STATEMENT OF SENATOR HUBERT H. HUMPHREY

BEFORE THE

SENATE TEMPORARY SELECT COMMITTEE

TO STUDY THE SENATE COMMITTEE SYSTEM

235 RUSSELL SENATE OFFICE BUILDING

WASHINGTON, D.C.

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MR. CHAIRMAN, I APPRECIATE HAVING THIS OPPORTUNITY TO DISCUSS MY VIEWS ON NEEDED REFORMS IN THE OPERATION OF THE SENATE, ESPECIALLY WITH RESPECT TO THE FUNCTIONING OF THE COMMITTEE SYSTEM.

REFORM SHOULD NOT BE MERELY A TECHNICAL OR ADMINISTRATIVE EXERCISE, NOR SHOULD IT BE DESIGNED TO OBTAIN OPERATIONAL EFFICIENCY FOR ITS OWN SAKE. RATHER, I SEE THESE IMPORTANT NEW DIRECTIONS IN HOW THE SENATE SHALL ACCOMPLISH ITS WORK AS BEING ESSENTIAL TO RESTORING THE FULL FAITH AND CREDIT OF THE LEGISLATIVE BRANCH OF OUR GOVERNMENT ON BEHALF OF THE AMERICAN PEOPLE.

OUR ELECTED REPRESENTATIVES ARE FULLY AWARE OF THE CRITICAL NEED TO RESTORE THE TRUST OF OUR CITIZENS IN THEIR GOVERNMENT --

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A NEED WHICH HAS YET TO BE MET IN THE AFTERMATH OF "WATERGATE" WITH ITS PROFOUND AND PERVASIVE NEGATIVE IMPACT UPON PUBLIC CONFIDENCE IN GOVERNMENT AT ALL LEVELS.

The JOB OF RESTORING PUBLIC TRUST MUST BEGIN, OF COURSE, AT THE DOORSTEP OF EACH MEMBER OF CONGRESS. IT IS INCUMBENT UPON EVERY ELECTED REPRESENTATIVE OF THE PEOPLE TO SET HIS OR HER OWN HOUSE IN ORDER -- TO ASSURE THAT FIRM STANDARDS OF HONESTY AND INTEGRITY ARE SCRUPULOUSLY ADHERED TO; TO DEDICATE THEMSELVES TO HARD WORK ON BEHALF OF THE ELECTORATE; AND TO FOLLOW A CONSTANT POLICY OF CANDOR AND OPENNESS TOWARD THE PEOPLE.

BUT IT ALSO IS ESSENTIAL THAT EVERY POSSIBLE ACTION BE TAKEN TO ASSURE THAT CONGRESS CAN DO ITS JOB EFFECTIVELY -- THAT IT CAN PRODUCE <u>RESULTS</u> WITHIN A REASONABLE TIME; THAT IT CAN ESTABLISH A LEGISLATIVE RECORD OF ACCOMPLISHMENT, ADDRESSED TO THE URGENT PROBLEMS OF OUR NATION, IN WHICH IT CAN TAKE JUSTIFIABLE PRIDE.

WE ARE TOLD ALL TOO OFTEN THAT THE ONLY IMPRESSION OUR PEOPLE HAVE OF CONGRESS IS THAT IT APPEARS TO HAVE MASTERED THE ART OF CONFUSION AND DELAY.

THEY SEE ENDLESS DEBATES AND PROCEDURAL GAMESMANSHIP ON THE SENATE FLOOR, WITH FORTHRIGHT RESOLUTION OF AN ISSUE BY RECORD VOTE COMING ALL TOO RARELY OR VERY LATE.

THEY WAIT FOR CONGRESS TO FULFIL ITS PROMISES OF ENACTING: -- FULL SCALE TAX REFORM; -- A COMPREHENSIVE POLICY ON THE DEVELOPMENT AND CONSERVATION OF OUR ENERGY RESOURCES;

-- POLICIES TO ASSURE ABUNDANT FOOD RESOURCES AT REASONABLE PRICES;

-- A NATIONAL PROGRAM OF HEALTH CARE INSURANCE PROTECTION; -- STRONG ACTIONS TO PROTECT THE CITIZEN AS CONSUMER; -- MEASURES TO STRENGTHEN CITIZEN SAFETY AGAINST VIOLENT

CRIME AND TO ACHIEVE NEEDED REFORMS IN THE SYSTEM OF CRIMINAL

JUSTICE;

-- AND A COMPREHENSIVE AND VIGOROUS PROGRAM TO REPLACE THE NIGHTMARE OF RECESSIONS, HIGH UNEMPLOYMENT, AND INFLATION, WITH FULL EMPLOYMENT AND BALANCED ECONOMIC GROWTH, DESPITE THIS LIST OF UNFINISHED BUSINESS, CONGRESS HAS COMPILED AN EXCELLENT RECORD OF LEGISLATIVE ACCOMPLISHMENT ON MANY NATIONAL ISSUES. THIS RECORD IS ALL THE MORE SIGNIFICANT IN LIGHT OF EIGHT YEARS OF ADMINISTRATION OPPOSITION TO SO MANY CONGRESSIONAL INITIATIVES AND 98 VETOES BY PRESIDENTS NIXON AND FORD OF BILLS ENACTED BY CONGRESS.

THE FIRST PRIORITY OF THE PRESIDENT, UPON HIS INAUGURATION NEXT JANUARY, MUST BE TO END THIS ERA OF CONFRONTATION AND TO EXERCISE GENUINE NATIONAL LEADERSHIP THROUGH ESTABLISHING AN ON-GOING COOPERATIVE AND CONSTRUCTIVE WORKING RELATIONSHIP WITH CONGRESS.

BUT CONGRESS ITSELF MUST INITIATE REFORMS IF IT INTENDS TO DEAL RESPONSIBLY AND EFFECTIVELY AS A COORDINATE BRANCH OF GOVERNMENT WITH THE WHITE HOUSE AND THE EXECUTIVE BRANCH. SINCE RETURNING TO THE SENATE IN 1971, I HAVE WORKED IN SUPPORT OF INNOVATIVE AND LONG-OVERDUE ACTIONS TO HELP BRING THE OPERATIONS OF THE SENATE INTO THE TWENTIETH CENTURY. I HAVE VIEWED THIS EFFORT AS A MATTER OF HIGH IMPORTANCE, BASED ON MY EARLIER EXPERIENCES DURING 16 YEARS AS A SENATOR, INCLUDING 4 YEARS AS MAJORITY WHIP, AND ANOTHER 4 YEARS AS VICE PRESIDENT, IN ATTEMPTING TO ACHIEVE VITALLY NEEDED PROCEDURAL CHANGES IN THE SENATE.

IN THE 92D CONGRESS I WAS PRIVILEGED TO SERVE ON AN AD HOC COMMITTEE APPOINTED BY THE SENATE DEMOCRATIC CONFERENCE TO MAKE RECOMMENDATIONS ON REFORMS IN THE SO-CALLED "SENIORITY SYSTEM" AS IT AFFECTS THE APPOINTMENT OF CONFEREES TO RESOLVE DIFFERENCES IN HOUSE-AND SENATE-PASSED BILLS, AND ON PRINCIPLES WHICH SHOULD APPLY TO THE DETERMINATION OF MEMBERSHIP BENEFITS IN THE DEMOCRATIC CONFERENCE.

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COUPLED WITH REFORMS IN DEMOCRATIC CONFERENCE PROCEDURES FOR

APPROVING COMMITTEE CHAIRMEN AND APPOINTMENTS, THE EVENTUAL CHANGES IN THE PROCESS OF APPOINTING CONFEREES WILL BE OF GREAT IMPORTANCE IN CARRYING FORWARD THE APPLICATION OF DEMOCRATIC PRINCIPLES IN THE OPERATIONS OF THE SENATE ITSELF.

Also, in the 92d Congress, I worked closely with Senators determined to change Senate Rule XXII, whereby the historic Senate principle of full and free debate no longer would be shackled by extended filibusters, and the Senate would be enabled to work its will on pending legislation. Finally, in 1975, we were able to pass a long-overdue modification of this rule.

MOREOVER, I INTRODUCED ONE OF THE FIRST BILLS TO ESTABLISH A JOINT COMMITTEE ON NATIONAL SECURITY, RECOGNIZING THE URGENT NEED TO IMPROVE SUBSTANTIALLY THE CAPABILITY OF CONGRESS TO MAINTAIN OVERSIGHT ON A COMPREHENSIVE BASIS OVER NATIONAL DEFENSE CAPABILITIES AND FEDERAL INTELLIGENCE ACTIVITIES. HAVING SERVED ON THE NATIONAL SECURITY COUNCIL AS VICE PRESIDENT, I HAVE BEEN INTIMATELY AWARE OF THE COMPLEX AND PROFOUND ISSUES INVOLVED IN ASSURING THE ADEQUATE PROTECTION OF OUR NATION'S VITAL INTERESTS AND THE FULFILLMENT OF ITS RESPONSIBILITIES AS THE WORLD'S LEADING DEMOCRACY. I AM GRATIFIED THAT STEPS HAVE NOW BEEN TAKEN TOWARD ACHIEVING NECESSARY OVERSIGHT IN COMMITTEES OF CONGRESS OF OUR FEDERAL INTELLIGENCE ACTIVITIES,

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The current deliberations by the Select Committee to Study The Senate Committee System continue an important movement in Congress in recent years toward restoring the "checks and balances" Built into our system of democratic government by the Constitution: -- The Legislative Reorganization Act of 1970 created various mechanisms to make the legislative process more efficient and to Better inform the Members of Congress of important legislation, Budget information and program analysis:

-- THE WAR POWERS RESOLUTION REITERATED THE CONSTITUTIONAL AUTHORITY OF CONGRESS TO DECLARE WAR;

-- THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT PROVIDES A MECHANISM TO ALLOW CONGRESS TO EXAMINE CLOSELY AND SET FIRM LEVELS ON SPENDING PRIORITES AND TO COORDINATE SPENDING WITH INCOMING REVENUES; AND -- BILLS AND RULES CHANGES, POPULARLY KNOWN AS "SUNSHINE" LEGISLATION, HAVE OPENED VIRTUALLY ALL COMMITTEE WORK TO PUBLIC SCRUTINY.

BUT FURTHER CHANGES ARE NEEDED AND SHOULD BE IMPLEMENTED AS SOON AS POSSIBLE. A 20TH CENTURY CONGRESS CANNOT BE CONTENT WITH EMPLOYING 18TH AND 19TH CENTURY TECHNIQUES.

A MAJOR BARRIER TO BE OVERCOME, AND TO WHICH THIS SELECT COMMITTEE'S RECOMMENDATIONS WILL BE ADDRESSED, IS THE FRAGMENTATION

OF THE COMMITTEE AND SUBCOMMITTEE SYSTEM OF CONGRESS.

DURING THE 93RD CONGRESS, OVER 1800 BILLS AND RESOLUTIONS DEALING WITH FOOD, AGRICULTURE, AND NUTRITION WERE INTRODUCED. YET LESS THAN HALF OF THESE BILLS WERE REFERRED TO EITHER THE SENATE COMMITTEE ON AGRICULTURE AND FORESTRY OR THE HOUSE COMMITTEE ON AGRICULTURE. WE KNOW THAT A SIMILAR STUMBLING BLOCK TO EXPEDITING

ACTION -- THE ABSENCE OF CLEARLY DEFINED COMMITTEE LEGISLATIVE

OVERSIGHT AUTHORITIES -- AFFECTED NUMEROUS BILLS DEALING WITH

THE CRITICALLY IMPORTANT ISSUE OF DEVELOPING AND CONSERVING

OUR ENERGY RESOURCES. AND THE SAME NEGATIVE REPORT CAN BE MADE

ON COMMITTEE PROCESSING PROCEDURES FOR LEGISLATION ON SUCH

IMPORTANT NATIONAL ISSUES AS MONETARY POLICY AND HEALTH CARE SERVICES.

Administration officials are forced to sit before numerous committees to explain their policies again and again on the same general subject areas. And, in general, it is all too frequently very difficult to get the legislative job done because of the necessity of travelling through the maze of committees claiming OVERSIGHT JURISDICTION OVER IDENTICAL SUBJECT AREAS OR

CONSTITUENT PARTS OF THE SUBJECT OR RELATED MATTERS.

ON THE OTHER HAND, AND I SUSPECT WITH AN EQUAL FREQUENCY, AN ISSUE IS NOT ADDRESSED IN A NECESSARILY COMPREHENSIVE AND EFFECTIVE MANNER PRECISELY BECAUSE CONSTITUENT PARTS OF THE ISSUE ARE DIVIDED UP AMONG SEVERAL COMMITTEES.

THEREFORE, AS ANALHOR OF ORIGINAL LEGISLATION IN THE 93RD CONGRESS WHICH HELPED ACHIEVE THE CREATION OF THE SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM, I CONTINUE TO REGARD THE WORK OF THIS COMMITTEE AS BEING OF VITAL IMPORTANCE IN IMPROVING SENATE OPERATIONS.

THE SELECT COMMITTEE'S SECOND STAFF REPORT, PRESENTING FOR CONSIDERATION THREE STARTING POINTS FOR ORGANIZING THE SENATE COMMITTEE SYSTEM, CLEARLY RECOGNIZES THE NEED TO DEVELOP COMMITTEE JURISDICTION REFORMS ALONG FUNCTIONAL LINES, AT THE SAME TIME, HOWEVER, I WOULD URGE THAT FINAL RECOMMENDATIONS BY THIS COMMITTEE TO THE SENATE ALSO TAKE ACCOUNT OF THE SERIOUS NEED FOR COMPREHENSIVE ANALYSIS AND PLANNING TO ASSIST LEGISLATIVE POLICY-MAKING. ONE MECHANISM TO ACHIEVE THIS MIGHT BE THROUGH JOINT COMMITTEES FOR STUDY AND REVIEW OF BROAD ISSUE AREAS AND FOR PROPOSING NATIONAL GOALS.

This vitally important function is performed by the Joint Economic Committee, on which I serve as Chairman, and which deals with the whole spectrum of national economic policy. IN THIS REGARD, I AM SUBMITTING TODAY A SEPARATE STATEMENT TO THIS COMMITTEE, WHICH NOTES THAT UNDER PRESENT COMMITTEE REORGANIZATION PROPOSALS THERE IS NO PROSPECTIVE COMMITTEE THAT COULD PERFORM THE FUNCTIONS THAT THE J.E.C. NOW PERFORMS. THE STATEMENT ALSO EMPHASIZES THE IMPORTANT RELATIONSHIP OF THE J.E.C. TO THE HOUSE AND SENATE BUDGET COMMITTEES.

PROBLEM CONFRONTING OUR FEDERAL GOVERNMENT IS THE FAILURE TO

AHEAD, FAILURE TO CONSIDER CAREFULLY THE MAJOR IMPACTS OF

PROPOSED PROGRAMS OR ENACTED FEDERAL POLICIES.

ONE PART OF THIS PROBLEM HAS BEEN RECOGNIZED IN THE

INTRODUCTION OF BILLS -- POPULARLY TERMED "SUNSET LEGISLATION" --

WHICH WOULD REQUIRE STANDING COMMITTEES OF THE CONGRESS TO CONDUCT ZERO-BASED BUDGET REVIEWS AND EVALUATIONS OF GOVERNMENT PROGRAMS, AND ON THE BASIS OF THOSE STUDIES TO RE-AUTHORIZE OR TERMINATE PROGRAMS ON A REGULAR BASIS.

BUT IT ALSO IS RECOGNIZED THAT THIS PROCESS OF FEDERAL PROGRAM EVALUATION IN RELATION TO STATED OBJECTIVES IN INITIAL AUTHORIZING LEGISLATION, IS ONLY PART OF THE ANSWER.

OUR BASIC PROBLEM IN BOTH THE EXECUTIVE AND LEGISLATIVE BRANCHES OF THE FEDERAL GOVERNMENT IS THAT WE ARE INSTITUTIONALLY AND STRUCTURALLY UNABLE TO RESPOND TO RESEARCH FINDINGS AND TO MAKE POLICY DECISIONS THAT CUT HORIZONTALLY ACROSS THE VERTICAL BUREAUCRATIC BOUNDARIES THAT SEPARATE INDIVIDUAL FEDERAL AGENCIES, AND ACROSS CONGRESSIONAL COMMITTEE JURISDICTIONS. AND, WE ARE NOT ABLE TO TAKE A SUFFICIENTLY LONG-TERM VIEW OF

THE IMPACTS OF OUR CURRENT DECISIONS.

LET ME CITE ONLY ONE EXAMPLE WITH WHICH THE JOINT ECONOMIC COMMITTEE HAS BEEN DEALING IN DEPTH FOR MANY MONTHS: INTERNATIONAL ECONOMICS.

IT IS EVIDENT TO ANYONE WHO READS THE NEWSPAPERS THAT THE AMERICAN ECONOMIC SYSTEM IS BECOMING INCREASINGLY INTEGRATED INTO THE WORLD ECONOMIC SYSTEM. BUT THE FACT REMAINS THAT WE DO NOT ADEQUATELY ANALYZE THE MANY WAYS IN WHICH OUR NATIONAL ECONOMY IS LINKED TO THE INTERNATIONAL ECONOMY AND HOW FOREIGN POLICY CONSIDERATIONS ARE MAJOR POLICY VARIABLES IN OUR DOMESTIC

AFFAIRS.

As you know, I have offered major legislative proposals aimed at improving the process through which our Government formulates and carries out national growth and development Policy -- to focus on long-range policy and program questions and to estimate long-range impacts of current decisions. I strongly believe that this capability must be built into the reforms recommended in the Senate committee system.

TURNING TO ANOTHER SUBJECT OF CONCERN, I AM GRATIFIED THAT THIS COMMITTEE HAS INCLUDED ON ITS RESEARCH AGENDA THE PROBLEM OF THE SCHEDULING OF SENATE SESSIONS AND COMMITTEE MEETINGS. I WAS PRIVILEGED TO PARTICIPATE LAST MAY WITH A GROUP OF SENATORS IN THE DEVELOPMENT OF RECOMMENDATIONS TO THE SENATE LEADERSHIP TO AVOID CONFLICTS BETWEEN SENATE FLOOR ACTION AND COMMITTEE MEETINGS.

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IT IS RECOGNIZED THAT THIS IS ONLY A FIRST STEP. WE MUST STUDY AND ACT WITHOUT FURTHER DELAY ON REFINED PROPOSALS FOR THE COMPREHENSIVE COORDINATION OF THE SCHEDULING OF MEETINGS OF THE SENATE COMMITTEES.

Again and again, I confront a daily schedule which calls upon me simultaneously to be present at meetings of at least two major Senate committees, not to mention hearings by several subcommittees, at the same time that important business is being transacted on the floor of the Senate.

IT SIMPLY IS IMPOSSIBLE FOR ANY SENATOR CONSCIENTIOUSLY TO ATTEND TO ALL HIS RESPONSIBILITIES UNDER OUR PRESENT SCHEDULING PROCEDURES. -19-

AND I AM IN BASIC AGREEMENT WITH THE FURTHER CRITICISM,

EXPRESSED IN THE STAFF REPORT TO THIS COMMITTEE, THAT THE

PROLIFERATION OF SENATORS' COMMITTEE AND SUBCOMMITTEE ASSIGNMENTS FROM AN AVERAGE OF FOUR PER SENATOR IN 1946 TO AN AVERAGE OF 18 PER SENATOR IN 1976 -- IS OUT OF CONTROL AND VIOLATES THE PRINCIPLES OF THE LEGISLATIVE REORGANIZATION ACT.

But there are further reforms that can and must be made in the operations of the Senate and its committees. Several of my recommendations to make Congress a viable, responsive, open, effective, and coequal branch of government are incorporated in the Modern Congress Act, S, 563, which I introduced early in the 94th Congress. -20-

SEVERAL OF THESE PROPOSALS HAVE BEEN ADOPTED IN OTHER LEGISLATION OR ARE BEING ADMINISTRATIVELY IMPLEMENTED -- SUCH AS THE ESTABLISHMENT OF AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL; THE CREATION OF LEGISLATIVE REVIEW SUBCOMMITTEES IN EACH STANDING COMMITTEE TO INSURE THAT LAWS AND PROGRAMS, ONCE ADOPTED BY CONGRESS, ARE CARRIED OUT AS INTENDED OR ARE TERMINATED OR MODIFIED WHERE NECESSARY; AND, IN GENERAL, OPENING ALL COMMITTEE MEETINGS TO PUBLIC SCRUTINY. I ALSO HAVE PROPOSED THAT CONGRESS, AS THE PRESIDENT DOES, ISSUE AN ANNUAL STATE OF THE CONGRESS REPORT, REVIEWING THE

ACCOMPLISHMENTS, INITIATIVES, AND SHORTCOMINGS OF THE SESSION

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THE REPORT WOULD TAKE THE FORM OF SPEECHES BY DESIGNATED MEMBERS OF THE MAJORITY AND MINORITY PARTIES, TO BE PRESENTED WITHIN THE FIRST 10 DAYS OF EACH SESSION OF CONGRESS. IN ESTABLISHING THIS TRADITION, WE CAN ACHIEVE GREATER PUBLIC AWARENESS OF THE OPERATION OF CONGRESS AND BETTER UNDERSTANDING OF NATIONAL ISSUES AS THEY ARE CONFRONTED IN THE LEGISLATIVE PROCESS. IN ADDITION, I HAVE PROPOSED THE CREATION OF A FEDERAL-STATE LEGISLATIVE COUNCIL TO NURTURE A COOPERATIVE WORKING RELATIONSHIP BETWEEN STATE AND FEDERAL LEGISLATORS. THE COUNCIL WOULD BE COMPOSED OF SIX SENATORS, SIX REPRESENTATIVES, AND 12 STATE LEGISLATORS WHO WOULD EXPLORE, RESEARCH, AND RECOMMEND SOLUTIONS TO PROBLEMS OF MUTUAL CONCERN.

I BELIEVE WE ALSO SHOULD ESTABLISH AN OFFICE OF CONGRESSIONAL COMMUNICATIONS TO ASSIST MEMBERS IN COMMUNICATING MORE EFFICIENTLY AND EFFECTIVELY WITH EACH OTHER AND TO KEEP TRACK OF COMMITTEE AND FLOOR PROCEEDINGS, AS WELL AS CURRENT NATIONAL NEWS I ALSO FULLY SUPPORT LEGISLATIVE PROPOSALS FOR RADIO DEVELOPMENTS . AND TELEVISION COVERAGE OF FLOOR PROCEEDINGS OF THE SENATE. FINALLY, I BELIEVE CONGRESS MUST CONTINUE TO KEEP ABREAST OF ADVANCES IN COMPUTER TECHNOLOGY AND ITS APPLICATION TO MEETING CONGRESSIONAL INFORMATION REQUIREMENTS, IN THE COMPLEX AND RAPIDLY EVOLVING CHANGES OF THE MODERN WORLD, THE CAPABILITY TO UTILIZE RELEVANT FACTUAL AND INTERPRETIVE INFORMATION IS ESSENTIAL IF CONGRESS IS TO CREATE INTELLIGENT POLICY AND EFFECTIVELY OVERSEE EXECUTIVE BRANCH ADMINISTRATION OF PROGRAMS ENACTED BY CONGRESS.

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As a member of the board of Congress' Office of Technology Asssessment, I have devoted a significant amount of time and effort toward the development of an effective information system which can assist Congress in making intelligent legislative policy decisions on food, agriculture, and nutrition.

MR. CHAIRMAN, I STRONGLY URGE THAT THE SENATE BE ENABLED TO REALIZE ITS FULL POTENTIAL IN EFFECTIVE AND CONSTRUCTIVE LEGISLATIVE POLICY-MAKING, WE MUST BRING ABOUT THE OPERATIONAL CHANGES WHICH ARE RECOGNIZED AS ESSENTIAL IF WE ARE TO ADDRESS THE DEMANDS OF THE FUTURE WHICH ALREADY ARE UPON US.

WE MUST CONTINUE TO GIVE FULL RESPECT TO THE TRADITIONS OF THE SENATE WHICH HAVE SERVED CONSTRUCTIVE PURPOSES. -24-

BUT THE TIME HAS COME FOR THE SENATE TO ADDRESS THE REQUIREMENTS OF ORGANIZATIONAL REFORM TO EXPEDITE RESPONSIBLE LEGISLATIVE ACTION ON BEHALF OF THE AMERICAN PEOPLE.

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