Testimony of Mark Strand, President of the Congressional Institute
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Thank you for inviting me to testify today. You have a great opportunity since this committee is a once-in-a-generation opportunity to strengthen the People's House. There is almost a lifecycle to Congressional reform that takes place every 20 to 30 years. For various reasons Congressional processes breakdown over time, and Congress often fixes its problems, usually through a reform committee like this one. To help your important work, I would like to share lessons from past reform efforts about how they may influence your committee's ability to respond more effectively to the needs of the Congress, its Members, and the public.

The Congressional Institute has written two studies that I would like to submit for the record. One is a general history of reform committees, and the other is "Lessons Learned from the 1993 Joint Committee on the Organization of Congress."

Although the Select Committee is focusing on reforms of the past 50 years today, let's briefly consider the first Joint Committee on the Organization of Congress (1945-1946). This Joint Committee established the tradition of engaging in a wholesale reform of the Legislative Branch, using a joint committee as the venue for examining the issues and proposing reforms. Although your committee is only composed of House Members, it is still in that tradition. Also, it addressed many of the same issues that Members are concerned about today, like the committee structure, congressional resources, and relations with lobbyists. Their efforts culminated in the Legislative Reorganization Act of 1946, which, among other things reduced the number of standing Committees in the House from 48 to 19 and the Senate from 33 to 15, provided increased staff and money to run Member offices, required lobbyists to register, increased Member pay and provided for a civil service pension. Equally important, elements of the status

quo remained, most notably the seniority system for selecting committee chairmen, which would set the House up for future conflicts.

A successor Joint Committee on the Organization of Congress existed in 1965 and 1966. This eventually led to the Legislative Reorganization Act of 1970. One objective was to make Congress more responsive to the rank-and-file and the public. For instance, roll call votes for amendments in the Committee of the Whole were to be made public, a big win for transparency. Additionally, committee business meetings were from then on required to be open, though committee members voted to close them. Votes in the committees had to be made publicly available. The House adopted electronic voting. Committee hearings could be broadcast via radio and television. The House Office of Legislative Counsel and an ongoing Joint Committee on Congressional Operations were created. Rank-and-file committee members were strengthened to some degree, though the seniority system, against which so many Members chafed, was still intact.

But the Joint Committee and the Legislative Reorganization Act of 1970 were not isolated efforts. Three years after Congress passed the Legislative Reorganization Act, the House created the Select Committee on Committees, led by Representative Richard Bolling of Missouri. Bolling was a long-time, impassioned institutional reformer and advocate of civil rights. His Select Committee recommended sweeping reforms to the committee structure. The plan was referred to the Democratic Caucus' Committee on Organization Study and Review, led by Representative Julia Butler Hansen of Washington state. The resulting plan, which the House adopted in 1974, was much more modest, but it required the creation of additional subcommittees, increased staffing for the minority party and eliminated proxy voting. Proxy

voting, however, was restored shortly thereafter, and the issue would surface again in later movements.

Parallel to the reforms advanced by committees in the 1970s were important changes to both parties' internal operations. Both parties began, at least in part, to shift away from using seniority to determine who would be named the Chair and Ranking Members of committees—other factors could, and would, be considered. Additionally, the party rank-and-file were allowed to vote on their committee leaders. At first, this was done by public vote, but reformers eventually won the right to a secret ballot. In 1973, the Democratic Caucus created the Steering and Policy Committee, which would make all committee assignments (except for the Rules Committee)—until then the prerogative of the Ways and Means Committee Democrats. The Speaker was put in charge of the Steering and Policy Committee, giving him control over committee assignments for the first time since 1911, when Speaker Joe Cannon was stripped of many of his powers. The Speaker was also given the sole power to name the Rules Committee Democrats, making it truly "the Speaker's Committee" once again. These reforms occurred within the Democratic Caucus and Republican Conference, not under the auspices of a joint or House select committee. Nonetheless, they are among the most significant in shaping how the House operates today. They show how important it is to consider different avenues for reforming how the House operates. One or both of your party organizations might be the best place to advance reform today.

(For instance, I would note that the restrictions on earmarks, clearly a reform topic worth examining, is actually a restriction imposed by the party caucuses, not the Rules of the House. The existing rule allows for robust transparency requirements.)

In addition to the 1970s reforms that reshaped committee and party power dynamics, the passage of the Congressional Budget and Impoundment Control Act of 1974 was critical. This, too, was a product of a reform joint committee. In October 1972, in the midst of a conflict over the debt ceiling and President Nixon's efforts to assert control over fiscal policy, Congress created the Joint Study Committee on Budget Control. Then as now, Members were concerned with the twin problems of how to control the country's finances and how to ensure that the Congress retains control over the power of the purse. The Joint Study Committee's report became the basis for the Budget Act. Seeing as we are just two months removed from the end of the longest government shutdown in American history, I am sure I do not need to go into great detail to persuade anyone of the need for budget reform. Even if there is still a lot more to be done, the Joint Study Committee led to, at the time, an improved budget process and a stronger congressional hand in fiscal policy. It is long past time to revisit that act that is now nearly half a century old.

The next major reform era to speak about was the 1990s. The most prominent feature of this period was the third, and to date last, Joint Committee on the Organization of Congress. The legislation to create this Joint Committee was introduced in July 1991, but the House and Senate concurrent resolutions basically went nowhere until the House bank scandal enraged the public. Thankfully, the co-sponsors, Representatives Lee Hamilton (D-IN) and Bill Gradison (R-OH) and Senators David Boren (D-OK) and Pete Domenici (R-NM) were ready with their legislation. Though the two Chambers held separate markups, the Joint Committee issued its final report in December 1993, recommending ways to improve the budget process, committee system, compliance with workers' rights law, among other reforms. The Legislative Reorganization Act of 1994 met with stiff resistance and died after the Rules Committee abandoned its markup on the bill over conflicts with committee chairs. Nonetheless, the Republicans' unexpected victory

in the 1994 elections revived the effort. Both prior to and parallel to the Joint Committee's work, Republicans had been developing ideas on reform, and they included congressional reform as part of their Contract with America. When they took control in 1995, they swiftly implemented reforms, including some from the Joint Committee. Many features of the contemporary House come from these reforms. For instance, committee staffs were cut by a third—and some committees were either cut completely or lost jurisdiction. Proxy voting in committees was once again banned—and this time, for good. Of course, Congress created its Office of Compliance, which it further reformed last year.

Which brings us to today. We are in another important period of congressional reform. Some of you on the committee have already been heavily involved with reform efforts over the last few years, so you are already aware of the challenges. But I hope I could still leave you with a few thoughts on what the history of congressional reform teaches us.

First, the deadlines you have are important, but they should not be seen as the end date of your efforts, nor the expiration dates for your ideas. Not all ideas developed by a reform committee are adopted immediately. But considering and developing reform ideas creates an inventory of recommendations that Congress can implement in response to a crisis or sudden critical need. So, even if the House does not adopt some of your reforms, later circumstances might be much more favorable. A couple years from now, the time might be ripe, the way the 1970 Legislative Reorganization Act was adopted a few years after the Joint Committee's work and the way the 1990s reforms created when the Democratic Party was in the majority were implemented when the Republicans won the majority. Or a few years from now, a new select or joint committee will be holding a markup, and someone will say, "The 2019 Kilmer-Graves Committee had this great

idea; let's adopt it." Aim big and understand that work is part of the history of Congress, not a short-term solution.

Second, propose reforms that really and visibly improve the lives of your constituents on issues such as budget and authorization reform and opening up the Floor to more ideas. Failure to do so could threaten your work. For instance, increasing resources available to Congress is an important idea to consider, but history, especially the reforms of the 1990s, shows that cutting staff and funding is popular with the public. Past reforms have been able to improve the capacity of Congress to operate more effectively by simultaneously proposing reforms that provided value to their constituents. In the 1940s, as a result of World War II and the New Deal, the Executive Branch had become so large that Congress no longer had the capacity to provide its constitutional check on the Administration's power. To maintain the balance of power between the Executive and the Legislature, Congress had to reform. There is little doubt that the budget process has broken down as evidenced by the 35-day shutdown. Fix that and the American public will see that additional resources invested in Congress are necessary to make budget, authorization and appropriation process better.

Third, get as much buy-in as possible from your colleagues. Take special care to win over the chairs, ranking members, and leadership. We interviewed Representative Lee Hamilton, the House Chairman of the last Joint Committee on the Organization of Congress. He told us that "The powers that be, the leadership and committee chairmen and the rest become wary. They see a shakeup coming, they see changes coming, and that could mean that their own power base would be disrupted." He would know: Action on his Legislative Reorganization Act of 1994 was abruptly halted when the Speaker intervened during the Rules Committee markup. Show the power brokers reform is in their best interests. The Member Day hearing earlier this month was

a great start. Consider reforming the authorization process. Most Committee chairs are authorizers and, other than Armed Services, the authorization process has largely broken down. About two-thirds of the non-defense discretionary budget is unauthorized. When a chairman does not get the committee's authorization passed, it loses its primary oversight over the Executive Branch. Why should the Administration care what a committee thinks if it is not going to hold it accountable through legislation?

Finally, try as much as possible to create a bipartisan consensus. Representative Hamilton said it best when he told us, "Inclusivity is what you're seeking." As he also said, "It's a great, big, complicated country, and the Congress reflects it as well as any institution we have. So, you want the…committee to be the miniature of that, as the best way to bring about the reform."

Representative Hamilton's reference to the country's diversity points to an important point: All of this leads back to the people. Members need to be able to truly represent them, to dialogue on their behalf, and have great debates for them. In fact, this is what the people expect. Not long after the 2016 election, the Congressional Institute commissioned a study of Americans' attitudes towards the government, especially the question of whether they think office holders hear them. One of the most important findings was that a strong plurality (43 percent) thought that Members of Congress were most responsible for ensuring that the people are heard in public debate. Or as one voter said in a focus group: The President "is not going anywhere without Congress. Congress runs the country…Without Congress, nothing is going to change." Americans expect leadership from the branch of government they feel closest to.

But it is not clear that the Congress can lead any more without reform. In all democracies, legislative power tends to erode and executive power tends to increase. Without proactive

action, Congress risks diminishing its constitutional role as an equal branch of government. So what you are embarking upon is really important to our democracy.

James Garfield, the only person to go right from the People's House to the White House, put it best in 1877, when looking back on the first century of the Republic. He wrote, "Indeed, the history of liberty and union in this country…is inseparably connected with the history of the national legislature…The Union and the Congress must share the same fate. They must rise or fall together."

No doubt, the deeper you go, the more resistance you will encounter since the status quo always pushes back against change. But the effort is worth it. Make the most of it.