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Senate Rules and Practices on Committee, Subcommittee, and Chairmanship Assignment Limitations as of November 4, 2000

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Summary

Senate Rule XXV and party practice limit the number and types of committee and subcommittee assignments a Member may hold. The rule sets the size of each committee, and Senate tradition dictates that, in most instances, party ratios in committee reflect the overall party ratio in the chamber. Both parties utilize Member seniority, state represented, and ideology as factors influencing committee assignments.

Rule XXV divides committees into three classes, characterized as A, B, and C. Class A consists of 12 standing committees; class B includes four standing committees, two select committees and one joint committee; and class C includes two select or special committees and three joint committees.

Normally, each Senator would be assigned to three committees (two in class A and one in class B) and eight subcommittees (three on each class A committee, and two on the class B committee). There are no limitations on assignments to class C panels.

However, under exceptions often granted in the rule (called “grandfather rights”), some Senators have additional committee and subcommittee assignments.

This report details these limitations and exceptions.

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Senate Rules and Practices on Committee, Subcommittee, and Chairmanship Assignment Limitations as of November 4, 2000

Introduction

By standing rule, the Senate limits the number and types of committee and subcommittee assignments a Member may hold. The rule (Rule XXV, paragraphs 2, 3, and 4)¹ further sets the size of each committee. Decisions on Senate committee and subcommittee assignments involve many other factors as well. Both parties utilize Member seniority, state represented, and ideology as factors influencing assignments to committees. Senate traditions further dictate that, in most instances, party ratios in committees reflect the overall party ratio in the chamber.

The comprehensive and complex system of limitations began to evolve at least 100 years ago. By the second half of the 19th century, for example, it was already an accepted, although informal, practice that no Senator should chair more than one legislative committee. The Legislative Reorganization Act of 1970 incorporated a slightly more restrictive version of that practice into the standing rules. Previously, chairs of standing legislative committees sometimes also chaired joint, select, or special committees. The 1970 rule prohibited Senators from chairing more than one committee of any kind, with two exceptions: (1) a standing committee chair may also chair a joint committee the jurisdiction of which is directly related to that of the standing committee, and (2) a chairman may also chair one temporary committee or temporary joint committee (not including conference committees). The prohibition in force today—adopted on February 4, 1977, when the Senate agreed to S.Res. 4 of the 95th Congress—continues the first exception but reflects a small change to the second (See Section III of this report.)

Early in the 20th century, both parties in the Senate adopted informal practices intended to distribute committee assignments, especially to prestigious committees, more equitably. Dissatisfaction with the results led to the adoption of formal, more elaborate limitations in the Legislative Reorganization Act of 1946. The new rule limited each Senator to membership on two so-called major standing committees. However, majority party Senators—and later all Senators—were permitted additional assignments on so-called minor standing committees. In addition, Senators could serve on any number of special, select, and joint committees.

¹ Standing Rules of the Senate. S. Doc. 106-15, 106th Congress, 2nd Session.

The Legislative Reorganization Act of 1970 introduced a more comprehensive, yet complex and restrictive, system. All committees were subjected to the limitations code and divided among three classes. Senators were required to serve on two committees in the first class and permitted to serve on one in each of the other classes. To assure majority-party control of all committees in a closely divided Senate, Senators could receive temporary assignments to a fifth committee. Exceptions in the form of “grandfather rights” were granted to protect the assignments of Senators sitting on more than the prescribed number of committees before the effective date of the act, January 3, 1971.

Over the years, the Senate granted extensions of grandfather rights, permitted some Senators to serve on additional committees without losing other assignments, and exempted certain committees from the limitations rules. These actions permitted some Senators a larger number of committee assignments than they otherwise might have held under the Legislative Reorganization Act’s limitations.

During its comprehensive review of committee operations, the 1976 Temporary Select Committee to Study the Senate Committee System, chaired by Adlai Stevenson III, D-Ill., found that the average number of committee and subcommittee assignments per Senator had more than tripled in 30 years. For example, in 1947 each Senator served on approximately five panels; in 1976, that number had increased to 19. The select committee concluded that this proliferation of assignments was responsible for “an inefficient division of labor, uneven distribution of responsibility, conflicts in the scheduling of meetings, waste of Senators’ and staff time, unsystematic lawmaking and oversight, inadequate anticipation of major problems, and inadequate membership participation in committee decisions.”² It was in this atmosphere that the Senate agreed to S.Res. 4, 95th Congress, which incorporated the new assignment limits into the Senate rules.

The 1977 revision of the rules continued the three-class committee structure of 1970, changed the composition of the classes somewhat, and eliminated the overall limitation on assignments in the third class. The rules revision also retained the mechanism for temporary additional assignments to assure majority party control of committees. Although S.Res. 4 retained the concept of grandfather rights, most expired at the start of the 96th Congress. However, the provisions allowing the former chairs and ranking minority members on two abolished committees (the District of Columbia Committee and the Post Office and Civil Service Committee) to serve on the Committee on Governmental Affairs in addition to other assignments had no expiration date. In addition, new temporary grandfather rights were created at the beginning of the 96th Congress and at the beginning of every Congress since.

S.Res. 4, the Committee System Reorganization Amendments of 1977, also removed the limitations on assignments to prestigious or exclusive committees. These limitations had started as informal party practice and were converted into formal rules by the Legislative Reorganization Act of 1970. Both parties, nevertheless, continue

² U.S. Congress. Senate. Temporary Select Committee to Study the Senate Committee System. First Report with Recommendations. Senate Report 94-1395, 94th Congress, 2nd session, 1976. p. 6.

to enforce limitations on assignments to exclusive committees, although they differ somewhat on the committees they regard as exclusive, as explained in Section I.

Restrictions on the Senate's subcommittee structure were first adopted in the 1970 act and dealt only with subcommittee chairmanships. With the proviso that Senators might continue to occupy all such chairmanships held as of January 3, 1971, and continuously thereafter, no Senator was to serve as chair of more than one subcommittee of any of his or her "class A" committees (see Section I). S.Res. 4 of 1977 eliminated the grandfather rights of 1970 and extended the prohibition on subcommittee chairs to all committees. It also inaugurated limitations on subcommittee assignments, in most cases allowing Members to serve on three subcommittees of each "class A" committee, and two subcommittees of each "class B" committee.

The transfer of majority-party status to the Republicans as a result of the 1980 elections, changes recommended by the 1984 Select Committee on Committees, the return of the Democrats to majority-party status in 1986, and the transfer of majority-party status to the Republicans as a result of the 1994 elections necessitated further temporary modifications to the assignment provisions and the adoption of new grandfather rights. The balance of this report describes the current limitation provisions.

I. Full Committee Assignments

Paragraphs 2, 3 and 4 of Senate Rule XXV, in effect, create three groups of committees for assignment limitation purposes. For easier identification, these groups are referred to below as classes A, B, and C, even though they are not so labeled in the rule.

Subject to various exceptions in the rule, in resolutions, and in party regulations, Rule XXV limits assignments in each class as follows:

- ! Each Senator shall serve on two committees, and no more than two, in class A. This group consists of 12 standing committees.
- ! Each Senator may serve on one committee, and no more than one, in class B. This group includes four standing committees, two permanent select and special committees, and one joint committee.
- ! Each Senator may serve on one or more committees in class C. This group includes a standing committee, a permanent special committee, and three joint committees.

A. CLASS A ASSIGNMENTS (Rule XXV, par. 2)

1. Class A Committees (12) :	<u>Size</u> ³
Agriculture, Nutrition, and Forestry	20
Appropriations	28
Armed Services	18
Banking, Housing, and Urban Affairs	22
Commerce, Science, and Transportation	20
Energy and Natural Resources	20
Environment and Public Works	18
Finance	20
Foreign Relations	18
Governmental Affairs	16
Health, Education, Labor, and Pensions	18
Judiciary	18

2. Basic Conditions

- a. Each Senator shall (must) serve on two, but not more than two, of the committees listed above, except that some Senators may serve on as many as three or four of them under the following conditions.⁴

- (1) Great-Grandfather Rights: Any Senator who (1) on February 10, 1977, was serving as chairman or ranking minority member of the now-defunct District of Columbia Committee or the Post Office and Civil Service Committee, *and* (2) was appointed to the Governmental Affairs Committee and two other class A committees at the beginning of the 95th Congress may continue to serve on the Governmental Affairs Committee and any two other class A committees so long as his service on the Governmental Affairs Committee is continuous. Such a Senator may transfer from one committee to another and still retain three class A assignments so long as the Senator maintains continuous service on Governmental Affairs. This exception has no expiration date.⁵

³ As amended, S.Res. 13 (97th Cong., 1/5/81); S.Res. 365 (97th Cong., 4/20/82); S.Res. 380 (97th Cong., 4/27/82); S.Res. 6 (98th Cong., 1/3/82); S.Res. 20 (98th Cong., 1/27/83); S.Res. 53 (98th Cong., 2/3/83); S.Res. 338 (98th Cong., 2/9/84); S.Res. 74 (99th Cong., 2/21/85); S.Res. 14 (100th Cong., 1/6/87); S.Res. 211 (100th Cong., 5/12/87); S.Res. 43, (101st Cong., 2/2/89); S.Res. 43 (102nd Cong., 2/5/91); S.Res. 135 (102nd Cong., 6/4/91); S.Res. 4 (103rd Cong., 1/7/93); S.Res. 130 (103rd Cong., 7/1/93); S.Res. 132 (103rd Cong., 7/15/93); S.Res. 14 (104th Cong., 1/5/95); S.Res. 92 (104th Cong., 3/24/95); S.Res. 9 (105th Cong., 1/9/97); S.Res. 354 (106th Cong., 9/12/00). See also, Rule XXV, par. 4(c).

⁴ Rule XXV, par. 4(a)(1).

⁵ Rule XXV, par. 4(g).

- (2) **Combinations of Certain Class A Committees:** Senators who were sitting on certain combinations of two class A committees at the end of the 95th Congress were granted assignments to specified third class A committees for the remainder of their current Senate terms so long as their service on each of those committees is continuous. However, Senators who sit on three class A committees under this exception may not serve on any other class A committees, or the class B Budget Committee, even if they are eligible to do so under some other exception.⁶ The specified combinations of class A committees for the 106th Congress were not included in the assignment resolutions for the 106th Congress.
- (3) **Party Ratios:** Senators of the majority party may be assigned to three class A committees when the majority and minority leaders agree to a temporary increase in the size of a class A committee in order to assure majority party control of that committee. Such assignments are temporary and are to be relinquished once the need for the increase in the committee's size is past. No class A committee may be increased in size, under this exception, by more than two members in excess of the number prescribed for that committee by paragraph 2 of Rule XXV.⁷
- b. **Republican Exclusive Committees:** By Republican Conference rule, no Republican Senator may serve simultaneously on more than one of the following four exclusive committees:

Appropriations
 Armed Services
 Finance
 Foreign Relations⁸

- c. **Democratic Exclusive Committees:** Under a Democratic Conference regulation of 1975, as modified in February 1977, no Democratic Senator may serve simultaneously on more than one of the following five exclusive committees:

Appropriations
 Armed Services
 Commerce, Science, and Transportation
 Finance
 Foreign Relations

⁶ Rule XXV, par. 4.

⁷ Rule XXV, par. 4(c).

⁸ History, Rules and Precedents of the Senate Republican Conference. Rule V. G, 106th Congress, October, 1999.

However, any Democratic Senator who was serving on more than one of the then six Democratic exclusive committees on January 14, 1975, may continue to serve on such exclusive committees as long as his service on those committees remains continuous.⁹

- d. Republican Same-State Practice: Two Republican Senators from the same state may not be assigned to the same committee.¹⁰
- e. Democratic Same-State Practice: By custom and informal practice, two Democratic Senators from the same state are not assigned to the same committee.¹¹

B. CLASS B ASSIGNMENTS (Rule XXV, par. 3(a) and (b))

1. Class B Committees (7)

Standing (4)	Size¹²	Permanent Select and Special (2)	Size¹³
Budget	22	Aging	18
Rules and Administration	16	Intelligence	19
Small Business	18		
Veterans' Affairs	14		
Joint (1)			
Joint Economic	10 (Senators)		

⁹ Democratic Conference Regulation, adopted January 15, 1975; modified February 10, 1977. Prior to the 1977 modification, the Judiciary Committee was an exclusive committee.

¹⁰ History, Rules and Precedents of the Republican Conference, Precedents on p. 6 in October 1999 edition.

¹¹ Information provided by the Secretary for the Minority of the Senate. However, exceptions have occasionally occurred.

¹² S.Res. 101, as amended. S.Res. 13 (97th Cong., 1/5/81); S.Res. 101 (97th Cong., 3/25/81); S.Res. 6 (98th Cong., 1/3/83); S.Res. 88 (99th Cong., 3/5/85); S.Res. 14 (100th Cong., 1/6/87); S.Res. 211 (100th Cong., 5/12/87); S.Res. 43 (101st Cong., 2/2/89); S.Res. 43 (102nd Cong., 2/5/91); S.Res. 135 (102nd Cong., 6/4/91); S.Res. 18 (103rd Cong., 1/21/93); S.Res. 130 (103rd Cong., 7/1/93); S.Res. 34 (104th Cong., 1/6/95); S.Res. 9 (105th Cong., 1/9/97); S. Res. 354 (106th Cong., 9/12/00).

¹³ S.Res. 13 (97th Cong., 1/5/81); S.Res. 24 (97th Cong., 1/19/81); S.Res. 101 (97th Cong., 3/25/81); S.Res. 338 (98th Cong., 2/9/84); S.Res. 85 (102nd Cong., 3/19/91); S.Res. 18 (103rd Cong., 1/21/93); S.Res. 34 (104th Cong., 1/6/95); S.Res. 9 (105th Cong., 1/9/97).

2. Basic Conditions

- a. A Senator may serve on one, but not more than one, of the committees listed above, although he is neither required nor entitled to serve on such a committee, except:¹⁴

(1) Class A Great-Grandfathers: A Senator who sits on the Governmental Affairs Committee, plus two other class A committees, because he was formerly chairman or ranking minority member of the District of Columbia or Post Office and Civil Service Committee, may not serve on any class B committees, except the Committee on Rules and Administration.¹⁵

(2) Budget Plus Two Class A Assignments: A Senator assigned to the Budget Committee and two class A committees may not serve on any other class B committee.

(3) Intelligence Committee: No Senator may be assigned to the Select Committee on Intelligence for more than eight years of continuous service, exclusive of service during the 94th Congress. To the greatest extent practicable, one-third of the Senators appointed to the Select Committee at the beginning of the 97th Congress and each Congress thereafter shall be Senators who did not serve on the Select Committee during the preceding Congress.¹⁶

(4) Intelligence Committee Exception: Mandatory service on the Select Committee on Intelligence by the Senate majority and minority leaders is not considered a class B assignment.¹⁷

(5) Joint Committees: A member of the Rules and Administration Committee may not serve on any joint committee. (Members of the Rules and Administration Committee may not serve on any joint committee unless its Senate members are required by law to be appointed from Rules and Administration or unless a Senator served

¹⁴ Rule XXV, par. 4(a)(2). Note that the possibility of additional committee assignments in order to assure majority party control of all Senate committees applies only to class A committees, not to class B committees. See Rule XXV, par. 4(c). Note, further, that the rules do not prohibit class B committee assignments for Senators who serve on three class A committees because of previous assignments to certain combinations of two or three class A committees.

¹⁵ Rule XXV, par. 4(g).

¹⁶ S.Res. 400, 94th Cong., May 19, 1976, sec. 2(b).

¹⁷ S.Res. 400, 94th Cong., May 19, 1976, sec. 2(a)(3). Although the language does not explicitly grant an exception, the requirement that both leaders be ex officio members of the select committee, shall have no vote in the committee, and shall not be counted for determining a quorum has been informally interpreted as constituting an exception.

on the Rules and Administration Committee and the Joint Taxation Committee on the last day of the 98th Congress.¹⁸

- b. Republican Same-State Practice: Two Republican Senators from the same state may not be assigned to the same committee. (See note 10).
- c. Democratic Same-State Practice: By custom and informal practice, two Democratic Senators from the same state are not assigned to the same committee. (See note 11).

C. CLASS C ASSIGNMENTS (Rule XXV, par. 3(c))

1. Class C Committees (5)

Permanent Select (2)	<u>Size</u>	Joint (3)	<u>Size</u>
Indian Affairs ¹⁹	14	Joint Taxation	5 (Senators)
Ethics	6	Joint Library	5
		Joint Printing	5

2. Basic Conditions:

- a. A Senator may serve on any number of the committees listed above, although he or she is neither required nor entitled to serve on such a committee, except:²⁰
 - (1) A Senator may not serve on the Joint Committee on Taxation unless he serves on the Finance Committee.²¹

¹⁸ Rule XXV, par. 4(f).

¹⁹ The Select Committee on Indian Affairs, previously scheduled to expire at the end of the 95th Congress, was extended until the end of the 96th Congress by S.Res. 405 (95th Cong., 10/14/78), and until 1984 by S.Res. 448, (96th Cong., 12/11/80). By S.Res. 127 (98th Cong., 6/6/84), the committee was made permanent. Size has been determined pursuant to S.Res. 88 (99th Cong., 3/5/85); S.Res. 14 (100th Cong., 1/6/87); S.Res. 100 (101st Cong., 4/11/89); S.Res. 44 (102nd Cong., 2/5/91); S.Res. 18 (103rd Cong., 1/21/93); S.Res. 34 (104th Cong., 1/6/95); S.Res. 92 (104th Cong., 3/24/95); S.Res. 9 (105th Cong., 1/9/97).

²⁰ On October 31, 1979, the Senate agreed to S.Res. 271 (96th Cong.; see *Congressional Record* (daily ed.), Oct. 31, 1979, S15485-6), which removed the membership restrictions on the Select Committee on Ethics previously imposed by S.Res. 338 (88th Cong., 7/24/64, sec. 1(d), as amended by S.Res. 4 (95th Cong., 2/4/77), sec. 102. These restrictions required that each party assign one member to the select committee who had served in the Senate less than six years, one who had served between six and 12 years, and one who had served more than 12 years. These restrictions also required that no Senator could serve on the select committee for more than six continuous years.

²¹ 26 U.S.C. 8002(a)(1).

- (2) Members of the Rules and Administration Committee may not serve on the Joint Committee on Taxation. (Members of the Rules and Administration Committee may not serve on any joint committee unless its Senate members are required by law to be appointed from Rules and Administration).²²
- (3) A Senator may not serve on the Joint Committee on the Library or the Joint Committee on Printing unless he serves on the Rules and Administration Committee.²³
- b. Republican Same-State Practice: Two Republican Senators from the same state may not be assigned to the same committee. (See note 10).
- c. Democratic Same-State Practice: By custom and informal practice, two Democratic Senators from the same state are not assigned to the same committee. (See note 11).

II. Subcommittee Assignments

The rules of the Senate define subcommittees as follows: “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.”²⁴

- A. Class A: A Senator may not serve on more than three subcommittees of any class A committee except:²⁵
 - 1. A Senator may serve on any number of subcommittees on the Committee on Appropriations.²⁶
 - 2. A Senator may serve ex officio, without vote, on any number of subcommittees on a committee of which he or she is chair or ranking minority member.²⁷

²² Rule XXV, par. 4(f). However, during the 104th Congress, one Senator served on the Finance Committee, the Rules and Administration Committee, and the Joint Taxation Committee.

²³ 44 U.S.C. 101; 2 U.S.C. 132 b.

²⁴ Rule XXV, par. 4(b)(4).

²⁵ Rule XXV, par. 4(b)(1).

²⁶ Rule XXV, par. 4(b)(1).

²⁷ Rule XXV, par. 4(b)(3).

- B. Class B: A Senator may not serve on more than two subcommittees on any class B committee except.²⁸
 - 1. A Senator may serve ex officio, without vote, on any number of subcommittees on a committee of which he or she is chair or ranking minority member.²⁹
- C. Class C: A Senator may serve on any number of subcommittees on any class C committee.³⁰

III. Full Committee Chairmanships

- A. Basic Limitation: A Senator may not serve as chair of more than one committee (standing, select, special, or joint) except:³¹
 - 1. Joint Committees: A Senator who serves as chair of a standing committee may also chair a joint committee, the jurisdiction of which is directly related to that of the standing committee.³²
 - 2. Certain Select Committees: The Select Committee on Ethics and the Select Committee on Indian Affairs are exempt from this limitation. Thus a Senator may chair another committee in addition to chairing one, or theoretically both, of these select committees.³³
- B. Republican Term Limits: A Senator shall not serve more than six years as chair and six years as ranking member of any standing committee, effective in January 1997.³⁴
- C. Republican Limitations: A Senator shall not serve as chair or ranking member of a standing committee other than Rules and Administration and as a chair or

²⁸ Rule XXV, par. 4(b)(2).

²⁹ Rule XXV, par. 4(b)(3).

³⁰ Senate rules imposed no limit on the number of subcommittee assignments that Senators are permitted on class C committees. The number of subcommittees a class C committee may create is indirectly limited, however, by the subcommittee chairmanship limitation. That is, the rule limits the number of subcommittees a committee may create to the number of majority party Senators on the committees, assuming minority party Senators do not serve as subcommittee chairs. (See Rule XXV, par. 4(a) and (b)).

³¹ Rule XXV, par. 4(e)(1).

³² Rule XXV, par. 4(e)(1).

³³ S.Res. 338 (88th Cong., 7/24/64), as amended by S.Res. 4 (95th Cong., 2/4/77, secs. 102 and 105(a)(4).

³⁴ History, Rules and Precedents of the Senate Republican Conference, 106th Congress, October 1999 edition.

ranking member of another standing committee or subcommittee. Appropriations subcommittee assignments are exempt.³⁵

IV. Subcommittee Chairmanships

- A. Basic Limitation: A Senator may not chair more than one subcommittee on any single committee (standing, select, special or joint) of which he or she is a member.³⁶
- B. Additional Limitations on Committee Chairs:
 - 1. Class A Committee Chairmen: A class A committee chair may not chair more than one subcommittee of all the subcommittees on his or her class A committees. That is, the Senator may chair a subcommittee on only one of his or her class A assignments. Furthermore, the Senator may not chair more than one subcommittee on each of his or her class B committees.³⁷
 - 2. Class B Committee Chairs: A class B committee chairman may not chair any subcommittee on his or her class B committee—presumably the Senator’s only class B assignment. Furthermore, the Senator may not chair more than one subcommittee on each of his or her class A committees.³⁸
- C. Republican Limitations:
 - 1) A Senator shall not serve as chair or ranking member of a standing committee other than Rules and Administration and as a chair or ranking member of another standing committee or subcommittee. Appropriations subcommittee assignments are exempt.³⁹

³⁵ Ibid.

³⁶ Rule XXV, par. 4(e)(2). In effect, his rule limits the number of subcommittees a committee may create to the number of majority-party Senators on the committee, assuming minority party Senators do not serve as subcommittee chairs.

³⁷ Rule XXV, par. 4(e)(3). Since par. 4(e)(2) limits all Senators to no more than one subcommittee chairmanship on any of their committees, the proviso in the first sentence of par. 4(e)(3) that chairs of class A committees may chair only one subcommittee on each of their class B assignments appears to be redundant.

³⁸ Rule XXV, par. 4(e)(3). Since par. 4(e)(2) limits all Senators to no more than one subcommittee chairmanship on any of their committees, the proviso in the second sentence of par. 4(e)(3) that chairmen of class B committees may chair only one subcommittee on each of their class A assignments appears to be redundant.

³⁹ History, Rules and Precedents of the Senate Republican Conference, 106th Congress, October 1999 edition.

- 2) A Senator may not serve as chair or ranking member of more than two subcommittees.⁴⁰

⁴⁰ Ibid.

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