

Select Committee on Modernization

Toeholds – Tuesday, March 12 – 11:20 am, H-312

Congressional Capacity is Flagging

- Over the past several decades, a witch’s brew of challenges – some endogenous and some exogenous – have weakened the capacity of Congress to address the major issues of the day
- Today, I would like to focus on two inter-related forces that I think are at the heart of our weakened capacity: 1) concentrated money in politics; and 2) the resulting “legislative subsidy”

Who Calls the Shots?

- While I appreciate campaign finance is outside the purview of this Select Committee, I think it is near impossible to discuss Congress’ weakened capacity without addressing the elephant in the room – big, concentrated money in politics
- Each one of us suffers from the ever-increasing cost of campaigns and the resulting time-suck the hamster wheel of modern fundraising represents
- Leaving aside the undue influence of the wealthy and well-connected on the legislative process, this warped system directly compromises Members of Congress’ subject matter expertise and our intrapersonal relationships – two necessary ingredients for a healthy legislative process
- And when we are distracted and unable to legislate, a vacuum is created – a vacuum ripe of exploitation

The “Legislative Subsidy”

- Over the last forty some-odd years, as the role of money in politics has grown, we have also witnessed – not coincidentally, I must stress – the professionalization of the so-called “influence economy”
- Corporations, outside interest groups and trade associations have poured billions into an increasingly sophisticated ecosystem of influence, designed to win the hearts and minds of policymakers and their staff and eager to fill the void created by the demands of modern campaign finance
- Simultaneously, Congress – to a large degree, at the behest of those same outside interests – has self-imposed massive cuts to its own budget, staffing and expert resources, like the Congressional Research Service and the now-moribund of Office of Technology Assessment
- The resulting low-pay, long hours for our staff have led to increased turnover, degraded institutional memory and a weakening of our basic capacity, working to only further empowering outside interests
- This is what scholars has deemed the “legislative subsidy” – Lee Drutman of the New America Foundation writing on the topic in the Washington Post:
 - *“In many cases, corporate lobbyists also serve as external support staff to help congressional staffers do their jobs, providing what Richard Hall and Alan Deardorff have called a “legislative subsidy.” Lobbyists give aides new policy ideas they can take to their bosses. And they are only too happy to draft legislation for them. Drafting legislation, after all, is hard work and requires a level of legal knowledge and precision that takes years to acquire.*

Consider the great Cromnibus of 2014, which included a provision that weakened some of the Dodd-Frank financial regulations. As was widely reported at the time, Citigroup lobbyists wrote most of the legislative

language in that provision. But since only members of Congress can introduce legislation, Rep. Kevin Yoder (R-Kan.) put his name on the original standalone bill that got folded into the Cromnibus.”

- A look at the numbers drive this story home:
 - In 2010, the House spent \$1.37 billion and was estimated to have employed between 7,000 and 8,000 staffers. Corporations and special interests burned through twice as much—\$2.6 billion—on lobbying and were estimated to employ 12,000 federally registered lobbyists. These numbers which have grown only more out of whack in recent years given additional budget cuts and the growing K-street ranks
- Put simply, when Congress guts its own abilities and is distracted by other demands (namely, fundraising), third parties fill the role – and those third parties, no matter what you think of them, simply are not working for the public interest; they are working for their interest
- Let me be clear: There is nothing wrong with lobbyists or the act of petitioning ones’ government for change; in fact, it is central to our Republic’s founding principles
- Yet, when we sacrifice our own capacity and underinvest in our own abilities, we are directly and willfully surrendering the public interest to some other interest – and too often, that means the public suffers

Serving the Public Interest

- As this Select Committee begins its work, I strongly urge every member to think deeply about this dynamic and to engage honestly with the reality that we have voluntarily weakened our capacity to govern

- Our job is to serve the public interest and when we surrender our capacity we fail to do our jobs to the fullest