

H. R. 2361

Read twice and referred to the Committee on Expenditures in the Executive Departments

8 SEC. 2. (a) The President shall examine and from time
9 to time reexamine the organization of all agencies of the
10 Government and shall determine what changes therein are
11 necessary to accomplish the following purposes:

1 (1) to promote the better execution of the laws,
2 the more effective management of the executive branch
3 of the Government and of its agencies and functions,
4 and the expeditious administration of the public business;

5 (2) to reduce expenditures and promote economy,
6 to the fullest extent consistent with the efficient opera-
7 tion of the Government;

8 (3) to increase the efficiency of the operations of
9 the Government to the fullest extent practicable;

10 (4) to group, coordinate, and consolidate agencies
11 and functions of the Government, as nearly as may be,
12 according to major purposes;

13 (5) to reduce the number of agencies by con-
14 solidating those having similar functions under a single
15 head, and to abolish such agencies or functions thereof
16 as may not be necessary for the efficient conduct of
17 the Government; and

18 (6) to eliminate overlapping and duplication of
19 effort.

20 (b) The Congress declares that the public interest
21 demands the carrying out of the purposes specified in sub-
22 section (a) and that such purposes may be accomplished in
23 great measure by proceeding under the provisions of this
24 Act, and can be accomplished more speedily thereby than
25 by the enactment of specific legislation.

REORGANIZATION PLANS

SEC. 3. Whenever the President, after investigation, finds that—

(1) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency; or

(2) the abolition of all or any part of the functions of any agency; or

(3) the consolidation or coordination of the whole or any part of any agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof; or

(4) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof; or

(5) the authorization of any officer to delegate any of his functions; or

(6) the abolition of the whole or any part of any agency which agency or part does not have, or upon the taking effect of the reorganization plan will not have, any functions,

is necessary to accomplish one or more of the purposes of section 2 (a), he shall prepare a reorganization plan for the making of the reorganizations as to which he has made find-

ings and which he includes in the plan, and transmit such plan (bearing an identifying number) to the Congress, together with a declaration that, with respect to each reorganization included in the plan, he has found that such reorganization is necessary to accomplish one or more of the purposes of section 2 (a). The delivery to both Houses shall be on the same day and shall be made to each House while it is in session. The President, in his message transmitting a reorganization plan, shall specify with respect to each abolition of a function included in the plan the statutory authority for the exercise of such function.

OTHER CONTENTS OF PLANS

SEC. 4. Any reorganization plan transmitted by the President under section 3—

(1) shall change, in such cases as he deems necessary, the name of any agency affected by a reorganization, and the title of its head; and shall designate the name of any agency resulting from a reorganization and the title of its head;

(2) may include provisions for the appointment and compensation of the head and one or more other officers of any agency (including an agency resulting from a consolidation or other type of reorganization) if the President finds, and in his message transmitting the plan declares, that by reason of a reorganization made

1 by the plan such provisions are necessary. The head so
2 provided for may be an individual or may be a com-
3 mission or board with two or more members. In the
4 case of any such appointment the term of office shall
5 not be fixed at more than four years, the compensa-
6 tion shall not be at a rate in excess of that found
7 by the President to prevail in respect of comparable
8 officers in the executive branch, and, if the appointment
9 is not under the classified civil service, it shall be by
10 the President, by and with the advice and consent of
11 the Senate;

12 (3) shall make provision for the transfer or other
13 disposition of the records, property, and personnel
14 affected by any reorganization;

15 (4) shall make provision for the transfer of such
16 unexpended balances of appropriations, and of other
17 funds, available for use in connection with any function
18 or agency affected by a reorganization, as he deems
19 necessary by reason of the reorganization for use in con-
20 nection with the functions affected by the reorganization,
21 or for the use of the agency which shall have such func-
22 tions after the reorganization plan is effective, but such
23 unexpended balances so transferred shall be used only
24 for the purposes for which such appropriation was
25 originally made;

1 (5) shall make provision for terminating the af-
2 fairs of any agency abolished.

3 LIMITATIONS ON POWERS WITH RESPECT TO
4 REORGANIZATIONS

5 SEC. 5. (a) No reorganization plan shall provide for,
6 and no reorganization under this Act shall have the effect
7 of—

8 (1) abolishing or transferring an executive depart-
9 ment or all the functions thereof, establishing any new
10 executive department, designating any agency as “De-
11 partment” or its head as “Secretary”, or consolidating
12 any two or more executive departments or all the func-
13 tions thereof; or

14 (2) continuing any agency beyond the period au-
15 thorized by law for its existence or beyond the time
16 when it would have terminated if the reorganization
17 had not been made; or

18 (3) continuing any function beyond the period
19 authorized by law for its exercise, or beyond the time
20 when it would have terminated if the reorganization had
21 not been made; or

22 (4) authorizing any agency to exercise any func-
23 tion which is not expressly authorized by law at the time
24 the plan is transmitted to the Congress; or

1 (5) increasing the term of any office beyond that
2 provided by law for such office; or

3 (6) transferring to or consolidating with any other
4 agency the municipal government of the District of
5 Columbia or all those functions thereof which are sub-
6 ject to this Act, or abolishing said government or all
7 said functions.

8 (b) A reorganization plan providing for a reorganiza-
9 tion affecting any agency named below in this subsection
10 may not provide also for a reorganization which does not
11 affect such agency; except that this prohibition shall not
12 apply to the transfer to such agency of the whole or any
13 part of, or the whole or any part of the functions of, any
14 agency not so named. No provision contained in a reorgani-
15 zation plan shall take effect if the reorganization plan is in
16 violation of this subsection. The agencies above referred to
17 in this subsection are as follows: National Military Estab-
18 lishment, Board of Governors of the Federal Reserve System,
19 Interstate Commerce Commission, Securities and Exchange
20 Commission, Railroad Retirement Board, National Media-
21 tion Board, and National Railroad Adjustment Board.

22 TAKING EFFECT OF REORGANIZATIONS

23 SEC. 6. (a) Except as may be otherwise provided pur-
24 suant to subsection (c) of this section, the provisions of the

1 reorganization plan shall take effect upon the expiration of
2 the first period of sixty calendar days, of continuous session
3 of the Congress, following the date on which the plan is
4 transmitted to it; but only if, between the date of trans-
5 mittal and the expiration of such sixty-day period there has
6 not been passed by the two Houses a concurrent resolution
7 stating in substance that the Congress does not favor the
8 reorganization plan.

9 (b) For the purposes of subsection (a) —

10 (1) continuity of session shall be considered as
11 broken only by an adjournment of the Congress sine die;
12 but

13 (2) in the computation of the sixty-day period
14 there shall be excluded the days on which either House
15 is not in session because of an adjournment of more than
16 three days to a day certain; except that if a resolution
17 (as defined in section 202) with respect to such reor-
18 ganization plan has been passed by one House and sent
19 to the other, no exclusion under this paragraph shall
20 be made by reason of adjournments of the first House
21 taken thereafter.

22 (c) Any provision of the plan may, under provisions
23 contained in the plan, be made operative at a time later than
24 the date on which the plan shall otherwise take effect.

DEFINITION OF “AGENCY”

2 SEC. 7. When used in this Act, the term "agency"
3 means any executive department, commission, council, in-
4 dependent establishment, Government corporation, board,
5 bureau, division, service, office, officer, authority, adminis-
6 tration or other establishment, in the executive branch of
7 the Government, and means also any and all parts of the
8 municipal government of the District of Columbia except the
9 courts thereof. Such term does not include the Comptroller
10 General of the United States or the General Accounting
11 Office, which are a part of the legislative branch of the
12 Government.

MATTERS DEEMED TO BE REORGANIZATIONS

14 SEC. 8. For the purposes of this Act the term “reor-
15 ganization” means any transfer, consolidation, coordination,
16 authorization, or abolition, referred to in section 3.

SAVING PROVISIONS

SEC. 9. (a) (1) Any statute enacted, and any regula-
tion or other action made, prescribed, issued, granted, or
performed in respect of or by any agency or function af-
fected by a reorganization under the provisions of this Act,
before the effective date of such reorganization, shall, except
to the extent rescinded, modified, superseded, or made in-
applicable by or under authority of law or by the abolition
of a function, have the same effect as if such reorganization

1 had not been made; but where any such statute, regulation,
2 or other action has vested the function in the agency from
3 which it is removed under the plan, such function shall, in-
4 sofar as it is to be exercised after the plan becomes effective,
5 be considered as vested in the agency under which the
6 function is placed by the plan.

7 (2) As used in paragraph (1) of this subsection the
8 term "regulation or other action" means any regulation, rule,
9 order, policy, determination, directive, authorization, permit,
10 privilege, requirement, designation, or other action.

11 (b) No suit, action, or other proceeding lawfully com-
12 menced by or against the head of any agency or other officer
13 of the United States, in his official capacity or in relation to
14 the discharge of his official duties, shall abate by reason of the
15 taking effect of any reorganization plan under the provisions
16 of this Act, but the court may, on motion or supplemental
17 petition filed at any time within twelve months after such
18 reorganization plan takes effect, showing a necessity for a
19 survival of such suit, action, or other proceeding to obtain a
20 settlement of the questions involved, allow the same to be
21 maintained by or against the successor of such head or officer
22 under the reorganization effected by such plan or, if there
23 be no such successor, against such agency or officer as the
24 President shall designate.

UNEXPENDED APPROPRIATIONS

SEC. 10 The appropriations or portions of appropriations unexpended by reason of the operation of this Act shall not be used for any purpose, but shall be impounded and returned to the Treasury.

PRINTING OF REORGANIZATION PLANS

SEC. 11. Each reorganization plan which shall take effect shall be printed in the Statutes at Large in the same volume as the public laws, and shall be printed in the Federal Register.

TITLE II

SEC. 201. The following sections of this title are enacted
by the Congress:

(a) As an exercise of the rule-making power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in such House in the case of resolutions (as defined in section 202) ; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(b) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner

1 and to the same extent as in the case of any other rule of
2 such House.

3 SEC. 202. As used in this title, the term “resolution”
4 means only a concurrent resolution of the two Houses of
5 Congress, the matter after the resolving clause of which is as
6 follows: “That the Congress does not favor the reorganiza-
7 tion plan numbered ——— transmitted to Congress by the
8 President on ———, 19—.”, the blank spaces therein
9 being appropriately filled; and does not include a concurrent
10 resolution which specifies more than one reorganization plan.

11 SEC. 203. A resolution with respect to a reorganization
12 plan shall be referred to a committee (and all resolutions
13 with respect to the same plan shall be referred to the same
14 committee) by the President of the Senate or the Speaker
15 of the House of Representatives, as the case may be.

16 SEC. 204. (a) If the committee to which has been
17 referred a resolution with respect to a reorganization plan
18 has not reported it before the expiration of ten calendar
19 days after its introduction (or, in the case of a resolution
20 received from the other House, ten calendar days after its
21 receipt), it shall then (but not before) be in order to move
22 either to discharge the committee from further considera-
23 tion of such resolution, or to discharge the committee from
24 further consideration of any other resolution with respect

1 to such reorganization plan which has been referred to the
2 committee.

3 (b) Such motion may be made only by a person favor-
4 ing the resolution, shall be highly privileged (except that
5 it may not be made after the committee has reported a
6 resolution with respect to the same reorganization plan),
7 and debate thereon shall be limited to not to exceed one
8 hour, to be equally divided between those favoring and those
9 opposing the resolution. No amendment to such motion
10 shall be in order, and it shall not be in order to move to
11 reconsider the vote by which such motion is agreed to or
12 disagreed to.

13 (c) If the motion to discharge is agreed to or disagreed
14 to, such motion may not be renewed, nor may another motion
15 to discharge the committee be made with respect to any
16 other resolution with respect to the same reorganization plan.

17 SEC. 205. (a) When the committee has reported, or has
18 been discharged from further consideration of, a resolution
19 with respect to a reorganization plan, it shall at any time
20 thereafter be in order (even though a previous motion to the
21 same effect has been disagreed to) to move to proceed to
22 the consideration of such resolution. Such motion shall be
23 highly privileged and shall not be debatable. No amend-
24 ment to such motion shall be in order and it shall not be

1 in order to move to reconsider the vote by which such mo-
2 tion is agreed to or disagreed to.

3 (b) Debate on the resolution shall be limited to not
4 to exceed ten hours, which shall be equally divided between
5 those favoring and those opposing the resolution. A motion
6 further to limit debate shall not be debatable. No amend-
7 ment to, or motion to recommit, the resolution shall be in
8 order, and it shall not be in order to move to reconsider
9 the vote by which the resolution is agreed to or disagreed to.

10 SEC. 206. (a) All motions to postpone, made with re-
11 spect to the discharge from committee, or the considera-
12 tion of, a resolution with respect to a reorganization plan, and
13 all motions to proceed to the consideration of other business,
14 shall be decided without debate.

15 (b) All appeals from the decisions of the Chair relating
16 to the application of the rules of the Senate or the House
17 of Representatives, as the case may be, to the procedure
18 relating to a resolution with respect to a reorganization plan
19 shall be decided without debate.

20 SEC. 207. If, prior to the passage by one House of a
21 resolution of that House with respect to a reorganization
22 plan, such House receives from the other House a resolution
23 with respect to the same plan, then—

24 (a) If no resolution of the first House with respect to
25 such plan has been referred to committee, no other resolution

1 with respect to the same plan may be reported or (despite
 2 the provisions of section 204 (a)) be made the subject of
 3 a motion to discharge.

4 (b) If a resolution of the first House with respect to
 5 such plan has been referred to committee—

6 (1) the procedure with respect to that or other
 7 resolutions of such House with respect to such plan
 8 which have been referred to committee shall be the
 9 same as if no resolution from the other House with
 10 respect to such plan had been received; but

11 (2) on any vote on final passage of a resolution
 12 of the first House with respect to such plan the resolu-
 13 tion from the other House with respect to such plan
 14 shall be automatically substituted for the resolution of
 15 the first House.

Passed the House of Representatives February 7, 1949.

Attest:

RALPH R. ROBERTS,

Clerk.

81ST CONGRESS
1ST SESSION

H. R. 2361

AN ACT

To provide for the reorganization of Government agencies, and for other purposes.

FEBRUARY 8, 1949

Read twice and referred to the Committee on
Expenditures in the Executive Departments