

## COMMITTEES

All Senate committees are creatures of the Senate, and their powers, duties, and responsibilities are determined by the Senate.

The committees of the Senate fall into one of the following classes: standing committees, select committees, and special committees. Of course, there are also joint committees made up of Members of both Houses.

The memberships of the standing committees of the Senate are appointed at the beginning of each Congress and any vacancy which occurs therein during that Congress is filled from time to time. "The said committees shall continue and have the power to act until their successors are appointed."

With certain exceptions the jurisdiction over all proposed legislation is divided among the various standing committees, and Rule XXV defines the jurisdiction of each. The jurisdiction of each, however, has been spelled out in some detail by the precedents and practices of the Senate, and the lines of demarcation of the jurisdictions of the committees have thus been more precisely established.

Every bill and resolution introduced in the Senate and every bill and resolution passed by the House and messaged to the Senate, every communication from the President and the administration to the Senate, including reports and proposals for legislation, and every petition and memorial from State legislatures and territorial legislative bodies, and every petition and memorial from the public at large, unless otherwise ordered by the Senate, is referred to one of the standing committees of the Senate, or in some special cases to a committee in one of the other categories (special, select, or joint committee) which has been given specific jurisdiction by the Senate over certain matters.

The reference of legislative proposals, messages, communications, petitions, or memorials to these committees is made on the basis of the predominance of the subject matter of the particular proposal to be referred, and through the use of omnibus legislative proposals, or communications of any type, much incidental matter gets referred to committees that would not otherwise go to them. In the case of comprehensive legislative proposals or other communications which cut across the lines of the jurisdictions of two or more committees, it is not uncommon in current Senate practices to get unanimous consent that such propositions be referred jointly to two or more committees, or to a said committee, and if and when reported by that committee, that it be referred to another committee, and then another. The disposition of proposed legislation under this situation depends upon the kind of consent asked for and granted by the Senate.

Legislative proposals referred to a standing committee remain actively pending before that committee until the end of the Congress in which the reference was made, or until the com-

mittee is discharged therefrom or they are reported by the committee to the Senate.

Standing committees of the Senate are authorized to make studies preparatory to legislation and to report proposed legislation. To carry out these objectives, they are provided with funds for staffs and other essential expenditures, and all of the standing committees have been granted subpoena power; special and select committees are usually given such power in their resolution of creation.

The functions and duties of select and special committees are more or less indistinguishable. These committees, as a common practice, are created to make studies or to conduct investigations, with a charge to report their findings back to the Senate. More recently several of these committees have been given limited legislative jurisdiction.

Whether such committees are labeled as special or select depends for all practical purposes on whether or not the resolution of creation designates them as such. Their operations and characteristics, in both categories, are usually indistinguishable. Their scope of authority, duties, functions, and responsibilities vary according to the provisions of the respective resolution of creation, but such variations are not necessarily determined on the basis that they are special or select.

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## Rule XXIV

### [Appointment of Committees]

1. In the appointment of the standing committees, or to fill vacancies thereon, the Senate, unless otherwise ordered, shall by resolution appoint the chairman of each such committee and the other members thereof. On demand of any Senator, a separate vote shall be had on the appointment of the chairman of any such committee and on the appointment of the other members thereof. Each such resolution shall be subject to amendment and to division of the question.

2. On demand of one-fifth of the Senators present, a quorum being present, any vote taken pursuant to paragraph 1 shall be by ballot.

3. Except as otherwise provided or unless otherwise ordered, all other committees, and the chairmen thereof, shall be appointed in the same manner as standing committees.

4. When a chairman of a committee shall resign or cease to serve on a committee, action by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, shall be only to fill up the number of members of the committee, and the election of a new chairman.

## Rule XXV

### [Standing Committees—Memberships and Regulations Thereon and Meetings]

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the

power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

- (a) COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY \* \* \*.
- (b) COMMITTEE ON APPROPRIATIONS \* \* \*.
- (c) COMMITTEE ON ARMED SERVICES \* \* \*.
- (d) COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS \* \* \*.
- (e) COMMITTEE ON THE BUDGET \* \* \*.
- (f) COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION \* \* \*.
- (g) COMMITTEE ON ENERGY AND NATURAL RESOURCES \* \* \*.
- (h) COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS \* \* \*.
- (i) COMMITTEE ON FINANCE \* \* \*.
- (j) COMMITTEE ON FOREIGN RELATIONS \* \* \*.
- (k) COMMITTEE ON GOVERNMENTAL AFFAIRS \* \* \*.
- (l) COMMITTEE ON THE JUDICIARY \* \* \*.
- (m) COMMITTEE ON LABOR AND HUMAN RESOURCES \* \* \*.
- (n) COMMITTEE ON RULES AND ADMINISTRATION \* \* \*.
- (o) COMMITTEE ON SMALL BUSINESS \* \* \*.
- (p) <sup>1</sup> COMMITTEE ON VETERANS' AFFAIRS \* \* \*.

2.<sup>2</sup> Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee:	<i>Members</i>
Agriculture, Nutrition, and Forestry .....	19
Appropriations .....	29
Armed Services .....	20
Banking, Housing, and Urban Affairs .....	21
Commerce, Science, and Transportation.....	20
Energy and Natural Resources.....	19
Environment and Public Works .....	16
Finance .....	20
Foreign Relations .....	19
Governmental Affairs.....	14
Judiciary .....	14
Labor and Human Resources.....	16

3. (a) <sup>3</sup> Except as otherwise provided by paragraph 4 of this rule, each of the following standing committees shall consist of the number of Senators set forth in the following table on the line on which the name of that committee appears:

Committee:	<i>Members</i>
Budget.....	23
Rules and Administration.....	16

<sup>1</sup> Redesignated as subparagraph (p) by S. Res. 101, 97-1, Mar. 25, 1981.

<sup>2</sup> As amended, S. Res. 13, 97-1, Jan. 5, 1981; S. Res. 365, 97-2, Apr. 20, 1982; S. Res. 380, 97-2, Apr. 27, 1982; S. Res. 6, 98-1, Jan. 3, 1983; S. Res. 20, 98-1, Jan. 27, 1983; S. Res. 53, 98-1, Feb. 3, 1983; S. Res. 338, 98-2, Feb. 9, 1984; S. Res. 74, 99-1, Feb. 21, 1985; S. Res. 14, 100-1, Jan. 6, 1987; S. Res. 211, 100-1, May 12, 1987; S. Res. 43, 101-1, Feb. 2, 1989.

<sup>3</sup> As amended, S. Res. 13, 97-1, Jan. 5, 1981; S. Res. 101, 97-1, Mar. 25, 1981; S. Res. 6, 98-1, Jan. 3, 1983; S. Res. 88, 99-1, Mar. 5, 1985; S. Res. 14, 100-1, Jan. 6, 1987; S. Res. 211, 100-1, May 12, 1987; S. Res. 43, 101-1, Feb. 2, 1989.

Small Business .....	19
Veterans' Affairs .....	11

(b) <sup>4</sup> Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Aging.....	19
Intelligence .....	15
Joint Economic Committee.....	10

(c) <sup>5</sup> Each of the following committees and joint committees shall consist of the number of Senators (or Senate members, in the case of a joint committee) set forth in the following table on the line on which the name of that committee appears:

Committee:	Members
Ethics.....	6
Indian Affairs.....	10
Joint Committee on Taxation .....	5

4. (a) Except as otherwise provided by this Paragraph—

(1) each Senator shall serve on two and no more committees listed in paragraph 2; and

(2) each Senator may serve on only one committee listed in paragraph 3 (a) or (b).

(b)(1) Each Senator may serve on not more than three subcommittees of each committee (other than the Committee on Appropriations) listed in paragraph 2 of which he is a member.

(2) Each Senator may serve on not more than two subcommittees of a committee listed in paragraph 3 (a) or (b) of which he is a member.

(3) Notwithstanding subparagraphs (1) and (2), a Senator serving as chairman or ranking minority member of a standing, select, or special committee of the Senate or joint committee of the Congress may serve ex officio, without vote, as a member of any subcommittee of such committee or joint committee.

(4) No committee of the Senate may establish any subunit of that committee other than a subcommittee, unless the Senate by resolution has given permission therefor. For purposes of this subparagraph, any subunit of a joint committee shall be treated as a subcommittee.

(c) By agreement entered into by the majority leader and the minority leader, the membership of one or more standing committees may be increased temporarily from time to time by such number or numbers as may be required to accord to the majority party a majority of the membership of all standing committees. When any such temporary increase is necessary to accord to the majority party a majority of the membership of all standing committees, members of the majority party in such number as may be required for that pur-

<sup>4</sup> As amended, S. Res. 13, 97-1, Jan. 5, 1981; S. Res. 24, 97-1, Jan. 19, 1981; S. Res. 101, 97-1, Mar. 25, 1981; S. Res. 338, 98-2, Feb. 9, 1984.

<sup>5</sup> As amended, S. Res. 448, 96-2, Dec. 11, 1980; S. Res. 88, 99-1, Mar. 5, 1985; S. Res. 14, 100-1, Jan. 6, 1987; S. Res. 100, 101-1, Apr. 11, 1989.

pose may serve as members of three standing committees listed in paragraph 2. No such temporary increase in the membership of any standing committee under this subparagraph shall be continued in effect after the need therefor has ended. No standing committee may be increased in membership under this subparagraph by more than two members in excess of the number prescribed for that committee by paragraph 2 or 3(a).

(d) A Senator may serve as a member of any joint committee of the Congress the Senate members of which are required by law to be appointed from a standing committee of the Senate of which he is a member, and service as a member of any such joint committee shall not be taken into account for purposes of subparagraph (a)(2).

(e)(1) No Senator shall serve at any time as chairman of more than one standing, select, or special committee of the Senate or joint committee of the Congress, except that a Senator may serve as chairman of any joint committee of the Congress having jurisdiction with respect to a subject matter which is directly related to the jurisdiction of a standing committee of which he is chairman.

(2) No Senator shall serve at any time as chairman of more than one subcommittee of each standing, select, or special committee of the Senate or joint committee of the Congress of which he is a member.

(3) A Senator who is serving as the chairman of a committee listed in paragraph 2 may serve at any time as the chairman of only one subcommittee of all committees listed in paragraph 2 of which he is a member and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 3 (a) or (b) of which he is a member. A Senator who is serving as the chairman of a committee listed in paragraph 3 (a) or (b) may not serve as the chairman of any subcommittee of that committee, and may serve at any time as the chairman of only one subcommittee of each committee listed in paragraph 2 of which he is a member. Any other Senator may serve as the chairman of only one subcommittee of each committee listed in paragraph 2, 3(a), or 3(b) of which he is a member.

(f) A Senator serving on the Committee on Rules and Administration may not serve on any joint committee of the Congress unless the Senate members thereof are required by law to be appointed from the Committee on Rules and Administration, or unless such Senator served on the Committee on Rules and Administration and the Joint Committee on Taxation on the last day of the Ninety-eighth Congress.

The remaining provisions of rule XXV, consist of the so-called "grandfather clauses," which provide exceptions to some of the restrictions contained in the rule. Since they are usually amended at the beginning of each Congress, they are omitted here.

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## Rule XXVI

### [Committee Procedure]

1.<sup>6</sup> Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.<sup>7</sup> The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee<sup>8</sup> shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress,<sup>9</sup> except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.<sup>10</sup>

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days or the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify

<sup>6</sup> As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981).

<sup>7</sup> Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Firms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

<sup>8</sup> The term "each committee" when used in these rules includes standing, select, and special committees unless otherwise specified.

<sup>9</sup> As amended, S. Res. 250, 101-1, Mar. 1, 1990.

<sup>10</sup> *Ibid.*

all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more

than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian.

The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all Committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, 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, each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9.<sup>11</sup> (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one year or two year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of

<sup>11</sup> As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Jan. 1, 1981); S. Res. 479, 100-2, Sept. 30, 1988.

the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed; and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken-through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. The paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District Columbia, within the jurisdiction of such committee or joint committee, are designed; and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on; so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

## Rule XXVII

### [Committee Staff]

1.<sup>12</sup> Staff members appointed to assist minority members of committees pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

2. The minority shall receive fair consideration in the appointment of staff personnel pursuant to authority of a resolution described in paragraph 9 of rule XXVI.

3.<sup>13</sup> The staffs of committees (including personnel appointed pursuant to authority of a resolution described in paragraph 9 of rule XXVI or other Senate resolution) should reflect the relative number of majority and minority members of committees. A majority of the minority members of any committee may, by resolution, request that at least one-third of all funds of the committee for personnel (other than those funds determined by the chairman and ranking minority member to be allocated for the administrative and clerical functions of the committee as a whole) be allocated to the minority members of such committee for compensation of minority staff as the minority members may decide. The committee shall thereafter adjust its budget to comply with such resolution. Such adjustment shall be equitably made over a 4-year period, commencing July 1, 1977, with not less than one-half being made in 2 years. Upon request by a majority of the minority members of any committee by resolution, proportionate space, equipment, and facilities shall be provided for much minority staff.

4. No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on Rules and Administration.

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<sup>12</sup> As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981). Pursuant to S. Res. 281, paragraph 1 of rule XXVII was repealed. Accordingly, subparagraphs (a), (b), (c), and (d) of paragraph 2 were renumbered as paragraphs 1, 2, 3, and 4, respectively.

<sup>13</sup> *Ibid.*

## Committee Memberships and Their Selections

### Assignments to Committees and How Made:

Rule XXV stipulates the number of members on each standing committee, but the memberships of standing committees may be increased or changed by amending the rule.<sup>14</sup>

Under Rule XXV, the membership on the standing committees shall be appointed at the commencement of each Congress; and Rule XXIV provides for the appointments to be made by ballot, but the usual practice is to adopt resolutions to make the appointments.<sup>15</sup> The Senate by motion may proceed by ballot to select the members of committees.<sup>16</sup>

A resolution to designate the majority chairmen and members of the committees of the Senate is in order under the rules unless otherwise ordered.<sup>17</sup>

The Senate may determine to proceed otherwise in making assignments.<sup>18</sup>

It is now customary for both parties to submit their respective slates for committee assignments on the same day at the same time for approval by the Senate, but in the 1st session of the 80th Congress, both slates having been submitted, the minority's was withdrawn and approved 2 days later, the majority slate having been approved when submitted.<sup>19</sup>

An order or resolution designating the chairmen and members of the committees of the Senate (or any individual Senator thereto), is subject to amendment by striking out and inserting other names,<sup>20</sup> but not subject to amendment by a motion proposing to increase the number of members on a particular committee;<sup>21</sup> such a

<sup>14</sup> Jan. 9, 1953, 83-1, *Record*, pp. 279, 280-81; Apr. 18, 1973, 93-1, *Record*, p. 12879; Jan. 4, 1973, 93-1, *Record*, pp. 318-19.

<sup>15</sup> In 1953 the Senate balloted for the election for the membership of the Committee on Armed Services (Jan. 13, 1953, 83-1, *Record*, pp. 327-52).

<sup>16</sup> Mar. 7, 1925, 69-Special Session of the Senate, *Record*, pp. 14-17; May 28, 1919, 66-1, *Journal*, p. 32, *Record*, pp. 314-27; Jan. 13, 1953, 83-1, *Record*, pp. 327-52.

<sup>17</sup> May 28, 1919, 66-1, *Journal*, p. 32, *Record*, pp. 314-27.

<sup>18</sup> Mar. 9, 1925, 68-2, *Journal*, pp. 302-03, *Record*, 69-1, pp. 41-63; in the 87th Congress a resolution was used for the appointment of members to the standing committees instead of an order; see Jan. 10-13, 1961, 87-1, *Record*, pp. 466, 467, 625, 671.

<sup>19</sup> Jan. 6, 1947, 80-1, *Record*, pp. 115-18; Jan. 8, 1947, 80-1, *Record*, p. 158.

<sup>20</sup> May 28, 1919, 66-1, *Journal*, p. 32, *Record*, pp. 314-27; Mar. 9, 1925, 69-1, *Record*, pp. 41-63, *Journal*, 68-2, pp. 302-03.

<sup>21</sup> Jan. 15, 1951, 82-1, *Record*, pp. 218-26; Jan. 13, 1953, 83-1, *Record*, p. 339.

motion is regarded as a motion to amend the rules and requires a 1-day notice in writing.<sup>22</sup>

A resolution to make committee assignments is open to amendment when considered; any Senator could substitute the name of another Senator for any other name in the resolution as long as the number of appointments for that said Senator does not exceed the limitation on the number of appointments a Senator may hold. This is true regardless of any so-called rule of seniority. A Democratic Senator could be proposed for that of a Republican Senator in a resolution making Republican committee assignments, or vice versa.<sup>23</sup> Such resolutions are privileged and debatable.

#### Chairmen—Selection of and Debatable:

Chairmen of committees are usually elected along with the memberships of their respective committees by the adoption of an order or resolution, but they may be voted on separately,<sup>24</sup> and such an order or resolution is subject to amendment by striking out and inserting.<sup>25</sup>

On demand, under Rule XXIV, any Senator may have a separate vote on the appointment of the chairman of each standing committee, and by ballot on demand of one-fifth of Senators present, a quorum being present (Rule XXIV, paragraph 2).<sup>26</sup>

In the 68th Congress, 1st session, numerous ballots were taken over a period of several days for the election of the chairman of the Committee on Interstate Commerce.<sup>27</sup>

In 1925, after a suspension of Rule XXIV, unanimous consent was granted that any Senator, when the roll was called for the selection of a particular chairman, should be permitted to vote for the candidate of his choice,<sup>28</sup> and Senators of the minority party were permitted to refrain from voting or to answer "Present."<sup>29</sup> After the vote, the Senator receiving a majority of the votes cast which was not a majority of those present including those answering

<sup>22</sup> Jan. 13, 1953, 83-1, *Record*, p. 339.

<sup>23</sup> Jan. 12, 1973, 93-1, *Record*, p. 927.

<sup>24</sup> May 23, 1919, 66-1, *Journal*, p. 32, *Record*, pp. 314-27.

<sup>25</sup> *Ibid.*

<sup>26</sup> Jan. 28, 1971, 92-1, *Record*, pp. 866-68.

<sup>27</sup> Dec. 10, 1923 and Jan. 9, 1924, 68-1, *Journal*, pp. 40, 41, 89, *Record*, pp. 156-58, 747.

<sup>28</sup> Mar. 9, 1925, 69-Special Session of Senate, 68-2, *Journal*, pp. 302-03, *Record*, pp.

41-63.

<sup>29</sup> *Ibid.*

“Present,” was declared to have been duly elected as such chairman.<sup>30</sup>

The question of the election of a chairman of a standing committee is debatable,<sup>31</sup> even if the motion was originally made prior to the hour of 2 o'clock.<sup>32</sup>

In one instance the Senate appointed an acting chairman of a committee.<sup>33</sup>

#### Division of the Question of Electing Membership:

See “Division of Pending Question,” pp. 807–812.

#### Members Serve Until Successors Appointed:

The said committees shall continue and have the power to act until their successors are appointed.<sup>34</sup>

Prior to the appointment of the members of committees at the beginning of a Congress, the members of the standing committees of the preceding Congress have power to act until their successors are appointed; of course, a quorum of the total membership would have to be present.<sup>35</sup>

#### Privileged Consideration and Debatable:

A resolution to make committee assignments is debatable, and the consideration of such a resolution under the precedents of the Senate is privileged.<sup>36</sup>

An order or resolution making assignments to standing committees is a privileged matter and, therefore, can be brought up at any time, with certain exceptions; it may not interrupt the disposition of the *Journal*.<sup>37</sup> In 1894, on one occasion after a motion designating a Senator to fill a vacancy to a standing committee had been objected to as not being privileged, the mover of the resolution, while asserting its privileged character consented that it might lie over a day under the rule.<sup>38</sup>

<sup>30</sup> *Ibid.*

<sup>31</sup> Dec. 11 and 19, 1923, 68–1, *Journal*, pp. 46, 70, *Record*, pp. 234, 428.

<sup>32</sup> *Ibid.*

<sup>33</sup> Mar. 5, 1897, 55–Special Session of Senate, *Record*, p. 5.

<sup>34</sup> Rule XXV, paragraph 1; Dec. 9, 1931, 72–1, *Record*, pp. 214–15; Apr. 28, 1911, 62–1, *Record*, p. 715; see Jan. 17, 1921, 66–3, *Journal*, p. 58, *Record*, p. 1491.

<sup>35</sup> See Jan. 21, 1963, 88–1, *Record*, pp. 659–62.

<sup>36</sup> Jan. 12, 1973, 93–1, *Record* (daily), pp. S496–97.

<sup>37</sup> Nov. 17, 1942, 77–2, *Record*, pp. 8919–20; Nov. 18, 1942, 77–2, *Record*, p. 8923; Jan. 15, 1951, 82–1, *Record*, p. 218; June 10, 1913, 63–1, *Record*, p. 1935; Dec. 10, 1883, 48–1, *Record*, p. 49; see also Apr. 28, 1911, 62–1, *Record*, p. 713; Apr. 27, 1911, 62–1, *Record*, p. 662.

<sup>38</sup> Aug. 17, 1894, 53–2, *Record*, p. 8599.

An order providing for assignments of members to committees is debatable.<sup>39</sup>

#### **Resignation:**

In the 1st session of the 72d Congress Senator Huey P. Long of Louisiana resigned from the committee to which he had been appointed; a few days later, the letter submitting the resignation having been ordered to lie on the table at the time it was submitted, at the request of the majority leader, the resignation was accepted.<sup>40</sup> In the 2d session of the 79th Congress, Senator Wayne Morse of Oregon, announced his resignation to the leader of his party and 2 days later, after an objection was made to a unanimous consent request that he be relieved of further membership thereon, the resignation was left in abeyance.<sup>41</sup> In the 2d session of the 51st Congress, the Senate declined to accede to the request of a Senator to resign from his committee assignment.<sup>42</sup>

#### **Size of Committees:**

Orders or resolutions providing for assignment of Members to committees is not open to amendment to increase the size of the committees since that would be a change in the Senate rules,<sup>43</sup> nor would a motion to increase the number of members above the authorized membership be in order on the same basis.<sup>44</sup>

#### **Committee To Advise President of Quorum To Do Business:**

*See under "President of the United States," p. 1010.*

#### **Consideration by Senate of Matters Before Committee:**

The Senate may not proceed to the consideration of business pending before a committee until the committee

<sup>39</sup> Jan. 13, 1953, 83-1, *Record*, p. 328.

<sup>40</sup> Apr. 29, 1932, 72-1, *Journal*, p. 437, *Record*, p. 9214; May 3, 1932, 72-1, *Journal*, p. 443, *Record*, p. 9453.

<sup>41</sup> May 25, 1946, 79-2, *Record*, pp. 5718-19; May 27, 1946, 79-2, *Record*, pp. 5818-19.

<sup>42</sup> Mar. 4, 1891, 51-2, *Record*, p. 3914; *see also* Jan. 10, 1924, 68-1, *Record*, pp. 778-79.

<sup>43</sup> Jan. 15, 1951, 82-1, *Record*, pp. 218-26.

<sup>44</sup> Jan. 13, 1953, 83-1, *Record*, p. 339. An amendment to the rules requires a day's notice.

is discharged therefrom. See "Business Pending Before Committee," p. 661.

### **Criticism of Committee Proceedings by Senate:**

Criticism of the action of a committee in general is not violation of the rules as to motives.<sup>45</sup>

In 1902, the Chair ruled that it is not in order, under the unwritten rule or custom of the Senate, to refer in debate to proceedings of a committee in its consideration of a bill,<sup>46</sup> nor is it in order to allude to proceedings which took place in a committee except upon a motion to recommit the report.<sup>47</sup>

It has been held out of order in legislative session, in connection with a nomination pending before the Senate, for a Senator to read and comment on documents relating thereto which came before the committee in executive session.<sup>48</sup>

### **Discharge of Committees:**

See "Discharge of Committees," pp. 802-806.

### **Expenditures by:**

See also "Contingent Fund," pp. 691-692.

The procedure for the determination of expenditures by each of the Senate committees for its cost of operation is set forth in Rule XXVI, paragraphs 1 and 9, as follows:

1.<sup>49</sup> Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the

<sup>45</sup> See Oct. 13, 1949, 81-1, *Record*, pp. 14403-04.

<sup>46</sup> June 23, 1902, 57-1, *Record*, p. 7200.

<sup>47</sup> May 14, 1884, 48-1, *Record*, p. 4142.

<sup>48</sup> Jan. 27, 1925, 68-2, *Journal*, p. 119, *Record*, pp. 2514-15.

<sup>49</sup> As amended, S. Res. 281, 96-2, Mar. 11, 1980 (effective Feb. 28, 1981).

committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.<sup>50</sup>

9.<sup>51</sup> (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.<sup>52</sup>

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one year or two year budget period.

### Hearings and Investigations:

*See also* “Witnesses Before Committees,” pp. 428–429; “Investigations and Inquiries,” pp. 881–890.

Under the provisions of Rule XXVI, committees are authorized to hold hearings and make investigations as set forth below:

1.<sup>53</sup> Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make

<sup>50</sup> Rule XXVI, paragraph 1.

<sup>51</sup> As amended, S. Res. 479, 100–2, Sept. 30, 1988.

<sup>52</sup> Rule XXVI, paragraph 9.

<sup>53</sup> As amended, S. Res. 281, 96–2, Mar. 11, 1980 (effective Feb. 28, 1981).

such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration.<sup>54</sup> The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee<sup>55</sup> shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than thirty days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meetings days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before

<sup>54</sup> Pursuant to section 68c of title 2, United States Code, the Committee on Rules and Administration issues "Regulations Governing Rates Payable to Commercial Reporting Firms for Reporting Committee Hearings in the Senate." Copies of the regulations currently in effect may be obtained from the Committee.

<sup>55</sup> The term "each committee" when used in these rules includes standing, select, and special committees unless otherwise specified.

the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.<sup>56</sup>

\* \* \* \* \*

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

### Hearings, Printing of:

Rule XVII, paragraph 5, and Rule XXVI, paragraph 4(c) provide:

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate.

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4. (c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

<sup>56</sup> Rule XXVI, paras. 1, 2, 3 and 4.

### Instructions to Committees:

The Senate "by a majority vote" can give "any instructions" to a committee.<sup>57</sup>

When a measure is pending before the Senate, a motion to refer that measure to a committee with instructions to report back under certain conditions is in order, but when a measure is pending before the Senate, a motion to instruct a committee to report not later than a certain date a resolution pending before the committee is not in order; motions to discharge, on objections, must lie over one day.<sup>58</sup>

### Investigations—Reports on:

See "Reports," pp. 1176-1201.

### Joint Committees:

See "Joint Committees," p. 891.

### Jurisdiction of Committees:

See also "Standing and Special Committees and Their Jurisdictions," pp. 413-428.

A motion to refer to the Judiciary Committee a bill, S. 271, to repeal Section 222 of the Communications Act of 1934, which had been reported from the Commerce, Science and Transportation Committee was rejected.<sup>59</sup>

A colloquy between the chairmen of the Committee on Commerce, Science and Transportation and Environment and Public Works expressed their understanding that the Commerce Committee would have jurisdiction over the Fisheries Loan Fund, the Public Works Committee would have jurisdiction over the preponderance of the Fish and Wildlife Act of 1956 and that the Anadromous Fish Act should be jointly referred to both committees.<sup>60</sup>

<sup>57</sup> May 2, 1951, 82-1, *Record*, p. 4693. For a discussion concerning the power of the Senate to countermand an order of a joint committee for executive hearings on a matter, see proceedings for May 2, 1951, 82-1, *Record*, p. 4693. The Chair on that occasion stated that the granting of a unanimous consent request did not in any manner change the rules of the Senate, but simply gave the consent of the Senate for the said purpose in that instance.

<sup>58</sup> Jan. 13, 1953, 83-1, *Record*, p. 351.

<sup>59</sup> June 2, 1981, 97-1, *Record*, pp. 11109-18.

<sup>60</sup> Dec. 17, 1982, 97-2, *Record*, p. 31647.

**Legislative Review by:**

Under Rule XXVI, paragraph 8, each standing committee is required to conduct on a continuing basis legislative oversight of the governmental agencies falling within its jurisdiction, including the application, administration, and the execution of the laws as set forth below:

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, 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,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

**Life of Committee Extended To File Report:**

In 1947, the Chair ruled that a resolution can subsequently revive a committee for an extension of time for reporting purposes, even if its life had previously expired.<sup>61</sup>

**Majority and Minority Witnesses:**

See "Witnesses Before Committees," pp. 428-429.

**Meetings of Committees:**

Each standing committee of the Senate, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such time and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolu-

<sup>61</sup> Jan. 31, 1947, 80-1, *Record*, pp. 715-16.

tions of the Senate.<sup>62</sup> Committees are commonly given additional funds by the adoption of resolutions to that effect. *See* under “Expenditures by,” pp. 399–400.

Generally speaking, all committee meetings, with very few exceptions, are now open to the public. Note the following provisions from Rule XXVI:

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.<sup>63</sup>

The committees are free to determine if their hearings are to be broadcast, as set forth below:

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by

<sup>62</sup> Rule XXVI, para. 1.

<sup>63</sup> Rule XXVI, para. 5(b).

radio or television, or both, under such rules as the committee or subcommittee may adopt.<sup>64</sup>

Under Rule XXVI, paragraph 5(a), no committee or subcommittee thereof, except the Committees on Appropriations and the Budget, shall sit "without special leave" while the Senate is in session after the conclusion of the first two hours "after the meeting of the Senate commenced and in no case after two o'clock postmeridian,"<sup>65</sup> and any action taken by a committee during a meeting proscribed by this rule is null, void, and of no effect;<sup>66</sup> unless the two leaders agree to authorize such a meeting and make such announcement to the Senate which announcement is highly privileged with the same priority as the filing of a cloture motion.<sup>67</sup> Such announcement was made for the Foreign Relations Committee on July 28, 1977,<sup>68</sup> and again on September 28, 1977, for a subcommittee of the Committee on the Judiciary.<sup>69</sup>

A nomination reported by a committee when it did not have authority to meet is subject to a point of order, and the point of order may be made pending a decision by the Senate to take up the nomination.<sup>70</sup> A nomination reported from committee when it was not authorized to meet is not properly before the Senate and, on a point of order, will be returned to that committee.<sup>71</sup> Note the following provisions of the rule:

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee) The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.<sup>72</sup>

<sup>64</sup> Rule XXVI, para. 5(c).

<sup>65</sup> Mar. 17, 1977, 95-1, *Record*, p. 8018.

<sup>66</sup> Dec. 6, 1982, 97-2, *Record*, p. 28801.

<sup>67</sup> July 13, 1978, 95-2, *Record*, pp. 20793-842.

<sup>68</sup> See July 28, 1977, 95-1, *Record*, p. 25439.

<sup>69</sup> See Sept. 28, 1977, 95-1, *Record*, p. 31416.

<sup>70</sup> Aug. 3, 1987, 100-1, *Record*, p. S 11112.

<sup>71</sup> Oct. 28, 1987, 100-1, *Record*, p. S 15337.

<sup>72</sup> Rule XXVI, paragraph 5(a).

The rule applies to subcommittees of standing committees.<sup>73</sup>

Any permission for committees to meet while the Senate is in session granted by unanimous consent would have to be renewed each day unless the particular request granted gave permission for the specified committees to meet for longer periods of time.<sup>74</sup>

For example, by unanimous consent of the Senate on January 5, 1981, the Select Committee on Ethics was given permission to meet at any time while the Senate was sitting for the duration of the 97th Congress.<sup>75</sup>

Permission to sit while the Senate is in session includes all meetings whether for hearings or the transaction of business,<sup>76</sup> and the leaders have expressed the view that any action by a committee while the Senate is in session, without its permission, is null and void.<sup>77</sup>

Leave is usually granted under unanimous consent procedure,<sup>78</sup> which procedure can be blocked by a single objection,<sup>79</sup> but any objection to a meeting must be made at the time each specific request is made; such objection may not be lodged against all requests to be made in the future.<sup>80</sup> Leave to sit, however, may be granted by a majority vote.<sup>81</sup> A motion that a committee be permitted to sit on a said date is debatable and privileged.<sup>82</sup>

The Appropriations Committee, on different occasions, has been given permission to sit while the Senate is sitting for the entire Congress or for entire sessions of the Congress,<sup>83</sup> as well as for briefer periods of time.<sup>84</sup>

The Vice President, in 1949, without making a final decision, announced tentatively that a motion to grant such a leave was debatable and that it had a privileged status over the pending business.<sup>85</sup>

<sup>73</sup> Feb. 1, 1954, 83-2, *Record*, pp. 1048-49.

<sup>74</sup> Feb. 25, 1975, 94-1, *Record*, pp. 4204-06.

<sup>75</sup> Jan. 5, 1981, 97-1, *Record*, p. 10.

<sup>76</sup> June 17, 1960, 86-2, *Record*, p. 12967; see Feb. 25, 1957, 85-1, *Record*, p. 2494.

<sup>77</sup> See May 23, 1961, 87-1, *Record*, p. 8617.

<sup>78</sup> Jan. 8, 1947, 80-1, *Record*, pp. 159-60.

<sup>79</sup> Mar. 5, 1948, 80-2, *Record*, p. 2188.

<sup>80</sup> See Feb. 29, 1960, 86-2, *Record*, p. 3710. The citations in footnotes 80-82 refer to the procedure in the Senate prior to the amendment of the rule as now set forth in Rule XXVI, paragraph 5.

<sup>81</sup> Apr. 6, 1949, 81-1, *Record*, p. 3964; see also Feb. 23, 1960, 86-2, *Record*, pp. 3222-23.

<sup>82</sup> See Feb. 2, 1966, 89-2, *Record*, p. 1868.

<sup>83</sup> See Jan. 23, 1959, 86-1, *Record*, p. 1065; Jan. 18, 1960, 86-2, *Record*, pp. 587-88; Jan. 17, 1961, 87-1, *Journal*, p. 51; Jan. 15, 1962, 87-2, *Record*, p. 155; Mar. 16, 1967, 90-1, *Record*, p. 7011; Jan. 23, 1979, 96-1, *Journal*, p. 27.

<sup>84</sup> Apr. 5, 1949, 81-1, *Record*, p. 3857; see also Aug. 8, 1960, 86-2, *Record*, p. 15928; July 23, 1962, 87-2, *Record*, p. 14521.

<sup>85</sup> Apr. 6, 1949, 81-1, *Record*, p. 3964; see Apr. 10, 1953, 83-1, *Record*, p. 2945.

When the Senate is in adjournment for a certain period, committees or subcommittees may hold meetings in the meantime without obtaining consent of the Senate.<sup>86</sup>

In 1951, two standing committees of the Senate which had been previously authorized to hold joint hearings were constituted to be one committee with all powers conferred upon standing committees,<sup>87</sup> and in 1954 two standing committees were authorized to investigate a matter jointly.<sup>88</sup>

### Meeting of Committees—Motions for, Debatable and Privileged:

A motion when in order to authorize a committee to meet while the Senate is in session would be debatable.<sup>89</sup>

The Vice President in 1963 stated, in his opinion, that a motion to give a committee leave to sit for a day would, of necessity, appear to "be privileged but debatable." The time problem would seem to make it necessary that such a motion be considered privileged since otherwise the motion or resolution would have to lie over a day. "A motion to permit a committee to meet while the Senate is in session over a long period of time would appear to be a suspension or change of the rules and would not be entitled to a privileged status."<sup>90</sup>

### Original Bills Reported by:

Committees may report original bills or bills in lieu of those referred to them. See "First and Second Reading Before Reference," pp. 241-243.

A committee cannot report a particular bill which was ordered placed on the Calendar without being referred; but it may report the identical text of such bill as an original bill, which is given a new number and read twice before being considered.<sup>91</sup>

In 1939, a resolution was reported as a substitute for two resolutions pending in the committee.<sup>92</sup>

<sup>86</sup> See Apr. 10, 1952, 82-2, *Record*, p. 3955.

<sup>87</sup> May 1, 1951, 82-1, *Record*, p. 4561.

<sup>88</sup> June 1, 1954, 83-2, *Journal*, p. 340.

<sup>89</sup> See Feb. 23, 1960, 86-2, *Record*, pp. 3222-23; Feb. 25, 1975, 94-1, *Record*, pp. 4204-06. The words "when in order" were inserted by the order because of the contingencies involved set forth in the rule as currently amended as opposed to the language of the rule at the time the Chair rendered his advice.

<sup>90</sup> Oct. 3, 1963, 88-1, *Record*, pp. 18620-22.

<sup>91</sup> Oct. 3 and 9, 1888, 50-1, *Record*, pp. 9315, 9329.

<sup>92</sup> Feb. 9, 1939, 76-1, *Record*, p. 1274.

### Polling of Committees To Approve Reports:

The reports of any committee on any "measure or matter or recommendation" to be filed with the Senate must be approved by the committee with "a majority of the committee \* \* \* physically present." "The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members who are present." The rule, however, also permits proxies by members of the committee within the confines of the rule if the committee adopts rules to that effect. The rule is silent on the polling of committees but the restrictions in the rule placed on the committees in voting to report measures or matters to the Senate would invalidate a report filed by a committee when only approved by polling the membership thereon. The pertinent provisions of the rules are as follows:

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

\* \* \* \* \*

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Acting by any committee in reporting any measure or matter in accordance with the requirements of this subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.<sup>93</sup>

In 1919, on appeal, the Senate decided that a bill alleged to have been reported by a committee as the result of a poll of its members was properly upon the Calendar.<sup>94</sup> In

<sup>93</sup> Rule XXVI, paragraph 7.

<sup>94</sup> Sept. 23, 24 and 25, 1919, 66-1, *Journal*, pp. 212-14, *Record*, pp. 5769-76, 5840-41, 5889-99; June 20, 1945, 79-1, *Record*, p. 6365.

1913, an original resolution submitted as a report of a committee, upon which the committee as such had not acted, but which, upon a poll, was endorsed by a majority of the members thereof, was, upon objection, referred to the committee for formal action thereon.<sup>95</sup>

The President pro tempore in 1941 overruled a point of order that a nomination reported by polling a committee, and where the committee did not meet, was erroneously reported.<sup>96</sup> However, recent practices and Rule XXVI paragraph 7 would require the Chair to sustain such a point of order.<sup>97</sup>

#### **Preamble Amended by:**

*See* "Preambles," pp. 1005-1007.

#### **Proxy Voting:**

*See also* "Vote of Committee To Report," pp. 1197-1200.

Under Rule XXVI, "No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded."

The use of proxies in committees is not in order for the purpose of constituting a quorum as ruled by the Chair on July 31, 1963.<sup>98</sup>

#### **Quorum of:**

Under Rule XXVI, "each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee";<sup>99</sup> except that no measure or recommendation shall be reported from any such committee "unless a majority

<sup>95</sup> Mar. 17, 1913, 63-Special Session, *Record*, pp. 29-30.

<sup>96</sup> Jan. 2, 1941, 76-3, *Record*, pp. 14021-27.

<sup>97</sup> May 15, 1987, 100-1, *Record*, p. S 6553; Apr. 10, 1964, 88-2, *Record*, p. 7506; *See* Apr. 6, 1964, 88-2, *Record*, p. 6951.

<sup>98</sup> July 31, 1963, 88-1, *Record*, pp. 13791-94.

<sup>99</sup> Rule XXVI, para. 7.

of the committee were physically present,"<sup>100</sup> but the requirement that a committee have a physical quorum present to report out a matter or measure (Rule XXVI, Paragraph 7(a)(1)) is subject to a motion to suspend the rules by the Senate.<sup>101</sup>

Each standing committee or subcommittee thereof is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.<sup>102</sup>

In 1914 a report on a bill was challenged on the ground that it was approved by the committee with less than a quorum present, and after debate, it was recommitted.<sup>103</sup>

### **Recommit—Bills Recommitted To:**

See "Recommit," pp. 1106-1123.

### **Records Kept by:**

Rule XXVI, paragraph 7(b), provides:

Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

### **References to:**

See "References to Committees," pp. 1150-1169; see also "Standing and Special Committees, and Their Jurisdictions," pp. 413-428.

### **Reports, Administrative Reports and Assistance to Committees on Proposed Legislation:**

The following, quoted from 31 U.S.C. 719, 720 and 734 sets forth the law on supplying reports and giving aid to congressional committees:

<sup>100</sup> Rule XXVI, para. 7; see also Apr. 10 and 12, 1912, 62-2, *Record*, pp. 4522-26, 4624; July 8, 1913, 65-2, *Journal*, p. 307, *Record*, pp. 8864-67; for decisions before adoption of above provisions of Rules, see Nov. 13, 1942, 77-2, *Record*, pp. 8814-37.

<sup>101</sup> June 2, 1981, 97-1, *Record*, p. 11109.

<sup>102</sup> Rule XXVI, paragraph 7(a)(2).

<sup>103</sup> June 25 and 26, 1914, 63-2, *Record*, pp. 11116-17, 11166-72.

**[Assistance by General Accounting Office to  
Congressional Committees]**

On request of a committee of Congress, the Comptroller General shall explain to and discuss with the committee or committee staff a report the Comptroller General makes that would help the committee—

- (1) evaluate a program or activity of an agency within the jurisdiction of the committee; or
- (2) in its consideration of proposed legislation.

**[General Accounting Office Reports to Committees of  
Congress]**

When the Comptroller General submits a report to Congress, the Comptroller General shall deliver copies of the report to—

- (1) the Committees on Governmental Affairs and Appropriations of the Senate;
- (2) the Committees on Government Operations and Appropriations of the House;
- (3) a committee of Congress that requested information on any part of a program or activity of a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government that is the subject of any part of a report; and
- (4) any other committee of Congress requesting a copy.

**[General Accounting Office Monthly and Annual  
Reports to Committees and Members on Request]**

- (1) The Comptroller General shall prepare—
  - (A) each month a list of reports issued during the prior month; and
  - (B) at least once each year a list of reports issued during the prior 12 months.
- (2) A copy of each list shall be sent to each committee of Congress and each member of Congress. On request, the Comptroller General promptly shall provide a copy of a report to a committee or member.

**[Assignment of General Accounting Office Employees  
With Committees]**

The Comptroller General may assign or detail an officer or employee of the General Accounting Office to full-time continuous duty with a committee of Congress for not more than one year.

**[Agency Reports]**

(a) In this section, “agency” means a department, agency, or instrumentality of the United States Government (except a mixed-ownership Government corporation) or the District of Columbia government.

(b) When the Comptroller General makes a report that includes a recommendation to the head of an agency, the head of the agency shall submit a written statement on action taken on the recommen-

dation by the head of the agency. The statement shall be submitted to—

(1) the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House of Representatives before the 61st day after the date of the report; and

(2) the Committees on Appropriations of both Houses of Congress in the first request for appropriations submitted more than 60 days after the date of the report.

### **Reports by:**

*See* "Reports," pp. 1176-1201.

### **Rules by, on Proxy and Voting:**

Rule XXVI, paragraph 7(a)(3) provided that—

No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded.

### **Rules of:**

Under Rule XXVI, paragraph 2,

2. Each committee <sup>104</sup> shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of each year, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than 60 days after such establishment. An amendment to the rules of any such committee shall be published in the Congressional Record not later than 30 days after the adoption of such amendment. If the Congressional Record is not published on the last day of any period referred to above, such period shall be extended until the first day thereafter on which it is published.

## **Standing and Special Committees and Their Jurisdictions**

### **(A) Standing Committees:**

Under Rules XXV and XXXI, all proposed legislation, messages, petitions, memorials, and other matters, and nominations shall be referred to one of the standing com-

<sup>104</sup> The term "each committee" when used in these rules includes standing, select, and special committees unless otherwise specified.

mittees according to their respective jurisdictions as set forth below:<sup>105</sup>

(a)(1) **Committee on Agriculture, Nutrition, and Forestry**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating primarily to the following subjects:

1. Agricultural economics and research.
2. Agricultural extension services and experiment stations.
3. Agricultural production, marketing, and stabilization of prices.
4. Agriculture and agricultural commodities.
5. Animal industry and diseases.
6. Crop insurance and soil conservation.
7. Farm credit and farm security.
8. Food from fresh waters.
9. Food stamp programs.
10. Forestry, and forest reserves and wilderness areas other than those created from the public domain.
11. Home economics.
12. Human nutrition.
13. Inspection of livestock, meat, and agricultural products.
14. Pests and pesticides.
15. Plant industry, soils, and agricultural engineering.
16. Rural development, rural electrification, and watersheds.
17. School nutrition programs.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to food, nutrition, and hunger, both in the United States and in foreign countries, and rural affairs, and report thereon from time to time.

(b) **Committee on Appropriations**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Appropriation of the revenue for the support of the Government, except as provided in subparagraph (e).
2. Rescission of appropriations contained in appropriation Acts (referred to in section 105 of title 1, United States Code).
3. The amount of new spending authority described in section 401(c)(2) (A) and (B) of the Congressional Budget Act of 1974 which is to be effective for a fiscal year.
4. New spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 provided in bills and resolutions referred to the committee under section 401(b)(2) of that Act (but subject to the provisions of section 401(b)(3) of that Act).

(c)(1) **Committee on Armed Services**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

<sup>105</sup> Before the adoption of S. Res. 4, on Feb. 4, 1977, establishing the jurisdiction of Senate committees, a unanimous consent order was agreed to directing the arrangement of committee jurisdictions alphabetically (*Cong. Rec.*, 95-1, p. 3688); when recodified on Nov. 14, 1979, the Senate readopted these jurisdictions.

1. Aeronautical and space activities peculiar to or primarily associated with the development of weapons systems or military operations.
2. Common defense.
3. Department of Defense, Department of the Army, Department of the Navy, and Department of the Air Force, generally.
4. Maintenance and operation of the Panama Canal, including administration, sanitation, and government of the Canal Zone.
5. Military research and development.
6. National security aspects of nuclear energy.
7. Naval petroleum reserves, except those in Alaska.
8. Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces, including overseas education of civilian and military dependents.
9. Selective service system.
10. Strategic and critical materials necessary for the common defense.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the common defense policy of the United States, and report thereon from time to time.

The following matters were referred to the Committee on Armed Services, the question of reference having been raised:

(1) Bill establishing a single Department of National Defense (S. 758 of 80th Cong.), as well as the message by the President on the same;<sup>106</sup>

(2) A resolution authorizing an investigation of the manpower problem (S. Res. 183 of 78th Cong.);<sup>107</sup>

(3) Bills authorizing a civil defense program (S. 4217, S. 4219, of 81st Cong.);<sup>108</sup>

(4) A joint resolution prohibiting the War Assets Administration from disposing of Big Inch and Little Inch Pipe Lines until 6 months after a report of the Federal Power Commission thereon (S. J. Res. 34).<sup>109</sup>

(d)(1) **Committee on Banking, Housing, and Urban Affairs**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Banks, banking, and financial institutions.
2. Control of prices of commodities, rents, and services.
3. Deposit insurance.
4. Economic stabilization and defense production.
5. Export and foreign trade promotion.
6. Export controls.

<sup>106</sup> Jan. 27, 1947, 80-1, *Record*, p. 594; Feb. 26, 1947, 80-1, *Journal*, pp. 111-12, *Record*, pp. 1413-14; Mar. 3, 1947, 80-1, *Journal*, p. 123, *Record*, pp. 1599-1607.

<sup>107</sup> Oct. 1, 1943, 78-1, *Record*, pp. 7968-69.

<sup>108</sup> Dec. 1, 1950, 81-2, *Record*, p. 16043.

<sup>109</sup> Jan. 15, 1947, 80-1, *Record*, p. 361.

7. Federal monetary policy, including Federal Reserve System.
8. Financial aid to commerce and industry.
9. Issuance and redemption of notes.
10. Money and credit, including currency and coinage.
11. Nursing home construction.
12. Public and private housing (including veterans' housing).
13. Renegotiation of Government contracts.
14. Urban development and urban mass transit.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to international economic policy as it affects United States monetary affairs, credit, and financial institutions; economic growth, urban affairs, and credit, and report thereon from time to time.

The following matter was referred to the Committee on Banking, Housing, and Urban Affairs, the question of reference having been raised:

Resolution creating a Special Committee on Small Business (S. Res. 58 and 55 of 81st Cong.); <sup>110</sup> the Chair held that investigatory resolutions should first be referred to substantive committees and later to the Rules and Administration Committee.

The authority of the committee to report a small business investment bill, containing a section amending the Internal Revenue Code, was challenged but overruled by the Chair on the ground that the bill was not a revenue bill within the meaning of the Constitution—that provision being only incidental to the main purpose of the bill. <sup>111</sup>

A joint resolution to liquidate and dissolve the Petroleum Reserve Corporation, referring to powers created under the Reconstruction Finance Corporation, was sent to the Committee on Banking and Currency after a question was raised about sending it to Interstate and Foreign Commerce Committee. <sup>112</sup>

(e)(1) **Committee on the Budget**, to which committee shall be referred all concurrent resolutions on the budget (as defined in section 3(a)(4) of the Congressional Budget Act of 1974) and all other matters required to be referred to that committee under titles III and IV of that Act, and messages, petitions, memorials, and other matters relating thereto.

(2) Such committee shall have the duty—

(A) to report the matters required to be reported by it under titles III and IV of the Congressional Budget Act of 1974;

<sup>110</sup> Feb. 8, 1949, 81-1, *Record*, p. 968; Feb. 7 and 8, 1949, 81-1, *Journal*, p. 96, *Record*, pp. 835, 838, 844-47, 988-1005.

<sup>111</sup> June 9, 1958, 85-2, *Record*, pp. 10504, 10523-25.

<sup>112</sup> Mar. 6, 1945, 79-1, *Record*, p. 1763.

(B) to make continuing studies of the effect on budget outlays of relevant existing and proposed legislation and to report the results of such studies to the Senate on a recurring basis;

(C) to request and evaluate continuing studies of tax expenditures, to devise methods of coordinating tax expenditures, policies, and programs with direct budget outlays, and to report the results of such studies to the Senate on a recurring basis; and

(D) to review, on a continuing basis, the conduct by the Congressional Budget Office of its functions and duties.

(f)(1) **Committee on Commerce, Science, and Transportation**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coast Guard.
2. Coastal zone management.
3. Communications.
4. Highway safety.
5. Inland waterways, except construction.
6. Interstate commerce.
7. Marine and ocean navigation, safety, and transportation, including navigational aspects of deepwater ports.
8. Marine fisheries.
9. Merchant marine and navigation.
10. Nonmilitary aeronautical and space sciences.
11. Oceans, weather, and atmospheric activities.
12. Panama Canal and interoceanic canals generally, except as provided in subparagraph (c).
13. Regulation of consumer products and services, including testing related to toxic substances, other than pesticides, and except for credit, financial services, and housing.
14. Regulation of interstate common carriers, including railroads, buses, trucks, vessels, pipelines, and civil aviation.
15. Science, engineering, and technology research and development and policy.
16. Sports.
17. Standards and measurement.
18. Transportation.
19. Transportation and commerce aspects of Outer Continental Shelf lands.

(2) Such committee shall also study and review, on a comprehensive basis, all matters relating to science and technology, oceans policy, transportation, communications, and consumer affairs, and report thereon from time to time.

The following matters were referred to the above committee, the question of reference having been raised:

(1) A bill to amend the Federal Trade Commission Act with respect to certain contracts and agreements which establish minimum or stipulated resale prices and which are extended by State law—to persons who are not parties to such contracts and agreements, and for certain other

purposes—the so-called Fair Trade Act (H.R. 5767 of 82d Cong.); <sup>113</sup>

(2) The nomination of Burton N. Behling to be a member of the Federal Power Commission; <sup>114</sup>

(3) The matter having been raised, a bill which predominantly dealt with cigarette labeling requirements was stated to be in the jurisdiction of the Committee on Commerce, Science and Transportation. <sup>115</sup>

(g)(1) **Committee on Energy and Natural Resources**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Coal production, distribution, and utilization.
2. Energy policy.
3. Energy regulation and conservation.
4. Energy related aspects of deepwater ports.
5. Energy research and development.
6. Extraction of minerals from oceans and Outer Continental Shelf lands.
7. Hydroelectric power, irrigation, and reclamation.
8. Mining education and research.
9. Mining, mineral lands, mining claims, and mineral conservation.
10. National parks, recreation areas, wilderness areas, wild and scenic rivers, historical sites, military parks and battlefields, and on the public domain, preservation of prehistoric ruins and objects of interest.
11. Naval petroleum reserves in Alaska.
12. Nonmilitary development of nuclear energy.
13. Oil and gas production and distribution.
14. Public lands and forests, including farming and grazing thereon, and mineral extraction therefrom.
15. Solar energy systems.
16. Territorial possessions of the United States, including trusteeships.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to energy and resources development, and report thereon from time to time.

The following bills were referred to the above committee (formerly the Committee on Interior and Insular Affairs), the question of reference having been raised:

(1) A bill to extend the provisions of the Federal Airport Act to the Virgin Islands (S. 2081 of 80th Cong.); <sup>116</sup>

<sup>113</sup> May 8, 1952, 82-2, *Record*, p. 5002; July 1, 1952, 82-2, *Record*, pp. 8735-36.

<sup>114</sup> July 7, 1947, 80-1, *Record*, p. 8290; July 14, 1947, 80-1, *Record*, pp. 8839-40; July 15, 1947, 80-1, *Record*, pp. 8873-83.

<sup>115</sup> Sept. 12, 1984, 98-2, *Record*, pp. 25003-05.

<sup>116</sup> Mar. 8, 1948, 80-2, *Record*, pp. 2289-90.

(2) A bill to confirm and establish the titles of the States to lands and waters and to provide for the use and control of said plans and resources (S. 1545 of 81st Cong.);<sup>117</sup>

(h)(1) **Committee on Environment and Public Works**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

The following bills were referred to the above committee (formerly the Committee on Public Works), the question of reference having been raised:

(1) A bill to establish a Missouri Valley Authority to provide for unified water control and resource developments on the Missouri River, its tributaries and watershed to prevent floods, reclaim and irrigate lands, encourage agriculture, etc. (S. 1156 of 80th Cong.);<sup>118</sup>

(2) A bill to authorize the commencement of an action by the United States to determine interstate water rights in the Colorado (S.J. Res. 145 of 80th Cong.);<sup>119</sup> and

(3) The so-called Lake Michigan water diversion bill by a vote of the Senate on an appeal from the decision of the Chair (S. 308 and H.R. 1 of the 86th Cong.).<sup>120</sup>

<sup>117</sup> Apr. 8, 1949, 81-1, *Record*, pp. 4151-53.

<sup>118</sup> Apr. 23 and 24, 1947, 80-1, *Record*, pp. 3854, 3895.

<sup>119</sup> July 3 and 8, 80-1, *Record*, pp. 8206, 8253-56, 8423-30.

<sup>120</sup> Mar. 18, 1959, 86-1, *Record*, pp. 4471-84.

(i) **Committee on Finance**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.
2. Customs, collection districts, and ports of entry and delivery.
3. Deposit of public moneys.
4. General revenue sharing.
5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.
6. National social security.
7. Reciprocal trade agreements.
8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.
9. Revenue measures relating to the insular possessions.
10. Tariffs and import quotas, and matters related thereto.
11. Transportation of dutiable goods.

In 1959, by statute, jurisdiction of the committee was extended to include bills relating to the power of the States to impose net income taxes on income derived from interstate commerce, and authorizing studies by Congressional committees of matters pertaining thereto.<sup>121</sup>

The following matters were referred to the Committee on Finance, the question of reference having been raised: A bill to repeal the tax on oleomargarine (H.R. 2245 of 80th Cong.)<sup>122</sup> and an amendment which provides for an amendment to the Internal Revenue Code.<sup>123</sup>

(j)(1) **Committee on Foreign Relations**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Acquisition of land and buildings for embassies and legations in foreign countries.
2. Boundaries of the United States.
3. Diplomatic service.
4. Foreign economic, military, technical, and humanitarian assistance.
5. Foreign loans.
6. International activities of the American National Red Cross and the International Committee of the Red Cross.
7. International aspects of nuclear energy, including nuclear transfer policy.
8. International conferences and congresses.
9. International law as it relates to foreign policy.
10. International Monetary Fund and other international organizations established primarily for international monetary purposes (except that, at the request of the Committee on Banking, Housing,

<sup>121</sup> See Public Law 86-272, Title II, approved Sept. 14, 1959.

<sup>122</sup> May 3 and 4, 1948, 80-2, *Record*, pp. 5170-72, 5219-29, 5230, 5283-94.

<sup>123</sup> Oct. 27, 1977, 95-1, *Record*, pp. 35529-30.

and Urban Affairs, any proposed legislation relating to such subjects reported by the Committee on Foreign Relations shall be referred to the Committee on Banking, Housing, and Urban Affairs).

11. Intervention abroad and declarations of war.
12. Measures to foster commercial intercourse with foreign nations and to safeguard American business interests abroad.
13. National security and international aspects of trusteeships of the United States.
14. Oceans and international environmental and scientific affairs as they relate to foreign policy.
15. Protection of the United States citizens abroad and expatriation.
16. Relations of the United States with foreign nations generally.
17. Treaties and executive agreements, except reciprocal trade agreements.
18. United Nations and its affiliated organizations.
19. World Bank group, the regional development banks, and other international organizations established primarily for development assistance purposes.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to the national security policy, foreign policy, and international economic policy as it relates to foreign policy of the United States, and matters relating to food, hunger, and nutrition in foreign countries, and report thereon from time to time.

The following matters were referred to the Committee on Foreign Relations, the question of reference having been raised:

(1) A message from the President of the United States transmitting to Congress a charter for International Trade Organization; <sup>124</sup>

(2) A resolution for an investigation of "Voice of America" broadcasts (S. Res. 245 of 80th Cong.). <sup>125</sup>

(k)(1) **Committee on Governmental Affairs**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Archives of the United States.
2. Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.
3. Census and collection of statistics, including economic and social statistics.
4. Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.
5. Federal Civil Service.
6. Government information.
7. Intergovernmental relations.
8. Municipal affairs of the District of Columbia, except appropriations therefor.

<sup>124</sup> Apr. 28, 1949, 81-1, *Record*, pp. 5234-35.

<sup>125</sup> May 27, 1948, 80-2, *Record*, pp. 6553-61.

9. Organization and management of United States nuclear export policy.

10. Organization and reorganization of the executive branch of the Government.

11. Postal Service.

12. Status of officers and employees of the United States, including their classification, compensation, and benefits.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(B) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(D) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

The following matters were referred to the Committee on Governmental Affairs (formerly Government Operations), the question of reference having been raised:

A communication from the President recommending legislation first, along the lines of the First War Powers Act, which contained emergency reorganization powers, and secondly, relating to emergency contracting provisions in effect during World War II.<sup>126</sup>

(1) **Committee on the Judiciary**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Apportionment of Representatives.
2. Bankruptcy, mutiny, espionage, and counterfeiting.
3. Civil liberties.
4. Constitutional amendments.
5. Federal courts and judges.
6. Government information.
7. Holidays and celebrations.
8. Immigration and naturalization.
9. Interstate compacts generally.
10. Judicial proceedings, civil and criminal, generally.
11. Local courts in the territories and possessions.
12. Measures relating to claims against the United States.
13. National penitentiaries.
14. Patent Office.
15. Patents, copyrights, and trademarks.
16. Protection of trade and commerce against unlawful restraints and monopolies.
17. Revision and codification of the statutes of the United States.

<sup>126</sup> Dec. 18 and 19, 1950, 81-2, *Record*, pp. 16699, 16730.

## 18. State and territorial boundary lines.

The following bills were referred to the Committee on the Judiciary, the question of reference having been raised:

(1) Bills on interstate compacts (S.J. Res. 122 of 80th Cong.); <sup>127</sup>

(2) Portal-to-portal pay bill proposing a remedy confined exclusively to legal procedure (S. 70 of 80th Cong.); <sup>128</sup>

(3) A bill to amend section 605 of the Communications Act of 1934 in order to increase the security of the United States, and for other purposes (S. 2833 of 80th Cong.).<sup>129</sup> A resolution to discharge the committee from further consideration of this bill and refer it to the Interstate and Foreign Commerce Committee was submitted on June 15, and ordered to lie over a day under the rule but no action was ever taken on the resolution (S. Res. 261 of 80th Cong.);

(4) A subpoena *duces tecum* issued by a United States District Court and served upon a member of a Senate committee was referred, after the authority of the court had been challenged, to the Committee on the Judiciary for a report,<sup>130</sup> but the records of the Senate do not show that the matter was reported;<sup>131</sup>

(5) A resolution to investigate the handling of the Amerasia case by the Department of Justice (S. Res. 295 of 81st Cong.); <sup>132</sup>

(6) A proposal to amend the Constitution relating to fiscal matters (S.J. Res. 61, 80th Cong.); <sup>133</sup> and

(7) A bill involving the protection of voting rights in Federal elections.<sup>134</sup>

(m)(1) **Committee on Labor and Human Resources**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Measures relating to education, labor, health, and public welfare.
2. Aging.
3. Agricultural colleges.
4. Arts and humanities.

<sup>127</sup> June 2, 1947, 80-1, *Record*, p. 6124.

<sup>128</sup> Jan. 13, 1947, 80-1, *Record*, pp. 264-65.

<sup>129</sup> June 8 and 15, 1948, 80-2, *Record*, p. 8235.

<sup>130</sup> Mar. 13, 1913, 63-Special Session, *Record*, p. 7; Mar. 13, 1913, 62-63, *Journal*, p. 308.

<sup>131</sup> *Ibid.*

<sup>132</sup> June 13, 1950, 81-2, *Record*, pp. 8486-87; June 19, 1950, 81-2, *Record*, pp. 8775-76.

<sup>133</sup> See Feb. 10, 1947, 80-1, *Record*, p. 911; Apr. 14, 1949, 81-1, *Record*, pp. 4566-67.

<sup>134</sup> Jan. 30, 1962, 87-2, *Record*, p. 1213.

5. Biomedical research and development.
6. Child labor.
7. Convict labor and the entry of goods made by convicts into interstate commerce.
8. Domestic activities of the American National Red Cross.
9. Equal employment opportunity.
10. Gallaudet College, Howard University, and Saint Elizabeths Hospital.
11. Handicapped individuals.
12. Labor standards and labor statistics.
13. Mediation and arbitration of labor disputes.
14. Occupational safety and health, including the welfare of miners.
15. Private pension plans.
16. Public health.
17. Railway labor and retirement.
18. Regulation of foreign laborers.
19. Student loans.
20. Wages and hours of labor.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to health, education and training, and public welfare, and report thereon from time to time.

The following matters were referred to the Committee on Labor and Human Resources (formerly Labor and Public Welfare), the question of reference having been raised:

(1) Bills providing for furnishing of automobiles to disabled veterans (S. 354, S. 357 of 80th Cong.); <sup>135</sup>

(2) A bill to amend the Fair Labor Standards Act of 1938, to deal with the portal-to-portal problem (S. 49 of 80th Cong.); <sup>136</sup>

(3) Message by the President of the United States announcing his seizure of the steel mills; <sup>137</sup> and

(4) A bill authorizing an additional Assistant Secretary in the Department of Health, Education, and Welfare (S. 1706 of the 87th Cong.). <sup>138</sup>

(n)(1) **Committee on Rules and Administration**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Administration of the Senate Office Buildings and the Senate wing of the Capitol, including the assignment of office space.
2. Congressional organization relative to rules and procedures, and Senate rules and regulations, including floor and gallery rules.
3. Corrupt practices.

<sup>135</sup> Jan. 31, 1947, 80-1, *Record*, p. 727.

<sup>136</sup> Jan. 13, 1947, 80-1, *Record*, pp. 264-65.

<sup>137</sup> Apr. 9, 1952, 82-2, *Record*, pp. 3794-3800, 3820.

<sup>138</sup> May 4, 1961, 87-1, *Record*, p. 7286.

4. Credentials and qualifications of Members of the Senate, contested elections, and acceptance of incompatible offices.

5. Federal elections generally, including the election of the President, Vice President, and Members of the Congress.

6. Government Printing Office, and the printing and correction of the Congressional Record, as well as those matters provided for under rule XI.

7. Meetings of the Congress and attendance of Members.

8. Payment of money out of the contingent fund of the Senate or creating a charge upon the same (except that any resolution relating to substantive matter within the jurisdiction of any other standing committee of the Senate shall be first referred to such committee).

9. Presidential succession.

10. Purchase of books and manuscripts and erection of monuments to the memory of individuals.

11. Senate Library and statuary, art, and pictures in the Capitol and Senate Office Buildings.

12. Services to the Senate, including the Senate restaurant.

13. United States Capitol and congressional office buildings, the Library of Congress, the Smithsonian Institution (and the incorporation of similar institutions), and the Botanic Gardens.

(2) Such committee shall also—

(A) make continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

(B) identify any court proceeding or action which, in the opinion of the Committee, is of vital interest to the Congress as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of the Senate.

The following matters were referred to the Committee on Rules and Administration, a question of reference having been raised:

(1) A resolution amending the Standing Rules to create a Standing Committee on Small Business (S. Res. 58 of 81st Cong.); <sup>139</sup>

(2) A resolution directing the Committee on Rules to do certain things; <sup>140</sup>

(3) A bill amending the Reorganization Act of 1946 in certain particulars, reported from the Committee on Government Operations (then Committee on Expenditures in the Executive Departments), which proposed amendments to certain Senate Rules; <sup>141</sup>

<sup>139</sup> Feb. 7, 1949, 81-1, *Journal*, p. 97, *Record*, p. 835.

<sup>140</sup> May 16, 1916, 64-1, *Record*, p. 8048.

<sup>141</sup> May 3, 1948, 80-2, *Record*, p. 5184.

(4) In 1909, the jurisdiction of the Committee was extended to the Senate Office Building for the assignment of rooms for the use of Senators, to the same extent it held over the Senate wing of the Capitol; <sup>142</sup>

(5) A resolution creating a special Committee on Small Business after it has been referred to and reported by a substantive committee (as is the case with all investigatory resolutions if they do not amend the rules of the Senate)—in this instance to the Committee on Banking and Currency; <sup>143</sup> and

(6) A nomination to fill a Vice Presidential vacancy. <sup>144</sup>

(o)(1) <sup>145</sup> **Committee on Small Business**, to which committee shall be referred all proposed legislation, messages, petitions, memorials and other matters relating to the Small Business Administration.

(2) Any proposed legislation reported by such committee which relates to matters other than the functions of the Small Business Administration shall, at the request of the chairman of any standing committee having jurisdiction over the subject matter extraneous to the functions of the Small Business Administration, be considered and reported by such standing committee prior to its consideration by the Senate; and likewise measures reported by other committees directly relating to the Small Business Administration shall, at the request of the chairman of the Committee on Small Business, be referred to the Committee on Small Business for its consideration of any portions of the measure dealing with the Small Business Administration, and be reported by this committee prior to its consideration by the Senate.

(3) Such committee shall also study and survey by means of research and investigation all problems of American small business enterprises, and report thereon from time to time.

(p) <sup>146</sup> **Committee on Veterans' Affairs**, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Compensation of veterans.
2. Life insurance issued by the Government on account of service in the Armed Forces.
3. National cemeteries.
4. Pensions of all wars of the United States, general and special.
5. Readjustment of servicemen to civil life.
6. Soldiers' and sailors' civil relief.
7. Veterans' hospitals, medical care and treatment of veterans.
8. Veterans' measures generally.
9. Vocational rehabilitation and education of veterans.

<sup>142</sup> Feb. 17, 1909, 60-2, *Journal*, p. 186, *Record*, p. 2564.

<sup>143</sup> Feb. 7, 8, 1949, 81-1, *Journal*, p. 96, *Record*, pp. 835, 844-47, 968.

<sup>144</sup> Oct. 12, 1973, 93-1, *Record*, pp. 33995-96; Oct. 13, 1973, 93-1, *Record*, p. 34111.

<sup>145</sup> As added, S. Res. 101, 97-1, Mar. 25, 1981.

<sup>146</sup> Redesignated as subparagraph (p) by S. Res. 101, 97-1, Mar. 25, 1981.

**(B) Special or Select Committees:**

A resolution creating a special or select committee will provide for the number of Members and the method of appointment.<sup>147</sup> Usually such resolutions authorize the appointments to be made by the President or President pro tempore, as the case might be,<sup>148</sup> but some have provided that the Members were to be elected by the Senate,<sup>149</sup> or named in the resolution approved by the Senate.<sup>150</sup>

The Senate by unanimous consent has on various occasions authorized its President pro tempore<sup>151</sup> or the President of the Senate during recesses of the Senate or after sine die adjournment, to make appointments, including the filling of vacancies, to special committees, joint committees, or commissions authorized by law, or by action of the Senate, or to be appointed by the Senate or the Congress.<sup>152</sup>

The Chair has authority to fill vacancies on special committees,<sup>153</sup> in cases in which he has power to appoint such committees.

The Senate can refer a bill to a special committee preliminary to reference to a standing committee by unanimous consent;<sup>154</sup> or, by positive action, to a special committee if that committee has been given jurisdiction of such proposed subject matter by action of the Senate.<sup>155</sup>

It is not in order, in the absence of the Senate extending specific jurisdiction, to refer a resolution to a special committee,<sup>156</sup> nor does a special committee, unless jurisdiction has been given thereto, have authority to report a bill.<sup>157</sup>

<sup>147</sup> For discussions on ratio of representation, see Jan 29, 1951, 82-1, *Record*, pp. 704-05; or minority members, May 3, 1950, 81-2, *Record*, pp. 6242-43.

<sup>148</sup> Feb. 13, 1928, 70-1, *Record*, p. 2891; Feb. 20 and Apr. 10, 1950, 81-2, *Record*, pp. 4965-66.

<sup>149</sup> June 7, 1924, 68-1, *Journal*, p. 471, *Record*, p. 11189; Mar. 1, 1924, 68-1, *Journal*, p. 182, *Record*, pp. 3410-12.

<sup>150</sup> Dec. 1, 1954, 83-2, *Record*, pp. 16342-43; for discussion concerning the appointments of members of a special committee in which questions of seniority were involved. See Oct. 22, 1945.

<sup>151</sup> Aug. 2, 1946, 79-2, *Journal*, p. 552; July 26, 1947, 80-1, *Record*, p. 10409.

<sup>152</sup> June 16, 1938, 75-3, *Record*, p. 9573; June 10, 1937, 75-1, *Journal*, p. 338; Dec. 19, 1944, 78-2, *Journal*, p. 527; July 26, 1947, 80-1, *Journal*, pp. 566-69; Aug. 2, 1946, 79-2, *Journal*, p. 552; Dec. 21, 1945, 79-1, *Journal*, p. 545.

<sup>153</sup> Feb. 8, 1937, 75-1, *Record*, p. 1154.

<sup>154</sup> Apr. 6, 1946, 79-2, *Record*, p. 3238.

<sup>155</sup> Feb. 1, 1943, 78-1, *Record*, p. 449; Feb. 11, 1943, 78-1, *Record*, pp. 823-24; Nov. 23, 1942, 77-2, *Record*, pp. 9072-73; Dec. 3, 1942, 77-2, *Record*, pp. 9263-64; see also Feb. 8, 1943, 78-1, *Record*, p. 676.

<sup>156</sup> Mar. 30, 1943, 78-1, *Record*, p. 2731.

<sup>157</sup> Jan. 22, 1945, 79-1, *Record*, p. 383.

A special committee is discharged when it has submitted a final report.<sup>158</sup>

In 1889, the power of the Senate, during a special session, to act on resolutions for the appointment of a special committee, and expressing the sense of the Senate relative to the purchase of silver bullion by the Secretary of the Treasury, was questioned.<sup>159</sup>

In the same session, a resolution to create a special committee to investigate the relations of the United States with Cuba, submitted during a special session, precipitated a lengthy discussion as to the extent of the powers that might lawfully be exercised by the Senate at a session specially called.<sup>160</sup>

### Subcommittees:

*See also* "Quorum," pp. 1038-1078; "Reports," pp. 1176-1201 for precedents that subcommittees have no authority to make reports to Senate, as well as rulings on role of subcommittee in the making of reports.

A request to be excused from further service as a member of a subcommittee is a matter for determination by the chairman of the committee, and not by the Senate.<sup>161</sup> On that occasion the Chair expressed the opinion that the chairman of a subcommittee had no power to fill a vacancy thereon, but that that power resided in the chairman of the committee.

The Senate, in 1924, created a permanent subcommittee of the Committee on Finance, known as the Subcommittee on World War Veterans Relief.<sup>162</sup>

### Vote of Committee To Report:

*See* "Vote of Committee To Report," pp. 1197-1200.

### Witnesses Before Committees:

Rule XXVI, paragraph 4 (b) and (d) provides that—

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his

<sup>158</sup> *See* Jan. 9, 1929, 70-2, *Record*, p. 1411.

<sup>159</sup> Mar. 4, 1889, 51-Special Session, *Record*, p. 5.

<sup>160</sup> Mar. 18, 1889, 51-Special Session, *Record*, p. 22.

<sup>161</sup> Aug. 24, 1912, 62-2, *Record*, p. 11812.

<sup>162</sup> Jan. 15, 1924, 68-1, *Journal*, p. 98, *Record*, p. 984.

proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

In the case of minority witnesses, it stipulates that—

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

#### **Witnesses: Resolutions for Arrest:**

A resolution requiring the issuance of warrants of arrest for certain persons desired as witnesses before the Special Committee To Investigate Crime in Interstate Commerce was held to be a privileged matter, but a motion to refer such a resolution, when before the Senate, would be in order.<sup>163</sup>

Subsequently, it was held that the resolution, which had been referred to the Judiciary Committee, would have a privileged status when reported back to the Senate.<sup>164</sup>

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<sup>163</sup> Dec. 4, 1950, 81-2, *Record*, pp. 16059-60; Dec. 6, 1950, 81-2, *Record*, pp. 16110, 16192.

<sup>164</sup> Dec. 6, 1950, 81-2, *Record*, pp. 16110, 16192.