

# Restoring Congress to its Rightful Place in our Constitutional Order

*Mark Strand: Thursdays, 4:15-5:45pm*

This study group will focus on the dysfunction and unpopularity of the House and the Senate, at a time it should be providing a check on the Executive branch of government. Donald Trump may be unpopular in the polls, but he is twice as popular as the Congress.

Why is the Congress so unpopular? A survey by the Winston Group shows a large number of Americans “do not feel their voice is being heard.” Another survey says that to regain trust, Congress must start passing legislation important to people’s lives. So why is it so hard for Congress to pass major legislation anymore?

Legislative accomplishments that move our country forward are becoming few and far between. Continuing resolutions and last-minute negotiations to prevent government shutdowns have become business-as-usual. It has become all but impossible to pass individual spending bills, and too many federal programs and even agencies remain unauthorized. Congressional oversight is viewed more as partisan witch hunts instead of an important function of what Congress is supposed to do.

Reform of Congress is not a partisan issue – rather, it is an issue of whether Congress will restore its Article I role in the Federal Government. Every year of congressional gridlock means more power shifts from the Legislature to the Executive. And this is true whether the Democrats or the Republicans control the Congress and whether a Democrat or Republican is President. The issue is whether Congress will hold itself and the Executive branch accountable, or continue to allow the role of the Legislature in our Federal system to erode.

Every generation, the Congress needs to reform its rules, eliminate its procedural contradictions and hypocrisies and modernize its process to fit with changing technology and economic theory. Since the authorizations-appropriations process has such wide-ranging effects on the country, it’s critical that reforms to those procedures receive careful consideration.

If the institution is to recover its vitality and esteem, it must change, and to do so, it should create a bipartisan joint committee on congressional reform with the authority to propose revisions to the rules, procedures, and structures of the Congress. Historically, this is how Congress had enacted sweeping bipartisan reforms to restore Congressional effectiveness. This study group will hear from supporters of reform and come up with 101 reform proposals to restore and strengthen the Congress’ critical role in our Constitutional system.

## **9/21: Week One - Defining the Problem**

What is the problem with Congress? Why is it so unpopular? Do people object to Congress, but like their own Member? How does the public measure satisfaction with Congress? What would a weakened Congress mean in the long run?

## **9/28: Week Two - Budget Reform**

The annual battles over budgets, appropriations, and threats of government shutdowns have become such a regular occurrence that the vast majority of those Members serving today have never actually seen the process work as designed by law. The last time all discretionary spending bills passed on time was in 1994 – over 20 years ago. The Speaker, Paul Ryan, was a 25-year-old junior staffer at the time.

## **10/5: Week Three - The Filibuster**

The recent expansion of the nuclear option to confirm Judge Neil Gorsuch to the Supreme Court points to the frustration Senate majorities have. Some Senators believe that the one thing that we could change without a constitutional amendment that would make a difference here would be the elimination of the routine use of the filibuster in the Senate. Others believe the filibuster is what makes the Senate a unique legislative body that protects the rights of the political minority.

*Guest: Former Senator James Talent (R-MO)*

**10/12: Week Four - Authorizations and Oversight**

In the authorization process, committees draft bills establishing, revising or eliminating policies and also recommend a certain level of funding for these government activities. Only then is the Appropriations Committee supposed to appropriate the money to pay for what is authorized. Authorization committees are important because this is where real oversight occurs. It makes the Executive agencies accountable to Congress, and it makes Members of Congress accountable to the public. It is against the standing Rules of the House to appropriate money for an unauthorized agency or program. Unfortunately, the House Rules Committee frequently waives this rule. As a result, the Congress appropriates \$310 billion – or nearly one-third of the discretionary Federal budget to unauthorized programs. The Department of Homeland Security has not been reauthorized since its creation!

*Guest: Republican Conference Chair Cathy McMorris Rodgers (R-WA)*

**10/19: Week Five - Regular Order, Earmarks and Other Cures**

The term regular order is thrown around so much in Congress that it tends to exist only in the eye of the beholder. Simply put, regular order means following the written rules for each body of Congress. Regular order allows the political minority opportunity to offer amendments and fully debate legislation. By opening up the legislative process by focusing the debate on policy issues instead of on power plays and obstruction the majority gives their colleagues in the other party a stake in the successful passage of the overall bill. It is much easier to win a confrontation with the President with a bipartisan majority.

**10/26: Week Six - How Would the American People Define Reform?**

The unpopularity of Congress is not a new phenomenon. Comedians Will Rogers and WC Fields made a living at poking fun at Congress. Yet it seems this recent unpopularity is a growing threat to the Constitutional order. Why is Congress so unpopular? Why are self-identified Republicans negative about Congress, even when their own party is in power? What do pollsters say the cause of this unpopularity is, and what can be done to restore confidence?

*Guest: David Winston, Winston Group*

**11/2: Week Seven - Taking Back Regulatory Power**

In almost all systems of government, power tends to drift towards the executive over time. The United States is no exception. Has Congress delegated too much regulatory power? How can it reclaim it? Can Congress recover any of its Constitutional war powers?

**11/9: Week Eight - Joint Committee On Reform**

Since the early part of the 20<sup>th</sup> Century, Congress has convened a joint committee on reform every twenty years or so to consider changes to the rules and processes of the House and Senate. There has not been a joint committee convened since the early 1990s. This study group will focus on a proposal to create a new Joint Committee on the Congress of Tomorrow.

*Guests: Rep. Darin LaHood (R-IL) and Rep. Dan Lipinski (D-IL)*

**11/16: Week Nine - Your Turn: 101 Ways to Reform Congress**

Students will be asked to propose and endorse specific reforms. Those reforms will be part a TED/Congress event on Congressional Reform. Interested students will be invited to participate in the event.