

Statement of Donald R. Wolfensberger
Before the Joint Select Committee on Budget
and Appropriations Process Reform
Wednesday, May 9, 2018

Joint Committee Co-Chairs and committee members:

First, congratulations on being appointed to this committee and for your willingness to serve and hopefully contribute to improving our badly broken appropriations and budget processes. Second, thank you for inviting me to testify today on how such changes might be framed and supported in a bipartisan way. Let me make clear at the outset that the views expressed in my testimony are solely my own and should not be attributed to either institution with which I am affiliated.

I understand that I was invited in part because of my many years of service in the House between 1969 and 1998 as part of several important process reforms of the institution and for what lessons I might have taken away from those experiences. I got my toes wet early in the congressional reform pool when I first came to the Hill as an intern for my congressman, John Anderson of Illinois, back in the summer of 1965, between my two years of graduate school. Anderson assigned me to monitor the hearings of the Joint Committee on the Organization of Congress and assist in preparing his testimony before that panel.

When I returned to the Hill three years later as a fulltime legislative assistant to Anderson in January 1969, I continued my work with him on congressional reform matters, primarily through the House Rules Committee. Ironically, the 1965 joint reform committee's work had been held in abeyance during my two-year hiatus as a Peace Corps volunteer in Africa, so I picked up where I left off in working with Anderson on what became the Legislative Reorganization Act of 1970.

That final act had substantial bipartisan support because it addressed both minority Republican desires for greater openness and accountability in the legislative process, and majority Democratic hopes to make committees more democratic and transparent. The overall thrust of the reforms was to modernize Congress and make it more responsive, capable and accountable.

My next involvement with reforming Congress came in the early 1970s with Congress's confrontations with President Nixon over budgeting. The president wanted less spending and lower deficits and was scoring points with the public by impounding (withholding) funds that Congress had appropriated. The Democratic Congress was furious, and appointed a joint study committee on budgeting to recommend what should be done. While it recommended a comprehensive budget process that included impoundment control, the initial impulse of Democratic leaders was to bar presidential impoundments as a first step, and address congressional budgeting later. However the two houses stalled in conference committee over whether there should be a two-house approval of presidential impoundments or a one-house veto.

Consequently, with much prodding from Republicans, Congress proceeded to address both congressional budgeting and impoundment control in the same bill –with a congressional budget to be adopted as an alternative to the president's budget, and a strict impoundment control

regime that would make any proposed presidential withholding of funds subject to congressional approval by law.

Contrary to some mistaken reports on that legislation, Nixon did not veto that bill but approved it with a signing statement that praised Congress for putting its overall budget plan in a single document that would both make it be easier for presidents to deal with, and for the public to understand.

Why was enacting congressional budget process reform eventually so bipartisan? Simply because Congress saw its most important constitutional power, the power of the purse, threatened by an aggressive president. The two parties came together and reacted institutionally to protect Congress's prerogatives as the first branch of government.

Another effort going on at about the same time was a 1973 bipartisan House Select Committee on Committees headed by Rep. Dick Bolling of Missouri, a member of the House Rules Committee. Its mandate was to make recommendations on realigning committee jurisdictions in the House to make them more rational and functional. The select committee came up with a comprehensive plan to realign committee jurisdictions. However, it ran into a buzz-saw of opposition in the House Democratic Caucus and its recommendations were eventually replaced by a watered-down caucus substitute that left most jurisdictions intact while making some minor procedural changes in House and committee rules.

The Bolling committee reforms failed because support for preserving existing committee lines was much stronger. There was bipartisan support and opposition to the Bolling proposals, but a House majority voted to preserve the status quo rather than risk eroding any committee's turf. This may also explain why biennial budgeting has been rejected by the House at least twice in recent years despite super-majority cosponsorship: appropriators turned things around by convincing their colleagues that two-year appropriations would diminish Congress's control of the purse strings vis-à-vis the executive. It was all about turf, with a capital "T" –both committee turf and overall congressional turf.

In 1982, Bolling, who had risen to the chairmanship of the House Rules Committee, appointed a bipartisan task force on budget process reform headed by Rep. Tony Beilenson of California –drawing on six members from Rules, and nine non-voting members from Budget, Ways and Means and Appropriations. The task force held a dozen work sessions and four hearings in 1982. In 1983, the new Rules Committee chairman, Rep. Claude Pepper of Florida, reappointed the task force and expanded it to 19 non-voting members from other committees, with a mandate from the Democratic Caucus to report its recommendations. After 19 more work sessions and three more hearings the task force reported its budget process reform proposals in March 1984, and the Rules Committee followed suit in May by reporting the recommendations in a budget process reform bill.

Although the package never came to the floor for a vote in the 98th Congress, it took on new life in the 99th Congress under rather unusual but fitting circumstances. The House had passed a debt limit bill under the so-called Gephardt rule that automatically spun-off the debt limit number from the budget resolution into a joint resolution that was sent to the Senate without a separate House vote. Unfortunately, the Senate had no such rule and used the joint resolution on the debt limit to make a major change in the budget process called the Balanced Budget and Emergency Deficit Control Act, or Gramm-Rudman Hollings for short.

G-R-H established a glide-path of deficit levels each year down to a balanced budget, and, any time Congress missed its deficit levels, funds would be slashed across the board --a process known as sequestration --to make-up the difference. Confronted in conference with this radical change, the House countered by insisting on grafting onto the bill the bipartisan Beilenson task force reforms. The Senate acquiesced in these major and minor changes, most importantly by shifting from two budget resolutions each year to one resolution in the spring that could include reconciliation instructions to address tax and entitlement changes (but barring changes in Social Security thanks to Rules Committee chairman Pepper).

When the deficit glide path kept failing each year, and Congress had to keep adjusting its deficit numbers due to new assumptions, a new way was tried with the budget agreement of 1990 known as "Pay-As-You-Go," or just PAYGO. Any increases in direct spending or decreases in revenues had to be offset by a comparable increases in revenues and/or decreases in spending so that overall changes would be deficit-neutral.

I was involved in some other congressional reforms, over my 28 years that were bipartisan and worked. One was the bipartisan leadership task force on ethics in 1989 that was prompted by some ethics scandals. It met in secret for the most part, but had some public hearings. The major upshot was the Government Ethics Reform Act of 1989 that abolished Members' private honoraria in return for a pay raise, and also made changes in ethics standards in the other two branches.

The penultimate reform effort I worked on before retiring was the Joint Committee on the Organization of Congress in 1993-94, a bipartisan joint committee that was torn asunder by House-Senate differences as well as bitter, internal House partisan fights. House Democrats vowed they would not support any bipartisan reforms unless the Senate abolished the filibuster. The joint committee ended-up issuing separate House and Senate reports that were not bipartisan, and that ended up going nowhere --at least, that is, until the new House Republican majority in 1995 implemented many of its proposed reforms in the opening day rules package for the 104th Congress --my final involvement in House reform as a staff member.

What lessons have I taken away from this mixed history of congressional reform efforts? First, genuine, lasting reforms cannot be passed unless both parties and both houses come to the table with the firm conviction that job number one is to do what is: 1) either best for the institution; and/or 2) necessary to survive an angry, motivated electorate. That kind of effort entails checking your partisan guns at the door and thinking institutionally about how best to preserve our form of government, and then persuade voters that Congress is acting in the best interests of the nation.

Usually, Congress has acted in such a bipartisan fashion when it is most threatened in the public eye, either by ethics, fiscal or national security crises. I was reminded by a recent column that Congress's approval ratings soared briefly after the way in which it handled the Watergate scandal and subsequent impeachment proceedings in 1973-74; and, much later, following the 9/11 terrorist attacks of 2001. The people want you to work well together to address major national challenges. Partisanship will still have its time and place, but at least recognize when the institutional and national interests must take priority, and act accordingly.

I would suggest you are now at such a critical juncture in the history of our Republic because public confidence and trust in our institutions of government, especially the Congress,

are at an all-time low and need addressing now. You can begin to help rebuild that trust and confidence by demonstrating that you want to fix Congress's biggest failing to date, and that is its inability to manage the government's purse strings in a responsible and timely fashion.

You can get the government back on track by adopting responsible budgets and separate appropriations bills before the start of the fiscal year. That means fully engaging in your budgeting responsibilities at the very outset each year, and not waiting until fiscal new year's eve to make noise by kicking the can down the road. Stop the government shutdown brinksmanship and start demonstrating some bipartisan congressional statesmanship by pledging to abide by your statutory timetables.

One final lesson I learned from my many years working in the reform stables, and that is that the people will not credit you for the reforms you enact; they don't pay attention to such Capitol Hill minutia. They will credit you, however, for whether those changes result in a better functioning Congress that once again is responsive to the real needs and expectations of the people. Thank you.