



Statement of

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Before

Select Committee on the Modernization of Congress

Hearing on

**“Congressional Reforms of the Past and Their
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Mr. Chairman, Mr. Vice Chairman, and Members of the Select Committee, thank you for inviting me to testify before the Committee. I believe I've been invited because of my participation as a staff member or consultant to nearly every major House reorganization committee or commission since I began my career at CRS in 1968. My understanding of today's hearing is for the panelists to provide some insights and some "lessons" from previous congressional reorganizations that might inform the Select Committee as it moves forward with its important work.

My plan is to discuss three things. First, I'll provide a few brief comments about reform. Second, I want to address the importance of context in influencing the legislative environment for change. I'll do this by mainly focusing on three bipartisan joint committees, those created in 1945, 1965, and 1993. Lastly, I will offer summary observations regarding several elements common to most legislative reform initiatives.

REFORM

Reform, reorganization, and modernization are generally popular words because they imply a change for the better. That's why bills are labeled tax reform, lobbying reform, and campaign finance reform, for example. Any institution requires periodic repair and renewal to accommodate the diverse and inevitable changes (global, technological, demographic and so on) that affect the work and role of Congress. An election that brings many new Members into the House often coincides with periods of change and reform, as occurred with the freshmen classes elected in 1974, 1994, 2010, and 2018. Newcomers bring new ideas and are less bound to institutional procedures and structures.

My fundamental point is that, in the abstract, reform is something that many legislators will support. It's when Members look at specific, concrete proposals that difficulties often ensue because one person's reform is another person's "deform". As Gerald Ford, a GOP Minority Leader and later President of the United States, cautioned: "Reform" is a tricky word; change per se is not necessarily the same as progress. Each and every proposal for change must be weighed against other suggested reforms, and all must be weighed in the balance of power between the branches of government." In short, legislative reforms have policy and power implications.

CONTEXT

By context, I mean the conditions and circumstances in play that provide the momentum, the incentives, the leadership for change. The combination of context and leadership are key factors that influence the outcome of congressional reform initiatives. Consider the following:

The 1945 Joint Committee on the Organization of Congress. On the eve of World War II, many leaders inside and outside the Congress expressed concern about the condition of the legislative branch. They had witnessed the fall of parliamentary democracies in Europe and the expansion in the authority of the President and the executive branch. There was also widespread public interest in congressional reform triggered by articles in the press and popular journals, radio debates, and reports by professional groups urging legislative change. *Life* magazine's June 1945 issue, perhaps the most widely read magazine of that time, carried a front page story on reforming the legislative branch ("U.S. Congress: It Faces Great New Tasks with Outworn Tools"). Academics, led by the Committee on Congress of the American Political Science Association, prepared reports on ways to improve Congress. To be sure, there were bipartisan champions of reform in the Congress, such as Representatives Jerry Voorhis, D-CA, and Everett McKinley Dirksen, R-IL, and Senators Robert LaFollette, R-WI, and Claude Pepper, D-FL. Moreover, the mood of this historical period sparked significant interest in legislative reorganization. It was an era of national transition. World War II was winding down, the Atomic Age was dawning, the United States became a global leader, and a new President (Harry Truman) was at the helm. In short, reform-minded lawmakers recognized that changes had to be made if Congress was to hold its own as the "First Branch" of government. (The work of the bipartisan Joint Committee led to enactment of the

Legislative Reorganization Act of 1946 that, among many other things, reduced the number of House and Senate standing committees.)

The 1965 Joint Committee on the Organization of Congress. In the mid-1950s into the 1960s, there again were calls for congressional reform from commentators, journalists, and lawmakers. Despite improvements made by the 1946 Act, advocates of legislative reorganization stressed that the job was not done. Congress faced new conditions: the addition of two new states, a population hike in the millions, the birth of the space age, a communications and technology revolution, and at least a doubling in the workload of Members. Inside and outside Congress there was large support for legislative reorganization.

Inside, lawmakers such as Representative Richard Bolling, D-MO, and Senator Joseph S. Clark, D-PA, were critical of Congress's organization and operation. Their book titles highlighted the tenor of the times. Bolling wrote *House Out of Order* (1964) and Clark, *Congress: The Sapless Branch* (1963). Outside, the influx of new, change-oriented lawmakers from the 1958 and 1964 elections fueled the drive for a new joint reorganization panel. NBC News even televised in prime time, an hour-long special entitled "*Congress Needs Help*," which helped to activate public backing for legislative reform. In short, there were favorable conditions for another bipartisan, comprehensive review of the legislative branch. (The Legislative Reorganization Act of 1970 was enacted after five and a half years of effort by its bipartisan champions, including "Rumsfeld's Raiders" after Representative Donald Rumsfeld, R-IL.)

The 1993 Joint Committee on the Organization of Congress. A confluence of forces and factors came together to mobilize congressional and public support for a third bipartisan joint reorganization panel. Perhaps the most important proximate factor was the House Bank scandal in 1991 that stoked huge public anger at the Congress. The Government Accountability Office reported that for a twelve-month period, lawmakers had written thousands of checks without sufficient funds in their accounts yet the House bank covered their overdrafts with no penalty. Voters were livid at this practice because they understood the consequences of writing "rubber checks." The popular standing of the Congress dropped to record lows as many questioned the integrity of Congress.

As the bank and other scandals unfolded, support for a third joint reorganization panel increased. Members in both chambers wanted to demonstrate publicly that they strongly supported institutional reform. In August 1992, the House and Senate adopted a concurrent resolution that created the joint reorganization panel, which got underway the next year. Neither the House nor the Senate acted on the Legislative Reorganization Act of 1994. Party and bicameral differences largely accounted for this outcome.

In what perhaps was an unexpected development, after 40 years in the minority, Republicans won control of the House following the November 1994 mid-term elections. Incoming Speaker Newt Gingrich requested David Dreier, R-CA, the Joint Committee's vice chair, to develop a package of reform recommendations. He derived a number of them from the Joint Committee's proposals, which the new GOP majority adopted on the opening day of the 104th Congress (e.g., restrictions on the number of subcommittees per standing committee). In addition, the new majority adopted an array of other institutional changes, such as imposing term limits for committee chairs; eliminating three standing committees; reducing committee staffing by one-third; banning commemorative measures; and ending proxy voting in committee.

OTHER REFORM CONSIDERATIONS

Role of Party. Several general points. (1) Bipartisan changes are likely to enjoy more longevity compared to partisan innovations. New party majorities may terminate or change significantly provisions adopted only by one party. However, bipartisan support may be difficult to muster and maintain for extended periods, especially on matters involving the distribution of power: who has it and who wants it. (2) Party leaders are generally supportive of creating reform panels and influencing their agenda and recommendations. However, they may not support some of the contents of a reform package. (3) Each party's caucus or conference might be viewed as a better venue than the House floor for enacting, or reversing, change. For example, the end of proxy voting in committee was twice agreed to by the House. Each time it was reversed by vote of the Democratic Caucus.

Unforeseen Consequences. It is difficult to predict the costs or benefits of legislative reforms because they may require some time to emerge. Nor is it possible to say with certainty whether a particular innovation will produce positive or negative results. Moreover, even the most useful reforms can over time become ineffective or "broken," as many in both parties and chambers characterize the current budget process. Thus, the reforms of one era can spark their repeal or renovation in another.

"Sweeten" the Proposal. Senator Mike Monroney, D-OK, served as vice chair of the 1945 Joint Committee and chair of the 1965 Joint Committee. He often said that if on-the-fence lawmakers are expected to support problematic—or "spinach"—provisions, they also needed "ice cream" provisions to make the dish palatable. The 1946 law hiked Members' salaries; granted lawmakers the opportunity to enroll in the Federal retirement system; and provided committees with permanent professional and clerical staff. The 1970 law provided, among other things, additional professional and clerical staff to committees, and granted the minority party on each standing committee one-third of a committee's investigative funds.

Outreach. Unlike the Washington presence of numerous organized groups (health, labor, communications, and the like), the constituency for congressional reform is small but growing. It consists largely of various think tanks, academics, attentive citizens, former Members, and selected print and digital commentators. An issue is how to utilize contemporary technology to generate wider public support for proposals that enhance Congress's governing capacities, transparency, and information-gathering and analytical capacities.

A good example of the impact of old, but useful, technology occurred during House consideration of the 1970 Legislative Reorganization Act. The effort to end secret voting in the Committee of the Whole was successful, in part because the groundwork for success was laid when hundreds of editorial writers across America began to write editorials that urged an end to secret voting in the House. This idea was initiated by a reform-minded House group, whose staff director was a former journalist. He recognized that "secrecy" was easier for people to understand compared to "unrecorded teller votes in the Committee of the Whole."

Persistence. Reform advocates often confront a dilemma: support for change might be large but not enough to overcome institutional inertia and opposition. Better the certainty of known procedures and processes than the unknown of proposed reforms. In short, reform is not for the faint-hearted because some changes might take years to achieve.

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PROFESSIONAL CAREER SUMMARY

POSITION: Senior Specialist in American National Government, Congressional Research Service, 1968-

ACADEMIC BACKGROUND: Doctorate in political science, State University of New York, Albany; taught at Colgate University; former decades-long adjunct faculty member at The American University

CONGRESSIONAL REORGANIZATION BACKGROUND

Professional Staff Member (on leave from CRS) or consultant to:

1968-1970, Legislative Reorganization Act of 1970 (House Rules Committee)

1973-1974, House Select Committee on Committees (Bolling-Martin Committee)

1975, Commission on the Operation of the Senate (Culver Commission)

1976-1977, Select Committee To Study the Senate Committee System (Stevenson-Packwood)

1977, House Commission on Administrative Review (Obey Commission)

1979-1980, House Select Committee on Committees (Patterson Committee)

1984, Select Committee To Study the Senate Committee System (Quayle Committee)

1993, Joint Committee on the Organization of Congress, Policy Director (Hamilton-Dreier)

CO-AUTHORED PUBLICATIONS

Congress against Itself. Bloomington, ID. Indiana University Press, 1977.

Congressional Procedures and the Policy Process, 11th ed. Washington, DC. CQ Press. 2019.
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Congress and Its Members, 17th ed. Washington, DC. CQ Press. 2019 (forthcoming)

Governing: Readings and Cases in American Politics, 2nd ed. Washington, DC. CQ Press. 1990.

Bicameral Politics: Conference Committees in Politics. New Haven, CT. Yale University Press. 1989.

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