

BACKGROUND

The U.S. Congress has earned its reputation as a slow-moving, antiquated institution badly in need of reform. A broken budget process, outdated technology and lawmaking driven by partisan leaders are only a few of the factors contributing to Congress's present dysfunction and 20 percent approval rating.

But despite their credibility and intensity, frustrations toward Congress are not unique to the present day. At various points in our history, lawmakers and the public have voiced concerns that Congress is unable to fulfill its role as a coequal branch of government. In each of these periods, critics warned that the legislature's internal organizational structures and procedures dramatically limit its ability to legislate and conduct meaningful oversight. As a result, trust in the First Branch declined and deference to the Executive Branch increased. The same is true today.

Congress, however, has a history of responding to its own inadequacies. In three distinct instances—1945, 1965 and 1992—Congress established a bipartisan Joint Committee on the Organization of Congress (JCOC) to hear proposals from members and experts about how best to modernize its organization and procedures. Following recommendations from the 1945 and 1965 JCOCs, Congress reinvested in itself by passing the Legislative Reorganization Acts of 1946 and 1970, both of which restructured and streamlined congressional operations.

The time for another JCOC has come. Members and congressional observers are again clamoring for reforms to overcome dysfunction and restore Congress as the First Branch of government. Establishing a fourth JCOC is a reasonable and historically proven mechanism to study, recommend and institute such reforms for the betterment of the institution.

PRIOR JCOCs

Legislative Reorganization Act of 1946

The first Joint Committee on the Organization of Congress, chaired by Sen. LaFollette (R-Wisc.), was established in February 1945. Twelve lawmakers made up the

SUMMARY

- Many of the voiced frustrations about Congress's organization and operations are not unique to the present day.
- Congress has a history of reforming itself through Joint Committees on the Organization of Congress (JCOC).
- In 1946 and 1970, following two JCOCs, Legislative Reorganization Acts were passed, which dramatically reformed congressional capacity, structures and transparency.
- Congress should establish a fourth JCOC to solicit member and expert recommendations for modern reforms.

bipartisan panel, three Democrats and three Republicans from each chamber. The first JCOC was to:

make a full and complete study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, improving its relations with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution.¹

The committee's directive was purposefully broad so as not to limit potential avenues of reform or feedback from a diverse group of interested parties. Reformers believed that if they were to preemptively itemize what issues the committee was allowed to pursue, political brinksmanship would be inevitable and ultimately undermine their purpose.

By June 29 of the same year, the committee had held four executive sessions, 39 public hearings, heard testimony from 102 witnesses—including 45 sitting members of Congress—and received dozens of written statements from congressional experts concerning potential reforms. As explained by the subsequent committee report: "To all these proposals we have applied the simple test: Will they strengthen Congress and enable it to do a better job?"²

On March 4, 1946 the JCOC submitted its final report containing 37 recommendations for Congress' modernization. The vast majority of these were codified upon President Truman's Aug. 2 signing of the Legislative Reorganization Act of 1946. Among others, the JCOC recommended: drastically reducing the number of House and Senate standing committees, as well as reorganizing their jurisdictions; granting committees subpoena power in order to perform more effective oversight; changes to the congressional schedule and the requirement that all bills passed out of committee be brought to the floor for consideration.

Congress also took the first step to institutionalize permanent in-house staff in order to provide for "a pure and unbiased stream of information [...] necessary for the making of sound decisions."³ The Act authorized each committee four nonpartisan professional "staff experts," and authorized the hiring of up to six clerical workers per committee. It also allowed for the temporary employment of additional investigatory staff.

Legislative Reorganization Act of 1970

In spite of the many changes resulting from the 1946 LRA, calls for further congressional reforms continued into the mid-1960s. Most notable were fears that Congress remained ill-equipped and unable to adequately perform its expected duties, and thus was increasingly ceding power and legislating authority to the Executive Branch. Thus, on March 11, 1965, Congress established a second, bipartisan Joint Committee on the Organization of Congress modeled explicitly after the first, both in membership structure and in mandate.

Over 40 days of hearings, the second JCOC heard testimony from 199 witnesses, many of whom were sitting members of Congress. On July 28, 1966, the committee issued its final report containing over 120 recommendations. That Legislative Reorganization Act was finally signed into law by President Nixon on October 8, 1970. Similar to the previous one, changes resulting from the 1970 LRA were wide-ranging. Many aimed to curtail the power of Southern Democratic committee chairmen. Other reforms included: an increase in appropriations to the House Office of Legislative Counsel to assist members with bill drafting; the requirement that committees set regular meeting schedules; the requirement for committees to publish roll-call votes; an amendment to House Rules to allow recorded roll-call votes within the Committee of the Whole; and major alterations to the congressional budget process.

And just like in 1945, staffing resources were addressed. The 1970 LRA provided an increase of four to six pro-

fessional staffers for each committee, and authorized committees to hire additional consultants, investigators and temporary workers. It also allotted one-third of the committee's employees to the minority party—the first such instance of delineating staffing resources by party on committees.

TIME FOR A MODERN JCOC

From sitting members to interested observers, frustrations with congressional capacity and procedures have once again become increasingly widespread. Their complaints are uniform: top-down, closed-rule policymaking; limited involvement from rank-and-file members; and a legislative branch understaffed and unable to adequately oversee the actions of the Executive.

Congress should look to its own history for lessons in how best to reform itself. The establishment of a fourth Joint Committee on the Organization of Congress will provide a tried-and-true mechanism for soliciting expert advice—including from its own members—on how to make Congress work better. A fourth JCOC cannot guarantee changes, of course, but it will provide a vital first step toward addressing a rare case of bipartisan agreement: that Congress is broken. And the time to act is now.

CONTACT US

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ENDNOTES

1. H. Con. Res. 18. 70th Cong., 1st Sess. (February 19, 1945). Sec. 2.
2. H. Rept. 1675. 79th Cong., 2nd Sess. (1946), p. 1
3. Ibid., p. 14.



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