operations, the third committee designation is permanent—no; I mean the grandfathering is permanent. All we are asking for is another 2 years simply to carry us through the—well, through our swaddling clothes period.

We have had the benefit of educating 11 or 12 members for 2 years, and we would like to keep those, who would feel disposed to move off if they had to make the choice now, for another 2 years to help us through these 2 years.

But in the meantime we would like to try building our permanent hard-core membership.

Let me tell you another thing that bothers me, Senator, to be perfectly frank: You know, if we make this available to everybody, the third committee choice of the Budget Committee, there is some temptation among Senators to get on the Budget Committee, there is some temptation among Senators to get on the Budget Committee in order to protect the interests of their own principal committees. And that is not the function of the Budget Committee.

The Budget Committee ought not to be the battleground for chairmen of other committees to have the first crack at their priorities before they go to the floor.

The Budget Committee ought to be impartial with respect to other committees to the extent that is possible by claiming, you know, the first commitment of those who are its members. And that is the way we have operated for 2 years and hopefully can for another 2 years, because our members have appreciated the importance of the budget process.

But as the budget process becomes old hat and the discipline becomes maybe looser or more familiar, then there is the danger that people will seek membership on the Budget Committee as a third committee temporarily in order to protect their interests rather than to serve the principal objectives of the budget process.

Senator HATFIELD. Senator, that could occur if they were selecting it as one of their two major committees by protecting the other major committees that they were on.

Senator MUSKIE. Well, that is not my impression of what is going to happen to the present membership.

The present membership is made up of people who feel more strongly, about their other committee obligations than this one—much as they appreciate this one—that they all leave when they have to choose. They are reading when they have to choose. And I cannot

imagine many chairmen of other committees, many who would be inclined to drop some committee to which they have been attached for many years in order to come on the budget committee for that purpose.

It could happen; yes. It could happen, but I think it is very unlikely.

Senator HATFIELD. I feel we are getting into the subjective area now rather than the objective.

Senator MUSKIE. I agree. But this is the place to be candid.

Senator HATFIELD. But when you get down to the possible situation, as best we can project at this time from our side, is that if Senator Schmitt and Senator Wallop are the two new Republican Members, there is some possibility you could only end up with Senator Wallop because Domenici is from the same State as Senator Schmitt; and, by our conference rules, would be precluded from serving on the committee. So there is a possibility that at best you would end up with only one out of the special provision, Senator, from our side of the aisle. I do not know what your situation is on your side.

Senator BELLMON. Senator, if I could—the rule as it now stands would allow any Member to choose the Budget Committee as a third committee and maintain the committee assignments he already has. And that rule is likely to make it impossible for any new Members on the Republican side to get on the Budget Committee. Two more senior Members have already talked to me about coming on the Budget Committee if they can have the Budget Committee and keep the assignments they already have. Maybe that is the intent of the Rules Committee.

But it seems to me the newer, younger Members, who might choose the Budget Committee as a permanent committee assignment ought to be given the opportunity.

Senator CLARK. In that connection, Senator Hatfield, if I understand your proposal, what would prevent any senior chairman or anyone else from taking on that committee for 2 years?

Senator HATFIELD. I do not know what your caucus rules are; but on our side, any senior Member can bump a junior Member if that is his desire, provided he has gone through the circle once on any particular committee.

Now, a senior Member does not have to. In other words, a senior Member can bump a junior Member of any committee if he is not already on it.

Senator CLARK. So if chairman X decided he wanted to go on the Budget Committee for 2 years, he could be grandfathered in?

Senator HATFIELD. That is right. He could take that position and the junior Member, with whom they are trying to build their permanent committee, would be precluded from going on the committee. So you do not have any guarantee, Senator Muskie, is what I am saying. And I cannot speak to your rules; but even if these freshman Members desire to make this their permanent selection, our caucus rules give no guarantee of that not happening if a senior Member decides he wants to take on the committee as a third committee.

The CHAIRMAN. Let me say there is much less likelihood of that because the senior Member, under the present rule, will have to con-

sider that as a second committee. And under the rule that you proposed, therefore, he would not exercise that unless he wanted to give up his membership on one of the major committees.

Senator MUSKIE. That is right. I find them very reluctant to do it. Senator Magnuson conceivably could leave because he is not that interested and has other commitments elsewhere of much longer duration. But the simple proposition, gentlemen, is this: Senator Bellmon and I have the responsibility not only of making this thing work, but of making it endure. And the fact is, as the Stevenson committee said in its report, that our problem with respect to making it endure would be to attract Members who come to a committee, you see, that does not seem to offer them much opportunity for direct constituent service.

So we concede that we have got a long-term problem of attracting Members who are willing to make a commitment to the Budget Committee and, in the process, to the budget process.

Now, to start us off, the Senate said, well, Senators can come on and not lose any other committee. I was asked to make a choice then, and I made it, and left the Foreign Relations Committee, which took me 12 years to get on, and in order to take on this assignment.

So I was not given any grandfather rights. I was asked to make the choice then so that there would be assurance as to who the chairman was going to be for a whole. So I made it gladly. But now we have got to evolve a committee that will end up at some point 2 years from now hopefully with a hardcore of committed members who have made a commitment to the committee.

Now, to try to do it 2 years from now with 16 members conceivably leaving us and starting from scratch, I think is a horrendous possibility.

On the other hand, to make us a permanent third committee, which is what I understand is now being discussed, a permanent third committee with the denigration in our purpose that that implies—from what third committees have been regarded as around this place—I think is an equally poor solution to the problem.

So what I am proposing is that we grandfather in those who are willing to take a gamble with us for 2 years with some of them willing to stay and others willing to give us another 2 years of service before they make their choice; but then let us begin recruiting Senators who are willing to make their choice now in connection with their first service. That seems to me to make imminent commonsense.

Senator HATFIELD. Are you suggesting the present membership is not that interested in the continuation of service on this committee?

Senator MUSKIE. No; I was very explicit on the point a few moments ago, Senator, when I said that every member of this committee thinks highly of the service on the Budget Committee, but when they came to the Budget Committee, they were already on other committees in which they had a high stake in terms of seniority and previous interest.

Senator Bellmon was on Appropriations and others on Appropriations and others on Armed Services. They have been on these committees and have accumulated seniority. And if they are forced to make a choice, many of them have said they would make it reluctantly

against the Budget Committee because all of them have regarded their services as invaluable; but they have to make a choice.

Senator HATFIELD. What does your poll show as to your interrogation of existing members as to what they will do?

Senator MUSKIE. I think last year I was the only one who was a sure holdover. We picked up two more since then. Thankfully, Senator Bellmon has agreed, under my persuasion, to make the commitment. And today one other Senator did. So I now have three who are willing to make the choice now.

Senator HATFIELD. You think it will be easy 2 years down the road to recruit?

Senator MUSKIE. No; that is why I want to do some of the recruiting now.

Senator BELLMON. Senator, if I may?

It may be if the budget process seems to have survived and perhaps gained some additional following—there have been some concerns that the budget process is not going to survive in the Senate, as you know. And a Member would be very hesitant to give up another committee and take the Budget Committee only to have it fold up after a short period of time.

Senator HATFIELD. I have more confidence in the survival of the Budget Committee, perhaps. I have been an enthusiastic supporter of it.

Senator MUSKIE. Well, we wish you had confidence in our judgment on this question.

The CHAIRMAN. Senator Pell?

Senator Griffin?

Senator Clark?

Senator Tower?

Thank you very much, gentlemen. We appreciate your being here.

Next, Mr. Kimmitt and Mr. Hildenbrand, would you come up and we will talk about the committee size.

Mr. KIMMITT. Mr. Chairman, you asked us to prepare the charts, which we laid before you this afternoon, based on two conditions:

One: The condition Senator Muskie just explained, if it prevails. And we will turn to plan B, which is the second sheet, and that would establish the sizes of the committees under that condition.

The first page is if you do not require a Senator to give up a major committee seat but he could have two majors for now and the Budget Committee for another Congress, well, that is the first condition that would apply. And we recommend that if you cut down by the four seats, that one Democratic and one Republican seat be taken from the following committees—not cumulative—but one from Banking, Housing, and Urban Affairs; one from Environmental and Public Works; one from Finance; and one from Governmental Affairs.

I think the Finance seat is taken away from the Republicans; the Governmental Affairs is taken away from the Republicans; and the Democrats lose a seat on Banking, Housing, and Urban Affairs and Environment and Public Works. So it is really up to the Rules Committee to decide which of the two options they wish to exercise:

whether they permit every Senator to have two major seats plus the Budget as a third committee for 2 years; or whether all Senators will have two committee seats and four Senators may have only one committee and Budget as their permanent seat for 2 years.

The CHAIRMAN. The committee has already acted on that and no reversing action has been taken. So give us the figures based on the actions the committee has taken.

Mr. KIMMITT. All right. If you refer to plan B, then, Mr. Chairman—and Senator Allen is not here, but he asked us to put in what the 94th Congress was for comparison purposes.

The CHAIRMAN. The sheet that I have says plan A.

Mr. KIMMITT. There is one under it that is plan B. You should have three sheets, and all attached.

The CHAIRMAN. I have three sheets. Two of them say plan A and the second says "Category Two Committees."

Mr. KIMMITT. Do all the other members of the committee have a plan B, which is the second sheet?

The CHAIRMAN. I have it.

Mr. KIMMITT. Under plan B, on the first horizontal column it shows how you ended the 94th Congress, Mr. Chairman, with the sizes of the committees and the ratio.

The second horizontal column shows the way we organized temporarily in this Congress. And the third horizontal line shows the recommendations for permanent organization in the 95th Congress as follows:

Agriculture, Nutrition, and Forestry would be a 16-Senator committee with a 10 to 6 ratio, leaving one Democratic and one Republican vacancy to be filled;

The Appropriations Committee would be a 24-Senator committee with a 15 to 9 ratio, with vacancies for three Democrats and one Republican;

Armed Services would be a 16-Senator committee with a ratio of 10 to 6, with one Democrat and one Republican;

Banking, Housing, and Urban Affairs would be a 15-Senator committee with a 9 to 6 ratio, with a vacancy for one Democrat and one Republican;

Commerce, Science, and Transportation to be an 18-Senator committee, with a ratio of 11 to 7, with three Democratic vacancies and two Republican vacancies;

Energy and Natural Resources would be a 17-Senator committee, 11 to 6 ratio, two vacancies for each party;

Environmental and Public Works is 15 Senators, a 9 to 6 ratio, one Democratic vacancy and two Republican;

The Finance Committee to be a 17-Senator committee with an 11 to 6 ratio, with two Democrats and one Republican;

Foreign Relations would be a 15-Senator committee, 9 to 6 ratio, two Democratic vacancies with one Republican vacancy;

Governmental Affairs is a 19-Senator committee, with a 12 to 7 ratio, three Democrats and three Republican vacancies, but keep in mind on this one now that two of each party are taken up by the chairman and ranking minority members of the Post Office and Civil Service

and the District of Columbia Committees. So really you have only one new vacancy each.

Human Resources would be 16 Senators, a 10 to 6 ratio, with one Democratic vacancy and two Republican vacancies;

And Judiciary would be 15 Senators, a 9 to 6 ratio, two Democrats and three Republicans.

And that will balance out evenly across the board, with the understanding that two Senators on each side of the aisle will only have one of these committees: the two Senators from each party who go on the Budget Committee.

The CHAIRMAN. They will have one of this group, plus the Budget Committee?

Mr. KIMMITT. Yes, sir.

The CHAIRMAN. All right. And your recommendation on Budget, Rules, and Veterans' Affairs is as previously stated?

Mr. KIMMITT. Yes; as I understand it, the Budget Committee is excluded for one Congress only; and there we are recommending 16 Senators, a 10 to 6 ratio, two vacancies for the Democrats and two for the Republicans, and all four of those vacancies will not be a third committee seat; it is a second committee seat only.

The Permanent Ethics Committee, which is now fixed by law, remains the same as it has, with six members, three Democrats, three Republicans, no vacancies.

The Intelligence Committee remains at 15, with an 8 to 7 ratio and has its current members. And I am not aware, Mr. Chairman, as to whether you made a permanent exclusion on Intelligence as a third committee or only for a Congress.

Oh; it is permanent, I am advised.

Rules and Administration remains as it was with nine Senators, a 6 to 3 ratio, and one Republican vacancy.

Small Business, on the motion of Senator Hatfield the other day, if I understand it correctly, the motion carried to make it a 14-man committee with a 9 to 5 ratio, which is just the size it is now, without adding Senators to either side.

Is that your motion?

The CHAIRMAN. Yes.

Mr. KIMMITT. Small Business is 14. Veterans' Affairs——

The CHAIRMAN. What was the ratio?

Mr. KIMMITT. The ratio would be 9 to 5, and that is with no vacancies on either side, but just the Senators who are now there. They would remain there at this time.

Senator HATFIELD. Mr. Chairman, but we did add further language about reducing further at the end of the next Congress.

Mr. KIMMITT. Yes, sir, Veterans' Affairs is established at nine Senators with a 6 to 3 ratio, with one Democratic vacancy.

The joint committees, which are still pretty well fixed by law, can be confirmed by the Rules Committee here with Joint Economic with 10 members, a 6 to 4 ratio, one Republican vacancy.

The Joint Committee on Libraries is the same, five members, a 3 to 2 ratio, one Republican vacancy.

The Joint Committee on Printing is three members, a 2 to 1 ratio, no vacancies.

The Joint Committee on Taxation with five members, with a 3 to 2 ratio and one Democrat and one Republican.

Then we come to the temporary special committees.

As I read it, the Temporary Special Committee on Indian Affairs will be five members, with a 3 to 2 ratio. And since it has not been established yet or filled, three Democrats and two Republicans. And the recently designated Temporary Special Committee on Official Conduct, 15 members with an 8 to 7 ratio, no vacancies.

Now, we have not listed—and it should be added here because it is going to continue its work—but we have not added Senator Stevenson's committee, his Temporary Special Committee on the Study of the Committee System. And I believe there are one or two vacancies on that to be filled yet.

Senator STEVENSON. They are, but they are filled.

Mr. KIMMITT. Yes; but it should be continued by the Rules Committee until they finish their work. And we should have added it here as a temporary special committee for that purpose.

The CHAIRMAN. Is there any need to add your committee here, Senator Stevenson? As I understand it, it expires by law at the end of February.

Do you expect to have your work done by then?

Senator STEVENSON. That is correct. And the resolution already makes membership on the select committee an exception. So I do not believe any further action is required with respect to that committee.

The CHAIRMAN. Is there further discussion on this?

Senator Clark?

Senator CLARK. I would like to ask whether a proposal I am making would in any way upset plan B.

It seems to me one change could be made that could be beneficial and in no way upset the ratio: namely, the differences between Foreign Relations and Governmental Affairs; if we go with this proposal, we will have 15 people on Foreign Relations and 19 on Governmental Affairs.

Mr. KIMMITT. Yes, sir.

Senator CLARK. Now, it seems to me that, given the fact that Foreign Relations is much more in demand and probably a busier committee, that it may make sense to move one of the Government Operations over to Foreign Relations and thereby, at least, we only have 18 and you can satisfy the grandfathers.

You have 16 in Foreign Relations and it probably ought to be the other way around; but at least, you see, we offset the ratio somewhat. So I am recommending going to 10–6.

Now, if it were the will of this committee to increase Foreign Relations from 15 to 16, and decrease Governmental Affairs from 19 to 18, that would not cause any problems with your projections?

Mr. KIMMITT. It would not cause any problem with me; however, I am constrained to point out why it was placed this way, Senator Clark.

First: Senator Ribicoff has pleaded to have more members on his Government Operations Committee, Senator, who have the time and interest to work there. Because you do have the four grandfathers there, you see, including Senators Muskie, Jackson, McClellan, and

Javits. They—understandably—are not able to provide as much time to Government Operations as possible. And then you are getting the four new members coming from Post Office and Civil Service and the District of Columbia, Senator, in addition to their other committees.

And they—it was his feeling—may not be able to have the time except just in that area. So we boosted them up a little bit there. And coincident with that was the strong plea from Senator Church and Senator Sparkman that the Foreign Relations Committee be taken back to 15, as was discussed the last number of years.

But you are absolutely right; this committee can establish whatever they want; but I think I can also say that when you get to the steering committee later on and the committee on committees, even these may be modified.

Senator CLARK. That would be true across the board?

Mr. KIMMITT. Right.

Senator CLARK. Well, it just seems to me that 18 in Governmental Affairs would make it the second largest committee in the Congress and would be adequate for that size committee.

I understand Chairman Ribicoff's position on it. I mean, that makes a lot of sense. But the fact is that folks are—of all the people who applied for Governmental Affairs, only one—in other words, of all the first and second choices of all the Senators who requested it from the steering committee, only one person requested Governmental Affairs.

So it seems to me in terms of basic workload and in terms of desire to serve on the committee—what Chairman Ribicoff was particularly interested in—that this probably would not do it. In other words, we would have to take somebody and put them on Governmental Affairs that did not want to serve—we would have to do that in order to make it 19.

Mr. KIMMITT. Yes, sir, all it will do is close out an opportunity for a Democrat to go on Government Affairs and provide an opportunity for a Democrat to go on Foreign Relations.

Senator CLARK. Right.

Mr. KIMMITT. That is essentially what it does.

Senator CLARK. I think that would tend to satisfy more Members of the Senate. I don't know; maybe there are others who disagree with it.

Senator HATFIELD. What would it be? It would be a 10 to 6 ratio, then?

Mr. KIMMITT. It will be 11 to 7; that's 18.

Senator CLARK. No, 16.

Mr. KIMMITT. You are talking about Foreign Relations? That would be 10 to 6 and Government Affairs would be 11 to 7.

Senator HATFIELD. Foreign Relations would be 10 to 6? What it is now?

Mr. KIMMITT. Yes, sir.

Mr. HILDENBRAND. Nine to six now.

Senator PELL. May I bring up the point here that the chairman of the Foreign Relations Committee—both chairman for the last several

years, Fullbright and Sparkman, have been doing their best to keep the committee small. And my own view is it should remain at 15.

The CHAIRMAN. Any further discussion?

Did you put that in the form of a motion, Senator Clark?

Senator CLARK. Well, I guess I will; yes.

The CHAIRMAN. If you want to state it now? Your motion is that the size of Governmental Affairs be made 18 with a 11 to 7 ratio; that the size of Foreign Relations be made 16, with a 10 to 6 ratio? Is that correctly stated?

Senator CLARK. That is correct.

I so move.

Senator PELL. Can we vote on each of those separately?

Senator CLARK. We cannot do one without the other. In other words, if we move one out, you got to put it some place.

The CHAIRMAN. Are you ready for the question on that particular issue?

The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. No.

The CLERK. Mr. Pell, did you say "No"?

Senator PELL. No.

The CLERK. Mr. Byrd. [No response.]

Mr. Allen? [No response.]

Mr. Williams. [No response.]

Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin.

Senator GRIFFIN. No.

The CLERK. Mr. Tower. [No response.]

Mr. Chairman.

The CHAIRMAN. No.

The CLERK. Mr. Williams.

Senator WILLIAMS. I will vote "aye."

The CLERK. Mr. Williams votes yes.

Three yeas and three nays. A tie.

The CHAIRMAN. The motion is not agreed to.

All right. The matter should occur now on the recommendation as made.

Are you ready for a vote on that issue?

Senator Hatfield?

Senator HATFIELD. I wonder if we could look at the Small Business Committee a moment.

If you recall, we voted to reduce it to 14 because that is how many Senators have returned who served on that committee in the last Congress. And then we indicated we would like to have it ultimately reduced down to nine by the next Congress.

But I would like to have that ruling "on or before," because as we look at the situation, a number among those 13 members on the Small Business Committee who have returned, will have to make

a selection between that committee and one other third committee that they are serving on now. In other words, they are serving on two third committees. And it may be they would not select Small Business. And we ought not then to invite new Members to come to that committee to maintain the 14 members. So it seems to me, we ought to say "on or before the next Congress," which would then indicate that we are not inviting new members on the committee if it should drop below 14 by the time we have a selection.

The CHAIRMAN. Your suggestion, Senator Hatfield, is that we cover in the report language that membership on the Small Business Committee should be down to nine on or before the next Congress?

Senator HATFIELD. That is right.

The CHAIRMAN. All of those in favor of that proposal say "aye." [Chorus of "aye."]

Opposed? [No response.]

The ayes have it. That will be covered in the report.

All right. Ready now for a vote on the committee size as presented by Mr. Kimmitt.

The clerk will call the roll.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd. [No response.]

Mr. Allen.

Senator ALLEN. Pass.

The CLERK. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

Senator CLARK. Aye.

The CLERK. Mr. Hatfield.

Senator HATFIELD. Aye.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Senator Tower. [No response.]

Mr. Chairman.

The CHAIRMAN. Aye.

The CLERK. Seven ayes and no nays.

Wait a minute; we have Senator Allen.

Senator ALLEN. This is to raise it from 15 to 16?

The CLERK. To approve the numbers on all of the committees now.

Senator ALLEN. All the committees?

I will vote "aye."

The CHAIRMAN. The vote is eight yeas and no nays. The proposal is approved.

Is Mr. Ridgley here now?

Mr. Ridgley and Mr. Malstrom, would you come up, please?

Mr. RIDGLEY. Mr. Chairman, when I was here Friday before the committee, the committee expressed an interest in knowing to some degree how many people would be involved in the transfer of the staffs of the committees that will be absorbed by other committees. We have made an analysis of these, which I have on this list that was given me Friday.

The first one I have is an analysis of the transfer of the staff of the Aeronautical and Space Sciences to the Commerce Committee.

We find that in order to accommodate the positions and the salary levels of the positions that would be transferred from Aeronautical and Space to Commerce, we would need two positions at $41,750; three positions at $39,412; four positions at $37,742; and five positions at $19,706.

Now this could be accomplished by a transfer of money within the appropriations which standing committees are funded; for instance, Aeronautical and Space is already funded for the staff of a standing committee and, likewise, Commerce is.

The cost of this would be $451,234 on a full-year basis, but the funds are already available because Aeronautical and Space has been funded for the current fiscal year.

The CHAIRMAN. All right. We will go to the next one.

Mr. RIDGELY. Yes; on Aeronautical and Space we do have a funded subcommittee, which would have to be taken care of. We find out that there are four positions, which would be a total of $67,326, to continue those positions of the funded subcommittee. This, of course, is under the contingent fund of the Senate and could be handled by resolutions to take care of that, or the funds of Aeronautical and Space transferred to Commerce to do that—that which has already been approved by your committee and that will expire on February 28.

The CHAIRMAN. All right.

Mr. RIDGELY. On the District of Columbia Committee and Post Office and Civil Service, they are being transferred to the Governmental Affairs Committee.

On that we would need three positions at $41,750; four positions at $39,412; six positions at $37,742; and five at $19,706. The total cost of that on an annual basis would be $607,880.

Once again, this money has already been appropriated, so it would be a matter of it being authorized to be used for the new committee, Mr. Chairman, once the transfer of the jurisdiction and everything takes place on that. So it would not require any additional funds there. But once again, both the District of Columbia Committee and the Post Office Committee have funds by Senate resolutions which will expire on February 28. And in both cases it would be in excess of $140,000 on an annual basis to continue those.

The transfer of the staff of the Special Committee on Aging to Human Resources would require two positions at $39,412; six positions at $37,742; and 13 positions at $19,706 or less.

And the maximum cost of that would be $561,454.

In this case, we would need funds—well, funds would have to be authorized, because Aging is funded through the contingent fund of the Senate; and those positions, going to a standing committee, the funding would have to be authorized for that particular transfer.

And the last one I have here is the Select Committee on Nutrition and Human Needs, going to Agriculture; Nutrition, and Forestry. And in that case we would need 8 positions at $37,742, and 10 positions at $19,706 or less. And the total maximum cost on that would be $498,996. And in this case, as in the case of Aging, we would need the authorization to use the funds under "Salaries of Officers and Em-

ployees," to take care of this for the Committee on Nutrition. Those are the ones that I had been told would be the committees that would be transferred into other committees.

This would have to be accomplished by legislation. I have talked to Mr. Littel, the legislative counsel; and he told me that we could draft legislation which would be specific in the case of each committee by position or we would draft the legislation where it would be kind of an open-ended situation. And I would like to point out to the committee I would recommend the open-ended possibility on this because these figures I am presenting are as of this morning and they can change from day-to-day.

The CHAIRMAN. Would you have legislative counsel draft the appropriate legislation, making it clear that that authority was only extended for the transition period?

Mr. RIDGELY. Yes, sir, we discussed that and he told me it could be limited authority as far as the time is concerned.

The CHAIRMAN. And would you prepare for us a chart showing what you have told us here for the record, and showing these various requirements and transfers?

Mr. RIDGELY. Yes, sir, I can prepare that and have it for insertion in the record if you want it.

The CHAIRMAN. Now, I think the other matter was that the proposal in the resolution here, in relation to Senators who moved from a committee, was in relation to where they may have appointed personnel; is that correct?

Mr. RIDGELY. You mean under the legislative assistance under Senate Resolution 60?

The CHAIRMAN. Which is rewritten in this resolution.

Mr. RIDGELY. Well, sir, then if the language is the same as we have in the law now, Senator, concerning what I would refer to as a "safety valve," when a Member loses a committee assignment, now if that language is the same as in the law now, then it would give each Member who loses a committee assignment and has appointed someone as a legislative assistant, it would give him 10 days after he loses that assignment to find a spot for this employee or to take him off the payroll. Because that is what we have in the law now. And the original copy of Senate Resolution 4, which I had, conveyed the same language in there.

The CHAIRMAN. Now, earlier today we amended section 801 to make it provide that the "titles 1 through 6 of this resolution would take effect on the 5th day after the day on which the resolution is agreed to." Do you see any problem there with respect to payroll matters?

Mr. RIDGELY. Five days after the resolution is agreed to?

The CHAIRMAN. The fifth day after the day on which the resolution is agreed to. The proposal originally was on the 30th day. And the change to the fifth day was so we could immediately implement the assignment to committees. But I am asking you if this would create any problems as far as your payroll situation is concerned, Mr. Ridgely, with some of these transfers.

Mr. RIDGELY. Well, the only one that I can think of that might be a problem, I understood that one of the committees which was going to be absorbed that the jurisdiction was going to go to one or two com-

mittees, or maybe three; and if the transfer of the people—I mean of the individuals was subject to the Rules Committee being involved in that, when the transfer of these—I mean, I don't know whether that is still in there or not——

The CHAIRMAN. That is in the resolution, I believe. Yes; that is in the resolution at the present time.

Mr. RIDGELY. Yes.

The CHAIRMAN. Does anybody have any questions?

Mr. RIDGELY. Well, the transfer, for instance, of a committee like Aeronautics and Space, well, all of those directly to Commerce can be accomplished all right.

The CHAIRMAN. If I could turn to one other item, if there are no questions for Mr. Ridgely, on pages 23 and 26, we refer to the "Temporary Select Committee on Indian Affairs," and that is section 103. And I am wondering, inasmuch as that is only for the duration of this Congress, if it might be better to take it out of this resolution, which will become a part of the rules, and actually report that position by a separate resolution so as to go to the floor at the same time, Mr. Ridgely, to be considered immediately after the resolution here.

Senator GRIFFIN. That is all right.

The CHAIRMAN. Well, subject to Senator Hatfield's OK, if there is no objection, we will follow that procedure. We want to fully protect them. But it has been pointed out to me that there is no particular benefit to leave that in the rules when it is going to expire at the end of a 2-year period.

Senator Stevenson?

Senator STEVENSON. Yes, sir, I agree with that fully.

The CHAIRMAN. Now, do you have any other points that the committee needs to consider?

Does this take care of everything?

Senator STEVENSON. I have nothing more, sir. There was one request. I think it comes from Senator Stevens to Senator Griffin.

Senator GRIFFIN. Mr. Chairman, on page 7 of the committee print, under the jurisdiction for the Committee on Commerce, Science, and Transportation, Senator Packwood, has requested us to revise line 12, where it reads, "Marine and Ocean Navigation." He suggests and asks that we put a comma after the word "navigation," and insert the word "safety," so it would read "Marine and Ocean Navigation, Safety, and Transportation."

What is the reason for this? Apparently to make clear that basic standards and procedures would be included. Perhaps they would anyway.

The CHAIRMAN. I would think they would, but I would see no harm in that.

Senator Stevenson, do you see any harm in inserting that word "safety" after "navigation" on line 12, subparagraph 5, page 7?

Senator STEVENSON. Oh, well, I think that was intended to refer to the safety of people or—was that people or vessels?

Mr. SMITH. Vessels and the conception of offshore drilling sites and the mining of deep seabed minerals relating to new ocean technologies and navigation facilities involved in that.

Senator STEVENSON. That is the question, whether it is safety of property or safety of people. And if it is people, it could be blood. I suggested earlier this be cleared with the Human Resources Committee. If it includes the safety of people mining on the Outer Continental Shelf, it could create a conflict with the jurisdiction of the Human Resources Committee.

Senator GRIFFIN. It is too bad Senator Williams is not here. I am told by staff that it has been cleared with Senator Williams and that it is agreeable to him, provided that there is language put in the report to make clear what the word "safety" means.

The CHAIRMAN. Well, I am not sure from the explanation, Senator, what it does mean.

Senator GRIFFIN. Could we do it subject to Senator Williams' approval in terms of the report language or just as you have done with Senator Hatfield here? Because his is the committee that would have interest.

The CHAIRMAN. Is there objection to adding the word "safety,"subject to Senator Williams' approval on the language? [No response.]

Without objection, then that will be done.

Senator GRIFFIN. I might point out I imagine staff catches that on page 8, line 6, there is a typographical error so that instead of "Maine fisheries," I am sure they mean "marine fisheries."

The CHAIRMAN. Yes; we have made that correction, Senator.

Is there anything further now to come up?

Senator PELL. Mr. Chairman, on page 12 of the print, line 18, "International Aspects of Atomic Energy," we have come up against this question of the proliferation of nuclear weapons, which comes under the Arms Control Subcommittee and the Foreign Relations Committee's full jurisdiction. And they would seek to have included the four words following "atomic energy," the four words "including nuclear transfer policy."

I understand this is being checked at least at the staff level with Government Operations.

Mr. ASHWORTH. Yes; on the staff level.

The CHAIRMAN. I would like to suggest that we eliminate the word "atomic," and use the word "nuclear" because that is a broader term and is more properly used. I am not familiar with the other term.

Senator PELL. I think that is a good suggestion. So it would be "International Aspects of Nuclear Energy, Including Nuclear Transfer Policy."

The CHAIRMAN. Is there discussion on that?

Is that likely to get into the argument with Governmental Affairs?

Senator PELL. The staff says——

Mr. ASHWORTH. I checked this with Mr. Wegman.

Senator PELL. You cleared that with somebody?

Mr. ASHWORTH. Yes, sir, it has been discussed with Mr. Wegman on that staff and that thing with Foreign Relations did not disturb him at all.

The CHAIRMAN. We have under Governmental Operations now "Organizational Management of U.S. Nuclear Export Policies." It seems to me we are talking about the same thing again.

Senator PELL. I think the problem is here they were talking about nonmilitary aspects of it. What is the reaction of Senator Stevenson to this?

Senator STEVENSON. To the language?

Senator PELL. To the language "International Aspects of Nuclear Energy, Including Nuclear Transfer Policy."

Senator STEVENSON. If that is satisfactory to the Government Operations Committee, we would have no objection to it.

Senator PELL. Would the staff check that?

The CHAIRMAN. While that is being checked out, may I say that Senator Williams has approved the insertion of the word "safety" on line 12, page 7? So that the reservation can be removed.

Senator GRIFFIN. Senator Tower's staff member calls my attention to the wording on page 4, under the Armed Services jurisdiction, line 16, "National Security Aspects of Atomic Energy."

Now, have you already made reference to that?

The CHAIRMAN. Changing the word "atomic"?

Senator GRIFFIN. That would be "nuclear"?

The CHAIRMAN. I——

Senator GRIFFIN. She is wondering, on Senator Tower's behalf, if this change proposed by Senator Pell in some way affects the Armed Services Committee.

Senator PELL. I do not think so, because at this point, the jurisdiction over the question of the exchange of nuclear weapons or not exchange of nuclear weapons—I mean, control of the nuclear exports, I thought rested with the Foreign Relations Committee.

Senator TOWER. "Nuclear transfer policy." By that, are you talking about reactors?

The CHAIRMAN. Are you saying is this adequately covered here on Armed Services, Senator?

Senator TOWER. What I want to know is does that impact in any way on the Armed Services jurisdiction?

The CHAIRMAN. Well, I think if there is no objection, we can make it clear in the report that that authority, given to the Governmental Affairs Committee and Foreign Relations Committee, is not to be interpreted as infringing on the rights of the Armed Services Committee to consider the national security aspects of nuclear energy.

Would that be satisfactory?

Senator TOWER. I think it would be satisfactory as to the definition of what we meant by "nuclear transfer policy."

Senator PELL. I would like to ask Mr. Ashworth to spell that out.

Mr. ASHWORTH. Senator, we are essentially speaking about the agreements for peaceful nuclear cooperation and a nonproliferation policy—all of which are essentially nonmilitary. So here the question is not a military question.

Senator TOWER. OK. Let's spell that out in the report.

The CHAIRMAN. Can you spell that out in the report to make it clear?

Senator PELL. I think the phrase "International aspects"—and then spell it out—of nuclear energy, including nuclear transfer policy should be there.

The CHAIRMAN. He is saying that is not intended, Senator, to relate to the military national security aspects; correct?

Mr. ASHWORTH. No sir; that is not intended to relate.

Now there is the further question in this of the agreements for cooperation, which is not covered in line 18 as I understand it, Senator. But there is the question of the distribution of agreements for cooperation and that would be a question, the military ones. There are military agreements and there are peaceful ones. But what is covered in this line specifically is proliferation policy, peaceful proliferation policy, as I understand it.

Senator PELL. Why don't we spell that out in the report and accept this language here?

The CHAIRMAN. I am advised that that will be spelled out in the report to make that clear.

Senator PELL. And the four words added?

The CHAIRMAN. Without objection, the four words will be added.

Senator TOWER. I was thinking about our relations with Britain related to this question.

The CHAIRMAN. Well, it is not intended that the Foreign Relations Committee or the Governmental Affairs Committee would have jurisdiction over nuclear power insofar as it relates to the national security aspects.

Senator PELL. That would be completely under Armed Services, I would think. I just wanted to make sure I understood it.

The CHAIRMAN. On page 61, I am advised that the first line, section 801 "Titles I through VI of this resolution" should read "Titles I through VII of this resolution."

Is there objection to changing that VI to a VII? [No response.]

Without objection, that will be approved.

If there is nothing further, the Chair will entertain a motion to report——

Senator GRIFFIN. Now that Senator Tower is here, I wish Senator Clark was here. Before we move to final approval, I wish to keep a commitment I made to Senator Case and Senator Sparkman, to raise again this question having to do with the International Monetary Fund and the jurisdiction of the two committees involved.

I was not here on the day that the latest proposal was adopted, so I guess I am qualified to move to reconsider.

On behalf of Senator Case and Senator Sparkman, I have an amendment to offer.

First I would have to ask to move to reconsider.

The CHAIRMAN. Now, which particular point are you moving?

Senator GRIFFIN. It has to do with the compromise between Senator Proxmire and Senator Church that Senator Clark came in with. It gave to the Banking Committee the International Monetary Fund and other International organizations "established primarily for international monetary purposes." That is page 5, lines 2 to 8. Then, the Foreign Relations Committee is on page 12; it gave them "World Bank, the regional development banks, and other international organizations established primarily for development assistance purposes."

The amendment would be to strike lines 2 through 8 on page 5 and renumber the subsequent paragraphs; and on page 12, line 24, where the Foreign Relations jurisdiction is, the amendment would be to insert this language:

The International Monetary Fund and other international organizations established primarily for international monetary purposes (except that at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing and Urban Affairs).

The CHAIRMAN. So that you are just reversing it?

Senator GRIFFIN. We are going right back to where we were before.

The CHAIRMAN. Right back to where you were before?

Well, the Senator was not here. He can move to reconsider.

Senator GRIFFIN. That is what I am doing.

The CHAIRMAN. All in favor of the motion to reconsider, say "aye." [Chorus of "aye."]

Opposed? [Chorus of "no."]

Senator GRIFFIN. Could I ask for a rollcall?

The CHAIRMAN. Certainly.

The clerk will call the roll on the motion to reconsider.

The CLERK. Senator Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd. [No response.]

Mr. Allen.

Senator ALLEN. Aye.

The CLERK. Mr. Willams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Hatfield.

Senator GRIFFIN. Mr. Hatfield is aye by proxy.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower.

Senator TOWER. No.

The CLERK. Mr. Chairman.

The CHAIRMAN. No.

The CLERK. Six ayes and two nays.

The CHAIRMAN. Six ayes and two nays.

The motion to reconsider is agreed to.

Senator GRIFFIN. Here is the language, Mr. Chairman. Do you want me to read it?

The CHAIRMAN. Yes.

Senator GRIFFIN. All right. On page 5, delete lines 2 through 8 and renumber subsequent paragraphs 3 through 14 appropriately. And on page 12, after line 24, insert the following:

The International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing, and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing and Urban Affairs).

The CHAIRMAN. Senator Stevenson, do you have any comments on this proposal?

Senator STEVENSON. Let me make sure I understand it.

The proposal is to delete item 2 on page 5?

Senator GRIFFIN. Lines 2 through 8.

The CHAIRMAN. Yes; that is item 2. We would delete all of item 2, transfer that authority to the Foreign Relations Committee with the proviso that at the request of the Committee on Banking that any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking. It is just the reverse. It is a 180° reverse of the action that was taken the other day.

Senator STEVENSON. Well, this would conflict with the advice of the select committee. It also undoes the compromise that was worked out. The select committee originally had proposed that the World Bank and other such credit institutions, such international institutions, be placed within the jurisdiction of the Banking Committee, which historically and recently has exercised, with respect to international economic policy, a more active interest than has the Foreign Relations Committee.

The Committee on Economic Policy has reported to that committee; the Treasury and the Federal Reserve Board, of course, report to the Banking Committee; it is responsible for the Exchange Stabilization Fund.

But in the course of negotiations, it was agreed, because of the development activities of the World Bank and the regional development bank, to leave those in the Foreign Relations Committee. That leaves the IMF and other such international monetary organizations within the primary jurisdiction of the Banking Committee.

I think that is wise, Mr. Chairman, because of the jurisdiction which the Banking Committee already has over the domestic counterparts of all of these international organizations and because of its primary concern for monetary policy and for exchange rates.

I might add that I just talked to Chairman Sparkman. He talked to me, as a matter of fact, and said that he could live with this understanding. And earlier, Senator Humphrey and Senator Church, and I believe Senator Clark and others had agreed to it. So I think this comes late. And after some very serious negotiations and consideration has been given by this committee and by others to the subject. And I would suggest that before all of that work be, well, that the committee might undo all of the work that has already gone into this very delicate proposition.

The CHAIRMAN. Any further discussions?

Senator GRIFFIN. Mr. Chairman, I might just say that I am reflecting a meeting with Senator Sparkman and Senator Case that took place only half an hour ago. So I do not know what Senator Sparkman may have said at some earlier point; but I am accurately reflecting what he said a half hour ago.

The other thing is that this is refered to as a compromise, but to the best of my knowledge, the only compromise was between Senators Church and Proxmire. It was not a compromise as between the Com-

mittee on Foreign Relations and the Committee on Banking and Currency as far as I know. So I am ready for a vote.

The CHAIRMAN. Senator Williams?

Senator WILLIAMS. I am ready for a vote, too.

It does seem to me that this reconsideration just made it clear that the disagreement is within the Foreign Relations Committee and apparently not the Banking Committee. And while I voted for the reconsideration, it just does make it clear that that is where the difference lies and not certainly in the committee that has primary jurisdiction under the resolution.

The CHAIRMAN. If there is no further discussion, the clerk will call the roll.

Senator TOWER. Mr. Chairman, I just want to add that this is an irrational move because control over domestic monetary policy, or at least the oversight, resides in the hands of the Banking Committee, as I noted the other day.

The Banking Committee can report legislation that will not have to be considered by the Foreign Relations Committee. And it can unilaterally influence the value of American money by raising and lowering the price of gold. So it really does not make much sense.

But Government being what it is, I suppose we have to live with it because of the votes.

The CHAIRMAN. Don't be too sure.

The clerk will call the roll.

The CLERK. Senator Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd.

The CHAIRMAN. No, by proxy.

The CLERK. Mr. Allen.

Senator ALLEN. Aye.

The CLERK. Mr. Williams.

Senator WILLIAMS. No.

The CLERK. Mr. Clark.

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Hatfield.

Senator GRIFFIN. Aye, by proxy.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower.

Senator TOWER. No.

The CLERK. Mr. Chairman.

The CHAIRMAN. No.

The CLERK. Four ayes and five nays.

The CHAIRMAN. Four ayes and five nays.

The motion is not agreed to.

The Chair will entertain a motion to report——

Senator PELL. Mr. Chairman, before doing that, I want to address myself to Senator Tower.

Senator GRIFFIN. Mr. Chairman, I did not hear the votes that way. I heard the vote as five in favor.

The CLERK. Hatfield voted "aye."

Senator GRIFFIN. Is that the way you announced the vote?
The CLERK. Five yeas and four nays. I am sorry.
The CHAIRMAN. Five yeas and four nays?
The amendment is agreed to.
Senator GRIFFIN. It makes a difference.
The CHAIRMAN. The Chair will entertain a motion to report this out.
Senator PELL. Senator Cannon, in connection with this nuclear export exchange, obviously if the transfer of the weapons is from the United States to the United Kingdom, under the terms of the agreement, that is completely within the Armed Services; but if we conclude a new agreement or there is an agreement to be concluded on this subject between the United Kingdom and the United States, then I am not authorized to waive any jurisdiction on the part of the State Department.
Senator TOWER. Yes; just to clarify it.
The CHAIRMAN. Senator Allen.
Senator ALLEN. The committee is going to report the amendment in the nature of a substitute?
The CHAIRMAN. Yes; as I stated earlier, we got authority from the committee to report an amendment in the nature of a substitute and it would be considered as the original text for the purpose of amendment.
Senator ALLEN. That would take unanimous consent on the floor. And of course it you do report it as a substitute, they would have to offer an amendment to that rather than move——
The CHAIRMAN. That is correct.
Senator Griffin.
Senator GRIFFIN. I do not know that I understand that. What are we going to report?
Senator ALLEN. Report it as an amendment in the nature of a substitute. Of course, the substitute would be open for amendment. But each individual amendment of the Rules Committee would not have to be voted on substitute except by the reverse; if a Member wanted to go back to the original language or change it in any way, he would offer that amendment to the amendment in the nature of a substitute.
The CHAIRMAN. The committee authorized me already to make that request when we report it. And if the motion to report carries, then we will have until midnight tomorrow night to file the report. The staff people are already working on the report itself. And I would hope that Members would take the opportunity tomorrow to help us finalize that report language so that we can get it in by midnight.
Senator PELL. Mr. Chairman, before voting on reporting it out, I would like to congratulate the chairman on a very tough job in keeping our nose to a disagreeable grindstone and really getting it done.
The CHAIRMAN. Well, I also want to thank Senator Stevenson.
Senator PELL. He has been patiently watching his creation——
Senator GRIFFIN [interrupting]. Slowly go down the drain.
Senator PELL [continuing]. Deteriorate slightly.
Senator STEVENSON. Could I respond, Mr. Chairman?
The CHAIRMAN. Did you make a motion to report?

Senator ALLEN. Mr. Chairman, one further thing.

We have gone up the hill and down the hill on some of these things. I think we ought to agree that there be no further amendment to the text prior to being reported.

The CHAIRMAN. If I can get this motion put and the roll called, that would certainly be it.

Would you mind waiting until I call the roll?

Senator TOWER. Mr. Chairman, as the most junior member of the committee and a temporary member, may I commend the chairman and the ranking minority member as well?

The CHAIRMAN. We have a motion pending.

The CLERK. Mr. Pell.

Senator PELL. Aye.

The CLERK. Mr. Byrd.

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Allen.

Senator ALLEN. Aye.

The CLERK. Mr. Williams.

Senator WILLIAMS. Aye.

The CLERK. Mr. Clark.

The CHAIRMAN. Aye, by proxy.

The CLERK. Mr. Hatfield.

Senator GRIFFIN. Aye. by proxy.

The CLERK. Mr. Griffin.

Senator GRIFFIN. Aye.

The CLERK. Mr. Tower.

Senator TOWER. Aye.

The CLERK. Mr. Chairman.

The CHAIRMAN. Aye.

The CLERK. Unanimous.

The CHAIRMAN. A unanimous vote. We report it.

Senator Stevenson?

Senator STEVENSON. Mr. Chairman, Senator Pell, and Senator Griffin a moment ago were sounding as if I had sat through a long, hard ordeal and had to watch my edifice being picked to pieces. So I just want to end this enjoyable experience with a confession.

We went for about 140 percent of what we really wanted. And maybe somebody should have made a motion to reconsider it and table it quickly. But the point of that observation, gentlemen, is to say that I think you have done a very good job. I have had my ups and downs, including a licking just a couple of minutes ago; but in many ways you have also improved upon the work of the select committee. So I want to end this joint exercise by thanking you and by commending you and by expressing the hope that the Senate will approve your work. If it does so, it will be a more responsive and more effective institution.

And, Mr. Chairman, I want especially to thank you for your support and your encouragement through not just these hearings and this markup session, but for the many months which preceded them.

The CHAIRMAN. Thank you very much.

Senator GRIFFIN. I think we ought to acknowledge the excellent work of the staff of the Rules Committee and also the staff of the select committee. They have been very, very helpful all the way through.

Senator STEVENSON. Mr. Chairman, I concur in that 100 percent. The staff support has been extraordinary from the beginning from both the Rules Committee and the select committee; but I feel especially within the select committee.

The CHAIRMAN. I just hope none of those staff people will be those that will be left off as a result of this.

Senator STEVENSON. Everybody that is involved in this exercise, as Senator Allen said the other day, is ready to self-destruct.

Senator TOWER. I just want to note it is with amazed gratification I listened to Senator Stevenson's statement since by actual count we pulled 11 lynch pins out of 10.

The CHAIRMAN. The committee is adjourned.

[Whereupon, at 5 p.m., the meeting in the above-entitled matter was adjourned, to reconvene subject to the call of the Chair.]

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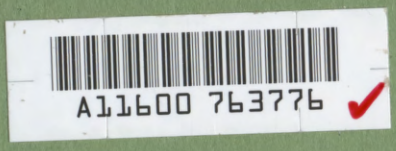
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