

## REMARKS IN DEBATE

See "Congressional Record," pp. 643-654; "Debate," pp. 716-797.

## REORGANIZATION PLANS

### Executive Reorganization: 5 U.S.C., 903-12 as Amended through Public Law 98-614

#### "§ 903. Reorganization plans

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"(b) The President shall have a reorganization plan delivered to both Houses on the same day and to each House while it is in session, except that no more than three plans may be pending before the Congress at one time. In his message transmitting a reorganization plan, the President shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of the function. The message shall also estimate any reduction or increase in expenditures (itemized so far as practicable), and describe any improvements in management, delivery of Federal services, execution of the laws, and increases in efficiency of Government operations, which it is expected will be realized as a result of the reorganizations included in the plan.

"In addition, the President's message shall include an implementation section which shall (1) describe in detail (A) the actions necessary or planned to complete the reorganization, (B) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and (C) any preliminary actions which have been taken in the implementation process, and (2) contain a projected timetable for completion of the implementation process. The President shall also submit such further background or other information as the Congress may require for its consideration of the plan.

"(c) Any time during the period of 60 calendar days of continuous session of Congress after the date on which the plan is transmitted to it, but before any resolution described in section 909 has been ordered reported in either House, the President may make amendments or modifications to the plan, consistent with sections 903-905 of this title, which modifications or revisions shall thereafter be treated as a part of the reorganization plan originally transmitted and shall not affect in any way the time limits otherwise provided for in this chapter. The President may withdraw the plan any time prior to the conclusion of 90 calendar days of continuous session of Congress following the date on which the plan is submitted to Congress.

**“§ 905. Limitation on powers**

“(a) A reorganization plan may not provide for, and a reorganization under this chapter may not have the effect of—

“(1) creating a new executive department; or renaming an existing executive department, abolishing or transferring an executive department or independent regulatory agency, or all the functions thereof, or consolidating two or more executive departments or two or more independent regulatory agencies, or all the functions thereof;

“(2) continuing an agency beyond the period authorized by law for its existence or beyond the time when it would have terminated if the reorganization had not been made;

“(3) continuing a function beyond the period authorized by law for its exercise or beyond the time when it would have terminated if the reorganization had not been made;

“(4) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is transmitted to Congress;

“(5) creating a new agency which is not a component or part of an existing executive department or independent agency;

“(6) increasing the term of an office beyond that provided by law for the office; or

“(7) dealing with more than one logically consistent subject matter.

“(b) A provision contained in a reorganization plan may take effect only if the plan is transmitted to Congress in accordance with section 903(b) on or before December 31, 1984.

**“§ 906. Effective date and publication of reorganization plans**

“(a) Except as provided under subsection (c) of this section, a reorganization plan shall be effective upon approval by the President of a resolution (as defined in section 909) with respect to such plan, if such resolution is passed by the House of Representatives and the Senate, within the first period of 90 calendar days of continuous session of Congress after the date on which the plan is transmitted to Congress. Failure of either House to act upon such resolution by the end of such period shall be the same as disapproval of the resolution.

“(b) For the purpose of this chapter—

“(1) continuity of session is broken only by an adjournment of Congress sine die; and

“(2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

“(c) Under provisions contained in a reorganization plan, any provision thereof may be effective at a time later than the date on which the plan otherwise is effective.

“(d) A reorganization plan which is effective shall be printed (1) in the Statutes at Large in the same volume as the public laws and (2) in the Federal Register.

**“§ 908. Rules of Senate and House of Representatives on reorganization plans**

“Sections 909 through 912 of this title are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions with respect to any reorganization plans transmitted to Congress (in accordance with section 903(b) of this chapter) on or before December 31, 1984; and they supersede other rules only to the extent that they are inconsistent therewith; and

“(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

**“§ 909. Terms of resolution**

“For the purpose of sections 908 through 912 of this title, ‘resolution’ means only a joint resolution of the Congress, the matter after the resolving clause of which is as follows: ‘That the Congress approves the reorganization plan numbered transmitted to the Congress by the President on \_\_\_\_\_, 19\_\_\_\_’, and includes such modifications and revisions as are submitted by the President under section 903(c) of this chapter. The blank spaces therein are to be filled appropriately. The term does not include a resolution which specifies more than one reorganization plan.

**“§ 910. Introduction and reference of resolution**

“(a) No later than the first day of session following the day on which a reorganization plan is transmitted to the House of Representatives and the Senate under section 903, a resolution, as defined in section 909, shall be introduced (by request) in the House by the chairman of the Government Operations Committee of the House, or by a Member or Members of the House designated by such chairman; and shall be introduced (by request) in the Senate by the chairman of the Governmental Affairs Committee of the Senate, or by a Member or Members of the Senate designated by such chairman.

“(b) A resolution with respect to a reorganization plan shall be referred to the Committee on Governmental Affairs of the Senate and the Committee on Government Operations of the House (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be. The committee shall make its recommendations to the House of Representatives or the Senate, respectively, within 75 calendar days of continuous session of Congress following the date of such resolution’s introduction.

**“§ 911. Discharge of committee considering resolution**

“If the committee to which is referred a resolution introduced pursuant to subsection (a) of section 910 (or, in the absence of such a resolution, the first resolution introduced with respect to the same

reorganization plan) has not reported such resolution or identical resolution at the end of 75 calendar days of continuous session of Congress after its introduction, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

**“§ 912. Procedure after report or discharge of committee; debate; vote on final passage**

“(a) When the committee has reported, or has been deemed to be discharged (under section 911) from further consideration of, a resolution with respect to a reorganization plan, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion shall not be subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

“(b) Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between individuals favoring and individuals opposing the resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is passed or rejected shall not be in order.

“(c) Immediately following the conclusion of the debate on the resolution with respect to a reorganization plan, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

“(d) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution with respect to a reorganization plan shall be decided without debate.

“(e) If, prior to the passage by one House of a resolution of that House, that House receives a resolution with respect to the same reorganization plan from the other House, then—

“(1) the procedure in that House shall be the same as if no resolution had been received from the other House; but

“(2) the vote on final passage shall be on the resolution of the other House.”

### **Amendment to Resolution Disapproving Out of Order:**

A resolution disapproving a reorganization plan is not subject to amendment.<sup>1</sup>

### **Consideration of Resolution Disapproving:**

A resolution disapproving a reorganization plan, which was transmitted to the Senate by the President, does not come up automatically before the Senate for consideration.<sup>2</sup>

A motion to proceed to the consideration of a resolution disapproving a reorganization bill is a privileged matter;<sup>3</sup> but when a Senator has been recognized, it is not in order for another Senator, as a privileged matter, to submit a motion to take up a resolution disapproving a reorganization plan.<sup>4</sup>

At the conclusion of the debate on a resolution with respect to a reorganization plan, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final approval of the resolution shall occur.<sup>5</sup>

### **Debate of Resolution To Disapprove:**

See "Reorganization Plans, Debate of," pp. 772-773.

### **Effective Date of Plan Changed:**

In 1939, the effective dates of two reorganization plans transmitted to the Senate by the President were changed by the enactment of a joint resolution.<sup>6</sup>

### **Postpone:**

A motion to postpone, and a motion to proceed to the consideration of other business while such a resolution is pending, are not in order.<sup>7</sup>

<sup>1</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(b)); see Aug. 16, 1949, 81-1, *Record*, p. 11521; see also House precedent, June 27, 1953, 83-1, *Record*, p. 7482.

<sup>2</sup> Mar. 12, 1952, 82-2, *Record*, p. 2145.

<sup>3</sup> May 2, 1950, 81-2, *Record*, p. 6148; see also June 27, 1947, 80-1, *Record*, p. 7790.

<sup>4</sup> May 10, 1950, 81-2, *Record*, p. 6792.

<sup>5</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(c)).

<sup>6</sup> May 16-19, 1939, 76-1, *Journal*, pp. 306, 318, *Record*, pp. 5572, 5796.

<sup>7</sup> 91 Stat. 35 (Pub. L. 95-17, sec. 912(b)).

**Recommit:**

A motion to recommit a resolution relating to a reorganization plan is not in order.<sup>8</sup>

**Reconsideration of Resolution Out of Order:**

A motion to reconsider the vote by which a resolution disapproving a reorganization plan is agreed to or disagreed to is not in order.<sup>9</sup>

**Vote:**

A majority of the membership of the House or Senate is required to adopt a resolution disapproving a reorganization plan under the 1949 law, but the vote on disapproval may be by *viva voce*.<sup>10</sup>

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<sup>8</sup> *Ibid.*

<sup>9</sup> See May 11, 1950, 81-2, *Record*, p. 6886.

<sup>10</sup> May 18, 1950, 81-2, *Record*, p. 7235; see also House precedent, Aug. 11, 1949, 81-1, *Record*, p. 11314.