

Six Things To Help Us Hate the Budget Process Less

Testimony of Bill Dauster
before the
Joint Select Committee on Budget and Appropriations Process Reform
May 24, 2018

Thank you Chairman Womack, Chair Lowey, and Members of the Committee. I appreciate the opportunity to testify before you all today.

Let me start by acknowledging the dirty little secret — OK, maybe it's not so secret — a lot of Members of Congress *hate* the budget process.

I'm here to tell you that it's *OK* to hate the budget process. It's frustrating, get's you blamed for failure that you didn't cause, and it's full of unnecessary shutdown drama.

But you all can do six things to help us hate the budget process less.

First — Don't make it *worse*. Take the Hippocratic Oath¹ of budget reform. First, do no harm. Don't set yourself up for more frustration and failure. Don't create a system that punishes *you* when *leadership* fails. Mr. Kilmer was right when he said that “when Congress puts a gun to its head, it ends up pulling the trigger.”²

Rather, a good budget process should be like your favorite car. It gets you where you want to go. It doesn't *force* you to go where you don't want to go. I entirely agree with what Chairman Womack said: A good budget process is “not in the business of prescribing specific budget outcomes.”³

A bad budget process is like an overambitious New Year's resolution — those promises that would be nice but we just can't keep. By February, we're denying that we ever made

¹ The doctors' Hippocratic Oath included the promise “to abstain from doing harm.”

² *Opportunities to Significantly Improve the Federal Budget Process: Hearing before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (April 17, 2018) (statement of Rep. Derek Kilmer).

³ *Bipartisanship in Budgeting: Hearing before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (May 9, 2018) (statement of Co-Chair Steve Womack). See also *Opportunities to Significantly Improve the Federal Budget Process: Hearing before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (April 17, 2018) (statement of Co-Chair Steve Womack: “any recommendations from this committee should reflect improvements to the congressional process, rather than offer prescriptions for specific budgetary outcomes”); *id.* (statement of House Budget Committee Ranking Member John Yarmuth: “whatever we propose should not be aimed at some kind of philosophical result or any kind of outcome”).

them. Gramm-Rudman was like that.⁴ The unrealistic Budget Control Act caps were, as well.⁵

So make changes that are like your favorite car and not like New Year's resolutions.

Second — We should, to use Senator Bennet's term, "deweaponize" the debt limit.⁶ Senator Whitehouse was right that the debt limit is like "somebody . . . put a bear trap in their bedroom."⁷ Many, Republicans and Democrats alike, agree that now may be the time to end this shutdown drama. The Bipartisan Policy Center, with the able work of Bill Hoagland, your witness May 9, convened a bipartisan working group, in which your witness today Jim Capretta and I have participated as staff, which has had very encouraging discussions about changing the debt limit process.

The Gephardt Rule,⁸ which automatically changed the debt limit when you adopted the budget resolution, should be applied to both Houses of Congress. And if that fails, the McConnell Rule⁹ should be institutionalized. That's the rule that delegated power to the President to suspend the debt limit for a period of time, subject to a fast-track joint resolution of disapproval.

Third — A lot of Senators hate the budget resolution because of vote-a-rama¹⁰ — the all-night vote marathon on amendments that no one's seen. None of us have liked pulling all-nighters since college. If we're honest, we didn't like them then.

⁴ The deficit at the end of Gramm-Rudman was almost exactly equal to the deficit at the beginning of Gramm-Rudman, but in the meantime, the OMB had twisted itself into knots making unrealistic economic and technical assumptions to avoid causing a sequester.

⁵ Actual spending has ended up closer to the pre-BCA baseline levels than to the BCA cap levels, and in the meantime, there's been a lot of unnecessary shutdown drama.

⁶ *Opportunities to Significantly Improve the Federal Budget Process: Hearing before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (April 17, 2018) (statement of Senator Michael Bennet).

⁷ *Id.* (statement of Senator Sheldon Whitehouse).

⁸ Former House Rule XXVIII, named after Leader Dick Gephardt, established by P.L. 96-78 and first applied in calendar year 1980, provided for the automatic engrossment of a joint resolution changing the debt limit whenever Congress adopted a budget resolution. The House repealed the rule at the beginning of the 112th Congress (2011–2012). See generally Bill Heniff Jr., "Debt Limit Legislation: The House 'Gephardt Rule,'" CRS report RL31913 (July 27, 2015), available at <https://fas.org/sgp/crs/misc/RL31913.pdf>

⁹ See generally Sarah A. Binder, "The Procedural Side of Senator Mitch McConnell's Debt Ceiling Fix," Brookings Op-Ed (July 13, 2011), available at <https://www.brookings.edu/opinions/the-procedural-side-of-senator-mitch-mcconnells-debt-ceiling-fix/>

¹⁰ See generally Keith Hennessey, "What is a vote-a-rama?" (Mar. 25, 2010), available at <http://keithhennessey.com/2010/03/25/vote-a-rama/>

One problem is that the vote-a-rama is one way that the minority can get its voice heard. But you can solve that by guaranteeing that the Minority Leader gets a vote on a certain number of amendments. You can haggle over the number, but it's got to be fewer than 50. After a certain number of amendments, the press stops paying attention anyway. Why torture yourself?

Fourth — I agree with the Convergence Center idea¹¹ to facilitate a Budget Action Plan at the beginning of a new Congress. The election cycle is Congress's real focus. Align the process to that reality. You could build in incentives in terms of the availability of a fast track and limited amendments, *if and only if* the Leadership brought the Plan before Congress on time, early in a Congress.

But I also completely agree with what Chair Lowey said,¹² and I would *not* move to 2-year *appropriation* bills. Annual appropriations are one of the few things that gets the secretary of thus-and-such to return your calls. In the absence of annual appropriations pressure, your next best lever to get the secretary of thus-and-such to return your call is to hold up nominations to the secretary's department. But the nominations process has been bolloxed up enough in the last decade without increasing the incentive to hold up nominees even more.

Fifth — I agree with the Convergence Center idea to make the Chairs and Ranking Members of other Committees Members of the Budget Committees¹³ and for some of the same reasons that Senator Perdue expressed.¹⁴ The obvious problem with any proposal to change the Budget Committees' Membership is that current Members of the Budget Committees, especially more senior ones with the potential to become Chair, view their current membership as a thing of value. You could solve this problem by creating a transition rule that allows current Members to stay on the Budget Committees and new Members to be selected from Chairs and Ranking Minority Members of other committees with spending jurisdiction as openings occur on the Budget Committee. In the Senate, one

¹¹ See Convergence Center for Policy Resolution, "Convergence Building a Better Budget Process," pages 13–16 (Feb. 2018), available at https://www.cbi.org/assets/news/B3P_Report.pdf

¹² *Bipartisanship in Budgeting: Hearing Before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (May 9, 2018) (statement of Co-Chair Nita Lowey).

¹³ See Convergence Center for Policy Resolution, "Convergence Building a Better Budget Process," page 21 (Feb. 2018), available at https://www.cbi.org/assets/news/B3P_Report.pdf This idea goes back to a bipartisan proposal by Senators Nancy Kassebaum (R-Kansas) and Daniel Inouye (D-Hawaii). See S. Res. 66, 102d Cong., 1st sess., 137 Cong. Rec. S2507, S2532–37 (daily ed. Feb. 28, 1991); S. Res. 131, 101st Cong., 1st sess., 135 Cong. Rec. S5612, S5722–28 (daily ed. May 18, 1989); S. Res. 260, 100th Cong., 1st sess., 133 Cong. Rec. S10,937 (daily ed. June 30, 1987).

¹⁴ *Bipartisanship in Budgeting: Hearing Before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (May 9, 2018) (statement of Senator David Perdue).

could allow the Chairs and Ranking Minority Members the right to join the Budget Committee, if they are not already Members, in the order that their Committee appears in paragraphs 2 and 3 of Senate Rule XXV. (Paragraph 2 lists the committees with the most spending jurisdiction.) If a Chair or Ranking Minority Member declined the opportunity, the next Chair or Ranking Minority Member on the list could join, and so on. So, as spots open up on the Budget Committees, give the other Chairs and Rankers a right of first refusal to join. Once enough do, it would become a place where deals get done.

Sixth — I agree with what Bill Hoagland said on May 9 and would eliminate the filibuster on the motion to proceed to appropriation bills in the Senate.¹⁵ One filibuster on an appropriation bill should be more than enough.

Those are my six suggestions. “Good luck and Godspeed”¹⁶ in your efforts.

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¹⁵ *Bipartisanship in Budgeting: Hearing Before the Joint Select Committee on Budget and Appropriations Process Reform*, 115th Cong. (May 9, 2018) (statement of G. William Hoagland, Senior Vice President, Bipartisan Policy Center).

¹⁶ That’s what Launch Control wished Neil Armstrong, Michael Collins, and Buzz Aldrin after liftoff on July 16, 1969. And they got somewhere.