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LEGISLATIVE REORGANIZATION ACT OF 1970

(Public Law 91-510, Oct. 26, 1970)

A SUMMARY OF MAJOR PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

PREPARED FOR THE INFORMATION OF THE SENATE
BY THE STAFF OF THE

COMMITTEE ON GOVERNMENT OPERATIONS
UNITED STATES SENATE

BY DIRECTION OF
HON. JOHN L. McCLELLAN, CHAIRMAN



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SUMMARY OF MAJOR PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT OF 1970

(Public Law 91-510, Oct. 26, 1970)

Introduction

The Legislative Reorganization Act of 1970 (Public Law 91-510) represents the first major revision of congressional procedures and organization in 25 years. Although various changes have been effected in committee structure and procedure since the enactment of the 1946 Legislative Reorganization Act, they were relatively minor and were accomplished primarily through amendments to the Standing Rules of the two Houses. Where legislation was required, these changes were accomplished in legislative appropriation acts or by amendments to other statutes.

As in the case of the 1946 Act, all of the provisions of Title I, and certain provisions of other titles, have been enacted as an exercise of the rulemaking powers of both Houses, in order to preserve to each House the right to prescribe its own rules of procedure, and to facilitate additional amendments, as necessary. Although the House of Representatives has long followed the practice of incorporating the principal provisions of the 1946 Act into its Standing Rules, as they pertain to House practices and procedures, the Senate has, for the most part, utilized the provisions of the Legislative Reorganization Act of 1946, as amended from time to time. Accordingly, many of the changes in organization, practice and procedure, embodied in the 1970 Act, amend provisions of the 1946 Act, as they pertain to the Senate, but amend the Rules of the House, as they pertain to that body.

With one major exception, H.R. 17654, as amended in the Senate and enacted into law, would implement most of the principal recommendations contained in the final report of the Joint Committee on the Organization of the Congress, filed in the Senate in the 89th Congress (S. Rept. 1414). The major exception referred to is the omission of provisions relative to the regulation of lobbying.

As enacted, the Act contains six titles. However, the major revisions, as they pertain to the Senate, are contained in four titles: "The Committee System" (Title I); "Fiscal Controls" (Title II); "Sources of Information" (Title III); and "Congress as an Institution" (Title IV). Title V relates solely to the House of Representatives and Title VI provides effective dates.

In its final form, the Legislative Reorganization Act of 1970 provides for (1) modifications in standing committee procedures relating to the powers of committee chairmen, hearings, reporting of measures, proxy votes, and the exercise of more effective legislative oversight by such committees; (2) the establishment of more effective

fiscal controls, including new procedures for congressional review of the Federal budget, increased utilization of the General Accounting Office, and new fiscal responsibilities in the legislative standing committees; (3) expansion of, and improvements in, congressional sources of information, including enlargement of permanent professional staffs of standing committees, and a reorganization and strengthening of the Legislative Reference Service; and (4) improvements in internal organization and administration relative to housekeeping activities, including the establishment of a standing Committee on Veterans' Affairs, a permanent Joint Committee on Congressional Operations, an Office of Placement and Management, a reorganized Capitol Guide Service, and a mandatory adjournment date of July 31st of each year, or, in the alternative, an August recess during the first session of each Congress, subject to certain limitations. Although many changes made refer to both Houses, emphasis herein has been placed upon those relating to the Senate. All section references are keyed to Public Law 91-510.

TITLE I.—THE COMMITTEE SYSTEM

Unless otherwise noted, the provisions of Title I do not apply to the Senate Committee on Appropriations, which is treated separately in Title II.

Committee meeting procedures

1. A standing committee majority will be authorized to call special meetings and require that the reports on legislation which have been approved by the committee be filed, if the chairman fails or refuses to do so. (Secs. 102(a) and 105(a)).

2. All standing committee meetings, other than hearings, will be required to be *open* to the public, except executive sessions for markup or voting, or if a committee majority orders an executive session. (Sec. 103(a)).

3. The results of rollcall votes taken in any standing committee meeting on any measure, or amendment thereto, will have to be announced in the committee report, unless previously announced by the committee, and such an announcement must include a tabulation of the votes cast by each member for and against such measure or amendment. (Sec. 104(a)).

4. Existing rules, requiring the actual presence of a majority of members of a standing committee (including the Senate Committee on Appropriations) to *report* a measure, are retained, and the concurrence of a majority of committee members present is required to report a measure or matter. Although general proxies are prohibited, proxies may be used to report a measure, unless prohibited by committee rules, but only if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Committee action in reporting a measure in compliance with the above requirements will be considered a ratification by the committee of all previous action, and no point of order will lie with respect to the reported measure on the ground of failure of compliance.

¹ All of Title I will become effective immediately prior to noon on January 3, 1971.

The results of rollcall votes to *report* any measure must be included, in the committee report, a tabulation of the votes cast by each member for and against such measure. Standing committees (including the Senate Committee on Appropriations) may adopt rules providing for proxy voting and may, in accordance with the Rules of the Senate, provide for a lesser number as a quorum, for any action *other* than the *reporting* of measures. (Secs. 106(a) and 243.)

5. Members of standing committees who give notice of intention to file supplementary, minority or additional views, at the time of committee approval of a measure, will be entitled to no less than 3 calendar days to do so; such views then will be printed as part of the committee report in the same volume and their inclusion must be noted on the cover of the report. However, in the absence of timely notice, the committee report may be filed and printed immediately without such views. (Sec. 107(a).)

6. Standing committee reports (including those of the Appropriations Committee) must be available to Members of the Senate at least 3 days prior to consideration of a measure (excluding Saturdays, Sundays, and holidays), except for measures providing for a congressional declaration of war or national emergency, legislative veto procedures, or if waived by joint agreement of the majority and minority leadership; and every effort must be made to have printed hearings available. (Sec. 108(a).)

7. Standing committees requiring funds in excess of the \$10,000 per Congress now authorized, will be required to submit, not later than January 31st of each year, *one annual* authorization resolution specifying the total amount sought and the amount for each subcommittee. Thereafter, additional funds can be obtained only by a supplementary resolution specifying the purpose for which it is sought and stating explicitly why such funds could not have been sought in the first resolution. In the appointment of staff personnel, pursuant to any such resolution, the minority must receive fair consideration. If committees are not organized by January 20th in the first session of a Congress, the resolution must be filed within 30 days following the designation of a majority of committee members. (Sec. 110(a).)

Committee hearing procedures

8. Standing, select, and special committees are required to (1) give at least one week's public notice of the date, place and subject matter of any hearing, unless the committee determines that good cause exists for beginning at an earlier date; (2) conduct open hearings, unless the committee determines that the testimony to be taken may relate to matters of national security, tend to reflect adversely on any individual, or divulge matters otherwise deemed confidential under provisions of law or regulations; (3) require witnesses to file with the committee clerk, at least one day prior to a hearing at which he is to appear, a written statement of his proposed testimony, unless waived by the committee chairman and ranking minority, and to require the committee staff, if requested by the committee, to prepare a digest of such statements as well as daily summaries of the testimony presented which, if requested by the committee, may be printed in the committee hearings; (4) permit witnesses selected by a majority of the minority to testify during at least one day of such hearings, upon request to the chairman; and (5) permit open hearings to be broadcast

by radio or television, subject to committee rules. Finally, no point of order will lie with respect to any measure reported by any such committee on the ground that hearings thereon were not properly conducted if the measure was *reported* in compliance with requirements described in paragraph 4, above. (Secs. 111(a), 112(a), 113(a), 114(a), 115(a), and 116.)

Committee meetings during Senate sessions

9. Except for the Senate Appropriations Committee, which is authorized to meet at any time and for any purpose,² no other Senate standing committee may meet while the Senate is in session, following the completion of the morning hour or the commencement of consideration of pending business, (whichever is earlier), unless agreed to by the majority and minority leaders, in which event such committee may sit for any purpose. (Sec. 117(a).)

Legislative review

10. The oversight functions of the Senate's standing committees are redesignated as "legislative review" and restated in more specific terms. Thus, each standing committee will be required to review and study, on a continuing basis, the application, administration and execution of those laws, or parts thereof, the subject matter of which is within the jurisdiction of that committee, in order to assist the Senate in connection with its appraisal and evaluation the manner in which laws enacted by the Congress are being administered, and to aid the Senate in the formulation and enactment of such modifications or changes in those laws or in the enactment of such additional legislation as may be necessary or appropriate. In addition, each such committee would be required to submit to the Senate, not later than March 31 of each odd-numbered year, a report detailing the activities of that committee for the preceding Congress. (Sec. 118(a).)

Conference reports

11. Each Senate and House conference report will be printed as a separate report of each House and will be accompanied by an explanatory statement, *prepared jointly* by the conferees of both Houses; it will be sufficiently detailed and explicit to inform their respective Houses as to the effect which the amendments or propositions contained therein will have upon these amendments or propositions to which they relate. If time for debate in the consideration of a conference report upon the Senate floor is limited, the time allotted for debate shall be equally divided between the majority and minority parties. (Sec. 125 (a) and (b).)

Note: The house has added further provisions to the effect that a substitute reported by the House conferees shall not include matter not committed to conference by either House, and the House report shall not include modifications that are beyond the scope of the issues committed to the conference. Furthermore, the House now permits separate votes on nongermane amendments to House-passed measures with 40 minutes debate equally divided for and against the amendment at issue; and no such amendment shall be agreed to by House

² This provides a permanent statutory base for the existing practice under which the Senate by unanimous consent, confers blanket authority upon the Senate Appropriations Committee, either for the duration of a session or of an entire Congress, to meet at any time and for any purpose.

conferees without specific authority from the House by a vote of the House on every such amendment. (Secs. 125(b)(3) and 126.)

Senate committee rules

12. All Senate standing, select, and special committees will be required to establish and publish rules of procedure of each committee, (not inconsistent with the Standing Rules of the Senate, or provisions of law having the force and effect thereof), not later than March 1 of each year, unless such committees are established on or after February 1 of a year, in which event such rules are to be published in the Congressional Record not later than 60 days after their establishment; and any amendments thereto are to be published not later than 30 days after adoption, subject to certain exceptions. (Sec. 130.)

Jurisdiction of Senate standing committees

13. The Committee on Banking and Currency is redesignated as the Committee on Banking, Housing and Urban Affairs and additional jurisdiction is conferred upon that committee with respect to "Urban Affairs generally." (Sec. 131.)

14. A new Committee on Veterans' Affairs is created which is given the jurisdiction over those matters relating to veterans which are now divided among the Senate Committees on Finance, Labor and Public Welfare, and Interior and Insular Affairs. (Sec. 131.)

Membership of Senate standing committees

15. The Act, in effect, (1) classifies all of the standing committees as major and minor, and limits the membership of each to a specific number; (2) limits the numbers and types of committee assignments; and (3) limits the number of committee and subcommittee chairmanships which a Member would be permitted to hold. However, the reductions and limitations provided for would be accomplished gradually, and *all of the existing rights of present Members would be preserved.* (Sec. 132(a-c).)

The Act does not actually designate standing committees as "major" or "minor" in those terms. The proposed classification would be accomplished by amendments to Rule XXV of the Standing Rules of the Senate. The "major" committees are those which are presently considered major standing committees and their ultimate total membership would be limited, subject to stated exceptions to 200. The "minor" committees, with an ultimate total of 34, would be the District of Columbia, Post Office and Civil Service, Rules and Administration, and the newly-established Veterans' Affairs Committee. (Sec. 132(c).) The figure of 200 Members for major standing committees represents a determination that, after the expiration of all "grandfather" rights, no Senator would be permitted to serve on more than two such committees, in addition to minor, special and joint committees. Major standing committee memberships were established at 217 at the outset of the 91st Congress.

Subject to the preservation of existing rights, the Act permits each Senator to serve on (1) *two* major committees, not more than one of which may be Appropriations, Armed Services, Finance, or Foreign Relations; (2) *one* minor, joint, select or special committee; and (3) *one* additional temporary committee or joint committee which will exist for not more than one Congress, or *one* joint committee with jurisdiction over subject matter which is directly related to the Member's minor committee assignment. (Sec. 132(d).)

Committee and subcommittee chairmanships

16. The Act would, subject to the preservation of existing rights, prohibit a Senator from serving as chairman of more than *one* standing, select, special, or joint committee; or of more than one subcommittee of each of his major standing committees. However, a Senator, who is serving as chairman of one of the four types of committees referred to, would be permitted, in addition, to serve as chairman of (1) a joint committee having jurisdiction over subject matter directly related to the jurisdiction of a standing committee of which he is chairman; and (2) one temporary committee or joint committee which will exist for not more than one Congress. (Sec. 132(d).)

Preservation of existing rights

17. The Act provides for the preservation of all of the rights of Senators to standing, select, special, and joint committee memberships, and committee and subcommittee chairmanships, held by them on the day preceding the effective date of Title I of the Act, as long as their service as Member or chairman remains continuous thereafter. Provision is also made to preserve and extend, until June 30, 1971, the rights of 17 senior Senators who, under existing Senate rules, are serving on three major standing committees, one of which is either the Committee on Aeronautical and Space Sciences or the Committee on Government Operations. Thus, a Senator in this category would be entitled to continue to serve on three major standing committees, if his service remains continuous after the effective date of Title I of this Act; in addition, if he retains his membership on one of the two named committees, he may, between that date and June 30, 1971, change one or both of his other two major committee assignments and still retain three major standing committee assignments as long as his service remains continuous thereafter. (Sec. 130(d).)

18. The Act also authorizes a temporary increase of not more than four in the authorized membership of standing committees in order to give effect to the "grandfather" clauses, and to maintain the necessary balance between majority and minority party committee members which might be upset by the exercise of "grandfather" rights, resulting in numerical control of standing committees by minority party members. In the latter case, such increases would be subject to agreement between the majority and minority leaders; and majority party Senators would be permitted to serve temporarily on three major standing committees for this purpose. (Sec. 130(d).)

TITLE II.—FISCAL CONTROLS**PART 1.—BUDGETARY AND FISCAL INFORMATION AND DATA³***Budgetary and fiscal data processing system and budget standard classification*

1. The Secretary of the Treasury and the Director of the Office of Management and Budget, in cooperation with the U.S. Comptroller General, are required to develop, establish and maintain (1) a standardized information and data processing system, insofar as practicable, for use by all Federal agencies; and (2) standard classifications of programs, activities, receipts and expenditures of Federal

³ Effective immediately prior to noon on January 3, 1971, unless otherwise indicated.

agencies, in order to meet the needs of the various branches of the Government and to facilitate such data processing system through the utilization of modern automatic data processing techniques previously authorized, initial classifications of which shall be established not later than December 31, 1971. (Secs. 201 and 202(a).)

2. The Secretary of the Treasury and the Director of the Office of Management and Budget are also required, on or before September 1 of each year, beginning in 1971, to submit to both Houses of the Congress, an annual report, including such comments of the Comptroller General as he deems advisable, in connection with the functions required to be performed in the preceding sections. (Secs. 201 and 202(a)(b).)

Availability of data

3. The Secretary of the Treasury and the Director of the Office of Management and Budget would be required, *at the request of any committee of either House*, or of any joint committee, to provide information on the location and nature of data available in Federal agencies with respect to their programs, activities, receipts, and expenditures, and to prepare for such committee, to the extent feasible, summary tables of such data. (Sec. 203.)

Assistance to Congress by GAO

4. The Comptroller General is required to review and analyze the results of Government programs and activities carried on under existing law, including the making of cost benefit studies, (1) upon his own initiative, (2) when ordered by either House of Congress, or (3) when requested by a committee of either House or a joint committee, having jurisdiction over such programs and activities. In addition, the Comptroller General would be required to have available in the GAO employees who are experts in analyzing and conducting cost benefit studies of Government programs, and to assist such committees or their staffs in connection with such studies. (Sec. 204(a)(b).)

Powers and duties of GAO relative to budgetary, fiscal, and related matters

5. The Comptroller General is authorized to organize the General Accounting Office as he deems necessary to carry out the functions and duties imposed upon him, by this part, and is required to include in his annual report to the Congress information with respect to the performance of the functions and duties imposed upon him by the provisions of this title. (Sec. 205.)

Preservation of existing authorities

6. Nothing contained in part 1 of Title II shall be construed as impairing any of the authority or responsibility of the Secretary of the Treasury, the Director of the Office of Management and Budget or the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended, and the Budget and Accounting Procedures Act of 1950, as amended, or any other statute. (Sec. 206.)

Definition

7. For the purposes of this title, "Federal Agency" is defined to mean any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the Government of the District of Columbia. (Sec. 207.)

PART 2.—THE BUDGET⁴*Supplemental budget information*

1. The President, in his annual budget, is required to inform the Congress of the amounts proposed for appropriation and expenditure in the ensuing fiscal year, and the estimated amounts for each of the ensuing four fiscal years, on each of his proposals creating new programs or changing existing programs. (Sec. 221(a).)

2. The President is required to submit a supplemental Budget summary for the ensuing fiscal year, not later than June 1 of each year, beginning with 1972, which shall reflect, with respect to that year (1) all substantial alterations in or reappraisals of estimates of expenditures and receipts; (2) all substantial obligations imposed on that Budget after its transmittal to the Congress; (3) current information relative to (a) all substantial alterations in or reappraisals of estimates of expenditures and receipts, (b) the estimated condition of the Treasury at the end of the fiscal year in progress, and (c) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the Budget are adopted. In addition, it shall contain such additional information in summary form as the President considers necessary and advisable to provide the Congress with a complete and current summary of information relative to the Budget and the then currently estimated functions, obligations, requirements, and financial condition of the Government for that ensuing fiscal year. (Sec. 221(b)).

3. The President, on or before June 1 of each year beginning with 1972, is required to transmit to the Congress, in such form and detail as he may determine, (1) summaries of estimated expenditures for the four fiscal years following the fiscal year for which the Budget was transmitted in January, which will be required under continuing programs having a legal commitment for future years, or are considered mandatory under existing law, and (2) summaries of estimated expenditures in future fiscal years of balances carried over from the fiscal year for which the Budget was transmitted in January. (Sec. 221(c).)

Note: This new subsection is designed to provide procedures for supplying the Congress with an up-to-date midyear revision of the five-year forecasts of the fiscal impact of existing and proposed Federal programs under the amendments contained in Sec. 221(a) of the Act.

**PART 3.—UTILIZATION OF REPORTS AND EMPLOYEES
OF THE GENERAL ACCOUNTING OFFICE***Assistance by GAO to congressional committees in connection with proposed legislation and review*

4. At the request of any committee or joint committee, the Comptroller General is required to explain to, and discuss with, that committee or joint committee, or its staff, any report made by the GAO which would assist (1) in its consideration of proposed legislation, including appropriations requests, or (2) its review of any program or of the activities of any Federal agency within its jurisdiction. (Sec. 231.) (It is expected that he will designate employees for this purpose.)

⁴ Effective with respect to fiscal year beginning or after July 1, 1972.

Furnishing GAO reports to congressional committees and Members

5. The Comptroller General, whenever he submit reports to the Congress, is required to deliver copies thereof to the House and Senate (1) Committees on Appropriations; (2) Committees on Government Operations; (3) any other committee or joint committee requesting information on any Federal agency program or activity which is the subject of such report; and (4) to any other such committee or joint committee to which such report has not otherwise been delivered if a request therefor is made. (Secs. 232 and 233.) In addition, the Comptroller General is required to prepare (1) once each calendar month, a list of all GAO reports issued during the preceding calendar month, and (2) not less than once each calendar year, a cumulative list of all such reports issued during the 12 months preceding the issuance of such list. Finally, the Comptroller General is required, upon request of any committee, joint committee or Member of the Congress, promptly to transmit to each such committee or Member a copy of each report so listed and requested. (Secs. 232, 233, and 234.)

Assignment of GAO employees to duty with congressional committees

6. No GAO employees may be assigned or detailed to full-time duty on a continuing basis with any Senate or House committee or joint committee for a period of more than one year; and the Comptroller General must report annually to the Congress (1) the name of each employee so assigned and the name of the committee or joint committee to which he has been assigned; (2) the length of the period of assignment and a statement as to whether such assignment or detail is currently in effect; and (3) the sums paid out of appropriations available to the GAO for such employee's pay, travel, subsistence, other expenses, contributions for retirement and insurance benefits and other necessary mandatory expenses for personnel benefits, during the whole of such assignment or detail, or that part of which has been completed. (Sec. 235.)

Agency reports

7. Federal agencies are required to submit written statements to the Government Operations Committees of both Houses with respect to the actions they have taken on GAO recommendations concerning such agencies, not later than 60 days after the GAO has issued its report and recommendations, and to the Appropriations Committees of both Houses in connection with their first requests for appropriations submitted to the Congress thereafter. (Sec. 236.)

PART 4.—THE APPROPRIATIONS PROCESS*Hearings on the budget by Senate and House Appropriations Committees*

1. All hearings conducted by the Senate Committee on Appropriations are required to be open to the public unless the committee determines that the testimony to be taken may (a) relate to a matter of national security, (b) tend to reflect adversely on the character or reputation of the witnesses or others, or (c) divulge matters deemed confidential under law or Government regulations; and if they are open, they may be broadcast by radio, television, or both, under such rules as the committee may adopt. (Sec. 242.)

2. The House Committee on Appropriations is required to hold hearings on the Budget each year, receiving testimony from the

Secretary of the Treasury, the Director of the Office of Management and Budget and the Chairman of the Council of Economic Advisers, together with any other witnesses desired by the committee. Unless the committee determines that matters of national security are involved, the hearings are required to be open to the public and a transcript thereof must be furnished to each Member and the Resident Commissioner from Puerto Rico. At these hearings, all, or any part of which may be held jointly with the Senate Committee on Appropriations, testimony is to be received relative to (1) the basic recommendations and policies of the President in the presentation of the Budget; and (2) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts. (Sec. 242(c)(1).) These provisions would apply only to those hearings provided for above and not to the regular hearings held by the House Committee on Appropriations. (Sec. 242(c)(2).)

Action and procedure of Senate Committee on Appropriations

3. Existing rules requiring the *actual* presence of a majority of members of a standing committee are retained, and clarified with respect to their application to the Senate Committee on Appropriations. In addition, as in the case of all other standing committees, the concurrence of a majority of the members of the Senate Appropriations Committee who are present is required to *report* a measure or matter. Although general proxies are prohibited, proxies may be used to report a measure, unless prohibited by committee rules, but only if the absent member has been informed of the matter on which he is being recorded and has affirmatively requested that he be so recorded. Committee action in reporting a measure in compliance with the above requirements will be considered a ratification by the committee of all previous action upon the measure, or amendments thereto, and no point of order will lie with respect to that measure on the ground of failure of compliance with respect to such previous action of the committee. Furthermore, whenever the committee by rollcall vote reports any measure, the results of such rollcall vote must include a tabulation of the votes cast by each member for and against such measure.

Finally, nothing contained herein shall abrogate the power of the committee to adopt rules providing for proxy voting or for providing in accordance with the Standing Rules of Senate for a lesser number than a quorum, with respect to any action *other* than the *reporting* of measures or matters. (Secs. 106(a) and 243.)

PART 5.—LEGISLATIVE OVERSIGHT

Cost estimates in reports of Senate and House committees accompanying certain legislative measures

1. All Senate committee reports, other than those of the Committee on Appropriations, accompanying each public bill or joint resolution, must contain (1) except as hereinafter noted an estimate, made by the committee, of the cost of carrying out the legislation for the then current and for the next five fiscal years (or for the authorized duration of the proposed legislation, if less than five years); (2) a comparison of such cost estimates with any made by a Federal agency; (3) in the case of measures affecting the revenues, an estimate of gain or loss for a one-year period; or (4) a statement of the reasons for failure by the

committee to comply with these requirements as impracticable, in the event of inability to comply therewith. In the absence of compliance with the above requirements, consideration of such public bill or joint resolution would not be in order. Finally, for the purposes of this provision, the Members of the Joint Committee on Atomic Energy who are Members of the Senate shall be deemed to be a committee of the Senate. (Sec. 252(a)(1)(2)(3).)

2. Each Senate committee, other than the Committee on Appropriations, and all joint committees, having legislative jurisdiction, must endeavor to insure that all continuing Federal Government programs and activities of Federal agencies, including those of the District of Columbia, are designed and carried on so that they will be appropriated for annually, to the extent consistent with the nature, requirements and objectives of such programs and activities. In addition, each such Senate committee and joint committee must review, from time to time, any program under its jurisdiction, which is not appropriated for annually, in an effort to ascertain whether such program can be modified so that appropriations therefore can be made annually. (Sec. 253.)

TITLE III.—SOURCES OF INFORMATION

PART 1.—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES ⁵

Increase in professional staffs of Senate standing committees; Senate minority professional and clerical staffs; fair treatment for Senate minority staffs

1. The Act increases from four to six the number of permanent professional staff members authorized for each Senate standing committee, other than the Committee on Appropriations, in addition to any additional staff members previously authorized to be employed by any committee, by statute or by annual or permanent resolution. Retained are the present requirements that such professional staff members (a) be appointed by a majority of the committee on a permanent basis, (b) without regard to political affiliation and solely on the basis of fitness for performance of their duties, (c) be assigned to the Chairman and the ranking minority member, as the committee deems advisable, (d) shall not engage in any other work than committee business and shall be assigned no other duties, and (e) are subject to removal by a majority of the committee.

In addition, if a majority of the minority so request, they may select, and the committee must appoint, two of the six professional staff members and one clerical staff member. Staff members so appointed, including minority staff members of subcommittees, appointed pursuant to Senate resolutions, (a) are to be assigned to such committee business as the minority deems advisable, (b) must be accorded equitable treatment with respect to salary rates, assignment of facilities and access to committee records, and (c) are subject to removal by the committee when a majority of the minority so requests. In the event that a request is made by the minority for appointment of such professional or clerical staff members, pursuant to the above provisions, at a time when no vacancy exists on the permanent staff to which an appointment may be made, the requested appointment

⁵ Unless otherwise indicated, effective immediately prior to noon on January 3, 1971.

shall nevertheless be made, and the person or persons so appointed are to be paid from the contingent fund of the Senate until a vacancy occurs, at which time these so appointed shall be considered to have been appointed to such vacancy. As previously indicated, provision is made to insure that nothing herein contained shall be construed as requiring (a) a reduction in the number of committee staff members authorized prior to January 1, 1971, by statute or by any Senate annual or permanent resolution, or (b) a reduction in the number of committee staff members already assigned to the minority members of any committee. It is further provided that the authority for minority members of a committee to select staff members may not be exercised if two or more professional staff members and one or more clerical staff members, who are satisfactory to a majority of the minority members, have already been assigned by the committee to assist such members. (Sec. 301.)

Procurement of temporary services of consultants for standing committees

2. Standing committees of both Houses are authorized to procure the temporary (not to exceed one year) or intermittent services of consultants or consultative organizations to make studies or advise the committee relative to any matter within its jurisdiction. Such action would require (1) approval of the Senate Committee on Rules and Administration or the House Committee on Administration, as appropriate, and the furnishing to them by the requesting committees of information concerning the qualifications of such consultants to be available for public inspection on request; and (2) the adoption of a resolution by the appropriate House authorizing an expenditure and specifying the maximum amounts which may be used for such purposes. Such services may be procured by contracts, in the case of organizations, without regard to the provisions of law requiring advertising. If procured by employment, the rate of compensation cannot exceed the per diem equivalent of the highest gross rate of compensation which may be paid to regular committee employees. Selection of any such consultants would be by joint action of the chairman and the ranking minority member of requesting committee, in the Senate and by the committee in the House. (Sec. 303.)

Specialized training for professional staffs of Senate and House standing committees

3. Standing committees of both Houses are authorized to provide assistance to their professional staff members in obtaining specialized training which, in the committee's judgment, will aid it in the discharge of its responsibilities. Such assistance (1) would require the approval of the appropriate administration committee; (2) the adoption of a resolution by the appropriate House authorizing expenditures from the contingent funds and specifying the maximum amounts which may be used for that purpose; and (3) may be in the form of continuance of salary during the training period, or by grants of funds to pay tuition fees and other expenses, as approved by the appropriate administration committees of the two Houses. Committees providing such assistance would be required to obtain an agreement from the employee to continue in employment for as long a period as it deems necessary to insure that the committee will receive the benefit of such employee's services, and protection is provided to safeguard the rights of such employees with respect to retirement, group health and life insurance,

based upon the rate of compensation received by him immediately prior to commencing training. (Sec. 304.)

Compensation of professional and clerical staffs of Senate standing committees (effective January 1, 1971)

3. The Act increases the existing statutory ceilings on the rate of compensation which may be paid to employees of standing and select committees of the Senate (including the majority and minority policy committees and the conference majority and minority), as well as employees of any joint committee the expenses of which are paid from the contingent fund of the Senate. The purpose of this provision is to bring the salaries of Senate committee employees in closer proximity with those of the House of Representatives who perform identical work and discharge identical responsibilities.

Under existing law, the House of Representatives uses as its ceiling for the compensation of committee employees the highest rate payable under the General Schedule, or \$35,505, with no restrictions on the number of committee employees who may be paid at that rate.

In the Senate, existing law limits the highest annual rate which may be paid to committee employees to \$30,392. However, two employees of each committee, other than Appropriations, and 17 employees of the Appropriations Committee, may be paid at an annual rate not in excess of \$31,784, and one employee of each such committee may be paid at an annual rate not in excess of \$33,176. Existing law further provides that the stated ceilings include employees of committees as well as subcommittees.

Under the provisions of the Act, the general committee ceiling would be raised from \$30,392 to \$32,712. In addition, the number of employees permitted to be paid at rates above that ceiling, and the rates at which they can be paid, have been amended so that four employees of each committee, other than Appropriations, and 16 employees of the Appropriations Committee, can be paid at a rate not to exceed \$34,104; and two employees of each committee can be paid at an annual rate not to exceed \$35,496. The Act also increases the ceiling on the compensation of certain clerical personnel so that one chief clerk and one assistant chief clerk may be paid at rates not in excess of \$32,712, and other clerical personnel may be paid up to \$13,688. Provision has also been made to increase the ceiling on compensation for assistant clerks employed by the Appropriations Committee to \$20,184. Finally, the Act increases the ceiling on the annual gross compensation of all Senate officers and employees whose compensation is disbursed by the Secretary of the Senate from \$33,176 to \$35,496, unless expressly authorized by law. (Sec. 305.)

PART 2.—CONGRESSIONAL RESEARCH SERVICE

Improvement of research facilities of Congress

The Act comprehensively revises existing law relating to the Legislative Reference Service of the Library of Congress and redefines its duties, administration and relationships with the Congress and with the Library, in an effort to provide for improvement, expansion, and coordination of the legislative research facilities available to the Congress. To emphasize the fact that the informational and research needs of the Congress require the services of an organization capable of producing and assembling new information and data, as well as

acquiring and storing existing materials, and to clarify the congressional intent that its work will involve creative effort, rather than the acquisition of information produced elsewhere, the Act redesignates the Service as the Congressional Research Service.

With respect to organization and administration, the Act (1) retains the Service as a separate department of the Library of Congress, emphasizes its research independence and autonomy and gives the Director wide latitude in organizing the Service; (2) requires that the Director be appointed by the Librarian of Congress, after consultation with the Joint Committee on the Library, and increases his salary from GS-18 to Executive Level V (\$36,000); (3) broadens the Director's statutory authority with respect to appointment of personnel and authorizes the appointment in supergrade positions without regard to the Civil Service quota system for such positions, subject to prior approval by the Joint Committee on the Library; (4) increases the Service's staff capacity by authorizing employment of individual consultants and research organizations, on a temporary basis; and (5) requires that the Service's budget be prepared by the Director, but submitted by the Librarian as a separate item in the Library's budget estimates.

The Act broadens considerably the duties and responsibilities of the Service by requiring it to furnish assistance to Members of Congress in connection with both their representative and legislative functions, as well as to committees and joint committees, and by authorizing a number of new services either when requested or upon its own initiative. Thus, the Service will be required (1) when requested, to prepare concise legislative histories of measures upon which committee hearings are to be held; (2) when requested, to assist committees in analyzing, appraising, and evaluating the advisability of enacting legislative proposals and alternatives thereto, and in estimating their probable results; and (3) upon request, to maintain continuous liaison with all committees in connection with various services rendered. In addition, the Service will be required, effective at the close of the first session of the 92nd Congress, to furnish to all committees and joint committees (1) a list of programs and activities being carried out under existing law scheduled to terminate during the current Congress, which are within the committees' jurisdiction; and (2) at the opening of a new Congress, a list of subjects and policy areas which the committee might profitably analyze in depth. The Service will also be required to furnish, either upon request or upon its own initiative, a wide variety of analyses, studies, compilations, digests and other pertinent materials, prepared in anticipation of requests for such materials.

In carrying out its various research responsibilities, at the request of any committee or joint committee, the Service is given authority to request any Federal department or agency to furnish to the Service such information, including books, records, documents, etc., as the Service deems necessary, and such Federal departments and agencies are required to comply with such request. Finally, effective with respect to the fiscal year beginning on or after July 1, 1970, the Director of the Congressional Research Service is required to file an annual report, at the beginning of each regular session of the Congress, with the Joint Committee on the Library, covering, in summary and in detail, all phases of its activities for the immediately preceding fiscal year. (Sec. 321.)

TITLE IV.—CONGRESS AS AN INSTITUTION**PART 1.—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS ⁶***Establishment of Joint Committee on Congressional Operations*

The Act establishes a Joint Committee on Congressional Operations, composed of 10 members, five from the Senate and five from the House of Representatives. Senate members would be appointed by the President pro tempore and House members, by the Speaker; in each case, three members would be from the majority party and two from the minority party. The chairman and vice chairman will be selected by the Joint Committee from among its members at the beginning of each Congress; during even-numbered Congresses, the chairman would be selected by the House Members and the vice chairman by the Senate Members, the reverse being the case in odd-numbered Congresses. Provision is made for the appointment by a majority of the Joint Committee members of no more than six professional and six clerical staff members, whose compensation would be prescribed by the Joint Committee at an annual rate not in excess of GS-18 (\$35,505).

Among the duties of the Joint Committee are (1) a continuing study of congressional organization and operations, and the recommendation of improvements designed to strengthen the Congress, simplify its operations, improve its relations with other branches of the Government and enable it better to meet its constitutional responsibilities; (2) identifying and calling to the attention of the Congress any court proceedings or actions which it believes to be of vital interest to the Congress; (3) exercising supervision and control over a newly-established Office of Placement and Office Management; and (4) reporting from time to time to both Houses their recommendations relative to matters within the Joint Committee's jurisdiction.

The Joint Committee, or any duly authorized subcommittee thereof, will be authorized to hold hearings and exercise, generally, the same powers which are exercised by standing committees. However, it will have no authority to make any recommendations relative to the rules, parliamentary procedure, practices or precedents or the consideration of any matter on the floor of either House.

The Office of Placement and Office Management will, upon request, assist Members, committees and officers of the two Houses seeking competent personnel with specified qualifications and furnish advice and information with respect to office management procedures. The Office, which is under the control and direction of the Joint Committee, will be headed by a Director, appointed by a record vote of a majority of the members of the Joint Committee, on a permanent basis, without regard to political affiliations and solely on the basis of fitness to perform his duties, at annual gross compensation not in excess of GS-18. The Director would head the staff of the Office which will be appointed by the Joint Committee in the same manner as is provided for the Director. (Secs. 401-406.)

⁶ Effective immediately prior to noon on January 3, 1971.

ADDITIONAL MISCELLANEOUS MATTERS AFFECTING BOTH HOUSES OF THE CONGRESS

Various provisions of the Act, contained in Titles III, IV and V, thereof, which are of concern only to the House of Representatives will not be discussed herein. The balance of this memorandum will deal only with the remaining matters dealt with in the Act which are of concern, either to both Houses or only to the Senate.

Authority over congressional employees

The Act would clarify the authority of certain elected officers of both Houses, the Architect of the Capitol and the Postmaster of the House of Representatives with respect to employees who are under their supervision, but who may have been appointed pursuant to requests by Members of Congress. Although many such employees are patronage appointments, it is deemed essential that they meet the qualifications necessary for the efficient performance of their duties. The Act would provide authority in the supervisory officials, referred to above, to determine whether persons so appointed have the necessary qualifications for the satisfactory performance of the duties and responsibilities assigned to them, and to remove, or otherwise discipline, such employees. (Sec. 431.)

Establishment and operation of Capitol Guide Service

The Act establishes, effective prior to noon on January 3, 1971, an official Capitol Guide Service, provides for free guided tours of the United States Capitol for all Capitol visitors, makes the employees of such Service congressional employees, with all of the attendant benefits relating thereto, forbids them to accept any charge, fee or gratuity for the performance of official services, and abolishes the existing unofficial United States Capitol Guide Organization.

The Service will be under the immediate supervision, direction and control of a Capitol Guide Board, to be composed of the Senate and House Sergeants at Arms, and is authorized to (1) establish and revise the number of guides, subject to prior approval of the administration committees of both Houses; (2) appoint, on the same basis as standing committee professional staff members, without reduction in rank and seniority, a Chief Guide, an Assistant Chief Guide, and as many guides as the Board may authorize, and to terminate their appointments, as appropriate; (3) prescribe their duties, responsibilities and, with the prior approval of the administration committees of both Houses, fix their pay scales at not less than average compensation previously received over the last five calendar years (excluding 1968) by those who worked full tours of duty under the former organization; (4) prescribe their uniforms and appropriate insignia, to be worn on duty, and furnish such uniforms without charge; and (5) detail personnel of the Service to assist Capitol Police in the performance of certain specified services, not directly involving law enforcement. (Secs. 441-443.)

GAO audits of private organizations conducting activities or performing services in or on Capitol grounds or buildings

The Comptroller General is required to perform a special annual report on the accounts of all private organizations, whether or not organized for profit, other than political parties and Federal election

committees, which perform services or conduct activities in or on the Capitol buildings or grounds and report the results thereof to both Houses of the Congress. (Sec. 451.)

Congressional adjournment

The Act provides that, unless the Congress otherwise provides, or a congressionally-declared state of war exists on July 31 of such year, both Houses shall adjourn sine die not later than July 31 of each year; or, in non-election years, take a recess during the month of August, agreed to not later than July 31 of such year by concurrent resolution adopted in each House. The period involved during non-election years would actually be from that Friday in August which occurs at least 30 days prior to Labor Day, to the second day after Labor Day. (Sec. 461.)

Senate and House Pages

The Act amends existing law relative to age requirements for Senate and House pages (now 14-18, in the Senate and 12-18, in the House), effective January 3, 1971, by prohibiting the appointment in the Senate of pages who are less than 14 nor more than 18 years of age; and in the House, who are less than 16 nor more than 18 years of age. However, these limitations would not apply to (a) persons appointed as chief pages, telephone page or riding page during any session of the Congress which begins after he has attained the age of 18 years; and (b) pages who attained the age of 16, but were appointed prior to the date of enactment of this Act.

The Act further provides that no person shall be appointed as a page (1) unless he agrees, in the absence of unforeseen circumstances, for a period of not less than two months; and (2) until his parents or guardians have been notified in writing concerning the nature of his work, pay, working and housing conditions. (Sec. 491 (a) (b) and (f).)

In addition, provisions are included to provide for and protect their pay during any recess or adjournment of their respective Houses during a session. (Sec. 491(c)(d).)

Finally, provision is made for the construction of a dormitory for pages, to be called the John W. McCormack Residential Page School, which will contain both dormitory and classroom facilities for pages of both Houses and the Supreme Court of the United States. The site is to be jointly approved by the Senate and House Office Building Commissions, and plans are to be prepared by or under the direction of the Architect of the Capitol (who is also to acquire the property) and jointly approved by the Commissions. (Sec. 492.)



