

SUPPLEMENTAL STATEMENT  
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JOINT SELECT COMMITTEE ON BUDGET  
AND APPROPRIATION PROCESS REFORM

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It occurred to me after I had prepared and submitted my testimony to this committee that I had omitted some important information relating to the six examples I cited of bipartisan congressional reform efforts –namely (1) a fuller explanation of what factors prompted the creation of the panels in the first place, and (2) a better accounting of lessons learned both from the failed efforts and the successful ones. I am therefore submitting this supplemental statement for the record in the hope that it will provide the joint committee better clarity on what works and how to make your exploration of remedies for our broken budget process a fruitful one.

In my statement I indicated that many bipartisan reform efforts were prompted by crises of one kind or another and the need to address them –whether ethical, fiscal or national security crises. I should have added constitutional crises because many reform attempts were launched either because of conflicts with the executive or a decline in public trust and approval of Congress which ultimately undermine the credibility and integrity of the First Branch.

In the present situation, I believe your joint committee was formed both because public approval of and trust in Congress is at an all-time low, but also because you are failing at your most fundamental responsibility to superintend the government’s purse strings, resulting in record debt and deficits. So, today we are confronted with both a constitutional and fiscal crisis.

Turning to the six examples cited in my testimony of both successful and failed bipartisan reform efforts, I found that four of the six succeeded, while two failed. The first, the Joint Committee on the Organization of Congress in 1965, was formed because (a) Congress felt it was losing ground to the executive branch in terms of its powers and resources; it needed to modernize itself; and (b) the Democratic Study Group which spur-headed the joint committee idea felt that Congress was constrained by the seniority system characterized by conservative southern committee chairmen who bottled up progressive legislation.

The joint committee held extensive hearings in 1965 with witnesses from within the Congress, academics, and private and non-profit sectors soliciting assessments of Congress’s failings and suggestions for reform. It then deliberated over a period of weeks and reported a sweeping set of reform proposals. However, by 1966, President Lyndon Johnson’s Great Society juggernaut in of Great Society juggernaut of progressive and civil rights legislation was well on its way, disproving that Congress was broken and needed fixing. No further action was taken that 89<sup>th</sup> Congress, nor in the following Congress.

It wasn’t until 1969, in the 91<sup>st</sup> Congress, that the joint committee’s recommendations were resurrected in the House Rules Committee, marked-up, and reported to the House. The joint committee’s proposals revived because: 1) there was a new sheriff in town, President Richard Nixon, whose “imperial presidency” ways were not as agreeable to a Democratic Congress and President Johnson’s employment of them; and 2) committees were settling back into their own ways, and the DSG was still out to replace the seniority system. This time, the effort was carried

to success, in part because the Democratic reform leaders made sure the Republican minority had buy-in with some of their reform proposals, many of which had been fleshed out in the aftermath of the 1964 Goldwater loss in a landslide to LBJ, with House Republican ranks shrinking from 176 members to 141. The House GOP elected a new leader, Rep. Gerald Ford of Michigan, and launched a concerted congressional reform project of its own resulting in the publication of their findings in the book, “We Propose a Modern Congress: Selected Proposals by the House Republican Task Force on Congressional Reform and Minority Staffing” (1966).

In short, the time was ripe on both sides of the aisle for shaking up and modernizing the institution, and the result was the “Legislative Organization Act of 1970,” which included a “committee bill of rights” that would, among other things, enable committee majorities to schedule legislation without the consent of a chairman. (The Democratic Caucus put the final nail in the seniority system a year or two later by requiring through its rules separate votes in the caucus on committee chairmen.) The belated success of the bipartisan joint committee reform effort, begun in 1965, can be attributed to strong and cooperative reform forces in both parties, fully backed by their elected leaders.

Because the 1965-66 joint committee had not dealt with either committee jurisdictions or budgeting, its work was supplemented shortly thereafter by new panels dealing with each. In 1972 a joint study committee on the budget was formed in direct reaction to President Nixon’s impoundment (withholding) of funds that had been duly appropriated by Congress. This was a constitutional crisis between the branches. The joint study committee, not constrained by formal rules, was able to report a set of recommendations calling both for a new congressional budget process and a new process to control presidential impoundments by making them subject to congressional approval or disapproval.

The Democratic leadership in both houses thought it was important to move first on impoundment control in 1973, given the perceived seriousness of the president’s encroachments on congressional prerogatives. But, after both houses passed their own versions of an impoundment control bill, the measure became stalled in conference committee over their different approaches to dealing with impoundments: approval versus disapproval. Subsequently, due in part to Republican pressures to deal with both budget process reform and impoundment control in the same bill, Congress enacted the Congressional Budget and Impoundment Control Act of 1974. Both parties recognized the need to strengthen Congress’s grip on the purse strings vis-à-vis the executive branch.

In 1973, Rep. Dick Bolling (D-Mo.), a member of the Rules Committee, was appointed to chair a bipartisan select committee on committees to develop a plan for realigning committee jurisdictions along more rational and functional lines. It was not in response to any particular crisis, but more an attempt to upgrade and modernize the committee system to deal with new issues and realities.

The select committee’s comprehensive plan was reported to the House in 1973, but stalled for months in a Democratic Caucus review committee. What finally emerged was a Caucus substitute, the committee reform amendments of 1974, that largely left committee jurisdictions intact while making some minor changes in committee procedures, including, for the first time, authority for the Speaker to refer bills to multiple committees. While the Bolling plan had some bipartisan support, the Caucus substitute had greater bipartisan support since members of both parties did not want to give-up any of their powers and jurisdictions. It was all about Turf, with

a capital-T, and the turf builders and protectors beat the turf changers. In the end, the Democratic leadership sided with its own caucus review committee and members in backing the status quo forces.

In 1982, Rules Committee Chairman Richard Bolling appointed a bipartisan task force on the budget and its chairman, Rep. Tony Beilenson (D-Calif.). The reform effort was prompted by President Ronald Reagan's hijacking of the budget reconciliation process in 1981 by defeating a special rule for reconciliation and substituting more favorable consideration of the Reagan budget cutting proposals. Once again, it was a constitutional crisis of sorts over the purse strings, though Reagan could not have pulled it off in the House without support from some fiscally conservative Democrats, known then as the Boll Weevils. (The Senate was under the control of Republicans from 1981-86.)

The Beilenson task force consisted of six members of the Rules Committee plus nine non-voting members from Ways and Means, Budget and Appropriations. It held 17 work sessions and four public hearings, but did not issue a final report in the 97<sup>th</sup> Congress. In 1983 the Beilenson task force was reappointed by the new Rules Committee chairman, Rep. Claude Pepper (D-Fla.), who also added another 19 non-voting members. In 1984 the task force reported its recommendations in March. Though no floor action was taken in the 98<sup>th</sup> Congress, Beilenson was assured by leadership that the recommendations were not dead, and a way would be found to deal with them in the 99<sup>th</sup> Congress.

That occasion arose in 1985 when a debt limit resolution was in a House-Senate conference committee. The House had sent a clean debt measure to the Senate, but the Senate tacked on a new budget process called the "Gramm-Rudman-Hollings" Balanced Budget and Emergency Deficit Control Act. It provided for a seven-year deficit reduction glide path to a balanced budget. The House members of the conference committee insisted on including the budget process reform recommendations of the Beilenson task force, and the Senate acceded. The main lesson learned was that persistence behind meaningful reform pays off, even if it takes two or three Congresses to marinate, so long as it ultimately has bipartisan leadership backing.

In 1989, a non-budgetary reform task force was appointed in the House on ethics. It was in direct response to several ethics scandals in Congress, the most notable being the ABSCAM scandal in which members were caught in an FBI sting operation, accepting bribes to assist foreign millionaires with immigration problems. The bipartisan task force was headed by Reps. Vic Fazio (D-Calif.) and Lynn Martin (R-Ill.). It held numerous off-the-record private meetings and interview with individual members to solicit ideas for reform. The final product had overwhelming bipartisan support because it outlawed Members' private honoraria in exchange for a pay raise. Other important reforms were included in the Ethics in Government Act of 1989 that applied to all three branches.

Again, the key to success was the informal settings that allowed task force members to get to know each other better while making sure all House members who wished could brief the task force in private. Solid leadership backing obviously made the final difference in the measure passing the House by voice vote.

In 1992, Congress established a Joint Committee on the Organization of Congress patterned after the 1945 and 1965 joint committees of the same name. What prompted this second session

action was the House post office and bank scandals that resulted in dozens of members retiring due to disclosed overdrafts at the House members' bank (that really wasn't a bank).

The four co-chairs were Reps. Lee Hamilton (D-Ind.) and David Dreier (R-Calif.), and Sens. David Boren (D-Okla.) and Pete Domenici (R-N.M.). The joint committee was not allowed to organize in 1992, but was reappointed in 1993, and went on to hold extensive hearings and deliberations on congressional reform proposals. While Republicans pushed for many reforms that were not acceptable to the Democrats, some were. Nevertheless, the joint committee broke into open hostilities when committee House Democrats insisted they would not support any reforms applicable to the House unless the Senate abolished the filibuster. That open schism resulted in two separate reports being issued, one by the House half and one by the Senate half of the joint committee. The bill was referred to committee in both houses but never made it to the floor of either body. In the House, Speaker Tom Foley (D-Wash.) directed Rules Committee chairman Joe Moakley (D-Mass.) to pull the bill in the middle of markup.

Since the joint committee was created partially out of fear that the Democrats would lose control of the House in 1992 in the wake of the post office and bank scandals, their retention of majority control took the pressure off moving on any meaningful reforms. The fact that the House Speaker had to order the bill to be pulled was clear indication that the effort had lost the crucial support of the Democratic leadership. Nevertheless, when Democrats did lose the House in the 1994 elections, the new Republican majority implemented many of the reforms on the opening day of the 104<sup>th</sup> Congress. While the joint committee can be considered a failure because of its loss of support within the majority leadership and caucus, some of its efforts nevertheless were revived in the following Congress under a more supportive majority leadership.

To sum up what has worked in past reform efforts: (1) There must be a perceived need for reform that will benefit the institution as a whole as well as individual members of both parties; (2) There must be a commitment among members to check their partisan guns at the door; (3) private meetings and briefings among members of the bipartisan panels have helped to build relationships and trust, out of the glare of the television lights; (4) soliciting the views of other members of the House and Senate, both privately and in formal hearings, can help to ensure buy-in when a final report is issued; and (5) full bipartisan leadership backing throughout the process is important to sustain the effort as well as to put it across the goal line when the final product is brought before both bodies for a vote.