

Senate Homeland Security and Government Affairs Committee
Testimony of Rep. Jim Cooper
March 14, 2012

Thank you, Chairman Lieberman and Senator Collins, for holding this hearing on congressional reform.

As you know, almost 90% of Americans disapprove of the way Congress has been acting. Unfortunately, too few of our colleagues in Congress are listening and focusing their efforts on fixing the broken branch of government. I've been working on fundamental reforms in Congress for many years, including a book published in 2006 and a major speech at Harvard last year. I am delighted that we have a rare chance this year to turn reform ideas into reality.

This hearing is important because it's the first institutional indication that Congress knows it is sick.

Will Congress be able to heal itself? Our challenge is to find reforms that Congress will swallow. The best reforms won't work if Congress gags, but more palatable reforms must be strong enough to work. Congress is its own doctor; neither the President nor the Supreme Court can save us. If Congress won't reform itself, I am confident that voters will.

When you ask Democratic or Republican leaders how to improve Congress, they always say "elect more Democrats" or "elect more Republicans." I wish it were that simple. The truth is that neither party has been doing a good job. Neither party is willing to compromise for the good of the nation. Both political parties pander to the base and blame each other for policy failures. Meanwhile the nation suffers.

My favorite non-partisan group, No Labels, has offered a package of twelve congressional reforms that I think would dramatically improve Congress. The first of these reforms, and the one I will focus on today, is "No Budget, No Pay," of which Senator Heller and I are the lead sponsors. The bill numbers are S. 1981 and H.R. 3643.

No Budget, No Pay

Congress has missed so many budget and appropriations deadlines over the years that no one takes these deadlines seriously. For far too long, we have run government by continuing resolutions instead of annual appropriations. We often fund programs on a short-term basis, sometimes month-to-month or even week-to-week. Political standoffs have even led to complete government shutdowns. This is inexcusable. We no longer have "one nation, under God, indivisible," but "one nation, yet again, interrupted."

Our start/stop government is giving everyone whiplash. America is the injured victim. Congress used to be able to get away with it, but no more. For the first time in history, Standard & Poor's downgraded U.S. Treasury bonds last summer because of our budget deficits and political bickering. S&P's negative outlook on congressional management continues. We face further downgrades unless Congress begins acting responsibly.

Mr. Chairman, I wish we could legislate civility and wisdom in Congress. Unfortunately, that is impossible. But we can, at a minimum, force ourselves to meet our most basic fiscal obligations on a timely basis. That's what "No Budget, No Pay" is designed to do. Although most congressional activity is difficult to measure, our duty to meet key fiscal deadlines is clear, achievable, and enforceable.

The idea of deadlines with consequences came from a constituent of mine in Nashville, Tennessee. He was fed up with Congress and asked me why congressmen were so shameless in being late. I didn't have a good answer, but I seconded his questions. Why must the public pay taxes on time when Congress is so slow and erratic in paying bills? When is Congress going to take responsibility for its own misbehavior?

No principle is more basic to American values than "no work, no pay." In my state, a beloved former Governor used to say, "If you don't want to work, you ought not to hire out." This principle is clearly understood by everyone, young and old, in all fifty states. The public expects Congress to lead by example, to do its work, and do it on time. If we shirk our duties, we should not get paid. If we fail to do our jobs, we should not get paid. No budget, no pay. No appropriations bills, no pay.

It's obvious that "No Budget, No Pay" is unpopular with many members, although we do have a growing list of several dozen cosponsors. Some concerns about the bill are legitimate, but most of our colleagues are running out of excuses for being chronically late and irresponsible.

In a normal year, reform efforts like "No Budget, No Pay" would have zero chance of becoming law. Business-as-usual would prevail. This year, however, is different. The public is tired of our blame games. Congress hasn't been this unpopular since polling was invented. People are angry. Not only is No Labels strongly supporting the legislation with their national advocacy network, Citizens Against Government Waste is also supporting us, among others. Our cause is gaining momentum, even with our most stubborn colleagues.

I revere Congress as an institution. I love it enough to tell it the truth, even when it is difficult to hear. This election year, many of our colleagues will be choosing either reform or defeat; I am hoping that they will choose reform.

Specific Objections:

Unconstitutional? Some people argue that our Constitution does not allow for congressional pay cuts. How convenient! That argument is true, but only until after the next election. The 27th Amendment reads, “No law, varying the compensation for the services of the Senators and Representatives, shall take effect, *until an election of Representatives shall have intervened.*” In other words, “No Budget, No Pay” could not take effect until the next Congress is sworn in on January 3rd, 2013, when it would legally bind all House and Senate members.

Bad Timing? Some people claim that this is a terrible time for “No Budget, No Pay” because Congress is not operating under regular order but under the Budget Control Act of 2011. After all, Congress already has appropriations targets and faces major sequestration cuts in January, 2013.

The truth is that Congress will never think it’s a good time for self-discipline. Congress will never admit that its budget problems are its own fault. There is plenty of time—a year and a half—for Congress to shape up for the next appropriations cycle, a process that should be concluded by October 1st, 2013. Pretending that we don’t have a problem is not a cure; it’s denial.

Remember, “No Budget, No Pay” is not that difficult a reform. It does not require more cuts, only that next year’s Fiscal Year 2014 appropriations be completed on schedule. Failure to pass “No Budget, No Pay” this year means that Congress could remain undisciplined until the 2016 budget cycle. Will financial markets give us that much time? They enforce real deadlines; we should too.

Deadlines Never Work? Hello? Just look at how Congress behaves as it nears Christmas, or even its traditional August recess. Suddenly, Congress gets serious. Call a deadline a holiday and Congress will always be on time. Of course, “No Budget, No Pay” won’t make October 1st a holiday, but a hammer.

Quick Compromise = Bad Compromise? There is no evidence that deals done later in the calendar year are better than those done earlier. Congressmen don’t get smarter after September. Appropriators do need enough time to understand the issues, but Congress could easily front-load its schedule in order to have full hearings and debate. Today Congress barely meets in January or February, skips August entirely, takes every third or fourth week off throughout the year, and always takes full weeks surrounding lone federal holidays. As a matter of fact, the House is on recess this week for no good reason despite the dire budget pressure that we face.

Beyond Member Control? Many colleagues fear that their pay will be cut due to no fault of their own. That is a legitimate fear today, when some of our colleagues actually benefit from missing deadlines, either by accommodating their travel schedules, their favorite lobbyists, or their campaign advisors. But in a

Congress in which everyone's interests are aligned, it is inconceivable that appropriators could resist being prompt. If they were late, they would catch hell from everyone, including their own spouses. "No Budget, No Pay" would light a fire under Congress.

California Proves It Doesn't Work? The fact that the California General Assembly lost two week's salary last year is not due to "No Budget, No Pay," but to the state's balanced budget requirement. The Assembly passed its budget on time but, because it was not balanced, the budget had to be redone. Congress has no such balanced budget requirement, yet still can't get its work done on time. The California law shows that deadlines work, and citizens overwhelmingly support their elected leaders adhering to those deadlines.

Cutting Pay Is Too Tough? Many members say that they cannot afford to miss even a single paycheck. Because "No Budget, No Pay" prevents any reimbursement for lost pay, they think that "No Budget, No Pay" is punitive. The irony is that congressional pay is virtually assured under "No Budget, No Pay" because it would align the interests of all members for the first time. If pay were cut, it is unlikely that the standoff would last more than a few hours or days. And even if Congress missed a month or two of pay, this is a milder sanction than getting fired, the punishment that folks back home face when they fail at work. Congressmen and women should be thankful for their privileged positions.

Conclusion

In conclusion, none of these objections to "No Budget, No Pay" is persuasive. They are excuses for continued misbehavior. Congress must be held accountable for its delays, otherwise the delays will increase. Congress should pass "No Budget, No Pay" this year, before endless congressional bickering does any more harm to our country.

Deadlines work. Congress should too.