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LEGISLATIVE REORGANIZATION

For Environmental Affairs, 91st Congress

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LEGISLATIVE REORGANIZATION

Introduction

In July of 1968 Members of the Congress met in a unique Joint House-Senate Colloquium on a national policy for the environment. This informal arrangement illustrated the variety of Committee interests and also suggested the usefulness of joint consideration of broad issues. The report issued by participants in the colloquium suggested a joint committee "to provide across-the-board-oversight" (see White Paper summarized below).

The establishment of a Presidential policy council on the environment, as well as the completed reorganization of existing Federal programs and agencies for improved environmental administration and management, reopened the question of restructuring the Congress for similar purposes. One difficulty is that the complexity of legislation enacted by recent Congresses has precluded the simple assignment of committee jurisdiction over new policies and substantive programs. Although many aspects of environmental management fall within the scope of existing standing committees,^{1/} the need for broadly comprehensive and high level legislative policy analysis and studies of interrelated problems common to air and water pollution abatement, recreation developments, wildlife conservation, pesticide control and other environmental programs was widely acknowledged in both houses. The 91st Congress studied several alternatives to meet its internal needs. It gave the proposal to establish a Joint Committee on the Environment the most serious consideration, but failed to take final action on this and other legislative reorganization proposals.

^{1/} Addendum A outlines the present committee jurisdiction in environmental matters.

Legislative Proposals

The principal purpose of the proposed new joint committee would be to foster an annual assessment of the overall progress of Federal environmental programs. Its mandate would include the following broad objectives:

- Conduct a continuing study and review of the inter-relationship between the character and extent of environmental and technological changes in population, communities and industries.
- Provide an integrating forum to explore the full range of issues arising in man's relationship with the environment.
- Study the ways in which man can establish a symbiotic relationship with nature now and in future generations.
- Explore and develop policies to encourage maximum private investment in means of improving environmental quality.

The Joint Committee would consist of eleven Members of the Senate and a like number from the House of Representatives. Of the eleven Members from each body, six Members would be appointed from the majority party and five from the minority party. The proposed Act provides that the chairmanship would alternate between the Senate and House with each Congress; similarly, the vice-chairmanship would alternate, but neither the House nor the Senate could fill both of these posts at one time. The Joint Committee would have no authority to receive or report legislative measures. It could, however, comment upon any or all legislative proposals submitted to standing committees and contained in the President's Annual Environmental Quality Report, which is required under provision of the National Environmental Policy Act.

Additional provisions would authorize the Joint Committee to hire a staff capable of in-depth policy review and analysis and to undertake investigations which are not within the jurisdiction of the standing committees. In delineating such studies, the Joint Committee would be expected to notify and consult with the various standing committees having jurisdiction over the subject matter.

In brief, the proposed Joint Committee would provide the legislative branch with a counterpart to the President's new Council on Environmental Quality and with continuing capacity to monitor the state of the environment.

Joint Committee on Environment

House: H.J. Res. 1117. Reported (No. 91-1031) from Rules. Passed May 25, 1970.

Senate: S.J. Res. 207. Reported (No. 91-1033) from Interior and Insular Affairs. Passed Nov. 18, 1970.

Other Proposals

Apart from the joint committee concept, for which various titles were proposed (e.g., environment and technology; environmental quality and population policy), the Congress considered a number of other bills and resolutions designed to achieve far-reaching reorganization.

Select Committee.--Several proposals were introduced to establish select committees which would provide either continuing or short-term assessment and investigatory capacity to deal with environmental

problems. Such committees would draw membership from existing legislative committees involved with environmental matters and focus primarily on the detailed review of policy and coordination matters.

Standing Committee.--The creation of standing committees on the environment with broad legislative jurisdiction also was recommended. The principal argument in favor of new standing committees is the current fragmentation of environmental legislation among numerous existing standing committees and the overlap of congressional response to essentially interrelated problems of air and water quality, weather modification, waste disposal of all kinds, pesticide use and other environmental issues.

Office of Technology Assessment.--Legislation was introduced to establish an Office of Technology Assessment as a new component of the legislative branch, giving it a broad role in evaluating the impact of current and future technological developments. The office would serve as a major information mechanism to aid all committees of Congress. Since many of the more immediate influences of technology are visible in our biological and physical surroundings, the office would be expected to play a significant role in the ongoing work of congressional committees having jurisdiction in this field.

Recent Reports and Their Recommendations

1. U.S. Congress, Senate Committee on Interior and Insular Affairs and House Committee on Science and Astronautics, Joint House-Senate Colloquium on a National Policy for the Environment, Washington, D.C., 1968.

At this House-Senate Colloquium, several discussants argued the case for congressional reform to cope more effectively with environmental policies and programs:

Mr. Laurance Rockefeller: The layman is confused by the organization of Congress in the environmental field.

Former Secretary of the Interior Stewart Udall: There is still a lack of overview. I think Congress ought to be much less bashful about spending more money on strengthening its staff so it can provide the kind of oversight that is needed.

Senator Gordon Allott: Congress has abrogated its responsibilities to a great extent with respect to legislative oversight.

Professor Don Price of Harvard University: Congress too might have an eye to its own organization in these matters: how far it would be possible to go on from this kind of occasional informal exchange of views toward either special nonlegislative committees like the Joint Committee on the Economic Report, perhaps in conjunction with some development within the President's Office; how far pieces of jurisdiction could be carved out for legislative committees; how far the burden of coordination could be forced on the Appropriations Committee...

* * *

2. U.S. Congress, Senate Committee on Interior and Insular Affairs and House Committee on Science and Astronautics, Congressional White Paper on a National Policy for the Environment. Washington, D.C., 1968.

This report summarized the proceedings of the Colloquium on a National Policy for the Environment. It noted:

The ultimate responsibility for protecting the human-serving values of our environment rests jointly with the legislative, executive and judicial branches of our Government. The Congress, as a full partner, has the obligation to provide comprehensive oversight of all environment-affecting programs of the executive branch, and also to participate in the overall design of national policy, thus serving both as architect of environmental management strategy and as the elaborator of goals and principles for guiding future legal actions.

The White Paper outlined several alternative methods of reorganization whereby the Congress could exercise a more meaningful influence on national environmental policy, including the joint committee concept, a new environmental surveillance unit, a temporary environmental management council and the placing of environmental counselors on the staff of existing standing committees.

* * *

3. The Brookings Institution. Agenda for the Nation, Washington, D.C., 1968.

In anticipation of the 1968-1969 political transition, the Brookings Institution published this report which outlined some of the urgent issues confronting the new administration. An essay on managing the Federal Government, written by Professor Stephen K. Bailey of Syracuse University, contained the following observation:

Pending a climate friendly to a wholesale restructuring of the present committee and subcommittee system in Congress, the President and the party leaders in Congress should place their emphasis upon ... modest reforms ... [T]hree additional joint committees similar to and parallel with the Joint Economic Committee should be created: a Joint Committee on National Security Affairs (composed of representatives from the military and foreign affairs committees in both houses); a Joint Committee on Environmental Management; and a Joint Committee on Human Resource Development. These three joint committees would not have legislative responsibilities, nor direct oversight responsibilities vis-a-vis any particular agency; they would be concerned with studies and hearings that would illuminate the crosscutting issues suggested in their respective titles. Working closely with the Committees on Government Operations and, through overlapping membership, with key legislative committees in each house, these new joint committees could perform a staff function for the Congress as a whole similar to that provided for the President by the existing and recommended staff units in the Executive Office of the President. (underscoring added)

* * *

4. Committee for Economic Development. Making Congress More Effective, New York, 1970.

Slightly different organization and scope of proposed new joint committees were recommended in this report. The Committee based its proposals on the success of the Joint Economic Committee, stressing its important role of priority setting:

Experience over two decades has thoroughly justified the creation of the Joint Economic Committee. Although it lacks authority to sponsor specific legislation and must depend--sometimes vainly--on other committees to frame appropriate legislation, the Committee has helped to deepen Members' understanding of the condition and needs of the national economy. Its hearings have afforded opportunities for presentation of thoughtful testimony from the private sector, bring informed judgments to bear. Its educational contributions to the citizenry and to the country at large have also been considerable. This kind of instrumentality could and should be more widely used. For example a Joint Committee on Science and Technology, capable of reviewing the explosive effects of new knowledge and its policy implications, might well be a more effective aid to Congress than the three separate committees that now exercise a substantive jurisdiction--the Science and Astronautics Committee of the House, the Senate Aeronautical and Space Sciences Committee, and the Joint Committee on Atomic Energy. Another illustration of this approach would be a Joint Committee on Social and Environmental Problems to develop long-range Congressional perspectives and to propose priorities independently of the Executive Branch.

* * *

5. U.S., National Academy of Sciences/National Academy of Engineering. Institutions for Effective Management of the Environment, Washington, D.C., 1970.

This report urged the creation of a Joint Environmental Committee to develop more coherent consideration of environmental problems in the hearings process:

... we do recommend formation of a joint committee of the Congress, comprised of the chairmen and ranking minority members of the relevant committees of both Houses, which would provide a much-needed focal point for the informed discussion of environmental affairs.... Hearings will not adequately serve this purpose if they continue to be held piecemeal, as they are at present, by the several committees having jurisdiction over special-purpose programs relating to the environment. There will, however, be an ongoing need within the standing legislative committees to continue to deal with specific legislative proposals within their jurisdictions. It seems to us highly desirable that there be, in addition, regular annual public forums in Congress directed to broad consideration of the President's [Environmental Quality] report.

Events Pertinent to Legislative Reorganization

The 91st Congress passed the Legislative Reorganization Act of 1970, making substantial changes in Congressional procedures. Among other things, the Act provides Congress with new sources of information and research including the expansion of the Legislative Reference Service into a Congressional Research Service (CRS). This broadened research responsibility applies in all legislative areas. The Environmental Policy Division of the CRS will be expected to provide the essential work of supporting policy analysis on environmental legislation, scheduling detailed studies and supplementing the activities of the regular committee staffs.

ADDENDUM A

Committee Jurisdiction for Environmental Affairs

Following is a list of the several Committees of the Congress concerned with matters relating to the environment. In addition to those listed, others on occasion consider limited aspects of environmental quality legislation, including: Senate Committee on Finance and House Ways and Means Committee (tax incentives); Committee on Foreign Relations (international aspects, ocean development); Committee on Banking and Currency (urban quality); Committee on the Judiciary (class action suits); Committee on Rules (congressional reorganization); and, of course, the Appropriations Committees which handle the expenditures for Federal environmental programs.

Senate

Committee on Agriculture and Forestry

Jurisdiction

1. Inspection of livestock and meat products.
2. Animal industry and diseases of animals.
3. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
4. Agricultural colleges and experiment stations.
5. Forestry in general, and forest reserves other than those created from the public domain.
6. Agricultural economics and research.
7. Agricultural and industrial chemistry.
8. Dairy industry.
9. Entomology and plant quarantine.

10. Human nutrition and home economics.
11. Plant industry, soils, and agricultural engineering.
12. Agricultural educational extension services.
13. Extension of farm credit and farm security.
14. Rural electrification.
15. Agricultural production and marketing and stabilization of prices of agricultural products.
16. Crop insurance and soil conservation.

Standing Subcommittees

1. Agricultural Credit & Rural Electrification
2. Agricultural Production, Marketing & Stabilization of Prices
3. Agricultural Research & General Legislation
4. Soil Conservation & Forestry
5. Special Subcommittee: Watershed Projects

Committee on Commerce

Jurisdiction

1. Interstate and foreign commerce generally.
2. Regulation of interstate railroads, busses, trucks, and pipelines.
3. Communication by telephone, telegraph, radio, and television.
4. Civil aeronautics, except aeronautical and space activities of the National Aeronautics and Space Administration.
5. Merchant Marine generally.
6. Coast and Geodetic Survey.
7. Coast Guard.
8. U.S. Coast Guard and Merchant Marine Academies.

9. Weather Bureau.
10. Fisheries and wildlife.
11. National Bureau of Standards, including standardization of weights and measures and the metric system.
12. Other related matters.

Standing Subcommittees

1. Aviation
2. Communications
3. Consumer
4. Energy, Natural Resources & the Environment
5. Merchant Marine
6. Surface Transportation

Committee on Government Operations

Jurisdiction

1. Budget and accounting measures, other than appropriations.
2. Reorganizations in the executive branch of the Government.
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 operation of Government activities at all levels with a view to determining its economy and efficiency;
 - c. Evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
 - d. Studying intergovernmental relationships between the United States and municipalities, and between the United States and International organizations of which the United States is a member.

Standing Subcommittees

1. Executive Reorganization & Government Research
2. Intergovernmental Relations
3. National Security & International Operations
4. Permanent Investigations

Committee on Interior and Insular Affairs

Jurisdiction

1. Public lands generally, including entry, easements, and grazing thereon.
2. Mineral resources of the public lands.
3. Measures relating generally to insular possessions of the United States except for those affecting their revenue and appropriations.
4. Interstate compacts relating to apportionment of waters for irrigation purposes.
5. Mining interests generally.
6. Mineral land laws and claims and entries thereunder.
7. Geological survey.
8. Mining schools and experimental stations.
9. Petroleum conservation and conservation of the radium supply in the United States.
10. Other related matters.

Standing Subcommittees

1. Indian Affairs
2. Minerals, Materials & Fuels
3. Parks & Recreation

4. Public Lands
5. Territories & Insular Affairs
6. Water & Power Resources

Special Subcommittees

1. Legislative Oversight
2. Outer Continental Shelf

Committee on Labor and Public Welfare

Jurisdiction

1. Measures relating to education, labor or public welfare generally.
2. Child labor.
3. Labor statistics.
4. Labor standards.
5. Vocational rehabilitation.
6. Public health and quarantine.

Standing Subcommittees

1. Education
2. Employment, Manpower & Poverty
3. Health
4. Labor
5. Migratory Labor
6. Railroad Retirement
7. Veterans' Affairs

Special Subcommittees

1. Aging
2. Alcoholism & Narcotics
3. Arts & Humanities
4. Evaluation & Planning of Social Programs
5. International Health, Education & Labor Programs
6. National Science Foundation

Committee on Public Works

Jurisdiction

1. Flood control and improvement of rivers and harbors.
2. Water power.
3. Oil and other pollution of navigable waters.
4. Other related matters.

Standing Subcommittees

1. Air & Water Pollution
2. Economic Development
3. Flood Control-Rivers & Harbors
4. Public Buildings & Grounds
5. Roads

Special Subcommittee

1. Disaster Relief

House

Committee on Agriculture

Jurisdiction

1. Inspection of livestock and meat products.
2. Animal industry and diseases of animals.
3. Adulteration of seeds, insect pests, and protection of birds and animals in forest reserves.
4. Agricultural colleges and experiment stations.
5. Agricultural economics and research.
6. Agricultural and industrial chemistry.
7. Entomology and plant quarantine.
8. Human nutrition and home economics.
9. Plant industry, soil, and agricultural engineering.
10. Agricultural education extension services.
11. Rural electrification.
12. Agricultural production and marketing and stabilization of prices of agricultural products.
13. Crop insurance and soil conservation.
14. Other related matters.

Standing Subcommittees

1. Cotton
2. Dairy & Poultry
3. Forests
4. Livestock & Grains
5. Oilseeds & Rice
6. Tobacco

Special Subcommittee

1. Conservation & Credit
2. Departmental Operations
3. Domestic Marketing & Consumer Relations
4. Family Farms & Rural Development

Committee on Government Operations

Jurisdiction

1. Budget and accounting measures, other than appropriations.
2. Reorganization in the executive branch of the Government. 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 House as it deems necessary or desirable in connection with the subject matter of such reports;
 - b. studying the operation of Government activities at all levels with a view to determining its economy and efficiency;
 - c. evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government;
 - d. studying 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.

Standing Subcommittees

1. Conservation & Natural Resources
2. Executive & Legislative Reorganization
3. Foreign Operations & Government Information
4. Government Activities

5. Intergovernmental Relations
6. Legal & Monetary Affairs
7. Military Operations
8. Special Studies

Committee on Interior and Insular Affairs

Jurisdiction

1. Irrigation, reclamation, and other water resources development programs of the Department of the Interior.
2. Saline water research and development program.
3. Water resources research program.
4. Development, utilization, and conservation of oil, gas, helium, geothermal steam, and associated resources of the public and other Federal lands.

Standing Subcommittees:

1. Indian Affairs
2. Irrigation & Reclamation
3. Mines & Mining
4. National Parks & Recreation
5. Public Lands
6. Territorial & Insular Affairs

Committee on Interstate and Foreign Commerce

Jurisdiction

1. Interstate and foreign commerce generally.
2. Civil aeronautics.

3. Interstate oil compacts and petroleum and natural gas, except on the public lands.
4. Public health and quarantine.
5. Regulation of interstate and foreign communications.
6. Regulation of interstate and foreign transportation, except transportation by water not subject to the jurisdiction of the Interstate Commerce Commission.
7. Regulation of interstate transmission of power, except the installation of connections between Government water power projects.
8. Securities and exchanges.
9. Weather Bureau.

Standing Subcommittees

1. Commerce & Finance
2. Communications & Power
3. Public Health & Welfare
4. Transportation & Aeronautics

Special Subcommittee

1. Investigations

Committee on Merchant Marine and Fisheries

Jurisdiction

1. Merchant Marine generally.
2. Measures relating to the regulation of common carriers by water and to the inspection of merchant marine vessels, lights and signals, lifesaving equipment, and fire protection on such vessels.

3. United States Coast Guard and Merchant Marine Academies.
4. Coast and Geodetic Survey.
5. Fisheries and wildlife, including research, restoration, refuges, and conservation.
6. Oceanography.

Standing Subcommittees

1. Coast Guard, Coast and Geodetic Survey and Navigation
2. Fisheries & Wildlife Conservation
3. Merchant Marine
4. Oceanography
5. Panama Canal

Special Subcommittee

Maritime Education & Training

Committee on Public Works

Jurisdiction

1. Flood control and improvement of rivers and harbors.
2. Water power.
3. Oil and other pollution of navigable waters.

Standing Subcommittees

1. Flood Control
2. Public Buildings & Grounds
3. Rivers & Harbors
4. Roads
5. Watershed Development

Special Subcommittees

1. Economic Development
2. Federal-Aid Highway Program

Ad Hoc Subcommittee

1. Appalachia

Committee on Science and Astronautics

Jurisdiction

1. Astronautical research and development, including resources, personnel, equipment, and facilities.
2. Bureau of Standards, standardization of weights and measures the metric system.
3. National Aeronautics and Space Administration.
4. National Science Foundation.
5. National Aeronautics and Space Council.
6. Outer Space, including exploration and control thereof.
7. Science scholarships.
8. Scientific research and development.

Standing Subcommittees

1. Advanced Research and Technology
2. Manned Space Flight
3. NASA Oversight
4. National Bureau of Standards
5. Science, Research and Development
6. Space Sciences and Application

Committee on Education and Labor

Jurisdiction

1. Education and labor generally.
2. Labor standards.
3. Labor statistics.
4. Vocational rehabilitation.
5. Child labor.
6. School lunch program.
7. Wages and hours of labor.
8. Welfare of Miners.
9. Mediation and arbitration of labor disputes.

Standing Subcommittees

1. General Education
2. Select Education
3. Special Education
4. General Labor
5. Select Labor
6. Special Labor

Joint Committees

Joint Committee on Atomic Energy

Jurisdiction

Makes continuing studies of activities of the Atomic Energy Commission and problems relating to the development, use, and control of atomic energy. The Committee is responsible for acting on the authorization requests for all of the Atomic Energy Commission's programs, including construction projects and operating costs for all research and

development efforts. The Commission keeps the Committee fully and currently informed on all Commission activities; the Department of Defense keeps the Committee fully and currently informed on all matters in Department of Defense relating to development, utilization, or application of atomic energy. Any Government agency, at its direction, furnishes information requested by the Committee regarding activities or responsibilities of that agency in the field of atomic energy.

The Committee is authorized to sit and act at places and times it deems advisable, has subpoena powers, and may report directly to the Congress by bill, or otherwise.

Standing Subcommittees

1. Agreements for Cooperation
2. Communities
3. Legislation
4. Military Applications
5. Raw Materials
6. Research, Development & Radiation
7. Security

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development efforts. The Commission views the Committee fully and currently advised on all Commission activities. The Department of Defense keeps the Committee fully and currently informed on all matters in Department of Defense relating to development, utilization, or application of atomic energy. Any Government agency, at the direction furnished information requested by the Committee regarding activities or responsibilities of that agency in the field of atomic energy.

The Committee is authorized to call and act at places and times it deems advisable, has subpoena power, and may report directly to the Congress by bill or otherwise.

Standing Subcommittees

1. Agreements for Cooperation
2. Composites
3. Legislation
4. Military Applications
5. Raw Materials
6. Research, Development & Radiation
7. Security