

TESTIMONY OF AKIN GUMP SENIOR ADVISOR AND FORMER U.S. REP. VIC FAZIO
BEFORE THE SELECT COMMITTEE ON THE MODERNIZATION OF CONGRESS, WED.,
MAY 1

Thank you for inviting me to appear before this joint committee. (Remarks about fellow panelists.). You have taken on an extremely important task at a time of bitter partisanship and tribal allegiance which has affected the Congress as it has our entire political system.

The reputation of the Congress as we all know is at an all-time low. It's not surprising in that Congress accomplishes very little, apparently almost never with bipartisan support. In fact the job of the minority is now to make sure that the governing majority accomplishes little or nothing. In the past, partisan differences existed, but consensus could be found on some issues, and bipartisan legislation could be enacted. In fact, for this committee to be successful, your task is going to require a bipartisan leadership agreement, and I say bipartisan because if one party wishes to make change and the other party resists, little can get done.

But maybe of even greater importance, members of Congress for the last 40 years have been running down the institution in order to improve their chances of joining it. I suggest our constant negative campaigns have not just reflected public opinion, they helped shape it.

In that same 40-year time frame, power has gravitated to the leadership and reduced the role of the rank and file. To remedy this, I believe Congress must restore the role of committees. Historically committees met and held hearings, some on proposed legislation, some in oversight capacity, and members spent sufficient time in their committees that they got to know each other and sometimes found they had common values across the ideological spectrum. That would often lead to broadly supported legislative proposals.

Committees need to be strengthened by the allocation of specific floor time for the product of their work. Committees and subcommittees need to be meeting on a regular basis so that members become familiar with their committee's jurisdiction and the issues before it in depth. In order to facilitate attendance, members should be allowed to serve on no more than two committees and four subcommittees so they can focus on the work required in greater detail.

Oversight of federal agencies should be a high priority not just in the appropriations process but by each of the authorizing committees. We need to actually provide in depth oversight of the federal budget process and federal agencies, and the laws they are responsible for implementing. Fundamental to restoring the influence and power of committees is a four-day schedule—not two and a half or three days a week as is our current practice. In addition members should be asked on occasion to work two full weeks surrounding a weekend in Washington. I'm well aware how difficult making this change would be. After all, for forty years, we have been warning members not to "go Washington." But the short week weakens committees and empowers the leadership to dictate the workload and leads to increased partisanship in the way we govern. Our current hit and run schedule prevents even a modicum of personal relationship building, which is a key to making the institution work.

Committees also need to be strengthened by on occasion allowing earmarks to be done with full transparency. They must impact only public or nonprofit entities in the states and districts and they must be included in legislation that emerges from at least one House. None should be dropped in in conference without adequate public scrutiny.

Committee leaders need to find new ways of engaging the entire membership of their committees regardless of seniority. I want to commend to the committee the example set by former Republican chairman Dave Camp as he broke his Ways and Means Committee up into bipartisan working groups on a range of revenue issues, before coming forward with a comprehensive revenue neutral tax bill. And the sort of engagement with every point of view on his committee that was the hallmark of the excellent work done by my former colleague Bart Gordon, chairman of the House Science and Technology committee, during his time as chairman. In addition the House should reestablish what was called in the past the Office of Technology Assessment, which was abolished in 1995. Technology affects the work of every committee. And perhaps new ways of making a similar institution more responsive to the needs of each committee might allow for its restoration. It is far too obvious that members are behind the curve on technology. That glaring weakness causes you to lose credibility with an increasingly large number of your constituents.

Committee work is often best led by an experienced and qualified staff. Any member of Congress knows that the quality of the people who work for them is fundamental to their success. It is even more true of committee work. The House has systematically reduced the number of staff and limited compensation relative to the private sector and the Senate. I refer you to the work of the Congressional Management Foundation for Documentation. It's time for Congress to reinvest in its people, and that includes providing for a career path for those very valuable people who wish to remain in public service and want to be increasingly compensated as their expertise grows. We need to study salary ranges and ways we can get salary parity between House and Senate employees. Staff development, so commonplace in the private sector, is something Congress must consider while it increases compensation (and it's also long past time for Congress, now that the Affordable Care Act appears to be here to stay, to allow federal employee health benefits to be once again available to those who work for you on Capitol Hill. I would suggest the work of the R Street Group will give you more ideas on how to improve the way your staff is paid and organized. In addition, you should examine the proposals made by Norman Ornstein to involve more staff experts in the questioning of witnesses.

Many good ideas have been proposed in recent years as to how we can reform or restructure the budget process. Some of them I consider of value but many are simply trying to focus on process when the real problem with our budgeting is that making choices is very hard and when partisan battle ensues on almost every matter there is no willingness to delve into the details of the budget. The gridlock between the two parties and within the two parties on budget matters that we see currently is undermining our ability to do the most fundamental task of government. As a former appropriator, I understand why it's a lot easier to punt and let the members of that committee in both Houses fashion our annual budget, however belated it may be. But the whole purpose of the budget Act has been circumvented. It's simply a method by which bills, including revenue bills, can pass the Senate with a majority vote under reconciliation rules. Any pretense toward a comprehensive view of the Federal Budget—revenues and

expenses—has been set aside because the work is too hard and politically fraught to do. The courage quotient is at an all-time low on fiscal matters, and the national debt continues to grow through increasing annual deficit spending.

We all know that we are in a period of history where campaigns never end and fundraising has taken an inordinate amount of focus by almost every member. It's particularly members with difficult or marginal districts, but also for other members of Congress who wish to contribute to their party's coffers. I know this is not within the purview of this committee but it can't be overlooked as one of the root causes for the disintegration of the congressional experience and the minimal legislative product.

At the end of the day, Congress has to gain new self-respect in order to get more respect from their fellow citizens. The job you've been elected to do requires hard work, commitment and courage. At least to some degree, members must put preservation of the institution higher on their list of priorities. You could begin by reversing the erosion of your own pay that's occurred over recent years. Your failure to do so makes it harder on the younger members and their families who wish to serve—and therefore limits the ability of the average man or woman to participate in the fundamental role of representative Democracy. Parenthetically, it also has a tendency to hold down the compensation of the people we employ.

Members of congress from both parties express their unhappiness at the service they are here to render. And while the majority always loves life more than the minority on Capitol Hill, members feel their role has been diminished. This is true across the membership of both parties. Members with completely different world views and agendas feel, almost equally, an unfortunate sense of being bit players. Even members of the most important committees in the House, who have typically served longer and with distinction, are cut out of the most important legislation of their era in Congress. I regretfully cite the tax bill that passed the House in the last Congress as a prime example of where rank and file members, even in the majority of the Ways and Means Committee, had little impact on the details of a major piece of legislation.

Congress is a place where individuals can make a difference. Some public servants are cut out for executive roles, but those who commit to spending time in the House and Senate get more accomplished because of their ability to work collaboratively. And the art of legislating is more effectively done by people working together in their parties and across party lines to accomplish a common goal. The modern Congress is losing the ability to let talented legislators engage in the art of law-making.

The difficult task you have taken on will require more consultation and therefore more time than one year can provide. I would urge the committee to do as much as you can on the things you can find agreement on, some would call it the low-hanging fruit, and begin to build the trust of the leadership and the rank and file members. And then build an agenda that will take you beyond this year, perhaps for another two years, where you will have more time to not only find common solutions but build support among your colleagues to take further action. Much good work has been proposed by groups like the Problem Solvers Caucus. Other subsets of the Caucus and the Conference are developing their own approaches to improving their role on the Hill. Bringing them into the discussion and engaging with them on where their ideas may fit will

take additional time, and I'm convinced you will see some unusual alliances formed across the political spectrum. Building consensus can't be done overnight. And we all know that election years provide too many opportunities for people inside and outside the institution to undermine your efforts.

I commend the members of this committee and your leadership that brought you into existence, because the work you are about to undertake will I hope begin the process of reasserting the role of the First Branch, which has been slowly losing its influence over many decades.