



Joint Committees on the Organization of Congress: A Short History

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Executive Summary

American humorist Will Rogers allegedly quipped, “A politician is just like a pickpocket. It’s almost impossible to get one to reform.”¹ The U.S. Congress, however, has repeatedly disproved this observation. In the 20th century, Congress created three bipartisan joint committees to examine how the institution should be reformed. These panels, which met in 1945-1946, 1965-1966, 1992-1993, examined various aspects of the legislative process (like the committee system and congressional staffing) in an effort to modernize the Congress, improve efficiency and promote transparency.

Some of the reform committees’ proposals were adopted either at the time or even a few years later. The committees’ work resulted in the Legislative Reorganization Act of 1946, the Legislative Reorganization Act of 1970, and a number of the reforms instituted following the Republican takeover of the House of Representatives in 1995. Although each panel led to some kind of reform of Congress, each effort also received its share of criticisms. One common theme criticism is that the reforms instituted did not go far enough to reshape Congress, particularly its committee system.

Although the joint committees on congressional reform share many similarities, one salient theme is the difficulty of addressing the institution’s flaws. The fact that Congress in some instances resisted the reform committees’ recommendations points to this difficulty. However, at the same time, the fact that many of the committees’ suggestions were later adopted shows the value of creating such panels.

Introduction

American humorist Will Rogers allegedly quipped, “A politician is just like a pickpocket. It’s almost impossible to get one to reform.” The U.S. Congress, however, has repeatedly disproved this observation. In the 20th century, Congress created three bipartisan joint committees to examine how the institution should be reformed. These panels, which met in 1945-1946, 1965-1966, 1992-1993, examined various aspects of the legislative process in an effort to modernize the Congress, improve efficiency and promote transparency. Some of their proposals were adopted either at the time or even a few years later. Since many today are calling for reforms to Congress, the bipartisan joint committees are particularly worth studying, and this paper provides an introduction to their work. It discusses why they were created, how Congress implemented the committees’ ideas, and their longer-term legacies. It concludes with a brief discussion of the difficulties of institutional change.

1945-1946 Joint Committee on the Organization of Congress and the Legislative Reorganization Act of 1946

Congress created the first Joint Committee on the Organization of Congress (’45-’46 JCOC) with the passage of H. Con. Res. 18 on February 19, 1945.² According to the JCOC’s final report:

Our committee was created in response to a widespread congressional and public belief that a grave constitutional crisis exists in which the fate of representative government itself is at stake...Under these conditions, it was believed, the time is ripe for Congress to reconsider its role in the American scheme of government and to modernize its organization and procedures.³

Three Republicans and three Democrats from each Chamber served on the committee. Progressive Republican Senator Robert M. LaFollette of Wisconsin was named chairman, and Democratic Representative A.S. “Mike” Monroney of Oklahoma was the vice chairman.⁴ H. Con. Res. 18 assigned the panel a broad mandate:

The committee shall make a full and complete 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 relations with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution.⁵

The concurrent resolution explicitly required the JCOC to examine House and Senate relations and organization, staff pay, and the committee system, but it also granted the panel permission to examine other features of the legislative process. It expressly forbade the Committee from revising the rules of either Chamber. The Committee was authorized to spend up to \$15,000 and hire staff.⁶ On March 4, 1946, the JCOC published its report. The Senate passed a bill based on the Committee's recommendations on June 10, 1946, and the House passed an amended version on July 25. The following day, the Senate concurred with their amendments, and President Harry Truman approved the Legislative Reorganization Act of 1946 on August 2.⁷

As the 1946 Legislative Reorganization Act's name states, it was enacted to "provide for increased efficiency in the legislative branch".⁸ It addressed various aspects of the legislative process: committees, staffing, lobbying, the congressional schedule, amendments, and others. The number of committees was pared from 33 to 15 in the Senate and 48 to 19 in the House. The remaining panels' jurisdictions were clarified. Also, in addition to the clerical help already authorized, each committee (except the House and Senate Appropriations Committees) was permitted to hire four staff professional members "without regard to political affiliations and solely on the basis of fitness to perform the duties of office".⁹

Although the 1946 Legislative Reorganization Act was a major reform effort, a number of congressional analysts have offered a variety of opinions on its failures. In 1951, one expert, writing for the Library of Congress, wrote that the reforms "worked well on the whole", but he nonetheless cited several areas of concern, including the need for improvement among staff quality and further refinement in committee jurisdictions, lobbying oversight, and the budget process (which he said was the Act's "greatest failure").¹⁰ In 1968, Democratic Representative Richard Bolling of Missouri, one of the most active congressional reformers of the 20th century, wrote, "Fundamentally, the act touched nothing", noting that more ambitious reforms "would have trod on the toes" of powerful congressional Democrats.¹¹ Writing in 2006, Robert Remini, the author of the official history of the House of Representatives, wrote, "Overall, however, the report was a disappointment" because it failed to reform how committee chairmen were chosen, check the Rules Committee's power, or address the Senate filibuster.¹² In 2013, legislative procedures expert and former congressional staffer Donald Wolfensberger noted that the various reforms made committees more powerful, so seniority became even more important in selecting chairmen to lead them. Also pointed out that subcommittees "began to proliferate beyond reasonable limits" since there was no limit on the number of these panels.¹³ If Congress needed additional reform, it would have to wait.

1965-1966 Joint Committee on the Organization of Congress and the Legislative Reorganization Act of 1970

Although a number of analysts have noted the deficiencies in the 1946 Legislative Reorganization Act, Congress had set a precedent for creating a bipartisan joint committee on reform, and it followed its own example two decades later. On March 11, 1965, the Congress agreed to S. Con. Res. 2, creating the second Joint Committee on the Organization of Congress ('65-'66 JCOC).¹⁴ Senator Monroney, who had served as the vice chairman of the '45-'46 JCOC, colorfully explained why Congress needed to modernize:

We in Congress now are attempting to run a business 10 times as large as AT&T, the Santa Fe Railroad and General Motors combined, with machinery as obsolete as a quill pen, a slanting bookkeeper's desk, and an old-fashioned high stool.¹⁵

Other reasons cited for the creation of the new JCOC include low congressional approval ratings and a desire to ensure the Legislative Branch remained a coequal of the Executive. According to Donald Wolfensberger, liberal supporters of reform had "a more sub-rosa agenda": They desired to rein in powerful Southern Democratic committee chairmen.¹⁶

Congress modeled the new JCOC on its predecessor, instructing it to:

Make a full and complete 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.¹⁷

After extensive research, the JCOC issued its recommendations on July 28, 1966. Legislation based on the report was introduced, but neither Chamber passed it. The Senate passed a bill based on the report in the following Congress, but the House did not act on it. In the following Congress (91st), a House Rules Committee subcommittee reported a bill on legislative reform, which the Chamber adopted. The Senate amended the bill, and the House concurred to the changes on October 8, 1970. On October 26, President Richard Nixon signed the Legislative Reorganization Act of 1970 into law.¹⁸

The Legislative Reorganization Act of 1970 reformed a wide-range of objects, including committees, congressional procedures, the budget, staffing, the Congressional Research Service, and even U.S. Capitol tours and the annual August recess.¹⁹ Some

of the most important changes were to the committees. It strove to open the committee processes. Committees had to set regular meeting schedules. Three Members could request that the chairman hold special committee meetings; if he did not, the panel could still meet in a special session if a majority voted to do so, even if the chairman absented himself.²⁰ The Act required the House and Senate standing committees' business meetings to be open to the public, except when a majority of the Members voted to close them.²¹ Committees were required to publish roll call votes.²² They were required to file reports on legislation the committees had approved, if a majority of the committee members so requested it.²³ The House and Senate would have to wait for three days after the committee had filed its report before it could consider a piece of legislation (although in the Senate, the Majority and Minority Leaders could agree to waive this provision).²⁴

Another important change was to House Floor procedures. The Act amended the House Rules to permit recorded roll call votes in the Committee of the Whole.²⁵ Prior to this, Members of Congress were able to vote on important issues without an official record of their positions. In discussing this reform, Speaker Carl Albert, then the Majority Leader, called the 1970 Act a "major step toward opening our [congressional] deliberations to public scrutiny."²⁶

The 1970 Act also made congressional reform and improvement an ongoing priority. It created a Joint Committee on Congressional Operations, which was to "make a continuing study of the organization and operation of the Congress of the United States."²⁷ As with previous reform committees, it was charged with identifying:

improvements in such organization and operation with a view toward strengthening 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...²⁸

This Joint Committee was also to highlight court cases that touched upon Congress' role as a coequal branch of the Federal government.²⁹ It was required to report to Congress, although it was forbidden from suggesting changes to the "rules, parliamentary procedure, practices or precedents" of either Chamber.³⁰

The 1970 Act instituted several reforms to the budget process. It required the Secretary of the Treasury and the Director of the Office of Management and Budget to create "standard classifications" of Federal government agencies' activities.³¹ The President was required at the beginning of each June to submit to Congress a supplemental summary of revisions to budgetary projections after the submission of his budget earlier in the year.³² The U.S. Comptroller General was ordered to conduct cost-benefit analyses of government programs when either Chamber of Congress or one of their committees deemed it necessary.³³

Like the 1946 Legislative Reorganization Act, the 1970 Act addressed staffing issues. For example, it set limits on the number of staff members committees could hire. Generally, each House and Senate Committee was allowed to hire six professional and six administrative staff members. If a majority of the minority requested staff assistance, three staffers (two professional and one administrative) would be allotted to them. Aides were to be hired and dismissed on the basis of merit, not party affiliation.³⁴ Committees were also permitted to hire temporary or contract workers, subject to the approval of the Committee on House Administration or the Senate Committee on Rules and Administration.³⁵

Also as with the 1946 Act, critics pointed to what they perceived to be major deficiencies. According to Wolfensberger, reformers desired for the Act to chip away at the seniority system, but an amendment to weaken it was defeated.³⁶ There were other criticisms of the Act's inability to weaken committee chairmen's power. Shortly before the Act went into effect, journalist Elder Witt noted, "All of these changes limit the power and flexibility of committee chairmen. Yet each provision contains an escape clause allowing its own nullification."³⁷ In November 1972, Congressional Quarterly noted that committees held more than a third of their meetings in private, which it called a "failure".³⁸ Even after the modernizing Act went into effect, one editorial noted, "Individually, members of Congress readily admit that the legislative machinery for handling the public's business is outworn, outdated, and outlandishly inadequate" and that "far greater reforms, including changed in the antiquated seniority system, are a must for Congress if it is to recapture the prestige and power it once held."³⁹ However much it may try to reform, Congress seemed bound to disappoint someone.

1992-1993 Joint Committee on the Organization of Congress

The third and final Joint Committee on the Organization of Congress ('92-'93 JCOC) was created in the early 1990s. On July 31, 1991, Representative Lee Hamilton of Indiana and Representative Bill Gradison of Ohio introduced a concurrent resolution to create a new panel on congressional reform. Senator David Boren of Oklahoma and Senator Pete Domenici of New Mexico introduced a concurrent resolution in the Senate for the same purpose.⁴⁰ In their final report, the '92-'93 JCOC House members succinctly summarized why Congress created a new committee: The legislature needed modernization and "the public's usual skeptical attitude toward Congress plunged toward cynicism and major discontent".⁴¹

Although legislation to create a new JCOC was introduced in the summer of 1991, the House did not vote to create it until June 18, 1992. The Senate amended the concurrent resolution to prohibit the Joint Committee from working before the elections that were slated for the following November, and the Senate then passed the concurrent resolution July 30. The House agreed to the Senate's amendment on August 6.⁴² Like the previous JCOCs, the 1992 creation was charged with making "a full and complete study of the organization and operation of the Congress of the United States". Congress also gave it the task of suggesting

Improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with and oversight of other branches of the United States Government, and improving the orderly consideration of legislation.⁴³

The concurrent resolution provided for 12 Members from each Chamber. The Senate Majority and Minority leaders were each entitled to select six, as were the House Speaker and Minority Leader. Both Chambers' Majority and Minority Leaders were ex officio voting members of the committee. The JCOC was permitted to create subcommittees on each Chamber; the subcommittee members could only be selected from among the Members of the Chamber the subcommittee had jurisdiction over. The JCOC was allowed to hire staff, experts and other assistants.⁴⁴ Representative Hamilton and Senator Boren served as co-chairs. Senator Domenici and Representative Gradison (and later Representative David Dreier) were the vice chairs.⁴⁵

The JCOC issued a final report in December 1993. The report addressed House and Senate Floor procedures, congressional personnel, the budget process, ethics, the relations of Congress to both the President and the judiciary, the relations of the two Chambers, and other issues. Additionally, the House and the Senate Members released separate reports for their Chambers, which addressed largely the same topics.

As with previous JCOCs, some of the most significant changes the House subcommittee recommended concerned the committee system. They revisited some committee-related issues that previous JCOCs addressed. According to the House's final report, "The House Subcommittee's recommendations are aimed at reducing the fractured attention of Members, streamlining the committee structure, minimizing intercommittee jurisdictional disputes, and increasing accountability for work in committees."⁴⁶ It suggested that each Member be limited to two committee assignments and four subcommittee assignments (although it did provide for exceptions to the rule). Except for the Appropriations Committee, major (or "exclusive") committees would only be permitted five subcommittees; lesser committees would be allowed no more than four. To address the problem of jurisdictional conflicts, it suggested that if a bill were to be referred to multiple committees, the Speaker name one of them the "primary" panel. To increase transparency, it recommended that roll call votes in committees be published in committee reports and that committees should biannually publish reports on attendance and how Members voted.⁴⁷

In addition to committee reforms, the House subcommittee addressed the budget process. It noted that, although the budget is central to Congress' duties, "the congressional budget process has become so complex and unwieldy that it is difficult for the public and even Members to follow."⁴⁸ To remedy this, the subcommittee suggested having a two-year budget process. The budget resolution and

appropriations bills would be passed in the first year of a Congress. In the second year, Members would focus on authorization bills and oversight of Federal programs. Along with this, the subcommittee recommended that each committee submit to the Committee on House Administration a plan for conducting oversight that Congress; at the end of the Congress, committees would have to report on how they implemented those plans. Also during the second year, the Budget Committee would examine issues that would become larger problems in the future.⁴⁹

The House subcommittee also turned its attention towards scheduling and Floor procedures. They suggested, that when it was in session, the House should sit for four days a week, rather than the typical three. The committee and full Chamber's meeting times should not conflict, nor should the committee and subcommittee sessions conflict. They were also concerned about efficiency in Floor procedures. "Managing floor procedures in the House is a balancing act between allowing for full deliberation of measures in a timely manner, while preserving the ability of the majority to work its will", it observed.⁵⁰ The subcommittee urged the House to recognize the minority's right to offer on any piece of legislation a motion to recommit with instructions, which means the minority would have at least one opportunity to amend a bill.⁵¹

The House subcommittee recognized that it suggested a wide array of reforms, noting that the many issues its purview and the relative infrequency of major reform efforts necessitated a long, varied list. "These efforts must continue as the recommendations proceed through full Chamber deliberation, and as reform efforts of the institution move forward," it urged.⁵² Congress, however, was uneager to advance the JCOC's recommendations. The JCOC was not empowered to report legislation, but committee members introduced House and Senate bills to implement its recommendations. Neither the House nor the Senate bill were passed, although the House did pass a resolution (binding only upon itself) implementing recommendations that it be subject to laws about employment and workplace safety.⁵³

Congress largely ignored the JCOC's recommendations at the time, but its ideas were better received a couple years later. According to the Congressional Research Service, "While few of the recommendations of the JCOC were adopted at the time, its list of suggested reforms reads like a description of the structure and working of the contemporary House of Representatives."⁵⁴ When the Republicans won the House for the first time in 40 years in the 1994 elections, Newt Gingrich, the party's tactical mastermind, asked Representative David Dreier, who had been a JCOC vice chair, to lead institutional reforms.⁵⁵ The House adopted a number of the committee's suggestions, such as explicitly recognizing the minority party's right to offer a motion to recommit with instructions and limiting the number of committees a Member could sit on.⁵⁶ The '92-'93 JCOC was at least partially vindicated.

Conclusion

The '92-'93 JCOC, plus the preceding committees from 1945-1946 and 1965-1966, were ambitious efforts to modernize the legislature, making Congress more efficient and transparent. Although they were created in different periods, they share many similarities, such as their goals and the aspects of Congress they recommended reforming. Perhaps the single most important common theme that runs throughout the history of 20th century joint committee reform efforts is that changing the institution is—not at all surprisingly—difficult. If change were easy and the solutions simple, we would not expect Congress to have to resort to unusual, infrequently created committees that produce sprawling plans for the legislature to consider—and then revisit the same topics again and again. And the fact that Congress, when it recognizes the need for change, is sluggish in adopting recommendations or accepts more modest goals than reformers propose further testifies to the difficulty of institutional change. At the same time, the fact that later Congresses have, sooner or later, instituted joint committees' reforms shows that they are invaluable tools for generating ideas and legislation. One can only wonder how the legislature would fare if Members were quicker or bolder in implementing the suggestions these committees generate. Should future joint committees desire to be more successful in implementing their recommendations or passing legislation, they will have to pay particular attention to how they can overcome institutional resistance to the changes they suggest.

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