

Restructuring the Congress



**A look at what might be possible,
if the people's representatives were held accountable.**

Abstract

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I. Introduction

This is a paper about “What if?”, which is always a useful question for beginning a dialogue of what is possible. In the engineering world, the question may be characterized as modeling and simulation. In the political world, it often seems that there are not well-defined assumptions and rules that exist in the physical sciences. The political system does have its own set of rules, even if they seem to run counter to rational thinking, and these rules – unlike the laws of nature – change. In point of fact, the behavior of the Congress is imminently rational, when viewed from within the context of the political arena.

Congressional operations have evolved since the first Congress was seated, operating pretty much as a plenary assembly or committee of the whole at first. As the country – and hence the Federal establishment – grew, the demands of governance exceeded the capability of the plenary assembly. So, the committee structure evolved, which is the congressional expression of the economists’ ‘division of labor” and “specialization of skills” principles. Such has been the pattern in other forms of human endeavor, so it should be no surprise that this pattern holds true in the Congress.

The case has been made that the organization of the Congress lags the organization of the Executive Branch. This point will be examined more thoroughly in Section III, below, and it is a valid point. The Congress is a reactionary body – reactionary in both senses of the word. That is, it is overall a conservative group, and it seldom is pro-active, either preferring to react to the demands of the day or being unable to anticipate and act upon anticipated needs. It is not bad that the Congress is as it is, for this does maintain a necessary linkage with the heritage of the past, and this

is nowhere better exhibited than in the Senate. Thus, when the current structure is reviewed against the make-up of the Executive Branch, one sees that there is not a clear isomorphic relationship between the Federal Departments, Agencies, and Bureaus, and the Congressional Committees which have oversight accountabilities over these entities, as well as having appropriation and authorization authority for the Federal entities. The relationships that do exist have been created over time and sometimes as a consequence of actions with other focus and intentions.

Be that as it may, the Congress generally moves reluctantly to meet the requirements of changing times. Of course, there are (rare) occasions when events occur that breaks the complacency of the body. The sinking of the Battleship *Maine* was such an event; so were Pearl Harbor and the attack upon the World Trade Center on September 11, 2001. Even then, Congress reacted slowly, compared to the response of the Executive Branch (and that wasn't as speedy as many believed it should have been after the shock of the moment was over). Either way, this paper takes a look at the current committee structure, examines some of the overlaps, and conjectures a "simplified" committee structure. The primary focus is upon the House of Representatives for two reasons. First, the House is the more dynamic of the two chambers, and second, it is the larger and more complicated. By comparison, the Senate, being composed of fewer members, behaves much differently, and also is more of a ratifying Chamber than it is an initiating Chamber. Consequently, it is much less interesting, even if the members may be perceived as more interesting by the media.

II. Current Structure

The structure of the Executive Branch is used as a starting point, for without this frame of reference, the organization of the committee structure would make little sense. Figure 1 depicts the Executive Branch before its reorganization to include the recently created Department of Homeland Security. This figure illustrates the complexity and the size of the Federal bureaucracy, both of which reflect the complexity and size of the American society and its industrial capability. The bureaucracy -- or to use a kinder term, the Executive Branch -- is half the story. The Constitution stipulates that the Federal government be a tripartite construct -- the Executive Branch, the Legislative Branch (the two houses of the Congress) and the Judiciary. It is worth noting that in the physical world, a three legged stool is quite stable. In the social world, a triad is inherently unstable, and it is clear from all the onset that the founding fathers wanted a structure that required active involvement of society to keep it functioning; further, without such involvement, the structure appears to be set up in such a manner as to come to a screeching halt. Whether this is actually true is beside the

point. What is pertinent is that the Federal Executive Branch is large, complex and dynamic; the Congress operates at slower pace, but it is divided into two chambers composed of 535 members, of which 87 per cent stand for re-election every two years. This in itself guarantees that there will be an interruption of legislative activities on an on-going, regular basis. Thus, except for a very small Federal establishment, as was typical of the early days of the Republic, it was inevitable that the committee structure would evolve. That membership/chairmanship of Congressional committees and sub-committees might be powerful re-election assets probably was not a consideration in the early days of committees, but these assets are certainly exploited to the hilt today.

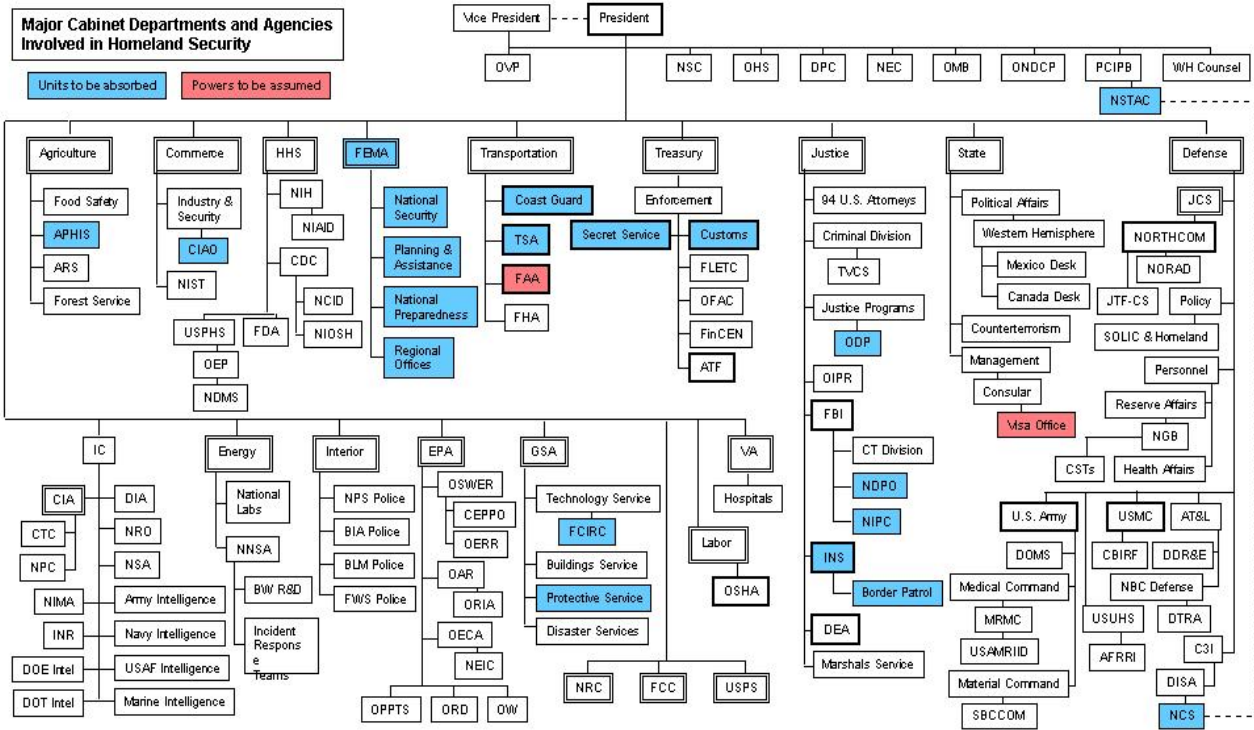


Figure 1. An organization chart of the Executive Branch as it was at September 11, 2001.

Figure 2 reflects the organization proposed by the Executive Branch following the tragic event of September 11, 2001. At first, it appears to be somewhat simpler than it appeared in Figure 1. It is nonetheless a complex organization, and there are still areas of jurisdictional overlap. There is good reason for this. First, the Federal establishment is not a monolithic structure, although the media presents it as such, and indeed it is so far-reaching that it is hard not to consider it as a huge

juggernaut. There are distinct, key functions performed by the various departments, agencies, bureaus and elements. First and foremost, defense of the country is a necessary and constitutionally mandated function, as it is for all bodies. Secondly, revenue must be raised, both to allow the functioning of the government and to fulfill upon provide for the public welfare. Third, there is a regulatory function, which is to insure that public order is maintained and the citizenry's rights are protected. Fourth, there is a research function, which is to insure that the means for assuring continued protection and the general welfare are assured. The first three of these functions are explicitly and constitutionally required; the fourth is a logical extension in recognition that the creation of means of satisfying future needs requires resources that cannot be met by private funding. There is an imputed fifth function, which is to gather information in order to provide for an adequate defense capability.

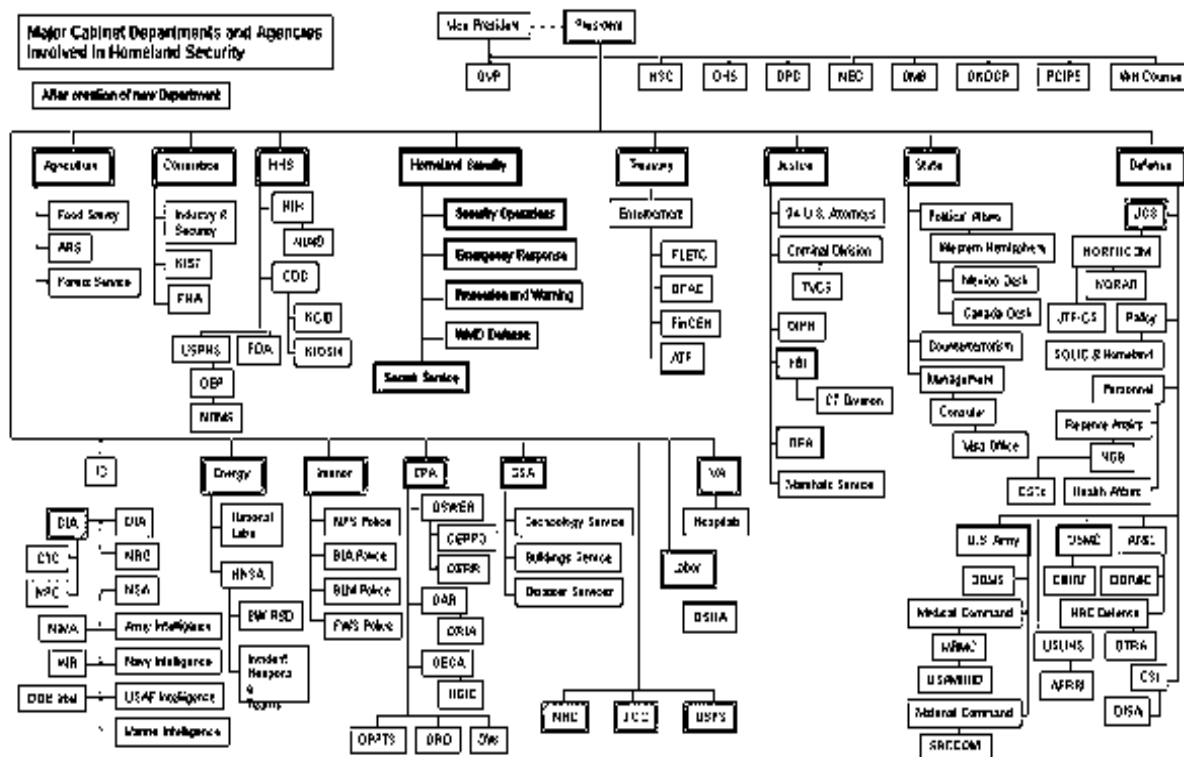
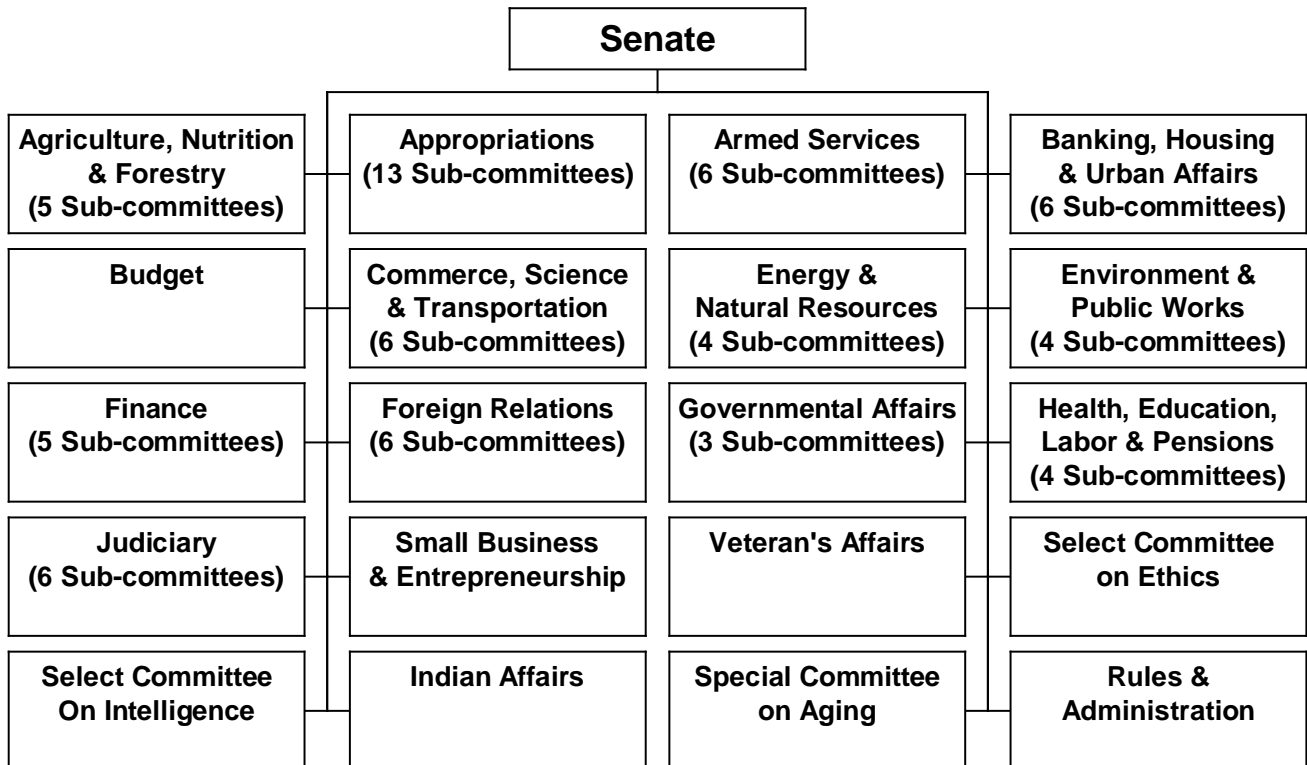
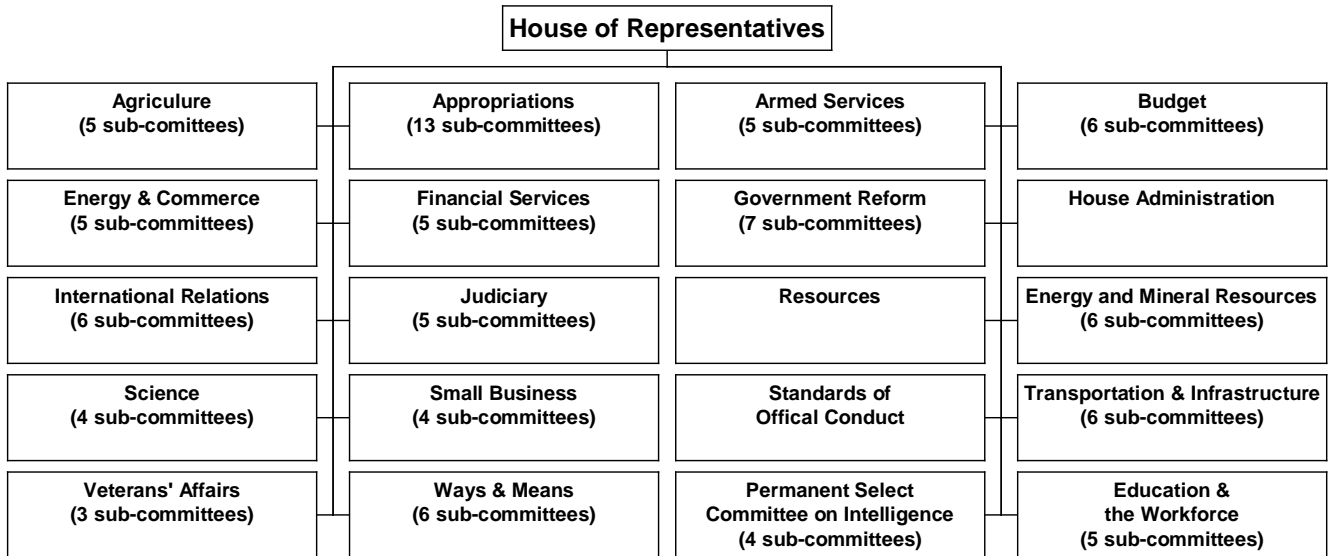


Figure 2. The proposed organization of the Executive Branch in response to the events of September 11, 2001.

The Executive Branch fulfills these functions, according to the legislative policies and directives enacted by the Congress. The Congress also must both authorize and appropriate funding for these activities; in addition, it exercises oversight of the activities as they are fulfilled by the Executive

Branch. Given the size and structure of the Executive Branch – numbering in the several hundreds of thousands, this is formidable task for the 535 members of Congress, even with a sizeable staff. How, then, does the organization of the Congress compare? In the House of Representatives, there are currently 20 committees and 79 sub-committees:



On the Senate side, there are 20 committees and 68 sub-committees, a rather surprising number, given that the Senate is numerically less than a quarter the size of the House. There are also four joint committees:

- Joint Economic Committee
- Joint Committee on Printing
- Joint Committee on the Library
- Joint Committee on Taxation

It is readily apparent that while there are similarities in the committee structure of the House and Senate, there are obvious differences. The basis for these differences appears to be a reflection of the differing characters of the two Chambers. What is important here is that every Department and, to a certain degree, every major agency/element has several committees/sub-committees under whose jurisdictions they fall. It is clear, given the number of committees/sub-committees, the time of the members of both Chambers has to be severely challenged, apart from whatever other demands there may be (such as re-election, constituent affairs, etc.).

III. The Pros and Cons of Restructuring.

To re-state an old adage. “The beauty of a re-organization is in the eye of the beholder.” This certainly applies to any discussion about re-organizing the Congress. To the outsider, which is nearly everyone except the members of Congress and the congressional staff, the structure at any given time appears to be incomprehensible, inefficient, awkward, counter-productive, and unmanageable. As stated previously, the Federal structure was designed by the founding fathers to be inefficient, and they have succeeded admirably if not beyond their wildest imaginings. On the other hand, as James Hershman¹ once remarked, “Taking into account the motives of the members themselves, there is a kind of elegance in the rationality that exists.” Dr. Hershman also remarked that to everyone else, it looked very much as if the inmates were running the asylum. Both comments appear apt. Certainly, there is little call for re-structuring from the members of Congress themselves. The last major re-organization occurred during the Truman administration and was in response to urgings from the Executive Branch. The 104th Congress, under the House leadership of Newt Gringrich and with a party majority, was unable to effect much more than cosmetic changes.

¹ Comment made by Dr. Hershman, a faculty member of the Government Affairs Institute, Georgetown University, at the opening session of a Congressional Operations Seminar for NASA employees, February 4, 2002, Washington, DC.

Indeed, Adler² concluded that the most successful changes have been instituted by the political parties, not by the congressional leadership. This suggests that it requires a broader base and larger constituency to provide the will and the focus to overcome the built-in inertia of the congressional system. Indeed, there is the irrefutable fact that, by the dictates of the Constitution itself, only the Congress can alter its make-up, and it controls the purse strings. While there are striking differences between the two chambers of Congress, members of each chamber focus first and foremost upon one thing – their own respective re-elections³. All else is secondary, and the committee structure has come to be finely tuned to achieve that⁴. Indeed, one could argue that the one thing that might bring about a re-structuring of the Congress is when the legislative demands begin to interfere with members' re-election demands. Even that is chancy – in the mid-seventies, the Congress became so far behind that it changed the fiscal year calendar⁵, rather than improve efficiency of operations. The fact is, then, only truly extra-ordinary conditions force the Congress to alter its way of doing business. Arguably, September 11, 2001, was such an occasion, but initial calls for reform came from the Congress itself and were directed at the Executive Branch. Only when the extent of the changes became known did it appear that Congress itself may not escape the need for change.

Even at that, as Adler has concluded, the pressures to avoid change appear to exceed the pressures to change, except under the most extra-ordinary circumstances. This does not negate the desirability of posing the “What if?” question, for that does lead to the identification of some changes that might be desirable for other reasons.

A consideration of the listings of committees/sub-committees and the structure of the Executive Branch as exhibited by either Figure 1 or 2 indicates that a mapping of Executive elements with committee/sub-committee would be a difficult task.

IV. The Homeland Security Act

The extent of the Homeland Security Act, as depicted in Figure 2, above, does appear to simplify the Executive Branch structure somewhat. However, it may result in the creation of a “super-department” that rivals the Department of Defense in complexity, if not in size. Based upon discussions, negotiations and activities extant at this time, it is unclear what the final disposition of

² p. 220, Chapter 8, Adler, S. A., **Why Congressional Reforms Fail – Reelection and the House Committee System.**

³ Another comment from Dr. James Hershman.

⁴ P. 60 – 62, Chapter 3, Deering, C. J., and S. S. Smith, **Committees in Congress.**

the new department may be. That being the case, it is assumed for the purposes of further discussion that the President's requested changes will be enacted. The function of the new Department fulfills both the defense and public order functions of the government. In addition, it becomes another prime user of the products of the intelligence activities. Because of the need to establish new linkages across departments, as well as to maintain critical linkages that are extant, the apparent simplification of the re-organization resulting from the Homeland Security act is chimerical. In fact, the Federal establishment becomes even more complex. Given the already limited amount of time available to members of Congress, the Act appears to have stretched an already limited commodity even further. Whether this is sufficient to warrant the Congress to re-organize the committee structure is arguable.

V. A Revised Committee Structure

A. Assessment. Upon comparing the committee designations for the House and Senate, there are some differences that appear immediately. For example, the Senate has a special committee on Aging, a committee for Environment and Public works, and a committee on Health, Education, Labor and Pensions. On the House's side, there is a committee on Education and the Workforce. The biggest difference appears to be in how each chamber addresses energy, natural resources, and the environment. However, when the sub-committees are examined, the differences between the two chambers are striking, to the point that one wonders how the parliamentarians of the two chambers are able to correlate who is doing what to whom. In addition, it has also been noted that a mapping of the 90 house committees and sub-committees into the departments, agencies and bureaus is a formidable task.

It is also noted that the rationality of the Congress – or for that matter of the individual chambers themselves – is not the rationality of those not part of the Congress. So, there is also a presumption that if the purpose and power of the Congress devolves from the citizenry as stipulated by the Constitution, then there is a compelling argument that the structure and performance of the body should at least take into account the needs, desires and wishes of the electorate.

Thus, the approach is to take the proposed Executive Branch structure as the basis for defining corresponding committees and sub committees. What will be obtained is only one possible way that the committee structure might be developed. It is not the only one. It is also noted that while efficacy is the guiding principle here, there is a strong argument that can be made for having multiple and

⁵ Budget of the United States Government, Office of Management and Budget, for FY 1976 and the Transition Quarter for FY 1976.

over-lapping committee jurisdictions. The basis for this is that it is entirely possible for a committee and its Executive branch counterpart to develop a symbiotic relationship whose purpose(s) may deviate from the goal of the common good for the nation. Thus, for the purpose of this discussion, it is presumed that the existence of similar committees with overlapping jurisdictions in the two chambers of the Congress will suffice to preclude the development of a non-beneficial relationship. The requirement for the overwhelming majority of members to seek re-election, with the ensuing airing of issues and allegations, is also another potent deterrent.

One other presumption has been made. This is that the four joint committees were established to deal with matters that uniquely require a joint committee. It is presumed that this is an on-going requirement, so those committees are presumed to continue.

B. Methodology. With these presumptions made, the approach was to prepare a top-level organization that maps the major departments and elements of the proposed Executive Branch structure as shown in Figure 2., above. Then, the list of committees and sub-committees was used as a basis for developing a new listing of sub-committees and placing them according to their function. In addition, account was taken of those activities that are obviously unique to the two respective chambers, i.e., House Administration and the Ways and Means Committees, in the case of the House.

C. The House. A top level organization chart that reflects specific counter-part committees is shown in Figure 5. Each major element of the Executive Branch is accounted for here. The immediate result is that there is a reduction in the number of major elements.

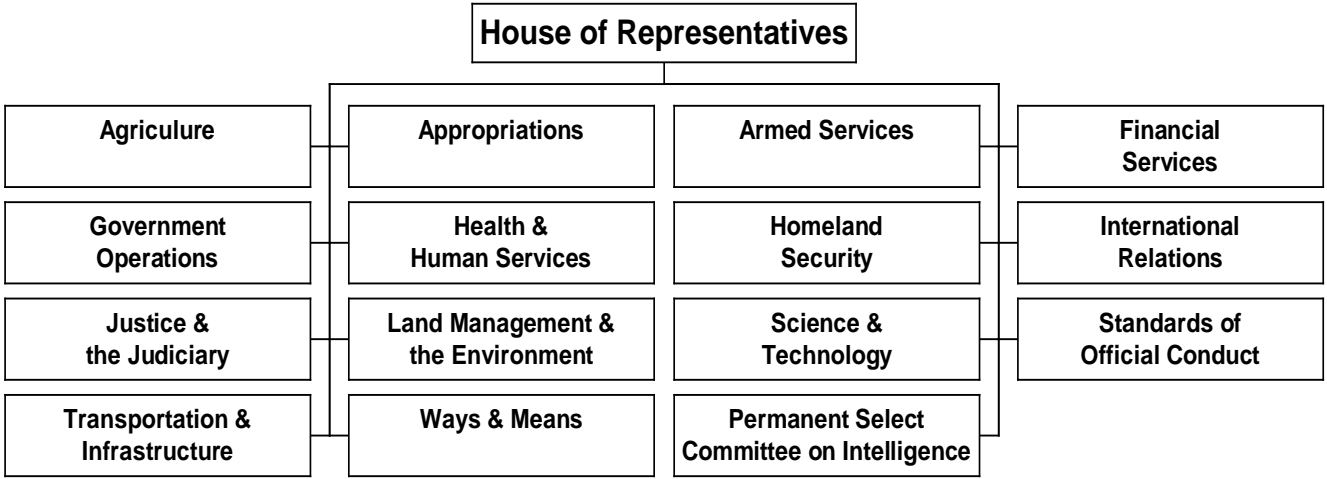


Figure 5. A suggested committee structure for the House of Representatives.

The sub-committee structure is as follows:

1. **House Agriculture Committee**
 - Conservation and Research
 - Department Operations, Oversight
 - General Farm Commodities and Risk Management
 - Livestock and Horticulture
 - Specialty Crops and Foreign Agriculture Programs
2. **House Appropriations Committee**
 - Agriculture
 - Commerce, Justice, State and Judiciary
 - Defense and Homeland Security
 - Energy, Science, Technology and the Internet
 - Foreign Operations
 - Health, Human Services and Education
 - Financial Services, Treasury, Postal Service and General Government
 - Independent Agencies and HUD
3. **House Armed Services**
 - Military Installations and Facilities
 - Military Personnel
 - Military Procurement
 - Military Readiness
 - Military Research and Development
4. **House Financial Services Committee**
 - Capital Markets, Insurance and Government Sponsored Enterprises
 - Domestic Monetary Policy, Technology and Economic Growth
 - Financial Institutions and Consumer Credit
 - Housing and Community Opportunity
 - International Monetary Policy and Trade
 - Oversight and Investigations
 - Regulators, Reform and Oversight
 - Rural Enterprises, Agriculture and Technology
5. **House Committee on Government Operations**
 - Civil Service and Agency Organization
 - District of Columbia
 - Energy Policy, Natural Resources and Regulatory Affairs
 - Government Efficiency, Financial Management and Intergovernmental Relations
 - Technology and the House
6. **House Health & Human Services Committee**
 - Nutrition
 - The National Institutes of Health
 - Veterans' Affairs and Benefits
 - Food and Drugs
 - Social Security
7. **House Homeland Security**
 - Security Operations & The Secret Service
 - Emergency Response
 - Prevention & Warning
8. **House International Relations Committee**
 - Africa
 - East Asia and the Pacific
 - Europe
 - International Operations and Human Rights
 - Middle East and South Asia
 - Western Hemisphere
9. **House Justice & The Judiciary Committee**
 - Commercial and Administrative Law
 - The Constitution
 - Courts, the Internet and Intellectual Property
 - Crime
 - Claims
 - Workforce Protection
10. **House Land Management & Environment Committee**
 - Fisheries Conservation, Wildlife and Oceans
 - Forests and Forest Health
 - National Parks, Recreation and Public Lands
 - Water Resources and Environment
 - Economic Development, Public Buildings
 - Environmental Protection
11. **House Science & Technology Committee**
 - Energy and Alternative Fuels
 - Technology and Standards
 - Science and Research
 - Space and Aeronautics
11. **House Standards of Official Conduct Committee**
12. **House Transportation and Infrastructure Committee**
 - Aviation
 - Seaports and Waterways
 - Highways and Transit
 - Railroads
 - Power Generation and Distribution
13. **House Ways and Means Committee**
 - Defense and Homeland Security
 - Health
 - Human Resources
 - Oversight
 - Tax Policy and Enforcement
 - Trade

- Legislative and Budget Process
- House Administration

15. House Permanent Select Committee on Intelligence

- Human Intelligence, Analysis and Counterintelligence
- Intelligence Policy and National Security
- Technical and Tactical Intelligence
- Terrorism and Homeland Security

D. The Senate. Applying the same rationale to the Senate as was used to develop a revised committee structure for the House, the depiction of Figure 6, below, is obtained.

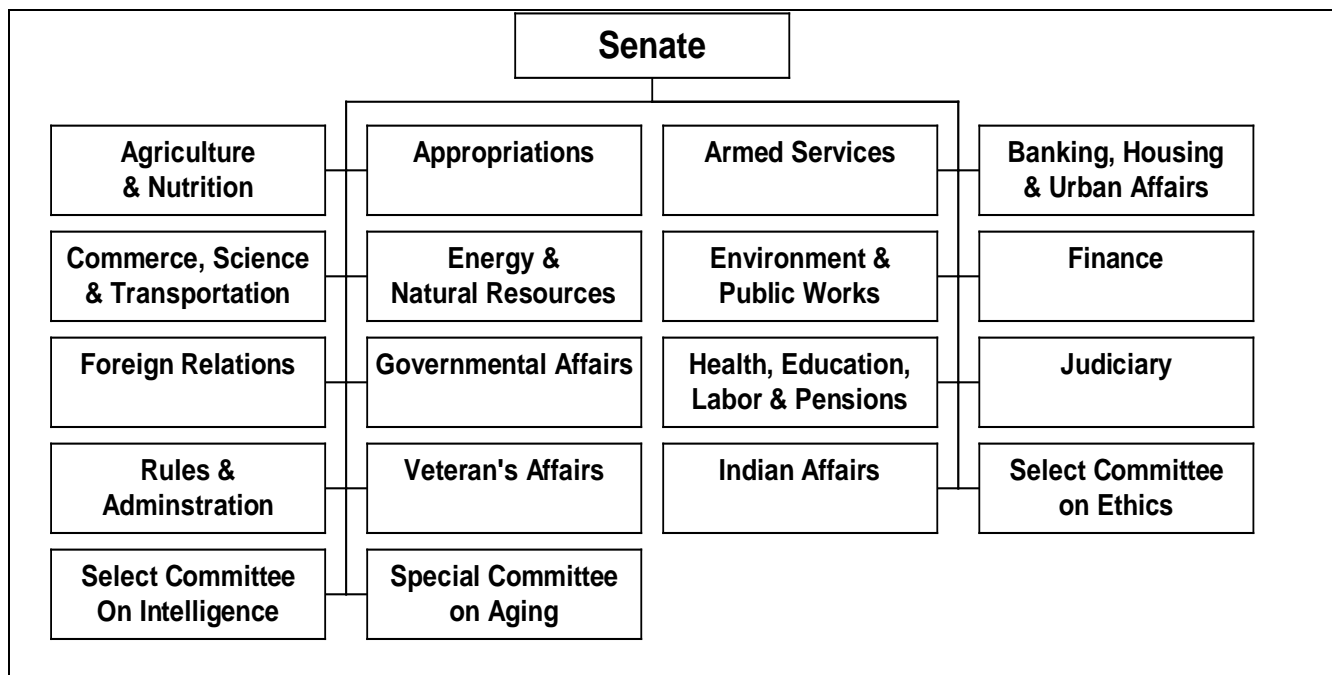


Figure 6. The revised committee structure for the Senate.

There is not as much apparent change here, for the reduced size of the Chamber reduces flexibility in assigning committee functions much more than is the case with the House. Still, the number of full committees is now eighteen, while the number of sub-committees is about the same as before.

The sub-committee structure is as follows:

1. Senate Agriculture & Nutrition Committee
 - Marketing, Inspection and Product Promotion
 - Production and Price Competitiveness
 - Research, Nutrition and General Legislation
2. Senate Appropriations Committee
 - Agriculture, Rural Development and Related Agencies
 - Commerce, Justice, State and the Judiciary
 - Defense & Homeland Security
 - District of Columbia
 - Energy, Transportation & Water Development
 - Foreign Operations
 - Interior
 - Labor, Health and Human Services and Education
 - Legislative Branch
 - Military Construction
 - Treasury and General Government
 - VA, HUD, District of Columbia & Independent Agencies

3. Senate Armed Services & Homeland Security Committee
 - Airland
 - Emerging Threats and Capabilities
 - Personnel
 - Readiness and Management Support
 - Sea Power
 - Strategic
4. Senate Banking, Housing and Urban Affairs Committee
 - Economic Policy
 - Financial Institutions
 - Housing and Transportation
 - International Trade and Finance
 - Securities and Investment
5. Senate Commerce, Science and Transportation Committee
 - Aviation, Highways & Merchant Marine
 - Communications
 - Commerce and Trade
 - Oceans, Atmosphere and Fisheries
 - Science, Technology and Space
 - Small Business & Entrepreneurship
6. Senate Energy and Natural Resources Committee
 - Energy
 - Public Lands, Forests, Fisheries & Wildlife
 - Water and Power
7. Senate Environment and Public Works Committee
 - Clean Air, Water and Climate Change
 - Conservation and Rural Revitalization
 - Superfund, Toxics, Risk and Waste Management
 - Transportation, Infrastructure and Nuclear Safety
8. Senate Finance Committee
 - Health Care
 - International Trade
 - Long-term Growth and Debt Reduction
 - Social Security and Family Policy
 - Taxation and IRS Oversight
9. Senate Foreign Relations Committee
 - African Affairs
 - Central Asia and South Caucasus
 - East Asian and Pacific Affairs
 - European Affairs
 - International Economic Policy, Export and Trade Promotion
 - International Operations and Terrorism, Proliferation
 - Near Eastern and South Asian Affairs
 - Western Hemisphere, Peace Corps, Narcotics Affairs
10. Senate Governmental Affairs Committee
 - International Security, and Federal Services
 - Oversight of Government Management, Restructuring
 - Permanent Subcommittee on Investigations
 - Budget
11. Senate Health, Education, Labor and Pensions Committee
 - Children and Families
 - Employment, Safety and Training
 - Public Health
12. Senate Judiciary Committee
 - Administrative Oversight and the Courts
 - Antitrust, Competition and Business and Consumer Rights
 - The Constitution
 - Crime and Drugs
 - Immigration
 - Technology, Terrorism and Government Information
13. Senate Rules and Administration Committee
14. Senate Veterans' Affairs Committee
15. Senate Indian Affairs Committee
16. Senate Select Committee on Ethics
17. Senate Select Committee on Intelligence
18. Senate Special Committee on Aging

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