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# THE SENATE COMMITTEE SYSTEM

## JURISDICTIONS, REFERRALS, NUMBERS AND SIZES, AND LIMITATIONS ON MEMBERSHIP

## FIRST STAFF REPORT

TO THE

## TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM

JULY 1976

Printed for the use of the Temporary Select Committee
To Study the Senate Committee System

AUTHENTICATED
U.S. GOVERNMENT
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94th Congress
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U.S. GOVERNMENT PRINTING OFFICE

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## TEMPORARY SELECT COMMITTEE TO STUDY THE COMMITTEE SYSTEM

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# CONTENTS


| | Page |
|---|---|
| Letter of transmittal | 1 |
| Introduction to the July hearings | 2 |
| Section 1: History and problems of the present Senate committee system | 5 |
| Section 2: Brief chronological history of the Senate's current standing committees | 11 |
| Section 3: Historical patterns of Senate standing committee sizes | 19 |
| Section 4: Special and select committees, joint committees, boards and commissions | 23 |
| Section 5: Subcommittees of the Senate's standing legislative committees | 29 |
| Section 6: Limitations on Senate committee assignments | 31 |
| Section 7: Present subject jurisdictions of Senate committees | 35 |
| Section 8: Present jurisdictions of committees over departments and agencies | 79 |
| Section 9: Implications of the Congressional Budget and Impoundment Control Act for the Senate committee system | 85 |
| Section 10: Bill referral procedures and practices | 95 |
| Section 11: Jurisdictional overlaps in major policy areas | 103 |
| Economic growth | 105 |
| Education | 109 |
| Energy | 111 |
| Environment | 116 |
| Health | 123 |
| Intelligence | 126 |
| International economics | 130 |
| Retirement income | 134 |
| Science and technology | 138 |
| Transportation | 140 |
| Urban affairs | 142 |
| Welfare | 147 |
| Section 12: Alternative committee systems proposed by Senators and others | 151 |
| A. Adjusting the number, size, or composition of committees | 152 |
| B. Redrawing the jurisdictional lines | 157 |
| C. Coordinating and managing the committee system | 162 |
| Section 13: The advantages of some duplication and ambiguity in Senate committee jurisdictions | 171 |
| Appendix A: Senate rules and practices on committee assignment limitations | 187 |
| Appendix B: Senate rules and resolutions on committee and subcommittee chairmanships | 192 |
| Appendix C: Subcommittees, task forces, and study groups—94th Congress | 193 |
| Appendix D: Summary data on committee staffing | 198 |
| Appendix E: Status of current studies of congressional oversight | 203 |
| Appendix F: Legislation pending in the Senate regarding the committee system—94th Congress | 205 |
| Index | 211 |

# CONTENTS

UNITED STATES SENATE,
TEMPORARY SELECT COMMITTEE TO STUDY
THE SENATE COMMITTEE SYSTEM,
*Washington, D.C., July 15, 1976.*

## LETTER OF TRANSMITTAL

Hon. ADLAI E. STEVENSON,
*Chairman,*
Hon. BILL BROCK,
*Co-chairman,*
*Temporary Select Committee to Study the Senate Committee System,*
*U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN AND MR. COCHAIRMAN: The first staff report to the Temporary Select Committee to Study the Senate Committee System, "The Senate Committee System: Jurisdictions, Referrals, Numbers and Sizes, and Limitations on Memberships," is hereto attached.

This report contains no recommendations of the select committee, nor any recommendations made by the staff to the select committee. It reports information and proposals made by others, relevant to the select committee hearings scheduled for July 20, 21, and 22.

In the time available, we have not yet been able to verify with committee staff some of the data presented for individual committees. While the jurisdictional sketches of section 12 in particular require elaboration and review, they can assist in framing issues for hearings.

In addition to published documents of the Senate, principal sources of information reported here are the systematic interviews our staff conducted with 40 senior staff members, each the representative designated for this interview by the chairman or ranking minority member of a full committee. During the 3 weeks available, staff interviewed representatives of both the chairman and the ranking minority member (or in one case, the Senator himself) for all standing committees but four, and only in the case of one committee was no interview possible. A number of other interviews, with staff of other committees and of members, provided supplementary information.

The staff are especially grateful for the assistance of their many colleagues at the Congressional Research Service who willingly assisted this research effort.

Sincerely,

KENNETH E. GRAY,
*Staff Director and Counsel.*
ROGER H. DAVIDSON,
*Special Research Consultant.*

Attachment.

# Memorandum

## Introduction to the July hearings on the Senate committee system: jurisdiction, referral procedures, numbers and sizes, and limitations on membership

*July hearings*

Senators and others often state the alleged "problems" and "solutions" to be addressed in our seminar-hearings of July 20, 21, and 22 in this manner:

*Too many assignments.*—Senators don't have enough time to effectively cover their committee, subcommittee, board, and commission assignments, which now average 20 per Senator; the Senate should reduce the number and sizes of committees and limit Senators to fewer memberships.

*Unequal workload.*—Some Senators and committees have grossly unequal workloads; the Senate should bring Senators' and committees' workloads into better balance by shifting jurisdictions, changing the number and sizes of committees, and further limiting or rotating Senators' memberships and chairmanships.

*Jurisdictional overlap.*—The committee system is unable to deal effectively with the complicated problems of energy, transportation, science and technology, environment, health, urban development, and so forth, because jurisdiction over them is spread among many committees and subcommittees; the Senate should modernize and rationalize its jurisdictional assignments and improve referral procedures to facilitate enactment of laws which state comprehensive national policies.

*Underutilized committees.*—Some committees have too little legistive authority, some have too much, some are denied legislative authority which they should have, and some have authority which they should not have; the Senate should reexamine the present need for each committee, abolish or consolidate committees, and grant or deny legislative authority to them, to facilitate a more effective committee system.

*Badly organized system.*—The committees of the Senate are not organized as an effective system for providing careful review of legislation, planning to anticipate crises, systematic oversight of Federal agencies, and responsible representation of the needs and opinions of the people; the Senate should rationalize its committees' jurisdictions and provide more direction for committees to meet these goals.

*Wasteful scheduling.*—The competition of committees with each other and with Senate floor sessions for the time of Members is wasteful: whether or not changes are needed in the jurisdictions and composition of committees, the Senate should require better coordinated scheduling of both committee and floor business.

*Future hearings*

Each Senator holds a unique view of the inadequacies of the present committee system and of the appropriate remedies.

Some emphasize problems we shall consider later this year: "runaway" staffing, proliferation of subcommittees, erosion of the "generalist" role of Senators, lack of party accountability, uncoordinated and unsystematic oversight, poor utilization of Senators' time, inade-

quate facilities for Senators and staff; lack of uniform rules for internal committee procedures; inadequate provision for media coverage; and unworkable mechanisms for regular review and revision of jurisdictions.

Some Senators may regard these statements as untrue. Indeed, some see many of these purported inadequacies as exactly the opposite, as advantages to be perfected.

It is this committee's obligation to identify relevant facts and describe public and Senatorial opinions on these and like questions, and to make recommendations thereon. More than 50 Senators cosponsored Senate Resolution 109, which authorized appointment of this committee. We hope each Senator will state his recommendations, personally or otherwise, during our July hearings.

By mid-September, following these hearings and the additional research shown to be needed, this committee will attempt to make warranted recommendations on jurisdictions, referral procedures, numbers and sizes, and limitations on assignments.

## SECTION 1. HISTORY AND PROBLEMS OF THE PRESENT SENATE COMMITTEE SYSTEM

One of the most familiar comments on Congress is from Woodrow Wilson's 1885 classic book, "Congressional Government": "Congress on the floor is Congress on public exhibition, while Congress in its committee rooms is Congress at work." Television's dominance of communications and Congress' own restriction of TV coverage to committee sessions have now made committees the main activity seen by the public. Nevertheless, Wilson's basic point is as true today as it was 91 years ago: the linchpin of congressional work is the committee and subcommittee system. The extent to which the Senate effectively can write legislation, develop comprehensive policy in advance of crisis, oversee the execution of the laws, and in all these functions truly represent people, groups and governments, depends largely on the organization and managment of its committee system.

### THE NUMBERS, SIZES AND TYPES OF SENATE COMMITTEES

From its beginnings, the Senate has relied on some form of division of labor through committees. Select committees were the major vehicle until 1816 when the Senate created 12 standing committees. The number slowly grew, to 27 by 1844, to 49 by 1899, and to 74 by 1921. In 1921, the Senate consolidated the 74 standing committees into 34 standing committees. The next major reform came in the Legislative Reorganization Act of 1946, which reduced the number of standing committees from 33 to 15. From 1947 to 1976, the Senate added 3 standing committees, for a total of 18, and also created several other permanent special, select and joint committees—most of which had no legislative authority.

The Senate designed its 1946 committee structure to cope with policy for post-World-War-II America. Despite the radical and rapid changes of the world and Nation since then, the Senate has subsequently created only three new standing committees. The technological feasibility of space exploration and the Russian challenge in space propelled to life the Aeronautical and Space Sciences Committee in 1958. In 1970, the Senate at last gave in to interest-group demand for a separate Veterans' Affairs Committee. Public dissatisfaction with government, divided party control of Congress and the White House, ever larger deficits because of economic recession, and agreement on the advantages of tighter congressional control over budget totals, fiscal policy and Presidential impoundments of appropriations—all these factors made possible the Budget and Impoundment Control Act of 1974, which among other things authorized a Senate Budget Committee.

*Subcommittees; Select, Special, and Joint Committees*

During the 30 years between 1946 and 1976, the Senate also created a number of select and special committees. Five of these remained in

the latter year, 25 having been dissolved in that period. The Senate also has joined the House in creating and dissolving 26 joint committees. Congress retains today eight of these but has given legislative powers to only one, Atomic Energy.

The Senate has approved other important changes in the committee system as well. Although holding the number of standing committees relatively fixed, it has authorized, or acquiesced in, substantial growth in the number of subcommittees. In 1945, the 33 full committees of the Senate had 34 standing subcommittees. Immediately following the Legislative Reorganization Act, there were 44 subcommittees for the 15 standing committees. By 1950, there were 66 subcommittees, and by 1970 there were 106. In 1976, the standing committees had no fewer than 140 subcommittees.

In addition, as noted, the Senate has authorized new special and select committees. The 1946 Act cut the number of these Senate panels from nine to three. Since 1947, the Senate has created an additional 28 special and select committees, eventually abolishing 25, so that in 1976 the Senate retained 6 select and special committees, embracing an additional 14 subcommittees. The number of operating joint committees has not grown since the 1946 act, remaining at 8 (though, as noted, 18 have been created or dissolved in the past 30 years), but the number of subcommittees to joint committees has grown somewhat, with 17 named in the 94th Congress.

To summarize, the Senate has experienced only moderate growth in committees but major growth in subcommittees. In 1976, there were 32 standing, select, special, and joint committees, with a grand total of 171 subcommittees.

## SENATORS' ASSIGNMENTS, THE NUMBER AND SIZES OF COMMITTEES, ASSIGNMENT LIMITATIONS

Alterations in the number of committees or subcommittees or in their sizes necessarily affect the number of assignments held by Senators. Since 1946, some standing committees have increased in size (for example, Foreign Relations, Finance, Commerce, and Labor) and some have decreased (Rules, District of Columbia, and Post Office and Civil Service). With the addition of three standing committees, however, the average number of standing committee assignments per Senator increased from 2.1 per Senator in 1947 to 2.56 per Senator in 1976.

The most dramatic change, needless to say, has occurred in the number of subcommittees and subcommittee assignments per Senator. In 1947, through their standing committee assignments, Senators on the average served on 2.4 subcommittees. By 1976, Senators on the average held 11.4 subcommittee slots within their standing committees and 14.3 subcommittee assignments in all (including joint, special, and select committees). Counting all the committees, subcommittees, party committees, panels, studies, and boards to which Senators are assigned, there are 1,999 positions to be filled by 100 Senators—or an average of nearly 20 assignments each.

*Committee and Senator Workloads*

The dramatic growth in Senators' assignments has been paralleled by rises in the various indicators of workload in the Senate. In 1947, the Senate was in session for 807 hours; in 1975, the hours in session

had risen to 1,177. Through June of 1976, the Senate had been in session well over 600 hours. In 1947, the Senate took 138 rollcall votes; in 1975, the Senate had 611 rollcalls. Through June of 1976, the Senate had taken 384 rollcall votes, or an annual rate of well over 700. While we do not have comparable figures, it is clear that the increases in activity on the Senate floor have occurred in concert with increases in activity at committee and subcommittee levels.

Increased activity at all levels has led to scheduling conflicts. As floor sessions have lengthened and as committee and subcommittee meetings and hearings have mushroomed, Senators more frequently face the daily dilemma of reconciling two, three, or more conflicting meetings or hearings, while still coping with ongoing floor debate and frequent rollcall votes. Such conflict, in fact, is nearly constant.

Clearly, this increase in workload has not been evenly distributed among Senators, subcommittees, or committees. To use one admittedly limited indicator, the number of meetings and hearings held by a single committee and its subcommittees in 1975 varied from a low of 20 to a high of 286, with a wide range in between; for a single subcommittee, the number of meetings ranged from 0 to 47. "Workload" is not easily measured, qualitatively or even quantitatively, but apparent wide differences in committee and subcommittee workload are an important concern of the select committee. The 1946 Legislative Reorganization Act set the sizes of all standing committees, except Appropriation, at 13 (Appropriations was fixed at 21), on the assumption that workloads had been roughly equalized. Currently, committee sizes range from 7 to 26, in many cases with no direct correspondence between committee size and jurisdictional responsibilities or workload. Whether an equal workload among committees is desirable and whether committee jurisdictions should be redistributed and numbers and sizes of committees adjusted to achieve that end—these are questions to be considered by the select committee.

In addition, it is clear that the responsibilities of individual Senators, while uniformly heavy, are also not evenly distributed. The assignments held by an individual Senator range from a minimum of 2 committees and 2 subcommittees to a maximum of 7 committees and 29 subcommittees. The 1970 Legislative Reorganization Act limited Senators to two assignments on so-called A level committees, with some exceptions and grandfather rights; even taking these into account, however, the number of assignments has not dropped appreciably. Indeed, the average number of assignments has actually increased since 1970. The select committee should consider such questions as assignment limitations, the number of committees, the sizes of committees, and the number and sizes of subcommittees.

*Staffs*

As workload has increased over time, so too have committee and subcommittee staffs. In 1947, there were 232 staff attached to the standing committees of the Senate. In 1975, the comparable figure was 1,277. In addition, the Senate has implemented Senate Resolution 60, to give staff assistance to members of committees who are not chairmen or ranking minority members. Looking at committee staff as a whole, however, it is clear that they are not distributed evenly, or according to any obvious pattern such as committee size, prestige, jurisdictional breadth, or technical complexity. Committee staffs are in part a re-

sponse to a growing congressional workload, and in part an integral element in the system that has generated that workload. Committee staff growth has been a product of work demands, the discretion of committee chairmen, the expansion of legislative responsibility, and several other factors. The size, structure, and distribution of committee and subcommittee staffs is an important area for the select committee to consider, once recommendations on committee number, sizes, and jurisdictions have been made or sharpened.

## COMMITTEE JURISDICTION OVERLAP AND BILL REFERRAL

As noted, in its outward appearances, the structure of the committee system in the Senate (for all practical purposes) has not changed markedly since 1946. However, in the intervening 30 years, the relative importance of policy problems facing the United States has changed as new issues have emerged and the society has become more complex technologically, economically, and socially. Areas such as energy, environment, health, transportation, and urban problems have become increasingly important and interdependent. Thus the Senate in the 1970's has been faced with numerous areas of legislation and oversight subject to wide overlap and competition in the historic jurisdictions of its committees. Consequently, some charge the committee system fails to address squarely the Nation's emerging policy problems. Perhaps the most significant problem with which the select committee is concerned is how the Senate should handle competing and overlapping committee jurisdiction. One way in which this problem has been approached is through different patterns of bill referral. Joint, sequential, and split referrals have become accepted and increasingly utilized mechanisms. How complicated bill referrals should be handled in the Senate, whether their use is a partial or satisfactory solution to the jurisdictional overlap problem, and what role bill referral techniques should play in the future, are questions the select committee is examining carefully.

Beyond bill referrals, of course, is the larger question of committee jurisdictions. While a consensus seems to exist that jurisdictions at present are too fragmented, it is also true that overlaps cannot be entirely eliminated. Moreover, it is not clear that elimination of jurisdictional overlaps would be entirely desirable. The select committee is examining the extent to which jurisdictional conflicts exist, and where, and the extent to which the examination of policy problems from different viewpoints provides more complete, rather than more fragmented, analysis.

## SUGGESTED ALTERNATIVES

The select committee staff is also examining various alternative ways which have been proposed by Senators and others to divide committee jurisdictions. Among others, there have been proposals to amalgamate committees into a few broad functional groupings, such as human resources and natural resources; to set committee jurisdictions along the lines of the functional budget categories; to arrange committees according to jurisdiction over executive branch agencies and programs; and to create new committees to meet the most pressing new problems, such as energy and transportation.

### FUNCTIONS OF COMMITTEES

S. Res. 109 instructs or implies that the select committee examine the multiple functions committees perform for the Senate and the larger political system. How committees can conduct wide-ranging and effective oversight, assist the Senate in planning for future crises or dealing with long-range problems, and improve citizen access to governmental decisions and the representation of interests in the society—all those are questions of importance in examining the Senate committee system.

### ROLE OF THE SENATE IN THE POLITICAL PROCESS

Encompassing our entire study is the question of the role the Senate occupies and should occupy in the broader political process. Commentors have written in the past about the Senate as a policy innovator and have contrasted House Members as primarily legislative specialists with Senators as broader, national-oriented legislative generalists. Senators are not wholly generalists, however; specialization does take place through the committee system and Senators do develop valuable expertise in legislative areas. Reducing the number of committees and committee assignments would enhance the Senate's ability to specialize. Whether Senators wish to maintain or reinforce their specialization, or whether Senators believe their appropriate role in the national policymaking process is as generalists, is a highly important question, crucial to the consideration of the shape of the Senate committee system.

### SUMMARY

In sum, the Temporary Select Committee to Study the Senate Committee System faces during its scheduled 11 months of life a number of important questions. How should committees and subcommittees organize to reduce scheduling conflicts and cope with a high and increasing Senate workload? To what extent and in what fashion should Senators limit their assignments? How should the Senate organize and manage its committee system to deal with the problems of jurisdictional overlap? How should committees and subcommittees organize to maximize the effectiveness of congressional budgetary procedures? How should the Senate organize its committees and subcommittees to encourage these bodies to give early attention to emerging national problems? How can broad policy questions be examined in their entirety, not merely in a fragmented fashion? How should committees and subcommittees organize to maximize the Senate's ability to conduct thorough and effective oversight? What are the staff needs of Senate committees and subcommittees, and how should those needs be met?

## SECTION 2. BRIEF CHRONOLOGICAL HISTORY OF THE SENATE'S CURRENT STANDING COMMITTEES

In 1976, there are 18 standing committees of the Senate. This is in startling contrast to a structure that once distributed jurisdiction over legislation among as many as 74 standing committees. The historical sketches presented below trace the jurisdictional lineages of each of the current standing committees through the numerous creations, extinctions, absorptions, and reorganizations of Senate committees during the past two centuries. They do not take into account jurisdictional shifts that have come about in other ways.

For the better part of its first three decades, the Senate relied almost exclusively on select rather than standing committees to prepare its legislation. The only standing committees established before 1816 were housekeeping groups: The Committee on Enrolled Bills (1789); the Committee on Engrossed Bills (1806); the Committee on the Library (1806); and the Committee on Audit and Control of the Contingent Expenses of the Senate (1807).

In 1816, the Senate created the first 12 of its standing legislative committees. Eleven were authorized on December 10, 1816: Foreign Relations; Finance; Commerce and Manufacturers; Military Affairs; Militia; Naval Affairs; Public Lands; Claims; Judiciary; Post Office and Post Roads and Pensions. A 12th, on the District of Columbia, was added a week later, on December 18.

During the next 105 years, the Senate proliferated standing committees at an accelerating rate. From 16 in 1816, the number slowly grew to 27 by 1844. None were created between that year and 1863, and five were actually abolished in 1857. Between 1863 and 1898, the number rose from 22 to 49. Then, in 1899 and 1909, an additional 23 standing committees were created, most of them converted from select committee status. By 1921, the Senate had 74 standing committees. These were reduced to 34 in 1921, then to 15 in 1946. The number went up to 16 in 1958, to 17 in 1971, and to 18 in 1974.

Some of the committees established since 1816—for example, Agriculture, Education, and Civil Service—were formed to handle new subject areas. Others, like Indian Affairs, Territories, and Appropriations, were either split off from one of the original 16 or dealt with subjects that impinged on their jurisdictions to one degree or another. Nevertheless, traces of all the 16 standing committees created through 1816 survive in today's committee system, and four of them continue under their original names: Foreign Relations; Finance; Judiciary; and the District of Columbia.

*Foreign Relations*

Rarely has the jurisdiction of the Committee on Foreign Relations been challenged by the creation of other panels. Two relatively insignificant committees dealing with some aspect of foreign affairs were formed in the 1890's: Relations with Canada, in 1892; and Relations with Cuba, in 1899. Both disappeared in 1921 with the first major consolidation of Senate committees.

*Finance*

The Finance Committee's span of jurisdiction, as impressively broad as it is today, would have been even larger had not the Senate transferred parts to other committees from time to time. Originally, Finance had jurisdiction over appropriations as well as revenue measures, although it did not consolidate its authority over those areas until the 1830's. Even then, one area was exempted—the river and harbor supply bill, which the Senate gave to the Committee on Commerce.

After the House of Representatives had stripped jurisdiction over appropriations from its Committee on Ways and Means in 1865, the Senate did the same to Finance on March 6, 1867, when it established its own Committee on Appropriations. A rule adopted the following day specified that all general appropriation bills should be referred to the new Committee. Since rivers and harbors was not considered a "general" appropriations measure, it remained with the Commerce Committee.

Finance was cropped again in 1913 when the Senate gave part of its jurisdiction to the newly established Committee on Banking and Currency. More recently, Finance lost some of its subject matter to the Committee on Veterans' Affairs, created in 1970.

*Judiciary*

Another of the great committees of 1816 to survive into the modern era, Judiciary, like Foreign Relations, has maintained its jurisdiction intact through all of the reorganizations of the Senate's committee system. Indeed, in the consolidation of 1946 it absorbed its equally venerable sister, the Committee on Claims. At the same time, Judiciary assimilated the Committee on Patents (first established as Patents and the Patent Office in 1837, and renamed Patents in 1873) and also the Committee on Immigration, created in 1899.

*District of Columbia*

From 1816 to 1896, the Committee on the District of Columbia had no rivals to its jurisdiction among standing committees. In the latter year, the Senate set up a standing committee on Corporations Organized in the District of Columbia, but this relatively insignificant panel was abolished in 1921.

*Commerce*

The panel now known as the Committee on Commerce traces its ancestry to the 1816 Committee on Commerce and Manufactures, but via a labyrinthine path. During the bitter conflict over the tariff of 1824, members of Commerce and Manufactures favoring manufacturers' positions found themselves in the minority to those who supported the trading interests. To placate the losers, the Senate on December 7, 1825, split the committee into two separate groups—one on Commerce, the other on Manufactures.

Manufactures was among the committees eliminated in 1857. It was resurrected, however, on February 10, 1864, mostly at the urging of Senator Henry B. Anthony of Rhode Island. Thereafter, Commerce and Manufactures continued as separate committees until the 1946 reorganization joined them with several other committees to form a new Committee on Interstate and Foreign Commerce. This was renamed Commerce in 1961.

Among the other committees absorbed in 1946 was the Interstate Commerce Committee, created in the mid-1880's. During the reorganization of 1921, Interstate Commerce took over the jurisdictions of the Pacific Railroads Committee (first established as a standing panel in 1863, abolished a decade later, then renewed in 1893), a Committee on Railroads created in 1873, a Committee on Transportation Routes to the Seaboard, dating from 1879, and a Committee on Transportation and Sale of Meat Products, born in 1909. Another committee assimilated into Commerce in 1946 was Interoceanic Canals, which had been converted from select to standing status in 1899.

The Commerce Committee's bloodline also includes the jurisdictions of several other committees abolished in 1821: Improvement of the Mississippi River and Its Tributaries, created in 1879; Fish and Fisheries, born in 1884 and renamed Fisheries the following year; Standards, Weights and Measures, established in 1909; Conservation of Natural Resources, another child of 1909; and the Committee on Coast and Insular Survey, created in 1899.

*Armed Services*

The origins of the Committee on Armed Services go directly back to three 1816 committees: Military Affairs; Militia; and Naval Affairs. After absorbing Militia in 1857, Military Affairs, along with Naval Affairs, survived as separate entities until the Legislative Reorganization Act of 1946 merged them into a single Committee on Armed Services, following the merger of those services into a single Department of Defense.

*Interior and Insular Affairs*

This is the modern name of the venerable Committee on Public Lands of 1816. In 1921, it assimilated the jurisdiction of the Committee on Geological Survey, created in 1899, and was retitled Public Lands of 1816. In 1921, it assimilated the jurisdiction of the Com- its older name, at the same time transferring to it the jurisdiction of several younger committees: Indian Affairs, dating back to 1820; Territories, formed in 1844 and renamed Territories and Insular Affairs in 1921; Mines and Mining, created in 1865; and Irrigation and Reclamation, given that name in 1921 but traceable to a committee with a similar name established in 1891. The jurisdictions of these committees carried with them the subject matter of an additional half dozen committees absorbed by them in 1921. Public Lands was renamed Interior and Insular Affairs in 1948.

*Post Office and Civil Service*

What is now the Committee on Post Office and Civil Service received its present name on April 17, 1947. It is a direct descendant, however, of the 1816 Committee on the Post Office and Post Roads.

The Civil Service portion of its jurisdiction was inherited from a relative newcomer, the Civil Service and Retrenchment Committee established December 4, 1873. This panel's name was shortened to Civil Service in 1921. (A Committee to Examine the Several Branches of the Civil Service existed from 1885 to 1921, but it was a nonactive committee.) The 1946 Legislative Reorganization Act merged Post Office and Post Roads with Civil Service, but called it the Committee

on Civil Service. The influence of postal matters soon rectified that situation; hence, it has been the Committee on Post Office and Civil Service since 1947.

*Appropriations*

As noted above, the Committee on Appropriations was created on March 6, 1867, and on the following day received the Finance Committee's jurisdiction over all general appropriation bills.

Antagonism soon developed in both Houses of Congress between Appropriations and Legislative Committees. In the House of Representatives, the Appropriations Committee's monopoly over funding bills was breached as early as 1879. By 1885, House Appropriations had lost control of six major appropriation bills.

Senate attempts to decentralize jurisdiction over funding measures failed in 1884 and 1896, but finally succeeded in 1899. Proponents of decentralization in both parties condemned the Appropriations Committee's "monopolistic" domination and the concentration of such power in so few hands (the committee had 13 members in a Senate of 90). Members also expressed resentment against the committee's practice of reporting appropriation bills containing substantive legislation which, it was claimed, encroached upon the jurisdiction of the legislative committees. Under a resolution approved in January of 1899, appropriations for rivers and harbors, agriculture, the Army, the Military Academy, Indians, the Navy, pensions, and the Post Office were thereafter to be referred to the appropriate legislative committees.

Dispersed jurisdiction over the money bills continued for more than two decades. Then in 1920 the House of Representatives reconcentrated all appropriations in its Appropriations Committee. In the following year Congress enacted the Budget and Accounting Act of 1921, which brought profound changes into the Federal budget process. These two events, according to the then-Chairman of the Appropriations Committee, Senator Francis Warren of Wyoming, so radically restructured almost all the old appropriation measures that the Senate's system of distributing them could no longer be tolerated.

Senator Warren's resolution to return jurisdiction over all general appropriation bills to his committee was reported by the Committee on Rules on February 15, 1922, with several added features intended to placate some of those who opposed recentralization. One provided that three members from each committee that was to lose appropriations jurisdiction (except Indian Affairs) would serve ex officio on the Appropriations Committee when its money bill was being considered. Foreign Relations was to be accorded the same privilege. Floor amendments added the District of Columbia Committee to the list, and provided that at least one appropriate ex officio member should be selected as a conferee on pertinent appropriations measures. Finally, the resolution provided that if the Appropriations Committee should report an appropriation measure with amendments proposing new or general legislation, a point of order would lie not merely against the offending amendments but against the whole bill. The Senate adopted this package on March 6, 1922, by a vote of 63 to 14, and appropriations were once more consolidated into one committee.

The 1922 beneficiaries of the rule permitting certain committees ex officio membership on Appropriations were Agriculture and Forestry, Post Office and Post Roads, Military Affairs, Naval Affairs, District of Columbia, Commerce, and Foreign Relations. This list was

amended by the 1946 Legislative Reorganization Act to take into account the reshuffling of committee names and jurisdictions brought about by that measure. Thus, the Committee on Armed Services inherited the privileges of the former Military Affairs and Naval Affairs Committees, and the Committee on Public Works replaced the Commerce Committee, because the act transferred jurisdiction over rivers and harbors from the latter to the former.

Two newer committees have since been granted such ex officio membership on Appropriations: the Joint Committee on Atomic Energy (Senate Members only, of course) in 1951, and the Aeronautical and Space Sciences Committee in 1958.

*Rules and Administration*

Although the name of the Committee on Rules and Administration dates only from 1947, its jurisdictional lineage flows directly from the four standing housekeeping committees created before 1816. The Committee on Enrolled Bills absorbed the Engrossed Bills Committee in the reorganization of 1921. Later, the Legislative Reorganization Act of 1946 folded Enrolled Bills, Library, and the Committee on Audit and Control of the Contingent Expenses of the Senate into the newly created Rules and Administration Committee. The 1946 act continued Library as a joint committee but gave its legislative authority over the Library of Congress to Rules and Administration, from which its Senate Members were to be drawn exclusively.

Several other committees of less ancient stature were also consolidated into Rules and Administration by the 1946 act. One was created December 15, 1841, as Public Printing, but renamed the Committee on Printing in 1857. The 1946 act transformed Printing into a Joint Committee with the same status as the Joint Committee on the Library. Also absorbed by Rules and Administration under the 1946 act were the Privileges and Elections Committee, established March 10, 1871, and the Committee on Rules. The latter had become a standing committee on December 9, 1874, although several select committees on revision of the rules had existed in prior years.

Thus the Committee on Rules and Administration, though a new committee in 1947, was in fact an amalgam of seven previously existing committees.

*Agriculture*

The Committee on Agriculture and Forestry is the oldest of the standing committees created after 1816. Founded in 1825 as the Committee on Agriculture, it was abolished in the first Senate contraction of committees in 1857 but was reestablished in 1863. The organization of a Bureau of Forestry in the Department of Agriculture in the mid-1870s led the Senate to add Forestry to Agriculture's name in 1884. For some curious reason, resolutions to form new committees were occasionally referred to the Agriculture Committee before the Committee on Rules became a standing committee.

*Public Works*

Although the Committee on Public Works did not receive its present name until the 1946 reorganization of committees, its jurisdiction had been created as early as 1833 in a Public Buildings Committee. This was renamed Public Buildings and Grounds in 1857, and then Public Works in 1946.

*Labor and Public Welfare*

The Senate created a Committee on Education in 1869, renaming it Education and Labor in the following year. In 1921, Education and Labor took over the jurisdiction of a panel that had been established as the Committee on Epidemic Diseases in 1885, but whose name had been changed to the Public Health and Quarantine Committee in 1897. Labor and Public Welfare's current name originated in the 1946 Legislative Reorganization Act. Part of its jurisdiction was given to Veterans' Affairs by the 1970 Legislative Reorganization Act.

*Government Operations*

This committee is the product of an historical evolution involving some dozen prior committees. In 1884 the Senate established a Committee on Expenditures of Public Money. This was replaced in 1889 by a Committee on the Organization, Conduct, and Expenditures of the Executive Departments.

Dissatisfied with the work of that group, the Senate set off on a new tack in 1907. It abolished the 1899 committee and created instead no fewer than 10 separate committees between 1907 and 1914, each to examine the expenditures in a single department of the executive branch. All 10 were amalgamated into a single entity, the Committee on Expenditures in the Executive Departments, by the reorganization of 1921. This committee, in turn, was renamed Government Operations in 1952.

*Banking, Housing, and Urban Affairs*

As noted above, this committee originated in 1913 as the Banking and Currency Committee, with responsibility for subject matter taken from the Committee on Finance. In the 1921 realinement of committees, Banking and Currency absorbed a Committee on National Banks, created in 1912. The present name was bestowed upon the committee by the Legislative Reorganization Act of 1970.

*Aeronautical and Space Sciences*

This committee and its jurisdiction was established by Senate Resolution 327 on July 24, 1958, to oversee the Nation's aeronautical and space programs.

Its legislative jurisdiction relates principally to the National Aeronautics and Space Act of 1958, as amended, and the National Aeronautics and Space Administration. The rule provides that legislation peculiar to or primarily associated with the development of weapon systems or military operations will not be referred to this committee. However, the rule also expressly provides that this committee shall have oversight jurisdiction over all aeronautical and space activities of all agencies of the United States including such activities which are peculiar to or primarily associated with the development of weapons or military operations.

Although the legislative jurisdiction of this committee is relatively narrow in subject matter and agencies, its oversight jurisdiction of the executive branch extends to every department and agency. This permits the committee to play an important role not only in establishing national aeronautics and space policy, but also in overseeing the effectiveness with which the executive branch carries out that policy.

*Veterans' Affairs*

This committee was created by the Legislative Reorganization Act of 1970 with subject matter drawn from Finance and Labor and Public Welfare.

*Budget*

The newest of the Senate's standing committees, Budget was created by the Congressional Budget and Impoundment Control Act of 1974. Its indirect predecessor was a grand joint committee, consisting of Senate Finance and Appropriations and House Ways and Means and Appropriations, which under the 1946 Legislative Reorganization Act was to recommend ceilings for the Federal budget. Two attempts to implement the 1946 act's budget process proved unsatisfactory, and Congress thereafter ignored the process entirely. The provision for that process was repealed by the Legislative Reorganization Act of 1970, then resurrected in its most recent form by the 1974 Budget Act.

## SECTION 3. HISTORICAL PATTERNS OF SENATE STANDING COMMITTEE SIZES

Three significant trends have emerged from the Senate's 160 years of experience with standing committee sizes (the number of Senators appointed as members).

1. The average size of standing committees, which grew steadily larger from 1816 to 1967 with only brief interruptions, has declined since the latter year.

2. The average number of standing committee assignments per Senator, which had increased about fivefold from 1816 to 1920, declined sharply in 1921 and again in 1947, and has remained relatively stable at a relatively low level since 1965.

3. Although the Senate frequently has established patterns of uniform sizes among its standing committees, every pattern of uniformity initiated since the 1890's has eventually dissolved into a wide diversity of sizes.

*Averages sizes of standing committees*

Between 1816 and 1967, the average size of the Senate's standing committees grew from 4.44 to 15.63. Since 1967, the average has declined somewhat. In 1976, it is 14.22.

The steady growth in the average standing committee size before 1967 was interrupted on only three occasions. The first occurred in 1887. After a rise from 4.44 to 7.54 between 1816 and 1886, the sizes established in December 1887 reduced the average to 7.44. In the next Congress, however, the upward trend resumed with a 7.86 average. The second interruption came after the turn of the century, by which time the average had reached 9.95. This declined slightly to 9.45 in 1909, but by 1920 rose to 10.92. A third peak was reached in 1946 when the average size was 14.15. The committee restructuring accomplished by the Legislative Reorganization Act of 1946 dropped the average to 13.53, where it remained for three Congresses. Then the number rose steadily again until 1965 when it reached 15.63. There it remained for two Congresses.

In 1970, the average standing committee size dropped to 15.38. After passage of the 1970 Legislative Reorganization Act, it dropped below 15—to 14.65 in 1971, 14.24 in 1973, 14.39 in 1975, and 14.22 in 1976. Today the average size of standing committees is smaller than it has been in two decades.

*Average number of standing committee assignments per Senator*

Between 1816 and 1920, the average number of standing committee assignments per Senator rose from 1.97 to 9.67. After the drastic reduction in the number of committees in 1921, the average Senator served on 4.13 committees.

This number rose slowly during the next quarter century until it reached 4.87 in 1946. The massive slash in committee numbers put into effect in the following year gave the average Senator 2.12 committee

assignments. This distribution climbed slowly through the next nine Congresses until it reached 2.5 in 1965. Since this year, the average has hovered between 2.42 and 2.59. In 1976 it is 2.56 per Senator.

Of course, these averages do not take into account membership on select and special committees (which were quite numerous at times before 1899 and after 1920), joint committees, or subcommittees (which were probably few in number during the 19th century but have become increasingly numerous since 1921 and especially since 1946).

*Patterns of uniform and diverse sizes*

In 1816 the Senate had 16 standing committees but only three standing committee sizes; in 1976 it has 18 standing committees distributed among 10 different sizes.

During most of the 19th century, the Senate organized its committees in patterns of uniform sizes, although with more numerous exceptions as the century progressed. Every legislative standing committee from 1815 to 1853 had five members; the housekeeping committees consisted either of two or three members. From late 1853 to 1856, all but one of the committees had three, five, or six members. The overwhelming majority of standing committees between 1857 and 1872 had three, five, or seven members.

In 1873, the pattern was expanded to include four sizes: committees of three, five, seven, and nine members. Although the Senate generally adhered to this pattern through the next 20 years, exceptions were not unusual, By 1885, for example, there were already one 13-member, two 11-member, and three 10-member committees.

The Senate expanded its basic pattern of standard sizes once more in 1893, this time to five. Of the then 46 standing committees, 20 were given 9 members each; another 10 were committees of 11; most of the remaining committees had 3, 5, or 7 members. This pattern was short-lived. In the very next Congress, 6 standard sizes were established: 3, 5, 7, 9, 11, and 13.

After 1895, uniformity of size virtually disappeared until the reorganization of 1921. There were 12 different sizes of committees in 1897, 14 sizes by 1911, and 16 by 1920. About one-third of the committees of 1920 had 5 members, but 5 were committees of 7, 6 were committees of 9, 8 were committees of 11, 5 were committees of 17. In addition, 2 committees had 20 members each and the others were scattered through various sizes from 3 to 19.

The reorganization of 1921 reestablished general uniformity of sizes among the 33 remaining standing committees, but with exceptions. Of the 33, 29 fit into 4 size categories: committee of 7, of 11, of 13, and of 16. Each of the other 4 had a different size, from 3 to 12. However, that pattern disappeared in the next Congress when the committees were scattered among 13 sizes, a diversity that continued for 25 years until passage of the 1946 Legislative Reorganization Act.

The committee structure that went into effect in 1947 consisted of 15 standing committees in only 2 categories: 14 of them were assigned 13 members each and one, Appropriations, had 21. The Senate faith-

fully adhered to this pattern of uniformity in 3 successive Congresses—the 80th, 81st, and 82nd. Modifications appeared in 1953 when 8 of the 15 standing committees were lifted to 15-member status, 2 continued with 13 members each, and 5 were scattered through as many different sizes.

Thereafter, the pattern gradually shifted toward 1 in which committees regarded as "minor" had fewer members (9 or 7) whereas "major" committees had 15 or 17, with Appropriations at 27.

That general trend ended in 1965 when the number of different standing committee sizes doubled, from 5 to 10. Diversity has characterized standing committee sizes ever since.

The Legislative Reorganization Act of 1970, as a concomitant to its comprehensive committee assignment limitation rules, established "ideal" sizes for all the then-17 standing committees. The pattern consisted of seven different sizes. Of the four "minor" committees, one was set at seven members, the other three at nine members. Within the 13-committee group of "majors," 1 was to have 13 members, 3 were to have 14, 7 were to have 15, 1 was to have 17, and Appropriations was assigned 24. In 1976, remaining grandfather rights plus other factors resulted in 10 different sizes, rather than the 7 prescribed by the 1970 Act.

TABLE I.—*Average size of standing committees in selected years, 1816–1976*

| *Selected years:* | | *Selected years:* | |
|---|---|---|---|
| 1816 | 4.44 | 1933 | 14.06 |
| 1857 | 5.66 | 1946 | 14.15 |
| 1879 | 7.43 | 1947 | 13.53 |
| 1886 | 7.54 | 1953 | 14.07 |
| 1887 | 7.44 | 1961 | 15.00 |
| 1889 | 7.86 | 1965 | 15.63 |
| 1899 | 9.46 | 1970 | 15.38 |
| 1903 | 9.95 | 1971 | 14.65 |
| 1909 | 9.45 | 1973 | 14.24 |
| 1911 | 9.90 | 1975 | 14.39 |
| 1920 | 10.92 | 1976 | 14.22 |
| 1921 | 12.00 | | |

TABLE II.—*Average standing committee assignments per Senator in selected years, 1816–1976*

| *Selected years:* | | *Selected years:* | |
|---|---|---|---|
| 1816 | 1.97 | 1920 | 9.67 |
| 1853 | 2.23 | 1921 | 4.13 |
| 1856 | 2.24 | 1923 | 4.30 |
| 1857 | 1.94 | 1946 | 4.87 |
| 1869 | 2.24 | 1947 | 2.12 |
| 1887 | 4.01 | 1959 | 2.36 |
| 1889 | 3.93 | 1961 | 2.40 |
| 1893 | 4.43 | 1965 | 2.50 |
| 1895 | 4.91 | 1970 | 2.46 |
| 1897 | 4.76 | 1971 | 2.49 |
| 1899 | 5.78 | 1973 | 2.42 |
| 1901 | 6.01 | 1975 | 2.59 |
| 1909 | 7.29 | 1976 | 2.56 |

TABLE III.—*Basic patterns of standing committee size, 1816–1976*

| *Years:* | *Sizes in the basic pattern* |
|---|---|
| 1816–1853 | 2, 3, and 5 |
| 1853–1856 | 3, 5, 7, and 9 |
| 1857–1872 | 3, 5. and 7 |
| 1873–1893 | 3, 5, 7, and 9 |
| 1893 | 3, 5, 7, 9, and 11 |
| 1895 | 3, 5, 7, 9, 11, and 13 |
| 1897–1920 | 12 to 16 different sizes |
| 1921 | 7, 11, 13, and 16 |
| 1923–1946 | 13 to 14 different sizes |
| 1947–1952 | 13 and 21 |
| 1953–1958 | 13, 15, and 23 |
| 1959–1964 | 7, 9, 15, 17, and 27 |
| 1965–1976 | 9 to 11 different sizes |

TABLE IV.—*"Ideal" standing committee sizes under the 1970 Legislative Reorganization Act*

| *Number of standing committees* | *Size* |
|---|---|
| Minor committees: | |
| 1 | 7 |
| 3 | 9 |
| Major committees: | |
| 1 | 13 |
| 4 | 14 |
| 6 | 15 |
| 1 | 17 |
| 1 | 24 |

TABLE V.—*Standing committee sizes in 1976*

| *Number of Standing Committees* | *Size* |
|---|---|
| Minor committees: | |
| 1 | 7 |
| 3 | 9 |
| Major committees: | |
| 1 | 10 |
| 1 | 13 |
| 4 | 14 |
| 1 | 15 |
| 4 | 16 |
| 1 | 18 |
| 1 | 20 |
| 1 | 26 |

## SECTION 4. SPECIAL AND SELECT COMMITTEES, JOINT COMMITTEES, BOARDS AND COMMISSIONS

From the enactment of the Legislative Reorganization Act of 1946 to 1976, the Senate has established 31 select or special committees. At the start of the 94th Congress, 2d session, the Senate had six select or special committees: Aging, Governmental Operations With Respect to Intelligence Activities, National Emergencies and Delegated Emergency Powers, Nutrition and Human Needs, Small Business, and Standards and Conduct. Later in the session, the Senate created a Select Committee on Intelligence with legislative authority and a Temporary Select Committee to Study the Senate Committee System. The Senate also granted limited legislative authority to its Select Small Business Committee to take effect in the 95th Congress.

At one time, select or special panels were distinguishable by the membership selection process. Members of select committees were chosen by the Senate itself, whereas members of special committees were designated by the majority leader, the Vice President, or some other individual. Today, as Senator Robert C. Byrd has observed, "it is a distinction without a difference." [1]

Thus, the terms "select" or "special" are interchangeable and generally designate a temporary panel without legislative authority. However, the Senate has created permanent select committees: Intelligence, Small Business, and Standards and Conduct. In addition, some temporary select or special committees develop long life. Select and special committees are created by resolution, but not by amendment of the standing rules. Members usually are named by party leaders, who need not seek the approval of party committees, party caucuses or the Senate.

The principal functions of select or special committees are to conduct investigations of various matters, to prepare reports and studies, to conduct oversight of agencies and programs, to recommend legislative actions or alternatives to the Senate, to assess and integrate information on crosscutting policy issues, and to serve as a focal point for citizens and outside groups concerned about a subject area. They are established to accommodate certain interest groups, regions, or legislators; to consider issues which are critical or urgent, or which involve overlapping jurisdictions; to state emphatically the Senate's concern about a matter; or to examine certain critical issues.

The Senate also may establish a select committee to accommodate a technicality. In a recent case, a standing committee (Labor and Public Welfare) in 1976 was authorized by resolution to function as a select committee for the purposes of receiving tax information on the Central States Pension Fund of the Teamsters' Union. Under title 26, section 6103, of the United States Code, tax reports and returns can only be released to select committees specifically designated by the Senate to receive such information.

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[1] *Congressional Record*, 121 (94th Cong., 1st sess.), S. 19355 (Nov. 5, 1975, daily ed.)

Some Senators hold the view that select or special committees should be created rarely and only for short periods of time. They prefer to rely on the standing committees to legislate and oversee program administration. Other legislators recommend greater use of temporary panels to study broad policy areas. The following list states the titles of Senate select and special committees in existence between 1947 and 1976:

SENATE SELECT AND SPECIAL COMMITTEES, 1947–1976

Special Committee to Investigate the National Defense Program
Special Committee to Study Problems of American Small Business
Special Committee on Reconstruction of Senate Roof and Skylights
Special Committee to Investigate Petroleum Resources
Special Committee to Investigate Production, Transportation and Marketing of Wool
Special Committee to Investigate Senatorial Campaign Expenditures
Special Committee on the Use and Administration of Public Lands of the Committee on Public Lands.
Select Committee on Small Business.
Special Committee to Investigate Organized Crime in Interstate Commerce.
Special Committee to Study Rates of Compensation of Certain Employees of the Senate.
Select Committee to Study Censure Charges Against Senator McCarthy.
Special Committee to Investigate Facts on Mail Covers on Senators.
Special Committee on the Senate Reception Room.
Select Committee to Investigate the Alleged Improper Attempt Through Political Contributions to Influence the Vote of Senator Francis Case (S.D.) on the Natural Gas Bill.
Special Committee to Investigate Political Activities, Lobbying and Campaign Contributions.
Select Committee on Investigation of Improper Activities in Labor-Management Relations.
Special Committee on Space and Astronautics.
Special Committee on the Preservation of Historical Records of the Senate.
Select Committee on National Water Resources.
Special Committee on Unemployment Problems.
Special Committee on Aging.
Select Committee on Standards and Conduct.
Special Committee on the Organization of Congress.
Select Committee on Nutrition and Human Needs.
Select Committee on Equal Education Opportunity.
Special Committee on Termination of the National Emergency (Special Committee on National Emergencies and Delegated Emergency Powers).
Select Committee on Presidential Campaign Activities.
Special Ad Hoc Committee to Study Questions Related to Secret and Confidential Government Documents.
Select Committee to Study Government Operations With Respect to Intelligence.
Select Committee to Study the Senate Committee System.
Select Committee on Intelligence.

## JOINT COMMITTEES

Congress created 26 joint committees from 1947 to 1976. Today it has eight joint committees: Arrangements for the Commemoration of the Bicentennial, Atomic Energy, Congressional Operations, Defense Production, Internal Revenue Taxation, Library, Printing, and Economic. Only the Joint Atomic Committee has legislative authority. The others are utilized for purposes of study, investigation, oversight, and ceremonial duties.

Joint committees are of various types. Some are mainly staff operations. The Joint Committee on Internal Revenue Taxation functions mainly as a "holding company" for staff. Its highly regarded staff works closely with the respective tax-writing committees of each Chamber, pointing out areas of common ground and interpreting the intent of one committee to the other. Some joint committees perform housekeeping functions (Printing) or have study and investigative responsibilities (Economic, Defense Production, and Congressional Operations). A joint committee, the Joint Library Committee, oversees the Library of Congress. And one joint panel (Bicentennial) has the ceremonial responsibilities. The chairmanship of each joint committee rotates each Congress or session between House and Senate Members.

The following list states the titles of joint committees in existence between 1947 and 1976:

### JOINT COMMITTEES, 1947–1976

Joint Committee on the Library.
Joint Committee on Printing.
Joint Committee on Internal Revenue Taxation.
Joint Committee on Investigation of Non-essential Federal Expenditures.
Joint Committee on the Disposition of Executive Papers.
Joint Committee on the Economic Report.
Joint Committee on Atomic Energy.
Joint Committee on the Arrangements for the Inauguration of the President-Elect and Vice President-Elect of the United States.
Joint Committee on Labor-Management Relations.
Joint Committee on Housing.
Joint Committee on Foreign Economic Cooperation.
Joint Committee to Investigate the Trust Territory of the Pacific.
Joint Committee on the Navajo-Hopi Indian Administration.
Joint Committee on Defense Production.
Joint Committee to Discuss Problems with the Consultative Assembly of the Council of Europe.
Joint Committee on the Railroad Retirement Act.
Joint Committee on the Postal Service.
Joint Committee on Immigration and Nationality Policy.
Joint Committee on Observance of the 50th Anniversary Year of Controlled Powered Flight.
Joint Committee to Commemorate the 100th Anniversary of Abraham Lincoln.
Joint Committee on Construction of a Building for a Museum of History and Technology for the Smithsonian Institute.

Joint Committee to Investigate Problems of Growth and Expansion of the District of Columbia and its Metropolitan Area.
Joint Committee on the Organization of the Congress.
Joint Committee on Congressional Operations.
Joint Committee to Review Operation of Budget Ceiling and to Recommend Procedures for Improving Congressional Control Over Budgetary Outlay and Receipt Totals.
Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States.

BOARDS AND COMMISSIONS

Six Senators and six House Members serve as members of the permanent Technology Assessment Board. This group, which resembles a joint management and oversight committee, is responsible for directing the activities of the Office of Technology Assessment (OTA), created in 1972 as a legislative support agency.

There are also other permanent (19) and temporary (12) boards and commissions, and all require the time and attention of many Senators. Senators may serve as chairman or vice chairman. A listing of the permanent panels highlights their purposes and variety (numbers in parentheses indicate the number of Senators serving on each panel):

Commission on Arts and Antiquities of the Senate (5).
National Cultural Center Board of Trustees (3).
National Forest Reservation Commission (2).
Commission on the Extension of the U.S. Capitol (2: majority leader and minority leader).
Advisory Committee on Secret Service Protection for Major Presidential and Vice Presidential Candidates (2: majority leader and minority leader).
Gallaudet College Board of Directors (1).
National Historical Publications Commission (1).
Advisory Commission on Intergovernmental Relations (2).
James Madison Memorial Commission (4).
Migratory Bird Commission (2).
Franklin Delano Roosevelt Memorial Commission (4).
Senate Office Building Commission (9).
Smithsonian Institution Board of Regents (3).
National Commission on UNESCO (2).
Board of Visitors, Air Force Academy (4).
Board of Visitors, Coast Guard Academy (4).
Board of Visitors, Merchant Marine Academy (4).
Board of Visitors, Military Academy (4).
Board of Visitors, Naval Academy (4).

In addition to the above bodies, most of which are more or less permanent, there are numerous temporary boards and commissions on which Senators serve. These bodies, with the number of Senators serving on each listed in parentheses, are as follows:

American Indian Policy Review Commission (3).
American Revolution Bicentennial Board (2).
Commission on Federal Paperwork (2).
Commission on the Review of the National Policy toward Gambling (4).

National Commission on Individual Rights (4).
National Commission on Observance of International Women's Year, 1975 (2).
President's Commission on Olympic Sports (2).
National Study Commission on Records and Documents of Federal Officials (2).
National Commission on Supplies and Shortages (2).
National Study Commission under the Federal Water Pollution Control Act Amendments of 1972 (5).
Advisory Committee to the White House Conference on Library and Information Services (3).
National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance (4).

Two panels are not specified as permanent or temporary in their statutory authorization. The two are the Harry S. Truman Scholarship Foundation Board of Trustees and the Japan-United States Friendship Commission. Two Senators serve on each of these panels.

During even-numbered years, two Senators are appointed as U.S. Representatives to the U.N. General Assembly. Senators are also selected as advisers to various international conferences, such as the Law of the Sea Conference, UNCTAD IV, and the Fifth General Assembly of the OAS, and as members of inter-parliamentary groups (Mexican, Canadian, North Atlantic Assembly, and the Inter-Parliamentary Union).

## SECTION 5. SUBCOMMITTEES OF THE SENATE'S STANDING LEGISLATIVE COMMITTEES

The temporary select committee has in progress a study in detail of the Senate's subcommittee system. Data on the numbers of subcommittees are furnished here as descriptive of the committees.

The Legislative Reorganization Act of 1946 provided for 15 standing committees, all of which remain in existence in 1976. The Senate has added, since 1947, three standing committees—Aeronautical and Space Sciences (86th Congress), Veterans' Affairs (92d Congress), and Budget (93d Congress)—thereby increasing the total number of standing committees from 15 to 18. Of course, at least four of the present six special or select committees appear to be permanent committees, and two have been granted legislative authority. Seven of the eight joint committees are permanent, and one has legislative authority. The subcommittees of all the special, select, or joint committees are counted in Table I. Party committees appear to have only one subcommittee. It is not counted in this section.

TABLE I.—*Number of subcommittees of all Senate committees (except party committees)*

| | |
|---|---|
| Number of standing committees | 18 |
| Number of joint committees | 8 |
| Number of select and special committees | 6 |
| Number of standing committee subcommittees | 122 |
| Number of joint committee subcommittees | 17 |
| Number of select and special committee subcommittees | 17 |
| Number of standing committee special subcommittee, task forces | 18 |
| Total number of committees and all subcommittees | 203 |
| Total number of all subcommittees | 174 |

CHART 1

THE GROWTH OF SUBCOMMITTEES AMONG SENATE STANDING COMMITTEES, 1946–76[1]

| Committee | Number of subcommittees for each congress | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 |
| Aeronautical and Space Sciences | | | | | | 2 | | | | | | | | | 2 |
| Agriculture and Forestry | 0 | 0 | 0 | 0 | 5 | 5 | 4 | 4 | 4 | 4 | 4 | 4 | 6 | 6 | 6 |
| Armed Services | 0 | 0 | 0 | 0 | 7 | 6 | 6 | 9 | 5 | 5 | 5 | 10 | 13 | 12 | 9 |
| Banking, Housing and Urban Affairs | 9 | 7 | 7 | 7 | 8 | 8 | 7 | 5 | 6 | 6 | 6 | 6 | 6 | 7 | 8 |
| Budget | | | | | | | | | | | | | | | 0 |
| Commerce | 5 | 6 | 7 | 6 | 4 | 4 | 4 | 4 | 4 | 5 | 5 | 7 | 8 | 8 | 8 |
| District of Columbia | 6 | 6 | 6 | 4 | 4 | 4 | 4 | 5 | 4 | 4 | 4 | 4 | 3 | 3 | 0 |
| Finance | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 8 | 11 |
| Foreign Relations | 0 | 0 | 7 | 8 | 11 | 10 | 10 | 10 | 10 | 10 | 10 | 10 | 11 | 12 | 10 |
| Government Operations | 4 | 4 | 2 | 3 | 2 | 2 | 3 | 4 | 4 | 5 | 6 | 4 | 4 | 4 | 5 |
| Interior and Insular Affairs | 6 | 0 | 0 | 5 | 5 | 5 | 5 | 5 | 5 | 7 | 6 | 6 | 6 | 6 | 5 |
| Judiciary | 6 | 7 | 9 | 9 | 9 | 9 | 10 | 10 | 10 | 10 | 10 | 15 | 15 | 17 | 15 |
| Labor and Public Welfare | 4 | 2 | 3 | 5 | 5 | 5 | 6 | 7 | 7 | 7 | 7 | 8 | 10 | 9 | 8 |
| Post Office and Civil Service | 1 | 12 | 6 | 0 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 5 | 3 | 3 | 4 |
| Public Works | 3 | 4 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 4 | 5 | 5 | 6 | 6 |
| Rules and Administration | 5 | 5 | 5 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 6 | 7 | 7 | 7 | 7 |
| Veterans' Affairs | | | | | | | | | | | | | 4 | 4 | 5 |
| Total | 49 | 53 | 55 | 56 | 74 | 72 | 73 | 77 | 73 | 78 | 78 | 92 | 101 | 112 | 109 |

[1] Senate Appropriations Committee is omitted.



75-850—76——3

Chart 1 states the number of subcommittees for each of the 17 standing legislative committees by Congress, 1946–76. During this 30-year period, the total number of standing committee subcommittees has more than doubled, increasing from 49 in the 80th Congress to 109 in the 94th Congress. Adding the 13 subcommittees of the Appropriations Committee—omitted from the chart because data from earlier Congresses are unavailable—the total number of standing committee subcommittees increases to 122. In addition, there are ad hoc and special subcommittees, panels, task forces and study groups, as well as subcommittees to special, select and joint committees. The overall total, counting all these various panels, is 171 subcommittees.

In the 80th Congress, the average Senator served on two standing legislative subcommittees (excluding the Appropriations Committee and joint, select, and special committees). Today, the average Senator serves on 9.9 standing legislative subcommittees (including Appropriations); on 11.4 subcommittees when special subcommittees of the standing committees are included; and on 14.3 subcommittees when all subcommittees of the Senate are included.

## SECTION 6. LIMITATIONS ON SENATE COMMITTEE ASSIGNMENTS

Variation in the number of committee assignments among Senators and the tendency for senior Senators to hold most of the seats on the more influential and prestigious committees have been matters of concern in the Senate for at least 100 years. Earlier in this century the Senate's parties adopted informal practices to ameliorate the situation somewhat, but these were evidently insufficient. In 1946, for example, the Joint Committee on the Organization of Congress found many Senators serving on as many as 7, 8, 9, and even 10 standing and special committees.

In the Legislative Reorganization Act of 1946, the Senate drastically reduced the number of its committees and limited each Senator to membership on two so-called major standing committees. However, majority party Senators, and later all Senators, were permitted a third assignment on one of two so-called minor standing committees—District of Columbia and Expenditures in the Executive Departments (subsequently renamed Government Operations). By the mid-1960s, members of Post Office and Civil Service, Rules and Administration, and Aeronautical and Space Sciences also were entitled to three standing committee assignments. Moreover, the rules in effect from 1946 to 1970 included no assignment limitations for select, special, and joint committees.

Taking all these types of committees into account, the second Joint Committee on the Organization of the Congress, in its examination of committee assignment patterns for 1964, found three Senators with six assignments each, eight with five assignments, and seven with four assignments. The Joint Committee concluded that the uneven assignment load resulted from unrealistic restrictions, and in its final report in 1966 recommended more comprehensive limitations. Inserted in the Senate's rules by the Legislative Reorganization Act of 1970, these provisions are still the basic regulations governing Senate committee assignments.

*Basic provisions*

In effect, the rules create three groups of committees and limit the number of committees in each on which a Senator may (or shall) serve.

1. Each Senator must serve on two, but no more than two, of the so-called major standing committees (of which there were 13 in 1970, but 14 in 1976).
2. Each Senator may serve on one, but no more than one, in a group which includes the four minor standing committees, permanent select and special committees, and most of the permanent joint committees.
3. Each Senator may serve on one, but no more than one, in a group which includes temporary select, special, and joint committees plus two permanent joint committees (Joint Library and Joint Printing).

However, these rules are subject to certain exceptions, including grandfather rights protecting the assignments of Senators who held more than the prescribed numbers before the effective date of the 1970 act.

Upon the eventual expiration of all grandfather rights, these regulations were intended to allow every Senator to serve on at least two major committees but on no more than four committees of all kinds. The rule permits an exceptional fifth committee assignment for a few majority party Senators when, by joint agreement of the majority and minority leaders, the sizes of major standing committees are temporarily increased to insure their control by the majority party.

*Goals*

By imposing more stringent limitations on the number of committee assignments per Senator, the Joint Committee on the Organization of the Congress hoped to achieve several goals.

1. The workload per Senator, in terms of committee assignments, would be kept within reasonable bounds.

2. By dividing the workload more evenly, the Senate would give junior Senators more opportunities for responsible positions.

3. The limitations might eliminate less productive committees because Senators would be reluctant to serve on them.

4. Conflicts might be reduced in committee meetings to which Senators with many assignments are subject.

*Exclusive committees*

To provide more equitable distribution of assignments to certain influential and prestigious committees, the 1970 Legislative Reorganization Act converted into a formal Senate rule the previously informal practice of both parties designating certain committees as "exclusive." The rule prohibits any Senator from sitting simultaneously on more than one of the following exclusive committees: Appropriations, Armed Services, Finance, and Foreign Relations. This regulation, too, is subject to a grandfather clause preserving the seats of Senators who were serving on more than one exclusive committee as of January 2, 1971.

*Developments since 1970*

The potential impact of the assignment limitations regulations has been significantly blunted by developments since 1970.

First, the Senate has delayed the expiration of some grandfather rights. Under the rules, Senators retain grandfather rights to more than the prescribed number of committees in any category only so long as they maintain uninterrupted service on the particular committees on which they were serving as of January 2, 1971. A Senator transferred from one committee to another within any category loses any grandfather rights he may have to an exceptional number of assignments in that category. However, in each of the three Congresses since 1970, the Senate has waived that penalty for transfers in the second and third categories of committees. Thus, Senators have been permitted to transfer from one committee to another within those two categories without losing their grandfather rights.

Second, in each of the last three Congresses, the Senate has permitted Senators to serve on certain additional joint committees without losing any of their other assignments. These are joint committees which present special problems because their Senate members, by law, must be drawn from the membership of specified standing committees: Joint Defense Production, Joint Internal Revenue Taxation, Joint Library, and Joint Printing.

Third, the Senate has exempted from the limitation rules membership on certain other committees. Four are currently exempted: the Temporary Select Committee To Study the Senate Committee System, the temporary Joint Committee on the Bicentennial, the permanent Select Committee on Intelligence, and the permanent Committee on the Budget. The Budget Committee's exemption is scheduled to expire early in the 95th Congress.

The overall impact of these modifications has been to permit some Senators a larger number of committee assignments than they otherwise might have held under the basic limitation rules.

On the other hand, both party organizations in the Senate, through their internal assignment practices, have expanded the scope of the exclusive committee rule. Under a regulation of the Democratic conference, no Democratic Senator may serve simultaneously on more than one of six exclusive committees. To the four specified in the Senate rule, the Democrats have added Commerce and Judiciary. The regulation includes a grandfather clause. Under a rule of the Republican conference, the Budget Committee is considered an exclusive committee for Republicans. However, one Republican member from Finance and one from Appropriations are also permitted to serve on the Budget Committee. These are chosen by the Republican members of their respective committees.

*Some basic issues*

Experience with this system of committee assignment limitations raises several basic questions pertinent to the select committee's study.

1. Is the system achieving its intended goals?
2. Are those goals still desirable?
3. What problems has the system created for individual Senators, for the parties, and for the Senate as a whole?
4. What are the consequences of the modifications adopted since 1970?
5. What modifications must or should be made in assignment limitations to accommodate any of the proposed changes in the committee system?

In appendix A is presented a detailed description of Senate rules and practices on committee assignment limitations.

## SECTION 7. PRESENT SUBJECT JURISDICTIONS OF SENATE COMMITTEES

As an introduction to the present distribution of responsibility among Senate committees, the following draft statements, committee by committee, may be instructive. It is hoped that the statements will help also to initiate discussions concerning jurisdictional gaps, overlaps, and conflicts.

The statements included in this section are arranged alphabetically by committee. They attempt to describe the major jurisdictional responsibilities of Senate standing, select, and special committees, as well as joint committees. They also discuss briefly the chief jurisdictional issues faced by each committee, primarily from that committee's viewpoint.

The statements are based largely on interviews with staff of the respective committees, each of whom was designated by the chairman or ranking minority member as his representative, but do not necessarily state their views or those of their principals. Committee calendars and other documents, as well as bills referred to the committee, were used to supplement the interview data. Sixty-one interviews were completed in preparing this study. The interviews averaged approximately 1½ hours in length, although a number extended for well over 2 hours. Each committee staff representative was asked questions about jurisdiction; jurisdictional problems; overall problems of the committee system; recommendations for change; subcommittee operations; and oversight of the executive branch.

## COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES

### JURISDICTION

Following the October and November 1957 launchings by the Soviet Union of Sputniks I and II, the Senate Preparedness Investigating Subcommittee of the Armed Services Committee began hearings on the missile/satellite situation, and in February 1958 established the Special Committee on Space and Astronautics to continue the inquiry on Government organization for space activities. The resolution (S. Res. 256) creating the special committee specifically directed that the membership come from six committees: Appropriations, Armed Services, Foreign Relations, Government Operations, Interstate and Foreign Commerce (renamed Commerce in 1961), and the Joint Committee on Atomic Energy. This was done to avoid potential jurisdictional disputes among the standing committees with interest in developing space activities. As a Senate report stated, "For the most part, the special committee was composed of the chairmen and ranking minority members of the standing committees which had a logical interest in space exploration."[1]

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[1] Tenth Anniversary, 1958–1968, Senate Committee on Aeronautical and Space Sciences, Doc. No. 116, 90th Cong., 2d sess., p. 12.

Six months later (July 24, 1958), the Senate created a new standing Committee on Aeronautical and Space Sciences. Senior members on other standing committees did not wish to relinquish legislative jurisdiction over space applications related to their existing authority. Consequently, the committee was given legislative jurisdiction over matters relating primarily to aeronautical and space activities, except those peculiar or primarily associated with the development of weapon systems or military operations, and specifically over NASA. Recognizing, however, that the impact of space science and technology inevitably created overlapping interests both in the executive and legislative branches, the Senate solved this jurisdictional issue by giving the Committee on Aeronautical and Space Sciences a very broad oversight jurisdiction over the "aeronautical and space activities of all agencies of the United States, including those peculiar to or primarily associated with the development of weapons systems or military operations," that is, the Department of Defense.

When the Senate Committee on Rules and Administration reported favorably the resolution creating a standing committee on Aeronautical and Space Sciences, it stated that the term "aeronautical and space activities" had the same meaning as section 103 of the National Aeronautics and Space Act of 1958:

(A) Research into, and the solution of, problems of flight within and outside the Earth's atmosphere,

(B) The development, construction, testing, and operation for research purposes of aeronautical and space vehicles, and (C) such other activities as may be required for the exploration of space.

The substance of "such other activities as may be required" is evident from the content of the President's annual report to Congress on aeronautics and space. These activities include international space cooperation under the foreign policy guidance of the President as provided in the NASA Act.

## JURISDICTIONAL ISSUES

Relatively few legislative overlaps with other committees have emerged because the Space Committee's legislative jurisdiction is limited. Several legislative overlaps exist, however. Solar heating and cooling, for example, involves not only the Space Committee but also Interior, Commerce, and Banking. Commerce and Labor are involved in science and technology policy and Presidential science and technology advisers. Public Works and Labor share with the Space Committee a responsibility for studying the potential effects of ozone deterioration in the upper atmosphere.

The oversight function, however, is one of identifying, reviewing, and critiquing the aeronautical and space activities of all Federal agencies. In carrying out this oversight, the committee acts to bring about the coordination of aeronautics and space activities between various Government agencies. The result has not been overlapping in the sense of conflicting jurisdiction, but the development of a focal point for understanding issues which arise as a result of the use of aeronautical and space technology by numerous Federal agencies.

Several jurisdictional questions may be raised:

(1) Is it important to have a focal point for science and technology in the Senate committee system similar to the one in the House of Representatives?

(2) If so, should such concentration be in the Aeronautical and Space Sciences Committee or on some other committee?

(3) Should a Senate Committee on Science and Technology have legislative jurisdiction over those agencies whose major emphasis is on science and technology?

(4) Should such a Committee on Science and Technology have a broad oversight jurisdiction over science and technology in all agencies of the Government to provide congressional review and coordination?

## COMMITTEE ON AGRICULTURE AND FORESTRY

### JURISDICTION

The Committee on Agriculture and Forestry is concerned chiefly with the production, sale and consumption of food and fiber, but acts also as a focal point for issues which touch the economic and social condition of rural life. It considers legislation to assist farmers through regulation of the production and prices of agricultural commodities, and through Government programs to assure adequate financing, crop insurance, and production information.

The jurisdiction of the committee also extends to the marketing, grading, and inspection of agricultural commodities on their way to the consumer. Programs to subsidize the consumption of foods also fall within the purview of this committee, as do development programs in the rural areas. Agricultural research and education programs are likewise matters of vital interest and primary jurisdiction.

In recent years, the committee has experienced a shift of emphasis in three areas: (1) There is less interest in the control of production and more interest in the expansion of exports; (2) there is increased interest in the energy, environmental, and consumer-related aspects of agricultural policies and programs; (3) the committee's attention is focused increasingly on food distribution programs, such as the food stamp and school lunch programs.

### JURISDICTIONAL ISSUES

Jurisdictional overlap, if not conflict, is common. In 1971–72, the committee faced overlap with the Senate Commerce Committee regarding pesticides and amendments to the Federal Insecticide, Fungicide, and Rodenticide Act (H.R. 10729). The problem was resolved by sequential referral. Since that time, the Commerce Committee apparently has not raised additional questions in this field, but has reserved the right to request referral.

In 1976, the Committee on Agriculture and Forestry encountered jurisdictional overlap with the Senate Interior and Insular Affairs Committee over S. 3091, and the issue of clear-cutting in the Monongahela National Forest. The bill was referred to the Agriculture and Forestry Committee, and the Interior Committee was invited to participate in the consideration of the measure. The two committees subsequently held an unusual joint markup session and reported the bill.

The Agriculture and Interior Committees experienced jurisdictional overlap in 1973–74 over wilderness legislation (eastern States only).

S. 22 and S. 3433 were referred to the Agriculture and Forestry Committee and the jurisdictional question was informally resolved when the committee agreed to accept changes in the bill called for by members of the Senate Interior Committee. In essence, the resolution was by sequential referral.

Also, in 1976 the Committee on Agriculture and Forestry for the first time encountered jurisdictional overlap with the Senate Foreign Relations Committee over the food for peace—Public Law 480—program (H.R. 9005). The issue was resolved by sequential referral whereby both committees held markup sessions on separate parts of the bill.

Other Agriculture Committee jurisdictional overlaps occur with the nutritional aspects of the Older Americans Act, which is currently the responsibility of the Committee on Labor and Public Welfare; and export control (Export Administration Act), currently under the jurisdiction of the Committee on Banking, Housing and Urban Affairs.

The Agriculture and Labor and Public Welfare Committees have competed jurisdictionally over child nutrition and the food stamp programs, although Agriculture now has primary responsibility for these programs. Future jurisdictional issues could arise with the Select Committee on Small Business over loans to farmers through the Small Business Administration, whereas the Agriculture Committee is addressing itself to the same subject through the Farmers Home Administration. There is also potential overlap with the Judiciary's Subcommittee on Administrative Practices and Procedures through its investigations of such matters as milk marketing orders, a topic of concern to Agriculture.

## COMMITTEE ON APPROPRIATIONS

### JURISDICTION

As set forth in rule XXV, the jurisdiction of the Committee on Appropriations covers: appropriation of revenue for the support of the Government; rescission of appropriations; certain new spending authority.

Rule XVI, among other things, states (in paragraph 1.) authority for the committee to fund nonauthorized programs under certain circumstances and designates (in paragraph 6.) selected standing committees entitled to ex officio representation on Appropriations when the bill for which that committee authorizes funds is considered.

### JURISDICTIONAL ISSUES

1. The Congressional Budget Act of 1974 deprived the authorizing committees of their power to take new backdoor spending or entitlement measures (black lung benefits, or post office funds, for example) to the floor without review by the Appropriations Committee, which may recommend amendments to restrict the total amounts of obligational authority available or delay their effective dates.

2. It may be said the authority of the Senate, on the recommendations of the Appropriations and Budget Committees, to set ceilings on total amounts for obligational authority in functional categories, is a jurisdictional change or issue for the Appropriations Committee.

Similarly, the deadlines now set by law for reporting appropriations bills may be said to intrude on the committee's jurisdiction. Deadlines set for reporting authorization bills, and the limits of the budget resolutions, may enhance Appropriations' jurisdictional controls.

3. Appropriations, and other committees as well, may have lost to the executive branch some power over rescissions and deferrals under present interpretations of title 10 of the Congressional Budget and Impoundment Control Act. Appropriations appear to have settled in its favor, through Senate Resolution 45, the final jurisdiction over rescission and deferral messages.

4. "Riders," or legislative provisions attached to appropriations bills, are often cited as jurisdictional issues. But it may be true that most of these are inserted not at the initiative of the Appropriations Committee, but at the request or at least with the acquiescence of a majority of the members of the authorizing committees to meet urgent, temporary needs.

5. A jurisdictional issue arose recently between Finance on the one hand and Appropriations and Budget on the other, on a proposed amendment to the debt limit bill which would have, in effect, left Appropriations with the responsibility for cutting appropriations to make up amounts of revenue, not supplied in a tax bill, sufficient to meet the budget resolutions total for spending. The issue was not pressed.

## COMMITTEE ON ARMED SERVICES

### JURISDICTION

The Committee on Armed Services exercises primary, and in most instances exclusive, jurisdiction over "the common defense" of the United States, including all organic laws and funding authorizations relating to this subject. This embraces a number of specific subjects enumerated in rule XXV. At the heart of the committee's responsibilities is the authorization of programs for the Department of Defense including its permanent and annual three component service departments—Army, Navy, and Air Force. The committee also considers other agencies engaged in national defense activities (e.g., the Selective Service Commission; intelligence agencies, including CIA; and certain ERDA functions). In addition, it has upon occasion sought and received referrals relating to defense implications of issues not ordinarily within its jurisdiction (e.g., status of U.S. territories and possessions). Its major responsibility—Defense Department procurement, construction, manpower, and research and development—occupies the bulk of its time and constitutes the largest single segment of the Federal budget subject to regular congressional authorizations.

### JURISDICTIONAL ISSUES

National defense is a relatively clear and unambiguous category, and, in fact, has been relatively well-delineated. Few jurisdictional problems have appeared and committee staff regard none in the category of "problems." However, the precise line between national security and foreign policy is difficult to define and, in fact, many policy fields carry with them implications for the Nation's defense posture. Accordingly, there exist several actual or potential jurisdictional

points of contact between Armed Services and other committees, in addition to certain cases of shared or overlapping jurisdiction. Because the interests of national defense are so wide ranging, the following examples merely illustrate the linkages that occur from time-to-time between Armed Services and other committees.

*Foreign intelligence.*—Historically, the committee has exercised authorization and oversight responsibilities relating to most of the agencies engaged in foreign intelligence operations, including military intelligence agencies (which account for a majority of such activities) and the Central Intelligence Agency. As a result of recent public controversy over CIA, the Senate has created (under S. Res. 400) a Select Committee on Intelligence. However, the basic legislation under which the agency operates (the National Security Act of 1947) was reported by Armed Services. Nor does Senate Resolution 400 explicitly amend Senate Rule XXV. Thus, in the Armed Services there are many unresolved issues. How, for example, will the CIA budget be handled in future years? The problem is especially complex because funding for intelligence activities has been subsumed under defense spending categories. A preliminary memorandum of understanding has been signed by the chairmen of Armed Services and Select Intelligence. Joint or cooperative arrangements may be worked out on a case-by-case basis (as has already occurred in two instances, with different procedural results). Depending on the specific issues and their political salience, the jurisdictional overlap on foreign intelligence could again become a subject of concern.

*Treaties and international agreements.*—Insofar as treaties and other agreements with foreign powers affect the nation's defense posture, they are within the purview of both Armed Services as well as to Foreign Relations, which has formed jurisdiction. The Strategic Arms Limitation Treaty (SALT) was jointly referred to the two committees, which have parallel subcommittees dealing with the matter. These subcommittes have worked cooperatively, and the joint consideration seems to have been satisfactory.

*Law of the sea.*—Legislation in this area, though originated by other committees, is of interest to the Defense Establishment and the Armed Services Committee. Such issues include deep-sea mining and extension of territorial fishing limits from the Interior Committee. In some cases Armed Services has received referral automatically; in others they have asked for, and received, referral. In each case Armed Services has provided input from the defense viewpoint and no serious problems have arisen.

# COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

## JURISDICTION

Credit is the jurisdictional core of the Committee on Banking, Housing and Urban Affairs. Its central concerns include the regulation of commercial banking, savings and loan associations, fair credit practices, the securities market, and the national monetary system as well as Federal programs of loans, guarantees, and insurance for private institutions and individuals (and, more recently, to local governments). Mortgage banking is a main theme of the committee's jurisdiction over housing programs, though it extends also to public housing, rehabilitation, real estate laws, and some related programs. Consumer and energy issues related to credit have been a recent additional concern to the committee. And, writ large, its jurisdiction extends to such macroeconomic policy implications of banking as monetary policy and broad economic stabilization policies and programs, including job development efforts and production controls and regulations.

## JURISDICTIONAL ISSUES

The two major jurisdictional issues for the committee are energy and international economic policy. Additional secondary conflicts exist in a number of other fields.

*Energy.*—The jurisdiction of Banking overlaps that of the Interior and Commerce Committees regarding legislation that provides for financing energy investments through loan guarantees and that affects the general credit market (i.e., the Energy Conservation Act of 1975). Joint referral was attempted as a coordinating device, but proved unsatisfactory. Finally, after Commerce had marked up the bill but the other two committees had not acted, discussion with staff and key members of the three committees resulted in a floor amendment, containing the same provisions as the Commerce—approved measure, being offered to another bill. The overlap in this area continues, subject to ad hoc solutions.

*International finance.*—When Senator Fulbright moved from the chairmanship of the Banking Committee to the chairmanship of the Foreign Relations Committee, he took along with him operating jurisdiction over international finance. An example is legislation concering U.S. participation in an international Financial Support Fund for nations with balance-of-payments problems. Introduced by Senator Sparkman in 1975, the bill was subsequently referred to Foreign Relations and then Banking.

*Monetary policy.*—Both the Banking Committee and the Budget Committee have asserted jurisdictional authority to oversee monetary policy. The Banking Committee has regular semiannual oversight

hearings in which the Chairman of the Federal Reserve Board and other witnesses testify. The Budget Committee does likewise. The Banking Committee argues that the Federal Reserve Board is an independent agency with the power to mandate its own policy, and that the Budget Committee should base its planning on what the Board says its policy will be, and not what the Budget Committee thinks it ought to be. The feeling may be held by some that this jurisdictional conflict allows the Board to play off the two committees against each other and thereby evade effective oversight by either. The Budget Committee is reported to assert a responsibility to advise the Board on what its monetary policy should be because of the relationship between fiscal and monetary policy.

*Veterans' housing.*—This program was transferred from Banking to the Veterans' Affairs Committee when the latter was created. Although not the subject of major legislative activity, coordinating this program with others in the field of housing may have been made more difficult for the Banking Committee.

*Consumer credit.*—Consumer credit is an area of overlap with the Committees on Commerce and the Judiciary. The former is the major authorizing committee for consumer legislation; the latter has an interest in the privacy aspects of bank records. On the confidentiality of such records, Banking and Judiciary had separate bills pending before them in June 1976, each written slightly differently. There is a parallel question as to whether the Federal Trade Commission (under the jurisdiction of the Commerce Committee) or the Federal Reserve Board (in the Banking Committee's jurisdiction) should have authority over regulation of unfair credit practices.

*Tax matters affecting banking and housing.*—This area is one of overlap with the Finance Committee, both in legislation and oversight. Tax credits for housing involve both committees, Banking from the standpoint of housing policy and Finance for tax policy. Banking has offered advisory opinions to Finance, but may feel comprehensive housing policy is frustrated by its lack of jurisdiction over tax credits.

*Comprehensive macroeconomic policies.*—Dating at least to the Employment Act of 1946, the Banking Committee's jurisdiction here collides with that of the Committee on Labor and Public Welfare and, conceptually at least, with the Joint Economic Committee and the Budget Committee. The Humphrey-Hawkins bill is a pertinent contemporary example. Originally conceived in the Joint Economic Committee, the legislation set up a particular manpower program that was clearly a matter for the Labor Committee. The drastically rewritten substitute bill was as much a matter for Banking—a committee responsible for wage and price control legislation—as for Labor. Yet because it was an amendment to legislation already in the Labor Committee, it was referred there. In April 1976, the Senate agreed to a sequential referral of the bill to the Banking Committee for not more than 20 days after it had been reported by the Labor Committee.

*Mass transit.*—Mass transit entails jurisdictional overlap with Commerce and to a lesser extent Public Works. Legislation creating the program originally came from the Banking Committee and went under the Department of Housing and Urban Development. When the Department of Transportation was created, the program was transferred to that Department. While the Commerce Committee has overall jurisdiction over DOT, Banking has retained authorizing jurisdic-

tion over UMTA. Meanwhile, Public Works has had jurisdiction over some transportation programs, including those of the Federal Highway Administration, which competes with mass transit for funding. A 1975 bill to amend the 1964 Mass Transit Act to provide assistance for projects outside urban areas was referred to Public Works after it had been reported by the Banking Committee.

*Small business.*—Most of this jurisdictional subject will be ceded to the Select Committee on Small Business when it gains legislative jurisdiction over the Small Business Administration at the beginning of the 95th Congress. The Banking Committee, however, will retain jurisdiction over other small-business matters outside SBA (for example, the program of the Export-Import Bank); over HUD's disaster assistance program, which is related to the disaster loan program of SBA. Therefore, new potential jurisdictional overlap is likely.

*Financial institutions generally.*—This is a case of perceived conceptual overlap. The Banking Committee does not have comprehensive jurisdiction over all Federal activity involving financial institutions. In addition to the programs already cited, the Commerce Committee has jurisdiction over no-fault insurance and the Judiciary Committee over the Federal law providing for State regulation of insurance companies. Labor and Public Welfare has jurisdiction over union pension funds. The Farmers Home Administration has a program of loans to farmers under the jurisdiction of the Committee on Agriculture and Forestry. Apparently there is little or no effort at intercommittee coordination by joint referral in this area. From the standpoint of the Banking Committee, it seems that rule XXV should be rewritten to give it jurisdiction over all private credit institutions and all financial aid—including credit assistance and loan guarantees—to farmers and industry.

*Latent overlap.*—The record of bill referrals and budget accounts reveals a number of other areas of possible jurisdictional overlap. These include overlap with the Committee on Armed Services concerning the Banking Committee's jurisdiction over military housing and defense production matters; overlap with the Committee on Agriculture and Forestry over export controls on reserve stocks of agricultural commodities; and overlap with Labor and Public Welfare about college housing, the HUD counseling service on housing, public housing, and such income security programs as rent supplements, home ownership and rental housing assistance.

## COMMITTEE ON THE BUDGET

### JURISDICTION

Because of the unique nature of the congressional budget process, the Budget Committee's jurisdiction encompasses a novel combination of responsibilities and authority. Its major responsibility is to recommend overall Federal budget and fiscal policy by reporting concurrent resolutions on the budget. At least two such budget resolutions are required each session. The first specifies for the upcoming fiscal year the appropriate levels for total Federal outlays, new budget authority, revenues, surplus or deficit and the public debt; it also contains outlays and new budget authority totals for each of the major

functional categories of the budget. To be reported by April 15 of each year, the first resolution is intended to provide Congress with budgetary targets to guide its consideration of bills that affect the budget. The second mandatory resolution, on which congressional action is to be completed by September 15 each year, sets ceilings on total new budget authority and budget outlays plus a floor for revenues in the upcoming fiscal year.

In the statement accompanying the conference report on the first resolution, the committee must allocate outlay and budget authority levels among the appropriate standing committees. The Budget Committee also has jurisdiction over reconciliation bills—that is, changes in law required by the second budget resolution to enforce its ceilings—when those bills contain contributions from more than one committee. In such cases, the Budget Committee's responsibility is limited to combining the recommendations of other committees into one bill; it may not make substantive revisions in the recommendations.

Senate Resolution 45 of January 30, 1975, requires that rescission bills and deferral resolutions be referred to the Budget Committee and to other appropriate committees, who then submit their views on such measures to the Appropriations Committee. The Budget Committee's recommendations are to be confined to "macroeconomic implications, impact on priorities and aggregate spending levels, and the legality of the President's use of the deferral and rescission mechanism * * * ." Rarely are any other bills referred to the committee.

In addition, the committee has jurisdiction over resolutions to waive the prohibitions in the Budget Act against floor consideration of (1) spending or revenue bills before Congress completes action on the first budget resolution, and (2) authorization bills reported after May 15 of each year. All Senate standing commitees, plus the Joint Economic Committee and the Joint Internal Revenue Taxation Committee, are required to submit to the Budget Committee, by March 15 of each year, their views and estimates on budget matters for the upcoming fiscal year within their respective jurisdictions or functions.

The Budget Committee is also required (1) to study the effect on the budget of existing and proposed legislation, (2) to request and evaluate studies of tax expenditures and to find ways of coordinating them with direct budget outlays, and (3) to prepare estimates for use in determining whether any measure breaks the ceilings imposed by the second budget resolution.

The only agency over which the Budget Committee has direct oversight is the Congressional Budget Office.

## JURISDICTIONAL ISSUES

Technically, the Budget Committee has no conflicts or overlaps of jurisdiction with other committees because it rarely reports legislation. A dispute with the Appropriations Committee early in 1975 concerning jurisdiction over rescission and deferral measures was resolved by Senate Resolution 45.

On several occasions, however, the Budget Committee has opposed bills reported by other Senate committees on the grounds that those measures would have authorized larger expenditures—for example, in the case of defense authorizations—or fostered a different fiscal policy—for example, in the case of a tax bill—than was assumed in the latest budget resolution. During these disputes, questions have been raised about how closely committees should adhere to those assump-

tions and whether the Budget Committee's opposition to specific measures is an impingement on or at attempt to limit the line-item jurisdictional prerogatives of other committees. There is also a potential for conflict with other committees in the Budget Committee's discretionary authority to report resolutions waiving the Budget Act's prohibitions on floor consideration of money bills before final approval of the first budget resolution and of authorization bills reported after the May 15 deadline.

## COMMITTEE ON COMMERCE

### JURISDICTION

The Committee on Commerce is a conglomerate institution. From its basic concern with transportation (via railroads, automobiles, airlines, buses, trucks, pipelines, the merchant marine, other boats) and communications (by telephone, telegraph, radio, television campaign expenditures for broadcasting, and space communications) it has expanded its interests to a wide variety of policy areas. These include measures concerning the protection of consumers (including the safety of products and unfair or deceptive commercial practices); energy and the environment (fish and wildlife; supply, allocation, and pricing of natural gas; conservation of energy; marine and sonic pollution; management of materials and resources, including recycling; and oceans and atmosphere); science and technology (particularly in its commercial applications); foreign trade and commerce; travel and tourism; regulatory reform; and the role of the corporation in society.

### JURISDICTIONAL ISSUES

The committee has experienced jurisdictional overlap on a continuing basis with more than half a dozen other committees in matters concerning energy and environment, science and technology, transportation, and international commerce. There have been additional minor jurisdictional issues, plus a number of potential areas of conflict where Commerce has jurisdiction over programs that might be considered in other committees' domain.

*Energy and environment.*—This very complicated area involves primarily Commerce, Interior, and Public Works, but also Aeronautical and Space Sciences, Agriculture, Appropriations, Armed Services, Banking, Finance, Government Operations, and Joint Atomic Energy. In response to the environmental activism that began in the late 1960's, and the energy crisis of the early 1970's, formal agreements were reached about jurisdiction over some aspects of these complex matters. Nonetheless, potential conflict, while muted, continues while various ad hoc cooperative efforts are carried out. Activities in specific areas have been as follows:

*Energy.*—A memorandum of understanding signed in 1971 by the chairmen of Commerce, Interior, and Public Works agreed that several committees had a legitimate jurisdictional interest in sites for powerplants. When the energy crisis occurred, it became obvious that the overlaps were far more extensive than that issue alone. Commerce has jurisdiction over the Federal Energy Administration with Interior.

75-850—76——4

Chairman Magnuson and Ranking Minority Member Pearson serve as the committee's representatives on the national fuels and energy policy study, which is under the aegis of the Committee on the Interior. Other committees with ex officio members on the energy policy study are Aeronautical and Space Sciences, Finance, Foreign Relations, Government Operations, Labor, Public Works, and Joint Atomic Energy. Like the national ocean policy study, this is a continuing forum but one in which Interior was given the lead.

One area of continuing overlap is that of regulating the prices of different fuels. Interior has authority over regulation of the price of oil—Commerce over regulation of the price of natural gas. Some contend that a single committee should have authority over the price of both fuels.

Commerce also overlaps on energy conservation with Interior, Agriculture, and Banking. Apparently by agreement with Interior, Commerce exercises oversight jurisdiction over energy conservation issues involving the Energy Research and Development Administration (ERDA). The Agriculture, Aeronautical and Space Sciences, and Joint Atomic Energy Committees also have some authority over ERDA. When Commerce was holding hearings on legislation to require disclosure of the operating costs of appliance and residential energy in 1975, the provisions concerning energy conservation in housing were re-referred to Banking to facilitate coordination.

Because of jurisdictional overlap, joint hearings were held by Commerce and Interior on the Alaska pipeline bill. Here the interest of Commerce was not only in energy but also in the pipeline as a transportation device.

During the 93d Congress, a joint subcommittee of Commerce, Interior, and Public Works was established to consider the deepwater port licensing bill. A joint markup as well as joint hearings were used. The legislation was successfully passed by Congress.

*Air pollution.*—In 1969, Public Works Committee officials apparently became concerned that the Public Works' Subcommittee on Air and Water Pollution might face jurisdictional overlap from Commercee's new Subcommittee on Energy, Natural Resources, and Environment. Commerce Committee's officials articulated their understanding of that committee's jurisdiction as related to air pollution: alternatives to the internal combustion engine, modification of the weather, hazards of radiation resulting from the transmission of energy, sonic pollution, and environmental and economic issues resulting from interstate energy transmission and transportation of energy sources. Of these, measures relating to the automobile apparently are the main continuing bone of continued uncertainty. In addition to the subcommittees of Commerce and Public Works, there is now Interior's Subcommittee on Energy Research and Water Resources (chaired by Senator Church), with which Commerce has significant jurisdictional overlap regarding automobiles and their environmental implications.

*Water pollution.*—This area also was a matter of discussion in 1969 between officials of the Commerce and Public Works Committees. At that time, Commerce's jurisdictional interests in this area were defined as merchant marine pollution of international waters and the impact of pesticides and other environmental contaminants on fish and wild-

life, as well as the aforementioned topics relating to air pollution. In addition, officials of the Committees on Commerce, Interior, and Public Works reportedly reached an understanding in 1971 that gave Commerce jurisdiction over amendments to the Land and Water Conservation Fund Act and to sections 5, 6, 7, 8, and 10 of the Water Pollution Control Act of 1965. This decision presumably stemmed from the committee's general jurisdiction over the Environmental Protection Agency. In 1971, marine protection was left a matter for further discussion and agreement; it is still an area of overlap between Commerce and Interior, as is jurisdiction over the Outer Continental Shelf.

Commerce has worked jointly with the Committees on Public Works, Interior, Foreign Relations, Appropriations, Government Operations, Labor, and Armed Services in the joint national ocean policy study, under the leadership of Senator Hollings. NOPS, clearly an arm of Commerce, includes all members of Commerce, plus two ex officio members from each of the other seven committees and six other Senators serving at large. It serves as a continuing forum for ocean policy discussions whose objectives are an overview and coordination among interested parties.

*Pesticides.*—Chemicals for controlling insect pests and aiding agriculture were traditionally matters considered by the Agriculture Committee. As the use of pesticides for a variety of purposes proliferated, their dangers to the environment brought the Commerce Committee's jurisdiction into play on toxic substances legislation. As a result, legislation on pesticides was re-referred from Agriculture to Commerce in the early 1970's. It is unclear whether Agriculture readily agreed to this. Jurisdiction over toxic substances seems to be considered cooperatively: pesticides as an agricultural device come under the jurisdiction of Agriculture, while pesticides as a hazardous product in commerce come under the purview of Commerce.

*Recycling.*—This subject has been a jurisdictional issue between Commerce and Public Works. Commerce has asserted responsibility over legislation to require returnable beverage containers. The Environment Subcommittee of Public Works has asserted responsibility over solid waste management.

*Outer Continental Shelf.*—Commerce and Interior overlap in this domain. Interior asserts jurisdiction over the Continental Shelf as part of its concern with natural resources generally, a central focus of its jurisdiction. Commerce asserts jurisdiction through its responsibility over the coastal zone's environment.

*Transportation.*—Commerce asserts primary jurisdiction over transportation, and indeed is a descendant of the 19th-century panel that regulated the railroads. In modern times, however, other committees have jurisdiction in the transportation area. Space travel is in the purview of the Aeronautical and Space Sciences Committee. Banking handles the authorizations of the Urban Mass Transit Administration. Armed Services is reponsible for military transportation. The District Committee has primary jurisdiction over the Metro transit system. Finance considers subsidies and trust funds for transportation. Government Operations has authority to create and oversee agencies dealing with transportation. Labor is in charge of railway labor matters. Judiciary has considered the constitutional aspects of

no-fault automobile insurance. And, most important, Public Works has jurisdiction over highways, roads, streets, rivers, harbors, ports, bikeways, highway safety, and rural mass transit. Commerce has acted on the merchant marine, civil aeronautics, the Interstate Commerce Commission, tourism, cars, trucks, automobile safety and energy regulations, and the railroads.

Recently the Judiciary Subcommittee on Administrative Practice and Procedure held hearings and considered proposals for deregulating the airlines. However, the Aviation Subcommittee of Commerce has traditionally exercised jurisdiction in this field.

Otherwise, the jurisdiction of other committees over various aspects of transport has not recently presented clear jurisdictional overlaps with the Commerce Committee. Evidently, boundaries are clear enough that coordination can be worked out on a regular basis.

*Science and technology.*—Here the major overlaps involve the Space, Labor, Commerce, Armed Services, and Atomic Energy Committees. Generally speaking, the Space Committee has legislative jurisdiction over space and aeronautical sciences, and oversight of science policy; Labor has the National Science Foundation, health research, and science policy; Commerce has the National Bureau of Standards, some research programs, innovation and productivity, and science policy; Armed Services has defense-related science and R. & D.; and Atomic Energy has nuclear science and R. & D.

The bill to re-create an Office of the Science Adviser in the White House was jointly referred to the Space, Commerce, and Labor Committees. Even though an extended time elapsed before passage, and although some staff found the process cumbersome, the legislation was nonetheless enacted.

*International commerce.*—Four committees have a direct stake in this field: Foreign Relations, Banking, Finance, and Commerce. Senator Fulbright took jurisdiction over international banking with him when he gave up the chairmanship of the Banking Committee to assume the chairmanship of Foreign Relations. Finance has jurisdiction over East-West trade and shares jurisdiction with Foreign Relations over trade negotiations generally. Multinational corporations have been a matter of great interest to Finance, Foreign Relations, and Commerce. While not as active recently on the multinationals, Commerce has revealed plans to examine questions of corporate responsibility. In recent years, the committee's major interests in this field appear to have been international fisheries, international travel and tourism, and the promotion rather than the regulation of international trade.

*Consumer protection.*—While Commerce is generally accepted as the primary channel for consumer protection legislation, there is some overlap with Government Operations (Consumer Protection Agency, consumer credits). Additionally, the committees on Agriculture, Judiciary, Small Business, and Aging have an interest in consumer affairs. Agriculture deals with farm prices; Judiciary with antitrust measures; Small Business with monopolism, retailing, distribution, and marketing practices; Aging with consumer interests of the elderly. Legislation to create a Consumer Protection Agency was referred jointly to Commerce and Government Operations, which reportedly cooperated successfully.

*Communications.*—To a certain extent, Commerce exercises shared jurisdiction in this area with Armed Services, which deals with mili-

tary communications; Foreign Relations, which is concerned with international communications; Labor, which is interested in the workers in communications industries; Judiciary, which handles issues of antitrust and obscenity; Post Office and Civil Service, which has jurisdiction over postal telecommunications; and Government Operations, which has held hearings on the broadcasting industry. In addition, Aeronautical and Space Sciences has occasionally considered space communications. However, these overlaps appear to have been more theoretical than practical in nature.

*Regulatory reform.*—Commerce and Government Operations jointly have initiated in the 94th Congress a major study of regulatory reform.

*Miscellaneous overlap in authorizing jurisdiction.*—A look at its budgetary authority makes clear a number of areas in which Commerce has jurisdiction closely related to other committees and subject to potential overlap. These include wildlife conservation on military reservations (Armed Services, Interior), the National Sea Grant College program (Labor), agricultural research in the National Oceanic and Atmospheric Administration (Agriculture), the Office of Minority Business Enterprise (Small Business), seizure of U.S. vessels on the high seas (Armed Services, Foreign Relations), labeling of precious jewelry (Banking), animal welfare (Agriculture), regulation of firearms (Judiciary), civil rights (Judiciary), and others. Of these, only the latter two are major issues of policy. The situation regarding firearms involves a voluntary relinquishment of jurisdiction by Commerce. And portions of the Civil Rights Act of 1964 went to Commerce instead of Judiciary for tactical reasons at the time to improve chances for passage of the bill.

## COMMITTEE ON DISTRICT OF COLUMBIA

### JURISDICTION

The District of Columbia Committee has jurisdiction over all subjects related to the governing of the District, pursuant to the provision of article I, section 8 of the Constitution that Congress shall have power "to exercise exclusive legislation in all cases whatsoever over such District." It has responsibility to oversee all matters relating to the municipal affairs of the District, except appropriations, and to protect the Federal interest in the Nation's Capital. The District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198) delegated legislative power over all municipal measures, except those affecting the criminal code, to the District government. Under the provisions of Public Law 93–198, legislation adopted by the District of Columbia government is forwarded to Congress for 30 legislative days, during which time it is reviewed by the District Committee. Due to the continuing concern of the committee and the Congress over protecting the Federal interest in the Nation's Capital, the committee has also exercised review of the District of Columbia's general financial condition, economic and demographic trends, public safety matters, and other issues. As a result of the present interest in the fiscal aspects of the District of Columbia's government, a bill has been introduced in the Senate to establish a temporary Joint Committee with executive responsibility over instituting

various financial management improvement plans for the District of Columbia government.

JURISDICTIONAL ISSUES

Since the committee's jurisdiction includes many activities of the government of the District of Columbia, it in fact considers the local application of national programs authorized by most of the other committees of the Senate. Thus, it could be said that everything the committee does has potential overlap with the subject matter under the jurisdiction of one or more other Senate committees. No major conflict or issue is reported.

*Interstate metropolitan problems.*—More important to some members than jurisdictional overlaps is the committee's lack of jurisdiction over the metropolitan dimensions of the central city's problems. The Federal interest in the District of Columbia is not confined by jurisdictional boundaries but in fact extends throughout the National Capital region. For example, only 9 percent of the federally owned land in the National Capital region is within the District of Columbia; 44 percent of the Federal employees in the region work in the Maryland and Virginia suburbs. Problems of housing, transportation, water supply, public safety, health and other issues of concern to the functions of the Capital City are problems that must be considered in their metropolitan context.

Senator Mathias has recommended the establishment of a Subcommittee on Metropolitan Problems within the District Committee to focus attention on the broader scope of the Federal interest in the National Capital region. Such a subcommittee could follow up on the work of the Joint Committee on Metropolitan Problems that was established in 1957 by the House Concurrent Resolution 172. Alternatively, the mandate of the full District Committee might be changed to emphasize regional considerations, or a Joint Committee on the National Capital Region might be established to replace the District Committee.

*National Park Police.*—The District of Columbia Committee has control over the salary schedules of the U.S. Park Police. Yet the Park Police are part of the National Park Service, Department of the Interior, which reports to the Interior Committee. Minor questions of jurisdiction may arise from the law enforcement overlap, and indeed from dispersed jurisdiction over the many police forces which serve the District.

*Building and capital improvements.*—The Public Works Committee has jurisdiction over construction and major alteration of Federal buildings and grounds. Some Federal projects have been undertaken on behalf of the local residents—for example, the building of Robert F. Kennedy Stadium and the redevelopment of Pennsylvania Avenue. Once such a project is completed, the responsibility for its management falls within the jurisdiction of the District Committee. Although the local capital improvements program goes through the regular District of Columbia budgetary and appropriation process, some projects have been initiated by the Public Works Committee. This is a potential source of jurisdictional overlap.

*Parks.*—The District Committee has jurisdiction over activities on Federal park lands within the District of Columbia, such as the Mall

and Rock Creek Parkway; but the Interior Committee, because such lands are part of the National Capital Parks in the National Park Service, has jurisdiction over use of the land.

## THE COMMITTEE ON FINANCE

### JURISDICTION

The core of the Finance Committee's jurisdiction flows from the constitutional authority of Congress "to lay and collect Taxes, Duties, Imports and Excises [and] To borrow money on the credit of the United States." Under rule XXV, the committee has jurisdiction over (1) revenue measures generally, (2) the bonded debt of the United States, (3) the deposit of public moneys, (4) customs, collection districts, and ports of entry and delivery, (5) reciprocal trade agreements, (6) transportation of dutiable goods, (7) revenue measures relating to the insular possessions, (8) tariffs and import quotas, and related matters, and (9) national social security.

Legislation authorizing Federal programs sometimes involves direct financing methods, modification of Federal tax laws, or collection of money by the Federal Government in some fashion. Therefore, the Finance Committee is involved in a wide array of public policy areas in addition to those solely related to the raising of revenue. Among these are: campaign financing in Federal elections; energy development and conservation; national health insurance; medicare and medicaid; pension plans in the private sector; public debt limitations; the railroad retirement system; revenue sharing; tax expenditures; and unemployment compensation. The committee also has jurisdiction over social security programs such as: old age survivors and disability insurance; social services; supplemental security income; maternal and child health services; and aid to families with dependent children.

### JURISDICTIONAL ISSUES

The Finance Committee's jurisdiction involves it in the general subject matter of numerous other Senate standing committees. The following examples are illustrative rather than comprehensive.

Although the Committee on Agriculture and Forestry has jurisdiction over agriculture generally, Finance has dealt with such matters as restrictions upon agricultural imports and taxation of farms. Both Finance and Labor and Public Welfare deal with private pension legislation, unemployment assistance, educational subsidies, health care, and welfare programs.

In handling programs for financing health care, Finance influences a sizable majority of the Federal Government's funds devoted to health. Labor and Public Welfare deals with biomedical research, health manpower, and establishment of health facilities. In practice the dividing line seems to have been reasonably clear and few conflicts have been reported; but the linkages between delivery and financing of health care, not to mention health care standards, are extremely close and become more so all the time. Through its jurisdiction over tariffs, reciprocal trade agreements, and taxation of corporations doing business abroad, Finance is involved in foreign economic relationships.

Aviation taxes, automobile taxes, and highway taxes, among other items, involve Finance in areas substantively under the jurisdiction of the Public Works and Commerce Committees. Tax provisions relating to petroleum and coal bring Finance into the energy area, in which such committees as Interior and Insular Affairs are active.

As these examples demonstrate, tax provisions may enhance or hinder Federal objectives in a number of substantive policy areas. Sometimes, as in the trust-fund arrangements, tax allocation or collection methods are designed to achieve specified policy objectives. In other cases, policy consequences flow from a desire to assist certain individuals or groups. The term "tax expenditure" is now used to describe revenue losses resulting from Federal tax provisions that grant special tax relief designed to encourage certain kinds of behavior by taxpayers or to aid taxpayers in special circumstances.

Many social objectives can be achieved either through direct budget outlay or through tax relief—tax expenditures—aimed at the identical goal. In fiscal year 1977, tax expenditures total an estimated $100 billion and cover a host of social objectives, including health care, business investment, housing, and maintenance of income. Experts differ over the extent to which the tax code should be employed as a vehicle for achieving such objectives; but there is no quarrel with the fact that the tax code has been, and is, so utilized.

The procedures followed in the highway and airport trust funds indicate the type of intercommittee cooperation that can take place between substantive and revenue panels. In these cases, the Finance Committee, of course, has jurisdiction over the tax aspects of the trust-fund arrangements. In practice, the relevant authorizing committees—Public Works for highways and Commerce for airports—determine overall policy directions, including the purposes for which the moneys shall be spent. The Finance Committee provides the financing, making certain that trust-fund language conforms to the objectives set forth by the authorizing committees. There seems to be general agreement that this arrangement has worked out well.

Occasionally, other committees will actually initiate measures containing tax provisions. For example, the Committee on Banking, Housing, and Urban Affairs reported a bill including a tax credit to encourage the lending of money for home mortgages. Jurisdictional conflict on the floor was avoided when Banking Committee members themselves offered an amendment to strike that title. The Committee on Rules and Administration reported a bill containing a provision increasing the level of campaign contributions deductible for tax purposes. As in the Banking case, the Rules Committee itself moved to delete the provision. Other cases have occurred from time to time involving other committees, for example, a provision reported some years ago by the Post Office and Civil Service Committee which would have exempted from taxation a certain amount of Federal retirement pay.

In proposing revenue provisions, Senate committees—and that includes not only the Finance Committee but any other committee—are in a restricted constitutional position. Under article I, section 7, the other body is given the responsibility for organizing all revenue-raising measures. However, once the Senate has received such a measure from the other body, it may propose amendments as on other bills. Hence, revenue proposals originating in the Senate can be proposed

only as amendments or modifications to measures originating in the other body.

## COMMITTEE ON FOREIGN RELATIONS

### JURISDICTION

The Committee on Foreign Relations has a long and distingiushed history. It was one of the original standing committees created by the Senate in 1816, but its origins reach back even further. Historically, assignment to the committee has been an eagerly sought prize, and many of the Senate's most noted Members have served on it at one time or another. It considers all treaties and nominations of State Department officials and ambassadors, powers granted exclusively to the Senate.

The committee has broad jurisdiction over U.S. relations with other nations, not only through the treaty power but also its general legislative and oversight responsibilities—for example, the War Powers Act of 1973 (Public Law 93–148). In terms of dollar amounts and probably time expended, the committee's most significant input into foreign policy is the annual foreign aid authorization which embraces economic and military assistance. The committee also considers an annual bill to authorize programs and funds for the Department of State and related agencies, including the Nation's diplomatic corps. International agencies (including international financial and monetary organizations) are also within the committee's purview.

Much of the committee's work lies in overseeing the general directions of American foreign policy. Aside from formal treaties, the annual foreign assistance bill, and a few landmark laws, the Nation's relations with other nations are largely defined in extra-legislative terms. Thus, the committee's oversight responsibilities are vital and expansive. In addition, the committee and its staff perform a multitude of ceremonial functions relating to the reception of foreign officials and the diplomatic community.

### JURISDICTIONAL ISSUES

The Foreign Relations Committee's jurisdiction is broad and in some cases—for example, treaties—exclusive. Nevertheless, much that Congress does in domestic fields has impact upon foreign policy, and foreign policy, in turn, affects many facets of domestic policy. Accordingly, a few jurisdictional issues exist between Foreign Relations and other committees.

*Agricultural Commodity Export Programs (Public Law 480).*—Public Law 480 is an Agriculture Committee measure, but Foreign Relations frequently offers amendments by means of the foreign assistance authorization. In 1975, the Agriculture Committee requested re-referral of the foreign aid bill's provisions relative to Public Law 480; Agriculture Committee members also participated in the conference on the aid bill, again with reference only to Public Law 480 matters. While the policy consequences of this arrangement reportedly were not of major importance, the process was cumbersome. The overlap occurs because the commodity export programs are related both to disposal of surplus commodities and export promotion on the one hand, and to foreign policy and humanitarian assistance on the other.

*Military assistance.*—In the past, Armed Services played a role in military assistance authorizations. Foreign Relations and Armed Services considered the measure jointly for a few years, after which sequential referrals were tried. However, this practice was abandoned, and for some years Armed Services has played no formal role. Economic and military assistance used to be included in the same authorization measure; today, however, they are considered separately by Foreign Relations.

*Oceans policies.*—Jurisdictional overlaps have occurred between Foreign Relations, Commerce, Interior, and Armed Services. There are numerous policy problems in this area, including the law of the sea, the territorial limit, deep seabed mining, and so forth. Apparently the most controversial issue has involved the adoption of the 200-mile territorial limit, which the U.S. fishing industry has backed but the State Department has resisted. Foreign Relations retains the option to exercise jurisdiction over international agreements in this field.

*National security.*—Aspects of national security policy have been considered both by Foreign Relations and Armed Services. Bilateral or multilateral treaties on armaments, while handled by Foreign Relations, are of interest to Armed Services. On the Nuclear Test Ban Treaty, members of Armed Services and Joint Atomic Energy were invited to meet with Foreign Relations during hearings. Senators have recommended the inclusion of members of Foreign Relations in oversight of U.S. intelligence activities, particularly those which impinged on foreign policy. This issue may have been resolved with creation of the Select Committee on Intelligence.

*International financial institutions.*—The Legislative Reorganization Act of 1946 granted Foreign Relations authority over "international financial and monetary organizations." Arthur Vandenburg, who became chairman of Foreign Relations in 1947, relinquished this responsibility to the Banking and Currency Committee, where it resided until J. William Fulbright brought the jurisdiction back to Foreign Relations when he transferred from the chairmanship of Banking to that of Foreign Relations. Thus Foreign Relations has primary jurisdiction and, since Fulbright became chairman, has exerted it. However, the Banking Committee occasionally requests sequential referral for certain segments of this legislation.

*Immigrants and refugees.*—The substantial activity of the Judiciary's Subcommittee on Refugees has dramatized potential overlap with Foreign Relations. Judiciary's authority relates to immigration, including admission of refugees to the United States. International refugee questions, including relief assistance and resettlement, are described under the jurisdiction of Foreign Relations.

*ACTION.*—Both Foreign Relations and Labor and Public Welfare share authorization legislation for ACTION, the Federal voluntarism agency that embraces, among other things, the Peace Corps. Foreign Relations handles the Peace Corps, leaving the domestic ACTION programs to Labor and Public Welfare. No jurisdictional problems are reported.

# COMMITTEE ON GOVERNMENT OPERATIONS

## JURISDICTION

The broadly based jurisdiction of the Senate Committee on Government Operations extends to matters dealing with legislative oversight of Government activities, budget and accounting measures (other than appropriations), reorganization of the executive branch, Federal-State relations, extension or abolition of Federal agencies, and relations between the United States and international organizations. Three agencies—the General Accounting Office, Office of Management and Budget, and General Services Administration—are also exclusively under the oversight jurisdiction of the committee.

## JURISDICTIONAL ISSUES

The Committee on Government Operations is unique in the sense that it is the only committee in the Senate whose jurisdiction by design potentially overlaps that of all other committees. It maintains primary responsibility for overseeing the entire executive branch of the Federal Government, and is empowered to investigate the organization, efficiency, and economy of any executive department or Federal agency. The operations and organization of the legislative branch are likewise subject to the committee's jurisdiction. For these reasons, the Government Operations Committee frequently encounters jurisdictional issues with other Senate committees, in legislation as well as oversight. These conflicts, it must be emphasized, are built into the jurisdictional arrangements of the Senate committee system.

*Intelligence activities*

Senate Resolution 400, a proposal to create a new committee with jurisdiction over domestic and foreign intelligence activities of several agencies, was initially referred to the Committee on Government Operations. The Judiciary Committee requested and gained sequential referral. Later a compromise was informally agreed upon, which allowed the Judiciary Committee and the new Select Committee on Intelligence to exercise concurrent jurisdiction over the intelligence operations of the Federal Bureau of Investigation. Because Senate Resolution 400 called for the creation of a new Senate Committee, the Senate Rules Committee requested and secured sequential referral. The Senate Armed Services Committee was also interested in Senate Resolution 400, and retained concurrent jurisdiction with the new select committee regarding the CIA and military intelligence matters.

*Other overlaps*

S. 2715, a bill advocating, among other matters, public participation in Government proceedings in the executive branch, was referred to the Senate Judiciary Committee. The Committee on Government Operations requested and gained sequential referral. Other instances of jurisdictional overlap include S. 200, the consumer protection bill, which was jointly referred to the Committee on Government Operations and the Commerce Committee in the 93d Congress; S. 5, the "Government in the Sunshine" bill, which was jointly referred to the Government Operations Committee and the Rules Committee (title I only); and extension of the Federal Energy Administration.

# COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

## JURISDICTION

The Committee on Interior and Insular Affairs was created as a result of the amalgamation of five standing committees by the Legislative Reorganization Act of 1946 (Public Law 79–601). The committee was originally designated the Public Lands Committee but in 1947 was given its present name by Senate resolution to describe more fully its work and jurisdiction. The committee has six major spheres of responsibility and jurisdiction: Indian affairs; minerals, materials, and fuels; parks and recreation; public lands; territories and insular affairs; and water and power resources. Interior has been a very active partner with several other committees in the Senate in the area of environment, energy, water policy, and ocean policy.

Other interests include: American Indians and Alaska Natives; mineral resources of public lands, including those on lands withdrawn as forest reserves, and on the Outer Continental Shelf; activities of the Bureau of Land Management; administration of mineral laws; mining schools and experimental stations; supervision as trustee of Indian-owned mineral rights; the conservation of petroleum and natural mineral resources; national parks, historic sites, recreation areas, monuments, and military parks and battlefields; forest reserves created from the public domain; all public lands; the territories including the Commonwealth of Puerto Rico, the territories of American Samoa, Guam, the Virgin Islands, the Trust Territory of the Pacific Islands, as well as limited responsibility for Antarctica; and water policy including irrigation, reclamation, water supply, water power development, interstate compacts apportioning water, and general aspects of water resources policy through the Water Resources Council.

The national fuels and energy policy study, authorized by Senate Resolution 45 (May 3, 1971), gave major responsibility to make a comprehensive study of programs and policies required to meet national energy needs to members of the Interior and Insular Affairs Committee, with ex officio membership from the Committees on Commerce and Public Works and the Joint Committee on Atomic Energy. As a result of interest in the energy question, five other committees were subsequently given membership.

## JURISDICTIONAL ISSUES

The major jurisdictional issues faced by the Interior and Insular Affairs Committee are in the areas of energy, environment, water, and ocean policy. Other jurisdictional overlaps of lesser importance are related to the designation of wilderness areas, Indian affairs, land use, territories, petroleum reserves, and timber and forests.

*Energy.*—The Interior Committee has encountered jurisdictional overlap with many committees over issues related to energy policy. Most of these jurisdictional questions have involved Commerce, but there are 14 Senate committees and 1 select committee which work on energy issues as primary or secondary responsibility. Interior is the lead committee in the national fuels and energy study. The utility of this and other ad hoc arrangements for giving comprehensive consideration to energy policy is a matter for study. Currently, the

Committees on Commerce, Public Works, Joint Atomic Energy, Finance, Foreign Relations, Government Operations, and Labor and Public Welfare are represented on the energy study.

The Commerce Committee is the most heavily involved in questions of energy policy that overlap with Interior's energy concerns. One major jurisdictional overlap is responsibilty for the Outer Continental Shelf (OCS) and the impact of management of its resources. Commerce has jurisdiction for coastal zone environment and Interior for the OCS, which raises obvious jurisdictional issues in considering the development of offshore oil and gas resources. Through the national ocean policy study, the Commerce Committee has considered the use of oil supertankers and the effects of oil spills, two topics of mutual concern with Interior. Commerce has also analyzed the impact of energy proposals on consumers, considered measures to promote energy conservation, evaluated the regulation of natural gas, and reviewed the administration's general energy policy—all areas of overlapping jurisdiction with the Interior Committee.

The Governmental Operations Committee has also been concerned with many issues that overlap with Interior's interests in the energy field: U.S. oil supplies, energy shortages, petroleum overpricing, refinery output manipulation, energy conservation, oversight over ERDA, and the extension of FEA.

Several other Senate committees have significant energy jurisdictional overlap with Interior, although little conflicting is reported: Agriculture and Forestry (fuels availability for agriculture); Armed Services (naval petroleum reserves); Banking, Housing and Urban Affairs (solar heating and cooling and energy conservation); Budget (budgetary implications of recent energy developments); Finance (energy and tax policy); Foreign Relations (effects of oil prices and shortages on American foreign policy); and Public Works (energy and air and water pollution control policy).

*Environment.*—The National Environmental Policy Act of 1969 (NEPA, Public Law 91–190) is under the jurisdiction of Interior. The act authorized a comprehensive national policy for protection of the environment, and created the Council on Environmental Quality in the Office of the President, with a broad mandate to track and formulate environmental policy. At the time the Interior Committee was working on this bill, a similar measure was under consideration in the Public Works Committee. NEPA was reported from Interior first, but Public Works reported its own bill. The latter bill established an Office of Environmental Quality with a mandate very similar to that of the CEQ. The committees had reached agreement the Office would serve as staff for the Council, although it has separate funding authorization in the Public Works bill. The result is that Interior has primary jurisdiction over NEPA and CEQ, but Public Works can claim a share of the oversight responsibility for CEQ's staff operations.

Interior's jurisdiction, reflected in NEPA, for environmental policy generally results in overlap with the Public Works Committee's jurisdiction for environmental policy set in the Clean Water and Clean Air Acts. Interior's jurisdiction for environmental policy also overlaps with Commerce in the areas of environmental research and development and Environmental Protection Agency oversight, which is the primary responsibility of the Commerce Committee. Commerce

also has responsibility for coastal zone management, safe drinking water, ocean dumping, and solid waste. All of these policy areas share some common jurisdiction with Interior Committee's mandate under NEPA and other legislation.

*Water and ocean policy.*—Interior, Commerce, and Public Works assert jurisdiction over water and ocean policy.

Water resources legislation is an active area for Public Works, but Interior is responsible for authorizing individual projects under the Bureau of Reclamation (which operates in 17 Western States). Most other water projects are principally under the Army Corps of Engineers and are authorized by Public Works. The Interior Committee also asserts jurisdiction over most general water resource policy legislation, and has jurisdiction over the Water Resources Council which sets regional and national water policy. The Water Resources Council and the Environmental Protection Agency have recently been in conflict over water policy; as a result, Interior and Commerce may have been given a jurisdictional issue, since Commerce has jurisdiction over EPA.

The Safe Drinking Water Act of 1974 (Public Law 93–523), under Commerce's jurisdiction, and the Federal Water Pollution Control Act Amendments of 1972, under the jurisdiction of Public Works, are two areas of overlap with Interior's interests given the strong connection between water pollution control, assurance of safe drinking water, and national environmental policy standards and interests in water resources generally.

Ocean policy is shared primarily between Commerce and Interior. Interior has responsibility for the Outer Continental Shelf lands, but the Commerce Committee has taken a keen interest in this area through its ocean policy study and its jurisdiction over the Coastal Zone Management Act of 1972. The coastal zone management jurisdiction has grown into a comprehensive land use planning policy for all coastal areas and 200 miles up all tributaries. This represents overlap with the Interior Committee's jurisdiction over Outer Continental Shelf programs, general programs related to public lands, and NEPA environmental policy.

*Other jurisdictional issues.*—Several other jurisdictional issues have been continuing concerns for Interior. Indian education and health policy has been a chronic area of jurisdictional overlap with Labor and Public Welfare. Indian criminal code and crime control have been issues of jurisdictional overlap between Interior and Judiciary. Designation of eastern wilderness areas is another area of overlap between Agriculture and Interior. Minor jurisdictional issues have arisen periodically between Interior and Armed Services and Foreign Relations over the territories and deep sea mining.

## COMMITTEE ON THE JUDICIARY

### JURISDICTION

The jurisdiction of the Committee on the Judiciary is concentrated under the general heading of legal justice and the Federal judiciary. The committee's attention is focused on matters affecting constitutional

law and civil liberties, Federal courts, administrative law and practice, Federal criminal law, antitrust, copyright and patent law, immigration and naturalization, and the Department of Justice.

### JURISDICTIONAL ISSUES

Recent instances of jurisdictional overlap have concerned Judiciary and the Committee on Government Operations. Three instances are cited for 1976.

Senate Resolution 400, a proposal to create a new committee with jurisdiction over domestic and foreign intelligence activities of several agencies, was referred to the Committee on Government Operations. The Judiciary Committee was successful in gaining sequential referral, and a compromise was reached that allowed the Judiciary Committee and the select committee to exercise concurrent jurisdiction over the FBI.

S. 495, a post-Watergate bill to create a Special Prosecutor and a new division in the Department of Justice for the criminal prosecution of public officials, was referred to the Committee on Government Operations. The Judiciary Committee requested and received the measure through sequential referral.

The Judiciary Committee may assert jurisdictional interest in the extensive oversight hearings of the Government Operations Committee on the Law Enforcement Assistance Administration (LEAA), if these give rise to legislation.

With its broad jurisdictional authority and its numerous subcommittees, Judiciary has numerous and real issues of jurisdictional authority and activity relating to a number of other committees. For example, its Administrative Practices and Procedures Subcommittee has looked into the regulation of the airlines by the Civil Aeronautics Board (CAB), a matter presumably under the legislative jurisdiction of the Aviation Subcommittee of the Commerce Committee.

The Subcommittee on Refugees and Escapees has overlap with the Foreign Relations Committee, although Foreign Relations apparently has not complained when this Judiciary subcommittee has investigated international refugee problems, and not simply their domestic implications. The Subcommittee on Antitrust and Monopoly has jurisdictional overlap with Commerce; conflict has been avoided in part by the fact that Senator Philip Hart, who chairs Judiciary's Antitrust Subcommittee, also sits on Commerce. In addition, the oversight activities of several Judiciary subcommittees, especially Administrative Practices and Procedures, overlap potentially with the jurisdiction of the Government Operations Committee. These are merely examples of the many possible areas where Judiciary shares or asserts jurisdictional authority in common with other committees. Because the rule XXV statement of the Judiciary Committee's jurisdiction includes "revision and codification of the statutes of the United States," as well as "interstate compacts generally," its jurisdictional base is as broad as the laws of the United States, and thus may potentially overlap with that of every other Senate committee.

# COMMITTEE ON LABOR AND PUBLIC WELFARE

## JURISDICTION

The Labor and Public Welfare Committee's jurisdictional mandate is both broad and complex. Several major policy areas dominate the committee's activities. These are health, labor, education, and public welfare programs. In addition, the committee has jurisdiction over the aged, the handicapped, children and youth, alcoholism and narcotics, arts and humanities, the National Science Foundation, the railroad retirement system, and other matters. Some of these subject areas are included in the committee's jurisdictional statement (rule XXV); others, such as the National Science Foundation, have been added by precedent.

## JURISDICTIONAL ISSUES

Many of the Labor and Public Welfare Committee's responsibilities overlap those of other panels, particularly in the areas of health, welfare, education, and labor.

*Health and welfare.*—Primary jurisdiction over health and welfare is divided, for the most part, between Finance and Labor and Public Welfare. Appropriations, of course, plays a major role through funding in the health and welfare field. Finance is basically involved in health care and welfare financing programs. In other words, Finance is responsible for such legislation funded through payroll taxes and other programs authorized under the Social Security Act. This included title 18 of the Social Security Act—maternal and child health and crippled children's services; and various national health insurance proposals.

Labor and Public Welfare, with regard to health and welfare, is primarily concerned with increasing the availability of health services to all citizens and improving the health care delivery system. It has jurisdiction for such areas as health planning, health facilities, health manpower and training, the Public Health Service Corps (including the Indian Health Service), biomedical research, occupational health and safety, employees' health benefits, and health services.

Other committees also consider health legislation. These include Aeronautical and Space Sciences regarding space-oriented biomedical research; Agriculture and Forestry with school lunch and nutrition programs; Armed Services with health care of military personnel; the Banking Committee for interest subsidy payments to assist nursing homes in repair and renovation; the Commerce Committee for health warnings to consumers; Foreign Relations for international disaster relief; Government Operations for the efficiency and effectiveness of medicare; the Interior Committee for the health care of Indians; Judiciary for drug abuse prevention and control; Post Office and Civil Service for Federal employee health benefits; Public Works for environmental health hazards; and Veterans' Affairs for veterans' hospitals, medical care, and treatment.

*Education.*—The Committee on Labor and Public Welfare has jurisdiction over "measures relating to education * * * generally." This includes legislation involving elementary, secondary, higher, vocational, and adult education; education for the handicapped; Federal "impact aid"; aid to libraries; educational television and radio; and land- and sea-grant colleges.

Some related matters are typically under the jurisdiction of other committees as well: sea-grant colleges (Commerce); school lunch program (Agriculture and Forestry); educational television and radio (Commerce); equal educational opportunities (Judiciary); education of refugees (Foreign Relations); Indian education (Interior and Insular Affairs); juvenile delinquency (Judiciary); and land-grant colleges (Agriculture and Forestry).

*Labor.*—Although the committee asserts primary jurisdiction in labor matters, there exist some overlaps. Its consideration of pensions reform legislation constituted substantial overlap with Finance. The committee also overlaps Judiciary on job discrimination questions involving race, sex, the handicapped, and the aged. The Committee on Government Operations and Labor have conducted investigations of labor unions, most recently the Teamsters Union. In 1957, a dispute erupted between the two committees over which panel had jurisdiction for investigating labor racketeering and mismanagement. That led to the formation of a temporary Select Committee on Improper Activities in the Labor and Management Fields. The select committee was composed of members from both committees.

There are other overlaps in the labor field. For example, Banking considers wage controls for workers; Post Office and Civil Service exercises jurisdiction over Federal and postal employees; Commerce is concerned about railroad safety and health; and Finance reports unemployment compensation legislation.

*Miscellaneous.*—Although the Labor Committee has a Subcommittee on Aging, there also exists a nonlegislative Senate Special Committee on Aging. Their oversight work overlaps. There is also a Select Committee on Nutrition and Human Needs which studies many questions within the jurisdiction of the Labor Committee. Labor's jurisdiction over the National Science Foundation is subject to certain overlaps with the Aeronautical and Space Sciences Committee and the Commerce Committee.

## COMMITTEE ON POST OFFICE AND CIVIL SERVICE

### JURISDICTION

The committee's responsibilities center around three topics: civil service, postal service, and census. The civil service area includes such topics as retirement; employment benefits, including health insurance, life insurance, and leave policies; Federal pay and salaries, extending not only to the civil service but also to salaries of Members of Congress, some legislative branch employees, and judicial and executive branch appointees; and the procedural, political, and collective-bargaining rights of Government employees.

The postal service area currently emphasizes oversight. The Postal Reorganization Act of 1970 converted the Post Office Department into a quasi-independent agency with a mandate to become financially self-sufficient by 1984. Jurisdiction over legislation for changing the Postal Service's mandate remains with the committee. The census area includes the collection of statistics, generally. Additionally, the retention of Federal records by the National Archives is included in the committee's responsibilities.

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JURISDICTIONAL ISSUES

*Voter registration.*—The bill to amend title 13 of the United States Code, to establish within the Census Bureau a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service, was reported from the Senate Post Office and Civil Service Committee and passed by the Senate in the last Congress. Questions concerning referral of the bill to Post Office and Civil Service were raised by the Senate Judiciary and Rules Committees, on the grounds the bill contained elements which were included within those committees' jurisdiction: for the Judiciary Committee a constitutional question and for the Rules Committee the subject matter of Federal elections. The bill did not pass the House in the 93d Congress, however, and it is again under consideration by the Post Office and Civil Service Committee.

*Collection of statistics.*—Decentralized collection of statistics within the executive branch tends to create potential jurisdictional problems for the committee. For example, the Labor and Public Welfare Committee reviews HEW's management of health statistics, while the Interior Committee reviews the collection of energy statistics.

*Labor-management relations in the civil service.*—The Labor Committee's basic jurisdiction over labor problems may result in overlap issues. For example, during consideration of the most recent Minimum Wage Act extension to cover Federal employees, the Post Office Committee attempted to exclude the coverage of rural mail carriers. The bill was referred to the Labor Committee. The bill was never acted upon, some say in part because of the impasse over excepting any coverage.

*Withholding of State taxes from Federal employees.*—Taxation matters other than the Federal income tax that affect Federal employees have in the past been referred to the Post Office and Civil Service Committee. On April 26, 1976, however, a bill for the withholding of State taxes from Federal employees (S. 3323) was referred to the Finance Committee.

*Terms of department heads.*—The Post Office and Civil Service Committee has considered proposals limiting the term of office of department heads, which for the Judiciary Committee presents a constitutional question.

*Federal employee retirement.*—The committee tries to aline its actions with the Finance Committee on social security and with the Armed Services Committee on the military retirement system.

*Postal Service.*—The committee maintains jurisdiction over postal operations and has held numerous hearings, in Washington and in the field, on the quality and efficiency of postal service. There is a potential jurisdictional overlap with Government Operations over Postal Service oversight, but it has not surfaced as an area of dispute in recent times.

*Federal personnel systems.*—While the committee has jurisdiction over the regular civil service, some Federal employees—most notably uniformed military personnel and the diplomatic service—come under the jurisdiction of other committees.

# COMMITTEE ON PUBLIC WORKS

## JURISDICTION

The jurisdictional core of the Committee on Public Works consists of the following policy areas: environment, water resources, economic development, transportation, disaster relief, and buildings and grounds. In addition, the committee has become involved in energy policy. The committee's responsibility over environmental issues flows from its jurisdiction over the Clean Air Act, resource recovery, Federal Water Pollution Control Act, and part of the Environmental Protection Agency budget requests. Public Works has also been very active in the area of economic development through its jurisdiction over Appalachian regional development programs and Economic Development Administration programs in the Commerce Department. Traditionally, the committee has exercised jurisdiction over the activities of the Army Corps of Engineers' civil construction program. The committee has primary jurisdiction over water resources development—that is, the development of rivers, harbors, beaches, small watersheds, and other water related facilities. Public Works is also involved in the area of transportation through its responsibility for the Federal highway aid program. Recently, it has also been active in the development of urban rapid transit systems related to the highway program, energy conservation on the highways, and highway safety.

## JURISDICTIONAL ISSUES

The major jurisdictional overlaps faced by the Committee on Public Works are in the areas of environment, water resources, transportation, and economic development. There are no major overt jurisdictional conflicts in any of these areas, because in most cases the jurisdictional problems have been worked out with the committees involved.

*Environment.*—Public Works asserts the major jurisdiction over most pollution control legislation, although it shares this jurisdiction in some cases with the Commerce Committee and the Committee on Interior and Insular Affairs. Its jurisdiction includes air pollution control, water pollution control, noise pollution control, most solid waste, and some toxic substances issues. It shares most of those areas with the Commerce Committee or the Interior Committee. Commerce and Public Works experience jurisdictional overlap in the area of water pollution control. Public Works and Aeronautical and Space Sciences have considered ozone depletion of the upper atmosphere.

Public Works has responsibility for the Federal Water Pollution Control Act, while Commerce is responsible for safe drinking water legislation. Given the close connection between water pollution and the quality of drinking water, this must be considered a serious case of jurisdictional overlap. The Public Works Committee reported the basic legislation in solid waste, the Solid Waste Disposal Act of 1965 and the Resource Recovery Act of 1970. However, the Commerce Committee has asserted jurisdiction over aspects of this issue through its responsibility for such matters as rate adjustments and product regulation and labeling. Recently, the Resource Recycling and Conservation Act was referred to the Commerce Committee. Earlier, the Materials and Energy Recovery Act of 1975 was referred sequentially, first to Public Works and then to Commerce.

Another area of environmental jurisdictional overlap is control of toxic substances. Commerce has jurisdiction over toxic substance regulation, but Public Works is responsible for air and water quality legislation, embracing provisions for control of the emission and disposal of toxic substances.

The foremost point of overlap in the environmental area is general environmental policy and procedures for reaching environmental decisions. At the time the National Environmental Protection Act (NEPA) was passed, after being reported from the Interior Committee, the Public Works Committee was also considering general environmental quality legislation. In the end, Interior claimed primary jurisdiction over NEPA and the Council on Environmental Quality. Public Works did report a bill in 1970 as title II of the water pollution control bill, which establish an Office of Environmental Quality to act as staff to the Council on Environmental Quality established in the NEPA. This became law, and the authorization of the Office is used for part of CEQ's funding authority.

*Water resource projects.*—Another major area of jurisdictional overlap with Interior concerns water resource projects. The Public Works Committee authorizes a large share of water resource projects, as mentioned above, but the Interior Committee authorizes Bureau of Reclamation projects and has jurisdiction over the Water Resources Council. Because Public Works is responsible for the civilian operations of the Army Corps of Engineers, this entails some overlap with Interior's jurisdiction over water resources.

Public Works has a jurisdictional overlap with most of the committees in the Senate on questions of buildings and grounds. In most cases, Public Works allows the committee exercising jurisdiction over the program housed in the building to assume jurisdiction for the building and grounds involved. This practice is not formalized, however. Jurisdictional overlap has also occurred in the areas of roads in the Federal domain, economic development (E.D.A.), disaster relief (without conflict), transportation (mainly with Agriculture over rural transportation, with Commerce over transportation regulation, with Finance over the Highway Trust Fund, with Banking over urban transportation), and energy.

## COMMITTEE ON RULES AND ADMINISTRATION

### JURISDICTION

The Senate Rules and Administration Committee, considered until recently a minor committee, has in the last few years performed weighty assignments, including: review of two Vice Presidential nominations; investigations of several difficult contested senatorial elections; consideration of the Congressional Budget and Impoundment Control Act; resolutions to establish an Intelligence Oversight Committee, and the bills to establish and reestablish the Federal Elections Commission; and exhaustive preparations for a Senate impeachment trial. Its major concern has been funding of staff and expenses for committees pursuant to its jurisdiction over the Contingent Fund, and rules and procedures of the Senate. Other concerns include: the Office of the Architect of the Capitol; space and facilities in the Sen-

ate buildings; computer services for the Senate; congressional elections; elections in general; the Library of Congress; Government Printing Office, the Smithsonian Institution; the Federal Register; and the Congressional Record.

It has jurisdiction over Presidential nominations for: Vice President; Librarian of Congress; Public Printer; and members of the Federal Elections Commission. The Senate members of two joint oversight committees—Library and Printing—are appointed from the membership of the committee, whose chairman also serves as chairman of one of these joint committees and vice chairman of the other, alternating each year with the House Administration Committee chairman.

Much of the committee's responsibility is administrative, but in recent times it has exercised investigative and legislative authority in highly visible and controversial subject areas. The House, of course, has separate Committees on Rules and on Administration.

## JURISDICTIONAL ISSUES

Jurisdictional overlap occurs with these agencies:

*Senate floor.*—Rules revisions or temporary exceptions and administrative or housekeeping matters—such as funds for committee staff and printing authority—frequently are considered directly on the floor without referral to the committee as required by the rules. Usually, such actions are cleared informally with the chairman and others, but occasionally jurisdictional authority is abridged.

*Secretary of the Senate.*—Jurisdiction over enrolled bills has resided with the Secretary of the Senate since 1947. In the House, the Committee on Administration exercises this jurisdiction. The Committee on Enrolled Bills was one of the six committees consolidated in the Committee on Rules and Administration by the 1946 LRA, but rule XIV was amended early in 1947 to give this authority to the Secretary. This may be an anomaly; it apparently represents no conflict.

*Committee on Public Works.*—Although Rules and Administration has jurisdiction over the assignment of office space and facilities, Public Works authorizes construction and major modification of Senate office buildings. Rules may not be adequately consulted about the design of such facilities, although the membership or the chairman of the Rules Committee on the Senate Office Building Commission may assist in coordination on this subject.

*Finance.*—The Federal Election Campaign Act has major provisions which amended the Internal Revenue Code. The Committee on Rules and Administration considered early bills under joint referral, but reported the later ones following informal consultation with Finance.

*Government Operations.*—Amendments to the Legislative Reorganization Act and in recent years such specific proposals as the Congressional Budget and Impoundment Control Act, the Select Committee on Intelligence, and the "Government in the Sunshine Act" legislation, effected major changes in the Rules but received initial consideration in Government Operations, with joint or sequential referral to Rules and Administration.

*Legislative Branch Appropriations Subcommittee.*—While the jurisdictions of Rules over standing, special, and select committee staff

funds, and of the subcommittee over Senators' personal, joint committee, and other Senate staff allowances, are well settled, overlap questions may occur during floor considerations of the legislative appropriations bill. Similarly, provision of funds for Senate office building facilities may result in authorizations overlap. S. Res. 60 may represent a controversial solution to a staffing problem which resulted in part from jurisdictional overlaps. Along with the two Budget Committees, the subcommittee seems to have major oversight jurisdiction for the Congressional Budget Office, although this new agency primarily provides research and staff for Senate and House committees.

*Architect of the Capitol.*—The President appoints the Architect, who is the only chief administrator for some functions of the Congress as a whole. His nomination is not, however, subject to the formal approval of the Senate or review by Rules and Administration. No major administrative conflict is reported.

*All committees.*—Of course, insofar as the Committee on Rules and Administration sets limits on resources requested by committees or considers proposals to create new committees which would be assigned jurisdiction held by existing committees, its jurisdiction has potential overlap with all committees.

The Joint Committees on the Library and on Printing are, in effect, oversight committees of the standing committee.

*The Technology Assessment Board.*—The Congress appears to have created a new type of congressional joint committee—the Technology Assessment Board—to oversee the Office of Technology Assessment. The Office primarily provides major research assistance to Congress, (that is, staff or contract assistance complementary to that provided by the Rules Committee) at the request of Senate and House committees. Jurisdictional relationships among the Board, the Rules Committee, and the Legislative Appropriations Subcommittee may not be clear.

## COMMITTEE ON VETERANS' AFFAIRS

### JURISDICTION

Veterans' Affairs was created in 1970, after many years in which proposals for a separate committee had been unsuccessful. Most of its important jurisdiction previously resided in the Finance and Labor and Public Welfare Committees. The committee has responsibility for "veterans' measures, generally," and rule XXV names some of these specifically. The committee's concerns include disability compensation, the health care system and various readjustment programs such as vocational rehabilitation, education, and housing benefits. (Housing is not enumerated in rule XXV but is considered to be included in "veterans' measures, generally," and "readjustment of servicemen to civil life.") Other committee concerns of lesser interest include pensions, life insurance, and national cemeteries.

### JURISDICTIONAL ISSUES

*Housing benefits.*—The committee has encountered measures relating to the veterans' housing programs that technically fall within the jurisdiction of the Banking Committee. In one case, the committee

amended the Federal Credit Union Act to make it consistent with VA mobile home loans covered in the Veterans' Housing Act of 1974.

In another case, the committee included a provision in the Veterans' Housing Amendments Act of 1976 that exempted VA loans from State usury requirements. In both instances, the chairmen and ranking minority members of the House and Senate Banking Committees were informed of the Veterans' Committee's intentions and a letter was obtained from the chairmen stating that they would have no jurisdictional objections. It is expected that any future measures of this nature would be handled in the same manner; that is, ascertaining from the committee chairman involved if there is objection to considering such a measure.

Another jurisdictional issue relating to veterans' housing is the loan guarantee for veterans' home loans. An informal agreement was reached recently with the Banking Committee that the Veterans' Committee would assume jurisdiction over the home loans, but that the Banking Committee would continue to govern the interest rates on such loans. Any questions that arise from this arrangement are handled by phone conversations between staff.

*Health care system.*—The veterans' health and medical programs of the committee are affected by actions of the Labor and Public Welfare Committee. An informal working relationship exists between the two staffs. The Veterans' Committee attempts to incorporate changes in the VA medical delivery system as the Labor and Public Welfare Committee makes changes in the public medical delivery system. An example of this is Labor and Public Welfare's development of the Professional Standard Reviewer Organization standards for physicians. The Veterans' Committee developed a similar organization and standards for VA physicians. Joint hearings have been held between the two committees on topics of mutual interest—that is, psychosurgery and drug problems. (The drug problems were addressed by the Alcohol and Narcotics Subcommittee of Labor and the Health and Hospitals Subcommittee of Veterans' Affairs.)

*Veterans' employment.*—The Veterans' Committee has developed a bill creating an Under Secretary of Labor for Veterans' Employment, and questions have arisen as to whether the measure falls under the jurisdiction of the Veterans' Committee or that of Labor and Public Welfare.

Every major veterans' need dealt with by the committee is considered by some other committee in terms of the public as a whole. The three committees exercising the most extensive overlapping responsibilities for the general populace—that is, health, housing, education, and pensions—are Labor and Public Welfare, Banking, and Finance. In fact, these three panels handled most of the jurisdictional domain of the Veterans' Committee prior to the latter's formation in 1970. It should be noted that there is also extensive membership overlap between Veterans' Affairs and these three committees.

In the 94th Congress, four of the nine members of Veterans' Affairs also served on the Labor and Public Welfare Committee; three of the nine served on Finance; one of the nine served concurrently on Banking. Overlapping memberships help to ameliorate potential jurisdictional conflicts.

# SELECT COMMITTEE ON NUTRITION AND HUMAN NEEDS

## JURISDICTION

Following revelations of chronic hunger and severe malnutrition in the United States, the Senate on July 30, 1968, voted unanimously to create a Select Committee on Nutrition and Human Needs. The authorizing resolution (S. Res. 281), which was reported by the Labor and Public Welfare Committee, stated in part:

> That there is established a select committee of the Senate composed of three majority and two minority members of the Committee on Labor and Public Welfare, three majority and two minority members of the Committee on Agriculture and Forestry, and two majority and one minority Members of the Senate appointed by the President of the Senate from other committees, to study the food, medical, and other related basic needs among the people of the United States and to report back to the appropriate committees of the Senate and terminate its activities not later than June 30, 1969. Such report may contain such recommendations as the Committee finds necessary to establish a coordinated program or programs which will assure every United States resident adequate food, medical assistance, and other related basic necessities of life and health and shall in addition contain appropriate procedures for Congressional consideration and oversight of such coordinated programs.

In summary, the select committee was directed to examine, investigate, and study any and all matters pertaining to the lack of food, medical assistance, and other related necessities of life and health. The committee has been reauthorized continuously since its creation.

The select committee's mandate emerged from the hearings and investigations into hunger and malnutrition conducted by Labor and Public Welfare's Subcommittee on Employment, Manpower, and Poverty.

## JURISDICTIONAL ISSUES

The select committee generates recommendations for legislative action; other committees must approve and report the legislation unless Members bring such provisions up as floor amendments. In conducting studies, investigations, and oversight, the select committee may bridge the legislative concerns of several standing committees—including Agriculture and Forestry and Labor and Public Welfare, which are formally represented on the select committee. The select committee in recent years has broadened its scope of activities from oversight of Federal food and health programs for the poor to the nutritional problems of the population as a whole. It is exploring ways to develop a comprehensive national nutrition policy and to assist consumers in such areas as food advertising, product labeling, food additives, food-pricing practices, and the relationships between diet and good health.

# SELECT COMMITTEE ON SMALL BUSINESS

## JURISDICTION

The jurisdictional authority of the committee will change in a major way with the beginning of the 95th Congress, when it will gain legislative authority over the Small Business Administration (SBA). The two primary acts administered by SBA are the Small

Business Act and the Small Business Investment Act. To this point, the committee has possessed no legislative authority. Important as the new power is, it is expected primarily to reinforce the committee's present emphasis upon SBA and the economic problems of small business generally.

Beyond SBA, the committee has had:

> The duty . . . to study and survey by means of research and investigation all problems of American small-business enterprises, and to obtain all facts possible in relation thereto which would not only be of public interest, but which would aid the Congress in enacting remedial legislation, and to report to the Senate from time to time the results of such studies and surveys." (S. Res. 58, 81st Congress)

To this ambitious end, the committee during the first session of the 94th Congress held hearings on competition in the drug industry, small business tax issues, economic problems of the fishing industries, regional small business problems, SBA's section 8(a) subcontracting program, solar energy, the hearing aid industry, bank giveaways, the family farm, industrial noise, SBA's procurement assistance programs, SBA's surety bond guarantees, and questions of small business and energy policy.

### JURISDICTIONAL ISSUES

The Small Business Committee has held no legislative authority; but because of its broad interests, its activities overlap with the jurisdiction of other committees. This overlap appears, however, to be only a potential source of conflict. The Commerce Committee, for example, has exercised no oversight jurisdiction over the small business aspects of issues within their purview: reportedly, in fact, Commerce has held no hearings on small business issues during the past 13 years. Small Business has held joint hearings with other committees on such matters—notably with the Joint Economic Committee on the problems of small business, and with Interior on reclamation projects involving family farms. Cooperation also takes the form of legislation that is conceived in the Small Business Committee but nurtured in authorizing committees. Examples include the small business tax cut that went to Finance, the bill creating the Commission on the Paperwork Burden that went to Government Operations, and various bills on drugs, solar energy, and wholesome meat that were written after hearings held by the Small Business Committee. A recent amendment emerged from the committee which would have provided relief from natural disasters involving a public utility; this initiative was unsuccessful, apparently due to substantive or jurisdictional concerns originating in the Banking Committee's Small Business Subcommittee.

## SELECT COMMITTEE ON STANDARDS AND CONDUCT

### JURISDICTION

Created by direct Senate floor action in 1964 as a permanent select committee. Standards and Conduct acts as an investigatory, advisory, and disciplinary committee. It appears not to utilize its limited legislative authority. This legislative authority, stated in sec. 2 (3) (a) and

(b) of the originating resolution (a part of the standing orders, not of Senate rule XLIV on disclosure), is to:

> Recommend to the Senate . . . rules and regulations . . . to insure proper standards of conduct by Members . . . officers, or employees of the Senate, in the performance of their duties and the discharge of their responsibilities . . . and . . . from time to time . . . transmit . . . its recommendations as to any legislative measures . . . necessary for the effective discharge of their responsibilities; . . .

The committee's original investigatory, consultative, advisory and disciplinary power included the duties to:

> Receive complaints and investigate allegations of improper conduct . . . violations of the law, and violations of the rules and regulations of the Senate . . . recommend by majority vote disciplinary action . . . after due notice and opportunity for hearing.

More recently, the committee has been:

1. Assigned implied consultative authority over the use by Senators of secret and confidential Government documents (1973), the result of a recommendation of another ad hoc committee;
2. Directed by Public Law 93–191 to "provide guidance, assistance and advice . . . in connection with the mailing . . . of franked mail"; and
3. Assigned the duty, in Senate Resolution 400, 94th Congress (creating the Intelligence Committee),

> To investigate any unauthorized disclosure of intelligence information . . . report to the Senate concerning any allegations which it finds to be substantiated . . . and recommend appropriate actions such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

## JURISDICTIONAL ISSUES

Overlap occurs as follows:

*Committee on Rules and Administration.*—Issues examined by the Subcommittee on Privileges and Elections and, potentially, rules changes affecting standards of conduct fall also under the jurisdiction of Standards and Conduct. Potential problems may be ameliorated by the present situation whereby the same Senator serves as chairman of both committees; but it has been periodically questioned whether a separate Committee on Rules should exercise the current jurisdictions of the Committee on Standards and Conduct plus those of the Subcommittees (of Rules) on Privileges and Elections and on Standing Rules.

*Post Office and Civil Service.*—This committee apparently has yielded entirely to Standards the question of Senators' use of the frank, although further legislation would presumably be reported by Post Office.

*Government Operations.*—The Government Operations Committee reports legislation on lobbying which may relate to the concerns of standards, but any overlap seems to be satisfactorily handled by staff consultation.

*Secretary of the Senate.*—The major burden of giving advisory opinions on standards of conduct seems now to rest with the committee rather than with the Secretary of the Senate, as previously, but this is not codified in the Rules of the Senate. This authority presumably embraces enforcement of rule XLIV.

At least one member, it should be noted, believes the Committee on Standards and Conduct should not become enmeshed in legislation nor have primary responsibility for establishing rules on conduct or other matters under its investigative and disciplinary jurisdiction. Members may also feel the advisory opinions role should be minimized. No potential for jurisdictional conflict exists under this view.

## SPECIAL COMMITTEE ON AGING

### JURISDICTION

In 1959, Labor and Public Welfare Chairman Lister Hill appointed a Subcommittee on Problems of the Aged and Aging. Senator Pat McNamara was named chairman of that subcommittee. In its final report, the subcommittee recommended that a special committee of the Senate be created to give coordinated review to the problems of the aged. At the start of the 87th Congress, the Senate agreed to establish a Special Committee on Aging. The Committee originally had 9 members but within 3 weeks was expanded to 21 members. With 23 members in 1976, it is the second largest Senate committee.

According to its authorizing resolution (S. Res. 33), the Special Committee on Aging has the responsibility:

> To make a full and complete study and investigation of any and all matters pertaining to problems of older people, including but not limited to, problems of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and, when necessary, care or assistance.

The Special Aging Committee serves as a central focal point in the Senate for issues, actions, and programs related to the Nation's older citizens. It has been reauthorized continuously since 1961.

### JURISDICTIONAL ISSUES

The Special Committee on Aging has no legislative authority. As a result, no bills are referred to it nor does the committee have the authority to report measures. As a study, oversight, and investigative committee, its activities overlap almost every Senate committee. The concerns of the aged cut across the jurisdictions of numerous committees. Perhaps the special committee's overlaps are most pronounced with the Subcommittee on Aging of the Committee on Labor and Public Welfare; the Finance Committee, regarding health and social security matters; the Commerce Committee, over consumer issues such as prescription drug advertising; and the Banking Committee, with respect to housing for the aged. While its scope is broad, the special committee has had few conflicts with the standing committees.

## JOINT COMMITTEE ON ATOMIC ENERGY

### JURISDICTION

The Joint Committee on Atomic Energy was first organized on August 2, 1946. It is the only joint committee of Congress authorized to receive and report proposed legislation. The enacting legislation (Atomic Energy Act of 1946, Public Law 79–585) directed the com-

mittee to "make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use and control of atomic energy."

The Atomic Energy Act of 1954 (Public Law 83–703), which superseded the 1946 act, directed that the Atomic Energy Commission (now the Nuclear Regulatory Commission and the Energy Research and Development Administration, as the result of the enactment of the Energy Reorganization Act of 1974, Public Law 93–485) "shall keep the joint committee fully and currently informed with respect to all of the Commission's activities." That act also directs the Department of Defense to keep the joint committee "fully and currently informed with respect to all matters within the Department of Defense relating to the development, utilization, or application of atomic energy." The 1954 act also established the joint committee's jurisdiction over atomic energy activities in other agencies of the Government: "any Government agency shall furnish any information requested by the joint committee with respect to the activities or responsibilities of that agency in the field of atomic energy."

The Atomic Energy Commission was terminated on January 19, 1975, and its regulatory functions transferred to the Nuclear Regulatory Commission and the nuclear programs to the Energy Research and Development Administration. The Joint Committee is the exclusive congressional agent statutorily responsible for oversight and legislation for the new Commission as well as for the nuclear programs of ERDA. The Atomic Energy Act of 1954 mandates that all bills, resolutions and other matters in the Senate or the House of Representatives relating primarily to the development, use, or control of atomic energy "shall be referred to the joint committee."

The jurisdiction of the Joint Committee on Atomic Energy embraces nuclear activities in all agencies and departments of the Government. The Joint Committee receives information primarily from NRC, ERDA, DOD, the Department of State, and the Central Intelligence Agency on topics pertinent to atomic energy. The Joint Committee also is responsible for authorizations for ERDA nuclear programs, and NRC; review of all international agreements in the military and civilian applications of atomic energy; and the safety and environmental impact of nucelar energy.

### JURISDICTIONAL ISSUES

The Joint Committee on Atomic Energy has encountered few jurisdictional problems, the main reason being that its jurisdiction is well defined: that is, all things atomic, including environmental pollution, energy, international agreements, safety, and development. One point of jurisdictional overlap, however, occurs in the field of solar energy research and development. The Joint Committee held a hearing on this topic in 1974, but has not pursued this subject in the 94th Congress. (Note: the Interior and Insular Affairs Committee exercises broad jurisdiction over the solar area.) Another more important jurisdictional issue occurred during the creation of the Energy Research and Development Administration and the resolution of committee jurisdiction, vis-a-vis the Interior Committee.

# JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

## JURISDICTION

The Legislative Reorganization Act of 1970 created the Joint Committee on Congressional Operations. The committee's duties and responsibilities are to:

1. Engage in continuing study of congressional organization and operation; recommend improvements to strengthen Congress, simplify its operations, improve its relationships with the other branches of Government, and enable it to better meet its responsibilities under the Constitution;

2. Identify and call the attention of the Houses of Congress to any court proceedings and actions of vital interest to them, and make recommendations concerning these proceedings;

3. Control and supervise the Office of Placement and Office Management, which has the duty to assist in locating for Congress "competent personnel with specified qualifications" and "to furnish advice and information with respect to office procedures."

When the House adopted parts of the Bolling Committee's reform package in 1974, it directed the House members of JCCO to review committee jurisdiction on a continuing basis and work with the Senate members of the Joint Committee "in an effort to rationalize the committee jurisdictions between the Houses."

## JURISDICTIONAL ISSUES

The Joint Committee on Congressional Operations, having no legislative jurisdiction, is not involved in overlap or conflict on legislative measures. However, the broad mandate of the committee does mean that its studies and recommendations deal with matters which fall within the jurisdictions of other committees of both the Senate and the House of Representatives. In the Senate these other committees include, but are by no means limited to, the Committee on Rules and Administration and the Committee on Government Operations. The studies and recommendations of the Joint Committee could affect any or all of the committees in the Senate, depending upon the subject matter, but in most cases cooperation rather than conflict has characterized the relationships.

Jurisdictional issues involving the Joint Committee on Congressional Operations may be raised by the creation of such entities as the Temporary Select Committee To Study the Senate Committee System, the Commission on the Operation of the Senate, and the now expired Select Committee on Committees of the House of Representatives. The fact that these entities were created, despite the inclusive mandate of the Joint Committee, suggests that a joint committee may not be considered an appropriate mechanism for dealing with organizational matters directly concerning only one House.

# JOINT COMMITTEE ON DEFENSE PRODUCTION

## JURISDICTION

The Defense Production Act of 1950 established a joint congressional committee, the Joint Committee on Defense Production. The

committee was to be composed of 10 members, 5 selected from the Senate Committee on Banking and Currency and 5 selected from the House Committee on Banking and Currency. The committee composition in 1976 remains as specified in the 1950 Act.

The Joint Committee has the responsibility:

> To make a continuous study of the programs and of the fairness to consumers of the prices authorized by this Act and to review the progress achieved in the execution and administration thereof. Upon request, the Committee shall aid the standing committees of the Congress having legislative jurisdiction over any part of the programs authorized by this Act; and it shall make a report to the Senate and the House of Representatives, from time to time, concerning the results of its studies, together with such recommendations as it may deem desirable. Any department, official, or agency administering any of such programs shall, at the request of the committee, consult with the committee, from time to time, with respect to their activities under this Act.

The committee fulfills an oversight responsibility in two areas of defense production. First, it oversees the currency of civil industrial and economic preparedness activity in the event of national emergencies (defined to include transportation or resource interruptions that would indirectly affect the country's defense posture, as well as war). It reviews the related activities of the Federal Preparedness Agency, the Defense Civil Preparedness Agency, the Federal Disaster Assistance Administration, and 35 or so other agencies which have been delegated preparedness responsibilities. It is mandated to review voluntary agreements (which would otherwise be in restraint of trade) to help provide for the national defense through the development of preparedness programs and the expansion of productive capacity when the President finds a direct threat to the United States exists. It oversees the policy objectives of the strategic stockpiles as well as other materials availability questions currently under review by the National Commission on Supplies and Shortages.

The second area of its oversight includes defense procurement and contracting principally through review of material acquisition and contracting practices. It has sole oversight of the activities of the Cost Accounting Standards Board.

## JURISDICTIONAL ISSUES

The Joint Committee's legislative responsibilities are confined to assisting the standing committees, when requested, on matters related to defense production. In practice, this has generally meant assisting the banking committees of both Houses on legislation affecting the Defense Production Act of 1950. Hence, the Joint Committee sees itself functioning in an advisory rather than a duplicative manner, and reports no legislative overlaps.

The Joint Committee's oversight responsibilities for the civil emergency preparedness and economic and industrial mobilization activities of the Federal Government and for the programs authorized under the Defense Production Act of 1950 involve oversight of a number of units in agencies or departments for which standing committees have responsibility. These include the Defense Civil Preparedness Agency of the Defense Department (Armed Services), Defense Electric Power Administration of the Interior Department (Interior), Federal Dis-

aster Assistance Administration of the Department of Housing and Urban Development (Banking), and mobilization- or preparedness-related functions in almost every Federal agency. The standing committees do not review these agencies in terms of their civil preparedness, economic crisis, or industrial mobilization functions or implications. Thus, while the Joint Committee's oversight program involves many agencies, its very specialized oversight mandate has not evidenced duplication of the oversight functions of the standing committees.

## JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

### JURISDICTION

The statutory duties of this nonlegislative joint committee, created in 1926, are to: investigate the tax system and its administration; investigate and recommend proposals for simplifying taxes; and review proposed income tax refunds of more than $100,000. In practice, the major rationale for the Joint Committee is that it provides a nonpartisan technical tax staff which acts as the staff of both the Senate Finance Committee and the House Ways and Means Committee when those committees deal with tax legislation. In addition to providing a high level of staff expertise in an extremely complex area, this unique joint staff, as it assists one committee and then the other, helps both understand each other's views and facilitates compromises in conferences.

Subject to the review of the Joint Committee—which consists of five Members from the Finance Committee and five from House Ways and Means—the staff also conducts studies and investigations of the Internal Revenue Service and provides revenue estimates and tax expenditure data to the Budget Committees of both Houses. It spends about 5 percent of its time on reviews of large tax refunds.

Currently pending legislation would change the committee's name to Joint Committee on Taxation and raise to $200,000 the level of proposed income tax refunds for which review is required. It is hoped that this change will give the staff time to spot check proposed refunds at all levels.

### JURISDICTIONAL ISSUES

Because its members come from the two committees it serves, the Joint Committee has no conflict of jurisdiction with those committees. However, the Joint Committee rarely makes public recommendations on tax legislation; the issuance of such recommendations in the past aroused some antagonism from non-Joint Committee members of the two revenue committees.

The Joint Committee has no authority to receive or report legislation and therefore no jurisdictional overlaps with other committees. The Joint Committee's staff does become involved in the subject areas of other committees to the degree that the Finance Committee's tax jurisdiction overlaps such areas.

# JOINT COMMITTEE ON PRINTING

## JURISDICTION

The Joint Committee on Printing, established in 1846, serves as a board of directors for the Government Printing Office (GPO). The committee is charged with the responsibility of overseeing the printing, binding, and distribution of Government publications, and is authorized to "use any measures it considers necessary" in order to remedy neglect, delay, duplication, inefficiency, or waste in the preparation and distribution of Government publications. It also controls the arrangement and style of the Congressional Record, and compiles the Biographical Directory of the Congress of the United States, eulogies of Members of Congress, and the Congressional Directory.

By statute, all printing, binding, and blank-book work for Congress, the Executive Office, the Judiciary (except the Supreme Court of the United States), and every executive department, independent office, and Government unit, shall be done at GPO. This provision of law has been modified, however, by the establishment of the Federal printing procurement program, which seeks to maximize opportunities for the commercial printing of Government publications. In practice, nearly three-fourths of all Government publications are printed by commercial printers. This work is produced under contracts made by the Public Printer, with the approval of the Joint Committee on Printing.

## JURISDICTIONAL ISSUES

Because the Joint Committee on Printing has no legislative authority, it has no jurisdictional overlap with other committees of the Senate. Its oversight responsibilities, however, involve a number of Federal departments and agencies over which the standing committees have responsibility.

# JOINT ECONOMIC COMMITTEE

## JURISDICTION

Established by the Employment Act of 1946, this joint body now consists of 10 Senators and 10 Representatives. Its functions are: to make a continuing study of matters relating to the President's annual economic report; to report to both Houses of Congress, on March 1 of each year, its findings and recommendations on each of the President's main recommendations in the economic report; to make such other reports and recommendations as it deems advisable; and to study means of coordinating programs in order to further the policy of the Employment Act.

That act establishes the continuing policy and responsibility of the Federal Government "to use all practicable means * * * to promote maximum employment, production, and purchasing power." The President's economic report is required to state the existing levels of employment, production, and purchasing power, current and foreseeable trends in such levels, the levels needed to promote the policy

of the act, a review of the Government's economic program, a review of economic conditions affecting employment, a program to carry out the act's policy, and such legislative recommendations as he deems necessary or desirable.

The Congressional Budget Act of 1974 requires the Joint Economic Committee to provide both budget committees with an economic evaluation of the President's current services budget by December 31 of each year. By March 15 it must give those committees its views and estimates on the first concurrent resolution on the budget and its recommendations on fiscal policy appropriate to the goals of the 1946 Employment Act.

## JURISDICTIONAL ISSUES

The Joint Economic Committee has no legislative authority; no bills are referred to it, nor may it report measures. As a study committee, however, its interests embrace the jurisdictions of almost every other Senate committee, especially Budget, Finance, and Banking, Housing, and Urban Affairs.

Under the provisions of S. 50 (revised version of March 16, 1976), the Humphrey-Hawkins bill, the Joint Economic Committee would have jurisdiction over concurrent resolutions to approve, disapprove, or modify an annual full employment and balanced growth plan to be submitted by the President. The committee would also be required to provide the Budget Committees with economic level numbers for inclusion in the concurrent budget resolutions.

75-850—76——6

## SECTION 8. PRESENT JURISDICTIONS OF COMMITTEES OVER DEPARTMENTS AND AGENCIES

The relationship between the committees of the Senate, on the one hand, and administrative departments and agencies, on the other, is by no means one-to-one. Rather, it is some-to-some. Except for the Committees on the Budget and Aeronautical and Space Sciences, every standing committee of the Senate—plus the Select Committee on Intelligence and the Joint Committee on Atomic Energy—has legislative jurisdiction over several departments and agencies.[1] Every department and agency, in turn, is responsible to one or more of the Senate's subcommittees of the Committee on Appropriations, and to the Senate's Committee on Government Operations. Departments and agencies are also subject to the sporadic interest of a variety of other select, special, and joint committees. With continuing growth in the number of Senate committees and subcommittees and of departments and agencies, the relationship between these legislative and administrative units has become increasingly complex.

TABLE I.—NUMBER OF DEPARTMENTS AND AGENCIES WHOSE SPENDING PROGRAMS ARE IN THE JURISDICTION OF AUTHORIZING COMMITTEES

| Committee | Cabinet departments | Other executive agencies [1] | Independent commissions | Other | Total |
|---|---|---|---|---|---|
| Agriculture | 5 | 4 | 1 | 1 | 11 |
| Aeronautical and Space Sciences | 0 | 1 | 0 | 0 | 1 |
| Armed Services | 5 | 5 | 0 | 1 | 11 |
| Banking | 6 | 10 | 1 | 1 | [2] 18 |
| Commerce | 8 | 4 | 11 | 0 | [2] 23 |
| District of Columbia | 4 | 0 | 0 | 4 | 8 |
| Finance | 4 | 2 | 2 | 1 | 9 |
| Foreign Relations | 6 | 6 | 1 | 0 | [2] 13 |
| Government Operations | 0 | 9 | 1 | 4 | [2] 14 |
| Interior | 6 | 10 | 2 | 1 | [2] 19 |
| Joint Atomic Energy | 1 | 1 | 1 | 0 | 3 |
| Judiciary | 5 | 6 | 3 | [4] 12 | [2][3] 26 |
| Labor | 5 | 10 | 7 | 0 | [2] 22 |
| Post Office and Civil Service | 5 | 5 | 1 | 4 | [2] 15 |
| Public Works | 7 | 7 | 1 | 3 | [2][3] 18 |
| Rules | 1 | 1 | 1 | 6 | [2][3] 9 |
| Veterans | 1 | 2 | 0 | 0 | 3 |

[1] Includes President, units in the Executive Office of the President, Vice President, independent and executive agencies government corporations and foundations, and internal boards of departments and agencies.
[2] Plus an unspecified number of temporary commissions.
[3] District courts and courts of appeals each counted as a single unit.
[4] Plus an unspecified number of other historical and memorial agencies.

Source: Derived from reports supplied by the Senate Computer Center, based on Congressional Budget Office data.

[1] The Aeronautical and Space Sciences Committee has legislative jurisdiction over the National Aeronautics and Space Administration alone. Beginning with the 95th Congress, the Select Committee on Small Business will exercise legislative jurisdiction over the Small Business Administration. Because the data used here concern the fiscal 1977 budget, they do not reflect the recently established legislative jurisdiction of the Select Committee on Intelligence.

How the Senate's committees mesh with the departments and agencies can be summarized in tabular form. Table I shows the number of cabinet-level departments, other executive agencies, independent boards and commissions, and other agencies over whose spending the Senate's authorizing committees had jurisdiction for the fiscal 1977 budget. The range is considerable and the mix is varied. The Committees on the Judiciary, Labor, and Commerce all have jurisdiction over more than a score of departments and agencies. In contrast, the Committee on Aeronautical and Space Sciences has legislative jurisdiction over only a single agency even though it has a broad oversight mandate over air and space activities of other agencies. Furthermore, the various spending programs of departments (and some agencies) fall under the jurisdictions of several authorizing committees. As chart 1 shows, the most extreme case is that of the Department of the Treasury, whose programs are split among 11 committees of the Senate. That this pattern is not limited to cabinet-level bodies is indicated by the fact that jurisdiction over programs of the Environmental Protection Agency is divided among four Senate committees—Agriculture, Commerce, Labor, and Public Works.

CHART 1

JURISDICTION OF THE SENATE'S AUTHORIZING COMMITTEES OVER SPENDING PROGRAMS OF CABINET-LEVEL DEPARTMENTS

| Department | Authorizing committee | | | | | | | | | | | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Agriculture | Aeronautical and Space | Armd Services | Banking | Commerce | District of Columbia | Finance | Foreign Relations | Government Operations | Interior | Judiciary | Labor | Post Office/ Civil Service | Public Works | Rules | Veterans | Joint Atomic Energy | |
| Agriculture | X | | X | X | | X | | X | | X | | X | X | X | | | | 9 |
| Commerce | | | | X | X | | X | X | | | X | | X | X | | | | 7 |
| Defense | X | | X | X | X | | | X | | X | | X | X | X | | | | 9 |
| HEW | X | | X | | X | X | X | X | | X | X | X | | | | | | 9 |
| HUD | | | | X | | | | | | | | | | X | | | X | 3 |
| Interior | | | | | X | | | | | X | | X | | X | | | | 4 |
| Justice | | | | | X | | | | | | X | | | | | | | 2 |
| Labor | | | | | | X | X | | | | X | X | X | | | X | | 6 |
| State | X | | | | X | | | X | | | | | | | | | | 3 |
| Transportation | | | X | X | X | | | X | | X | | | | X | | | | 6 |
| Treasury | X | | X | X | X | X | X | | | X | X | | X | X | X | | | 11 |
| Total | 5 | 0 | 5 | 6 | 8 | 4 | 4 | 6 | 0 | 6 | 5 | 5 | 5 | 7 | 1 | 1 | 1 | |

Note: An X signifies that the authorizing committee has jurisdiction over some or all of the department's spending progrems. A few budget accounts in the data were not assigned to any committee.

Source: Derived from reports supplied by the Senate Computer Center, based on Congressional Budget Office data.

CHART 2

JURISDICTION OF THE SENATE'S APPROPRIATIONS SUBCOMMITTEES OVER SPENDING PROGRAMS OF CABINET-LEVEL DEPARTMENTS

| Department | Appropriations Subcommittee | | | | | | | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Agriculture | District of Columbia | Defense | Foreign Operations | Independent agencies/ Housing | Interior | Legislative branch | Labor/ HEW | Military Construction | Public Works | State, Justice, Commerce | Treasury/ Post Office/ General | Transportation | |
| Agriculture | × | | | | | × | | | | | | | × | 3 |
| Commerce | | | | | | | | | | | × | | | 1 |
| Defense | | | × | × | × | | | × | × | | | × | × | 7 |
| HEW | × | | | × | × | × | | × | | | | | | 5 |
| HUD | | | | | × | | | | | | | | | 1 |
| Interior | | | | | | × | | | | | | | | 1 |
| Justice | | | | | | | | | | | × | | | 1 |
| Labor | | | | | | | | × | | | | | | 1 |
| State | | | | × | | | | | | | × | | | 2 |
| Transportation | | | | | | | | | | | | | × | 1 |
| Treasury | | | | | × | | | | | | | × | | 2 |
| Total | 2 | 0 | 1 | 3 | 4 | 3 | 0 | 3 | 1 | 0 | 3 | 2 | 3 | |

Note: An × signifies that the appropriations subcommittee has jurisdiction over some or all of the department's spending programs.
Source: Deprived from reports supplied by the Senate Computer Center, based on Congressional Budget Office data. Some of the programs of each department were not assigned to any committee in the CBO data.

Nor is there invariably a 1-to-1 relationship between departments and appropriations subcommittees. Some departments are responsible to more than one such subcommittee, and some subcommittees handle more than one department. A breakdown is provided in chart 2. Spending programs of the Department of Defense come under the jurisdiction of seven appropriations subcommittees, which is the most for any cabinet-level department. Five different subcommittees are in charge of the spending programs of the Department of Health, Education, and Welfare; three subcommittees, the spending programs of the Department of Agriculture; two subcommittees, the Departments of the Treasury and State. The Appropriations Subcommittee on Independent Agencies and Housing has jurisdiction over spending programs of four departments. The Subcommittees on Appropriations for Foreign Operations; Interior; Labor/Health, Education, and Welfare; State, Justice, Commerce; and Transportation each have jurisdiction over spending programs of three departments. The Subcommittees on Agriculture and Treasury/Post Office each consider the programs of two departments.

The complex jurisdictional system of the Senate's committees affects not only programs, but also the consideration of Presidential nominations requiring senatorial advice and consent. All the standing committees except Appropriations and Budget have jurisdiction over some nominations. Generally, a nomination is referred to the committee having authorizing jurisdiction over the nominee's department or agency. In cases where such jurisdiction is shared by several authorizing committees—the Department of Health, Education, and Welfare is an example—the nominations may also be split among committees. Thus, nominations to various HEW positions are referred either to Finance or to Labor and Public Welfare, depending on the programs to be supervised by the nominee. The Finance Committee considers nominations of the Department Secretary and other officials whose bureaucratic jurisdiction extends over the entire Department, including the Social Security Administration. Other HEW nominations are referred to Labor and Public Welfare. Alternatively, some nominations are referred jointly to committees sharing jurisdiction over the department or agency. For example, in 1975 the nomination of an assistant director for administration and finance of the ACTION Agency was referred jointly to Foreign Relations (which has jurisdiction over the Peace Corps, administered by the Agency) and Labor/Public Welfare (whose jurisdiction includes the domestic and antipoverty programs of ACTION). Also in 1975, there was joint referral of nominations of a deputy administrator and two assistant administrators of the Energy Research and Development Administration to the Joint Committee on Atomic Energy and the Committee on Interior and Insular Affairs—each of which have jurisdiction over certain ERDA programs.

TABLE II.—NUMBER OF NOMINATIONS REFERRED TO SENATE COMMITTEES IN 1975 AND NUMBER OF DEPARTMENTS AND AGENCIES TO WHICH THOSE NOMINATIONS WERE MADE

| Committees | Number of nominations referred [1] | Number of departments agencies, etc |
|---|---|---|
| Aeronautical and Space | 0 | 0 |
| Agriculture | 13 | 4 |
| Armed Services | 16 | 4 |
| Banking | 22 | 12 |
| Commerce | 39 | 11 |
| District of Columbia | 3 | 2 |
| Finance | 13 | 4 |
| Foreign Relations | 79 | 13 |
| Government Operations | 5 | 3 |
| Interior | 15 | 3 |
| Joint Atomic Energy | 5 | 1 |
| Judiciary | 76 | 5 |
| Labor | 64 | 11 |
| Post Office/Civil Service | 3 | 2 |
| Public Works | 8 | 5 |
| Rules | 7 | 2 |
| Veterans' Affairs | 0 | 0 |

[1] Does not include commissions and promotions in the armed services, the Coast Guard, the National Oceanic and Atmospheric Administration, the Foreign Service, or the Public Health Service.

Source: Derived from committee calendars.

Table II shows the number of individual nominations referred to each committee in 1975 and the number of departments and agencies that each committee's nominations concerned. There was considerable variety in both. The most nominations were considered by the Committee on Foreign Relations, which has jurisdiction over ambassadors and nominees to the United Nations and other international organizations; the Committee on the Judiciary, which considers nominees to Federal courts, U.S. attorneyships, U.S. marshalships, the Department of Justice and related agencies, and the Patent Office; and the Committee on Labor and Public Welfare, which has jurisdiction over many social agencies, including several multimember commissions and boards. In contrast, neither the Committee on Aeronautical and Space Sciences nor the Committee on Veterans' Affairs considered any nominations during 1975.

Altogether, the relationships between the Senate's committees and the departments and agencies are the accretions of time rather than the logical result of a single comprehensive organizational theory. One basis of organizing committees and agencies has been function: the Department of Housing and Urban Development, for example. Another basis of organization has been clientele: the Veterans' Administration and the Bureau of Indian Affairs are cases in point. A third basis or organization has been region: for example, urban or rural affairs.

As a result, when programs are developed in the areas of housing for veterans or Indians and urban or rural housing programs, there is a question as to whether they logically belong in the agency and the committee for housing or veterans or Indians or urban or rural matters. Moreover, many governmental activities concern some combination of function, clientele, and region. This is a major reason for overlap among committees, among departments and agencies, and between the two.

Whether or not the structure of this set of relationships is desirable is, of course, subject to considerable controversy. It has both costs and benefits for the Senate, the departments and agencies, policies and programs, the public, and the political system as a whole.

## SECTION 9. IMPLICATIONS OF THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT FOR THE SENATE COMMITTEE SYSTEM

The Congressional Budget and Impoundment Control Act of 1974 (P.L. 93–344) establishes procedures for Congress to determine national budget policies and priorities and to review Presidential impoundments. Some provisions of the reform became effective upon enactment (July 12, 1974); others were implemented later. The new Congressional process raises a number of issues directly related to the functions and operations of Senate committees. Is the new process leading to clarifications in committee jurisdictions? What are the special implications of the Act for the Appropriations, Finance and Joint Economic Committees, which traditionally have had responsibilities similar to some of those now mandated to the Budget Committee? Does the budget process encourage committees to perform more effectively their oversight and foresight functions? More generally, what are the effects of the new budget process upon the responsiveness of Senate committees to the needs and desires of the American people?

*Committee jurisdictions and the new budget process*

The 1974 budget reorganization is an overlay upon the old budgetary process: the existing jurisdictional structure was not altered but most Congressional institutions have been influenced by the changes. The Act created House and Senate budget committees, the Congressional Budget Office (a full-time professional staff for analytical studies), a complex set of new budgetary procedures, a timetable for budgetary actions, a change in the fiscal year, requirements for use of standardized budget terminology and information in the President's budget, and new provisions for controlling Presidential impoundments.

The Budget Act represents the first major attempt to change the Congressional budgetary process since the Legislative Reorganization Act of 1946, which authorized a Joint Budget Committee—consisting of Senate Finance and Appropriations and House Ways and Means and Appropriations. The purpose of the 1946 Act was to set early ceilings for the Federal budget, but initial attempts to implement that portion of the Act were unsuccessful, and the notion of a "legislative budget" was abandoned until passage of the 1974 Act.

Events of the past two years demonstrate that the new budget process has significant potential and present impact on the Senate committee system. This impact comes primarily through the altered budget timetable and requirement of reports on projected spending from the committees; the setting of broad economic and fiscal policy; establishment of targets in the first concurrent resolution and ceilings in the second concurrent resolution: impoundment control measures; and through control of new "backdoor" spending authority via the traditional appropriations process.

In accordance with Sec. 301(c) of the Budget Act, all standing committees of the Senate are required to submit reports by March 15 to the Senate Budget Committee. These reports, used in formulating the first concurrent resolution on the budget for the fiscal year beginning October 1, include the respective committees' views and estimates on matters within their jurisdictions. This exercise has given committees a more coordinated view of the spending authority associated with the programs for which they are responsible. In addition, each standing committee report includes estimates of new budget authority to be created or authorized by bills and resolutions within its jurisdiction expected to be effective for the next fiscal year.

The committees' reports form a major ingredient of the targets developed for the first concurrent resolution. These reports also oblige committees to make priority choices among existing or potential programs within their jurisdiction. From committee reports and our interviews, it is clear that the process of developing reports for the Budget Committee has encouraged the committees to become more aware of their jurisdictional responsibilities.

The first and second budget resolutions state first targets and then ceilings, respectively, for each of the functional categories of the budget. Formulation of the ceilings in some cases forces the Senate and the House to make choices—where in the past the Congress would leave the choice to committees or the Executive—or to emphasize only certain initiatives among many. This involves the Budget Committee, and reasserts the involvement of the Senate as a whole in the activities of authorizing committees and the Appropriations Committee. The process and the resultant budget policy have tended to limit the leeway that committees have in evaluating existing or proposed programs within their jurisdictions. Budget targets and ceilings tend to impinge upon the policy-making authority of committees by setting outer spending limits. They force committees to state priorities and make difficult choices among programs, rather than authorizing funds for all programs that have well-organized support.

Further, through the totals of each concurrent resolution, Congress sets what it determines is a proper degree of fiscal stimulus or restraint. The Budget Committee's authority to recommend fiscal policy, and the opposition of that committee's leaders to floor decisions which would break the targets—not generally resisted by leaders of other committees—has limited committees' freedom to pursue ever increasing authorizations for programs within their jurisdictional purview.

Generally, the Budget Committee has avoided setting line-item limits in the budget resolution or its accompanying report. However, the Committee or its leaders have opposed bills reported by other committees after passage of the first concurrent resolution. Several important debates have already occurred over the Budget Committee's relationship with other Senate committees. On one occasion, the Budget Committee opposed the funding level included in the military procurement authorization bill, and on another opposed the level of funds for the school lunch authorization, on the grounds that the measures exceeded expenditures authorized in the budget resolution. In both cases the Senate determined that the programs should be cut in order to stay within or close to the budgetary targets.

*Implications for the Finance Committee*

Another dispute occurred between the Budget Committee and the Finance Committee over the 1976 tax reform bill. The central question was whether the bill should be changed to comply with the revenue assumptions made in the first concurrent resolution of the FY 1977 budget. Budget Committee leaders reminded the Senate of the position the Congress had taken in the first budget resolution, while Finance Committee leaders reminded the Senate of its original opposition to those assumptions. The first concurrent budget resolution set a revenue target of $362.4 billion based in part on assumptions that a tax bill would reduce tax expenditures ("close loopholes") to increase revenues, by $2 billion over revenues projected under then current law and also extend the 1975 tax credit to the end of fiscal 1977, at a cost of $15.3 billion. The Finance reported bill, however, extended the credit tax only through June 30, 1977, and recommended $2 billlion less than Budget anticipated in new revenues from reforms. The bill's revenue total thus was within the target in the Budget resolution. Budget leaders argued the target was set at the assumption of more "reform" (reduction in tax expenditures) and with the recession tax deduction continued for the full period. Further, they argued public opinion would force Congress to continue the deduction for the full year, and the Finance plan therefore would actually break the targets by $2 billion.

After several days of debate, the Budget Committee was unable to muster enough votes to support its position and force compliance with the Budget Committee's interpretation of the revenue policy set in the first budget resolution. The Senate majority seemed to perceive the issue as a difference over policy rather than over the respective jurisdictions of Budget and Finance. Defenders of the Senate's action argued it was within the intent of the budget reform—that is, to set flexible targets which could be changed by the Senate before the ceilings were set in the second concurrent resolution.

*Implications for the Appropriations Committee*

The implementation of the new budget process affects the Appropriations Committee in at least nine major ways.

First in chronological order is the requirement that Appropriations, along with every other standing committee, submit, by March 15, (1) its views and estimates on all matters within its jurisdiction required to be included in the first concurrent resolution on the budget, and (2) its estimate of the total spending authority and outlays involved in legislation under its jurisdiction intended to be effective for the fiscal year beginning on October 1.

Second, the Act requires that the budget authority and outlays under the budget resolution be allocated among the Appropriations Committee and other committees, and that Appropriations subdivide its allocation among its subcommittees and report the subdivisions to the Senate.

Third, the Act provides that appropriations legislation for each fiscal year cannot be considered until the first concurrent resolution has been agreed to or a resolution waiving that provision has been adopted by the Senate.

Fourth, the Act subjects certain "backdoor spending" to the appropriations process. The funding of new contract and borrowing authority now depends on the action of the Appropriations Committee.

Fifth, the Appropriations Committee is also given jurisdiction to report an amendment limiting new entitlement authority for a fiscal year in another committee's legislation if that authority exceeds the most recent allocation of budget authority reported to the Senate. Since new entitlement authority for a fiscal year must be reviewed by the Appropriations Committee, it gives Appropriations another resource for centralized evaluation of spending.

Sixth, the provisions of the Act also require committees (including the Appropriations Committee in some cases) to estimate the cost of legislation that provides new budget authority (other than continuing appropriations). Because the cost of all new programs must be reported by standing committees, this requirement allows a Senate overview of proposed new authority that did not exist before the reform.

Seventh, all Congressional action on legislation providing new budget and entitlement authority (except for certain classes of legislation specified in the Budget Act) is required to be completed by seven days after Labor Day.

Eighth, the Appropriations Committee can be affected by the reconciliation process if changes in appropriations bills are required by the second concurrent resolution. If the Senate decides that appropriations have exceeded a desired ceiling in a specific functional budgetary category, then Appropriations Committee must reduce total funding in that category/area or the Senate must change the ceiling. The action of changing ceilings or shifting total appropriations within budget categories after passage of the second concurrent resolution is accomplished through reconciliation bills.

Ninth, after the second concurrent resolution has been adopted and any required reconciliation action completed, no legislation—from the Appropriations Committee or any other committee—which would exceed the total levels of new budget authority or outlays specified in the most recent resolution is in order in the House or the Senate. According to Section 311 of the Budget Act, Congress may not consider:

> . . . any bill, resolution, or amendment providing additional new budget authority . . . which would cause the appropriate level of total new budget authority or total budget outlays set forth in the most recently agreed to concurrent resolution on the budget for such fiscal year to be exceeded, or would cause revenue to be less than the appropriate level of revenues set forth in such concurrent resolution.

Section 311 gives the new budget process and the Budget Committee authority to reject legislation, such as supplemental appropriations (which were very common before this procedure), that would exceed the last concurrent resolution. This is the first time that Congress has made formal restrictions on spending and the raising of revenues after the fiscal year has begun. The new process forces Congress to stay with its reconciliation of spending, revenues, and debt after the beginning of the fiscal year. Therefore, Section 311 invests the Budget Committee and the new process itself with extraordinary power to assure that the final deadline is kept and that all regular bills are passed before the start of the fiscal year to which they apply.

Relationships between the Appropriations Committee and the Budget Committee have been characterized as increasingly cooperative, based on a developing recognition that their interests are common rather than competitive. One of the few jurisdictional disputes be-

tween the two Committees occurred over referral of Presidential impoundment messages. Title X of the Budget Act, which has not had the anticipated Congressional control of impoundments that some had hoped, requires the President to report impoundments to the Congress as either deferrals or rescissions.

The President is required to report impoundments as rescissions if he anticipates no future need for the funds or if the withheld funds would lapse if not obligated before the end of the fiscal year. But he must release funds reported as rescissions unless Congress *approves* the rescission (by passage of a rescission resolution) within 45 days of continuous session after the President notifies it of the rescission. The President is to report impoundments as deferrals only if he anticipates future but not current need for the funds. The Presidential deferral stands unless Congress specifically *disapproves* by passage of a deferral resolution. Some believe the definite procedures make it easier rather than harder for the President to impound funds by reporting as deferrals actions which are more likely to turn out to be rescissions or by reporting rescissions less than 45 days before the end of the fiscal year. The referral of rescission and deferral messages was an early jurisdictional question between Budget and Appropriations but was resolved by agreement in S. Res. 45, which allows impoundment bills to be jointly referred to Budget, Appropriations, and any committee having authorizing jurisdiction over the program in question. As many as twelve authorizing committees have had bills referred to them. Joint referral is symbolically significant in giving the Budget Committee some potential future influence over deferrals and rescissions, although the Committee has not yet taken complete advantage of this resource. Because the Appropriations Committee has the final action on impoundment messages before they are considered on the floor, the potential Budget Committee influence is limited to its report that accompanies the determination made by Appropriations.

The Appropriations Committee's March 15 reports to the Budget Committee are crucial in the Budget Committee's preparation of the first concurrent resolution. Cooperation between the staffs of the two Committees has simplified the task of "crosswalking" budget authority and outlay totals from functional budget classifications to committee and subcommittee jurisdictions as required by the allocation and subdivision provisions of the Act. Budget Committee Members have provided information and support during floor debate on appropriations bills.

Generally, the difficulties in "scorekeeping" (the process of keeping a weekly accounting of funds authorized and appropriated by committees), caused mainly by the partial implementation of the Act for the 1976 fiscal year budget process, decreased with time and were effectively eliminated upon full implementation of the budget process for FY 1977.

The Budget Committee's policy of avoiding, insofar as possible, programmatic detail in its concurrent resolutions and accompanying reports has minimized conflict with the Appropriations and authorizing committees. The existence of integrated functional budgets, expressed in the Budget resolutions adopted by the Senate, seems to have simplified floor action on individual appropriations bills by providing a standard for evaluating the macroeconomic impact of proposals for altering the ceilings.

The required March 15 submission to the Senate Budget Committee strengthens the Appropriations Committee's practice—inaugurated several years prior to the enactment of the 1974 Act—whereby the Subcommittees set budget authority and outlay targets prior to detailed analysis of the appropriation bills. The 1974 Act had the effect of (1) creating a statutory basis for the earlier practice, (2) providing a firm date for completion of the target development process, and (3) providing for wider distribution of information about the Subcommittee targets as compared to the President's budget requests.

Under the new procedures, the Appropriations Committee is required to divide budget authority and outlays among its subcommittees. This would seem to enhance the full committee's opportunity for arriving at committeewide spending objectives. The Appropriations Committee's report to the Senate—stating the amounts of budget authority and outlays made available to each subcommittee—provides a basis for "keeping score" on the efforts of each subcommittee to stay within the budget authority and outlay targets available to it. In addition, the full Appropriations Committee retained for FY 1977 some budget authority and outlays under its direct control through discretionary funds for use in accordance with its direction as the appropriations process developed.

It seems clear that the provisions discussed above result in greater centralization for the full Appropriations Committee in control over the appropriations process. It is too early to tell whether or not substantial problems over allocation of scarce resources will develop between subcommittees or between certain subcommittees and the full committee. Competition is inherent in the process, but recognition that decisions on priorities are necessitated may form the basis for conflict management and resolution.

*Implications of Budget Committee review of waiver requests from Senate standing committees*

The Budget Act, through Section 402, provides that any bill or resolution which "directly or indirectly" authorizes enactment of new budget authority for a fiscal year will be in order only if it has been reported by the May 15 deadline preceding the fiscal year. The purpose of this section is to facilitate the ability of the Appropriations Committee to meet the timetable spelled out in the Act. Bills authorizing budget authority for the following fiscal year are supposed to be on the calendar by May 15, so that the Appropriations Committee will know the level of authorization for the following year's programs in time to report the regular appropriations bills promptly to the Senate. If major authorizations remain to be reported after May 15, then certain funding bills may be delayed past the Act's deadline—Labor Day plus seven days—for completion of the entire appropriations process.

There is strong indication in the legislative history of the Budget Act that the May 15 reporting deadline was not to be lightly waived. Since implementation of Section 402 in the FY 1977 budget process, only seven waiver resolutions have been referred to the Budget Committee and all but one have received favorable recommendations. Other potential waivers may have been stopped in Committee in anticipation of Budget Committee denial of the waiver.

The need to obtain approval for late submissions (after May 15) thus gives the Budget Committee significant control over late legisla-

tion. During the first year of implementation, the Senate Budget Committee had several informal waiver guidelines such as: whether the authorizing committees had made good faith efforts to meet the May 15 reporting deadline for the bulk of their legislation, whether the waiver would delay the appropriations process, whether the program waiver was contemplated in the first concurrent resolution, and whether the authorization being waived was so small that its consideration would not significantly affect the Congressional budget. Although placed in a position of reliance upon the Budget Committee's review of the waiver, the authorizing committees are generally meeting deadlines. Hence, the Budget Committee has used its guidelines to permit six of the seven waivers that reached the formal consideration of the Budget Committee. Conflict over the issue of waivers thus has not been extensive but the potential clearly exists.

*Implications for the Joint Economic Committee*

The Budget and Impoundment Control Act has caused the Joint Economic Committee to share some of its previously exercised responsibilities with CBO and the Budget Committees, but at the same time has substantially increased its responsibilities and workload. The most important changes relate to the Current Services Budget and the Annual Report on the Economy.

The first step in each year's consideration of the budget is the President's submission by November 10 of the Current Services Budget, which shows the estimated outlays and proposed appropriations that would be necessary to continue existing programs at their current operating levels (without policy changes) in the ensuing fiscal year, together with the economic and programmatic assumptions underlying them. The Budget Act requires the JEC to evaluate these estimates and economic assumptions through hearings and analysis, reporting to Congress by December 31. Some of the reports appear to duplicate the analyses furnished by the Congressional Budget Office and the Senate and House Budget Committees. The JEC staff has worked with OMB in joint projects to clarify responsibilities which the legislation leaves vague in order to make the OMB funding estimates as useful as possible for Congress. JEC has held hearings on the Current Services Budget, its Chairman has testified before the Budget Committees, and in 1975 JEC submitted its Current Services Budget analysis to Congress well before the December 31 deadline.

Because each spring the Budget Act requires a report from JEC and the Employment Act also requires a report by JEC on the Economic Report, the JEC completes its annual review of the economy to coincide with Budget Committee consideration of the budget resolution. The Budget Act requires that the Joint Committee's views on the Current Services Budget be considered in the writing of the budget resolutions, and so the Chairman of JEC has testified before both Budget Committees to communicate these views.

Additional responsibilities placed on JEC by the Budget Act include reviewing and commenting upon changes in budget functional categories proposed by OMB, the budget committees and the General Accounting Office; reviewing CBO reports prior to publication; consulting with Budget Committee and CBO analysts to formulate economic projections which can be used to underlie the reports prepared by these various groups; and preparing full-employment budget estimates on a regular basis and making them available to other analysts.

*Implications for oversight*

The new timing, procedures, and organization established by the Budget and Impoundment Control Act may have improved committee oversight of Executive programs, but the provisions of the Act have not guaranteed that oversight will be done, nor have they guaranteed that the appropriate information for oversight will be collected or analyzed. Workload demands upon Senators and severe time constraints upon the Senate are still major handicaps for oversight, and budget reform has not changed that situation. Some staff complain that the additional burdens of the budget process reduce the time available to committee Members and staff for needed selective oversight.

By requiring Senate committees to be certain what programs are under their jurisdiction, the new budget process has motivated many committees to request detailed information and analysis from such agencies as the Congressional Budget Office, the Program Analysis Division at the General Accounting Office, the Office of Technology Assessment, and the Congressional Research Service. Requests for GAO program evaluations have increased significantly since implementation of the budget reform.

The provisions in Title VII of the Budget Act are important stimulants to oversight. Section 701 of that title authorizes committees to conduct program reviews by contract, through government agencies, and through techniques such as pilot testing and cost-benefit analysis. This Section of the Act has not been uniformly implemented, but several committees are taking advantage of it. Agriculture, Commerce, and Labor and Public Welfare are three of several committees that give evidence of making significant efforts to do more systematic oversight under the authority of Section 702.

Section 702 also expands the role of the Comptroller General and GAO to assist Congress in performing legislative oversight. GAO has created the Program Analysis Division to help committees develop statements of legislative objectives and assess program evaluations done by the Executive agencies. GAO has developed program and policy evaluation methodologies, a file of domestic program evaluations, and other policy analysis oversight information that can be utilized by Senate committees.

*Implications for foresight and long-term planning*

The Budget Act also contains several important provisions for long-term planning and foresight by Senate committees. The Senate and House Budget Committees must include five-year projections of the estimated levels of total budget outlays, total new outlays, total new budget authority, estimated revenues, surplus or deficit, and estimated levels of tax expenditures by major functional category of the budget for each of five fiscal years.

The Congressional Budget Office is also required to detail five-year projections on all legislation providing new budget authority or new or increased tax expenditures. The CBO has also produced estimates of what major problems Congress might face in the coming five years. CBO's 1977 budget analysis also contains a section on economic assumptions and long-range budget projections.

Although it had been the practice of the Office of Management and Budget to analyze future impacts of the current program budget, the President's budget under the new process contains long-range budget projections and a discussion of their implications. This analysis has been helpful to Senate committees. For FY 1976, OMB included the following statement in the budget:

> The budgets of the last 5 years have emphasized the longer range implications of current decisions by presenting 5-year projections of Federal outlays and receipts. In the 1973 budget, detailed 5-year projections of the costs of legislative proposals for major new and expanded programs were added. The last two budgets have also presented detailed previews of the succeeding year's budget. (*The Budget of the United States Government*, Fiscal year 1976, p. 42)

At times the long-term budget projections have altered the nature of debate in committee and on the Senate floor by adding the five-year future dimension. Whether it is the authorization of the B–1 airplane, black lung disease payments, tax reform, or some other issue that reaches the floor, Senators are referring to the five-year budget projections in their discussions of new programs.

At this time there is only limited use of the Budget Act provisions for foresight of future problems facing the Senate. There is also some skepticism about whether long-term planning can be accomplished by Congress by utilizing the provisions of the Budget Act.

*Implications for Senate representation*

The Budget and Impoundment Control Act is intended to allow Congress to establish its own budgetary priorities and prerogatives, and to restore its power of the purse by competing more effectively with the President and the Executive branch. It exposes the spending patterns of committees and Congress as a whole, thus linking the authorization or appropriations of funds and priorities among budgetary functions known (or estimated) revenues for the next fiscal year. The process compels Congress to make comprehensive decisions about priorities and to systematically evaluate the budget recommendations of the Executive.

The effect of budget reform on Congressional responsiveness to the needs and desires of the American people is yet to be determined. Fears that the reform would primarily help conservatives in opposing spending for social programs while giving military spending the upper hand appear not demonstrated. Neither is there evidence of a major change in priorities toward more social spending in the budget as a result of the new budget process. However, some believe the reform has forced some prioritization of major new program initiatives—that is, consideration of tradeoffs between programs of marginal value and new program initiatives.

The reform has given Senate committees and Senators better tools for evaluating new demands and trends. Macroeconomic and macro-budgetary issues are now more visible, so that they can be more readily contested by individuals and groups. The new process also highlights macroeconomic tradeoffs in the budget. However, it seems unlikely that the budget process itself will be the initiator of programmatic changes; it is more likely that initiatives will continue to come from individual Members of Congress, all committees and the public.

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# SECTION 10. BILL REFERRAL PROCEDURES AND PRACTICES

Given the complexity of much legislation and the overlapping jurisdictions of the committee system, it is inevitable that in each session many bills, or portions thereof, are referred to two or more committees. Joint referrals are sanctioned neither by rule nor statute, but the Senate permits joint referral of measures under unanimous consent procedure. The Senate Parliamentarian, committee chairmen, party leaders, and interested Members and committee staff frequently confer over the joint reference of measures. Because Senators serve on several committees, frequently in related policy areas, bills jointly referred are likely to be considered twice by some of the same Senators.

Any Senator, of course, may object to a unanimous consent request for joint referral. In that case, the Parliamentarian, acting on behalf of the presiding officer, would decide to which committee the measure should be referred. He would be guided by section 137 of the Legislative Reorganization Act of 1946:

> In any case in which a controversy arises as to the jurisdiction of any standing committee of the Senate with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer of the Senate, without debate, in favor of that committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

Referral decisions are often not likely to satisfy everyone. In some cases, multiple referrals may accentuate jurisdictional disputes rather than ameliorate them.

There are different types of multiple referrals: joint, sequential, and split. A joint referral occurs when bills, communications, and resolutions are assigned to two or more committees simultaneously. Parliamentarian Emeritus Floyd Riddick has written.

> It is not uncommon for comprehensive pieces of legislation to involve in a primary way the jurisdictions of two, three, four, or even five of the standing committees, and the nature of the bill is such that it is almost impossible to determine the predominance of the esubject matter.[1]

As a result, many measures in each Congress are referred jointly to several committees.

A sequential referral is the successive reference of a measure to two or more committees. The unanimous consent agreement may set time constraints on the second and succeeding committees. When a bill is referred sequentially, precedents indicate that it may not go to the floor until it is reported by the committee last in order to consider the measure.

A split referral is the reference of selected titles of a measure or parts of a communication to two or more committees. As Senate prec-

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[1] Floyd M. Riddick, "Senate Procedure, Precedents and Practices" (Washington, D.C.: U.S. Government Printing Office, 1974), p. 731.

edents reveal, in 1940 "parts of one message from the President were referred to three committees." [2] Under unanimous consent, the Senate could refer some portions of a bill to one committee and other portions to another committee, with both (or more than two) committees receiving some portions in common. On occasion, a bill has been jointly referred to two committees which agree to consider it together. A chairman is selected from the two committees, joint hearings are held, and the members of both committees vote together on all issues, not separately in their respective committees. This situation occurred in post-World War II years when Armed Services and Foreign Relations considered foreign military assistance bills.

Other cooperative committee devices are available for the consideration of legislation. These include: developing regular methods of intercommittee staff consultation; holding joint hearings, panels, or markups; inviting members and staff of one committee to participate in another's deliberations; or forming ad hoc groups from the concerned committees to draft legislation. Other devices for cooperation and coordination include soliciting comments and suggested amendments from interested committee members and staff; agreeing to merge bills or amendments reported from separate committees during floor debate; and forming joint committee task forces or advisory groups of outside experts. Consultants, too, can be hired jointly to serve the needs of two or more committees.

More formal committee consultation on certain appropriations bills is permitted under Senate rule XVI, clause 6. That rule enables three members of eight legislative committees to sit and vote as ex officio members of the Committee on Appropriations during deliberations on specific appropriation bills. The committees entitled to designate such ex officio members of Appropriations are: Agriculture and Forestry, Post Office and Civil Service, Armed Services, District of Columbia, Public Works, Foreign Relations, Aeronautical and Space Sciences, and the Senate members of the Joint Committee on Atomic Energy.

In addition, the rule provides that at least one member of the aforementioned committees "shall be a member of any conference committee appointed to confer with the House upon the annual appropriation bill * * *." A scholar who has discussed the role of ex officio members concludes that "* * * in recent years the interests of the legislative committees have in fact been represented on Appropriations more through overlapping memberships than through the structural device of ex officio memberships." [3] However, suggestions are periodically made to include all legislative committees under rule XVI.

### ADVANTAGES AND DISADVANTAGES

Joint referrals have several advantages for Senators individually and the Senate as an institution. First, the experience and perspective of several committees are brought to bear on a measure. Second, joint referrals infuse flexibility into the committee system. They enable committee deliberations to reflect the Senate's diverse interests by tak-

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[2] Ibid., p. 732.
[3] Stephen Horn, "Unused Power, the Work of the Senate Committee on Appropriations" (Washington, D.C. : The Brookings Institution, 1970), p. 62.

ing into account the recommendations of committees with secondary responsibilities and different points of view. Third, multiple referrals encourage the selection of conferees from several different committees, a practice which today occurs only infrequently. As a result of multiple referrals, members with particular expertise from various committees could contribute substantively to conference proceedings and better to insure that the conferees are aware of related policy dimensions. Finally, joint referrals facilitate the resolution of jurisdictional conflicts and may reduce extensive floor amendments.

On the other hand, several disadvantages are associated with multiple referrals. First, the practice could enlarge the potential for jurisdictional conflict between committees. Many committees may seek the referral of certain legislation to their committee, touching off protracted negotiations among chairmen, party leaders, and the Parliamentarian as to which panel should receive the measure. Referral disputes can even spill over to floor deliberations.

The mechanics of coordinating two or more committees can become quite intricate. Committees may refuse to cooperate with one another; respective committee staffs may not trust one another; or the respective chairmen may be on less than cordial terms. In this context, joint referrals might be used to kill or delay the enactment of legislation. At a minimum, they can slow down the legislative process and produce needless duplication. That is, several committees could hold hearings on the same bill, call identical witnesses to testify, and issue reports that conflict with one another.

There are even printing problems with multiple referrals. If several committees are reviewing the same bill, there are limits to the typographical devices that can be used to distinguish one committee's work from another's. One panel, for example, might strike an entire proposal and substitute its own bill; another might prefer only to amend the bill; a third might amend certain sections but strike the remainder and insert different matter. The problem, then, is how to indicate to the Senate the viewpoints of each of the committees that considered the measure. This problem would be exacerbated if numerous committees seek to review a measure—certainly a possibility under unanimous consent.

The wider the input, the more likely that a measure will be exposed to the negative aspects of compromise. In order to get a jointly referred bill to the floor, one committee may agree to another panel's request to eliminate provisions that should be deliberated by the full Senate. Joint referrals might weaken the Senate's position in conference with the House. The conferees on jointly referred bills may not be united because the committees they represent took different positions on various provisions of the bill. House conferees can simply follow the practice of "divide and conquer." Finally, under the traditions of the Senate, measures jointly referred to two or more committees will not be considered on the floor unless all concerned panels agree to a joint report. The committees can disagree on provisions, of course, but all must concur in reporting the bill. If one committee reports before the others, that committee's report is held in abeyance until the other panels issue their recommendations. This practice can have the effect of further delaying or defeating legislation.

JOINT REFERRAL OF SENATE MEASURES, 1975

During the 1st session of the 94th Congress, 98 bills, joint resolutions, concurrent resolutions, and simple resolutions were referred to two or more committees. Of these, 68 were either bills or joint resolutions (table I). As revealed in table I, the large majority of these bills and joint resolutions were referred to either two or three committees. Reference to more than three committees is not common. However, one bill (S. 594), the Energy Independence Act, was referred to nine committees.[4] That measure contained 13 separate titles.

TABLE I.—*Number of Senate bills given multiple referrals, 1975*

| *Number of Senate bills and joint resolutions involved* | *Number of committees* |
|---|---|
| 48 | 2 |
| 14 | 3 |
| 2 | 4 |
| 1 | 5 |
| 2 | 6 |
| 1 | 9 |

In addition to the measures recorded in table I, 17 simple and concurrent resolutions were referred to 2 standing committees; 7 to 3 standing committees; and 6 to 4 standing committees. In most of these cases, the multiple referrals involved the Committees on Appropriations and Budget and concerned appropriations deferral messages of the President.

Table II identifies the standing committees most frequently receiving jointly referred bills. The committees ranked according to the number of jointly referred measures assigned them in 1975.

TABLE II.—*Number of Senate measures jointly referred to committee, 1975*

| *Committee* | *Number and type of measure* |
|---|---|
| Commerce | 28 bills and 1 joint resolution. |
| Banking | 20 bills and 4 Senate resolutions. |
| Labor and Public Welfare | 20 bills and 2 Senate resolutions. |
| Interior and Insular Affairs | 16 bills and 3 Senate resolutions. |
| Public Works | 15 bills and 4 Senate resolutions. |
| Government Operations | 15 bills. |
| Finance | 13 bills and 1 joint resolution. |
| Judiciary | 11 bills and 1 concurrent resolution. |
| Armed Services | 11 bills and 1 Senate resolution. |
| Foreign Relations | 6 bills. |
| Agriculture and Forestry | 4 bills and 6 Senate resolutions. |
| Rules and Administration | 3 bills and 3 Senate resolutions. |
| Aeronautical and Space Sciences | 3 bills. |
| Post Office and Civil Service | 3 bills. |
| Appropriations | 1 bill and 27 Senate resolutions. |
| District of Columbia | 1 bill. |
| Budget | 28 Senate resolutions. |

Table III probes the patterns of shared legislation among Senate committees by identifying those committees which frequently share joint referrals as well as the number of bills in 1975 shared between the committees. Two committees, Commerce and Labor/Public Welfare, each shared measures with 11 other panels, the highest incidence. Commerce shared legislation mainly with Public Works (10 bills), and with Interior and Labor (8 bills each). Labor, on the other hand,

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[4] On June 29, 1976, Senator Frank Moss introduced a bill (S. 3637) that was referred simultaneously to 11 committees. It was a measure to establish a materials policy for the United States.

shared most frequently with Commerce (8 measures) and Finance (7 bills).

Four committees—Armed Services, Banking, Government Operations, and Public Works—each shared measures with 10 other panels. Finance and Interior shared with nine other committees. The remaining panels shared measures with from one to five committees. Excluding the Committees on Appropriations and Budget, eight panels shared most of the jointly referred measures (bills and joint resolutions).[5] Summary totals at the bottom of table III identify for each committee both the number of other panels with which it shared bills and the total number of measures shared.

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[5] Simple and concurrent resolutions jointly referred were excluded from table III. The large majority concerned rescissions and deferrals under the Congressional Budget and Impoundment Control Act. Those measures were referred mainly to Appropriations and Budget.

TABLE III.—SENATE COMMITTEE SHARING OF JOINTLY REFERRED BILLS, 1975

| | Aeronautical and Space Sciences | Agriculture and Forestry | Appropriations | Armed Services | Banking, Housing and Urban Affairs | Budget | Commerce | District of Columbia | Finance | Foreign Relations | Government Operations | Interior and Insular Affairs | Judiciary | Labor and Public Welfare | Post Office and Civil Service | Public Works | Rules and Administration | Veterans' Affairs |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Aeronautical and Space Sciences | X | | | | | | | | | | | | | | | | | |
| Agriculture and Forestry | | X | | | 2 | | 1 | | | | | 1 | | | | | | |
| Appropriations | | | X | | | | | | | | 1 | | | | | | | |
| Armed Services | | | | X | 4 | | 2 | | 4 | 1 | 3 | 3 | 2 | 3 | | 1 | | |
| Banking, Housing and Urban Affairs | | 2 | | 4 | X | | 7 | | 6 | 1 | 6 | 7 | 3 | 4 | | | | |
| Budget | | | | | | X | | | | | | | | | | | | |
| Commerce | 2 | 1 | | 2 | 7 | | X | | 5 | 4 | 4 | 8 | 3 | 8 | | 10 | | |
| District of Columbia | | | | | | | | X | | | | | 1 | | | | | |
| Finance | | | | 4 | 6 | | 5 | | X | | 4 | 4 | 2 | 7 | 1 | 5 | | |
| Foreign Relations | | | | 1 | 1 | | 4 | | | X | | | | 1 | | 1 | | |
| Government Operations | | | 1 | 3 | 6 | | 4 | | 4 | | X | 2 | 4 | 5 | 1 | 3 | | |
| Interior and Insular Affairs | | 1 | | 3 | 7 | | 8 | | 4 | | 2 | X | 1 | 2 | | 7 | | |
| Judiciary | | | | 2 | 3 | | 3 | 1 | 2 | | 4 | 1 | X | 5 | | 1 | | |
| Labor and Public Welfare | 3 | | | 3 | 4 | | 8 | | 7 | 1 | 4 | 2 | 5 | X | 1 | 2 | | |
| Post Office and Civil Service | | | | 3 | | | | | 1 | | | | | 1 | X | | | |
| Public Works | 1 | | | 1 | 3 | | 10 | | 5 | 1 | 3 | 7 | 1 | 2 | | X | | |
| Rules and Administration | | | | | | | | | | | 3 | | 1 | | | | X | |
| Veterans' Affairs | | | | | | | | | | | | | | | | | | X |
| Number of committees sharing bills | 3 | 3 | 1 | 10 | 10 | 0 | 11 | 1 | 9 | 5 | 10 | 9 | 10 | 11 | 3 | 10 | 2 | |
| Number of measures jointly referred | 3 | 4 | 1 | 11 | 20 | | 29 | 1 | 14 | 6 | 15 | 16 | 11 | 20 | 3 | 5 | 3 | |

A key factor in joint referrals is the extent of cooperation between the concerned committees. Some argue that without specific guidelines to regulate those relationships, each committee is free to establish whatever arrangement is practicable with their counterparts regarding jointly referred measures. The more committees involved in a joint referral, they conclude, the greater the problems of cooperation, coordination, and consultation.

## SECTION 11. JURISDICTIONAL OVERLAPS IN MAJOR POLICY AREAS

Jurisdictional overlaps are commonplace in the Senate. It is not uncommon for major policy fields to be occupied by several Senate standing committees and perhaps a dozen or so subcommittees, not to mention joint committees or commissions. This is especially true of emerging public problems that cut across the traditional lines erected by statutes, programs, Federal agencies, and Senate jurisdictional rules and precedents. In June 1975 the U.S. Energy Research and Development Administration, ERDA, concluded it was answerable to no fewer than 14 standing committees of the Senate, not to mention 2 select committees and 31 subcommittees or panels.[1] Counting House and joint bodies, jurisdiction over ERDA matters was shared by a total of 99 separate committees, subcommittees, or panels. According to the listing printed in this section, by June 1976 at least 14 standing comimttees, 1 select committee, 2 joint committees, and 40 subcommittees had been active in the 93d and 94th Congresses in energy issues.

Energy is probably the most striking current example of jurisdictional overlap; but the picture is not very different for environmental protection, economic policy, research and development, transportation, health, and other such topics.

No delineation of jurisdictions could entirely avoid the phenomenon of overlap. No matter how intelligently or precisely jurisdictional assignments are meted out, overlaps are bound to occur. In a real sense, "Everything is related to everything else." Government activities, no less than those in the private sector, are so closely interwoven that anyone attempting to trace their causes or consequences is bound to be led far afield. One would be hard pressed to think of a Federal policy or program that did not bear some relation, however insignificant, to, say, economic well-being or natural resources.

Senate rule XXV, governing the jurisdictions of committees, is largely the product of an earlier era—in which governmental activity was not so extensive and the interrelationships of policies not so apparent. Most of rule XXV is drawn from 19th and early 20th century precedents, as codified in the Legislative Reorganization Act of 1946 and amended occasionally since then. The formal provisions of the rule are supplemented by a complex series of precedents and agreements governing the reference of bills. In general, once a piece of legislation is referred to a given committee, it remains there in perpetuity, as do any amendments that may be proposed to it. Thus, committees often utilize statutes as springboards for enlarging their span of authority. These gradual accretions of responsibility greatly complicate the jurisdictional picture in the Senate.

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[1] 121 Congressional Record (94th Cong., 1st sess.), S. 11487 (June 25, 1975).

In considering the extent or impact of jurisdictional overlap, the distinction must be made between legislative and oversight jurisdiction. The former denotes the authority to report measures to the Senate; the latter refers to review or investigatory responsibilities. Oversight jurisdiction necessarily flows from specific legislative enactments, but it also emanates from broader and more vaguely defined jurisdiction which committees may exercise in particular subject matter areas. Hence oversight jurisdiction is more subject to overlap than is legislative jurisdiction; but it is the latter that occasions the majority of overt conflicts.

Although no one denies the existence of jurisdictional overlap among Senate committees, there is disagreement over its precise extent. Several measures of overlap might be employed. Certainly joint referrals—and there were 98 bills or resolutions that were jointly referred in the Senate during 1975—are a sign of shared or overlapping responsibility; but that is only the tip of the iceberg. The number of informal arrangements stemming from shared jurisdictions is undoubtedly much larger than this.

Any listing of alleged or documented jurisdictional conflicts would also understate the impact of jurisdictional overlaps. Even in areas that have not been subject to open conflict, or that have not led to joint referrals or other forms of joint action, the resolution of policy problems may be hampered by fragmented approaches adopted when two or more committees hold overlapping responsibilities. It would be impossible to estimate how many linkages of policies or programs are foreclosed by anticipation of conflict because jurisdictional lines run in a contrary direction. In numerous and subtle ways, therefore, jurisdictional boundaries tend to dictate the packaging of public policy.

If observers mildly differ on the exact extent of overlap, they vigorously disagree on whether overlap is beneficial or harmful. Unquestionably a degree of overlap is inevitable, no matter how the jurisdictional lines are drawn. Moreover, many observers of the Senate contend the effect of overlaps is minimized by the many devices used to promote intercommittee cooperation—joint referrals, unanimous consent agreements, informal understandings, ex officio memberships, and so forth. Finally, what one person sees as confusion and duplication of effort may be interpreted by someone else as "creative redundancy"; that is, it may actually be advantageous to leave jurisdictional lines somewhat vague and fluid. If two or more committees share a "hunting license" in a given field, they may be encouraged to compete for a piece of the action. This may be especially beneficial in the case of oversight functions. Policy deliberations can be enriched by participation of a multiplicity of committees, each with its special expertise, viewpoint, and clientele.

On the other hand, many people inside and outside the Senate believe that jurisdictional overlaps, however desirable when maintained at moderate levels, have gotten out of hand. They lament that the Senate rarely, if ever, takes a comprehensive look at such problems as transportation or energy. Rather, what passes for policy in these matters is a series of disparate and sometimes contradictory enactments, frequently proceeding in wholly different directions. Mechanisms for intercommittee cooperation, while highly developed in the Senate (in contrast to the other body, are cumbersome and time consuming. It is questionable, moreover, whether these procedures actually achieve inte-

grated policymaking, or whether they merely serve to protect the interest of the committees involved.

Thus there is bound to be disagreement over the extent and desirability of jurisdictional overlap. Perhaps the easiest way to understand the relationship of committee overlap to policymaking is to examine jurisdictional alinements in several problems of current interest. There will be: economic growth; education; energy; environment; health, intelligence; international economics; retirement income; science and technology; transportation; urban affairs; and welfare.

Basic data, on which these analyses are partly based, were compiled by specialists in the Congressional Research Service.

## ECONOMIC GROWTH POLICY

There is no explicit legislative mandate nor administrative apparatus for undertaking national planning in the United States. Hence, the jurisdiction of congressional committees in this area is uncertain. In theory, three sets of committees could be considered to have primary jurisdiction: Banking, Labor, and Joint Economic, which are the principal committees dealing with macroeconomic policy; Appropriations, Budget, and Finance, which in reality influence economic priorities by determining how much and how Federal revenue will be raised and spent; and Government Operations and Rules, which have jurisdiction over the creation of administrative agencies and Senate committees to deal with issues concerning economic planning. In addition, secondary jurisdiction in this area is exercised by most of the remaining committees of the Senate—those having some impact on planning for national development.

### COMMITTEES WITH PRIMARY JURISDICTION

*Committee on Banking, Housing and Urban Affairs*

Production controls and regulations
Financial institutions generally
Federal Reserve Board
Council of Economic Advisers
Treasury

Macroeconomic policy is a broad implication of financial credit, the central jurisdictional concern of the Banking Committee. For this reason, the committee has had legislative jurisdiction over the Employment Act of 1946 and the Defense Production Act; and the Humphrey-Hawkins bill was sequentially referred to it. Its jurisdiction over the major economic institutions of the Federal Government is further indication of its macroeconomic responsibilities. Additionally, the Banking Committee's authority for considering measures concerning housing, banking, urban affairs generally, and loan guarantees for State and local governments provides a variety of policy sectors in which the committee exercises secondary jurisdiction over national planning. The Banking Committee reported legislation creating the National Commission on Supplies and Shortages, which the Senate amended to create also an advisory Committee on National Growth Police. Both bodies expect to report by the end of 1976.

*Committee on Labor and Public Welfare*

Employment and unemployment

To the degree that economic planning is directed toward developing employment opportunities, Labor is a key committee in that enterprise. Its work is focused primarily upon the Nation's human resources. Its responsibilities include not only measures aimed at full employment, but also those dealing with such specific components of that objective as work training, wages and hours, labor standards, compensation, and rehabilitation.

*Joint Economic Committee*

While it lacks legislative authority, this committee directly addresses macroeconomic questions and hence national planning. Thus the annual Joint Economic report deals with such questions as the economic situation and outlook; fiscal, monetary, and price-incomes policies; policies aimed at full employment; Federal budget priorities; investment requirements and the sufficiency of capital; economic problems of regions, States, and cities; and international economic issues.

*Committee on the Budget*

The Budget Committee reports resolutions which set the Federal Government's priorities by allocating spending among the full range of governmental programs. In effect, national planning takes place as the committee formulates comprehensive recommendations on what the ceiling on Federal expenditures should be, and what portion of Federal funds should be allocated to each of the broad functional categories of the budget: national defense; international affairs; general science, space, and technology; natural resources, environment, and energy; agriculture; commerce and transportation; education, manpower, and social services; health; income security; veterans' benefits and services; and law enforcement and justice.

*Committee on Appropriations*

As with the Budget Committee, the jurisdiction of the Appropriations Committee over Federal spending programs constitutes a form of national planning. Rather than dealing with broad categories as Budget does, Appropriations subcommittees allocate funds among specific Federal programs. But under rules and limitations set by the budget process, the full Appropriations Committee increasingly serves the same principle: the power to ration funds is the power to plan what the Federal Government will do.

*Committee on Finance*

Where Budget and Appropriations deal with Federal expenditures, Finance recommends how Federal general revenues will be raised. This includes decisions concerning the allocation of taxes, including so-called "tax expenditures." Tax expenditures are defined as:

> Revenue losses that occur as a result of Federal tax provisions that grant special tax relief to encourage certain kinds of activities by taxpayers or to aid taxpayers in certain circumstances. The net result of these provisions is equivalent to a simultaneous collection of revenue and a direct budget outlay of an equal amount.[1]

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[1] U.S. Senate, Committee on the Budget, *First Concurrent Resolution on the Budget—Fiscal Year 1977*, Report 94–731 (94th Congress, 2nd session, 1976), 8.

The Senate Budget Committee in 1976 identified no less than 82 categories of tax expenditures—for example, investment credit, corporate surtax exemption, deductibility of mortgage interest on owner-occupied homes, and exclusion of pension contributions and earnings. Such tax expenditures total more than $105 billion in fiscal year 1977—a figure about one-fourth as large as the direct outlays for the same fiscal year. Thus the Finance Committee is centrally involved in overall economic planning and priority setting.

*Committee on Government Operations*

Organization of the executive branch.
Creation and abolition of bureaus, departments, et cetera.
Legislative reorganization.

When national planning agencies are proposed, Government Operations has jurisdiction over the legislation creating them. Reorganizations of administrative departments and agencies are a major responsibility of the committee. Specifically, during the 94th Congress, the Balanced Growth and Economic Planning Act of 1975—S. 1795—intended to provide for development and adoption of a balanced economic growth plan, was referred to Government Operations. Similar legislation was referred to the committee during the 93d Congress. For example, S. 3050, the Balanced National Growth and Development Act of 1974, would have created new institutions and procedures in the executive branch and in Congress to formulate and implement a national growth and development policy. The committee has jurisdiction over legislative reorganization generally and over economy and efficiency in Government at all levels.

## COMMITTEES WITH SECONDARY JURISDICTION

*Committee on Aeronautical and Space Sciences*

Research and technology for development of resources.
Nonmilitary aeronautical and space activities.

*Committee on Agriculture and Forestry*

Agricultural economics and research.
Agricultural colleges and experiment stations.
Forestry in general.
Agricultural and industrial chemistry.
Human nutrition and home economics.
Plant industry, soils, and agricultural engineering.
Extension of farm credit and farm security.
Rural electrification.
Farm production and marketing; stabilization of farm prices.
Crop insurance and soil conservation.
Agriculture generally.

*Committee on Armed Services*

Size and composition of the Army, Navy, and Air Force.
Pay, promotion, retirement, and other benefits of military services.
Forts, arsenals, military reservations, and navy yards.
Ammunition depots.
Conservation, development, and use of naval petroleum and oil shale.
Strategic and critical materials necessary for defense.
Military aeronautical and space activities.

*Committee on Commerce*

Interstate and foreign commerce generally.
Regulation of interstate railroads, buses, trucks, pipelines.
Telecommunications.
Civil aeronautics other than space.
Merchant Marine generally.
Navigation and laws relating thereto.
Regulation of common carriers by water.
Coast and Geodetic Survey.
Coast Guard.
Weather Bureau.
Inland waterways.
Fisheries and wildlife.
Bureau of Standards, including standardization of weights, measures.

*Committee on Foreign Relations*

Relations of the United States with foreign nations generally.
Treaties.
Promotion of foreign trade; safeguarding U.S. firms abroad.
United Nations, international financial and monetary organizations.
Foreign loans.

*Committee on Interior and Insular Affairs*

Public lands generally.
Forest reserves and national parks created from the public domain.
General measures concerning U.S. insular possessions.
Irrigation and reclamation.
Mining interests generally.
Petroleum and radium conservation.

*Committee on the Judiciary*

Unlawful restraint of trade and commerce; monopoly.
Bankruptcy, mutiny, espionage, and counterfeiting.
Patents, copyrights, and trademarks.
Immigration and naturalization.
Measures relating to claims against the United States.
Interstate compacts generally.
Judicial proceedings generally.

*Committee on Public Works*

Flood control and improvement of rivers and harbors.
Public works for the benefit of navigation; bridges and dams.
Water power.
Oil and other pollution of navigable waters.
Construction and maintenance of public buildings and grounds.
Construction and maintenance of roads.

*Committee on Small Business*

SBA financial assistance to small business (beginning 95th Congress).
SBA procurement assistance to small business (beginning 95th Congress).
Study of all problems of American small-business enterprise.

*Joint Committee on Defense Production*

Continuing studies pursuant to the Defense Production Act of 1950.

Providing information concerning programs authorized by the act.

*Joint Committee on Internal Revenue Taxation*

Investigation of the operations and effects of Federal internal revenue taxes.

## EDUCATION POLICY

Education is one of the most broadly defined policy areas in American society and, despite the fact that one Senate committee has jurisdiction over "measures relating to education * * * generally," many Senate committees have a share of the education policy field. Primary jurisdiction in education is shared by Labor and Public Welfare and Appropriations, with an additional role played by the Senate Budget Committee. An additional 12 standing committees have secondary jurisdiction in the education area, with many matters being shared between Labor and Public Welfare and another committee.

### COMMITTEES WITH PRIMARY EDUCATION JURISDICTION

*Committee on Labor and Public Welfare*

Labor and Public Welfare has jurisdiction, through Rule XXV, over "measures relating to education * * * generally." Through its Subcommittee on Education, the committee exercises jurisdiction over elementary and secondary education, higher education, international education, vocational education, aid to libraries, emergency school aid, and "impact" aid (school assistance to federally affected areas). The Education Subcomuittee also oversees the National Institute of Education (NIE) and Howard University, and exercises joint jurisdiction with other committees over school lunch programs, equal educational opportunities, sea grant colleges, land grant colleges and universities, the Education Division of the Department of Health, Education, and Welfare, aid for the education of refugees, educational radio and television, Indian education, juvenile delinquency, and school safety. Finally, the Education Subcommittee holds joint jurisdiction in a few areas with other Labor and Public Welfare subcommittees: Gallaudet College and education of the handicapped with the Subcommittee on Handicapped, and early childhood education with the Subcommittee on Children and Youth. In addition, two special subcommittees on Labor and Public Welfare exercise some jurisdiction in education. The Special Subcommittee on Arts and Humanities handles the National Foundation on the Arts and Humanities and similar proposals, as well as Federal aid to museums other than the Smithsonian Institution, while the Special Subcommittee on National Science Foundation deals with education-related activities of that agency.

*Appropriations Committee*

Through its jurisdiction over appropriation of revenues, the Appropriations Committee has a major impact on education-related

policy. The Subcommittee on Health, Education, and Welfare exercises primary jurisdiction over appropriations requests for education programs administered by the Department of HEW and authorized by Labor and Public Welfare. In addition, seven other Appropriations subcommittees have some jurisdiction in the education area. For example, the Subcommittee on Agriculture and Related Agencies handles appropriations for school lunch programs; the Subcommittee on Defense handles armed services academies and dependents' overseas schools; the Subcommittee on the District of Columbia has jurisdiction over educational institutions in the District; the Subcommittee on Interior oversees appropriations made for Indian education programs and the National Foundation on the Arts and Humanities; the legislative subcommittee covers the Library of Congress and the Page School; the Subcommittee on State, Commerce and the Judiciary has jurisdiction over education-related foreign aid, educational exchange programs, and the Coast Guard and Merchant Marine academies; the Subcommittee on Treasury, U.S. Postal Service, General Government examines grants to Eisenhower College and the Harry S Truman Scholarship Foundation.

COMMITTEES WITH SECONDARY EDUCATION RESPONSIBILITIES WITH EXAMPLES OF SUBJECTS CONSIDERED

*Committee on Agriculture and Forestry*

Agricultural (or land-grant) colleges (joint jurisdiction with Labor and Public welfare).
Agricultural educational extension services.
School lunch programs (joint jurisdiction with Labor and Public Welfare).

*Committee on Armed Services*

Armed services academies.
Department of Defense overseas dependents' schools.

*Committee on Commerce*

Coast Guard and Merchant Marine Academies.
Sea-grant college program (joint jurisdiction with Labor and Public Welfare).
Educational television and radio (joint jurisdiction with Labor and Public Welfare).

*Committee on District of Columbia*

Educational system and institutions in the District of Columbia.

*Committee on Finance*

Tax credits or deductions for educational expenses.

*Committee on Foreign Relations*

Education-related foreign aid.
Education of refugees (joint jurisdiction with Labor and Public Welfare).
Educational exchange programs.

*Committee on Government Operations*

Establishment or reorganization of Federal education agencies.
Oversight of Federal education agencies and programs.

*Committee on Interior and Insular Affairs*

Indian education (joint jurisdiction with Labor and Public Welfare).
Mining schools (joint jurisdiction with Labor and Public Welfare).

*Committee on the Judiciary*

Constitutional amendments (e.g., school prayer, equal education opportunities, school busing).
Juvenile delinquency, school safety.
Federal court jurisdiction and judicial proceedings regarding education.

*Committee on Public Works*

Buildings and grounds of the Library of Congress and the Smithsonian Institution.

*Committee on Rules and Administration*

Library of Congress and the Smithsonian Institution (except buildings and grounds).
Page School.

*Committee on Veterans' Affairs*

Veterans' educational benefits, and survivors benefits.

*Select Committee on Nutrition and Human Needs*

While the Select Committee on Nutrition and Human Needs has no legislative jurisdiction, it is mandated to study all matters pertaining to the food, medical, and other related basic needs of Americans. Included in these subjects are nutritional education as well as school breakfast and school lunch programs.

## ENERGY POLICY

Since the energy crisis of 1973, and shortly before, energy issues have been in the spotlight as a key policy area. The pervasiveness of energy issues is obvious: businesses of every kind, consumers, homeowners, and indeed most segments of society take a keen interest in these issues because they are directly affected by the availability, pricing, and distribution of energy resources. This pervasiveness is directly reflected in the treatment of these issues in Congress, where most committees have taken into consideration some aspect of energy issues.

In the Senate, at least 14 committees, 1 select committee, and 2 joint committees have been active in the 93d and 94th Congresses in energy issues. In addition, more than 40 subcommittees are involved or potentially involved in some area dealing with energy.

The subjects addressed by these committees cover a wide range, including rationing and allocation of oil and gas resources, automotive fuel economy, general and very specific energy conservation measures, incentives to specific technological processes (solar, nuclear, oil and coal conversion, geothermal, etc.) in energy production, pricing questions, transportation systems, and other production issues that impact on industrial, agricultural, and other consumer sectors.

The Energy Research and Development Administration (ERDA) is an example of an energy agency which answers to several committees. Created by the Energy Reorganization Act of 1974, ERDA inherited the research and development functions of the Atomic Energy Commission (which was abolished in the act) plus fossil fuel and other research functions from the Department of the Interior and the National Science Foundation. Thus, ERDA has a broad mandate to develop energy technologies of all types. Its impact on many phases of energy-related activities has meant that a large number of committees have taken an interest in it. Its authorization legislation in the Senate was referred sequentially to the Joint Committee on Atomic Energy and the Interior Committee. For appropriations, the agency is handled by two subcommittees: Interior (for fossil fuels research) and Public Works (formerly the subcommittees handling the AEC, for nuclear R&D). However, beyond these direct authorizing and appropriations bills, a report in the Congressional Record last year enumerated 109 hours of appearances by ERDA witnesses before 6 full committees and 27 subcommittees of these and of other committees between ERDA's activation on January 19, 1975, and June 3, 1975. In the Senate, 14 committees and 2 select committees were identified by the agency as having some jurisdictional claim over ERDA.

The list of committees with primary jurisdiction over energy legislation (panels that actually report bills focused primarily on energy production, organization, or consumption) is somewhat shorter than the comprehensive list of all those that have ever examined energy issues. Committees with primary concern over energy are the following: Appropriations; Commerce; Finance; Government Operations; Interior and Insular Affairs; and Public Works. These committees have 27 subcommittees that have dealt with energy legislation. In addition, the Foreign Relations Committee has been very active in the international oil question and might be considered a primary energy committee, although it has not reported major energy policy bills.

The major coordination device for energy questions in the Senate is the national fuels and energy study, established by Senate Resolution 45 of the 92d Congress and expanded by Senate Resolution 245 of the 93d Congress. The leadership of the study is provided by the Interior and Insular Affairs Committee, and the ex-officio members are the ranking Senate majority and minority members of the Committees on Commerce, Public Works, and the Senate members of the Joint Committee on Atomic Energy. Senate Resolution 245 expanded representation to include the Committees on Finance, Foreign Relations, Government Operations, and Labor and Public Welfare. The study has no legislative jurisdiction. Hearings have been held under its auspices, and a large number of reports on various energy issues have been produced under its supervision and by its staff.

Listed below are the committees already mentioned as having primary jurisdiction over energy, along with their specific areas of concern. Another section lists committees with a secondary interest in energy—that is, committees that do not act on major energy legislation per se but that consider energy-related aspects of specific policies within their jurisdiction.

SENATE COMMITTEES WITH PRIMARY ENERGY JURISDICTION

*Appropriations*

ERDA appropriations
Interior energy program appropriations
Public works energy program appropriations
Transportation energy program appropriations
HUD energy program appropriations
FEA appropriations

*Commerce*

National Ocean Policy Study
Use of supertankers for transportation of petroleum
Outer Continental Shelf
Coastal zone environment
Oil spills
Consumer affairs energy proposals
Foreign investment in the United States
Energy efficient transport regulations
Oil and gas production and distribution
Measures to promote energy conservation in industrial and government buildings
Labeling energy consumption on products and new buildings
Administration's energy policy
National fuels and energy policy study
Procedures to regulate commerce to protect franchise dealers of petroleum products
Fuel economy performance standards and establishment of automotive research and development program
ERDA's energy conservation programs (oversight)
Legislation to strengthen electric utility ratemaking and regulatory process
Transportation of Alaskan natural gas
National Fuels and Energy Policy Study

*Finance*

International finance affecting trade in fuels
Fiscal incentives to energy production
Fiscal trade measures dealing with energy crisis
Windfall profits tax proposals
Unemployment compensation proposals connected with job problems caused by the energy crisis
Proposal for national energy conservation and conversion programs using fiscal tools
Capability of U.S. financial markets to handle energy projects
Oil depletion allowance
Impact of petro-dollar recycling upon U.S. economy
National Fuels and Energy Policy Study

*Foreign Relations*

Multinational corporations and energy
Oil prices and their effects
Proposals for financing oil imports
Conferences among oil consumer governments

Role of multinational corporations and energy crisis
Impact of oil shortages on American foreign policy
International petroleum industry, generally
U.S. arms sales and the price of oil
Effectiveness of safeguards used by the International Atomic Energy Agency
Policy on transfer of nuclear equipment, technology, and materials to other countries

*Government Operations*

Legislation establishing the Energy Research and Development Administration
Legislation establishing the Nuclear Regulatory Commission
Legislation establishing the Federal Energy Administration
National Fuels and Energy Policy Study
Standards for regulatory practices governing utilities
Recommendations for electric utilities industry
Petroleum overpricing problems
Refinery output manipulation and related gas price changes
Oversight on energy conservation
Export of nuclear technology for peaceful purposes
Extension of the Federal Energy Administration
U.S. oil supplies
Energy shortages in the cities

*Interior and Insular Affairs*

Energy Research and Development Administration (authorization)
Federal Energy Administration (authorization and oversight)
Department of Interior (authorization)
National Fuels and Energy Study (lead committee)
Proposal to establish a National Energy Production Board
Petroleum price increase limitations
Exploration of energy resources of the Outer Continental Shelf
Emergency Petroleum Allocation Act
Financial assistance for construction of new oil refineries
Naval petroleum reserves (with Armed Services)
Emergency authority to assure U.S. of essential energy needs
Energy options of the United States
Regulation of strip mining
Establishment of a National Energy Information System
Interstate Compact to Conserve Oil and Gas
Energy conservation measures
Survey of energy resources on public lands
Coal leasing on Federal lands
Leasing of oil and gas on public lands
Leasing of oil shale resources
Technology for recovery of oil and gas from secondary and tertiary sources
Coal and synthetic fuels
Siting and construction of energy facilities
Subcommittee on Integrated Oil Operations
Oil market performance
Competition in the petroleum industry

*Public Works*

Hydroelectric power (water power generally)
Tennessee Valley Authority
Appalachian Regional Commission
Oil pollution
National policies affecting coal production, distribution, and utilization
National Petroleum and Natural Gas Conservation and Coal Substitute Act
Energy conservation measures in public buildings

*Joint Committee on Atomic Energy*

All matters relating primarily to the uses and control of atomic energy

*Joint Economic Committee*

Role of greater national commitment to energy conservation in the U.S. energy program
Relationship between multinational corporations and the Organization of Petroleum Exporting Countries
Impact of OPEC on U.S. foreign policy
Evaluation of economic impact of decontrolling so-called old oil and of a possible further rise in OPEC oil prices
Evaluation of Administration's proposal for a common oil price floor
Economic effects of projected increased Federal expenditures to establish a commercially feasible liquid metal breeder reactor
Adequacy of U.S. oil and gas reserves
General economic issues and energy policy
Economic outlook for solar energy and the extent to which an acceleration in Federal solar energy efforts can lower its costs

SENATE COMMITTEES WITH SECONDARY INVOLVEMENT IN ENERGY ISSUES

*Aeronautical and Space Sciences*

NASA/ERDA agreement for energy research, primarily solar energy research
Solar heating and cooling legislation

*Agriculture and Forestry*

Effects of fuels availability and pricing on agriculture and related industries

*Armed Services*

National stockpile and Naval petroleum reserves
National Fuels and Energy Study

*Banking, Housing and Urban Affairs*

Applications of energy conservation
Solar energy systems
Housing and energy policy
Banking and energy related questions
Standards for energy conservation and winterization of homes
Support for State conservation programs

*Budget*

Budgetary and economic implications of recent or anticipated actions in the energy field
Economic impacts of recent energy development
Energy policy and national goals and priorities
Overall energy budget

*Judiciary*

Legal and anti-trust aspects of energy operations
Compliance and enforcement of the FEA
Impact of competition of vertical integrated oil companies and proposals for vertical divestiture of the industry's assets
Judicial review provisions in energy legislation, generally

*Labor and Public Welfare*

Mining safety
Basic NSF research related to energy

*Select Committee on Small Business*

Participation of small business in energy research and development
Loans to small business to protect those in petroleum and petrochemical industries
Small Business Petroleum and Petrochemical Marketers Protection Act

## ENVIRONMENTAL POLICY

Protection of the environment is the subject of a large number of legislative enactments. An even greater number of public policies have environmental consequences. The major environmental policy categories are: pollution control, which includes air and water quality control, solid waste, noise, and toxic substances; and resource management, which includes land use planning, water resources, open space and parks, public lands, fish and wildlife, mineral resources, coastal zone management, forestry, and the National Environmental Policy Act. Also, agriculture, energy, and oceans pose closely related though separable problems.

Twelve Senate committees handle major portions of environmental policymaking. Five committees have primary jurisdiction in this field; seven committees have secondary responsibilities. The primary legislative committees are Agriculture and Forestry, Commerce, Interior and Insular Affairs, and Public Works. In addition, the Appropriations Committee exercises its usual central role in funding programs in all environmental areas.

These primary environment committees cover the major environmental issues; but among them lie certain areas of overlap or outright dispute over jurisdiction. These include solid waste, between Public Works and Commerce; water pollution/safe drinking water, between the same two committees; some mineral resource/oceans overlap between Interior and Commerce; some ocean dumping regulation issues between Public Works and Commerce; and pesticides regulation between Agriculture and Commerce.

Because it administers most of the pollution control laws in these subject areas, the Environmental Protection Agency (EPA) deals with several committees in obtaining its authorizations. An example is the authorization for EPA's environmental research and development, which includes research under the Clean Air Act, the Federal Water Pollution Control Act, Solid Waste Disposal Act, Safe Drinking Water Act, section 301 of the Public Health Service Act, the Noise Control Act, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). In the House, all environmental R. & D. has been centralized in the Committee on Science and Technology, which reports one bill with R&D under all these acts. In the Senate, jurisdiction over environmental R&D is not centralized but is determined by the committee jurisdiction over the individual acts. Four committees are involved in the R&D under these acts: Public Works, Commerce, Agriculture and Forestry, and Labor and Public Welfare.

COMMITTEES WITH PRIMARY ENVIRONMENTAL JURISDICTION

*Committee on Agriculture and Forestry*

Soil Conservation
Forestry (with Interior)
Pesticides Control (with Commerce)

The Agriculture Committee has primary jurisdiction over pesticides control, though it shares this issue with the Commerce Committee. The major 1972 amendments to this legislation—the Federal Environmental Pesticides Control Act of 1972—were sequentially referred and reported by Agriculture and Commerce. In 1975, although Commerce held oversight hearings on pesticide regulation, Agriculture reported the extension and amendment of the act without joint referral to Commerce.

In forestry issues the Agriculture Committee has primary jurisdiction, but there has been close cooperation between Agriculture and the Interior Committee. In recent hearings and markup of comprehensive forestry legislation, Agriculture invited Interior to participate, which it did. The bill was jointly reported, although the rules did not dictate a sharing of this jurisdiction. However, some aspects of management of national forest lands—such as mineral management—are within Interior's jurisdiction.

*Committee on Appropriations*

The Appropriations Committee funds all the programs established in the environmentally related laws which are authorized by other committees. The following Appropriations subcommittees deal with environmental areas:

Agriculture and Related Agencies (includes the Soil Conservation Service but not the Forest Service, which goes to the Interior Subcommittee)
HUD—Independent Agencies (includes all of the Environmental Protection Agency)
Interior (includes all resource management programs of the Interior Department and the Forest Service)
Public Works (largely water resource projects of the Army Corps of Engineers)

State, Justice, Commerce, the Judiciary (National Oceanic and Atmospheric Administration is the main environmental concern in this subcommittee).

*Committee on Commerce*

Coastal Zone Management
Safe Drinking Water
Fisheries
Wildlife Protection (with Interior)
Toxic Substances (with Public Works)
Pesticides (with Agriculture)
Solid Waste (with Public Works)
Ocean Dumping (with Public Works)

The Commerce Committee has reported or considered the following environmental issues in recent years:

*Coastal Zone Management Act of 1972.*—This is comprehensive planning assistance legislation to assist State and local governments in planning use and facilities siting in coastal areas.

*Safe Drinking Water Act of 1974 (Public Law 93–523).*—This was the first comprehensive Federal standard-setting legislation requiring certain levels of performance assuring clean drinking water. However, the matter is closely related to water pollution control issues, and thus to issues within the purview of the Public Works Committee.

Toxic substances control bills have been the subject of hearings and enactment by both Houses in the past several years; in the 94th Congress, it has passed the Senate. Commerce has jurisdiction over the comprehensive toxic substances legislation; however, both air quality and water pollution control legislation contain provisions which regulate emissions of specified toxic substances. Therefore, the issue has been under consideration from this viewpoint by Public Works.

The Federal Environmental Pesticide Control Act of 1972 which amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), was reported sequentially in 1972 by Commerce and Agriculture. In 1975, however, Commerce "commented" without reporting on the amendments which were enacted, although it did hold hearings that year on oversight of pesticide regulation.

Regulation of ocean dumping was effected by the Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92–532), reported by Commerce. Although a Commerce Committee issue, the water pollution control legislation passed that same year also contained some limitations on ocean dumping, thus raising the issue in the Public Works Committee as well.

Solid waste disposal is an issue in which Commerce has asserted jurisdiction in recent years. The basic legislation, the Resource Recovery Act of 1970, was reported from the Public Works Committee. However, in 1973 and 1974, Commerce held hearings on several bills related to solid waste issues, and in 1974 reported a clean bill, S. 3954, which included freight rate changes to eliminate unfavorable treatment of recycled materials, product labeling, and mechanisms for regulating some types of waste disposal. When this bill was reported, Public Works requested that it be rereferred. This was done, but the bill never emerged from Public Works. In the 94th Congress a similar bill, the Resource Recycling and Conservation Act (S. 1744), was again under consideration by the Commerce Committee. In addition,

the Materials and Energy Recovery Act of 1975 was referred to Public Works and subsequently to Commerce; it would provide financial assistance to States for development and implementation of comprehensive plans for solid waste management, resource recovery, and control of hazardous waste disposal.

The banning of nonreturnable bottles is a key solid waste issue residing in the Commerce Committee, due to its role in interstate commerce. Measures to ban nonreturnable bottles or discourage their use have for several years been under consideration by the committee, and the subject of hearings.

Fisheries legislation is within Commerce Committee jurisdiction.

*Committee on Interior and Insular Affairs*

Public Lands
Mineral Resources (with Commerce)
Water Resources (with Public Works)
Parks and Recreation
Land Use Planning
National Environmental Policy Act (NEPA)

The committee has actively considered the following issue areas during the past few years:

*Mineral resources.*—The leasing of all mineral resources, including fuels resources, on federally-owned lands is accomplished under laws which pass through the Interior Committee. In the case of Outer Continental Shelf lands—those under the coastal waters of the United States—the Outer Continental Shelf Lands Act is the basic law governing oil and gas leasing. This legislation is within Interior's jurisdiction; but because of the central importance of this type of leasing to oceans issues, the Commerce Committee has taken a keen interest in recent amendments to the act. In the 94th Congress, Commerce and Interior held joint hearings on these amendments, but only Interior reported the bill (S. 521).

*National Environmental Policy Act of 1969 (NEPA, Public Law 91–190).*—This law established the first comprehensive national policy for protecting the environment, creating in the Office of the President a Council on Environmental Quality with a broad mandate to track and formulate environmental policy. As the Interior Committee was working on this bill, a similar measure was under consideration in the Public Works Committee. NEPA was first reported from Interior, and then a modified version was reported from Public Works as title II of the water pollution legislation of 1970. The Public Works bill established an Office of Environmental Quality, with a mandate very similar to that of the CEQ; however, it had previously been agreed between the committees that the Office would serve as staff for the Council, although it has separate funding authorization in the Public Works bill. The combined amounts (CEQ's authorization and the Office's) have been used as authority for CEQ appropriations. The result is that Interior has primary jurisdiction over NEPA and CEQ, but that Public Works can claim a share of the oversight responsibility for CEQ's staff operations.

Water resource legislation is an active area, in which Interior is responsible for authorizing individual projects under Bureau of Reclamation, which operates in the 17 Western States. Because most other water resource projects (principally, Army Corps of Engineers proj-

ects) are authorized by Public Works, this is an issue area of shared jurisdiction, although in practice the committees have agreed on dividing the area to avoid duplication. Interior considers the bulk of general water resource policy legislation and has jurisdiction over the Water Resources Council.

Parks and recreation and open-space legislation is largely within Interior's jurisdiction. Numerous bills to establish individual park and recreation areas are under consideration by the committee nearly all the time.

Land-use planning legislation (establishing Federal assistance to States to create land-use plans) has been a lively issue during the past several Congresses. Although the Senate has passed bills for this purpose, Congress as a whole has not succeeded in enacting a law.

Public land management is another Interior issue involving the management of many kinds of natural resources (in addition to the mineral leasing issues already mentioned), such as grazing, forest resources, and the use of public lands surface rights.

*Committee on Public Works*

Air Pollution
Water Pollution (with Commerce)
Noise Control
Solid Waste (with Commerce)
Toxic Substances (with Commerce)
General Environmental Quality (with Interior)
Water Resources (with Interior)

In the Senate, Public Works is the key committee reporting and considering pollution control legislation, although it shares this jurisdiction in some cases with other committees. It is the legislative committee for air and water pollution control, most solid waste issues, and noise control measures. It is a key committee also in water resource development legislation, an issue which it shares in part with Interior.

*Air pollution.*—The Clean Air Act Amendments of 1970 established a wide range of Federal standards and requirements which States must meet to protect air quality. Amendments to the act have been under nearly constant consideration by Public Works since then.

*Water pollution.*—The Federal Water Pollution Control Act Amendments of 1972, reported by this committee to the Senate, is the basic water pollution control legislation; amendments or oversight of this act have been under continuous consideration by the committee. However, safe drinking water legislation is reported to the Senate by the Commerce Committee. Given the strong connection between water pollution control and assurance of safe drinking water, this might be considered an area of shared jurisdiction.

*Noise control.*—The Noise Control Act of 1972 reported by Public Works, is the basic legislation in this area.

*Solid waste issues.*—The committee reported the basic legislation in solid waste—the Resource Recovery Act of 1970. However, aspects of this issue have been claimed by Commerce, which held hearings on solid waste disposal and recovery legislation in 1973 and 1974 and reported a bill on freight rate adjustments, product labeling, and certain other aspects which fall within Commerce's purview. Public Works insisted that this bill be rereferred to it and the session ended before

action was taken. In 1974 Public Works formed its Panel on Materials Policy with the intention of broadening its treatment of solid waste, placing it in the context of resources and materials generally. Currently, the Energy and Resource Recovery Act (S. 946) has been considered by Public Works as has the Solid Waste Utilization Act (S. 2150). The Materials and Energy Recovery Act of 1975 (S. 1474) was referred sequentially to Public Works and then Commerce. And the Resource Recycling and Conservation Act (S. 1744) was referred to Commerce. The latter is similar to the earlier bill reported by Commerce and includes freight rate adjustments and consumer information measures to encourage consideration of disposal costs at the time a product is purchased. Thus, this area is one in which two committees are actively considering legislation containing some overlap in subject matter.

*Toxic substances.*—The Commerce Committee has jurisdiction over toxic substances regulation. However, air quality and water pollution legislation reported from Public Works both have provisions for control of the emission of toxic substances. Moreover, Public Works handles many aspects of hazardous waste disposal, often involving toxic substances.

*General environmental quality.*—At the time the National Environmental Protection Act (NEPA) was passed, having been reported from Interior, Public Works was also considering general environmental quality legislation. Spokesmen for the committee made the claim, however, that a general environmental protection statement was of minimal importance because the legislation sponsored and reported by Public Works already established a national framework for environmental protection. Public Works reported a bill in 1970 as title II of the water pollution control bill, which established an Office of Environmental Quality to act as staff to the Council on Environmental Quality established in the NEPA. This became law, and the authorization of the Office is used for part of CEQ's funding authority.

*Water resource projects.*—Public Works handles authorization for a large share of water resource projects, sharing this jurisdiction with Interior. Generally speaking, Interior authorizes projects of the Bureau of Reclamation, and Public Works handles most other projects, largely under the civil operations of the Army Corps of Engineers. This entails a large number of bills. However, general water resources policy resides for the most part in Interior, which has jurisdiction over the Water Resource Council.

## COMMITTEES WITH SECONDARY INVOLVEMENT IN ENVIRONMENTAL ISSUES

In addition to the five committees which report to the Senate on bills focused directly on environmental issues, several other committees consider environmental questions as part of their general repsonsibilities in other areas.

### *Committee on Aeronautical and Space Sciences*

The Space Committee's handle on environmental issues is not only direct environmental problems of the atmosphere enveloping the Earth, but also the increasingly critical environmental data being gathered by space satellites. Topics of interest to the committee include: disposal

of nuclear waste in the environment; ozone depletion in the upper atmosphere; the impact of the Sun on the Earth's environment (that is, the linkage between Sun spots and climatic cycles) ; environmental satellites; and mapping the gravitational magnetic fields of the Earth's environment.

*Committee on Banking, Housing and Urban Affairs*

In considering the community development programs under its jurisdiction, the committee acts upon a number of environmentally related issues, such as community planning and provision of some types of sewer and water assistance for open space acquisition. In the course of designing the block grant program consolidating a number of community development programs, the committee authorized a delegation to State or local officials of the environmental impact statement process required in the National Environmental Policy Act (NEPA), thus setting a precedent for treating of the impact statement process, and was accomplished in close consultation with the CEQ.

*Committee on the Budget*

Like the Committee on Appropriations, this committee has within its purview all the programs authorized by the Congress, with a view to assessing the budgetary impacts and need for adjustments in authorizations. Thus, it considers environmental programs along with all other programs.

*Committee on Finance*

Through its jurisdiction over tax and revenue measures, the Finance Committee has a potentially important role in considering measures which would provide incentives for environmentally sound actions in the private sector—for example, placing a tax on products or services which cause environmental costs which are otherwise ignored. This is particularly the case in waste disposal issues.

*Committee on Government Operations*

The Rules of the Senate give Government Operations the legislative responsibility for reorganization of the executive branch of Government. It also has oversight responsibility for "studying the operation of Government activities at all levels with a view to determining its economy and efficiency." In carrying out these responsibilities, most environmental programs in the Government could come under its consideration.

*Committee on Labor and Public Welfare*

Due to its public health jurisdiction, this committee has reported public health legislation granting EPA research responsibilities for determining health effects of certain environmental hazards.

*Select Committee on Small Business*

This committee has a Subcommittee on Environmental, Rural, and Urban Economic Development, and has held hearings on the effects on small business of environmental regulation.

*Joint Committee on Atomic Energy*

This committee has a Subcommittee on ERDA, Environment and Safety. The environmental effects of nuclear power generation are a concern of this committee, and have been a subject of hearings.

# HEALTH POLICY

Health policy is a vast, fragmented area touching almost every Senate committee. Indeed, 16 committees exercise identifiable jurisdiction relating to health matters. The Committees on Finance, Labor and Public Welfare, and Appropriations have established primary juristion over health legislation. In addition, 13 other standing committees, plus 1 special committee and 2 select committees, consider health-related matters.

Topics of health legislation include: health insurance for the aged (medicare), grants to States for medical assistance (medicaid), public health, biomedical research and technology, national health insurance, occupational health and safety, workmen's compensation, environmental health, world health problems, and health benefits programs for armed service personnel, Indians, veterans, and Federal employees.

## COMMITTEES WITH PRIMARY HEALTH JURISDICTION

### *Committee on Finance*

The Finance Committee has jurisdiction over revenue-raising measures and the Social Security Act. Health legislation resulting from these mandates include title 18 of the Social Security Act (health insurance for the aged and disabled, known as medicare), title 19 of the Social Security Act (grants to States for medical assistance programs, known as medicaid), title 5 of the Social Security Act (maternal and child health and crippled children's services), and various health insurance measures, including national health insurance and health insurance for the unemployed.

About 80 percent of Federal moneys spent for health result from expenditures under the medicare and medicaid programs. Because these programs finance health care for major segments of the population (that is, the aged and the poor), the committee has broad interest in health problems relating to the implementation of medicare and medicaid. Major areas of concern to the committee include costs of health care, delivery of health services, quality of health care, and health status of the population.

### *Committee on Labor and Public Welfare*

The Labor and Public Welfare Committee has jurisdiction over a wide range of public health policy issues, including legislation for health planning (title 15 of the Public Health Service Act), health facilities construction and development (title 16 of the PHSA), health manpower education and training (titles 3, 7, and 8 of the PHSA), health services (titles 3 and 10 of the PHSA), and the Public Health Service Corps (including the Indian Health Services) and hospital system (title 3 of the PHSA, Public Law 83–568, and Public Law 85–151).

The committee exercises major jurisdictional authority over biomedical research (fundamental and applied research in the biological and medical sciences). Statutory authority, for the most part, comes from titles 3 and 4 of the Public Health Service Act. Biomedical research fields of recent interest to the committee are: disease research, research on aging, nutrition research, research on manpower training, clinical research facilities, and information and technology transfer.

The committee also has jurisdiction over a variety of other health and health-related areas such as food and drug legislation, and health legislation relating to the physically and mentally handicapped, alcoholism and narcotic abuse, children, the aged, occupational health and safety, workmen's compensation, and employee's health benefits.

The committee's broad responsibilities in health policy and biomedical research are reflected in the nine subcommittees dealing with these subjects: Alcoholism and Narcotics; Health; Labor; Aging; Employment, Poverty and Migratory Labor; Handicapped; Children and Youth; Special Subcommittee on the National Science Foundation; and Human Resources. In the 94th Congress, hearings have covered such diverse topics as: drug industry regulation; mine safety, lead-based paint; genetic engineering oversight of the Food and Drug Administration; science policy; preventive medicine; health manpower; alcoholism programs; and authorizations for the National Science Foundation.

*Committee on Appropriations*

The Subcommittee on Labor, Health, Education, and Welfare exercises primary jurisdiction over appropriation requests to fund Federal health legislation authorized by the Committees on Finance and Labor and Public Welfare.

Other Appropriations subcommittees also exercise impact on health-related areas. For example, the subcommittee on Agriculture and Related Agencies hears appropriation requests for the Food and Drug Administration, food and nutrition programs, animal health research, meat and dairy inspection programs, and insect and disease control programs. The Subcommittee on Defense hears appropriation requests for armed services health benefits programs. The Subcommittee on HUD-Independent Agencies hears appropriations requests for veterans' health benefits programs and FHA mortgage insurance programs for medical facility construction. The Subcommittees on Interior and Public Works hear appropriation requests for environmental health programs. The Subcommittee on State, Justice, Commerce, and the Judiciary hears appropriations requests for certain narcotic abuse programs. The Subcommittee on Treasury, U.S. Postal Service, General Government hears the Civil Service appropriation request for the Federal employees' health benefits program.

COMMITTEES WITH SECONDARY HEALTH RESPONSIBILITIES WITH EXAMPLES OF SUBJECTS CONSIDERED

*Committee on Aeronautical and Space Sciences*

Science and Technology
Space-oriented Biomedical Research
Space Applications in Cardiology

*Committee on Agriculture and Forestry*

Agriculture, including agricultural products and marketing
Livestock and meat standards
Pesticides
Agricultural education and research
Nutrition
Rural health, including health manpower

*Committee on Armed Services*

Health care and benefits for military personnel
Military-oriented biomedical research

*Committee on Banking, Housing, and Urban Affairs*

Urban affairs
Interest subsidy payments for nursing homes

*Committee on Commerce*

Advertising, packaging, and labeling
Toxic substances
Consumer protection

*Committee on the District of Columbia*

Public health, safety, and sanitation in the District of Columbia

*Committee on Foreign Relations*

International treaties, agreements, and conferences relating to health
Foreign assistance
International disaster relief assistance
American National Red Cross

*Committee on Government Operations*

Establishment of Federal health agencies
Oversight of Federal agencies

*Committee on Interior and Insular Affairs*

Indian health and medical care

*Committee on the Judiciary*

Drug abuse and narcotics traffic
Medical malpractice procedures
Constitutional amendments (e.g., abortion issue)

*Committee on Post Office and Civil Service*

Health and benefits of Federal employees
Census statistics

*Committee on Public Works*

Air and water pollution
Environmental Protection Agency (part)

*Committee on Veterans' Affairs*

Veterans' health, rehabilitation, and readjustment to civilian life
Veterans' hospitals

*Select Committee on Nutrition and Human Needs*

The Select Committee on Nutrition and Human Needs is mandated to conduct a complete study of all matters pertaining to the food, medical and other related basic needs among the American people.

*Select Committee on Small Business*

The Select Committee on Small Business is required to "study and survey by means of research and investigation all problems of American small-business enterprise." Since 1967 the committee has conducted an extensive inquiry into the pharmaceutical industry. The series of

hearings published as a result of the committee's investigation are known as Competitive Problems in the Drug Industry.

*Special Committee on Aging*

The Special Committee on Aging is authorized to "make a full and complete study and investigation of any and all matters pertaining to problems of older people, including but not limited to, problems of maintaining health."

Since 1973 the Subcommittee on Health of the Elderly has held an extensive series of hearings entitled, "Barriers to Health Care for Older Americans." Beginning in 1974, the Subcommittee on Long-term Care has issued eight reports on problems in the nursing home industry.

## INTELLIGENCE POLICY

The intelligence activities of the Federal Government are conducted by a number of separate agencies. Although the jurisdictional lines are not always clearly drawn, all intelligence agencies are classified as foreign or domestic, depending upon their responsibilities and the nature of their activities.

### FOREIGN INTELLIGENCE AGENCIES

Foreign intelligence agencies are affiliated with the United States Intelligence Board, USIB, an interdepartmental body that coordinates foreign intelligence activities. By virtue of a National Security Council directive, the Director of the Central Intelligence Agency, CIA, serves as chairman of USIB. There are presently 10 foreign intelligence agencies:

1. Central Intelligence Agency, CIA.
2. Defense Intelligence Agency, DIA.
3. Bureau of Intelligence and Research, Department of State.
4. Office of National Security, Department of Treasury.
5. Energy Research and Development Administration, ERDA, formerly known as the Atomic Energy Commission.
6. National Security Agency.
7. U.S. Army, Assistant Chief of Staff, Intelligence.
8. U.S. Air Force, Assistant Chief of Staff, Intelligence.
9. U.S. Navy, Naval Intelligence Command.
10. U.S. Navy, Marine Corps G–2.

All of these agencies are members of USIB, except the intelligence units of the military departments.

### DOMESTIC INTELLIGENCE AGENCIES

Domestic intelligence agencies are more difficult to designate than their foreign counterparts because there is no interdepartmental coordinating organization similar to USIB. The following agencies, however, have reportedly engaged in domestic intelligence activities.[1]

1. Bureau of Personnel Investigations, Civil Service Commission.
2. Defense Investigative Services.

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[1] It should be noted that other Federal agencies, especially those with law enforcement responsibilities, conduct intelligence operations but are not included in the above list of domestic intelligence agencies.

3. Criminal Division of the Department of Justice.
4. Drug Enforcement Administration, Department of Justice.
5. Federal Bureau of Investigation, Department of Justice.
6. Immigration and Naturalization Service, Department of Justice.
7. Passport Office, Bureau of Security and Consular Affairs, Department of State.
8. U.S. Coast Guard, Department of Transportation.
9. Bureau of Alcohol, Tobacco, and Firearms, Department of Treasury.
10. Internal Revenue Service, Department of Treasury.
11. Secret Service, Department of Treasury.
12. U.S. Custom Service, Department of Treasury.
13. Inspection Service, U.S. Postal Service.

### NATIONAL INTELLIGENCE AGENCIES

In 1976, the Senate passed Senate Resolution 400, which provided for the creation of a new Select Committee on Intelligence. This legislation abandons the traditional method of classifying intelligence agencies as foreign or domestic, and seeks instead to distinguish agencies with major intelligence responsibilities from those with minor or limited responsibilities. Major intelligence agencies are those that are either exclusively or significantly engaged in intelligence production; and they cut across the foreign-domestic intelligence dichotomy.

The major intelligence agencies, or those described as national intelligence agencies in Senate Resolution 400, are the following:

1. Central Intelligence Agency and Director of Central Intelligence.
2. Defense Intelligence Agency.
3. National Security Agency.
4. Intelligence activities of other agencies and subdivisions of DOD.
5. Intelligence activities of the Department of State.
6. Intelligence activities of the FBI, including all activities of the Intelligence Division.

### JURISDICTION OF THE NEW SELECT COMMITTEE OVER INTELLIGENCE AGENCIES AND ACTIVITIES

Before passage of Senate Resolution 400 and creation of a Select Committee on Intelligence, legislative responsibility for intelligence operations was distributed among a number of Senate committees, and was based upon the division between foreign and domestic intelligence agencies and activities. Under the old arrangement, the Armed Services Committee had jurisdiction over foreign intelligence and the Senate Finance and Judiciary Committees had jurisdiction over domestic intelligence.

This jurisdictional arrangement has been changed by Senate Resolution 400. The new select committee has been empowered to oversee and make continuing studies of the intelligence activities and programs of the Government, and to submit proposals for legislation and report to the Senate. It also has legislative oversight authority over the intelligence activities of the United States.

The new select committee, however, does not have exclusive jurisdiction over all intelligence activities and agencies, and a number of committees continue to share responsibility for the conduct of in-

telligence operations—in legislation and especially oversight. Because the new Select Committee on Intelligence was established by a Senate resolution rather than a congressional statute, the metes and bounds of its jurisdictional authority are somewhat in a state of flux. Senate Resolution 400 does not explicitly amend Senate Rule XXV. No previous statutes regarding legislation and the oversight activities of other Senate committees have been repealed, and the possibility jurisdictional conflict over intelligence activities remains. Limited oversight of covert foreign operations of the CIA, for example, is provided by section 32 of the 1974 Foreign Assistance Act. This provision of the law has not been nullified by Senate Resolution 400.

Closely related to intelligence matters are questions of national security, military capabilities, foreign policy in general, foreign economic policy, internal security, law enforcement, civil liberties, and the constitutional rights of citizens. Committees with jurisdiction over these policy areas, it may be seen, will be in a position to conduct oversight over intelligence activities and agencies, even though they lack legislative authority.

In the general area of intelligence, therefore, the new select committee will share oversight authority with other Senate committees, by virtue of the latter's: (a) appropriations and authorization authority; (b) specific statutory authority; (c) broad investigative authority, as in alleged violations of constitutional rights; or (d) general oversight authority—Committee on Government Operations.

Likewise, the new select committee will share legislative authority with a number of committees which previously had jurisdiction over a particular intelligence agency or activity. Senate Resolution 400 provides the select committee with legislative and oversight authority only over national or major intelligence agencies and operations. Its legislative authority over the CIA and the Director of Central Intelligence is exclusive, provided the Senate Armed Services Committee acquiesces. The National Security Act of 1947, which established the CIA, remains within the province of the Armed Services Committee, and this committee may assert legislative authority over the CIA under present law. The jurisdictional problem here is complex because funding for intelligence activities is subsumed under defense spending categories.[2]

The oversight authority of the new select committee over the CIA is shared with other committees. Its legislative and oversight authority over the remaining national or major intelligence agencies is concurrent and sequential.

### OTHER COMMITTEES WITH PRIMARY JURISDICTION OVER INTELLIGENCE AGENCIES AND ACTIVITIES

Other committees sharing primary jurisdiction over intelligence agencies and activities with the select committee are as follows:

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[2] On July 1, 1976, the chairmen of the Armed Services and Intelligence Committees reprinted in the Congressional Record (p. S11355) a "Memorandum of Understanding" concerning their jurisdiction over the U.S. intelligence community. The memorandum states that, "Where there are questions of joint concern between the Senate Select Committee on Intelligence and the Senate Armed Services Committee, they will be promptly made a matter of consultation and resolution between the chairmen of the two committees, and the Chiefs of Staffs of both committees, as may be appropriate." In other words, the committees intend to resolve their differences on a case-by-case basis.

*Appropriations Committee*

This committee has the authority to appropriate funds for the support of the Federal Government, including national and minor intelligence agencies and activities. The Defense Subcommittee has jurisdiction over the CIA, NSA, DIA, and military intelligence units. The Public Works Subcommittee has jurisdiction over ERDA. The Subcommittee on State, Justice, Commerce and the Judiciary has jurisdiction over the FBI and other Justice Department intelligence units, the State Department Passport Office, and Bureau of Intelligence and Research. The Transportation Subcommittee has jurisdiction over the U.S. Coast Guard. And the Subcommittee on the Treasury, U.S. Postal Service, and General Government has jurisdiction over the Department of the Treasury; Office of National Security; Bureau of Alcohol, Tobacco, and Firearms; IRS; Secret Service; U.S. Customs Service; the U.S. Postal Service Inspection Service; and the Civil Service Commission.

*Armed Services Committee*

Intelligence legislation and oversight responsibilities of Armed Services, which reside internally with the Intelligence Subcommittee, are held sequentially and concurrently with the select committee. Included are the military intelligence units, DIA, and NSA. Limited oversight of covert foreign operations of the CIA is provided by section 32 of the 1974 Foreign Assistance Act.

## COMMITTEES, SUBCOMMITTEES AND JOINT COMMITTEES WITH SECONDARY JURISDICTION

The following committees, subcommittees, and joint committees have secondary jurisdiction over intelligence operations because they share formal jurisdiction with the Select Committee on Intelligence, have only one intelligence agency under their jurisdiction, or possess only oversight authority:

*Commerce Committee*

The Merchant Marine Subcommittee of the Commerce Committee has legislative and oversight authority over the U.S. Coast Guard, which is one of the minor intelligence agencies. The Subcommittee on Science, Technology and Commerce has held oversight hearings on surveillance technology jointly with the Judiciary's Subcommittee on Constitutional Rights (1975).

*Foreign Relations Committee*

The Foreign Relations Committee has concurrent and sequential legislative authority with the select committee over the State Department's Bureau of Intelligence and Research (Passport Office). In addition, section 32 of the 1974 Foreign Assistance Act gives the Foreign Relations Committee oversight authority over covert foreign operations of the CIA.

*Finance Committee*

The intelligence activities of the Internal Revenue Service, the U.S. Customs Service, and other Treasury intelligence units fall within the legislative jurisdiction of the Senate Finance Committee.

*Judiciary Committee*

The Judiciary Committee has legislative and oversight authority over the Justice Department intelligence units, including the FBI, which it shares concurrently and sequentially with the Select Committee on Intelligence.

*Government Operations*

The Government Operations Committee holds legislative authority concurrently and sequentially with the select committee with respect to reorganizations in the executive branch that affect intelligence agencies.

*Post Office and Civil Service*

Jurisdiction over the Bureau of Personnel Investigations of the Civil Service Commission and the Inspection Service of the U.S. Postal Service resides in this committee.

*Joint Committee on Atomic Energy*

The jurisdiction of the Joint Committee on Atomic Energy encompasses the Energy Research and Development Administration (ERDA), a successor to the Atomic Energy Commission.

*Joint Committee on Internal Revenue Taxation*

Although this joint committee has no legislative referral authority, it occasionally conducts staff investigations regarding IRS operations and activities.

## INTERNATIONAL ECONOMIC POLICIES

Foreign economic policy has two major objectives. One, in economic terms, is to raise U.S. output, income, and employment. As such, foreign economic policy is a tool of general economic policy. The other is to assist in achieving U.S. international political and national security objectives. For this function foreign economic policy is a major component of U.S. foreign policy.

In practice, however, this distinction between economic and political components is impossible to achieve. In the real world, decisions on foreign economic matters affect the U.S. economy, U.S. relations with other countries, and the type of world order being evolved.

In effecting foreign economic policy, the Senate most frequently deals in six major functional areas: (1) Trade, (2) Foreign investment and the multinational corporation, (3) Foreign aid, (4) Commodities, (5) International finance and monetary policy, and (6) East-West trade controls.

Each of these areas is highly complex. The critical subject of foreign trade, for example, encompasses the Nation's commercial relations with other countries. Detailed subjects of policymaking within the foreign trade area include, on the import side, customs duties (including most-favored-nation treatment of nonmarket economies, and the general system of preferences for the less developed countries and similar levies on imports), quantitative restrictions on imports (including import quotas and voluntary orderly marketing agreements), impact of trade on the U.S. economy, relief (escape clause, trade adjustment, countervailing and antidumping duties, other remedial

action) from injurious or unfair imports, administration of customs and the operation of the U.S. International Trade Commission, trade and tariff negotiations and agreements with other nations; on the export side, administration of controls on exports on short supply, national security, or foreign policy grounds (including antiboycott provisions), promotion of exports, and export financing.

Responsibilities for international economic policymaking are widely scattered among Senate committees. At least six standing committees have actual or potential authority over major portions of our economic relations with other nations. Virtually every other committee is involved in international economic matters in one form or another.

In particular, five standing committees, one select committee, and two joint committees can be described as having identifiable but secondary responsibilities in this vast field. Foreign economic policies are intimately related to the domestic economy, and there is no Senate committee with overall responsibility in this field. Only the Joint Economic Committee's mandate embraces the entire subject matter, but it is a nonlegislative committee. Nor has the executive branch consolidated responsibilities for economic policymaking. Foreign economic relations, though nominally the responsibility of the President, are actually scattered among the State, Treasury, Commerce, and Agriculture Departments and such other agencies as the Federal Reserve Board and the Council of Economic Advisers. This subject matter, in short, comes as close as any to encompassing the whole of governmental activities.

## COMMITTEES EXERCISING PRIMARY JURISDICTION OVER INTERNATIONAL ECONOMIC QUESTIONS

### *Committee on Agriculture and Forestry*

Agricultural imports and exports
Sale or donation of food assistance (Public Law 480)

The United States is profoundly affected by agricultural trade, and particularly policies of other nations such as variable levies, quotas, insecticides, packaging, border taxes, and standardization. Trade in such commodities as wheat, soybeans, vegetable oils, fish, veneers, and logs is under the oversight of this committee. The agricultural policy of the Common Market, the supply of wheat to Communist areas, the distribution of food to distressed nations—these are subjects of great political as well as economic consequence.

The committee has jurisdiction over foreign agricultural matters on both the import and export side. Specifically, on the import side, it has jurisdiction for "inspection of livestock and meat products." This task basically involves customs administration. On the export side, it has jurisdiction for "agricultural production and marketing and stabilization of prices of agricultural products." Such a mandate could translate into oversight responsibilities for agricultural export financing operations (e.g. the Commodity Credit Corporation), export administration activities to support the marketing mandate, and export control and trade agreements responsibilities to stabilize short-run price fluctuations.

Recent legislation reported to the committee on the import side concerns inspection, packaging, and labeling requirements of selected

imports. Three such bills deal with dairy, meat, and vegetable products. Two bills on the import side deal with quantitative restrictions. On the export side, a large number of bills dealing with export administration and export controls have been reported to the committee. The export administration-related bills are all concerned with the inspection and supervision of grain for export. Six export control bills have recently been reported to the committee.

*Committee on Appropriations*

Funding for U.S. participation in international programs, including foreign assistance

*Committee on Banking, Housing and Urban Affairs*

Export controls
Export financing
Export-Import Bank
Investment guarantees
Foreign boycotts
Bribery of foreign officials
Banking generally, including international banking
Currency, including valuation of the dollar
Price controls

Banking has primary jurisdiction over the administration of export controls and export financing (operations of the Export-Import Bank of the United States). Jurisdiction over export financing flows from the Standing Rules which assign to this committee the matters relating to "financial aid to commerce and industry, other than matters relating to such aid which are specifically assigned to other committees under this rule," and also from the committee's responsibility for matters of "banking and currency generally."

In addition to its concern with export policy, Banking is interested in the values of major currencies used in payment for commodities, as well as the control of prices of commodities here and overseas.

The committee considers the Articles of Agreement of the International Monetary Fund, which govern the structure of the world financial system. Although only a small part of the committee's jurisdiction these play a large role in how the world's financial affairs are run.

*Committee on Commerce*

Interstate and foreign commerce generally
Trade promotion
Foreign direct investment
Inland waterways
Product distribution, including advertising and packaging.

Commerce has general jurisdiction over interstate and foreign commerce. The Standing Rules of the Senate do not assign to the committee any more specific trade subject areas. Recent bills referred to Commerce indicate a primary concern with trade promotion.

The committee is, however, concerned with trade patterns generally, and, in particular, the overall optimum trade capability of the Nation, its enhancement by means of incentives, international fairs, promotional and advertising overseas, trade with state organizations such as in the Russian and Chinese hegemonies, and with export controls by other countries.

Insofar as waterways are concerned, a concern is with barge traffic in the oil trade between Canada and the United States in the Midwest.

*Committee on Finance*

Foreign trade, including tariffs, customs, and nontariff restrictions

Taxation of foreign sales and earnings from foreign investments

As the tax-raising committee, Finance has the primary responsibility for import restrictions and, consequently, the bulk of legislation on foreign trade—even though the function of these restrictions is no longer to raise revenues as it was in the early days of the Republic. Because of control over taxation, the committee is also the major panel dealing with foreign investment, both inward and outward.

The committee has general jurisdiction over all matters pertaining to imports. The Standing Rules of the Senate assign to it the following specific foreign trade subjects: customs, collection districts, and ports of entry and delivery; reciprocal trade agreements; transportation of dutiable goods; tariffs and import quotas; and related matters.

The most characteristic recent legislation within this committee's jurisdiction was the Trade Act of 1974, a major revision of the U.S. trade and tariff statutes encompassing practically all aspects within the import sector of foreign trade. Numerous bills approved by the committee, or presently being considered by the committee, deal with establishment, increase, reduction, suspension, or removal of customs duties on a variety of commodities or modification of present tariff treatment applicable to certain situations. Several bills presently in committee deal with controls on imports aiming at their reduction (limitations of or quotas on imports of petroleum, dairy products, and meat; special taxes or fees on the imports of petroleum); some deal with the administration of customs or the operation of the U.S. International Trade Commission.

*Committee on Foreign Relations*

International financial and monetary organizations

Foreign investment

Influence of multinational corporations on U.S. foreign policy

Bilateral economic development and humanitarian assistance authorizations

Peace Corps authorizations

The United Nations, including U.N.-sponsored development assistance

Allocations to international financial institutions (including World Bank, IMF, IDA, regional banks)

Treaties, including commodity agreements (if treaties)

The committee possesses broad jurisdiction over U.S. relations with foreign countries. Its responsibility for fostering commercial intercourse could encompass export promotion, export financing, and trade agreements and negotiation activities, while the responsibility for safeguarding American business interests could also involve trade agreements and negotiations. The latter mandate for oversight of the United Nations Organization might provide a claim for committee oversight of U.S. participation in the United Nations Commission on Trade and Development (UNCTAD).

Foreign Relations considers foreign aid; and all international treaties (for example, treaties on commodity agreements) come before it. Thus, it has responsibility for a large portion of the Nation's participation in world economic affairs.

### COMMITTEES WITH SECONDARY RESPONSIBILITIES

The following committees do not exercise primary legislative authority over questions involving international economics, but actions within their spheres of responsibility directly affect, or are affected by, international economic conditions.

*Committee on Armed Services*

Strategic and critical materials necessary for the common defense.

*Committee on Government Operations*

Organization of the Government.

*Committee on the Judiciary*

Protection of trade and commerce against unlawful restraints and monopolies.

*Committee on Interior and Insular Affairs*

Mineral stockpiles
Extractive industries generally

*Committee on Labor and Public Welfare*

World labor standards
Labor performance of U.S. firms overseas

*Select Committee on Small Business*

Impact of international forces upon small businesses

*Joint Committee on Defense Production*

Stockpiles of critical materials

*Joint Economic Committee*

Overview of international economic conditions and policies

## RETIREMENT INCOME POLICIES

"Retirement income programs" as used herein encompass programs which provide work-related income on account of age. They do not, therefore, include such programs as supplemental security income (SSI) or veterans' pensions, which might be more appropriately included in other public policy areas (for example, welfare).

Retirement income programs affect the continued well-being of millions of individuals who receive work-related retirement benefits. Such retirement income may be derived from a host of federally administered programs such as social security, railroad retirement, civil service retirement, or military retirement; from upward of 6,000 State and local government plans; or from one or more of the one-half million or so private pension plans. In addition, tax incentives to encourage individuals to save for their own retirement are available to encourage millions of individuals not participating in any retirement program other than social security or railroad retirement. In one way

or the other, therefore, virtually every American is affected by at least one of these retirement income programs.

*Federal retirement plans*

The various Federal retirement plans developed individually, at different times and for different purposes. Many of them, however, were created to reduce costs and increase efficiency in personnel management. As such, individual Federal retirement programs were placed under the jurisdiction of the congressional committee most concerned with the specific agency and program area for which such plans were designed.

Although almost 95 percent of Federal annuitants receive retirement benefits from either the civil service retirement program or the military retirement system, there are many other programs that pay retirement benefits to the remaining 5 percent. Attempts to assemble a comprehensive list of Federal retirement programs are complicated by confusion over the characteristics of a Federal retirement plan. Whereas some consider Federal retirement plans to be those administered by the Federal Government, others consider them to be those provided by the Federal Government for its employees. Still others believe that the Federal Government must contribute funds to a plan in order for it to be classified in this category. For this reason, there is a lack of general agreement as to the exact number of Federal retirement plans in existence today. The House Pension Task Force of the Committee on Education and Labor has determined, for example, that the Federal Government maintains 65 Federal retirement plans. The General Accounting Office, however, has identified only 51.

Since the enactment of the Employee Retirement Income Security Act (ERISA) in 1974, an effort has been underway to identify those plans that are exempt from that legislation because of their status as governmental plans. As defined by ERISA, a governmental plan is:

> A plan established or maintained for its employees by the Government of the United States, by the Government of any State or political subdivision thereof, or by any agency or instrumentality of any of the foregoing.

A number of the plans are awaiting determinations by the Department of Labor as to whether they are governmental plans and thus subject to ERISA.

*Private pension plans*

In 1974 Congress took the fateful step of bringing the myriads of private pension plans under the aegis of Federal law with passage of the Employee Retirement Income Security Act (ERISA). A continuing bone of contention throughout the deliberations on private pension legislation in both houses was the issue of legislative jurisdiction. Private pension legislation affected both "revenue measures generally" and "measures relating to . . . labor, or public welfare generally."

After extended hearings by the Senate Labor Subcommittee, the full Labor and Public Welfare Committee reported out a private pension reform bill in 1972. Although the Labor and Public Welfare Committee studiously avoided any direct or indirect incursion, revision, or amendment of the Internal Revenue Code, at that time it became ensnarled in an unusual legislative tangle.

Because inevitably the proposed legislation had to deal with tax questions in assuring compatibility of administration and enforcement with existing Internal Revenue Code provisions, the Senate Finance Committee requested that the reported measure (S. Rept. No. 93–127 on S. 4) be sent to it. While Finance made no attempt to pass judgment on the substantive provisions of the Labor and Public Welfare measure relating to coverage, vesting, funding, insurance, or portability, it did contend that legislation such as proposed by the bill had been handled historically through the tax laws and accordingly was outside the jurisdiction of Labor and Public Welfare.

The Finance Committee consequently asserted jurisdiction over certain tax-related matters and reported out its own measure (S. Rept. No. 93–383 on S. 1179). The complex nature of the legislation and, in particular, the fact that the two bills were from two different committees meant that extensive staff work was necessary to narrow and resolve the disputed provisions before the bill could be presented to the Senate. The marriage of the two bills therefore involved prolonged negotiations which were completed only a day before the Senate considered the measure.

In the end, the bill presented before the Senate for passage represented an amalgam of the two bills separately reported by each committee. The jurisdiction of various pension matters was carefully carved up and assigned to the Department (and committee) which appeared to be historically equipped and logically suited for those matters. Private pension reform legislation was passed by the Senate in September 1973, incorporated with the text of H.R. 4200—a minor House-passed revenue measure—and sent back to the House where it was referred to the Ways and Means Committee.

The House followed a different approach than the Senate. The Education and Labor Committee had been conducting pension hearings and had reported out its own measure (H.R. 12906; no report was issued). The Ways and Means Committee had also begun hearings and reported out its own bill (H. Rept. No. 93–807 on H.R. 12855). While the two committees attempted to make the common features of the two measures conform as much as possible, they did not arrive at a joint substitute proposal. Rather, the independent bills were combined on the House floor as separate titles as a substitute for H.R. 2—the pending House business. The Education and Labor bill became title I and the Ways and Means bill became title II. Since the jurisdictional approach of the House was generally adopted by the conferees, the final legislation (Public Law 93–406) resulted in dual administration of many of the same substantive provisions, that is, participation, vesting, funding, and fiduciary standards. As written, both the Finance and Labor and Public Welfare Committees, as well as the Labor Department and the Internal Revenue Service, have jurisdiction over many of the same matters affecting private pension plans.

## COMMITTEES WITH PRIMARY JURISDICTION

Many committees and subcommittees in the Senate have primary jurisdiction over retirement income programs, in the sense that they have legislative authority to implement or change a retirement income program. Other committees have oversight authority to study retirement income programs. Although many committees consider certain

facets of retirement income, the Finance Committee and the Labor and Public Welfare Committee have jurisdiction over the major sources of retirement income.

*Committee on Finance*

Private pension plans
Tax incentives for retirement savings
Railroad retirement
Social Security

*Committee on Labor and Public Welfare*

Private pension plans
Railroad retirement
Commissioned corps of the Public Health Service retirement system

*Committee on Post Office and Civil Service*

Civil Service retirement system
U.S. Presidents' retirement system
Widows of U.S. Presidents' retirement system
Panama Canal Construction Service annuity
Alaska railroad retirement and disability fund
Civilian teachers at the Naval Academy retirement system

*Committee on the Armed Services*

Military retirement system
CIA retirement and disability system
CIA employees' voluntary investment program
U.S. Coast Guard retirement system

*Committee on the Judiciary*

Federal judiciary retirement system
Federal judicial survivors' annuity system
Widows of Supreme Court Justices' retirement system
Judiciary of the territories' retirement system
U.S. Tax Court judges' retirement system
U.S. Tax Court judges' survivors system
Administrative Office of the U.S. Court's retirement system
Director of Federal Judicial Center retirement system
Supreme Court Justice retirement system

*Committee on the District of Columbia*

District of Columbia judges' retirement system
District of Columbia public school teachers' retirement system
District of Columbia policemen and firemen's retirement and disability system

*Committee on Government Operations*

Comptroller General retirement system
Comptroller General survivor system

*Committee on Commerce*

Federal lighthouse retirement system
Federal lighthouse survivor system

*Committee on Banking, Housing, and Urban Affairs*

Federal Reserve employees' retirement plan

*Committee on Public Works*
Tennessee Valley Authority retirement system
*Committee on Foreign Relations*
Foreign Service retirement and disability system

## SCIENCE AND TECHNOLOGY

Responsibilities for scientific and technological activities are scattered among virtually all Senate committees. It is fair to say that no Senate body has an overall mandate, even in oversight, relating to the scientific enterprise in the United States—its structure, manpower, priorities, and practices.

The primary legislative focus for science and technology is research and development undertaken by, or sponsored by, the Federal Government. All Federal departments and 24 other Federal agencies perform or sponsor research and development activities in connection with their assigned missions, according to information submitted to the National Science Foundation for fiscal year 1976. In fiscal 1977, an estimated $23.4 billion will be obligated by Federal agencies for research and development activities.[1] A breakdown of obligational authority (again using 1977 estimates) will indicate not only the relative magnitudes but also the wide range of agencies that are involved.

| *Department or agency* | *(Obligations 1977 est. in millions)* |
|---|---|
| Defense-military functions | $11,198 |
| National Aeronautics and Space Administration | 3,573 |
| Energy Research and Development Administration | 3,282 |
| Health, Education, and Welfare | 2,570 |
| National Science Foundation | 726 |
| Agriculture | 507 |
| Transportation | 319 |
| Interior | 316 |
| Environmental Protection Agency | 241 |
| Commerce | 243 |
| Veterans' Administration | 106 |
| Nuclear Regulatory Commission | 109 |
| Housing and Urban Development | 70 |
| Justice | 41 |
| All other | 164 |
| Total | 23,465 |

In 1974 the House Select Committee on Committees recommended creation of a Committee on Science and Technology, enlarging its jurisdiction from the preexisting Committee on Science and Astronautics. In addition to basic jurisdiction over science, technology, and space exploration, the committee would have responsibility for: civil aviation R&D; energy R&D including nonmilitary nuclear R&D; environmental R&D; oceanic and atmospheric sciences; sea grant programs; weather; and special oversight responsibilities over agricultural, biomedical, military, and water R&D. In explaining its recommendations, the select committee stated:

> The select committee proposes to place all other elements of scientific research and development under the jurisdiction of this committee. It further proposes to give the committee a responsibility not previously assigned to any committee

[1] U.S. Office of Management and Budget, special analysis P, Budget of the U.S. Government, Fiscal Year 1977, p. 281.

of Congress—overall review of Federal research and development, including biomedical, agricultural, military, and water reseach and development. This will be an oversight function only. It will involve systematic survey and analysis of all research and development conducted or sponsored by the Federal Government, with due regard to non-Federal research and development as well, so as to make findings and recommendations concerning the optimum use of resources and the integration and coordination of major Federal research and development.[2]

Although the House revised the select committee's recommendations before finally adopting them in October 1974, the essential outlines of its proposal were retained with regard to the Science and Technology Committee.

The following are the Senate committees now responsible for major portions of Federal research and development activities:

*Committee on Aeronautical and Space Sciences*

Aeronautical and space R&D (except for military)
NASA authorization
Science, engineering, and technology policies
Environmental R&D for NASA

*Committee on Agriculture and Forestry*

Agricultural R&D
Environmental Protection Agency, Office of Research and Development, authorizations for 1977 (with Commerce, Labor and Public Welfare, and Public Works)

*Committee on Armed Services*

Military R&D
Strategic and critical materials

*Committee on Banking, Housing, and Urban Affairs*

Solar Home Heating and Cooling Demonstration Act

*Committee on Commerce*

Civil Aeronautics R&D
Transportation R&D
National Bureau of Standards
Weather Bureau
Marine Science
Legislation establishing Office of Science Advisor (White House)
Communications R&D
Energy R&D
Air and water pollution research
Innovation in commerce and industry, generally
Environmental Protection Agency, Office of Research and Development, authorizations for 1977 (with Agriculture and Forestry, Labor and Public Welfare, and Public Works)

*Committee on the Budget*

Effects on budget outlays of existing and proposed legislation

*Committee on Government Operations*

Organization of the Federal Government for science and technology
Oversight of Federal science and technology activities

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[2] U.S. House of Representatives. Select Committee on Committees, "Committee Reform Amendments of 1974" (93d Cong., 2d sess.), p. 44.

*Committee on Interior and Insular Affairs*

Energy R&D
ERDA authorizations (with Joint Atomic Energy)
Water resources

*Committee on the Judiciary*

Patents, copyrights, and trademarks
Patent office
Surveillance technology
Industrial standards

*Committee on Labor and Public Welfare*

National Science Foundation authorizations
Policy, organization, and priorities for science, engineering and technology
Biomedical R&D
Environmental Protection Agency, Office of Research and Development, authorizations for 1977 (with Agriculture and Forestry, Commerce, and Labor and Public Welfare)
Transportation R&D

*Committee on Veterans' Affairs*

Medical problems of veterans

*Joint Committee on Atomic Energy*

Nuclear R&D
Nuclear Regulatory Commission, authorizations
ERDA authorizations (with Interior and Insular Affairs)

## TRANSPORTATION POLICY

The history of the United States, it has been said, can be written in terms of the development of its modes of transportation. From the early days of canal and railroad development, governmental initiatives have been of central importance to transportation, with spillover effects on a host of fields—land use, population distribution, resource utilization and environmental protection, among others.

Historically, transportation modes developed independently, with little thought for the overall consequences. This tendency is reflected in the organization of the Federal Government (even after creation of the Department of Transportation) and in the jurisdictional dispersion among Senate committees. As long as energy was cheap and environmental consequences were ignored, this dispersion of transportation policymaking apparently attracted little attention. Today, however, new emphasis is being placed on intermodal transportation planning and implementation.

In the Senate, four standing committees exercise jurisdiction over primary segments of transportation policy. In addition, another eight committees exercise secondary responsibilities in this field. As usual, distinctions between primary and secondary influence are difficult to make; and those committees with "secondary" jurisdiction enjoy, at least potentially, an important role in the overall transportation picture.

Jurisdiction over the construction and maintenance of highway projects and water navigation projects is held by one committee

(Public Works) while jurisdiction over airport construction expenditures is held by another committee (Commerce) and urban mass transit construction is handled by a third committee (Banking). Economic regulation of interstate railroads, buses, trucks, pipelines, freight forwarders, domestic water carriers and domestic and international air carriers is under one committee (Commerce), while construction and maintenance of highways and mass transit facilities are under other committees (Public Works and Banking, respectively). The raising of revenues to provide for construction and maintenance of highways is under the Committee on Finance. Another committee, Government Operations, has jurisdiction over the evaluation of the economy and efficiency of Government activities at all levels, including the economic regulation of transportation.

This brief discussion does not begin to convey the complexity of the interrelationships. In the current controversy over deregulation (primarily focusing on the Interstate Commerce Commission and the Civil Aeronautics Board), three Senate Committees—Commerce, Government Operations and Judiciary—are heavily involved. Other committees become involved in transportation in the course of their normal activities.

The following lists of jurisdictional categories are intended to indicate the degree of dispersion. Because the transportation field is changing rapidly, new categories and new relationships are constantly appearing on the scene.

COMMITTEES WITH PRIMARY JURISDICTION OVER TRANSPORTATION

*Committee on Banking, Housing and Urban Affairs*

Urban mass transit program

*Committee on Commerce*

Regulation of interstate railroads, buses, trucks, pipelines, freight forwarders, water carriers and air carriers
Airport construction expenditures
Maritime Administration programs

*Committee on Finance*

Revenue measures dealing with transportation (including airport and highway trust funds, financing and disbursements)
Transportation of dutiable goods
Railroad retirement system (financing)
Taxes, credits and subsidies for transport

*Committee on Public Works*

Highways, roads and streets (including bikeways)
Rivers and harbors
Ports and other public works for the benefit of navigation
Highway trust fund (except for taxes)
Traffic regulations and safety
Rural mass transportation
Collection of highway statistics

COMMITTEES WITH SECONDARY TRANSPORTATION RESPONSIBILITIES

*Committee on Agriculture and Forestry*

Rural transportation

75-850—76——10

*Committee on Appropriations*

Appropriations for transportation related activities (except for trust funds)

*Committee on Armed Services*

Transportation of military personnel and their household goods
Transportation of military equipment and supplies
Maintenance and operation of the Panama Canal

*Committee on District of Columbia*

Public mass transportation in the Washington, D.C. metropolitan area

*Committee on Government Operations*

Evaluation of the efficiency and appropriateness of the regulation of transportation

*Committee on the Judiciary*

Deregulation of airlines

*Committee on Labor and Public Welfare*

Railroad labor, retirement and unemployment (except taxes)

## URBAN AFFAIRS POLICY

As the United States has become increasingly urbanized and suburbanized, the problems of its metropolitan areas have emerged as a field of public concern. The scope of that field can be defined narrowly or broadly. If construed narrowly, the subject could embrace only those matters of particular relevance to inner cities and their suburbs. More broadly, because most Americans now live in what are defined as metropolitan areas, they are affected by public policies that shape the physical development and social welfare of those areas. Indeed, a committee focusing on metropolitan problems has been proposed—by Senator Mathias, for example—not only because the relevant jurisdictions are now fragmented among Senate committees, but also because they still emphasize cities rather than multicounty or even multistate areas and their problems.[1] One might proceed even further and consider all policies that impinge on the members of mass society to be an aspect of urban affairs. Primary emphasis here will be placed on those issues that are distinctly metropolitan in character; but the more generalized aspects of urban affairs will be included as well.

### COMMITTEES WITH PRIMARY JURISDICTION

*Committee on Banking, Housing and Urban Affairs*

Urban affairs generally
Housing
Banking
Financial assistance to State and local governments
Mass transit

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[1] Letter of Senator Charles McC. Mathias to Senator Adlai E. Stevenson III, of April 26, 1976.

Energy conservation, development, rationing
Economic controls and regulations

Squarely on target is the Banking Committee, to which rule XXV specifically gives jurisdiction over "urban affairs generally." In addition, the committee has primary responsibility for the physical condition of metropolitan areas because of its authority over housing, both public and private—including mortgage banking, urban renewal, community facilities, nursing homes, mobile homes, Federal insurance for real property, and regulation of land sales. Mass transportation is another explicitly urban matter within the committee's purview. Direct, supplementary financial assistance to specific local governments, as in the current case of New York City, is another.

More generalized issues of urban affairs include energy and national economic controls, which are highly relevant to the industrialized metropolitan areas.

*Committee on Appropriations*

Funding for urban programs is of central importance. The Subcommittee on the Independent Agencies and Housing considers appropriations for the Department of Housing and Urban Development. The Subcommittee on Transportation handles funding for mass transit, highways, and related programs. The Subcommittee on the District of Columbia determines Federal spending on that city's programs. The Subcommittees on Labor/Health, Education and Welfare; Public Works; Agriculture; Interior; State, Justice, Commerce, the Judiciary, and related agencies; and Treasury, Post Office, and General Government all act on appropriations for programs with an urban dimension.

*Committee on Finance*

Revenue sharing
Highway trust fund financing and disbursements
Social security
Aid to families with dependent children
Medicare
Medicaid
Maternal and child health services
Supplemental security income
Old age survivors and disability insurance
Tax aspects of housing policy
Energy
Tax incentives for investment
Trust funds
Import quotas
Unemployment compensation

Although not generally considered an "urban affairs" committee, Finance's revenue-raising power is vital to cities and suburbs. General revenue sharing is a top priority program for most local (and State) governments. Tax benefits to promote housing are probably as important to community development as any program of the Department of Housing and Urban Development; and the extent of funds available for the Federal highway program also significantly affects the future course of communities. In addition, major population centers are shaped by the extent of payments made for such social welfare pro-

grams as social security and unemployment benefits. Financing of energy measures is central to all urban industrialized areas.

*Committee on the Judiciary*

Criminal justice
Juvenile delinquency
Narcotics
Civil rights
Rights of consumers in claims
District of Columbia
Criminal law
Taxation
Congressional representation
Antitrust and monopoly

The legal aspects of the urban environment come within the jurisdiction of the Judiciary Committee. In recent years, the committee has considered bills dealing with juvenile delinquency, financial assistance to urban areas for criminal justice systems, correctional institutions, court reform, revision of the Federal criminal code, regulation of firearms, the death penalty, parole programs, compensation for victims of criminals, the Law Enforcement Assistance Administration, controls and classification of narcotics, organized crime, protection of civil liberties, sentencing, and terrorism, among other topics. It has also received bills concerning voting rights and immigration, two areas of critical importance to urban racial and ethnic groups. And it has jurisdiction over matters relating to the claims rights of consumers, most of whom live in the major metropolitan areas.

*Committee on Government Operations*

Intergovernmental relations
Economy and efficiency of urban programs
Organization and reorganization of urban programs

With its jurisdiction for overseeing all the activities of the Federal Government, this committee of necessity deals with the programs of concern to metropolitan areas. Indeed, a decade ago the committee held extensive hearings, later printed in more than a dozen volumes, on the role of the Federal Government in urban areas. In addition, the committee is responsible for intergovernmental relations generally, including the ties of local governments to each other, the States, regional organizations, and Washington. The Subcommittee on Intergovernmental Relations has taken an active role in considering measures for assisting local governments, for example, the Intergovernmental Personnel Act of 1970, and the Intergovernmental Antirecession Assistance Act of 1975, S. 1359, a proposed program of countercyclical grants for localities which was passed by both Houses of Congress but vetoed by the President in February 1976.

*Committee on the District of Columbia*

All measures other than appropriations concerning the municipal affairs of the District of Columbia

As Washington, D.C. is entirely urbanized, the committee responsible for its affairs necessarily focuses upon urban problems. Bills referred to the committee during the last Congress dealt with municipal home rule, the judicial system, municipal employees, Federal lands in the District, metropolitan transportation systems, and review

of proposed laws that had been acted on by the District of Columbia City Council. With the advent of home rule for the District of Columbia, the committee's responsibilities have shifted from legislation to oversight in all fields except for the criminal code and judicial appointments, which require congressional approval.

*Committee on Labor and Public Welfare*

Community Services Administration
Education
Labor
Energy
Employment effects
Conservation
R&D
Public health and quarantine
Gallaudet College
Howard University
St. Elizabeth's Hospital

The work of this committee affects the human resources of metropolitan areas. Of obvious importance to the condition of industrialized population centers are measures concerning wages and hours, child labor, labor standards, railway labor, employee compensation, manpower training, vocational rehabilitation, and regulation of the importation of foreign workers. Equally central are measures dealing with antipoverty programs, public-service employment, aid to education, programs for the elderly, children and youth, treatment and rehabilitation for alcoholism and abuse of narcotics, assistance to the handicapped, health care and research, and equal employment opportunity. All these issues have been considered recently by the committee.

*Committee on Commerce*

Transportation, generally—DOT
Air pollution
Water pollution
Consumer protection
Energy conservation
Communications

With jurisdiction over the aspects of the physical environment, infrastructure, and consumer life of the metropolis, Commerce is a committee of direct relevance to urban dwellers. In recent years, the committee has considered legislation concerning aviation, broadcasting, food inspection, product testing and labeling, regulation of electric utility rates, energy conservation and R&D, assistance to localities and States for increased energy costs, environmental protection, fire prevention and control, no-fault automobile insurance regulation of franchises, motor vehicle safety and fuel economy, oceans and atmosphere, regulation of the railroads, and science and technology.

*Committee on Agriculture*

Agricultural prices
Food stamps
School lunch programs
Energy research
Wholesome agricultural products
Land grant colleges

Although principally concerned with the concerns of rural America, this committee handles programs having profound implications for the residents of cities and suburbs, most directly in their role as consumers of agricultural products. Bills introduced in recent years concern such topics as agricultural commodities, agricultural marketing, school breakfast and lunch programs, commodity reserves, consumer protection, dairy and meat inspection, dairy prices, land grant colleges, production and inspection of eggs, food distribution programs, the food stamp program, fruit production and marketing, grain, agricultural imports, pesticides, agricultural prices, and vegetable production and marketing. In addition, the commitee considers various rural development programs—that is, rural electrification and farm-home loans that may well affect the migration of individuals and firms between metropolitan and nonmetropolitan areas.

*Committee on Interior and Insular Affairs*

Water pollution
Solid waste management
Energy allocation, production, conservation, R&D

Like Agriculture a rural committee with urban implications, Interior is centrally concerned with the public domain and natural resources generally. As such, it has enjoyed jurisdictional responsibility for legislation concerning such fuels as coal and oil, the utilization and conservation of energy, environmental protection, national parks and recreation areas, and the development of water resources, all of which affect the lives of inhabitants of the metropolis.

## COMMITTEES WITH SECONDARY JURISDICTION

*Committee on the Budget*

*Committee on Veterans' Affairs*

Housing programs of the Veterans' Administration
Veterans' hospitals
National cemeteries
Veterans' pensions

*Select Committee on Small Business*

Environmental, rural, and urban development
Crime against small business
Monopoly
Transportation and distribution

*Special Committee on Aging*

Federal, State, and community services
Housing for the elderly
Consumer interests of the elderly
Long-term care of the elderly
Health of the elderly
Employment and retirement incomes

*Select Committee on Nutrition and Human Needs*

*Joint Economic Committee*

Urban affairs
Consumer economics
Economic growth
Economic progress
Energy
Fiscal policy

## WELFARE POLICY

Welfare programs encompass approximately 55 income transfer programs.[1] Food, medical, and cash aid for the needy constitute the major portion of the Federal Government's welfare effort. However, there are alternative forms of assistance in jobs and training, housing aid, education aid, and other services. No single standing committee has jurisdiction over this wide range of welfare programs. No less than 8 of the 18 Senate standing committees exercise primary jurisdiction in the welfare area. Seven standing committees, one special committee, one select committee, and one joint committee exercise secondary responsibility. Primary and secondary jurisdictions are distinguished roughly according to the bulk of responsibility exercised by panels in the welfare field.

Three factors affect the reference of welfare bills to committee. The category of beneficiaries (medical aid for Indians or needy veterans) and the type of aid itself (educational opportunity grants or rent supplements) generally determine which committee receives what type of welfare measure. In addition, statutes previously reported by committees affect the reference of welfare measures. The Finance Committee has jurisdiction over many welfare programs—AFDC, SSI, medicare and medicaid, social services—because they are component titles of the Social Security Act of 1935. That act came under the jurisdiction of the tax-writing committee of each House because it involved financing through payroll taxes. In all, the Finance Committee has jurisdiction over programs that account for more than half of the Nation's public welfare expenditures.

Identified below are the committees having primary and secondary jurisdiction in the welfare area, and a list of their general concerns.

### COMMITTEES WITH PRIMARY WELFARE JURISDICTION

*Agriculture and Forestry*

Human nutrition and home economics
Food stamps
School lunch, school breakfast, and special milk programs
Child nutrition programs
Food distribution for needy families
WIC program

It should be noted that Senate rule XXV grants the Committee on Labor and Public Welfare jurisdiction over the "school-lunch program." However, this provision has not been followed, for school-lunch legislation is referred to the Agriculture and Forestry Committee. This occurred because the program was initially viewed as a way to utilize agricultural surpluses.

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[1] Excluded are income transfers made from general trust funds such as social security, unemployment insurance, and medicare, and "deferred compensation" programs such as veterans' education and housing benefits. In addition, tax expenditures are excluded from income transfers.

*Appropriations*

Nonentitlement programs:
Public housing
Rural housing loans
Legal services
Community health services

The Appropriations Committee also provides funds for open-ended (entitlement) programs such as aid to families with dependent children (AFDC), food stamps, medicaid, veterans' pensions, and supplemental security income (SSI). The Congressional Budget and Impoundment Control Act of 1974 requires entitlements to be referred to the Appropriations Committee for no more time than 15 days. The Appropriations Committee may report the bill with an amendment limiting the total amount of new entitlement authority.

*Finance*

AFDC (title 4 of the Social Security Act)
Medicaid (title 19)
Supplemental security income (title 16)
Emergency assistance to needy families with children (title 4)
Social services (title 20)
Maternal and crippled children's services (title 5)
Work incentive program for AFDC recipients (title 4)
Food stamps for SSI recipients

The Finance Committee also has jurisdiction over legislation that would aid the poor through general revenue sharing (section 103 of Public Law 92–512) and through the Internal Revenue Code, such as the earned income tax credit (rebatable credit for low-income workers with children). The jurisdictions of Finance and Labor and Public Welfare overlap on vastly important matters in the welfare area. The Senate has referred to each measures for national health insurance and for establishment of a national welfare reform commission.

*Banking, Housing and Urban Affairs*

Low-rent public housing
Rent subsidies and supplements
Rural housing loans
Winterization of houses for low-income persons
Supplemental security income rules for SSI recipients who receive:
public housing
rent supplements
Section 8 rent subsidies
farm housing loans

*Labor and Public Welfare*

Aging
Children and youth
Education subsidies and grants
Jobs under the comprehensive employment and training act
Headstart
Legal services
Community health centers
General social services
Public health

The Labor and Public Welfare Committee has several subcommittees that consider legislation concerning low-income persons: Aging; Children and Youth; Education; Employment, Poverty, and Migratory Labor; Health; and Human Resources.

COMMITTEES WITH SECONDARY WELFARE JURISDICTION

*Aging (Special Committee)*

Conducts studies and hearings and issues reports on the problems of the aged.

*Budget*

Overview of revenues and expenditures for all welfare programs.

*Government Operations*

Economy and efficiency of welfare programs.

*Interior and Insular Affairs*

SSI benefits to insular possessions of United States
Indian care and education
Job-creation measures for low-income persons

The Interior Committee has jurisdiction over the Young Adult Conservation Corps Act which would provide year-round jobs to persons 19 to 23 years of age. That measure was drafted as an amendment to the Youth Conservation Corps; hence, it was referred to the Interior and not to Labor and Public Welfare, which handles general public-service employment.

*Joint Economic Committee*

Overview of public welfare programs.

*Judiciary*

Oversight of assistance to refugees from Cuba and Indochina.

*Foreign Relations*

United Nations
International financial and monetary organizations

The Foreign Relations Committee has jurisdiction over general refugee assistance programs, while bills providing educational assistance to refugees are referred to the Labor and Public Welfare Committee.

*Nutrition and Human Needs (Select)*

Studies and hearings on such matters as food stamps, school lunch and breakfast, child nutrition, and nutrition for the elderly.

# SECTION 12. ALTERNATIVE COMMITTEE SYSTEMS PROPOSED BY SENATORS AND OTHERS

Many proposals for changing the Senate's committee system have been put forward by Senators and close observers of the Senate. (A list of pending Senate legislation regarding the committee system is provided in appendix F.) In this section the major reorganization alternatives are described and their implications—both positive and negative—are discussed.

Senate committees perform a combination of functions. The committees are principal workshops for policymaking. They are expected to contribute to virtually every phase of policymaking: anticipating problems, clarifying policy alternatives, refining specific legislation, overseeing the implementation of the policies, and evaluating the policies' effectiveness. In each phase of policymaking, the committees perform functions that are political in the fullest sense of the term. They provide forums for highlighting issues or problems, and they offer access points for citizens or interest groups who want to influence Government policy. Senators and others who advocate structural alterations in the committee system presumably do so because they want certain of these functions, or all of them, fulfilled more adequately. Structural or procedural changes thus ought to be considered in light of the basic goals or functions of the Senate's committee system.

Proposals for change can be viewed in several different ways—for example, the institutions or practices to which they are directed; and even the degree to which they depart from the status quo. Considering the many plans and proposals that have been put forward, it seems reasonable to organize them around three broad questions:

1. How many Senate committees (or subcommittees) should there be, and what should be their size and membership?
2. How should jurisdictional lines be drawn—fairly explicitly, or loosely and flexibly?
3. How should the overall Senate committee system be coordinated or managed?

The ensuing discussion of alternative committee plans is organized around these three core concerns. However, it is important to remember that these concerns are closely related. If Senators believe there should be a certain number of committees—for reasons of workload or equity or whatever—then this has important consequences for the packaging of jurisdictions. If Senators conclude that jurisdictional lines should be drawn according to certain guidelines or principles, such a conclusion affects the the number and size of committees. The Senate's overall mechanisms for intercommittee cooperation and management, moreover, can affect every aspect of the committee's work. Decisions on these structural matters should be reached in accord with the Senators' views concerning the basic functions which the committees are expected to perform.

It is important, therefore, to try and estimate the consequences of structural alterations in the Senate committee system. Even seemingly minor changes may have profound consequences. A committee of 25 Senators, for example, is a very different body from a committee of, say, 6 Senators. A system of exclusive committee assignments will produce a different type of expertise among Senators than a system that permits multiple memberships. Changes can have side effects that are unanticipated or unwanted. Our knowledge of complex organizations is not so complete that we can predict in every case what will be the exact results of given changes. But insofar as we are able to anticipate the impacts of change, we should attempt to do so before committing the Senate to a particular course of action.

The plans or proposals in no way represent recommendations of the Temporary Select Committee or its staff; rather, they are alternatives that have already been aired in one way or another. Their details, as well as their advantages and disadvantages, ought to be clarified as much as possible.

### A. ADJUSTING THE NUMBER, SIZE OR COMPOSITION OF COMMITTEES

The number of committees in the Senate is a key element which must be settled before questions of assignment limitations and jurisdictional transfers can be worked out.

Many reorganization proposals suggest cutting the number of committees and subcommittees in order to streamline the operation of the Senate, reduce scheduling conflicts, enable Senators more easily to specialize in their committee subject matter and facilitate the Senate's examination of broad policy problems. The number of committees should not be examined in a vacuum; clearly, the number of subcommittees is directly and intimately related to the number of committees. If the number of committees was drastically reduced without placing restrictions on subcommittees, the number of subcommittees would probably continue to grow, thus, exacerbating some of the problems that initially suggest a reduction in the number of panels. In addition, of course, it is necessary to balance off the need for streamlining Senate processes and deliberations against the benefits which accrue from having a wide range of committees and subcommittees, that can engage in healthy competition in jurisdictional areas and highlight important legislative problems that might escape attention under narrower or more traditional definitions of jurisdictional boundaries.

*Number of assignments*

In addition, it is important to consider the number of committee assignments for Senators, and the impact that restrictions have on the number of assignments, on the sizes of committees, on the ability of the Senate to examine in depth a variety of policy areas, and on the ability of Senators to coordinate efficiently their range of legislative responsibilities. Currently each Senator serves on an average of 2.56 standing committees, on an average of four committees in all, and on an average of better than 14 subcommittees. The restriction to two major standing committee assignments, mandated by the Legislative Reorganization Act of 1970, has not had a major impact on the Senate to this point. However, should the number of standing committees (especially those in class "A") remain the same, the end of the moratorium on Budget Committee assignment restrictions early in 1977

will require major changes in the sizes of several standing committees if the maximum number of major committee assignments is kept at two per member.

Should the Senate decide to keep the two committee maximum rule, or should it decide to limit Senators to one major committee, then a decision on the number of committees will also mean judgments on the sizes of those committees, particularly if the Senate should decide to equalize workloads and standardize the sizes of committees.

*Increasing the number of committees*

While most suggestions for changing the number of Senate committees aim at reducing the number, there are several suggestions for increasing the number of committees. One suggestion would retain roughly the existing number of standing committees, but would create a number of ad hoc committees each Congress corresponding to new policy areas or problems which arise or become current in that Congress. These ad hoc committees would receive, by referral, all bills in their general areas; they would exist for the duration of a Congress, or even less, depending on workload. Another suggestion is to abolish permanent standing committees with fixed jurisdictions, creating an entirely new set of committees each Congress to correspond to anticipated problems. A third suggestion is to leave the names, and perhaps the jurisdictions, of existing committees essentially intact and simply create several new additional committees, such as energy, transportation, health or urban affairs. This would increase problems of jurisdictional overlap but would allow the Senate to focus squarely on important emerging policy areas.

*Advantages.*—The greatest advantage of a system with a larger number of Senate committees is the greater flexibility such a system would allow, enabling the Senate to create groups to study emerging problems. In addition, a system with more committees would give the Senate the ability to study major legislative problems from a variety of different perspectives, through joint or sequential referral practices. A greater number of committees would also relieve the burden of currently overworked committees by further spreading out the Senate's workload.

Finally, a greater number of committees would put more emphasis on a number of areas which are currently given subcommittee or secondary status and would give greater authority to a number of Senators by making them full committee chairmen.

*Disadvantages.*—Increasing the number of committees in the Senate would exacerbate the problems of coordination, scheduling and overlap. Most likely, the potential effect of examining a major issue from a variety of perspectives would actually evolve into a greater fragmentation of policymaking in interrelated issues and/or a paralysis in the Senate's ability to report out major legislation in a timely fashion. The scheduling problem, enhanced in part by the growth in the average number of assignments of Senators, would be magnified unless committee sizes were lowered, committee assignments were limited, or both. For example, 25 Senate committees, with a single committee assignment limitation, would have 4 members each; with a 2-committee limit, the committee size would rise to an average of 8, and with 3 committees per Senator, the number would rise to 12 members for each committee. Three committee assignments would be

a great deal to handle for Senators, while a committee size of 4 is clearly too small to deal with many large policy questions. Committees sized at 8 are small yet manageable, as are 2 committee assignments per Senator, but 8-member committees would be less likely to be more representative of the Senate as a whole.

*Reducing the number of committees*

Suggestions for reducing the current number of 18 committees range from a minor change, shifting some jurisdictions around, to a more significant change, shifting jurisdictions to equalize workload in perhaps 8 to 12 standing committees, to even greater change, creating perhaps 4 or 5 umbrella-management committees to supervise and manage the work of a larger number of subcommittees under their aegis.

Suggestions for reducing the number of standing committees to 8, 10, or 12 from the current 18 are often accompanied by a recommendation that committee assignments be reduced to 1 per member. Thus, the Senate might have 8 standing committees with 12 or 13 members each, or 10 committees with 10 members each. It is a common assumption that if members were limited to one assignment, all committees would have to be awarded significant responsibilities of comparable workload and attractiveness. Thus, committee sizes would in some fashion be standardized. It should be noted that this assumption was adopted by the Congress in the Legislative Reorganization Act of 1946; the Senate's committees were each set at 13 members, with the sole exception of Appropriations, set at 21. Soon after the 1946 act, however, it became clear that the committee workloads, not to mention jurisdictional breadth and attractiveness, were not equivalent across committees. Hence committee sizes began to change, some increasing, some decreasing.

Given individual preferences, the changing nature and importance of policy issues over time, and the inherently unique character of such topics as foreign relations, appropriations, and budget, it is difficult to devise a jurisdictional division that "equalizes" committees.

*Advantages.*—Reducing the number of Senate committees, it is claimed, would enable the Senate to rationalize and consolidate policy areas, to decrease the fragmentation in policymaking, which currently occurs, and to take a more comprehensive look at a number of important policy areas. Second, paring the number of committees would provide less disruption and fragmentation in the daily lives of Senators. They would not be faced so frequently with multiple conflicts in committee and subcommittee meeting and hearing schedules. With fewer competing demands on their attention and time, Senators could more easily focus their time and attention on important policy problems. These advantages hold whether the reduction in number of committees is accompanied by a limitation to one, or two, standing committee assignments.

*Disadvantages.*—Consolidating committees would heavily disrupt the Senate's current arrangements and structures, with uncertain results. Moreover, it would take some important areas which have been receiving the full attention of a Senate committee, and subordinate them to larger issues with which their relationship may be little more than peripheral. Thus, what the Senate might gain in obtaining the "larger picture" on some issues could be offset by the loss of sharp focus

on other issues. In addition, it could be argued that consolidation into 5 to 12 committees would place heavier emphasis on subcommittees; thus, the effects of consolidation might be limited, while several important issues would lose the visibility and priority accorded them by full-committee status.

*Implications of reducing the number of committees*

As we have noted, the size and composition of committees depends upon the number of committees, the limitations on assignments, and assumptions of equalized workload—as well as upon the party ratios in the Senate at any given time. Should the number of committees be reduced by one-third, to use an example, the Senate's 12 standing committees would have 8 or 9 members each with equal workloads and single assignments, or would have 16 or 17 members with a 2-committee limit. The Senate might choose to have some of the committees designated "exclusive" and some "semiexclusive."

Members would serve either on one of the exclusive committees and no other standing committee, or on two of the semiexclusive committees. This is a system similar to that now existing in the House of Representatives. Thus, the Senate might have 6 exclusive committees with 10 members each and 6 semiexclusive committees, with either 13 or 14 members each. Using this example, 60 members would have a single assignment and 40 members would have 2 standing committee assignments.

Limits on chairmanships or subcommittee assignments would in turn place limits on the number of subcommittees. Thus, with a system of 12 standing committees and a limit of 2 chairmanships—committee and subcommittee—under current party ratios there would be a maximum of 112 subcommittees, or roughly 9 per committee.

Should the Senate alternatively decide to reduce the number of committees to 8 from the current 18, these numbers would, of course, change. With 8 committees, equal memberships and a single committee assignment per Senator, committees would have 12 or 13 members each. With 2 assignments per member, committees would have 25 members each. Sizes of committees might vary, of course, under this system; they might range as high as 40 or as low as 8 or 10. Most likely, though, the sizes of committees would be relatively equal with an 8-committee format.

Using current party ratios, a 2-chairmanship limitation under an 8-committee system would allow 112 subcommittees, or an average of 14 per committee. In each instance, of course, the limits on ranking minority memberships would have to be different than the limits on chairmanships, since there would be fewer minority members to fill the subcommittee slots. Thus, with a two-chairmanship limitation, the ranking minority membership limitation (if one were instituted) would probably have to be three.

*Membership rotation*

Rotation of committee assignments has been proposed in Senate Resolution 206 (see appendix F). Under a system of rotation, Senators would serve on a committee for a set maximum amount of time and would then rotate off that committee to serve on another. Rotations would be staggered so that some continuity would prevail on each committee. Members would be allowed to return to a committee on

which they had previously served after a period of time served on another committee; thus, Senators would be able to serve for long periods of time on their preferred committees. Yet the system would stress openness and availability of seats on all committees, including those with broad and universally attractive jurisdictions. One suggested method of rotation, a variation on Senate Resolution 206, would allow Senators to serve up to 8 years continuously on a committee, followed by a minimum of 4 years service on another committee, with the consequent privilege of returning to one's initial committee for a second 8-year term.

*Advantages.*—Rotation has several advantages. It would provide Senators a more equitable distribution of committee assignments, including those on the most prestigious committees. Combined with the single-committee-assignment provision, it would also mean that the narrower areas of public policy would be considered by a broader cross section of Senators and would probably receive more attention than they do currently—when Senators have two, three, or more assignments competing for their time and attention.

Another major advantage of rotation is that it would permit Senators to gain familiarity with several areas of public policy, as they served sequentially on different committees. Yet, by allowing Senators to serve on a given committee for a number of years and by giving Senators a single standing committee assignment, the scheme would still permit Members of the Senate to specialize in particular legislative areas. In other words, a single committee assignment, with opportunity for rotation, strikes a balance between specialization and generalization within the Senate.

An additional advantage to rotation is that it mitigates against overrepresentation of particularized interests on some committees. Western Senators, for example, tend to cluster on the Interior Committee, while Midwestern and Southern Senators are heavily repreented on the Agriculture Committee. Rotation would give a broader, national representation to all Senate Committees.

*Disadvantages.*—Rotation as a concept works best if Senators are limited to a single assignment. With multiple assignments, rotation would become complicated. The delicate balance between the ability to specialize and the ability to maintain general knowledge across policy areas, enhanced by rotation with a single assignment, could be seriously compromised by rotation when Senators served on several committees at once.

In general, the arguments against rotation are that it greatly dilutes specialization and introduces too much fluidity and uncertainty into the legislative process. There would be, by definition, less continuity in the memberships of the committees, which would create problems for interest groups and agencies who depend upon regularized contact with members of a committee; and rotation might create abrupt reversals in policy direction from one Congress to the next. Continuity among staff would presumably remain greater than continuity among Senators on a committee. This might give staff an additional element of influence, through greater expertise upon legislation and oversight.

*Rotation of chairmanships*

In addition to rotation of members, it has been suggested that the Senate might rotate committee chairmanships. Under plan B, this

would be especially true for the five umbrella committees. Senate Resolution 157 (see appendix F) proposes the rotation of chairmanships. One scheme of chairmanship rotation would have the majority party caucus and the Senate vote on chairmanships, as they do now, but would limit service as chairman of any committee to 4 consecutive years out of each 10. (Senators might subsequently become chairmen of other committees or in the following decade repeat service as chairmen of their initial committees.) This scheme would insure that regardless of the regional or ideological character of particular seniority groupings in the Senate, a representative group of Senators would serve as chairmen of committees; in addition, it would prevent long-term accumulation of power in the hands of a few Senators.

### B. REDRAWING THE JURISDICTIONAL LINES

The jurisdictional boundaries of Senate committees are largely the product of 19th- and early 20th-century practices, as codified in the 1946 Legislative Reorganization Act and modified by contemporary precedents. Responsibilities in many fields—especially such broad, emerging issues as energy—are fragmented and overlapping. By far the largest number of reorganization proposals, therefore, seek to resolve these problems by realining committee jurisdictions. The objective of these plans usually has been stated to be more rational, systematic, and comprehensive policymaking through committee legislation, oversight, and planning. To this end, there are two major reorganization strategies: shifting jurisdiction among existing committees, and consolidating committees. Both strategies have important variations.

*Shifting jurisdictions*

Most major policy problems inevitably cross jurisdictional lines. Consequently, many reorganization proposals have been devoted to clarifying overlapping jurisdictions and unclear lines of responsibility. The following discussion of several reorganization proposals made by Members and students of Congress is primarily a review of recommendations for clarifying overlapping jurisdictions.

The Joint Committee on the Organization of the Congress in 1966 recommended shifting jurisdiction of committees in four ways. It called for creation of a Committee on Education (with jurisdiction derived from those of the Committees on Labor and Public Welfare, Agriculture and Forestry, and Interior and Insular Affairs. The Joint Committee also recommended concentrating urban programs in the Banking Committee (renaming it Banking, Housing, and Urban Affairs, a change since made) and creating a Committee on Veterans' Affairs (also since accomplished).

The 1966 Joint Committee also advocated concentration of scientific programs in Aeronautical and Space Sciences (with jurisdiction moved from Commerce, Labor, Interior and Public Works). The pending Senate Resolution 425, introduced by Senator Moss and cosponsored by Senator Goldwater, would also redesignate the Space Committee as the Committee on Science and Technology. Also pending is Senate Resolution 16, introduced by Senator Moss and cosponsored by Senators Domenici and Goldwater, which would place the jurisdiction of energy research matters and the Energy Research and Development Administration under the Space Committee.

Members of Congress who testified before the Joint Committee made additional recommendations for reordering committee jurisdictions that the committee ultimately did not support. For example, Senator Joseph Clark urged the shifting of responsibilities among the Finance, Banking, Foreign Relations, Commerce and Labor Committees to provide a more equitable division of responsibility. Congressman Clement Zablocki proposed that the Committee on Foreign Relations and its counterpart in the House be given jurisdiction over all matters involving U.S. international relations, including food for peace and the International Development Association (jurisdiction from Agriculture and Banking).

Others, including Senator William Brock and the late congressional scholar, George B. Galloway, have called for shifting committee jurisdictions so that they more nearly parallel the departments and agencies (see section 7). Under Senator Brock's plan, the Senate committee structure could be based on either 6 or 12 major areas, plus taxing and expenditure and housekeeping committees.

*Consolidation of committees*

Plans to consolidate the jurisdiction of existing committees have taken numerous forms. Much recent attention has focused on proposals to create a single committee to deal with energy matters, an idea advocated in 1975 by Senator Mansfield. If all-encompassing, such a committee would draw together matters under the major jurisdiction of Appropriations, Commerce, Finance, Foreign Relations, Government Operations, Interior and Public Works, and under the minor jurisdiction of Aeronautical and Space Sciences, Agriculture, Armed Services, Banking, Budget, Judiciary, Small Business, Joint Atomic Energy and the Joint Economic Committee. A less comprehensive change was proposed in Senate Resolution 228, introduced by Senator Dominici in 1975, which would have created a Senate task force (similar to the Ad Hoc Energy Committee of the Democratic Conference) to make a comprehensive study of legislative proposals regarding energy and recommend a procedure for coordinated action to the Senate by October 10, 1975. In a similar vein, Senator McGovern proposed to the Joint Committee on the Organization of the Congress in 1966 that each Chamber create a Select Committee on the Resources and Conservation Report, composed of the chairmen and ranking majority and minority members of the Interior, Public Works, Agriculture and Commerce Committees, to receive an annual report from the President and make recommendations to those four authorizing committees.

Beyond the matter of energy, proposals have been made for a more extensive consolidation of the committee structure. For example, one plan proposed by Senator Brock in 1974 would structure the committees around six functional areas:

Defense.
International affairs and finance.
Space research and technology.
Physical resources.
Human resources.
General Government.

Alternatively, Senator Brock also suggested a committee system based on 12 functions:

International affairs and finances.
National defense.
Veterans' services.
Social welfare, health and security.
Housing and community development.
Education and general research.
Agriculture and agricultural services.
Natural resources.
Transportation and communication.
Finance, commerce, and industry.
Labor.
General Government.

Under either plan, there would also be taxing and expenditure and housekeeping committees.

Prof. Robert Peabody of the Johns Hopkins University recommended to the House Select Committee on Committees in 1973 that jurisdiction be consolidated into 10 committees—2 special committees on the agenda and the budget, plus 8 standing committees:

Government Operations (including oversight, House Administration and the District of Columbia).
Technology and Sciences (space, transporation, etc.).
Natural Resources (jurisdiction from Interior, Public Works, and related areas).
Human Resources (education, welfare, labor).
Finance (taxation).
Appropriations.
Defense and Foreign Policy (including international banking and trade).
Judiciary and Constitutional Rights.

In 1951, Wallace Judson Parks proposed a system consisting of 12 committees, each with international subcommittees and each possessing secondary jurisdiction on relevant matters where appropriate:

Agriculture and Forestry (with existing jurisdiction).
Armed Services (possibly adding veterans' matters).
Appropriations and Expenditures (Appropriations plus the expenditure-review function of Government Operations).
Banking, Currency and Finance (most of the jurisdiction of Banking and Finance except tariffs, customs, and housing).
District of Columbia.
Social Affairs (public health, welfare, housing, education, labor, and immigration).
Government Organization and Administrative Management (the functions of Government Operations minus expenditure review and accounting, plus jurisdiction over the Civil Service).
Foreign Affairs.
Industry and Commerce (the Commerce Committee minus transportation and communication, but plus antitrust, business regulation, patents, and trademarks).
Transportation and Telecommunications (aviation, railroads, highways, shipping, telecommunications).
Judiciary (the existing committee minus patents, trademarks, and immigration with secondary jurisdiction for antitrust).
Interior (the public domain, water and power development and public works—including the Postal Service).

Another proposal for consolidation came from Senator Proxmire. Testifying before the Joint Committee on the Organization of the Congress in 1966, he proposed merger of the Committees on Post Office and Civil Service, Rules and Administration, and Government Operations; and Agriculture, Interior and Insular Affairs and Public Works; and Aeronautical and Space Sciences and Commerce.

Recently it has been proposed that the Senate's committees be reorganized to correspond to the functional categories of the budget. Such a move could mean committees on national defense; international affairs; general science, space and technology; natural resources, environment and energy; agriculture; commerce and transportation; community and regional development; education, manpower and social services; health; income security; veterans' benefits and services; law enforcement and justice; general government; and revenue sharing and general-purpose fiscal assistance. Such a system might accompany the "sunset" bill, S. 2925, introduced by Senator Muskie.

Another proposal that has surfaced calls for a committee system built from a number of subcommittees covering discrete combinations of subject matter, organized into full-committee "holding companies." This could be accomplished either on a major/minor basis and an all-committees-equal basis. It would emphasize accommodating the individual interests of Senators. Depending in detail on the subcommittees that were established, it would serve to consolidate and realine committee jurisdictions.

Another way to consolidate committee jurisdictions would be to merge the power to authorize and appropriate. Senator Clifford Case made such a proposal in 1965 to the Joint Committee on the Organization of the Congress. In a 1975 article Congressman Donald Fraser and Iric Nathanson also supported the idea, along with a recommendation for consolidating committees into fewer than 10 panels.

By early July 1976, there were numerous Senate bills and resolutions that would affect the jurisdictional structure of various committees (see appendix F).

*Advantages of jurisdictional consolidation.*—The present fragmented and overlapping jurisdictions of the committee system, it is argued, frustrate the development of over-all Federal strategies for dealing with crucial problems, encourage piecemeal or inconsistent legislation and result in unnecessary delay. Different committees oftentimes promote divergent approaches to these problems—for example, in solar energy development, private pension legislation, financing of health care for the unemployed, and competing transportation modes. Even when problems can be carved into logically separable components, they are interrelated and should be integrated at some point in the legislative process.

Fragmentation promotes overlapping responsibilities. At the same time, it may produce gaps in policymaking. Where a fragment is too small, a committee may give it little or no attention or may hesitate to invade what it considers another committee's jurisdiction.

Diffuse jurisdictions in the Senate also hamper the task of tracking issues being subjected to oversight, policy review, or appropriations hearings. It could be argued that Federal programs in several areas would be better administered and monitored from the legislative standpoint if jurisdiction in each case were relegated to 1 or 2 committees rather than to 3, 6, or even 16.

While it is true that the Senate has evolved an impressive array of mechanisms for intercommittee consultation—joint referrals, ad hoc memberships, and the like—these devices are invariably cumbersome and time consuming and actually may delay or prevent timely legislative action. Moreover, it is questionable whether these devices really foster integrated policymaking. Typically, they operate as "pass-through" procedures to assure that each committee's interests are protected; they do not necessarily result in policy discussions embracing the totality of a problem. At least in certain critical policy questions, there would be enormous gains if a single committee were empowered to review the problem in all its complexities, proposing legislative solutions and perhaps referring the more peripheral recommendations to other bodies.

*Disadvantages.*—Complete consolidation of jurisdiction, even if limited to a few key subjects, is illusory. In a real sense, every Government policy is related to every other Government policy. The ripple effects of policies and programs are so numerous and wide ranging that a totally "rational" delineation of responsibilities would be impossible.

Even if jurisdictional rationalization were deemed possible, what model would be followed? The executive branch is hardly more logically organized than the Congress to deal with key problems; and thus, executive departments and agencies offer no pattern to be followed.

Even the 17 functional categories of the budget, so frequently cited as logical categories of Government activity, are imperfect guides for organizing Senate committees. For one thing, the budget categories themselves are open to question and would have to be adjusted and revised before they could serve as an organizational design. Moreover, expenditure categories are not the same thing as categories of legislative policymaking: while certain policy areas (national security and welfare, for example) are heavily infused with Federal dollars, other policy areas (constitutional and judicial questions, for example) involve relatively small expenditures, or in some cases none at all.

Even assuming the desirability of a rational delineation of committee responsibilities, it can be argued that Senate committees have already worked out a series of logical and workable understandings concerning jurisdictional metes and bounds. Most of these arrangements have been developed through informal negotiation and unanimous consent. Even where there are overlaps, subtle distinctions usually exist between one committee's concerns and those of another committee. Outright conflicts are exceedingly rare.

Finally, many people argue that total consolidation of issues within single committees, even if achievable, would have undesirable consequences. These people point to the benefits of "creative redundancy," in which more than a single body is authorized to attack a given problem area. It is beneficial that the committees compete with each other for prominence in dealing with given issues. Not only does this encourage legislative innovation and more vigorous oversight, but it provides a multiplicity of access points for outside groups. If one committee proves unreceptive to a group's appeals, another committee may be found to articulate their concerns.

Organizational redundancy helps to assure that pressing problems are not overlooked. If one committee is too busy to deal with an urgent

matter, another may be able to take up the task. If one committee pigeonholes a proposal desired by a majority of the Senate, then another committee may move in to bring well-considered legislation to the floor. If one chairman is facing reelection and cannot take the time or political risk of involving himself in a given controversy, another chairman may be able to confront the issue on the Senate's behalf. If one committee cannot launch an inquiry prejudicial to its core clientele groups, then another committee—responsive to a different set of interests—may be able to do the job.

If one committee is too closely identified with a set of policies or programs to give them a fresh reappraisal, then perhaps another committee will be prepared to do so. There are no guarantees, of course, that every avenue of policy will be explored or that every existing program will be carefully evaluated. However, the presence of a variety of committees, possessing flexible and overlapping mandates, raises the likelihood that these tasks will be accomplished.

*Devices for "preventive maintenance"*

If it is to respond quickly and effectively to political and social developments, the committee system requires regular and systematic review and evaluation. No committee structure is immune to change that might make some of its basic features obsolete. Hence, it may be desirable to assign a "preventive maintenance" function to a specific agency. Perhaps the most feasible alternatives include placing this duty in the Committee on Rules and Administration, the Senate members of the Joint Committee on Congressional Operations, or establishing a permanent select committee to monitor the committee system and propose periodic recommendations. When the House adopted a committee reform plan in October 1974, it required the House members of the Joint Committee on Congressional Operations to review committee jurisdictions continually and to work with the Senate members of the Joint Committee "in an effort to rationalize the committee jurisdictions between the Houses." Such a provision of "preventive maintenance" would, it is argued, avoid the need for waiting a generation or so before the accumulated problems of the committee system are given careful attention.

### C. COORDINATING AND MANAGING THE COMMITTEE SYSTEM

A number of reorganization proposals concentrate upon central management and scheduling devices to coordinate and guide the committees of the Senate. No matter how many committees there are or how their jurisdictions are defined, it is reasoned, the Senate requires some centralized body or process to help it set priorities and adjust workloads among the various committees. Several alternatives have been proposed: Giving authority to the party leadership; vesting responsibility in an omnibus "manager" committee, or a series of manager committees focusing on functional areas; or simply making refinements in the Senate's joint referral procedures.

A key element in managing the Senate committees would be scheduling—for meetings and hearings, access to the floor, or even the entire legislative year. A critical issue which must be resolved is how much centralization of authority the Senate needs, or will tolerate, in managing its business.

*Scheduling committee business*

Demands on the time of Senators are heavy and insistent. Senators must organize their daily and weekly schedules to accommodate a myriad of activities, including committee and subcommittee work, floor debates, constituent visits, interest group delegations, radio and television appearances, constituent mail and periodic travel to their home States and elsewhere for speeches, appearances and discussions—not to mention time which must be husbanded for study, thought, and writing. The schedule of any Senator is exhausting.

The Senate's burgeoning workload can be set in bold relief by reiterating the problems Senators face in meeting their committee responsibilities. On the average, Senators now serve on a total of 20 committees, subcommittees, boards, and commissions. When several of these bodies meet at the same time, a Senator must determine which, if any, to attend, and whether to concentrate his attendance at one meeting or apportion his time among several. No doubt when there are conflicts, each Senator applies his own criteria in deciding which committee sessions he should attend, in what order, and for what period of time. Perhaps, as Senator Robert A. Taft declared in 1948, there is no way "in which Senators may be able to do less work"; but proposals are repeatedly put forward to improve committee and floor scheduling with the objective of more efficient use of Senators time. Frequently, the solution of "better scheduling" is advanced independently of proposed alterations in the number, sizes, and jurisdictions of committees; but obviously, shifts in committee structure will affect scheduling and vice versa.

Better scheduling of committee and floor business has several overall objectives:

(1) Minimizing schedule conflicts faced by Senators among the committees and subcommittees to which they belong.

(2) Reducing schedule conflicts between committee meetings and activities on the Senate floor.

(3) Increasing members' participation in committee activities and floor deliberations.

(4) Providing members with blocs of time free from planned Senate activities.

(5) Enabling Senators to devote more time to the conduct of committee oversight and field hearings.

A variety of scheduling proposals have been put forward. Although differing in details, virtually all of these plans would require greater advance planning of Senate business and a somewhat more centralized Senate organization.

*Reforming the scheduling process*

*Strengthening the party leadership.*—For the bulk of its history the Senate has been a decentralized body whose Members have prided themselves on their individual rights and prerogatives. However, there have always been those, inside and outside the Senate, who have viewed this individualism and lack of hierarchy as a serious flaw. Certainly it is difficult for such a loosely structured body to plan and schedule its activities with any degree of precision.

The most commonly proposed antidote for congressional decentralization is stronger party leadership. The mechanics of this solution

vary, but the central thrust is to give party leaders, especially those of the majority, more powers over planning, policy development, agenda setting, and scheduling. Many people believe that the political parties ought to count for more than they do today, and that vigorous party leadership in the best vehicle for bringing more coherence to congressional policymaking. This viewpoint, sometimes expressed in the term "party government," was a major theme of the Legislative Reorganization Act of 1946, which created the Senate's party policy committees.

In concrete terms, this alternative would mean that individual Senators would have to grant more prerogatives to their party leaders. These prerogatives might include greater latitude in assigning bills and settling jurisdictional disputes, more authority over scheduling, and more latitude in articulating party policy and setting the direction of Senate workload. If the leadership were to assume such responsibilities, a significant increment of staff would be required. This staff would not only perform the expanded housekeeping duties assigned to the leadership, but would equip the leadership with capability for developing and articulating policies.

Advocates of stronger partisan control maintain that this goal need not imply autocratic or unresponsive leaders. Presumably, party leaders would operate under a mandate from their respective caucuses and would articulate programs and procedures approved by those bodies. Indeed, placing added prerogatives in the hands of party leaders would put a greater premium on the activities of party bodies such as the caucuses and policy committees.

Stronger party leadership is a controversial alternative. Advocates believe it would lend greater coherence to national politics and to the activities of Congress in particular. Stronger party mechanisms and added staffing would enhance both parties' ability to develop positions of their own and critique executive branch proposals. They argue that Congress has suffered in comparison with the Executive because it lacks coordination, and that vigorous and articulate party leadership would help restore the strength of the legislative branch. If successful in communicating the congressional point of view, such leaders would help average citizens understand and identify with the legislative branch.

Many Senators, on the other hand, would undoubtedly be reluctant to concentrate additional powers in the leadership. Senators pride themselves on their independence and would probably resist giving it up for a more hierarchical organizational structure—even if this structure promised to invigorate the Senate as a whole. Moreover, Members might well question the institutional benefits of stronger leadership. Much would depend on who the leaders were and what the mechanisms would be for insuring that leaders remained responsive to their colleagues' wishes. Moreover, even if more powerful congressional leadership were the solution, should this leadership be based on the political parties? Party lines in America are not clear cut, and they have become even less so in the past generation. The range of opinions within the two parties is broad, and the survival of party labels may therefore require that party structures remain relatively loose.

Finally, some may question the need or wisdom of institutionally strengthening the majority party leadership in Congress if it is of the

same party of the President. By the same token, some may oppose strengthening the minority in opposition to the party of a President.

*Senatorial scheduling service.*—In 1948, the former staff director of the 1945 Joint Committee on the Organization of Congress, George B. Galloway, suggested to the Senate Committee on Government Operations that:

> Either the Secretary of the Senate or the clerk of the Senate Committee on Rules and Administration could be directed to set up a sort of clearinghouse for the central scheduling of committee meetings in order to avoid conflicts.[1]

Twenty-five years later, 17 Senators sponsored a resolution (S. Res. 139) to establish a system for scheduling of committee meetings which would be called the senatorial scheduling system. As explained by Senator Marlow Cook, the proposed scheduling system would provide "an easily accessible record of each meeting scheduled, with the members of the committee or subcommittee, the date, the time, and location of each meeting, as well as whether the meeting is either open or executive." In 1974, the other body authorized its House information systems (HIS) group to develop a computerized system to minimize scheduling conflicts for committees and subcommittees. The use of hearing and meeting rooms also could be scheduled from a central computerized facility.

*Separate legislative and fiscal sessions.*—Various Senators have proposed that sessions of Congress be divided into two separate periods: one for considering legislation and one for appropriating funds. Only regular legislation and authorization measures could be considered during the "legislative period," and only appropriation bills could come before Members during the "fiscal period." Proponents of this change contend that it would greatly assist Congress in providing orderly and expeditious consideration of authorization and appropriations legislation. Given the new budget process, that system would need to be accommodated to this proposal.

*A scheduling committee.*—The Senate has no committee like the House Rules Committee, which exercises a key role in scheduling bills for floor debate. It decides which major bills will reach the floor, the conditions under which they will be debated, and whether amendments will be permitted. Much of the time it performs these responsibilities in conjunction with the majority leadership. Similarly, a Senate standing committee, such as Rules and Administration, might be empowered to determine the order in which bills could be considered. Given the Senate's tradition of unlimited debate, however, it might not be practicable to permit the committee to propose time limitations for debate.

*Monthly or weekly schedules.*—The Senate might conduct its business on a cycle of 3 weeks in session and 1 week devoted to constituent service in the home State or district. Members would know well in advance when they could return to their States to meet with constituents. Firm commitments could be made. Oversight might also be facilitated through the use of field hearings. Blocs of time could be set aside by committees for that purpose. In addition, with the Senate in session 3 weeks every month, the leadership could schedule important measures at the beginning and end of each week and know that Members will be present. And committee chairmen could schedule hearings

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[1] Legislative Reorganization Act of 1946, hearings before the Senate Committee on Expenditures in the Executive Departments, 80th Cong., 2d sess. (1948), p. 138.

and meetings every day of the week because Senators would be available.

Under weekly scheduling, the Senate could each week set aside certain days or parts of a day for committee activity. The effect of this proposal should be to reduce conflicts between the two most important legislative activities of Senators.

*A two-tier committee system.*—One method of resolving the scheduling problem for committees would be to divide committees into two groupings—"A" and "B" panels—with specified meeting days assigned to each. For example, "A" committees might meet on Mondays and Wednesdays and "B" panels on Tuesdays and Thursdays. Such a plan presupposes membership limitations and probably even exclusive memberships for one or both categories of panels. In the 93d Congress, the House Select Committee on Committees proposed a two-tier system of major or first-tier committees—with exclusive memberships—and second-tier, or minor committees. Meeting conflicts would then be reduced if the "regular meeting days of the second-tier committees be on Monday or Friday, and first-tier committees on Tuesday through Thursday." But questions occur whether such rigidities would obstruct the efforts of busy committees to meet deadlines on major bills or enhance the power of minorities to block committee action by objecting to unanimous consent requests for exceptions.

*The Bellmon Plan.*—A scheduling and management plan which would radically restructure the Senate committees has been advanced by Senator Henry Bellmon. At the core of this plan would be creation of 12 legislative committees and 12 appropriations subcommittees, with each set of committees totalling 100 members. Each Senator would hold a seat on one legislative committee and one appropriations subcommittee—with a prohibition against Senators' serving on an appropriations panel dealing with the programs authorized by the legislative committee to which they were assigned. A member could serve as chairman of either an appropriations subcommittee or a legislative committee, but not both.

Under the Bellmon proposal, congressional business would be divided into a legislative session and a budgetary session—rather than the first and second session—and appropriations would be made for a biennium—with emergency supplementals as needed. With the election of a new Congress, a legislative session would be convened to make authorizations and act on legislative proposals. At the conclusion of the legislative session, Congress would take a 30-day recess, after which the budgetary session would be convened in order to appropriate funds for the next 2 years.

The plan promises the scheduling advantages of limiting Senators to two major-committee assignments, one for each session. By working on a 2-year cycle, Congress could concentrate its attention on authorizations and appropriations, and executive agencies would be better able to plan ahead. Consideration of authorization and funding by committees made up of different members would, it is argued, encourage thorough examination of ongoing programs. An objection to the scheme might lie in its seeming rigidity: If strictly adhered to, the schedule might hamper the Senate's ability to respond promptly to new legislative or funding problems as they arose; yet if too many exceptions were allowed, the neatness of the schedule could easily be forfeited. The plan, moreover, contemplates fundamental changes in

Senate structure and procedures, not to mention those of the other body and executive agencies.

*Full-time attention to committee hearings and then floor debates.*—Under this recommendation, the early part of each congressional session would be devoted exclusively to committee hearings. Except for floor sessions on urgent matters, committees would meet on a full-day basis, 5 days a week. After priority legislation has been processed by the committees, there would be a full-time discussion on the floor of the Senate. This proposal would provide for greater participation on the floor and avoid the interruption of committee sessions by the press of floor business, but it presupposes more equal workloads for committees and more equality of assignments of Senators in terms of workload.

*Permit Senate committees to meet while the Senate is in session.*—Until 1946, all Senate committees were permitted to meet while the Senate was in session. Passage of the 1946 Legislative Reorganization Act resulted in the current prohibition—rule XXV—against standing committees meeting during floor session without special leave of the Senate. The rule provides for two exceptions: Committees may meet during the morning hour or until the Senate has proceeded to unfinished business. However, special or select committees can meet at any time, and certain major standing committees are granted blanket permission to meet at any time the Senate is meeting. The rule, adopted in 1946, has not had its desired effect of bringing Senators to the floor to listen to their colleagues and to participate in debate. Hence, some argue that the rule should be either repealed or amended to permit testimony to be taken while the Senate is in session.[2]

*Modification in joint referral procedures*

Scheduling is not the only method proposed for giving greater coordination to the Senate committee system. Another strategy would be to refine and strengthen existing procedures for joint referral and consideration of legislation by two or more committees. Under the provisions of its authorizing resolution, Senate Resolution 109, the Temporary Select Committee is directed to recommend "clear and consistent procedures for the referral of legislation falling within the jurisdiction of two or more committees." Several suggestions of this type have been made during the staff interview process. These recommendations, little more than skeletal outlines at this point, are included here as possible alternatives. It should be noted that such procedures could have a bearing on committee membership, jurisdictional alinement and scheduling.

*Strengthening the Parliamentarian's referral authority.*—This proposal would permit the Parliamentarian to refer measures concurrently when two or more committees lay claim to them. When one of the committees reported the measure, the other panels would have a set time, say 45 or 60 days, to report their bill. This procedure is often followed today under unanimous consent, but the Parliamentarian has no authority to accomplish it on his own initiative.

For issues that overlap several committees, each committee would have the opportunity to review the legislation. Their viewpoints and

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[2] "Senate Rules and Procedures," hearings before the Subcommittee on Standing Rules of the Senate, Committee on Rules and Administration, United States Senate, 88th Cong., 1st sess. (1963), pp. 28–31.

perspectives, as a committee, could be made known to the Senate. In essence, a committee would only need to make its preferences for referral known to the Parliamentarian. Such a procedure might stimulate committees to cooperate through such devices as joint hearings or the formation of joint subcommittees. The probabilities that a single committee could pigeonhole a measure would be diminished by this alternative.

This recommendation requires further clarification, however. To which committee, for example, would subsequent amendments to the legislation be referred? Which committee would confirm Presidential appointments? Is the 45- or 60-day requirement for reporting by second or more committees sufficient to meet various exigencies? In addition, section 137 of the 1946 Legislative Reorganization Act would be effectively repealed by this recommendation. The Parliamentarian could not decide which committee "predominated" over the subject matter of the legislation. If there were several claimants to a bill, the measure would be referred jointly and simultaneously to each. The result might be a "race to report" by the committees assigned the legislation.

*Ad hoc agreements by committee chairmen.*—This proposal would require measures to be referred by the Parliamentarian to the committee(s) having "primary" jurisdiction over the legislation. After that committee had reported the bill, all committees with "secondary" jurisdiction would have 30 days to consider the measure and to report amendments. The distinction between primary and secondary committees would be made by the Parliamentarian after prior consultation with interested committee chairmen. That agreement would be set forth in detail in unanimous-consent requests. Such agreements among chairmen might even be formalized in memorandums of understanding. In those instances where informal agreements could not be reached, then the majority leader would convene a meeting and resolve the jurisdictional impasse.

This recommendation closely follows current practices except that it would be formally incorporated in Senate rules. The Parliamentarian's role would be comparable to his present role, although the authority of committee chairmen and the majority leader would be strengthened. In the final analysis, jurisdictional disputes would be settled by the majority leader. His reference, of course, could still be appealed from the floor.

Under this proposed system, committee chairmen and their staffs would have to remain alert to protect their jurisdiction. Moreover, there would probably be more claims for legislation than under current practices.

*Formal appeal to the majority and minority leaders.*—Senate rules could be changed to permit the Parliamentarian to refer measures simultaneously to two or more committees, to refer bills sequentially or to split a measure into two or more parts and refer each to different committees. If any committee disagreed with his reference, an appeal in writing could be made to the majority leader and the minority leader. Those two leaders would then jointly decide within a specified period the course of action to take. Their joint recommendation would be made to the Senate in the form of a motion. Debate would be limited to 40 minutes, no amendments would be permitted, and a motion

to reconsider would not be in order. If the motion of the leadership were defeated, the original reference would stand.

A committee could also assert its jurisdiction after a panel had reported a bill. The legislation might be referred to that committee in several ways: by the concurrence of the majority and minority leaders; by vote of the Senate; or by majority vote of the committee(s) that initially received the legislation.

This procedure might be too cumbersome. The Senate functions largely through comity and accommodation and frequently dispenses with its rules by unanimous consent. Would a fixed procedure for resolving coreferral disputes be quickly ignored so that informal arrangements could decide the matter? Both party leaders would likely need a large staff to monitor continuously the introduction of legislation.

*Ad hoc committees for the reference of omnibus bills.*—Under this proposal, the Senate rules would be amended to permit the Parliamentarian, acting on behalf of the majority leader and the minority leader, to refer a measure containing subject matter within the jurisdiction of several committees to an ad hoc committee composed of members from each of the concerned committees. The members of the ad hoc panel would be selected by committee chairmen after consultation with the joint leadership. The chairman would be selected from among the majority members of the ad hoc committee, and its ratio would reflect that of the Senate as a whole. All measures introduced on that topic would be referred to the ad hoc panel, which would not continue in existence beyond the life of a Congress. Legislative authority could be granted the committee upon approval of the Senate.

This proposal parallels the new referral authority granted the Speaker of the House in 1974. Subject to House approval, the Speaker can establish ad hoc panels with authority to report legislation. That authority has been used once to create in 1975 an Ad Hoc Select Committee on the Outer Continental Shelf. Speaker Albert made his appointments to the panel on the basis of recommendations from the chairman of the three involved committees. However, after he was criticized by several Members for not recognizing certain interests, he appointed additional Members to the panel.

Similar problems might occur in the Senate. Nevertheless, this device seems to have the advantage of flexibility, and it would concentrate the talents of several committees on complex issues. As pressing national issues emerge that are not adequately reflected in any single committee, ad hoc panels could be created to deal with them. This proposal would have to be used sparingly to avoid proliferation of temporary panels.

*Referral by motion.* On January 30, 1975, Senator Mike Mansfield introduced Senate Resolution 46. That resolution would amend Senate Rule XXVI to permit omnibus measures to be referred by motion to more than one standing committee.

Such motion may direct joint or sequential referral with appropriate instructions as to further referrals, time allowed for consideration by a committee, and discharge of a committee from further consideration. The report filed by committees to which proposed legislation or other matter has been jointly referred shall be a joint report of such committees unless otherwise ordered by the Senate.

A motion directing sequential referral of proposed legislation or other matter to more than one such committee shall provide that, upon the reporting of such proposed legislation or other matter by any such committee, it shall then be referred to the other such committee or committees which have not then reported it.

A variation of this notion was proposed in December 1975 by Senator John Tunney. His recommendation (S. Res. 311) provided that bills received from the House which passed that body by more than a three-fifths vote would be referred by motion to Senate committees for a period of no more than 90 calendar days. Neither resolution has passed the Senate.

*"Sunset" legislation.*—Another proposal which, if successful, would significantly affect the management and scheduling of Senate committee business is the so-called "sunset" concept, embodied in S. 2925. As reported by the Senate Committee on Government Operations (S. Rept. 94–1137) in August 1976, the legislation would require termination and reauthorization of all Federal programs (including tax expenditures) over a 5-year period beginning in 1979. Program review, on a so-called "zero-base review plan," would begin at least 19 months prior to the scheduled termination date. If implemented, the legislation would present Senate committees with an extensive agenda for legislative action. It is also probable that it would add to the committees' workload in a major way—though the exact workload increment cannot be specified with certainty. Current imbalances in committees' workloads would in all probability be accentuated by the proposed procedures. Numerous open-ended authorizations would presumably fall under the 5-year (or more frequent) cycles, although program consolidation could moderate this impact somewhat.

## Section 13. The Advantages of Some Duplication and Ambiguity in Senate Committee Jurisdictions

(By Lewis Anthony Dexter)

(NOTE.—To provide a balance to what might appear to be overly rationalistic approaches to the organization of the Senate, the Temporary Select Committee engaged the eminent scholar and consultant, Lewis Anthony Dexter, to prepare this discussion of the desirability of "creative overlap" in the Senate committee system. While it does not purport to reflect the views or recommendations of the Temporary Select Committee or its staff, Dexter's argument no doubt parallels the sentiments of a number of Senators and staff members, as well as those of close and sympathetic observers of the institution. Although it does not argue for or against any specific plan for organizing Senate committees, it is a reminder of the virtues of organizational openness, flexibility, and even competition—especially in a representative body like the United States Senate.

Lewis Anthony Dexter's career embraces not only teaching but also consulting for business firms and government agencies. He has taught at some 23 colleges and universities, instructing in sociology and political science. His half dozen books include *American Business and Public Policy*, for which he and his two co-authors received the American Political Science Association's Woodrow Wilson award in 1963. He is also the author of numerous articles, many of which are about Congress. He has served on the staffs of two Massachusetts Governors and has worked with several Senators and Representatives, and in seventeen political campaigns.)

### I—THE ADVERSARY APPROACH TO PROPOSALS FOR SENATE COMMITTEE REORGANIZATION

One justification of the adversary approach to considering issues lies in an attempt to balance the immediacy of felt difficulties against long-run consequences of proposed remedies. At any given time, the tendency of people worried by a problem is to overemphasize the validity of ways in which they think that problem can be "solved." Common experience, however, warns us that today's solutions in their turn may create tomorrow's problems—and that today's supposed solutions often appear neater and more final than they prove to be.

Because it is appropriate to apply "check-and-balance" thinking to proposals for improving the operation of the Senate committee system, the type of solutions listed below which this Committee and its staff appear to be moving toward are subjected to an adversary sort of critique. Helpful insights from adversary-type criticism can be obtained by; (A) suggesting that an indicated line of solution will raise more difficulties than it will cure; (B) noting that for empirical reasons it is unlikely to work out as its proponents hope or expect it will; or (C)

by attempting to clarify the nature of the underlying problem and suggesting it is not basically the problem as articulated by those who are worried about it or (C–1) suggesting that the problem is not in fact a serious problem at all as formulated but represents some quite other worry. Also (D) the adversary-type approach can helpfully suggest that in all probability the line of solution indicated has not effectively been targeted to the particular problem, but is rather part of conventional intellectual orthodoxy or fashion which may not be pertinent or appropriate to the immediate situation.

All these ways of developing an adversary approach—trying to counterbalance the major line of solution apparently underlying the orientation of this committee and its staff as presently felt or seen—may be found in the following remarks.

Adversary, check-and-balance thinking may be of great use even to those who in general remain convinced of the merits of their original position. Even where an initial approach remains unaffected by such thinking, "leaning against the wind" considerations may help proponents of the original view to formulate their view more explicitly, clearly, and defensibly. That is, of course, the writer's minimum hope here. Further, it may suggest qualifications which proponents have not initially taken into account, leading them to invent modifications which take account of some of the issues raised by an adversary, even if their major direction is not altered.

## II—SENATE COMMITTEES AS PART OF AN OPEN SYSTEM

There appears to be a consensus among the people most concerned with the work of this Committee that "closed" structural and jurisdictional changes will solve serious problems. This assumption can be questioned in regard to the committee work of the Senate. In general, the assumption that closed structural and jurisdictional changes will solve problems grows out of the notion that such problems, as inadequate time for reflection, are produced by fuzziness as to responsibilities and jurisdictions. Notions of this sort have a long history; they work ordinarily for the routinizable industries and the routinizable aspects of managing and controlling any organization. In the Senate they work, at one extreme, for clerical and accounting functions (and should be applied further than they apparently are to certain aspects of coding and referencing.) At the other extreme, the actual process of legislation and appropriation, regardless of the content, is routinizable—but it is routinizable only because the form of the output of legislation can be largely divorced from the content.

The Senate-in-committee, however, is not engaged in a routinizable process. The Senate-in-committee is creative, is engaged in the knowledge industry. Generally speaking, each significant problem is different and involves unique factors which will be looked at and handled differently by people with different perspectives and preferences.[1] Senators, as committee members and in general, are "free profes-

[1] Of course, some matters which are treated as legislative ones or used to be so treated are or may be routinizable—certain categories of claims and certain classes of exemptions to general immigration regulations come to mind. Actually, the definition of matters which Senators certainly ought not ordinarily to concern themselves with, are those matters which can readily be routinized. Once the legislative body has made a general rule, it can occasionally by sampling, inspection or oversight find out how the general rule is being applied. It ought occasionally to see if some perversion, contrary to its general wishes and to natural justice, of the general rule is being permitted by the

sionals," not comparable to managers or submanagers of industrial plants, where most processes are minutely routinized and the desired output is known and defined minutely in advance.[2] As free professionals, Senators are more comparable to serious creative researchers or inventors on such problematic matters as cancer, educational innovation, new energy sources, or occupational dissatisfaction; what is relevant is not known in advance because the product is not defined or even well envisaged. The "product" has to be worked out from the interaction of persons and interests with each other, and through the effects of reflection, controversy, and new information on those involved.

Under the general rubric of closed structural and jurisdictional improvement, it seems that a good many people interested in this Committee want:

1. to draw a clearly defined set of jurisdictional lines separating each committee and each subcommittee from all others;
2. to reduce the total number of committees and subcommittees.

The underlying purposes for which coordination and defined jurisdictions are desired appear to be:

1. an avoidance of the present situation where Senators cannot fulfill their obligations because of schedule conflicts between committees. Some feel also that their time is fragmented among too many different committees and subcommittees; and they wish to resolve this worry;
2. an opportunity to do a better job legislatively, and be of greater public service;
3. an opportunity, apparently, to get a greater handle on committee staff—to be better aware of what services they provide, what commitments they make, and to whom they are in fact responsible;

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people who carry out the general rule. A good example of where the Congress found that a particular process could be subjected to general rules and delegated was provided by the Reciprocal Trade Act and its various extensions (see Bauer, Pool, and Dexter, 1963, 2nd edn., 1972); of course, I am aware that there were other factors at work in the decision, but this was an important and, legislatively speaking, vital aspect of Reciprocal Trade legislation; in practice, not even the most dedicated supporter of old-style McKinley-Smoot protectionism, if such a one is now to be found in the Congress (not even a Representative Dan Reed or Tom Jenkins or Noah Mason in 1954) would have favored a return to the old system under which tariff legislation was written. It is clearly so much easier and more economical to handle the issues in routinizable form, with only the parameters set by the Congress as to what could and could not be done. On the other hand, of course, if someone wanted to use tariffs as a means of protecting natural resources and the ecology, reciprocal trade legislation which is now handled routinely might be looked at as problematic and suitable for Congress to consider with detailed care until a new general rule evolved.

One important contribution, be it emphasized, which this Committee might make in its final report to the Senate, might be to point out what, if any, aspects of legislation—either the kinds of bills being considered or the formal aspects of legislation—could be more effectively routinized or delegated than they are. (An example which, in view of the training of many Senators, may pose special problems, and which, I guess, exists, on the whole, for the non-procedurally non-academically oriented members of the body is this; in most U.S. organizations, where there are a mixture of lawyers and academics and some who are not chiefly such, a portion of the lawyers and academics get a great deal of fun out of delving into, arguing about, and discussing the procedural and legal fine points of matters, which, from the standpoint of the others, do not have to be resolved by the group at the time or can well enough be delegated to specialists (in this case staff) if one trusts them. In this particular instance, perhaps, if this situation is true of the Senate (and I am merely extrapolating from other bodies), procedural discussions of this type might somehow be labelled as "fun" things for those for whom they are fun, but they are very frustrating and "time-wasting" for those who do not enjoy them.

Whether or not the example just given in parenthesis applies to the Senate, it would be startling if an effort to seek out routinizable activities, not yet routinized, did not yield some.

[2] Except of course, in the vital and crucial matter of the form of legislation, of statutes. But I am not aware that (whatever may have been the case at other times or is with other legislative bodies) this is the serious problem for the Senate now.

4. and in general, the establishment of a situation where the job of being a Senator is less harassing and frustrating—in particular, frustration that appears to be attributed to conflicting obligations imposed by varying committee and subcommittee demands.

These points have been drawn chiefly out of (1) the three days of hearings in July, (2) preliminary discussion thereof, (3) a general knowledge of the Senate, (4) also knowledge of several other organizations where there has been pressure to rationalize the workloads of free professionals, and, of course, (5) out of the history of the resolution. However, none of this in any way guarantees the accuracy of my statement, and there is no certainty that any point here stated (or all of them together) apply to a given Senator (or staff member). However, as an exercise in determining what people are getting at, what they want, it would probably be worth determining whether these are the underlying points, how they weigh against each other in Senators' minds, and which additional points matter the most to whom—additional points, of cource, genuinely concerned with the organization of the committee system. (A portion of one piece of testimony, for example, raised an issue which is at best tangential to jurisdictional issues—conflict of interest.) It is also inevitable, but only worth mentioning in order to help in analysis, that proposals for committee reorganization will carry a heavy load of policy preferences. Indeed, the suspicion (whether well-founded or not) that such policy preferences played a part in the Bolling Committee proposals may have affected what the House later did about them.

What I am suggesting here is not quite the same as what has already, to some extent, been done by the Temporary Select Committee's staff—there is no great value for this purpose in simply asking people for views or opinions. Such an effort has the weaknesses of most public opinion polls (and lest the remark be regarded as invidious, let me add that I was for some years professionallly known as a public opinion analyst). Rather, I am suggesting the more penetrating kind of effort which tries to find out what people feel strongly about, what they would sacrifice for—trying to distinguish between general run-of-the-mill frustrations which all free professionals everywhere express about their job and their organization, and that (probably much smaller and rarer) number of things which deeply frustrate and offend. Looking back, the writer is pretty certain that many of the complaints he heard from U.S. House Members in the mid-1950s still remain the same, because the complaints were not too deeply felt. For almost 40 years, he heard employees of Massachusetts State government complain about many organizational policies of that government, but what was finally changed (and not all of it was) around 1970 was changed by fortuitous circumstances and outside pressures.

Finally, before getting back to the major line of argument, there appears to be a general assumption that the points just made are interconnected—that "rationalizing" committee jurisdiction will actually, for instance, save Senatorial time and help get a better handle on staff. This assumption is not necessarily correct. Fewer but larger committees would either have to divide into subcommittees (or task forces or teams or working groups), or each member of the committee, if conscientious, would have to concern himself with a broader range of

issues, requiring more reading and reflection. The only imaginable way in which fewer and larger committees could save Senatorial time is that the workload could become so huge that a good many Senators would throw up their hands and say, "It's hopeless! We can't ever do all this!" Actually, however, Members would very quickly resort to subcommittees (task forces, teams, working groups) to avoid feeling overwhelmed. Similarly, clearer, jurisdictional lines would save Senatorial time and frustration only if they were, by some miracle, universally and continuously accepted; but since issues are constantly being redefined—this is the essence of public policy and of being a free professional—there will be constant difficulties and complaints about jurisdiction being invaded, "turf" being overrun by outsiders, etc., if an effort is made to delimit jurisdictions sharply and rigorously.

*Practical problems would arise from sharp jurisdictional lines*

By way of example, let us consider such an issue as alcoholism. Presumably it, on the line just suggested, should be considered by a single committee—perhaps one concerned with public health. Well and good. But is the committee concerned with public health going to consider and control traffic safety legislation, insofar as the Federal government is involved in that? Again, well and good; presumably it could do so. But will the same committee consider productivity in industry? For alcoholism is an important factor there (and concern over productivity will almost certainly increase in the years ahead). Probably at some point, a committee concerned with crime control will focus on alcoholism—certainly corrections and rehabilitation enter in. Then rehabilitation and prevention lead to alcoholism education, which cannot safely be divorced from other issues of schools and schooling. Advertising also may be pertinent. There are interstate commerce aspects, and so forth.

Now, of course, one could organize one of the major committees so that all issues conceivably connected with alcoholism would fall to it. Or one might say—some people would say—that the Congress ought not to bother itself with alcoholism. But the problem remains. Does the committee concerned with veterans include medicine? Does the committee concerned with space exclude or include the military aspects of space? For that matter, does the committee concerned with medicine deal with some aspects of biological warfare? Yes or no?

The point is not, of course, that at any given moment any of these connections have to be established or even could be established. The point is simply that creative, innovative, inventive Senators or staff are unlikely to rest easily with a system which makes jurisdictional lines rigid. Because whatever the issue—*whatever the issue*—someone may see it as having previously unseen ramifications, and will want (and for a proper investigation or legislative proposal will need) to consider these ramifications. Of course, joint referral is perfectly possible with a smaller rather than a larger number of committees, as are provisions for consulting the other relevant committees. But the advantages of reducing committee numbers and sharply defining committee lines become tenuous when one engages freely in joint referral and intercommittee comity. The alternative that arises out of the general bureaucratic approach, of course, is coordination—so that all X is the unique business of Committee Y. To enforce this, however,

demands a strong—indeed, dictatorial by present standards—Senate leadership of a sort I suspect few Senators would favor. Such coordination would make the task of the creative, innovative Senators more difficult and that of the creative staff persons on committees much more difficult. They would constantly be looking over their shoulders for fear something significant might be regarded as outside their jurisdiction. The parallel in some universities is the insistence by a given department or faculty that they, and they only, can study or teach a certain subject—although its relationship to other departments is self-evident to the people in the other fields. Or in applied research, in general, funders of research are learning that investigators should not be restrained by saying, "Cancer is your business," or "Birth defects are your business," because you simply don't know what will lead to what; the more imaginative and promising the research, the more likely that problems will get reassembled.[3]

### III—CLEAR JURISDICTIONS DO NOT NECESSARILY MEAN CLEARER POLICY

The assumption underlying the closed structural approach is that tight jurisdictional lines, with no overlapping, result in clarification and clarity. This is, on the whole, the clarification of the assembly line, product-defined job, as suggested above; one might even, ironically, describe it as the clarity of the grave. Modern Western society, on the whole, has developed a very different route to clarification of issues, innovation, procedures, and ideas. That route is the route of competition. For example, U.S. antitrust laws are deliberately designed to impose redundancy and duplication on industry, partly because of the belief that through competitive duplication new ideas, new processes, and new services are produced. "The cure for monopoly is competition."

The underlying assumption here maintained was stated by James Madison (*Federalist*, 55):

> As there is a degree of depravity in mankind which requires a certain degree of circumspection and distrust, so there are certain qualities in human nature which justify a certain proportion of esteem and confidence.

The whole American system of check-and-balance is based upon the joinder of the necessary "circumspection and distrust" with "esteem and confidence." Thus, the intricate system of States versus Federal government, courts versus executives and legislatures, one chamber of the legislature versus the other, has worked out—because under such circumstances distrust and circumspection are encouraged to a healthy degree.

This system is quite opposite to the monocratic system preferred by many advocates of coordinated organization charts or, for that matter, by many dictators. Probably, few to whom these lines are chiefly addressed would want to coordinate matters, clarify responsibilities, and so on, by deciding once and for all that the Senate should deal

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[3] Too, it is probable that the creation of such super-committees would divorce some committee staff even further from the control of Senators—it is a simple matter of experience that whereas in a medium-sized group with medium responsibilities, active, acute, and managerially skillful part-time supervisors (that is persons who have operating responsibilities of their own as of course Senators do!) can keep some control of subordinates; but that the larger the number of responsibilities, and, of course, the larger the staff, the harder it is for any adequate control or knowledge to filter up to the supervisors. It would appear that precisely these obstacles to adequate supervision would result from a smaller number of committees—the result would probably be, in most instances, still greater autonomy for the staff director or chief counsel of the committee, if any, or else a greater number of staff only occasionally consulting with anyone.

only with thus-and-such matters, leaving it up to the House or the Executive to handle all others. Indeed, the history of the Senate—for example, in regard to appropriations, taxation, and judicial appointments—has been the reverse of any such policy.[4]

*The genius of the check-and-balance system*

In fact, the genius of our system of check-and-balance—and of creative organization generally [5]—is that there is a constant pulling-and-hauling, an effort by different units in a system to stake a claim, to build a following, to play a part, to express a notion. Out of this pulling-and-hauling, in fact concomitant with it, occurs a much broader expression and interstimulation of perspectives and interests than is likely in a coordinated set of arrangements. And out of such pulling-and-hauling and the ambiguities and tensions and puzzles which it brings into play, there is a better chance of somebody inventing or working out different, relevant alternative solutions to problems, some of which may be superior. As a distinguished business school professor said, commenting on the idea of this essay:

> The fundamental point to remember, which most people forget, is that in highly problematic situations—such as those which I suppose legislators confront—*error is the norm, the rule, not the exception.* And with a greater number of alternative groups, pushing somewhat separate viewpoints, somewhat differently organized, there is a better prospect that some group will work out an acceptable way of dealing with a problem.

Error is the norm simply because, on the whole, most people either (a) accept a conventional solution, including doing nothing, to a problem or difficulty which would already have been solved if conventional solutions were acceptable and workable, or (b) propose a doctrinaire, unrealistic, ideal-type answer (as for instance prohibition) which fails to take into account highly relevant tendencies.

Now to stimulate groups which may from time to time strike out on their own and look at problems differently, these groups must have a different perspective, a different outlook, a different tradition, a different kind of personal interaction. But obviously they cannot be too different from the main thrust of the organization or the polity.

Senate committees as now constituted may not be ideal from this standpoint; but the fact that they have somewhat different past histories, are staffed by employees with somewhat different concerns (because people tend to gravitate to committees in terms of background and interests). And, of course, because Senators themselves similarly tend to gravitate or be assigned to committees reflecting their own preferences and experiences—all this means that they do differ. A parallel experience with research groups is reported: give the same set of

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[4] It is pertinent here that in our sister nation, Canada, and in the mother of parliaments, Great Britain, in recent years, there have been movements towards strengthening the upper chamber and the committee system, independent of the cabinet, so that there may be more adversary views put forward, more checking of the monocratic supremacy of the cabinet and the government, and so on.

It is certainly pertinent, too, that critical development, over the last thirty years, in, for instance, Poland, Yugoslavia, and Czechoslovaki, identified with such thinkers and planners as Oskar Lange and Ota Sik, have stressed the necessity for getting functional equivalents within the Marxist economy, to Western competition and adversary relationships.

[5] Victor Thompson has pointed out one seeming and misleading exception here: a particular thinker or leader may himself be extremely able to stimulate innovativeness and may be able to handle an organization in his fashion; but when it gets too large, too successful, has too many responsibilities, or when he is succeeded by competent and capable, but less imaginative, executives, the organization relapses into the general monocratic pattern, unless check-and-balance is built in.

data to three disparate groups of scholars, and the same sets to a second and third group, and they will develop different possibilities, literally see different things, follow different ramifications, and evolve somewhat different hypotheses. This is what now happens, sometimes, in the Senate. The effort should be to make it happen more often, if anything by encouraging "overlapping" and redundancy rather than by discouraging it. For it to happen there must be some common basis of tradition, profession, or experience upon which each individual group can work together; and the continuing nature of Senate committees now provide such bases.

To be sure, conflict will occur at times when committees overlap, just as happens among research scholars who interpret data differently. But the issue here is stated by Cohen and March:

> The inability to legitimize conflict depresses creativity. Conflict generates problems and uncertainties and diffuses ideas. Conflict implies pluralism—a dispersion of legitimate power. This . . . necesitates coping and searching (and thus) encourages innovation . . . Other things being equal, the less . . . monocratic (an) organization, the more . . . innovation.

The problem for the Senate, and for many other American organizations at present, seems to be that certain kinds of conflict—particularly between colleagues—are regarded as undesirable. Yet such conflict in knowledge-organization and policy-seeking (note that in committee Senators spend much of their time seeking policies, not simply formulating them) should be seen as highly legitimate and desirable. Of course, where such conflict spills over to personal acrimony or procedural harassment, it is not desirable; but such spillovers are more likely when the legitimacy of conflict is not fully realized. Of course, it should be recognized, too, that the ultimate legislative outcome, like any other policy decision, must be clear—but that should not inhibit conflict about how an issue should be approached. Alternative approaches to problems are desirable. It is often assumed that parties will present such alternatives; but on many, probably most, legislative issues, they don't, since parties in the U.S. are chiefly electoral organizations, not policy-implementing or policy-formulating ones.

To be sure, this is not the only—or even the most widely accepted—theory of management and organization. For example, within the scientific community there is continuing tension between a school of thought which argues that there should be competing and conflicting organizations, financing different kinds of studies from different standpoints, and a school which feels such duplication is wasteful. My impression is that the majority of experienced research administrators, when not themselves pushing their own particular agency or institution, would belong to the first school, whereas a high number of articulate working scientists, convinced that science should move in the direction of their own work, would adopt the second.

*Limitations on the argument just made*

It does not follow from what has just been said that redundancy, duplication, conflict, free competition, are infinitely desirable. We recognize, of course, despite our anti-trust convictions, that some public utilities may better be handled as monopolies. Also, there are instances in which definite orders must be given to determinate subordinates and too much redundancy could easily become intolerable.

Most Senate staff members do a better job, for instance, if they have only a few determinate superiors to whom they report, rather than being at the call of "innumerable" Senators. It is, of course, vital that a given official or officials should be the only ones authorized to issue certain payments or honor given vouchers; otherwise, confusion would result. Similarly, only a limited number of officials can direct police forces. And, as already pointed out, the procedure by which laws are enacted should be quite clear. Were I writing here on legal draftsmanship, I would undoubtedly argue against duplication, fuzziness, and ambiguity, whereas in the present framework and for the present purposes I favor these things.

The question which needs to be faced concerning Senate committees is: What are the advantages of reducing redundancy and clarifying jurisdictions, granted that there are advantages to redundancy and fuzziness in general of the sort suggested above? Is there some intolerable level of confusion? Are executive agencies and citizens unable to adhere to the legislative decisions? Are Senators so frustrated by existing kinds of jurisdictional unclarity that they cannot do their jobs? In response to these questions, I am not aware that problems of this sort now justify sacrificing the opportunity for quasi-independent reflection and investigation.

An example, derived from a state legislature with which I have had contact, could with appropriate modifications apply to the Senate. Members of the Judiciary Committee of that legislature are all attorneys, and it is widely believed that many of these attorneys hope to become judges. In that legislature, some other committees have only a few attorney members. Let us suppose—as may well happen—that there arises some issue (for example, "no-fault" insurance) where the interests of attorneys to some extent differ from those of non-attorneys. Although the Judiciary Committees should certainly play a part in developing such legislation, it would be highly desirable that different approaches be taken to the issue. Another set of issues—probably on the horizon, though not yet raised in that or in most states—concerns the handling of probate; still another could develop if there grows up more concern for the position at one time indicated by Justice Burger, that crime control in the United States could be bettered by some approach to Danish or Dutch practice. The point is not whether either critics of probate or Chief Justice Burger are right; maybe they are wrong, but defenders of the present system may be shortsighted, too? The likelihood is that issues could be clarified and progress made if different committees in the state legislature looked at them with different perspectives. A committee focusing on problems of older people (who suffer much from fear of mugging and are not very good plaintiffs or witnesses) would probably have a different approach to crime control than one oriented toward the judicial and legal traditions. Conflict between such committees could be very creative—perhaps ultimately preserving the basic values of our legal tradition but introducing some wisdom from Denmark or the Netherlands, or merely from the real-life experience of victims.

Similarly, a committee concerned with energy at the Federal or state level might get into crime-control and the laws and institutions (police, for instance) engaged in crime control for the following reason: some proportion of persons, perhaps a fairly high one, avoid buses or trains because they are afraid of being mugged or held up at bus stops or train

stations or walking to or from them. (In one big city in fact, this became an issue involving library personnel and services; the city officials are trying to figure out a way to protect librarians in some branches from crime when they walk to the parking lot!) Should a state or Federal legislative committee concerned with library opportunities be inhibited from moving into the crime control area—particularly bearing in mind that "in problematic cases, error is the norm . . ." and that the more reasonably diverse inputs, up to a point, the better?

*Synthesis through conflict; broadening perspectives through the open system*

Put in different terms, each Senate committee processes information and ideas somewhat differently; and if several alternate or duplicating committees are processing ideas, one or another may come up with a good one—or the conflicting views of different committees may lead to a synthesis which is useful. This is particularly true because of what Ernest Griffith labeled the "whirlpool" phenomenon in U.S. government. He said:

> One cannot live in Washington for long without being conscious that it has these whirlpools or centers of activity, focusing on particular problems. The persons who are thus active are variously composed. Some are civil servants, some active members of appropriate committees (or their staff), some are lobbyists, some are unofficial research authorities . . . or even entirely private individuals. In their various permutations and combinations (these people) are constantly meeting (and generating) common ideas. . . .
>
> . . . It is my opinion that ordinarily (this) relationship is much more real than the relationship between congressmen generally or between administrators generally. In other words, he who would understand the prevailing pattern of our present governmental behavior, instead of studying the formal institutions or even generalizations in the relationships between these institutions or organs, important though all these are, may possibly obtain a better understanding of what really happens, if he would study these whirlpools of special social interest and problems.

Griffith is here describing the open system, characteristic of Washington and of other complexes where innovation and creativity are fairly common, as contrasted with the closed system of the organization-chart monocracies. No doubt because of the genius of American statesmen and movers and shakers for getting around obstacles, such whirlpools will persist no matter what the Senate tries to do with its committee system. But the present committee system—without sharp jurisdictional lines, with a good deal of duplication—makes it possible, and on some matters almost inevitable, that whirlpools will develop around an issue. And if for some reason the committee most likely to be involved is not alert and responsive, another panel is apt to take its place. It would be said to disturb this situation. By way of example, the House Committee on Armed Services failed to raise civil defense issues or to explore them in the 1950s; without arguing for or against the civil defense proposals of that time now, it is in adversary terms clear that an approach well developed in instance, by Sweden should have been carefully considered in the U.S. Congress. And so it was—but by a House Government Operations Subcommittee concerned with military matters, under the leadership of Chet Holifield of California, with the support of the ranking Republican R. Walter Riehlman of New York. Technically, Holifield could have argued that he was engaged in "oversight," but in fact everybody knew he was

directing a serious legislative investigation, and as one of those closest to him said, he was able to do this because "in the House, jurisdiction is nine-tenths assertion."

Similarly, in the 1930s, Ross Collins of Mississippi, of the House Appropriations Committee, could have argued that he was engaged in the appropriating process when by his own initiative he helped push the rather reluctant Department of the Army into taking preparation for tank warfare seriously—but in fact he was obviously acting with the support of a sort of whirlpool, but as a leader in it setting policy (just as 30 years before, Winston Churchill, as First Lord of the Admiralty, had set policy by (mis)appropriating funds without cabinet knowledge to develop the tank, the "battleship on wheels.") And some students of the 1930s have gone so far as to compare Collins with deGaulle in France and Hart in Britain—men who by preparing the way for the Western powers to use the tank, made land victory in World War II much less costly, and more likely. It was natural that the House Military Affairs Committee with its closeness to the Army brass would stick to the old-fashioned notion of cavalry; it was natural, too, in the 1950s that the House Armed Services Committee, somewhat responsive to and up to a point part of the Strategic Air Command whirlpool, would not take any initiative in opposing the S.A.C.'s doctrine or concern itself with the civil defense concept. It was fortunate in both instances that somewhere else in the House, other committees led by men of initiative could interact in a different whirlpool, rejecting the orthodoxy of the main subject-matter committee.

With present committee openness, the whirlpool phenomenon permits and encourages what from a check-and-balance standpoint is highly desirable. Committee A, the main subject matter committee, will become very close to Agency B; but Committee C may, for one reason or another, be closer to Agency X—or at any rate not part of a whirlpool with Agency B. So, it is much more likely that Committee C, if it gets any hint of things to look into, will "get the dirt" on Agency B from Agency X, if the latter is (as often is the case) hostile to Agency B. And check and balance does involve "getting the dirt." The more closed the committee system, the less likely such alternate routes to insight will develop. (Incidentally, the oversight emphasis has the danger that a formal oversight committee will become part of an agency whirlpool—its defender rather than its critic—and it ought to be possible for *any* committee to act as an overseer. "Negative feedback"—an account of what is going wrong—is hard to get from a bureaucracy anyway. It is often obtained as a result of infighting within the bureaucracy; but the closer a committee is to a given agency, the less it will heed or disseminate negative feedback, unless the defect is very severe.)

By the same sort of reasoning, the freer a subcommittee is to work out its own contacts and pursue its own concerns, the more likely it will be to open up serious issues that might lie buried in a closed jurisdictional system. An example is to be found in the late Senator Kefauver's investigation into the pharmaceutical industry and the dangers of certain new drugs: the larger the committee, the less likely it is that an individual Senator or a few Senators can go ahead on their own on such matters.

Of course, this freedom and openness does create problems. Some of these problems, however, have already been dealt with by the Senate.

For example, Congressional committees are much less likely than in the days of Joseph McCarthy to impugn or unfairly discredit private individuals.

Internally, the problem is overscheduling. This may be partly solved by recognizing that many efforts are preliminary and exploratory, and by formalizing what is in any case a common practice: a subcommittee often serves chiefly as a back-up for consultation, and one Senator handles the exploratory and preliminary aspects, if authorized. To reduce the burden on certain witnesses, especially government officials, who have to testify too frequently for their own comfort, greater use of video tapes of earlier testimony, and the substitution of other ways of obtaining information may be helpful.

It follows from this viewpoint, that on the whole, there has been too little rather than too much overlapping. But we should recognize that, in an imperfect world, duplication and redundancy in areas of new knowledge and policy stimulate creativity and may help reduce error.

## IV—SYMPATHETIC CONCERN FOR DISCONTENTED GROUPS AS AN ADVANTAGE OF DUPLICATION

Another and quite different argument for redundancy and overlapping should also be considered. Members of groups that feel strongly about something and are outside established Washington circles, may feel somewhat alienated. It is desirable and important that these groups should see that somewhere in government is somebody who will listen to them. This issue should be addressed carefully.

One way for such groups to realize that they are being treated respectfully and sympathetically is through hearings or other contacts with Congressional committees—sometimes panels other than the main subject-matter committees. Naturally enough, on the whole, the Committee on Finance in the 1950s took an overview of problems of foreign trade policy. However, Appalachian coal interests and New England textile workers, furiously indignant over foreign imports, found small consolation in the rather Olympian detachment of some of the Members of Finance—even some Members who held views that suited the purposes of coal and textiles. So, it was fortunate that the Labor and Public Welfare Committee, held what amounted to an anti-hearing, which apparently induced some of the most vociferous critics of Reciprocal Trade to moderate their notion (not uncommon among the most disgruntled foes of foreign imports) that Reciprocal Trade was some sort of alien plot! Similarly, it has happened that "health cranks" and "food cranks"—sometimes people whose views have later received some hearing and acceptance—have tended to find medical "bureaucracies" in Washington totally unsympathetic. To the extent that the major subject-matter committees concerned with health were close to the medical bureaucracies, they would tend to be similarly somewhat unsympathetic. Individual Senators, such as Paul Douglas, did provide some consolation for some of these groups. But it could well be that avoiding the alienation of such groups would be worth more attention and concern, and in the nature of the case, would be more likely to come from some committee not the main medical subject matter committee. The fewer the number of committees, the tighter the jurisdictional lines, the less likely would be such legitimation of the system through sympathetic concern. In fact, some matters

that can be broached only at considerable cost by subject-matter committee can be initially explored more safely by other committees. The Foreign Relations Committee, for instance, ought to be rather scrupulous in opposing official government policy or appearing to give comfort to some critics of such policy. Yet other committees may with less risk open up critical exploration of such policies and provide reassurance to some dissatisfied groups.

An example—unfortunately hypothetical—of the advantages that might have flowed from more aggressive subcommittee action on matters which were felt strongly by a few articulate persons may be suggested: In the 1950s, the feminist (now women's liberation) movement was, though not dead, relatively weak. There were women, and a few men, who deplored discrimination against women in the courts, in the Armed Services, and in government employment. On the whole, people who expressed such a viewpoint then were without any focus. But an aggressive subcommittee could presumably have looked into such matters; the subcommittee might have found a following and built a constituency. If so, the position of women, and of the nation, would be that much better now. The dominant preferences of some very influential seniors in the Senate would probably have even then made such an investigation difficult to mount; but it probably could have happened, organized by a sufficiently adroit, aggressive, and tactful Senator. Almost certainly, it could not have been done in the Armed Services Committee or probably in the Committee on the Judiciary, but would have been easier to arrange through some minor, peripheral committee. In any case, in a Senate fairly open in structure, this sort of thing could happen—in today's Senate, the absence of dominant elders, like those of the 1950s, plus the absence of strong jurisdictional lines, might make it possible for some creative Senator to raise some similarly important issue, and to his surprise, find himself with a following.

## WAYS OF TACKLING THE UNDERLYING PROBLEMS

Many readers may find this discussion unsatisfactory, unhelpful, and unamiable, because it does not present solutions. Senators, they will say, are overburdened, overpressed, overscheduled. If "sunset" legislation goes through, if oversight becomes enhanced, they will be even more overburdened, overpressed, and overscheduled. To reject proposals for doing something about it is to accentuate the negative.

Suggestions have been made for improving the way Senators receive and process information. Among these is Senator Hart's proposal for a Master to represent the Senate in preliminary hearings and explorations. Explicit recognition that subcommittees can be one-person affairs in the preliminary phase would help. Witnesses can be briefed as to what witnesses have said previously or in former years; digests of major new points brought out in hearings can be prepared for Senators. Briefing experts can instruct inexperienced witnesses as to how to be most helpful to Senators. New Senators, in some instances, could profitably receive instruction on how to handle interrogation and obtain evidence. So could staff. Lobbying organizations could be tactfully notified that burdening Senators with a seven-times-told tale may be counterproductive. Witnesses and the public can be apprised that Sen-

ators may see replays on video or tune in to hearings from their offices, so there will be less need to appear at hearings just to "show the flag."

The question should be raised: Is not a large part of the problem *fragmentation* of attention, rather than overload? Few professions in the world seem to demand more constant shifting of psychological gears than the profession of U.S. legislator. There are some cures or quasi-cures for this, if it is the problem: for example, setting several weeks aside for committee study (whether by hearings or otherwise), concentrated in such a way that a Senator can spend consecutive hours on a given topic without interruption. Completely prepared digests and briefings, would facilitate less fragmented attention.

Probably, in large degree the problem is one of management. Studies of professionals show that they often intensify the difficulties of overload because they find managing time and attention difficult. A partial solution is to identify the avoidable drains on time and attention. Very often these are not what the people involved think or believe they are. A rather detailed account and record of how time is spent, and what is irritating, is necessary before one can judge what is avoidable and what is not. For instance, some who feel overworked might reduce their workload considerably by adhering to the instructions former Senator Leverett Saltonstall gave his Administrative Assistant: "I don't want to hear anything about how the office is run. You run it." This requires, of course, Administrative Assistants who are good managers; one of the difficulties in the Senate may be that emphasis on management skills in Administrative Assistants has not been very great. Above everything else, it means that Senators have to be willing to trust their assistants not to embarass them—and if occasionally they are embarassed, nevertheless to recognize that interjecting themselves constantly in matters which they have delegated is something to be avoided even at some costs.

Senators who want to save their time and individual attention can probably reduce their overload even further by determining what they do, what they study, what they read, which they do not need to do (and which isn't fun). A great deal of the information submitted to them is clearly non-functional, for instance, or can be processed for them by somebody else. Of course, determining how to reduce overload can be better done—if a Senator wishes it—with the help of some outside student of management practices, if such students are really imaginative and can be persuaded to help out. Locating truly able management consultants might be the first step in helping Senators reduce overload. Some of those who are first used as consultants will no doubt prove to be duds; "error is the norm in innovative efforts." But there is hope in this approach. It cannot, of course, be forced upon anybody. But it can be made more easily available to those who want to use it.

No Senator and no staff member, it is true, can be forced to learn from any other Senate office or any other Senator's experience. But unquestionably there is a good deal to be learned about ways of saving time and processing information from the experience of other Senators, Congressmen, and also from former Senators, Congressmen, and from staff and former staff. Identification of those people who have the most to contribute or much to exchange may be helpful.

## Bibliographical Notes

In general terms, the approach to organizations here used is called—both descriptively and ideologically—"open system approach." A masterful statement of this approach is found in Daniel Katz and Robert Kahn, *Social Psychology of Organizations*, New York City, Wiley, 1966, 1967. A particularly lucid up-to-date brief statement of the implications of the approach is provided by Charles Christenson, *The "Contingency Theory" of Organization: A Methodological Analysis*, HBS 73–76, Division of Research, Harvard Graduate School of Business Administration, 1973, 47 pages.

Martin Landau in "Redundancy, Rationality, and the Problem of Duplication and Overlap," *Administrative Science Quarterly*, July–August, 1969, pp. 346–58, argues, very persuasively to me, that any well-run organization, in order to ensure system reliability, and in order to be able to adapt, must have a good deal of overlapping and redundancy.

The general problem of the management of time and attention has been discussed by Herbert A. Simon in several writings, most notably in a paper published in Martin Greenberger (ed.), *Computers, Communications, and the Public Interest*, Johns Hopkins University Press, 1972, and in "The Future of Information Processing Technology," now Ch. XIII, and in "Applying Information Technology to Organizational Design," now Ch. XIV, of the revised 3rd edition of Herbert A. Simon's, *Administrative Behavior*, Free Press, 1976.

A theory of check-and-balance is stated in an article by Lewis A. Dexter (originally published as a separate pamphlet, 1965), in Alfred de Grazia (ed.) *Congress: The First Branch*. American Enterprise Institute of Public Policy, 1967. The way of thinking here presented rests upon the work of George Savile, Marquess of Halifax, in *The Character of a Trimmer*, 1683, and of T. V. Smith, *Legislative Way of Life*, University of Chicago Press, 1941. I have considerably developed, I think, the notion of balancing virtues and costs against each other in a complex world in Ch. I of my presumptively forthcoming *Political Invention and Prudent Policy-choosing: Leaning Against the Wind in Politics and Ethics* (title subject to change; publisher to be chosen, 1977–84).

In Raymond Bauer, Ithiel Pool, and Lewis Dexter, *American Business and Public Policy*, 1963, 2nd edition, Atherton Aldine, 1972, we discuss Congressmen as "free professionals"; John R. Saloma, I believe, in his *Congress and the New Politics*, Little Brown, 1969, has picked up on the idea.

An underlying point of view, although not explicitly stated, further justifies the approach (which I omitted in order to avoid the appearance of overkill), is also found in my article on "Organizational Climate," in *Political Methodology*, 1976 (issue in press).

Lacking Thompson's most recent book, Victor A. Thompson, *Bureaucracy and Innovation*, University of Alabama Press, 1969, has a number of relevant and pertinent points, although they do demand some translation from his context to ours. I am told and have every reason to suspect that the best statement of the underlying theory has been also written by Victor A. Thompson in *Bureaucracy in the Modern World*, General Learning Corporation, 1976, but I have not seen

it. (Those with a fundamental interest in institutional change will find an elegant summary of what is known about how institutions change or resist change in "Facilitating Organizational Change," Chapter II, pp. 25–32 of *Facilitating Creative Change in Mental Health Hospitals*, Volume I, N.I.M.H., HEW Publication HSM 71–9060).

For considering the history of the Bolling proposals, and for forecasting probable reactions to any suggestions made by this Committee, the brilliant and unduly forgotten treatment by Bertram Gross in *The Legislative Struggle*, McGraw Hill, 1953, of the way in which in Congress procedural proposals activate policy alignments should be considered.

The quotation from Michael Cohen and James March is from their *Leadership and Ambiguity*, McGraw Hill, 1974, a study of the college presidency, which however applies to all professionals concerned with decision-making. March tells me that the subsequent March and Olson, *Ambiguity and Choice*, University Press of Norway, 1976, is a theoretical advance over the earlier work (but I couldn't locate a copy yet in this country).

The quotation from Ernest Griffith, originally appearing in his *Impasse of Democracy*, is found in several editions of his well known text *Congress; Its Contemporary Role*, including the latest, 5th edition, Griffith and Francis Valeo, New York University Press, 1975, p. 95.

There is no adequate study of Ross Collins or Chet Holifield of which I know; merely scattered and more or less journalistic treatments. On the general point, see Lewis A. Dexter, "Congress and the Formulation of Military Policy" revised version in Raymond Wolfinger (ed.), *Readings on Congress*, Prentice Hall, 1971, (original version published in 1963). There I show, I think, the advantages of conflicting views.

Finally, and importantly: A much more rigorous theoretical argument against wide committee restructuring, etc., could be based upon David Braybrooke and Charles Lindblom, *A Strategy for Decision*, Free Press, 1963. Their argument is in oversimplified terms, "Where it is not necessary to make big plans, it is necessary not to make big plans. For the human capacity to make big plans which fulfill their maker's intentions is very limited indeed. There is a better prospect that small adjustments and tinkerings can work out to fulfill the makers' goals and avoid other undesired consequences." The Braybrooke and Lindblom argument is persuasive and I am sure it is true, as a matter of faith; it has not been (to my knowledge) tested out in any empirical fashion as a general proposition.

## Appendix A

## Senate Rules and Practices on Committee Assignment Limitations as of June 10, 1976

### SUMMARY

Paragraph 6 of Senate Rule XXV, in effect, creates three groups of committees for assignment purposes and limits the number of committees in each on which a Senator may (or shall) serve. For easier identification, these committee groups are referred to below as categories A, B, and C, although they are not so labeled in the Rule.

Subject to various exceptions, both in the Rule and in party regulations and practices, Rule XXV limits assignments in each category, as follows:

Each Senator shall serve on two committees, and no more than two, in category A. This group consists of the so-called "major" standing committees.

Each Senator may serve on one committee, but no more than one, in category B. This group includes the so-called "minor" standing committees, plus permanent select and special committees and most of the permanent joint committees.

Each Senator may serve on one committee, but no more than one, in category C. This group includes temporary select, temporary special, and temporary joint committees, plus certain permanent joint committees.

In addition, three committees are currently exempt from the assignment limitations in Rule XXV.

### CATEGORY A ASSIGNMENTS

1. Each Senator shall serve on two and no more of the committes in category A (the "major" standing committees). A Senator must serve on two such committes.[1] (See exceptions 1, 2, 3, 4, and 5 below.)

2. "Exclusive" committees: Under Rule XXV, no Senator shall serve (simultaneously) on more than one of the following ofur category A committees: Appropriations, Armed Services, Finance, and Foreign Relations.[2] (See basic conditions 3 and 4, and exception 6, below.)

3. Democratic "exclusive" committees: Under a Democratic Conference regulation of 1975, no Democratic Senator shall serve (simultaneously) on more than one of six "exclusive" committees—the four listed in Rule XXV plus the Commerce and Judiciary committees—until every Democratic Senator serves on at least one.[3] (See exception 7 below.)

4. Republican "exclusive" committees: By Republican Conference rule, no Republican Senator shall serve (simultaneously) on more than one of five "exclusive" committees—the four listed in Rule .XXV plus the Budget Committee.[4] (See exception 8 below.)

5. Republican same-State regulation: Two Republican Senators from the same state shall not be assigned to the same committee.[5]

6. Democratic same-State practice: By custom and informal practice, two Democratic Senators from the same state are not assigned to the same committee.[6]

*Exceptions*

1. "Grandfather" right: Any Senator who was serving on more than two category A committees on January 2, 1971, may continue to serve on each such committee of which he was a member on that day, so long as his service on those particular committees is uninterrupted.[7] (Modifies basic condition 1.)

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[1] Rule XXV, par. 6(a).
[2] Rule XXV, par. 6(e).
[3] Democratic Conference regulation adopted Jan. 15, 1975. Information provided by the Secretary for the Majority of the Senate.
[4] Republican Conference, Rule IV, p. 3 in edition of Jan. 24, 1975.
[5] Republican Conference, Precedents, pp. 5–6 in edition of Jan. 24, 1975.
[6] Information provided by the Secretary for the Majority of the Senate.
[7] Rule XXV, par. 6(b).

2. "Greatgrandfather" right: Any Senator who (*a*) was serving on the Aeronautical and Space Sciences Committee or the Government Operations Committee on January 9, 1963, and (*b*) who had three category A committee assignments on January 2, 1971, and also on June 30, 1971, (*c*) among which were assignments to Aeronautical and Space Sciences or Government Operations, may continue to serve on those three committees so long as such service on each committee is uninterrupted. This right is not transferrable from one committee to another. That is, a Senator who has three category A assignments by virtue of this exception loses his privilege to hold three category A seats if he leaves one of the three he held on June 30, 1971.[8] (Modifies basic condition 1.)

3. Party ratios: Senators of the majority party may be assigned to third category A committees when the majority and minority leaders agree to a temporary increase in the size of a category A committee in order to assure party control of that committee.

The language of the Rule implies that such assignments are temporary, to be relinquished once the need for the increase in the committee's size is past. However, the Rule could also be interpreted to mean that a Senator with three major committee assignments under this exception may retain that latest assignment, even when the need for the increase in the committee's size is past, provided that: (*a*) There are sufficient vacancies on the committee to reduce its size to the proper number, even if he remains on it, (*b*) he gives up one of his other two category A assignments, and (*c*) the exclusive committee rule is not violated.

No category A committee may be increased in size, under this exception or because of grandfather or greatgrandfather rights granted under Rule XXV, by more than four members in excess of the number prescribed for that committee by paragraph 2 of Rule XXV.[9] (Modifies basic condition 1.)

4. Temporary Budget Committee exceptions: A Senator may serve temporarily on three category A committees if assigned to the Budget Committee. However, this privilege expires on the day in the 95th Congress, 1st session (1977) when "the appointment of the majority and minority party members of the standing committees of the Senate is initially completed." That is, each Senator who holds three category A assignments under this exception is to return to two category A assignments on the specified day.[10] (Modifies basic condition 1. See also exception 5.)

Note that the total number of category A assignments, and therefore the total of the sizes of all category A committees, (not including grandfather and greatgrandfather rights) must equal 200, i.e. 100 Senators times 2 committee assignments each. The Legislative Reorganization Act of 1970 specified ideal sizes, based on a total of 200 assignments, for each of the then-existing 13 major committees. Creation of the Budget Committee in 1974 added a 14th committee with 15 additional assignments. Therefore, when this exception expires the sizes of other category A committees will have to be reduced to accommodate the 15 assignments necessary for the Budget Committee.

5. Further Budget Committee exception—Democrats only: Under a Democratic Conference resolution of 1974, service on the Budget Committee shall not affect the grandfather rights of Democratic Senators who also serve on either Government Operations or Aeronautical and Space Sciences. This appears to mean that such Democratic Senators may serve on three category A committees, although the resolution does not spell out the conditions precisely." (Modifies basic condition 1 and exceptions 2 and 4 above.)

6. "Exclusive" committee grandfather right: Any Senator who was serving on more than one exclusive committee on Jannary 2, 1971, may continue to serve on each such exclusive committee of which he was a member on that day, so long as his service on those particular committees is uninterrupted. This right is not transferrable from one exclusive committee to another. That is, a Senator who has two exclusive committee assignments by virtue of this exception loses his privilege to two such seats if he leaves one of them.[12] (Modifies basic condition 2.)

7. Democratic "exclusive" committee grandfather right: Under a Democratic Conference regulation of 1975, any Democratic Senator who was serving on more than one of the six Democratic exclusive committees on the day preceding

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[8] Rule XXV, par. 6(b).
[9] Rule XXV, par. 6(c).
[10] Rule XXV, par. 6(h).
[11] Democratic Conference, Resolution of July 18, 1974. See 120 Congressional Record (daily ed., July 22, 1974) S12975.
[12] Rule XXV, par. 6(e).

January 15, 1975, may continue to serve on such exclusive committees so long as his service on those particular committees remains continuous after that day.[13] (Modifies basic condition 3.)

8. Republican "exclusive" committee exception: One Republican Senator from the Finance Committee and one Republican Senator from the Appropriations Committee may also sit on the Budget Committee. The Republican members of Finance and Appropriations, respectively, designate one of their number for such membership.[14] (Modifies basic condition 4.)

*Committees currently in category A: 14*

Rule XXV exclusive committees.—Appropriation, Armed Services, Finance, Foreign Relations.

Additional Democratic exclusive committees.—Commerce, Judiciary.

Additional Republican exclusive committee.—Budget.

Other category A committees.—Aeronautical and Space Sciences; Agriculture and Forestry; Banking, Housing, and Urban Affairs; Government Operations; Interior and Insular Affairs; Labor and Public Welfare; Public Works.

## CATEGORY B ASSIGNMENTS

*Basic condition*

No Senator shall serve on more than one of the committees in category B. Senators are not required to serve on category B committees, but they may serve on no more than one, subject to the exceptions described below.[15]

*Exceptions*

1. "Grandfather" right: Any Senator who was serving on more than one category B committee on January 2, 1971, may continue to serve on each such committee of which he was a member on that day, so long as his service on those particular committees is uninterrupted. Under Rule XXV, the grandfather right is not transferrable from one committee to another within this category. That is, a Senator's right to three category B assignments, held by virtue of this exception, would be reduced to two assignments if he gave up any one of those assignments, or be reduced to one if he gave up any two of them.[16] (See exception 2 below.)

2. Temporary transfer right: During the 92nd, 93rd, and 94th Congresses (1971–1976), Senators who, on January 2, 1971, sat on two or more category B committees could be transferred from one committee to another within that category, provided that no Senator might serve on a greater number of such committees than the number on which he was serving on January 2, 1971. That is, Senators transferred from one category B committee to another were nevertheless permitted to retain their other committee assignments in that category.[17]

3. Special exception: By unanimous consent granted April 18, 1973, Senator Howard W. Cannon (D., Nev.) was appointed to the Select Committee on Standards and Conduct while retaining his membership on the Committee on Rules and Administration, although both are category B committees.[18]

4. Special Joint Committee exceptions: During the 92nd, 93rd, and 94th Congresses (1971–1976), Senators were permitted to serve on an additional joint committee whose membership, by law, must be drawn from that of a standing committee of which they are members. These were in addition to any other category B assignments to which they were entitled.[19] As of June 10, 1976, there were two such joint committees in category B: Joint Defense Production (whose Senate members must be drawn from the Banking, Housing, and Urban Affairs Committee) and Joint Internal Revenue Taxation (whose Senate members must be drawn from the Finance Committee).

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[13] Democratic Conference, regulation adopted Jan. 15, 1975. Information provided by the Secretary for the Majority of the Senate.

[14] Republican Conference, Rule IV, p. 3 in edition of Jan. 24, 1975.

[15] Rule XXV, par. 6(a).

[16] Rule XXV, par. 6(b).

[17] Rule XXV, par. 6(b). See also, unanimous consent requests agreed to on Jan. 9, 1973. 119 Congressional Record 588, and June 7, 1976, 122 Congressional Record (daily ed.) S8581.

[18] 119 Congressional Record (Apr. 18, 1973) 12879.

[19] See unanimous consent requests, 117 Congressional Record (Mar. 9, 1971) 5488; 119 Congressional Record (Jan. 9, 1973) 588; and 122 Congressional Record (daily ed., June 7, 1976) S8581.

*Committees currently in category B: 11*

Rule XXV places three kinds of committees in this category:

1. "Minor" standing committees, currently 4: District of Columbia, Post Office and Civil Service, Rules and Administration, and Veterans' Affairs.

2. Permanent select and special committees whose existence, by the terms of the measures that established them, is not limited to a single Congress, currently 2:[20] Select Small Business and Select Standards and Conduct.

3. Permanent joint committees whose jurisdictions are *not* directly related to the jurisdictions of any of the four "minor" standing committees in this category, currently 5: Joint Atomic Energy, Joint Congressional Operations, Joint Defense Production, Joint Economic, and Joint Internal Revenue Taxation.

## CATEGORY C ASSIGNMENTS

*Basic condition*

No Senator shall serve on more than one of the committees in category C. Senators are not required to serve on category C committees, but they may serve on no more than one, subject to the exceptions described below.[21]

*Exceptions*

1. "Grandfather" right: Any Senator who was serving on more than one category C committee on January 2, 1971, may continue to serve on each such committee of which he was a member on that day, so long as his service on those particular committees is uninterrupted. Under Rule XXV, the grandfather right is not transferrable from one committee to another within this category.[22] (See exception 2 below.)

2. Temporary transfer right: During the 92nd, 93rd, and 94th Congresses (1971–1976), Senators who, on January 2, 1971, sat on two or more category C committees could be transferred from one committee to another within that category, provided that no Senator might serve on a greater number of such committees than the number on which he was serving on January 2, 1971. That is, Senators transferred from one category C committee to another were nevertheless permitted to retain their other committee assignments in that category.[23]

3. Special Joint Committee exceptions: During the 92nd, 93rd, and 94th Congresses (1971–1976), Senators were permitted to serve on an additional joint committee whose membership, by law, must be drawn from that of a standing committee of which they are members. These were in addition to any other category C assignments to which they were entitled.[24] As of June 10, 1976, there were two such category C joint committees: Joint Library and Joint Printing (both of whose Senate members must be drawn from the Rules and Administration Committee).

*Committees currently in category C: 5*

Rule XXV places three kinds of committees in this category:

1. Temporary select and special committees "which, by the terms of the measure by which [they were] established as initially agreed to, will not continue in existence for more than one Congress," currently 2:[25] Special Aging, and Select Nutrition and Human Needs.

2. Temporary joint committees "which, by the terms of the measure by which [they were] established as initially agreed to, will not continue in existence for more than one Congress," currently 1:[26] Joint to Make the

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[20] The Select Committee on Intelligence, a permanent select committee, is a category B committee, but it is exempted from the provisions of Rule XXV, par. 6(a). See 122 Congressional Record (daily ed., May 19, 1976) S7563.

[21] Rule XXV, par. 6(d). Another possible interpretation of the language is that a Senator may serve on 2 committees in category C *provided* that he serves on none of the category B committees.

[22] Rule XXV, par. 6(b).

[23] Rule XXV, par. 6(b). See also unanimous consent requests agreed to on Jan. 9, 1973, 119 Congressional Record 588, and June 7, 1976, 122 Congressional Record (daily ed.) S8581.

[24] See unanimous consent requests, 117 Congressional Record (Mar. 9, 1971) 5488; 119 Congressional Record (Jan. 9, 1973) 588; and 122 Congressional Record (daily ed., June 7, 1976) S8581.

[25] The Select Committee to Study the Senate Committee System, a temporary select committee, is a category C committee, but it is exempted from the provisions of Rule XXV, par. 6(a). See 122 Congressional Record (daily ed., June 3, 1976) S8359.

[26] The Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States, a temporary joint committee, is a category C committee, but it is exempted from the provisions of Rule XXV, par. 6(a). See 121 Congressional Record (daily ed., July 30, 1975) S14372–3.

Necessary Arrangements For the Inauguration of the President-elect and the Vice President-elect of the United States on January 20, 1977.

3. Permanent joint committees whose jurisdictions are directly related to the jurisdiction of any of the "minor" standing committees, currently 2: Joint Library, and Joint Printing.

EXEMPT COMMITTEES

As of June 10, 1976, three committees were exempt from the assignment limitations of Rule XXV. Membership on these committees was not to be taken into account for the purposes of paragraph 6(a) of Rule XXV.

1. Select Committee on Intelligence, a permanent select committee which would otherwise be subject to the conditions of category B.[27]

2. Select Committee to Study the Senate Committee System, a temporary select committee which would otherwise be subject to the conditions of category C.[28]

3. Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States, a temporary joint committee which would otherwise be subject to the conditions of category C.[29]

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[27] S. Res. 400, 122 Congressional Record (daily ed., May 19, 1976) S7563.
[28] S. Res. 109, 122 Congressional Record (daily ed., Mar. 31, 1976) S4735; 122 Congressional Record (daily ed., June 3, 1976) S8359.
[29] S. Con. Res. 44, 121 Congressional Record (daily ed., July 30, 1975), S14372–3.

## Appendix B

## Senate Rules and Resolutions on Committee and Subcommittee Chairmanships

### CHAIRMANSHIPS OF COMMITTEES

*Basic condition*

Under paragraph 6(f) of rule XXV, no Senator shall serve (simultaneously) as chairman of more than one standing, select, special, or joint committee.

*Exceptions*

1. A Senator may also serve as chairman of a joint committee having jurisdiction over subject matter directly related to the jurisdiction of a standing committee of which he is chairman.

2. A Senator who held more than one chairmanship on January 2, 1971, may continue to hold that number so long as his services as chairman of those committees is uninterrupted.

3. A Senator may also serve as chairman of one temporary committee or temporary joint committee which will exist for not more than one Congress.

4. By recent custom, Democratic floor leaders do not serve as chairman of any committees.

5. By Republican Conference rule, Republican floor leaders and assistant leaders shall not serve as chairmen of any standing committees or of any joint committees "the membership of which is not determined by ranking position on a standing committee."

6. Service as chairman of the following committees is currently not taken into account for the purposes of rule XXV, paragraph 6. That is, Senators may serve as chairmen of these committees in addition to any other chairmanships they may hold:

Select Standards and Conduct.

Joint to Make the Necessary Arrangements for the Inauguration.

### CHAIRMANSHIPS OF SUBCOMMITTEES

*Basic condition*

Under paragraph 6(g) of rule XXV, no Senator shall serve (simultaneously) as chairman or more than one subcommittee on each of the category A committees of which he is a member.

*Exception*

A Senator who held more than one subcommittee chairmanship on any of his category A committee assignments on January 2, 1971, may continue to hold those chairmanships so long as his service in those chairmanships is uninterrupted.

## Appendix C

### Subcommittees, Task Forces, and Study Groups—94th Congress

Listed below, in alphabetical order, are all of the Senate standing committees, joint, select, and special committees, with their respective subcommittees, special subcommittees, task forces, panels, and study groups, as of July 1, 1976. Party committees are not included in this listing. Because practices vary widely among the various committees of the Senate regarding the permanency and autonomy of subcommittees, no attempt has been made at this time to distinguish permanent, separately funded and separately staffed subcommittees from ad hoc or temporary subcommittees, except as otherwise indicated.

The size of each subcommittee may be determined by adding together the number of Democrats and Republicans who serve on the subcommittee. These figures include the chairman and ranking minority member of the subcommittee, but do not include the exofficio members of the subcommittee.

The following standing, joint, select, and special committees do not officially list any subcommittees:

Committee on the District of Columbia.
Joint Committee on Congressional Operations.
Joint Committee on Internal Revenue Taxation.
Joint Committee on the Library.
Joint Committee on Printing.
Joint Committee on Congressional American Bicentennial Arrangements.
Select Committee on Nutrition and Human Needs.
Select Committee on Standards and Conduct.
Select Committee to Study the Committee System.

94TH CONGRESS

| Committees and subcommittees | Chairman | Ranking minority | Democrats | Republicans |
|---|---|---|---|---|
| **SENATE COMMITTEE ON AERONAUTICAL AND SPACE SCIENCES [1]** | | | | |
| Aerospace Technology and National Needs [2] | Ford | Laxalt | 3 | 2 |
| The Upper Atmosphere [2] | Bumpers | Domenici | 2 | 1 |
| **SENATE COMMITTEE ON AGRICULTURE AND FORESTRY** | | | | |
| Environment, Soil Conservation and Forestry | Eastland | Helms | 4 | 2 |
| Agricultural Credit and Rural Electrification | McGovern | Curtis | 5 | 3 |
| Agricultural Production, Marketing and Stabilization of prices. | Huddleston | Young | 6 | 4 |
| Agricultural Research and General Legislation | Allen | Dole | 5 | 3 |
| Rural Development | Clark | Curtis | 5 | 3 |
| Foreign Agricultural Policy | Humphrey | Bellmon | 5 | 3 |
| **SENATE COMMITTEE ON APPROPRIATIONS [3]** | | | | |
| Agriculture and Related Agencies | McGee | Fong | 8 | 5 |
| Defense | McClellan | Young | 9 | 6 |
| District of Columbia | Chiles | Mathias | 3 | 2 |
| Foreign Operations | Inouye | Brooke | 5 | 3 |
| HUD–Independent Agencies | Proxmire | Mathias | 8 | 5 |
| Interior | R. Byrd | Stevens | 8 | 5 |
| Labor, Health, Education, and Welfare | Magnuson | Brooke | 9 | 5 |
| Legislative | Hollings | Schweiker | 3 | 2 |
| Military Construction | Mansfield | Stevens | 4 | 3 |
| Public Works | Stennis | Hatfield | 9 | 6 |
| State, Justice, Commerce, The Judiciary | Pastore | Hruska | 8 | 5 |
| Transportation | Bayh | Case | 6 | 4 |
| Treasury, U.S. Postal Service, General Government | Montoya | Bellmon | 4 | 2 |

See footnotes at end of table.



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94TH CONGRESS—Continued

| Committees and subcommittees | Chairman | Ranking minority | Democrats | Republicans |
|---|---|---|---|---|
| **SENATE COMMITTEE ON ARMED SERVICES [3]** | | | | |
| Intelligence | Stennis | Goldwater | 4 | 3 |
| Preparedness Investigating | do | Thurmond | 6 | 5 |
| National Stockpile and Naval Petroleum Reserves | Cannon | W. Scott | 4 | 3 |
| Military Construction Authorization | Symington | Tower | 5 | 3 |
| Arms Control | Jackson | do | 5 | 3 |
| Tactical Air Power | Cannon | Goldwater | 5 | 3 |
| Research and Development | McIntyre | Taft | 3 | 2 |
| General Legislation | H. Byrd | Bartlett | 4 | 3 |
| Manpower and Personnel | Nunn | W. Scott | 3 | 2 |
| **SENATE COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS** | | | | |
| Oversight | Proxmire | Tower | 8 | 5 |
| Housing and Urban Affairs | Sparkman | Brooke | 6 | 4 |
| Financial Institutions | McIntyre | Tower | 5 | 3 |
| Securities | Williams | Brooke | 5 | 3 |
| International Finanace | Stevenson | Packwood | 6 | 4 |
| Production and Stabilization | Cranston | Helms | 3 | 2 |
| Consumer Affairs | Biden | Garn | 3 | 2 |
| Small Business | Morgan | do | 3 | 2 |
| **SENATE COMMITTEE ON THE BUDGET** | | | | |
| Task Force on Energy [4] | Moss | Beall | 4 | 3 |
| Task Force on Defense [4] | Hollings | Dole | 5 | 2 |
| Task Force on Tax Policy and Tax Expenditures [4] | Mondale | do | 4 | 3 |
| Task Force on Capital Needs and Monetary Policy [4] | Chiles | Beall | 4 | 3 |
| **SENATE COMMITTEE ON COMMERCE [1]** | | | | |
| Aviation | Cannon | Pearson | 10 | 5 |
| Communications | Pastore | Griffin | 9 | 5 |
| Consumer | Moss | Buckley | 10 | 4 |
| Environment | P. Hart | Weicker | 7 | 4 |
| Foreign Commerce and Tourism | Inouye | Buckley | 7 | 4 |
| Merchant Marine | Long | Beall | 5 | 3 |
| Oceans and Atmosphere | Hollings | Stevens | 7 | 4 |
| Surface Transportation | Hartke | Weicker | 7 | 4 |
| **Special Subcommittees and Study Groups [1]** | | | | |
| National Ocean Policy Study Group [5] | Hollings | Pearson | 13 | 7 |
| Science, Technology and Commerce | Tunney | Beall | 3 | 2 |
| Oil and Natural Gas Production and Distribution | Stevenson | Stevens | 6 | 3 |
| To Study Textile Industry | Pastore | Weicker | 2 | 1 |
| To Study Transportation on the Great Lakes-St. Lawrence Seaway. | P. Hart | Griffin | 4 | 2 |
| Freight Car Shortage | Hartke | Pearson | 4 | 2 |
| **SENATE COMMITTEE ON FINANCE [1]** | | | | |
| Health | Talmadge | Dole | 7 | 2 |
| Foundations | Hartke | Hansen | 3 | 4 |
| International Trade | Ribicoff | Fannin | 6 | 4 |
| International Finance and Resources | H. Byrd | Roth | 3 | 2 |
| Private Pension Plans | Nelson | do | 3 | 2 |
| Social Security Financing | Mondale | Hansen | 3 | 2 |
| Energy | Gravel | do | 6 | 4 |
| Financial Markets | Bentsen | Brock | 3 | 2 |
| Administration of the Internal Revenue Code | Haskell | Dole | 3 | 2 |
| Supplemental Security Income | Long | Fannin | 3 | 2 |
| Revenue Sharing | Hathaway | Packwood | 3 | 2 |
| **SENATE COMMITTEE ON FOREIGN RELATIONS [6]** | | | | |
| European Affairs | Sparkman | Case | 4 | 3 |
| Far Eastern Affairs | Mansfield | H. Scott | 3 | 3 |
| Multinational Corporations | Church | Case | 3 | 2 |
| Arms Control, International Organization and Security Agreements. | Symington | Javits | 7 | 2 |
| Oceans and International Environment | Pell | Griffin | 2 | 1 |
| Western Hemisphere Affairs | McGee | Javits | 5 | 2 |
| Near Eastern and South Asian Affairs | McGovern | Percy | 4 | 2 |
| Foreign Assistance | Humphrey | Case | 4 | 3 |
| African Affairs | Clark | Pearson | 4 | 3 |
| Personnel [7] | Sparkman | Case | 2 | 2 |

**See footnotes at end of table.**

94TH CONGRESS—Continued

| Committees and subcommittees | Chairman | Ranking minority | Democrats | Republicans |
|---|---|---|---|---|
| **SENATE COMMITTEE ON GOVERNMENT OPERATIONS [6]** | | | | |
| Permanent Investigations | Jackson | Percy | 6 | 4 |
| Intergovernmental Relations | Muskie | Roth | 5 | 3 |
| Reports, Accounting and Management | Metcalf | Brock | 5 | 3 |
| Federal Spending Practices, Efficiency and Open Government. | Chiles | Weicker | 5 | 3 |
| Oversight Procedures | Nunn | Javits | 5 | 3 |
| Special Subcommittees and Study Groups Regulatory Reform Study.* | | | | |
| **SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS [3]** | | | | |
| Energy Research and Water Resources | Church | Hatfield | 8 | 3 |
| Environment and Land Resources | Haskell | McClure | 7 | 4 |
| Indian Affairs | Abourezk | Bartlett | 4 | 3 |
| Minerals, Materials and Fuels | Metcalf | Fannin | 6 | 3 |
| Parks and Recreation | Johnston | Hansen | 6 | 3 |
| **SPECIAL SUBCOMMITTEES AND STUDY GROUPS [3]** | | | | |
| Special Subcommittee on Legislative Oversight | Jackson | Fannin | 2 | 1 |
| Special Subcommittee on Integrated Oil Operations | Haskell | Bartlett | 6 | 4 |
| National Fuels and Energy Policy Study [8] | Jackson | Fannin | 9 | 5 |
| **SENATE COMMITTEE ON THE JUDICIARY** | | | | |
| Administrative Practive and Procedure | Kennedy | Thurmond | 5 | 3 |
| Antitrust and Monopoly | P. Hart | Hruska | 6 | 4 |
| Constitutional Amendments | Bayh | Fong | 5 | 4 |
| Constitutional Rights | Tunney | H. Scott | 6 | 4 |
| Criminal Laws and Procedure | McClellan | Hruska | 5 | 4 |
| FBI Oversight | Eastland | do | 5 | 4 |
| Federal Charters, Holidays, and Celebrations | Hruska | McClellan | 1 | 1 |
| Immigration and Naturalization | Eastland | Fong | 4 | 3 |
| Improvements in Judicial Machinery | Burdick | Hruska | 4 | 3 |
| Internal Security | Eastland | Thurmond | 3 | 2 |
| Juvenile Delinquency | Bayh | Mathias | 4 | 3 |
| Patents, Trademarks, Copyrights | McClellan | H. Scott | 3 | 2 |
| Penitentiaries | Burdick | W. Scott | 3 | 2 |
| Refugees and Escapees | Kennedy | Fong | 4 | 2 |
| Separation of Powers | Abourezk | Mathias | 4 | 2 |
| **SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE** | | | | |
| Labor | Williams | Javits | 7 | 4 |
| The Handicapped | Randolph | Stafford | 7 | 4 |
| Education | Pell | Beall | 8 | 5 |
| Health | Kennedy | Schweiker | 9 | 6 |
| Employment, Poverty, and Migratory Labor | Nelson | Taft | 8 | 5 |
| Children and Youth | Mondale | Stafford | 7 | 4 |
| Aging | Eagleton | Beall | 7 | 4 |
| Alcoholism and Narcotics | Hathaway | Schweiker | 7 | 4 |
| **SPECIAL SUBCOMMITTEES** | | | | |
| Arts and Humanities | Pell | Javits | 5 | 3 |
| National Science Foundation | Kennedy | Laxalt | 5 | 3 |
| Human Resources | Cranston | Beall | 4 | 3 |
| **SENATE COMMITTEE ON POST OFFICE AND CIVIL SERVICE** | | | | |
| Civil Service Policies and Practices | Randolph | Bellmon | 4 | 2 |
| Compensation and Employment Benefits | Burdick | Stevens | 4 | 2 |
| Postal Operations | Hollings | Bellmon | 4 | 2 |
| Census and Statistics | Moss | Stevens | 4 | 2 |
| **SENATE COMMITTEE ON PUBLIC WORKS [6]** | | | | |
| Environmental Pollution | Muskie | Buckley | 7 | 4 |
| Economic Development | Montoya | McClure | 5 | 3 |
| Water Resources | Gravel | Domenici | 6 | 4 |
| Transportation | Bentsen | Stafford | 6 | 4 |
| Disaster Relief | Burdick | Domenici | 3 | 2 |
| Buildings and Grounds | Morgan | Buckley | 3 | 2 |
| **PANELS** | | | | |
| Materials Policy | G. Hart | Stafford | 3 | 2 |
| Environmental Science and Technology | Culver | Buckley | 3 | 2 |

See footnotes at end of table.

94TH CONGRESS—Continued

| Committees and subcommittees | Chairman | Ranking minority | Democrats | Republicans |
|---|---|---|---|---|
| SENATE COMMITTEE ON RULES AND ADMINISTRATION | | | | |
| Standing Rules of Senate | R. Byrd | Griffin | 2 | 1 |
| Privileges and Elections | Pell | do | 2 | 1 |
| Printing | Cannon | Hatfield | 2 | 1 |
| Library | do | H. Scott | 2 | 1 |
| Smithsonian Institution | Pell | do | 2 | 1 |
| Restaurant | Allen | Hatfield | 2 | 1 |
| Computer Services | Cannon | do | 2 | 1 |
| SENATE COMMITTEE ON VETERANS' AFFAIRS | | | | |
| Compensation and Pensions | Talmadge | Hansen | 4 | 2 |
| Health and Hospitals | Cranston | Thurmond | 4 | 2 |
| Housing and Insurance | Stone | Stafford | 4 | 2 |
| Readjustment, Education and Employment | Hartke | do | 4 | 2 |
| Cemeteries and Burial Benefits | Durkin | Hansen | 4 | 2 |
| SPECIAL COMMITTEE ON AGING | | | | |
| Consumer Interests of the Elderly | Church | Brooke | 12 | 7 |
| Employment and Retirement Incomes | Randolph | Brock | 9 | 6 |
| Federal, State, and Community Services | Kennedy | Beall | 7 | 4 |
| Health of the Elderly | Muskie | Domenici | 12 | 7 |
| Housing for the Elderly | Williams | Hansen | 12 | 7 |
| Long-Term Care | Moss | Percy | 11 | 7 |
| Retirement and the Individual | Mondale | Stafford | 8 | 5 |
| SELECT COMMITTEE ON INTELLIGENCE | | | | |
| Intelligence and Rights of Americans | Bayh | Garn | [9]4 | [9]3 |
| Budget Authorization | Hathaway | Goldwater | 3 | 2 |
| Collection, Production and Quality | Stevenson | Case | 3 | 2 |
| Ad Hoc Subcommittee on Charters and Guidelines | Huddleston | Hatfield | 4 | 3 |
| SELECT COMMITTEE ON SMALL BUSINESS | | | | |
| Monopoly | Nelson | Bartlett | 5 | 3 |
| Financing and Investment | Sparkman | Packwood | 4 | 3 |
| Government Regulation | McIntyre | Beall | 4 | 3 |
| Environmental, Rural and Urban Economic Development. | Nunn | Brock | 4 | 3 |
| Retailing, Distribution and Marketing Practices | Johnston | Laxalt | 4 | 3 |
| Government Procurement | Hathaway | Weicker | 4 | 3 |

[1] In addition, 2 members of the committee, 1 Democrat and 1 Republican, serve on the National Fuels and Energy Policy Study.

[2] The 2 subcommittees of the Committee on Aeronautical and Space Sciences are ad hoc subcommittees. Although neither has a separate budget or paper allotment, both have separate counsel.

[3] In addition, 2 members of the committee, 1 Democrat and 1 Republican, serve on the National Ocean Policy Study.

[4] The Budget Committee does not have subcommittees. The 4 task forces are ad hoc groups. They do not have a separate budget, a separate paper allotment, or separate staff.

[5] Plus 20 ex officio members; 14 from 7 other committees and 6 at-large members.

[6] 2 members of the committee, 1 Democrat and 1 Republican, serve on the National Fuels and Energy Policy Study. In addition, 2 members of the committee, 1 Democrat and 1 Republican, serve on the National Ocean Policy Study.

[7] Processes applications for committee employment.

[8] Includes 16 exofficio members; 2 each from 8 other committees.

[9] These figures do not include Senators Mansfield and H. Scott, who are ex officio members of the Select Committee on Intelligence.

*The Regulatory Reform Study is not a legislative subcommittee and it has no chairman or vice-chairman. The study is a joint operation of Government Operations and Commerce Committees.

| Committees and subcommittees | Present chairman | Rotating chairman | Ranking Republican | Senators | |
|---|---|---|---|---|---|
| | | | | Democrat | Republican |
| **JOINT COMMITTEE ON ATOMIC ENERGY[1]** | | | | | |
| Agreements for Cooperation | House Member | Montoya | Case | 2 | 2 |
| Communities | do | Jackson | Buckley | 1 | 2 |
| ERDA, Environment and Safety | do | Tunney | Baker | 1 | 3 |
| ERDA, Nuclear Energy | Jackson | House Member | do | 4 | 3 |
| Legislation | Montoya | do | Pearson | 2 | 1 |
| National Security | Symington | do | Baker | 4 | 3 |
| **JOINT COMMITTEE ON DEFENSE PRODUCTION** | | | | | |
| Investigations | Proxmire | House Member | Tower | 1 | 1 |
| Materials Availability | House Member | Williams | Brooke | 2 | 1 |
| **JOINT ECONOMIC COMMITTEE** | | | | | |
| Priorities and Economy in Government | Williams | House Member | Percy | 5 | 2 |
| Inter-American Economic Relationships | Sparkman | do | Taft | 3 | 2 |
| Urban Affairs | House Member | Ribicoff | Percy | 4 | 2 |
| Consumer Economics | Humphrey | House Member | Javits | 4 | 2 |
| International Economics | House Member | Sparkman | do | 5 | 3 |
| Fiscal Policy | do | Proxmire | Taft | 2 | 2 |
| Economic Progress | do | do | Fannin | 2 | 2 |
| Economic Growth | Bentsen | House Member | Javits | 5 | 2 |
| Energy | Kennedy | do | do | 4 | 3 |

[1] In addition, 2 members of the committee, 1 Democrat and 1 Republican, serve on the National Fuels and Energy Policy Study.

## Appendix D

### Summary Data on Committee Staffing

In Appendix D are data on the Senate Committee Staffs, 1947–75; Growth of Committee Staff Personnel, 1947–72, House of Representatives; and Federal Civilian Employment in Congress, October 1954–74.

For a comparison of House and Senate Committee staff, please consult Harrison Fox and Susan Hammond's "Committee Professional Staff: Attributes, Activities, and Communication Patterns," for presentation at the American Political Science Association Convention, 1976. This paper is available through the Select Committee.

TABLE I.—SENATE COMMITTEE STAFFS, 1947-59 [1]

| | 1947 | 1948 | 1949 | 1950 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1958 | 1959 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Aeronautical and Space Sciences | | | | | | | | | | | | 3 | 10 |
| Agriculture | 3 | 3 | 5 | 8 | 8 | 15 | 8 | 8 | 7 | 8 | 8 | 7 | 7 |
| Appropriations | 23 | 27 | 18 | 18 | 28 | 36 | 45 | 45 | 36 | 30 | 31 | 29 | 31 |
| Armed Services | 10 | 9 | 8 | 19 | 33 | 31 | 22 | 23 | 23 | 26 | 27 | 28 | 29 |
| Banking and Currency | 9 | 9 | 16 | 28 | 27 | 14 | 18 | 60 | 48 | 30 | 25 | 22 | 24 |
| District of Columbia | 4 | 5 | 7 | 10 | 18 | 20 | 6 | 5 | 5 | 5 | 6 | 7 | 7 |
| Finance | 6 | 6 | 6 | 8 | 8 | 8 | 6 | 8 | 6 | 7 | 8 | 8 | 6 |
| Foreign Relations | 8 | 8 | 7 | 16 | 10 | 13 | 16 | 14 | 17 | 18 | 15 | 23 | 30 |
| Government Operations | 29 | 42 | 37 | 30 | 32 | 23 | 33 | 41 | 27 | 28 | 32 | 29 | 32 |
| Interior | 7 | 10 | 14 | 13 | 15 | 15 | 13 | 16 | 30 | 28 | 29 | 29 | 26 |
| Interstate and Foreign Commerce | 8 | 19 | 33 | 31 | 22 | 16 | 26 | 19 | 32 | 32 | 33 | 35 | 35 |
| Judiciary | 19 | 22 | 48 | 42 | 48 | 68 | 99 | 88 | 190 | 170 | 130 | 133 | 133 |
| Labor and Public Welfare | 9 | 8 | 23 | 38 | 30 | 32 | 32 | 48 | 33 | 32 | 18 | 18 | 36 |
| Post Office | 46 | 47 | 33 | 10 | 10 | 8 | 17 | 14 | 33 | 28 | 31 | 19 | 23 |
| Public Works | 10 | 10 | 14 | 11 | 10 | 10 | 8 | 8 | 11 | 12 | 14 | 15 | 12 |
| Rules and Administration | 41 | 36 | 19 | 18 | 21 | 20 | 31 | 20 | 13 | 43 | 55 | 19 | 18 |
| Total standing | 232 | 261 | 288 | 300 | 320 | 329 | 380 | 417 | 511 | 497 | 462 | 424 | 459 |
| Special Committee Investigating the National Defense Program | 35 | 27 | | | | | | | | | | | |
| Special Committee to Study Problems of American Small Business | 23 | 27 | 11 | | | | | | | | | | |
| Select Committee on Small Business | | | | 16 | 23 | 18 | 17 | 14 | 17 | 20 | 22 | 21 | 21 |
| Select Committee on Small Business (conducting a full and complete inquiry into the adequacy of fuel supplies in New England) | | | | 9 | | | | | | | | | |
| Special Committee to Investigate Crime in Interstate Commerce | | | | 76 | 43 | | | | | | | | |

Footnotes on following page.

TABLE 1. SENATE COMMITTEE STAFF, 1947–59 [1]—Continued

| | 1947 | 1948 | 1949 | 1050 | 1951 | 1952 | 1953 | 1954 | 1955 | 1956 | 1957 | 1959 | 1959 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Select Committee for Contribution Investigation | | | | | | | | | | 4 | | | |
| Special Committee to Investigate Political Activities, Lobbying, and Campaign Contributions | | | | | | | | | | 16 | 17 | | |
| Special Committee to Study Foreign Aid Programs | | | | | | | | | | 8 | 15 | 4 | |
| Select Committee on Improper Activities in the Labor Management Field | | | | | | | | | | | 42 | 48 | 49 |
| Special Committee on Space and Astronautics | | | | | | | | | | | | 3 | 3 |
| Select Committee on Natural Water Resources | | | | | | | | | | | | | 4 |
| Total special and select committees | 58 | 54 | 11 | 91 | 66 | 18 | 17 | 14 | 17 | 48 | 96 | 76 | 77 |
| Total standing committees | 232 | 261 | 288 | 300 | 320 | 329 | 380 | 417 | 511 | 497 | 462 | 424 | 459 |
| Total | 290 | 315 | 299 | 391 | 386 | 347 | 397 | 431 | 528 | 545 | 558 | 500 | 536 |

[1] 1947–59: This number reflects the maximum number of staff members serving at any one point in the year. Included part-time and temporary, but not loaned personnel. Source for data was "Statistics on Senate Committee Staffs 1947–1959," American Law Division, Feb. 19, 1963.

1960–1975: Source for data was the "Report of the Secretary of the Senate," published semi-annually as a Senate document. Permanent staff members were tabulated from the section titled "Salaries of Officers, Clerks, and Employees of the Senate," for the period Apr. 1–June 30, for the years 1960–67, and for the period Jan. 1–June 30, for the years 1968–75. Inquiries and investigations staff members were tabulated from the section titled "Detailed Disbursements from Contingent Fund . . .," for the month of April for each year, 1960–75. In the count of permanent employees for each committee, any readily discernible replacements, i.e., 2 or more employees who held the same position, were eliminated. For example, if a clerical assistant position was listed to Jan. 31, and another clerical assistant position was listed from Feb. 1, the 2 employee positions were counted as 1 position. In determining the number of inquiries and investigations staff for each committee, part-time consultants and interns were not included. The number of part-time consultants totaled no more than 4 for all committees combined in any 1 year; the number of interns totaled no more than 7 in any 1 year for all committees combined.

"The Report of the Secretary of the Senate" uniformly designates permanent staff as either "professional" or "clerical" but position descriptions for inquiries and investigations committee employees exceed 200. Those positions listed as clerical, secretarial, receptionist, telephone operator, stenographer, typist, bookkeeper, technical assistant, records manager, printing assistant, or messenger were counted as clerical employees. All other positions, except "staff assistant" were counted as professional positions. In instances when the designation "staff assistant" was provided in a listing of committee employees in which there existed no reference to clerical or secretarial positions, any individual listed as "staff assistant" was counted as a clerical employee. In those cases in which position titles of clerical were listed, any individual listed as "staff assistant" was counted as a professional employee.

Sources: 1947–59, American Law Division, "Statistics on Senate Committee Staffs 1947–1959," Feb. 19, 1963, compiled by Harrison Fox; 1960–75, Secretary of the Senate, "Reports of the Secretary of the Senate," compiled by Paul Dwyer, Congressional Research Service, July 1976.

TABLE II.—SENATE COMMITTEE STAFFS, 1960–75—TOTAL PERMANENT (PROFESSIONAL AND CLERICAL) AND INQUIRIES AND INVESTIGATIONS STAFF

| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | 1970 | 1971 | 1972 | 1973 | 1974 | 1975 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Standing committees: | | | | | | | | | | | | | | | | |
| Aeronautical and Space Sciences | 10 | 10 | 14 | 11 | 10 | 14 | 12 | 12 | 12 | 12 | 12 | 13 | 10 | 15 | 16 | 22 |
| Agriculture and Forestry | 10 | 12 | 7 | 11 | 7 | 7 | 7 | 7 | 7 | 7 | 7 | 13 | 16 | 18 | 21 | 22 |
| Appropriations | 31 | 33 | 35 | 33 | 33 | 38 | 37 | 40 | 40 | 38 | 42 | 41 | 38 | 47 | 58 | 72 |
| Armed Services | 23 | 22 | 28 | 24 | 19 | 18 | 18 | 19 | 18 | 18 | 19 | 25 | 29 | 29 | 25 | 30 |
| Banking, Housing and Urban Affairs [1] | 22 | 7 | 20 | 20 | 19 | 20 | 21 | 22 | 25 | 24 | 23 | 25 | 36 | 40 | 41 | 55 |
| Budget | | | | | | | | | | | | | | | | 90 |
| Commerce [2] | | 34 | 30 | 30 | 37 | 35 | 38 | 45 | 45 | 43 | 53 | 55 | 76 | 72 | 83 | 111 |
| District of Columbia | 7 | 8 | 8 | 8 | 8 | 9 | 10 | 10 | 13 | 19 | 18 | 27 | 25 | 29 | 25 | 33 |
| Finance | 6 | 6 | 6 | 6 | 6 | 6 | 8 | 14 | 14 | 15 | 16 | 17 | 20 | 21 | 25 | 26 |
| Foreign Relations | 25 | 26 | 25 | 28 | 24 | 21 | 25 | 31 | 32 | 30 | 31 | 34 | 38 | 46 | 50 | 62 |
| Government Operations | 47 | 48 | 46 | 56 | 59 | 64 | 69 | 73 | 81 | 62 | 55 | 76 | 90 | 90 | 104 | 144 |
| Interior and Insular Affairs | 26 | 15 | 18 | 17 | 14 | 18 | 17 | 18 | 18 | 19 | 22 | 24 | 29 | 42 | 45 | 53 |
| Interstate and Foreign Commerce | 52 | | | | | | | | | | | | | | | |
| Judiciary | 137 | 146 | 156 | 166 | 168 | 162 | 187 | 196 | 177 | 179 | 190 | 194 | 202 | 209 | 221 | 251 |
| Labor and Public Welfare | 28 | 32 | 34 | 36 | 33 | 40 | 34 | 45 | 52 | 77 | 69 | 82 | 105 | 110 | 112 | 150 |
| Post Office and Civil Service | 20 | 18 | 19 | 21 | 19 | 20 | 14 | 19 | 20 | 27 | 31 | 23 | 32 | 19 | 23 | 25 |
| Public Works | 11 | 12 | 13 | 12 | 13 | 15 | 15 | 18 | 17 | 20 | 34 | 35 | 35 | 43 | 54 | 70 |
| Rules and Administration | 15 | 15 | 14 | 15 | 23 | 22 | 19 | 18 | 16 | 15 | 13 | 15 | 48 | 21 | 20 | 29 |
| Veterans' Affairs | | | | | | | | | | | | 12 | 15 | 22 | 25 | 32 |
| Total standing committee (permanent and inquiries and investigations employees) | 470 | 444 | 473 | 490 | 492 | 509 | 531 | 587 | 587 | 605 | 635 | 711 | 844 | 883 | 948 | 1,277 |
| Select and special committees: | | | | | | | | | | | | | | | | |
| Select Small Business | 19 | 21 | 20 | 19 | 19 | 21 | 21 | 17 | 20 | 19 | 19 | 19 | 21 | 20 | 21 | 22 |
| Special Aging | | 11 | 13 | 12 | 14 | 15 | 13 | 13 | 15 | 15 | 17 | 13 | 17 | 20 | 20 | 21 |
| Special on Termination of the National Emergency | | | | | | | | | | | | | | 4 | | |
| Select on Equal Educational Opportunity | | | | | | | | | | | 11 | 20 | 20 | | | |
| Select on Nutrition and Human Needs | | | | | | | | | | 11 | 12 | 14 | 14 | 15 | 14 | 33 |
| Special on Organization of Congress | | | | | | | | | 5 | | | | | | | |
| Select on Presidential Campaign Activities | | | | | | | | | | | | | | 31 | 61 | |
| Select on Standards and Conduct | | | | | | | 3 | 4 | 4 | 3 | 3 | 3 | 2 | 2 | | 2 |
| Special on Unemployment Problems | 5 | | | | | | | | | | | | | | | |
| Select on National Water Resources | 3 | | | | | | | | | | | | | | | |
| Special on National Emergencies and Delegated Powers | | | | | | | | | | | | | | | 6 | 7 |
| Select to Study Governmental Intelligence Gathering Activities | | | | | | | | | | | | | | | | 87 |
| Total select and special committee employees | 27 | 32 | 33 | 31 | 33 | 36 | 37 | 34 | 44 | 48 | 62 | 69 | 74 | 92 | 122 | 172 |
| Total standing, select and special permanent and inquires and investigations employees | 497 | 476 | 506 | 521 | 525 | 545 | 568 | 621 | 631 | 653 | 697 | 780 | 918 | 975 | 1,070 | 1,449 |

[1] Name changed from Banking and Currency, January 1970.

[2] Name changed from Committee on Interstate and Foreign Commerce, April 1961. See 1970 figures under former title.

TABLE III.—GROWTH OF COMMITTEE STAFF PERSONNEL: 1947–72, HOUSE OF REPRESENTATIVES

| Committee | 92d | | 91st | | 90th | | 89th | | 88th | | 87th | | 86th | | 85th | | 84th | | 83d | | 82d | | 81st | | 80th | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1972 | 1971 | 1970 | 1696 | 1968 | 1967 | 1966 | 1965 | 1964 | 1963 | 1962 | 1961 | 1960 | 1959 | 1958 | 1957 | 1956 | 1955 | 1954 | 1953 | 1952 | 1951 | 1950 | 1949 | 1948 | 1947 |
| Agriculture | 16 | 17 | 17 | 16 | 15 | 18 | 14 | 14 | 12 | 12 | 11 | 10 | 10 | 10 | 9 | 7 | 8 | 9 | 8 | 8 | 7 | 8 | 8 | 8 | 8 | 7 |
| Appropriations | 76 | 74 | 67 | 65 | 62 | 56 | 55 | 49 | 51 | 50 | 51 | 48 | 50 | 51 | 51 | 54 | 47 | 49 | 48 | 49 | 41 | 40 | 40 | 40 | 42 | 35 |
| Armed Services | 30 | 32 | 33 | 33 | 28 | 29 | 23 | 18 | 17 | 15 | 15 | 15 | 16 | 15 | 18 | 18 | 16 | 17 | 16 | 16 | 16 | 13 | 10 | 10 | 10 | 10 |
| Banking and Currency | 48 | 43 | 47 | 44 | 37 | 36 | 33 | 33 | 37 | 18 | 13 | 15 | 16 | 12 | 12 | 11 | 13 | 6 | 6 | 6 | 10 | 6 | 6 | 5 | 4 | 4 |
| District of Columbia | 18 | 17 | 11 | 12 | 13 | 12 | 12 | 9 | 10 | 10 | 9 | 9 | 8 | 9 | 8 | 6 | 6 | 5 | 6 | 5 | 6 | 5 | 8 | 5 | 6 | 6 |
| Education and Labor | 80 | 74 | 70 | 59 | 57 | 70 | 65 | 36 | 31 | 38 | 46 | 24 | 20 | 16 | 15 | 11 | 13 | 10 | 11 | 10 | 9 | 11 | 10 | 10 | 14 | 12 |
| Foreign Affairs | 34 | 32 | 21 | 21 | 20 | 17 | 18 | 19 | 17 | 15 | 16 | 14 | 14 | 12 | 12 | 13 | 11 | 10 | 9 | 9 | 9 | 9 | 10 | 10 | 9 | 3 |
| Government Operations | 52 | 54 | 60 | 61 | 57 | 55 | 55 | 57 | 56 | 50 | 48 | 47 | 49 | 49 | 62 | 60 | 59 | 38 | 37 | 31 | 33 | 30 | 37 | 29 | 35 | 29 |
| House Administration | [1] 31 | 50 | 22 | 21 | 7 | 6 | 7 | 5 | 4 | 3 | 3 | 4 | 4 | 4 | [1] 13 | [1] 9 | [1] 9 | 5 | 4 | 6 | 6 | 4 | 6 | 6 | 6 | 6 |
| Interior and Insular Affairs | 21 | 22 | 14 | 14 | 14 | 14 | 14 | 10 | 10 | 10 | 10 | 10 | 10 | 11 | 11 | 10 | 10 | 9 | 10 | 9 | 10 | 10 | 8 | 8 | 6 | 4 |
| Internal Security | 46 | 53 | 46 | 47 | 48 | 48 | 53 | 47 | 48 | 38 | 51 | 49 | 47 | 49 | 48 | 53 | 37 | 38 | 39 | 43 | 47 | 42 | 36 | 40 | 34 | 10 |
| Interstate and Foreign Commerce | 46 | 48 | 41 | 38 | 35 | 27 | 28 | 29 | 31 | 27 | 25 | 23 | 41 | 20 | 31 | 12 | 12 | 11 | 10 | 10 | 13 | 10 | 10 | 9 | 10 | 11 |
| Judiciary | 35 | 37 | 32 | 35 | 28 | 32 | 31 | 42 | 39 | 46 | 43 | 28 | 27 | 25 | 28 | 26 | 23 | 22 | 15 | 25 | 40 | 23 | 11 | 11 | 7 | 7 |
| Merchant Marine and Fisheries | 25 | 26 | 18 | 19 | 17 | 15 | 12 | 9 | 10 | 10 | 11 | 11 | 10 | 10 | 9 | 10 | 10 | 10 | 4 | 4 | 8 | 8 | 10 | 10 | 3 | 5 |
| Post Office and Civil Service | 33 | 38 | 35 | 36 | 31 | 32 | 32 | 15 | 17 | 16 | 16 | 14 | 13 | 13 | 12 | 11 | 12 | 8 | 11 | 9 | 6 | 7 | 11 | 7 | 10 | 6 |
| Public Works | 55 | 50 | 41 | 37 | 34 | 35 | 37 | 55 | 43 | 49 | 46 | 36 | 26 | 17 | 17 | 14 | 11 | 8 | 7 | 5 | 16 | 8 | 6 | 15 | 20 | 6 |
| Rules | 6 | 6 | 5 | 6 | 5 | 5 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 3 | 4 | 5 | 5 | 5 | 5 | 4 | 4 |
| Science and Astronautics | 24 | 26 | 24 | 24 | 22 | 22 | 1 | 19 | 17 | 16 | 16 | 17 | 15 | 10 | 1 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Standards of Official Conduct | 5 | 5 | 5 | 5 | 4 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Veterans' Affairs | 17 | 16 | 15 | 16 | 14 | 15 | 15 | 15 | 15 | 14 | 14 | 13 | 15 | 14 | 15 | 13 | 12 | 11 | 11 | 11 | 9 | 9 | 8 | 9 | 9 | 9 |
| Ways and Means | 29 | 28 | 23 | 23 | 21 | 22 | 20 | 22 | 21 | 21 | 19 | 19 | 23 | 21 | 23 | 17 | 12 | 10 | 13 | 26 | 39 | 19 | 8 | 11 | 12 | 8 |
| Select Committee on Beauty Shop | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Select Committee on Crime | 26 | 26 | 26 | [1] 30 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Select Committee on Parking | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Select Committee on Restaurant | 2 | 2 | 2 | [1] 2 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Select Committee on Small Business | 26 | 23 | 26 | 24 | 20 | 19 | 19 | 21 | 19 | 21 | 23 | 23 | 21 | 20 | 22 | 21 | 20 | 15 | 9 | 7 | 20 | 19 | 16 | 13 | 12 | 11 |
| Select Committee on Committees | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Special Committee to Investigate Campaign Expenditures | 2 | ---- | 4 | ---- | 4 | ---- | 1 | ---- | 1 | ---- | ---- | ---- | ---- | ---- | 1 | ---- | 6 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- |
| Total | 783 | 799 | 705 | 688 | 589 | 589 | 567 | 528 | 508 | 483 | 489 | 432 | 438 | 392 | 420 | 375 | 354 | 304 | 277 | 293 | 350 | 286 | 264 | 261 | 261 | 193 |

[1] Does not include investigative staff personnel paid by voucher.

Source: Committee Reform Amendments of 1974, report of the Select Committee on Committees' U.S. House of Representatives to accompany H. Res. 988, Mar. 21, 1974, p. 357.

TABLE IV.—FEDERAL CIVILIAN EMPLOYMENT IN CONGRESS, OCTOBER 1954–74

| October | Congress summary | U.S. Senate | House of Representatives |
|---|---|---|---|
| 1954 | 5,635 | 2,061 | 3,574 |
| 1955 | 5,585 | 1,962 | 3,623 |
| 1956 | 6,307 | 2,342 | 3,965 |
| 1957 | 6,383 | 2,378 | 4,005 |
| 1958 | 6,598 | 2,516 | 4,082 |
| 1959 | 6,917 | 2,700 | 4,217 |
| 1960 | 6,791 | 2,643 | 4,148 |
| 1961 | 7,487 | 2,713 | 4,774 |
| 1962 | 7,857 | 2,889 | 4,968 |
| 1963 | 7,934 | 2,982 | 4,952 |
| 1964 | 8,091 | 3,071 | 5,020 |
| 1965 | 8,891 | 3,219 | 5,672 |
| 1966 | 9,484 | 3,294 | 6,190 |
| 1967 | 9,952 | 3,587 | 6,365 |
| 1968 | 10,078 | 3,632 | 6,446 |
| 1969 | 10,721 | 3,847 | 6,874 |
| 1970 | 11,274 | 4,140 | 7,134 |
| 1971 | 12,793 | 4,624 | 8,169 |
| 1972 | 13,602 | 4,626 | 8,976 |
| 1973 | 14,609 | 5,078 | 9,531 |
| 1974 | 17,728 | 5,284 | 12,444 |

Source: Monthly report of Federal civilian employment (SF–113–A).

## Appendix E

### Status of Current Studies of Congressional Oversight

Several groups within Congress are currently performing studies of Congressional oversight of Executive branch agencies. The studies most pertinent to this Committee's objectives are:

1. Joint Study of the Commerce and Government Operations Committees on regulatory reform;
2. Temporary Commission on the Operation of the Senate;
3. Government Operations Subcommittee on Intergovernmental Relations;
4. Government Operations Subcommittee on Oversight Procedures.

The following paragraphs provide a brief capsule of these studies.

#### JOINT STUDY OF THE COMMERCE AND GOVERNMENT OPERATIONS COMMITTEES ON REGULATORY REFORM

A portion of this study deals with Congressional oversight of regulatory agencies. The Committees are studying activities of both the House and Senate committees which engage in oversight of regulatory agencies. The substantive interests include special oversight bodies, such as oversight committees, and special staffing arrangements that might be entered into for oversight purposes.

As part of this effort, a questionnaire on purposes of and information needed for oversight was sent in May, 1976, to the staff directors and minority counsels of committees and subcommittees within the Senate that deal with regulatory agencies. Questionnaires were sent to the staffs of the Commerce, Public Works, Banking, and Labor Committees. Additionally, interviews are to be conducted with staff persons within the regulatory agencies. A compilation of the questionnaire and interview results are to be completed in mid-July.

#### TEMPORARY COMMISSION ON THE OPERATION OF THE SENATE

The Commission's work involves four facets that relate to Congressional oversight. These are:

1. A study of the four legislative support agencies, the General Accounting Office, Congressional Budget Office, Congressional Research Service, and Office of Technology Assessment. A number of issues will be addressed including the agencies' roles and effectiveness in support of Congressional oversight.
2. A study on the state-of-the-art of program evaluation by the General Accounting Office.
3. A proposal of models of oversight behavior.
4. A comprehensive study of the General Accounting Office's approach to oversight of Executive branch programs.

#### GOVERNMENT OPERATIONS SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

This subcommittee believes the best way to improve oversight is by developing mechanisms for rigorous evaluation of programs. Currently, the subcommittee is focusing on S. 2925, the "Government Economy and Spending Reform Act of 1976," sponsored by Senator Muskie.

Title II of this bill requires departments and agencies to conduct zero-base studies of all their programs every five years. Reports on these studies are to be submitted to Congress by September 30 of the year required.

Title II further requires that each standing committee of the Senate and House evaluate the zero-base studies and submit a report on its reviews to the appropriate body by May 15 of the year the program is being considered. The standing committee's report must accompany any proposal for new budget authority for both an existing or new program.

GOVERNMENT OPERATIONS SUBCOMMITTEE ON OVERSIGHT PROCEDURES

The subcommittee is attempting to strengthen the "Government Economy and Spending Reform Act of 1976" by including standards for evaluating regulatory programs. The subcommittee is also working with the Federal Paperwork Commission to require agencies to include a paperwork impact statement with their annual report.

A compendium of oversight techniques prepared by the General Accounting Office is soon to be published by the Subcommittee.

OTHER OVERSIGHT STUDY EFFORTS

Senator Leahy has proposed that the General Accounting Office (GAO) assess all pending bills to determine if and how the affected programs could be evaluated. The GAO is currently conducting a pilot test to determine what kind of system this proposal would require.

Various Senate committees are giving special emphasis to improving their oversight techniques. For example, the Senate Agriculture Committee uses the congressional budget process as a tool for oversight. The Committee's oversight activities have three phases: cooperating with the agency to improve its management, maintaining year-round oversight efforts on specific topics by each subcommittee, and reacting to the crises as they occur.

## Appendix F

### Legislation Pending in the Senate Regarding the Committee System—94th Congress [1]

*S. 563, Mr. Humphrey; February 5, 1975—Government Operations*

MODERN CONGRESS ACT

*Title I.*—Declares that it is the policy of the Congress that the public is entitled to the fullest practicable information regarding the initiatives, priorities, and the decision-making process of the Congress.

*Title II.*—*"State of the Congress" Report.*—Requires the majority and minority leaders of the Senate and the House of Representatives to, either jointly or individually, submit to the Congress and the President a "State of the Congress" message with respect to each session.

Provides that each such message shall include statements concerning: (1) those matters about which Congress has taken the initiative; (2) priorities established by the Congress; (3) matters not acted upon by Congress but upon which Congress should act or have acted; and (4) those other matters in the foreseeable future to which Congress must address itself.

*Title III.—Federal-State Legislative Council.*—Establishes a Federal-State Legislative Council to be composed of 24 members who shall serve four-year terms.

Directs the Council to form substantive committees to conduct studies to identify and investigate problems common to the legislative process and of mutual concern to the legislatures of both the Federal and State Governments. Provides that the Council shall make recommendations for the solution of such problems.

Authorizes the Council to hold hearings and take testimony. Sets forth powers of the chairman of the Council, who shall be selected by the Council.

*Title IV.—Open Committee Meetings.*—

*Title V.—Office of Congressional Communications.*—Establishes an Office of Congressional Communications and sets forth its responsibilities, including: (1) the maintenance of a library of video tapes of all television network news programs and television programs of significant public interest; and (2) the installation, at appropriate places throughout the Capitol and House and Senate office buildings of equipment to receive wire services information.

Authorizes the Architect of the Capitol to appoint a Director of the Office.

*Title VI.—Office of Congressional Counsel General.*—Establishes in the Legislative branch of Government the Office of Congressional Counsel General. Provides that the Congressional Counsel General shall be appointed by the Speaker of the House of Representatives and the President pro tempore of the Senate, with the approval of both Houses of Congress, solely on the basis of such person's fitness to perform the duties of this office.

Enumerates the duties of the Counsel, including: (1) providing to committees and Members of Congress legal opinions upon questions arising under the Constitution and the laws of the United States; and (2) performing specified duties with respect to legislative review of Executive actions.

*Title VII.—General Accounting Office.*—Permits the Comptroller General, whenever he has reasonable cause to believe that any officer or employee of the Executive branch is about to expend funds in an illegal or erroneous manner or amount, to institute a civil action in the U.S. District Court for the District of Columbia for declaratory and injunctive relief. States that if the Attorney General is in disagreement with the Comptroller General, he is authorized to represent the defendant official in such action.

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[1] Does not include legislation regarding intelligence oversight, nor other relevant legislation which the Senate has passed (e.g., S. Res. 9, S. Res. 104, S. Res. 109); nor legislation affecting staffing; nor "Sunset" or some other oversight proposals.

Declares that no action may be instituted by the Comptroller General until the expiration of a specified period following the data on which an explanatory statement by the Comptroller General of the circumstances giving rise to the action contemplated has been filed with the Committees on Government Operations of the Senate and House of Representatives.

Authorizes the Comptroller General to sign and issue subpoenas requiring the production of specified information.

*Title VIII.—Appropriations Authorized.*—Authorizes to be appropriated such sums as may be necessary to carry out the provisions of this Act.

*S. 2516, Mr. Dole, et al., October 9, 1975—Government Operations*

Directs the Comptroller General, in consultation with the Congressional Budget Office and the Senate Government Operations Committee, to develop no later than June 1, 1976, a standard oversight methodology to be utilized in the Senate by each standing committee other than the Committees on Appropriations and Budget, in reviewing the effectiveness of programs it has authorized. Provides for the development of a standard report form to be utilized in reporting the results of their hearings and investigations.

*S. Con. Res. 8, Mr. Humphrey; February 3, 1975—Rules and Administration*

Expresses the sense of Congress that the Joint Committee on Congressional Operations immediately begin or commission an in-depth analysis of the committee jurisdictions of the United States Senate, taking into account the need to reduce fragmentation of policy and program oversight, the necessity for aligning committee jurisdiction on the functional purposes of governmental programs, the potential application of new technologies for committees of the United States Senate, and the requirement that staff personnel and resources be effectively and efficiently allocated among committees of Congress of the United States. Requires the Joint Committee on Congressional Operations to make periodic reports to the United States Senate and present final recommendations to the Senate by September 1, 1976.

*S. Res. 16, Mr. Moss; January 17, 1975—Rules and Administration; Domenici, Goldwater*

Places the jurisdiction of energy research matters and of the Energy Research and Development Administration under the Senate Committee on Aeronautical and Space Sciences.

*S. Res. 46, Mr. Mansfield; January 30, 1975—Rules and Administration*

Provides, under the Rules of the Senate, that whenever proposed legislation or any other matter which is to be referred to a standing committee broadly crosses or significantly involves the jurisdictions of one or more such committees, such proposed legislation or other matter may, upon motion, be referred to more than one standing committee.

States that the report filed by committees to which proposed legislation or other matter has been jointly referred shall be a joint report of such committees unless otherwise ordered by the Senate.

*S. Res. 55, Mr. Humphrey; February 3, 1975—Rules and Administration; Beall, Biden, Brock*

Revises the Rules of the Senate to require each standing committee to establish a Subcommittee on Legislative Review to assist the Senate in: (1) its analysis, appraisal and evaluation of the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee of each such subcommittee, and in particular in its analysis, appraisal and evaluation of any order, regulation, rule, certificate code of fair competition, license, notice, or similar instrument, issued, prescribed, or promulgated in the administration and execution of such laws or parts of laws, and (2) its formulation, consideration and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

Provides that in the case of a committee having one or more subcommittees to which the committee has given responsibility for considering and making rec-

ommendations with respect to subject matters within the subject jurisdiction of the committee, the Subcommittee on Legislative Review of that committee shall assist that subcommittee in reviewing and studying the application, administration and execution of those laws, or parts of laws, which are within such responsibility.

Provides that in any case in which the Subcommittee on Legislative Review has not submitted a report to be prepared by it pursuant to this resolution within the period of time provided in this resolution, that Comptroller General shall, within one year after the last day on which the subcommittee report was to have been submitted, make such study and report the subcommittee was to have made, and submit a report thereon to the committee.

Excludes the provisions of this rule from applying to the Committee on Appropriations of the Senate.

*S. Res. 116, Mr. Humphrey; March 19, 1975—Government Operations*

Establishes a temporary, select committee of the Senate to be known as the Select Committee on Regulatory Commissions and the United States Economy. Directs the committee to conduct a complete study and investigation on regulatory commissions and agencies of the United States Government, including: (1) the influence and impact of the activities; (2) the accountability of such regulatory commissions and agencies to the Congress, the relationships of these commissions and agencies to other departments, agencies, and independent establishments of the Executive branch of the United States Government, the relationship of each such commission or agency to any sectors of private or public enterprise the commission or agency is charged by statute with regulating, and the relationships of those commissions and agencies to the United States consumer; and (3) the appropriateness of regulation for given sectors of the economy, the adequacy of current legislative statutes, and the economic consequences of commission and agency regulatory activities for the United States consumer.

Provides that the committee shall submit a final report to the Senate not later than January 20, 1979, containing a comprehensive summary of the work of the committee with such recommendations as the committee deems appropriate. Directs that from time to time such other reports and recommendations shall be made to the Senate as the committee deems appropriate.

Directs that the committee's authority shall cease to exist upon the expiration of thirty days following the submission of its final report.

Denies the committee authority to report any legislative measure to the Senate.

Authorizes the committee to make expenditures from the contingent fund of the Senate.

Authorizes the committee to issue subpoenas over the signature of the chairman of the committee or subcommittee or of any member designated by either of them, and may be served by any member designated by any such chairman or member.

*S. Res. 142, Mr. Thurmond; April 24, 1975—Foreign Relations*

Establishes in the Senate the Select Committee on Missing in Action. States that the select committee shall consist of fifteen members to be appointed by the President of the Senate.

Provides that it shall be the function and duty of the select committee to investigate all matters relating to members of the Armed Forces of the United States who are in a missing status and members known to be dead but whose bodies have not been recovered.

Authorizes the select committee to make expenditures from the contingent fund of the Senate, to hold hearings and issue subpoenas and to procure the services of individual consultants.

Requires the select committee to report its findings with recommendations for legislation to the Senate, not later than May 1, 1976. States that the select committee's authority shall expire thirty days after the filing of the report.

Directs that expenses of the select committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

*S. Res. 152, Mr. Dole, et al; May 31, 1976—Government Operations*

Directs each standing committee of the Senate (other than the Committee on Appropriations and the Committee on the Budget) to make a special study to determine the effectiveness of existing Federal programs in meeting present

priority needs in relation to the cost incurred. Provides that committees shall make recommendations concerning the effectiveness of administrative implementation, duplication of programs and the elimination of programs.

Requires each committee to report the results of its study to the Senate not later than December 31, 1975.

*S. Res. 157, Mr. Nelson; May 15, 1975—Rules and Administration; Abourezk, Bumpers, Gravel, Hart (Colo.), Hatfield*

Revises Rule XXV of the Standing Rules of the Senate to provide that the chairman of each committee of the Senate shall be a member of the majority party with the longest period continuous service on such committee. Requires a Senator to be approved by the Senators of the majority party before being appointed chairman.

Provides that, beginning with the 94th Congress, no Senator shall be eligible to serve as chairman of a committee of the Senate for a period extending beyond the expiration of the Congress following the Congress in which he commences service as such chairman except as otherwise specified in this resolution.

Directs that no Senator shall be eligible to serve as chairman of a committee of the Senate during any Congress if he has served as chairman of such committee at any time during any of the six preceding Congresses unless all Senators who are members of the majority party and who may serve as chairman of such committee have served as such chairman at some time during the six preceding Congresses.

*S. Res. 197. Mr. Leahy; June 26, 1957—Government Operations; Abourezk, Bayh, Brock, Bumpers, Cranston, Fannin, Garn, Hansen, Humphrey, Laxalt, McGovern, Pearson, Roth, Stafford*

Establishes a Select Committee of the Senate on Federal Responsiveness and Accountability to study the problems of accountability and responsiveness at all levels of the Federal Government.

Limits the expenses of the committee to an amount not to exceed $400,000 before February 29, 1976.

*S. Res. 206, Mr. Hart (Mich.); July 11, 1975—Rules and Administration*

Provides that no Senator shall be eligible to serve as a member of any committee of the Senate, or of a joint committee of Congress, if he has served as a member of that committee at any time in any eight of the twelve calendar years preceding that calendar year.

States that calendar years before 1975 shall not be taken into account for purposes of this resolution.

*S. Res. 228, Mr. Domenici; July 29, 1975—(Committee referral not noted); Brock, Garn, Laxalt*

Directs that committee action on all bills or resolutions involving primarily energy-related matters be completed by September 26, 1975.

Creates a Senate task force composed of 10 members of the Senate appointed by the President of the Senate. States that the function of the task force shall be to make a comprehensive study of all legislative proposals involving primarily energy matters. Provides that the task force shall recommend to the Senate a procedure for the consideration of such proposals in such a manner as to avoid uncoordinated action.

Directs the task force to make a final report to the Majority and Minority Leaders of the Senate on October 10, 1975, setting forth the results of the study.

Authorizes the expenditure of an amount not to exceed $100,000 to be paid from the contingent fund of the Senate to meet the expenses of the task force.

September 3, 1975—Placed on calendar in Senate under "General Orders."

October 2, 1975—Placed on calendar in Senate under "Subjects on the Table."

*S. Res 254, Mr. Allen; September 19, 1975*

Establishes a seven-member Select Committee of the Senate to investigate the role of the United States in the United Nations. Describes the purpose of the select committee which includes a study of the benefits to and burdens on the States as a result of its participation in the organization. Directs the select

committee to make recommendations on the future course to be pursued by the United States with respect to the United Nations.

Authorizes the select committee to take specified actions necessary to carry out the duties imposed by this resolution.

Authorizes the appropriation of no more than $500,000 to carry out the provisions of this resolution.

*S. Res. 281 Mr. Hathaway; October 8, 1975—Rules and Administration*

Revises the Standing Rules of the Senate to require committees within 30 days after initial publication, to report on the legality of new or revised Executive branch rules, regulations, and guidelines within the jurisdiction of the committee. Creates a Special Counsel to the Senate, for the purpose of receiving, compiling and publishing such committee reports.

*S. Res. 302, Mr. Griffin, et al.; November 18, 1975*

Establishes the Senate Select Committee on Improper Activities in the Labor or Management Field. Directs the Select Committee to investigate and study the extent, if any, to which illegal or unethical activities are engaged in by any persons in the field of labor-management relations.

Empowers the Select Committee with such authority as is necessary to carry out the provisions of this resolution. Authorizes the Committee to recommend the enactment of new legislation it considers necessary to safeguard the integrity of labor-management relations.

Directs the Committee to make a final report of its findings to the Senate no later than December 31, 1976.

Limits the expenses of the Committee to $1,250,000 through December 31, 1976.

*S. Res. 311, Mr. Tunney; December 1, 1975—Rules and Administration*

Revises Rule XIV of the Standing Rules of the Senate to allow a bill to be committed to more than one standing committee at any time subsequent to the second reading of the bill. Provides that when a bill is received by the Senate from the House which was passed by a vote of more than three-fifths of the Members of the House, the Senate, before committing the bill to a standing committee, shall consider a motion that the duration of the relevant committee's consideration of the legislation be limited to a period of 90 calendar days or less.

Revises Rule XXVI of the Standing Rules of the Senate which deals with the reference of bills to committee. Provides that instructions at time of referral shall include but not be limited to instructions that the bill be referred to more than one standing committee or that a limit in duration be imposed on the committee's consideration of the bill.

*S. Res. 312, Mr. Tunney; December 1, 1975—Rules and Administration*

Revises the Standing Rules of the Senate. Provides that each standing committee of the Senate shall establish a subcommittee to carry out legislative oversight. States that the function of such subcommittees shall be to study the effect and operation of laws and agencies within their jurisdiction and to make forecasts of trends which may occur as a result of new legislation.

Directs the Committee on Government Operations to meet with representatives of each of the standing committees of the Senate to discuss the oversight plans of such committees. Requires the Committee to report to the Senate the results of such meetings.

*S. Res. 397, Mr. Montoya; February 25, 1976—Banking, Housing and Urban Affairs*

Establishes a Senate Special Committee on Small Business and Federal Overregulation to conduct a study of the effects of Federal regulation on small business. Specifies that the study shall include an examination of the internal revenue laws and Federal programs affecting small businesses, and an examination of the burden on small businesses of filing forms with the Federal Government for the purpose of eliminating duplication.

Authorizes the committee to employ personnel, hold hearings, and subpena witnesses and documents.

Authorizes the expenditure of $300,000 by the committee to carry out the duties set forth in this Act.

*S. Res. 417, Mr. Bumpers; March 30, 1976—Rules and Administration; Chiles, Durkin, Glenn, Hart (Colo.), Haskell, Hathaway*

Amends Rule XXV of the Standing Rules of the United States Senate to provide that no Senator who is serving at any time as chairman of any committee specified in this resolution may at the same time serve as chairman of more than one subcommittee of any such committee. Provides that no other Senator shall serve at any time as chairman of more than two subcommittees of any of the committees specified.

*S. Res. 425, Mr. Moss; April 8, 1976—Rules and Administration; Goldwater*

Amends the Standing Rules of the Senate by redesignating the Committee on Aeronautical and Space Sciences as the Committee on Science and Technology.

*S. Res. 438, Mr. Buckley; May 4, 1976—Finance*

Establishes the Senate Select Committee on Welfare Fraud to conduct an investigation of fraud and abuse, by recipients, providers, or employees, in Federal programs of public assistance. Authorizes the select committee to recommend the enactment of any new legislation or the amendment of any existing statute which it considers necessary or desirable to reduce or eliminate welfare fraud within existing Federal programs of public assistance.

Provides that the select committee shall make a final report of the results of its investigation to the Senate no later than November 1, 1976.

Limits to $350,000 the expenses of the select committee through November 1, 1976.

*S. Res. 456, Mr. Mansfield; June 3, 1976*

Amends Rule XXV of the Standing Rules of the Senate to provide that service of a Senator as a member of a select committee shall not be considered in restricting the number of committees upon which such Member may serve.

# INDEX[1]

A


Page

ACTION ---- 54, 83
Ad hocism ---- 153, 168–169
  And scheduling ---- 168
Administrative Practice and Procedure Subcommittee ---- 38, 48, 59
  Jurisdiction ---- 38, 48, 59
"Advantages of some duplication and ambiguity in Senate committee jurisdiction, The" by Louis Dexter ---- 171–186
Aeronautical and Space Sciences Committee:
  Creation of ---- 5, 16, 29
  Ex officio membership on Appropriations ---- 15, 96
  Jurisdiction of ---- 16, 35–37, 45–49, 60–63, 157–158, 160
  Policy area primary jurisdiction ---- 139
  Policy area secondary jurisdiction ---- 107, 115, 121–122, 124
  Senator assignment on ---- 31
Aging ---- 71, 126
  (*See* Special Committee on Aging; Labor and Public Welfare Committee)
Aging Subcommittee (Labor and Public Welfare): Jurisdiction ---- 61, 71
Agriculture ---- 131–132
  And international economics (*See* Agricultural and Forestry Committee.) ---- 131–132
Agriculture and Forestry Committee:
  Creation of ---- 15
  Ex officio membership on ---- 96
  Jurisdiction of ---- 15, 37–38, 43, 45–49, 51, 53, 57–58, 60–61, 68, 158, 160
  Policy area primary jurisdiction ---- 117, 131–132, 139, 145–147
  Policy area secondary jurisdiction ---- 107, 110, 115, 124, 141
Agriculture and Related Agencies Subcommittee (Appropriations Committee): Primary jurisdiction ---- 110, 124
Agricultural commodity export program (Public Law 480) ---- 53
Alcohol and Narcotics Subcommittee (Labor and Public Welfare Committee): Jurisdiction ---- 67
Allen, Hon. James B., U.S. Senator from the State of Alabama: Jurisdictional proposal
  Select Committee on the Role of the U.S. in the United Nations (S. Res. 254) ---- 208–209
Antitrust and Monopoly Subcommittee (Judiciary Committee): Jurisdiction ---- 59
Appropriations Committee ---- 35
  Creation of ---- 14
  Implications of Budget Impoundment and Control Act of 1974 ---- 87–90
  Jurisdiction of ---- 14–15, 38–39, 44–45, 47, 158
  Policy area primary jurisdiction ---- 106, 109–110, 113, 117–118, 124, 129, 132, 143, 148
  Policy area secondary jurisdiction ---- 142
  Senator assignment on ---- 32
  Subcommittees:
    Agriculture and related agencies ---- 110, 124
    Defense ---- 110, 124, 129
    District of Columbia ---- 110, 143


[1] Cross-referencing between subject and policy areas with appropriate committees is best accomplished by matching page numbers for subject area with appropriate primary or secondary jurisdiction page numbers of subject in question. General jurisdiction refers to simple reference to specific committee within the text.

Appropriations Committee—Continued
Subcommittees—Continued
Page
HUD/Independent Agencies 124, 143
Interior and Public Works 110, 124, 129
Labor, Health, Education and Welfare 110, 124, 143
Legislative 65–66, 110
State, Justice, Commerce, the Judiciary 110, 124, 129
Transportation 129, 143
Treasury, U.S. Postal Service, general government 110, 124, 129, 143
Architect of the Capitol 66
Armed Services Committee 35, 183
Creation of 13
Ex officio membership on Appropriations 96
Jurisdiction of 13, 39–40, 43, 47–49, 54–55, 57–60, 62, 74, 96, 158
Policy area primary jurisdiction 129, 137, 139
Policy area secondary jurisdiction 107, 110, 115, 125, 134, 142
Senator assignment on 32
Subcommittee, Intelligence 129
Army Corps of Engineers 63, 117
Arts and Humanities Special Subcommittee (Labor and Public Welfare Committee) Jurisdiction 109
Atomic Energy Act of 1945 (Public Law 79–585) 71–72
Atomic Energy Act of 1954 (Public Law 83–703) 72
Atomic Energy Commission 72, 112, 126
Aviation Subcommittee (Commerce Committee) 48, 59
Jurisdiction 48, 59

B

Balanced Growth and Development Act of 1974 107
Balanced Growth and Development Act of 1975 107
Banking, Housing and Urban Affairs Committee 74, 209, 210
Creation of 16
Jurisdiction of 16, 36, 38, 41–43, 45–49, 52, 54, 57, 60–61, 66–67, 71,75, 77, 158
Policy area primary jurisdiction 105, 132, 135, 137, 139, 141–143, 148
Policy area secondary jurisdiction 115, 122, 125
Bellmon, Hon. Henry, U.S. Senator from the State of Oklahoma:
Jurisdictional proposal 166–167
Scheduling proposal 166–167
Bibliography 185–186
Bill reporting 86, 89
Budget ceilings 39, 86
Riders 39
Timetable 39, 77
Bills and resolutions:
S. 563—Modern Congress Act 205–206
S. 2516—oversight methodology 206
S. 2925—sunset legislation 160, 203
S. Res. 16—energy research jurisdiction 206
S. Res. 45—rescission and deferral 39, 44, 56, 89
S. Res. 46—referral procedure proposals 169–170, 206
S. Res. 55—Subcommittee on Legislative Review 206–207
S. Res. 60—Staffing 7, 66
S. Res. 116—Select Committee on Regulatory Commissions and the U.S. Economy 207
S. Res. 139—scheduling proposals 165
S. Res. 142—Select Committee on Missing in Action 207
S. Res. 152—cost-benefit study 207–208
S. Res. 197—Select Committee on Federal Responsiveness and Accountability 208
S. Res. 206—committee memberships 208
S. Res. 228—energy study 158, 208
S. Res. 254—Select Committee on the Role of the U.S. in the United Nations 208–209
S. Res. 281—Special Counsel to the Senate 209
S. Res. 302—Select Committee on Improper Activities in the Labor or Management Fields 209

Bills and Resolutions—Continued Page
S. Res. 311—referral procedure proposals 170, 209
S. Res. 312—oversight subcommittees 209
S. Res. 397—Special Committee on Small Business and Federal Over-regulation 209–210
S. Res. 417—chairmanships 210
S. Res. 425—Committee on Science and Technology 210
S. Res. 438—Select Committee on Welfare Fraud 210
S. Res. 456—committee memberships 210
S. Con. Res. 8—jurisdictional study 206
Boards and commissions 26–27
Bolling Committee: Jurisdiction of 73, 138, 159, 166
Brock, Hon. Bill, U.S. Senator from the State of Tennessee: Jurisdictional proposals 158–159
Buckley, Hon. James L., U.S. Senator from the State of New York:
Jurisdictional proposal:
Select Committee on Welfare Fraud (S. Res. 438) 210
Budget and Accounting Act of 1921 14
Budget and Impoundment Control Act of 1974 (Public Law 93–344) 64–65
Authorizes Senate Budget Committee 5, 17
Implications for foresight 92–93
Implications for oversight 92
Implications for Senate committee system 85–93
Implications for Senate representation 92–93
Implications for waiver requests 90–91
Relationship with Appropriations Committee 87–90, 148
Relationship with authorizing committees 38–39
Relationship with Finance Committee 87
Relationship with Joint Economic Committee 77, 91
Budget Committee 38
Creation of 5, 17, 29
Jurisdiction of 17, 39, 41–45, 57, 77, 85–93, 158
Policy area primary jurisdiction 106, 139
Policy area secondary jurisdiction 116, 122, 146, 149
Senator assignment on 33, 152–153
Budget process:
And committee jurisdiction 85–86
Implications for Finance Committee 87
Implications for Appropriations Committee 87–90
Implications for Joint Economic Committee 91
Implications for oversight 92
Implications for Senate representation 93
Impoundment 89
Rescissions and deferrals 39, 44, 89
Resolutions 43–44
Scorekeeping 89
Timetable 44
Waiver requests 90–91
Bumpers, Hon. Dale, U.S. Senator from the State of Arkansas: Jurisdictional proposal: Chairmanships (S. Res. 417) 210
Bureau of Indian Affairs 84

C

Case, Hon. Clifford, U.S. Senator from the State of New Jersey: Jurisdictional proposal 160
Charts:
Growth of subcommittees among Senate standing committees—1946–76, the 29
Jurisdiction of the Senate's authorizing committees over spending programs of Cabinet-level departments 81
Jurisdiction of the Senate's Appropriations Subcommittees over spending programs of Cabinet-level departments 82
Checks and balances 171–172, 177
Children and Youth Subcommittee (Labor and Public Welfare Committee):
Primary jurisdiction 109
Church, Hon. Frank, U.S. Senator from the State of Idaho 46

Page
CIA ---------- 40, 126, 129, 137
Clark, Hon. Joseph, former U.S. Senator from the State of Pennsylvania:
Jurisdictional proposal ---------- 158
Commerce:
International (*See* Commerce Committee.) ---------- 48, 132–133
Commerce Committee ---------- 6, 35, 56
Creation of ---------- 12
Jurisdiction of ---------- 12–13, 36–37, 41–43, 45–49, 52, 54–61, 63–64, 69, 71, 157–158, 160
Oversight studies ---------- 203
Policy area primary jurisdiction ---- 113, 118–120, 132–133, 137 139, 141, 145
Policy area secondary jurisdiction ---------- 108, 110, 125, 129
Senator assignment on ---------- 33
Subcommittees:
Aviation ---------- 48, 59
Energy, Natural Resources and Environment ---------- 46
Merchant Marine ---------- 129
Science, Technology and Commerce ---------- 129
Commission on the Operation of the Senate:
Jurisdiction ---------- 73
Oversight studies ---------- 203
Committees:
Ad hocism ---------- 153, 168–169
Adversary system ---------- 171
Assignments, number of ---------- 19–20, 31, 152–153
Growth ---------- 6
Limit ---------- 7, 31, 33
Rules and procedures on ---------- 187–191
Related to hours in session ---------- 7
Related to number of rollcalls ---------- 7
Related to scheduling ---------- 7
Related to workload ---------- 6–7
Special, select and joint ---------- 23–26
Chairmen ---------- 208, 210
Rotation ---------- 153–156
Rules and procedures ---------- 201
Checks and balances ---------- 171–172, 177
Exclusive ---------- 32–33
Functions ---------- 9, 151
Special, select and joint ---------- 23–27
History ---------- 5–9
Chronological ---------- 11–17
Patterns ---------- 19–20
Inter/intracommittee cooperation ---------- 11–17, 96, 101
Joint hearings ---------- 67
Joint markup ---------- 37
Membership ---------- 14–15, 56, 74–76, 155, 158, 208, 210
Rotation ---------- 155–156
Number of committees ---------- 7, 11, 152
Growth patterns ---------- 5
Increase ---------- 153–154
Related to scheduling ---------- 7
Reduce ---------- 154–155
Special, select and joint ---------- 23–26
Open v. closed system ---------- 172–176, 180–182
Management ---------- 184
Reports ---------- 86, 89
Size ---------- 7, 19
Patterns ---------- 19–20
Related to workload. (*See* individual listing.) ---------- 7
Communications ---------- 48–49
Congressional Budget Office: (*See* Congressional support agencies)
Congressional Research Service: (*See* Congressional support agencies)
Congressional support agencies:
Congressional Budget Office ---------- 66, 91–92, 203
Congressional Research Service ---------- 92, 105, 203
General Accounting Office ---------- 91–92, 203–204
Office of Technology Assessment ---------- 26, 66, 92, 203

Page

Constitutional Rights Subcommittee (Judiciary Committee): Secondary jurisdiction ---------- 129
Consumer Protection Agency ---------- 48
Cook, Hon. Marlow, former U.S. Senator from the State of Kentucky:
Scheduling proposals (S. Res. 139) ---------- 165
Coastal Zone Management Act of 1972 ---------- 118
Council on Environmental Quality (and Office of Environmental Quality) ---------- 64, 119
Credit ---------- 41, 52
Consumers ---------- 42
Consumer protections. (*See* Banking, Housing, and Urban Affairs Committee.) ---------- 48, 55

D

Davidson, Roger, special research consultant, Temporary Select Committee to Study the Senate Committee System: Transmittal letter ---------- 1
Defense Production Act of 1950 ---------- 73–74, 105
Defense Subcommittee (Appropriations Committee) ---------- 110
Primary jurisdiction ---------- 110, 124, 129
Department of Agriculture ---------- 83
Department of Defense ---------- 39, 74–75, 83, 107, 110
Department of Interior ---------- 50
Department of State ---------- 53, 83, 138
Department of Transportation ---------- 42
Department of Treasury ---------- 83
Dexter, Louis Anthony, consultant, Temporary Select Committee To Study the Senate Committee System: "The Advantage of Some Duplications and Ambiguity in Senate Committee Jurisdiction" ---------- 171–186
District of Columbia Committee ---------- 6, 11
Creation of ---------- 12
Ex officio membership on Appropriations ---------- 96
Jurisdiction of ---------- 12, 47, 49–51
Policy area primary jurisdiction ---------- 137, 144–145
Policy area secondary jurisdiction ---------- 110, 125, 142
Senator assignment on ---------- 31
District of Columbia Self-Government and Governmental Reorganization Act (Public Law 93–198) ---------- 49
District of Columbia Subcommittee (Appropriations Committee) ---------- 110, 143
Primary jurisdiction ---------- 110
Dole, Hon. Robert, U.S. Senator from the State of Kansas:
Jurisdictional proposals:
Cost-benefit study (S. Res. 152) ---------- 207–208
Oversight methodology (S. 2516) ---------- 206
Domenici, Hon. Pete V., U.S. Senator from the State of New Mexico:
Jurisdictional proposal: Energy study (S. Res. 228) ---------- 158, 208

E

Economic policy ---------- 76–77, 105–109
Macroeconomic policy ---------- 42, 105
International economic policy ---------- 130–134
Agricultural trade ---------- 131–132
And Commerce ---------- 132–133
Export policy ---------- 132
Foreign trade ---------- 133–134
Monetary policy ---------- 41–42
Education. (*See* Labor and Public Welfare committee) ---------- 60–61, 109–111
Employment: (*See* labor.)
Employee Retirement Income Security Act ---------- 135
Employment Act of 1946 ---------- 76, 105
Employment, Poverty, and Migratory Labor Subcommittee (Labor and Public Welfare Committee) ---------- 68, 135
Jurisdiction ---------- 68
Energy ---------- 41, 45–46, 56–57, 83, 103–105, 111–116, 206, 208
National fuels and energy study ---------- 112
Materials policy jurisdiction ---------- 98

Page

Energy Conservation Act of 1975 ---- 41
Energy Independence Act ---- 98
Energy, Natural Resources and Environment Subcommittee (Commerce Committee): Jurisdiction ---- 46
Energy Reorganization Act of 1974 (Public Law 93–485) ---- 72, 112
Energy Research and Water Resources Subcommittee (Interior and Insular Affairs Committee): Jurisdiction ---- 46
Environment ---- 45, 57–58, 63–64, 83, 116–122
  Mineral resources ---- 119
  Pollution ---- 120
  Solid waste ---- 120–121
Environmental Pollution Subcommittee (Public Works Committee): Jurisdiction ---- 46
EPA ---- 57–58, 63, 80, 117, 122, 138–140
ERDA ---- 46, 57, 72, 83, 103, 112–115, 122, 126, 129–130, 138, 140, 157

F

FBI ---- 55, 127, 129
FEA ---- 45–46, 55, 57, 113–114, 116
Federal Insecticide, Fungicide and Rodenticide Act ---- 37, 117–118
Federal Trade Commission ---- 42
Finance Committee ---- 6, 11, 182, 210
  Creation of ---- 12
  Implications of Budget Impoundment and Control Act of 1974 ---- 87
  Jurisdiction of ---- 12, 39, 42, 45–48, 51–53, 57, 60–62, 65–67, 69, 71, 75, 77, 158
  Policy area primary jurisdiction ---- 106–107, 113, 123, 133, 137, 141, 143–144, 148
  Policy area secondary jurisdiction ---- 110, 122, 129
  Senator assignment on ---- 32
Financial institutions ---- 43
  International ---- 54
Foreign policy ---- 53–54
  Military assistance ---- 54
  National security ---- 54
  (*See* Foreign Relations Committee)
Foreign Relations Committee ---- 6, 11, 35, 183, 207
  Creation of ---- 11
  Ex officio membership on Appropriations ---- 96
  Jurisdiction of ---- 11, 38, 40–41, 46–49, 53–54, 57–58, 60–61, 96, 158
  Policy area primary jurisdiction ---- 113–114, 133–134, 138
  Policy area secondary jurisdiction ---- 108, 110, 125, 129, 149
  Senator assignment on ---- 32
Foresight: Relation to budget process ---- 92–93
Fraser, Hon. Donald, U.S. Congressman from the State of Michigan:
  Jurisdictional proposals ---- 160
Fulbright, Hon. William, former U.S. Senator from the State of Arkansas:
  International finance jurisdiction ---- 41, 54
Functional categories of budget ---- 161

G

Galloway, George, consultant, Joint Committee on the Organization of Congress—1945:
  Jurisdictional proposals ---- 158
  Scheduling proposals ---- 165
General Accounting Office: (*See* Congressional support agencies.)
Government Operations Committee ---- 35, 170, 205–208
  Creation of ---- 16
  Jurisdiction of ---- 16, 45–49, 55, 57, 59–62, 65, 69–70, 73, 158, 160
  Oversight studies ---- 203–204
  Policy area primary jurisdiction ---- 107, 114, 137, 139, 144
  Policy area secondary jurisdiction ---- 110, 122, 125, 130, 134, 142, 149
  Senator assignment of ---- 31
  Subcommittee: Intergovernmental relations ---- 144
Government Printing Office ---- 76
Grandfather rights ---- 32–33

Page
Gray, Kenneth E., Staff Director and Counsel, Temporary Select Committee to Study the Senate Committee System: Transmittal letter ..... 1
Griffith, Ernest, congressional scholar: Quoted ..... 180
Griffin, Hon. Robert P., U.S. Senator from the State of Michigan: Jurisdictional proposal: Select Committee on Improper Activities in the Labor or Management Field (S. Res. 302) ..... 209

H

Handicapped Subcommittee (Labor and Public Welfare Committee):
Primary jurisdiction ..... 109
Hart, Hon. Philip A., U.S. Senator from the State of Michigan ..... 59
Jurisdictional proposal: Committee memberships (S. Res. 206) ..... 208
Hathaway, Hon. William D., U.S. Senator from the State of Maine
Jurisdictional proposal: Special Counsel to the Senate (S. Res. 281) ..... 209
Health ..... 51, 60, 123–126
Aging ..... 126
Biomedical research ..... 123
Veterans ..... 67
Health and Hospitals Subcommittee (Veterans' Affairs Committee):
Jurisdiction ..... 67
Health of the Elderly Subcommittee (Special Committee on Aging):
Secondary jurisdiction ..... 126
HEW ..... 83, 138
Hollings, Hon. Ernest, U.S. Senator from the State of South Carolina ..... 47
Housekeeping ..... 65, 70
Architect of the Capitol ..... 66
House Select Committee on Committees: (*See* Bolling Committee.)
House-Senate relations ..... 73
House Ways and Means Committee ..... 75, 85, 136
Housing: Veterans ..... 66–67, 84
HUD ..... 42, 75, 84, 113, 117, 138
HUD/Independent Agencies Subcommittee (Appropriations Committee):
Primary jurisdiction ..... 124, 143
Humphrey-Hawkins bill ..... 42, 77, 105
Humphrey, Hon. Hubert H., U.S. Senator from the State of Minnesota:
Jurisdictional proposals:
Jurisdictional study (S. Con. Res. 8) ..... 206
Modern Congress Act (S. 563) ..... 205–206
Select Committee on Regulatory Commissions and the U.S. Economy (S. Res. 116) ..... 207
Subcommittee on Legislative Review (S. Res. 55) ..... 206–207

I

Intelligence Subcommittee (Armed Services Committee) ..... 129
Intelligence ..... 55, 59, 126–130
Foreign ..... 40, 126
Domestic ..... 126–127
National ..... 127
Intergovernmental Relations Subcommittee (Government Operations Committee) ..... 144
Interior and Insular Affairs Committee:
Creation of ..... 13
Jurisdiction of ..... 13, 36–38, 40, 45–47, 49–52, 54, 56–58, 60–63, 72, 74, 157–158, 160
Policy area primary jurisdiction ..... 114, 119, 140, 146
Policy area secondary jurisdiction ..... 108, 111, 125, 134, 149
Subcommittee: Energy Research and Water Resources ..... 46
Interior and Public Works Subcommittee (Appropriations Committee):
Primary jurisdiction ..... 110, 124, 129
International economics: (*See* economy policy.)
International finance ..... 41
Institutions ..... 54
Interviews: Respondents ..... 35
Interstate metropolitan areas ..... 50
Proposal (*See* urban affairs.)

J


Page

Joint Committee on Arrangements for Commemoration of the Bicentennial: Senator assignment on ---- 33
Creation of ---- 71
Ex officio membership on Appropriations Committee ---- 15, 96
Jurisdiction of ---- 45–46, 48, 54, 57, 71–72, 158
Policy area primary jurisdiction ---- 115, 140
Policy area secondary jurisdiction ---- 122, 130
Joint Committee on Organization of Congress—1946 ---- 31
Joint Committee on Organziation of Congress—1965 ---- 31
Goals of ---- 32
Joint Committee on Congressional Operations:
Creation of ---- 73
Jurisdiction of ---- 73, 162
Joint Committee on Defense Production:
Creation of ---- 73
Jurisdiction of ---- 73–75
Policy area secondary jurisdiction ---- 109, 134
Senator assignment on ---- 33
Joint Economic Committee:
Creation of ---- 76
Implications of Budget Impoundment and Control Act of 1974 ---- 91
Jurisdiction of ---- 42, 69, 76–77, 158
Policy area primary jurisdiction ---- 106, 115
Policy area secondary jurisdiction ---- 134, 146, 149
Joint Committee on Internal Revenue Taxation:
Creation of ---- 75
Jurisdiction of ---- 75
Policy area secondary jurisdiction ---- 108, 130
Senator assignment on ---- 33
Joint Committee on the Library ---- 65–66
Senator assignment on ---- 31, 33
Joint Committee on Printing ---- 65–66
Creation of ---- 76
Jurisdiction of ---- 76
Senator assignment on ---- 31, 33
Judiciary Committee ---- 11, 179
Creation of ---- 12
Jurisdiction of ---- 12, 42–43, 47–49, 55, 58–62, 158
Policy area primary jurisdiction ---- 137, 140, 144
Policy area secondary jurisdiction ---- 108, 111, 116, 125, 130, 134, 142, 149
Senator assignment on ---- 33
Subcommittees:
Administrative Practice and Procedure ---- 38, 48, 59
Antitrust and Monopoly ---- 59
Congressional Rights ---- 129
Refugees and Escapees ---- 54, 59
Jurisdiction:
And scheduling ---- 163–170
Clearly defined:
Advantages ---- 173–174
Disadvantages ---- 176–177
Relation to policymaking ---- 177–178
Relation to referral procedure ---- 175–176
Relation to staff ---- 175
Relation to time utilization ---- 174–175
Consolidation of committees ---- 158–160
Advantages and disadvantages ---- 160–162
International finance ---- 41, 54
Interstate metropolitan areas ---- 50, 142
Materials policy ---- 98
Overlap ---- 8, 36–58, 60–70, 72–75, 103–149, 206
Proposals ---- 158–160, 166–167
Chairmanships ---- 208
Chairmanships (S. Res. 417) ---- 210

Jurisdictions—Continued
Proposals—Continued
Committee memberships (S. Res. 206) 208
Committee memberships (S. Res. 456) 210
Committee on Science and Technology (S. Res. 425) 210
Cost-benefit study (S. Res. 152) 207–208
Energy research jurisdiction (S. Res. 16) 206
Energy study (S. Res. 228) 158, 208
Jurisdictional study (S. Con. Res. 8) 206
Modern Congress Act (S. 563) 205–206
Oversight methodology (S. 2516) 206
Oversight subcommittees (S. Res. 312) 209
Referral procedure proposals (S. Res. 46) 169–170, 206
Referral procedure proposals (S. Res. 311) 170, 209
Select Committee on Federal Responsiveness and Accountability (S. Res. 197) 208
Select Committee on Improper Activities in the Labor or Management Fields (S. Res. 302) 209
Select Committee on Missing in Action (S. Res. 142) 207
Select Committee on Regulatory Commissions and the U.S. Economy (S. Res. 116) 207
Select Committee on Resources and Conservation Report 158
Select Committee on the Role of the United States in the United Nations (S. Res. 254) 208–209
Select Committee on Welfare Fraud (S. Res. 438) 210
Special Committee on Small Business and Federal Overregulation (S. Res. 397) 209–210
Special Counsel to the Senate (S. Res. 281) 209
Staffing (S. Res. 60) 7, 66
Subcommittee on Legislative Review (S. Res. 55) 206–207
Sunset legislation (S. 2925) 160, 203
Proposed committees 157–158
Review mechanism 162
Shifting 157

L

Labor 61, 106
Relations with management 62
Veterans employment 67
Labor and Public Welfare Committee 6, 182
Creation of 16
Jurisdiction of 16,
36, 38, 42, 43, 46, 47, 48, 49, 51, 54, 57, 58, 60–62, 66–68, 157
Policy area primary jurisdiction 106, 109, 123–124, 137, 140, 145, 148–149
Policy area secondary jurisdiction 116, 122, 134, 142
Subcommittees:
Aging 71
Alcohol and Narcotics 67
Arts and Humanities, Special 109
Children and Youth 109
Employment, Poverty and Migratory Labor 68, 135
Handicapped 109
National Science Foundation, Special 109
Labor, Health, Education and Welfare Subcommittee (Appropriations Committee): Primary jurisdiction 110, 124, 143
Land and Water Conservation Fund Act 47
Law Enforcement Assistance Administration (LEAA) 59
Law of the Sea 40
Leadership:
And referral procedure 95
Relation to scheduling 163–165
Role of parliamentarian 167–168
Scheduling by minority and majority leaders 168–169
Leahy, Hon. Patrick J., U.S. Senator from the State of Vermont:
Oversight proposals 204
Jurisdictional proposal:
Select Committee on Federal Responsiveness and Accountability
S. Res. 197

Page
Legislative Reorganization Act of 1946 ---------- 5–7, 13, 15–19, 23, 29, 31, 54, 56, 65, 85, 95, 103, 154, 157, 164, 167–168
Legislative Reorganization Act of 1970 ---------- 7, 16, 17, 21, 31, 32, 61, 73, 152, 188
Legislative Subcommittee (Appropriations Committee) ---------- 65–66, 110
Jurisdiction ---------- 65–66
Primary jurisdiction ---------- 110
Long-Term Care Subcommittee (Special Committee on Aging) : Secondary jurisdiction ---------- 126

M

Madison, James: Quoted ---------- 176
Magnuson, Hon. Warren, U.S. Senator from the State of Washington ---- 46
Mansfield, Hon. Mike, U.S. Senator from the State of Montana :
Jurisdictional proposals ---------- 158
Committee membership S. Res. 456 ---------- 210
Referral procedure proposals S. Res. 46 ---------- 169–170, 206
Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92–532) ---------- 118
Materials and Energy Recovery Act of 1975 ---------- 119
Materials policy jurisdiction ---------- 98
Mathias, Hon. Charles McC., U.S. Senator from the State of Maryland:
Interstate metropolitan problems proposal ---------- 50, 142
McGovern, Hon. George, U.S. Senator from the State of South Dakota:
Jurisdiction proposal:
Select Committee on Resources and Conservation Report ---------- 158
Members of Senate:
Budget process and representation ---------- 93
Specialist v. generalist ---------- 9
Time utilization ---------- 174–175
Merchant Marine Subcommittee (Commerce Committee) ---------- 129
Montoya, Hon. Joseph M., U.S. Senator from the State of New Mexico:
Jurisdiction proposal:
Special Committee on Small Business and Federal Overregulation S. Res. 397 ---------- 209–210
Moss, Hon. Frank E., U.S. Senator from the State of Utah:
Jurisdictional proposals:
Committee on Science nad Technology S. Res. 425 ---------- 210
Energy research jurisdiction S. Res. 16 ---------- 206
Materials policy jurisdiction ---------- 98
Muskie, Hon. Edmund S., U.S. Senator from the State of Maine:
Jurisdictional proposals: Sunset Legislation (S. 2925) ---------- 160, 203

N

NASA ---------- 36, 115, 138, 139
National Aeronautics and Space Act of 1958 ---------- 16, 36
National Bureau of Standards ---------- 48
National Commission on Supplies and Shortages ---------- 74, 105
National defense ---------- 39–40, 53
National Environmental Policy Act of 1969 (NEPA, Public Law 91–190) ---------- 57, 64, 116, 119, 121
National Science Foundation Special Subcommittee (Labor and Public Welfare Committee) : Primary jurisdiction ---------- 109
National Oceanic and Atmospheric Administration (NOAA) ---------- 49, 118
National planning ---------- 106
National Security Act of 1947 ---------- 40
National Science Foundation (NSF) ---------- 48, 61, 109, 116, 138, 140
Nelson, Hon. Gaylord, U.S. Senator from the State of Wisconsin:
Jurisdictional proposal: Chairmanships ---------- 208

O

Ocean policy ---------- 54, 58
Office of Management and Budget ---------- 91, 93
Office of Technological Assessment: (*See* Congressional support agencies.)
Outer Continental Shelf ---------- 47, 57, 58

Page
Oversight ---------- 36, 55, 61, 74, 128, 206, 209
Cost-benefit study ---------- 207–208
Current studies ---------- 203–204
Relation to budget process ---------- 92
Relation to jurisdiction ---------- 104–105

P

Parks, Wallace Judson: Jurisdictional proposal ---------- 159
Peabody, Robert, Professor at Johns Hopkins University: Jurisdictional proposal ---------- 159
Pearson, Hon. James, U.S. Senator from the State of Kansas ---------- 46
Pesticides ---------- 47
Policymaking:
Relation to clearly defined jurisdiction ---------- 177–178
Pollution ---------- 46–47
Water resources projects ---------- 64, 121
Post Office and Civil Service Committee ---------- 6
Creation of ---------- 13
Ex officio memberships on Appropriations Committee ---------- 96
Jurisdiction of ---------- 13–14, 49, 52, 60, 61–62, 70, 160
Policy area primary jurisdiction ---------- 137
Policy area secondary jurisdiction ---------- 125, 130
Senator assignment on ---------- 31
Postal Reorganization Act of 1970 ---------- 61
Proposed committees ---------- 37, 157–158
Consolidation ---------- 158–160
Advantages and disadvantages ---------- 160–162
Review Mechanism ---------- 162
Shifting jurisdictions (*See* jurisdictional proposals; bill and resolutions.) ---------- 157
Privileges and Elections Subcommittee (Rules and Administration Committee): Jurisdiction ---------- 70
Proxmire, Hon. William, U.S. Senator from the State of Wisconsin: Jurisdictional proposal ---------- 160
Public Works Committee ---------- 56
Creation of ---------- 15
Ex officio membership on Appropriations Committee ---------- 96
Jurisdiction of ---------- 15, 36, 42, 45, 46, 47, 48, 50, 57, 58, 60, 63–65, 157–158, 160
Policy area primary jurisdiction ---------- 115, 119, 120–121, 138, 141
Policy area secondary jurisdiction ---------- 108, 111, 125
Subcommittee: Environmental Pollution ---------- 46

R

Recycling ---------- 47
Referral procedure ---------- 209
Joint ---------- 18, 41, 48–49, 55, 95, 104, 206
Advantages and disadvantages ---------- 96–97
Relation to clearly defined jurisdiction ---------- 175–176
Relation to scheduling ---------- 167
Ad Hoc Committee for Omnibus Bills ---------- 169
Referral by motion ---------- 169–170
Strengthen parliamentarian authority ---------- 167–168
Sequential ---------- 8, 37–38, 55, 59, 63, 95, 112, 117
Split ---------- 8, 95–96
Regulatory reform ---------- 49, 203
Refugees and Escapees Subcommittee (Judiciary Committee): Jurisdiction ---------- 54, 59
Rescissions and deferrals:
And budget process ---------- 39, 44, 89
S. Res. 45 ---------- 39, 44, 56, 89
Resources Recovery Act of 1970 ---------- 63, 118, 120, 121
Retirement income policy ---------- 134–138
Federal retirement plans ---------- 135
Private pension plans ---------- 135–136
Supplemental security income ---------- 134–135

Page

Revenue sharing ---------- 143–144, 148
Riddick, Floyd, Parliamentarian Emeritus, U.S. Senate: Quoted ---------- 95
Rotation:
  Committee membership ---------- 155–156
  Of chairmanships ---------- 156–157
Rules and Administration Committee ---------- 6, 206–207, 208, 209, 210
  Creation of ---------- 15
  Jurisdiction of ---------- 15, 52, 55, 62, 64–66, 70, 73, 160, 162
  Policy area secondary jurisdiction ---------- 111
  Senator assignment on ---------- 31
  Subcommittee: Rules and Elections ---------- 70
Rules and procedures:
  On committee assignment limitations ---------- 187–191
  On committee and subcommittee chairmanships ---------- 192
  Rule XIV ---------- 65, 209
  Rule XVI ---------- 38, 96
  Rule XXVI ---------- 169, 209
  Rule XXV ---------- 38–40, 43, 51, 60, 66, 103, 109, 128, 143, 167, 187–192, 210
  Rule XLIV ---------- 70
  Unanimous consent ---------- 96

S

Safe Drinking Water Act of 1974 (Public Law 93–523) ---------- 58, 117, 118
Scheduling ---------- 2, 32, 162
  Objectives ---------- 163
  Proposals ---------- 163, 165, 166–167
    S. Res. 139 ---------- 165
Reform:
  Ad hoc agreements by chairmen ---------- 168
  Ad hoc Committee for Referral of Omnibus Bills ---------- 169
  Appeal to majority and minority leadership ---------- 168–169
  Bellmon plan ---------- 166–167
  Committee hearings then floor debate ---------- 167
  Committee v. Senate sessions ---------- 167
  Legislative v. fiscal sessions ---------- 165
  Modification in referral procedure ---------- 167
  Monthly v. weekly schedules ---------- 165–166
  Referral by motion ---------- 169–170
  Scheduling committee ---------- 165
  Senatorial scheduling service ---------- 165
  Strengthen parliamentarian authority ---------- 167–168
  Strengthen party leadership ---------- 163–165
  Sunset legislation ---------- 170
  Two-tier committee system ---------- 166
Related to number of assignments ---------- 7
Science and technology ---------- 48, 138–140
  Research and development ---------- 138–140
Science, Technology and Commerce Subcommittee (Commerce Committee): Secondary jurisdiction ---------- 129
Secretary of Senate ---------- 65, 70
Select Committee on Intelligence:
  Creation of ---------- 23
  Jurisdiction of ---------- 40, 55
  Policy area primary jurisdiction ---------- 127–128
  Senator assignments on ---------- 33
Select Committee on Nutrition and Human Needs:
  Creation of ---------- 23, 68
  Jurisdiction of ---------- 61, 68
  Policy area secondary jurisdiction ---------- 111, 125, 146, 149
Select Committee on Small Business:
  Creation of ---------- 23, 68
  Jurisdiction of ---------- 38, 43, 48–49, 68–69, 158
  Legislative authority ---------- 23
  Policy area secondary jurisdiction ---------- 108, 116, 122, 125–126, 134, 146

Select Committee on Standards and Conduct: Page
Creation of 23, 69
Jurisdiction of 69–71
S. Res. 45—rescission and deferral 39, 44, 56, 89
Small Business. (*See* Select Small Business Committee.) 43, 69
Small Business Act 69
Small Business Administration 43, 68–69, 108
Social Security Act 123, 148
Solid Waste Disposal Act of 1965 63, 117
Special Committee on Aging:
Creation of 23, 71
Jurisdiction of 48, 61, 71
Policy area secondary jurisdiction 126, 146, 149
Subcommittee:
Health of the Elderly 126
Long-Term Care 126
Staffing 198–202
Growth 7–8
Relation to clearly defined jurisdiction 175
Related to workload 7
S. Res. 60 7, 66
State, Justice, Commerce, the Judiciary Subcommittee (Appropriations Committee) 110
Primary jurisdiction 110, 124, 129
Strategic Arms Limitations Treaty (SALT) 40
Subcommittees:
Appropriations subcommittee role in budget process 90
Chairmanships: Rules and resolutions 192
Creation of 5–6
Growth 29–30
List of 193–197
Number of 29–30
Assignments 6
Proliferation 6
Related to oversight. (*See* individual listings.) 209
Sunset legislation 160, 170, 203
Sunshine legislation 55, 65

T

Tables:
Average size of standing committees in selected years—1816–1976 21
Average standing committee assignments per Senator in selected years—1816–1976 21
Basic patterns of standing committee sizes—1816–1976 22
Committees, chairman, party ratio, 94th Congress 193–197
Federal civilian employment in Congress, October 1954–1974 202
Growth of committee staff personnel: 1947–1972—House of Representatives 201
"Ideal" standing committee sizes under the 1970 Legislative Reorganization Act 22
Number of departments and agencies whose spending programs are in the jurisdiction of authorizing committees 79
Number of nominations referred to Senate committees in 1975 and number of departments and agencies to which those nominations were made 84
Number of Senate bills given multiple referral—1975 98
Number of Senate measures jointly referred to committee—1975 98
Number of subcommittees of all Senate committees (except party committees) 29
Obligations of departments and agencies 138
Senate committee sharing of jointly referred bills—1975 100
Senate committee staffs—1947–59 198
Senate committee staffs—1960–75: total permanent (professional and clerical) and inquiries and investigations staff 200
Standing committee sizes in 1976 22

Taft, Hon. Robert A., former U.S. Senator from the State of Ohio: Page
Scheduling proposals ---------- 163
Taxation ---------- 42, 52, 75, 106–107
Federal employee withholding ---------- 62
Temporary Select Committee to Study the Senate Committee System ---- 9, 23–24, 33, 152, 167, 190–191
Creation of ---------- 23
Hearings ---------- 235
Jurisdiction of ---------- 9, 73, 167
Senator assignment on ---------- 33
S. Res. 109 ---------- 3, 9, 167
Thurmond, Hon. Strom, U.S. Senator from the State of South Carolina
Jurisdiction proposal: Select Committee on Missing in Action (S. Res. 142) ---------- 207
Trade Act of 1974 ---------- 133
Transportation ---------- 45, 47–48, 140–142
Mass transit ---------- 42–43
Transportation Subcommittee (Appropriations Committee) ---------- 129, 143
Treaties ---------- 40
Treasury, U.S. Postal Service, General Government Subcommittee (Appropriations Committee) ---------- 110, 143
Primary jurisdiction ---------- 110, 124, 129
Tunney, Hon. John V., U.S. Senator from the State of California:
Jurisdicational proposals:
Oversight subcommittees (S. Res. 312) ---------- 209
Referral procedure proposals (S. Res. 311) ---------- 170, 209

U

Urban Affairs ---------- 142–146
Revenue sharing. (*See* Banking, Housing, and Urban Affairs Committee.) ---------- 143–144, 148
Urban Mass Transit Administration ---------- 47

V

Vandenburg, Arthur: International finance jurisdiction ---------- 54
Veterans':
Employment ---------- 67
Health ---------- 67
Housing. (*See* Veterans' Committee) ---------- 42, 66–67, 84
Veterans' Administration ---------- 84, 138, 146
Veterans' Affairs Committee:
Creation of ---------- 5, 17, 29
Jurisdiction of ---------- 17, 42, 60, 66–67
Policy area primary jurisdiction ---------- 140
Policy area secondary jurisdiction ---------- 111, 125, 146
Subcommittee: Health and Hospitals ---------- 67
Veterans' Housing Act of 1974 ---------- 67
Voter registration ---------- 62

W

Waiver requests: Relation to Budget Control and Impoundment Act ---- 90–91
War Powers Act of 1973 (Public Law 93–148) ---------- 53
Warren, Hon. Francis, Former U.S. Senator from the State of Wyoming -- 14
Water Pollution Control Act of 1965 ---------- 47, 63, 117, 120
Amendments of 1972 ---------- 58
Welfare ---------- 147–149
Revenue sharing ---------- 148
Wilson, Woodrow: Quoted in Congressional Government ---------- 5
Workload:
Related to size of committee ---------- 7
Related to number of assignments ---------- 6–7
Related to staffing ---------- 7

Z

Zablocki, Hon. Clement J., U.S. Congressman from the State of Wisconsin:
Jurisdictional proposals ---------- 158

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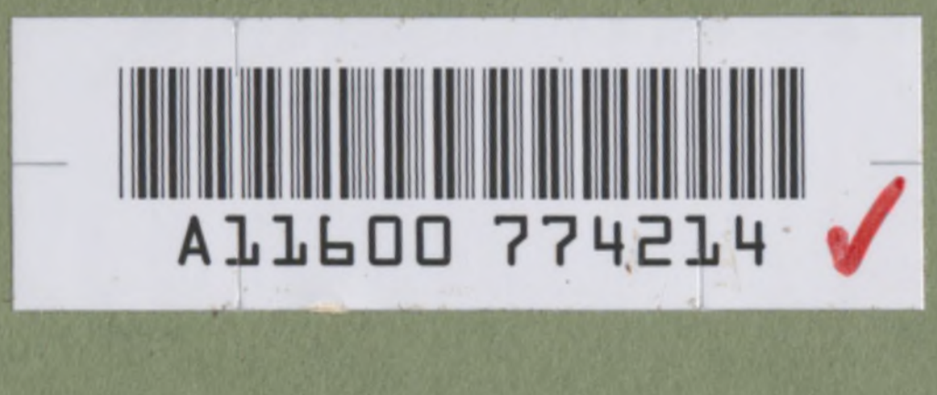
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